

# CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY JOINT REGULAR MEETING STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA TUESDAY, MAY 9, 2017 - 6:30 P.M.

As a courtesy to those in attendance, the City of Stanton respectfully requests that all cell phones, pagers and/or electronic devices be turned off or placed on silent mode while the meeting is in session. Thank you for your cooperation.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, CONTACT THE CITY CLERK AT (714) 379-9222. NOTIFICATION BY 9:00 A.M. ON MONDAY, MAY 8, 2017 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

NOTE: PURSUANT TO GOVERNEMNT CODE SECTION 54953, SUBDIVISION (b), THIS MEETING WILL INCLUDE TELECONFERENCE PARTICIPATION BY MAYOR PRO TEM DAVID J. SHAWVER FROM 10401 OAKHAVEN DRIVE, STANTON, CA 90680.

Supporting, descriptive documentation for agenda items, including staff reports, is available for review in the City Clerk's Office and on the City web site at www.ci.stanton.ca.us.

- 1. CLOSED SESSION(6:00 PM)
- 2. ROLL CALL Council Member Donahue

Council Member Ethans Council Member Ramirez Mayor Pro Tem Shawver

Mayor Warren

#### 3. PUBLIC COMMENT ON CLOSED SESSION ITEMS

<u>Closed Session</u> may convene to consider matters of purchase / sale of real property (G.