

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING OCTOBER 11, 2016

1. CALL TO ORDER / CLOSED SESSION

The City Council meeting was called to order at 6:00 p.m. by Mayor Donahue.

2. ROLL CALL

Present: Council Member Ethans, Council Member Shawver, Mayor Pro Tem Warren,
and Mayor Donahue.

Absent: None.

Excused: Council Member Ramirez.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the Stanton City Council of the City of Stanton proceeded to closed session at 6:01 p.m. for discussion regarding:

4A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)
(2)

Number of Potential Cases: 1

5. CALL TO ORDER / SUCCESSOR AGENCY / STANTON HOUSING AUTHORITY MEETING

The meetings were called to order at 6:33 p.m. by Mayor/Chairman Donahue.

The City Attorney reported that the Stanton City Council met in closed session from 6:01 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

6. ROLL CALL

Present: Council/Agency/Authority Member Ethans, Council/Agency/Authority Member Shawver, Mayor Pro Tem/Vice Chairperson Warren, and Mayor/Chairman Donahue.

Absent: None.

Excused: Council/Agency/Authority Member Ramirez.

7. PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Carol Warren.

8. SPECIAL PRESENTATIONS AND AWARDS

8A. The City Council presented a Certificate of Recognition honoring the Boys and Girls Club of Stanton as Volunteer Organization of the Month for the month of October 2016.

- The City Council expressed their gratitude to the Boys and Girls Club of Stanton for their dedicated and outstanding service to the residents of the City of Stanton and for their service/attendance at numerous City functions and events.

At staffs' request, Mayor Donahue pulled Special Presentation and Awards item 8B from the agenda for presentation at a future meeting.

~~**8B.** Presentation of Certificate of Recognition honoring Orange County Fire Authority Station No. 46, the American Red Cross, West County CERT, and community volunteers for their time and efforts with the Smoke Alarm Outreach event, held at the Fernwood Mobile Home Park.~~

9. CONSENT CALENDAR

Motion/Second: Ethans/Warren
Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Shawver, and Warren)
NOES: None
ABSTAIN: None
ABSENT: 1 (Ramirez)

The City Council/Agency Board/Authority Board approved the following Consent Calendar items:

CONSENT CALENDAR

9A. MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED

The City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated September 20, 2016 and September 29, 2016, in the amount of \$1,135,582.86.

9C. APPROVAL OF MINUTES

The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – September 27, 2016.

9D. APPROVAL OF NON-CORPORATE RESOLUTION WITH MULTI-BANK SECURITIES

Multi-Bank Securities (“MBS”) is an authorized provider of investment services for the City of Stanton. A non-corporate resolution form is required to be completed before investments may be purchased through MBS. Resolution 2016-41 authorizes the City Manager or designee to certify the MBS non-corporate resolution form.

1. The City Council finds that these items are not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378(b)(4) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly); and
2. Adopted Resolution No. 2016-41 authorizing the City Manager or designee to sign Section II. Certification of the MBS Non-Corporate Resolution Form, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING A NON-CORPORATE RESOLUTION FORM WITH MULTI-BANK SECURITIES, INC.”

9E. AWARD OF A CONSTRUCTION CONTRACT FOR RUBBERIZED PLAYGROUND SURFACE REHABILITATION AT HOLLENBECK PARK BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The bids for the Rubberized Playground Surface Rehabilitation at Hollenbeck Park were due on October 3, 2016. Only one bid was received from Gotham Poured Rubber Corporation (Gotham) in the amount of \$68,340.79. Staff recommends the City Council award the contract for the proposed services to Gotham. Staff proposes allocating \$75,175 for the project which includes a 10-percent contingency.

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Class 1, Section 15301c; and
2. Awarded a construction contract for the Rubberized Playground Surface Rehabilitation at Hollenbeck Park Project to Gotham Poured Rubber Corporation, for the amount of \$68,340.79; and
3. Authorized the City Manager to bind the City of Stanton and Gotham Poured Rubber Corporation in a contract for the construction of the Rubberized Playground Surface Rehabilitation at Hollenbeck Park Project; and
4. Authorized the City Manager to approve contract changes, not to exceed 10-percent; and
5. Authorized Budget Adjustment #2017-06 to appropriate \$80,000 for a new rubberized surface at Hollenbeck Park by transferring budgeted funds for the City Hall Plaza Improvements.

9F. CONTRACT EXTENSION FOR CIVILSOURCE, INC.

Request is the authorization to allow the City Manager to extend the professional services agreement with Civilsource, Inc. to continue providing contract engineering services for the Public Works Department.

1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
2. Approved the contract amendment for CivilSource, Inc.; and
3. Authorized the City Manager to bind the City of Stanton and CivilSource, Inc. in a contract to continue providing contract engineering services for the Public Works Department.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. CONSIDERATION OF AN ORDINANCE AMENDING TITLE 20 OF THE MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA AND TO REPEAL CHAPTER 9.38, WHICH PROHIBITS MEDICAL MARIJUANA DISPENSARIES

In January 2016, the City adopted ordinances to ban marijuana dispensaries, cultivation, and delivery services, as permitted by the Medical Marijuana Regulation and Safety Act of 2015 ("MMRSA"). On June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") for the November 8, 2016 ballot.

AUMA would immediately legalize possession, transport, purchase, use, and transfer of recreational marijuana for individuals 21 years of age or older. Under AUMA, adults could possess up to 28.5 grams of marijuana; up to 8 grams of marijuana in the form of concentrated cannabis, which may be present in marijuana products such as edibles; and up to six living marijuana plants and any marijuana produced by those plants. AUMA would also legalize the cultivation of marijuana, marijuana delivery services, and recreational marijuana retail services. Some of AUMA's provisions would take effect on November 9, 2016 if it passes.

Like MMRSA, AUMA allows for local control of marijuana uses with one exception. While MMRSA allows cities to ban all indoor cultivation, AUMA would require that cities allow limited private residential indoor cultivation and storage.

The City Council is now asked to consider an Ordinance that amends the City's zoning ordinance, contingent on AUMA's passage, to rescind the ban on all private residential cultivation to comply with the new state law allowing individuals to have six living marijuana plants and the marijuana produced by those plants in their homes ("limited home cultivation"). The Ordinance prescribes a City permitting system to reasonably regulate the state-allowed limited home cultivation.

Staff report by Ms. Kelly Hart, Community Development Director.

The public hearing was opened.

- Mr. Greg Himes questioned the regulations on use of marijuana within the home.

No one else appearing to speak, the public hearing was closed.

Motion/Second: Shawver/Warren

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| ROLL CALL VOTE: | Council Member Ethans | AYE |
| | Council Member Ramirez | EXCUSED |
| | Council Member Shawver | AYE |
| | Mayor Pro Tem Warren | AYE |
| | Mayor Donahue | AYE |

Motion unanimously carried:

1. The City Council conducted a public hearing; and
2. Declared that the project is not subject to CEQA in accordance with Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
3. Conducted the first reading of Ordinance No. 1060 entitled:

“AN ORDINANCE AMENDING TITLE 20 OF THE MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA AND TO REPEAL CHAPTER 9.38, WHICH PROHIBITS MEDICAL MARIJUANA DISPENSARIES”; and
4. Set said ordinance for adoption at the regular City Council meeting of October 25, 2016 meeting.

10B. AMENDMENT TO THE STANTON PLAZA SPECIFIC PLAN

Over the last decade, the City has worked to pursue the vision for Stanton Plaza as identified in the 2005 plan amendment. However, the market demand for this type of development at this site has never materialized. As a result, the Specific Plan is proposed to be amended to allow for a range of neighborhood- and corridor-serving commercial uses on the site. Before Council for consideration is an amendment to the Stanton Plaza Specific Plan, and an Addendum to the previously certified Environmental Impact Report.

Staff report by Ms. Kelly Hart, Community Development Director.

Presentation by Amanda Tropiano, PlaceWorks.

The public hearing was opened.

No one appearing to speak, the public hearing was closed.

Motion/Second: Warren/Shawver

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|-----------------|------------------------|---------|
| ROLL CALL VOTE: | Council Member Ethans | AYE |
| | Council Member Ramirez | EXCUSED |
| | Council Member Shawver | AYE |
| | Mayor Pro Tem Warren | AYE |
| | Mayor Donahue | AYE |

Motion unanimously carried:

1. The City Council conducted a public hearing; and
2. Adopted Resolution No. 2016-40 – Certifying an Addendum to the Environmental Impact Report (SCH #2004071165) for an Amendment of the Stanton Plaza Specific Plan and Making Findings in Support Thereof, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADOPTING AN EIR ADDENDUM FOR AN AMENDMENT TO THE STANTON PLAZA SPECIFIC PLAN”; and

3. Conducted the first reading of Ordinance No. 1059 entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE STANTON PLAZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF”; and

4. Set said ordinance for adoption at the regular City Council meeting of October 25, 2016 meeting.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. CONSIDERATION OF A RESOLUTION APPROVING THE AGREEMENT AFFECTING REAL PROPERTY WITH FRONTIER REAL ESTATE INVESTMENTS INC. FOR ELEVEN PROPERTIES LOCATED AT 11382, 11430 AND 11462 BEACH BOULEVARD

The Successor Agency to the Stanton Redevelopment Agency ("Successor Agency") previously entered into a purchase and sale agreement ("PSA") to sell eleven properties located at 11382, 11430 and 11462 Beach Boulevard ("Properties") to Frontier Real Estate Investments Inc. ("Frontier") for \$2,100,000.00. As a condition to the close of escrow under the PSA, Frontier and the City have negotiated an Agreement Affecting Real Property ("Agreement") regarding the development of the Properties.

Staff report by Ms. Kelly Hart, Community Development Director.

Motion/Second: Shawver/Ethans

Motion unanimously carried by the following vote:

AYES: 4 (Donahue, Ethans, Shawver, and Warren)

NOES: None

ABSTAIN: None

ABSENT: 1 (Ramirez)

1. The City Council declared that the proposed development of the Properties pursuant to the Agreement is consistent with the adopted Project EIR approved for the Stanton Plaza Specific Plan and directed staff to file the notice of determination; and
2. Approved Resolution No. 2016-39 approving the Agreement Affecting Real Property for the development by Frontier Real Estate Investments, Inc. of the Properties identified by APN Nos. 131-691-49, 50, 51, 58, 59, 60, 61, 62, 63, 64, and 65, entitled:

"A RESOLUTION OF CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING AN AGREEMENT AFFECTING REAL PROPERTY WITH FRONTIER REAL ESTATE INVESTMENTS INC. FOR ELEVEN PROPERTIES LOCATED AT 11382, 11430 AND 11462 BEACH BOULEVARD"; and

3. Authorized the City Manager to execute the necessary documents and take all actions reasonably necessary to ensure completion of the development of Properties in accordance with the Agreement.

13. ORAL COMMUNICATIONS – PUBLIC None.

14. WRITTEN COMMUNICATIONS None.

15. MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

15A. COMMITTEE REPORTS/COUNCIL/AGENCY/AUTHORITY ANNOUNCEMENTS

- Mayor Donahue reported on the upcoming Boys & Girls Club of Stanton's annual Casino Night @ the "Man Cave" fundraiser, which is scheduled to be held on October 15, 2016.
- Council Member Shawver reported on the upcoming "Homeland Security Begins at Home Townhall Meeting", which is scheduled to be held on October 13, 2016 at Stanton City Hall.

15B. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE COUNCIL MEETING

- Mayor Pro Tem Warren requested to agendaize discussion regarding reducing the City's Utility Users Tax, pending the outcome of the November 8, 2016 election season.
- Council Member Shawver requested that the City's Development Committee meet and present an update regarding the current operations of the Development Committee to the City Council at a future City Council meeting.

15C. COUNCIL/AGENCY/AUTHORITY INITIATED ITEMS FOR A FUTURE STUDY SESSION

None.

Mayor Donahue pulled Committee Reports/Council/Agency/Authority Announcements item 15D from the agenda for presentation at a future meeting.

~~15D. CITY COUNCIL INITIATED ITEM – DISCUSSION REGARDING THE POSSIBILITY OF CHARTER COMMUNICATIONS INSTALLING A WIFI HOTSPOT AT STANTON CENTRAL PARK~~

~~At the September 27, 2016 City Council meeting, Mayor Donahue requested that this item be agendaized for discussion.~~

~~RECOMMENDED ACTION:~~

~~City Council provide direction to staff.~~

16. ITEMS FROM CITY ATTORNEY/AGENCY COUNSEL/AUTHORITY COUNSEL

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- City Manager James A. Box reported on the upcoming State of the City Luncheon, which is scheduled to be held on October 13, 2016.
- City Manager James A. Box reported on the upcoming Halloween Fun with Family and Friends event, which is scheduled to be held on October 29, 2016 at Stanton Central Park.
- City Manager James A. Box informed the Council that he would be out of the office from October 14 through October 16, and that Community Services Director Julie S. Roman will serve as Acting City Manager in his absence.

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

At this time the Orange County Sheriff's Department will provide the City Council with an update on their current operations.


- Lieutenant Sean Howell provided the City Council with an update on their current operations.

18. ADJOURNMENT Motion/Second: Donahue/
Motion carried at 7:19 p.m.



MAYOR/CHAIRMAN

ATTEST:



CITY CLERK/SECRETARY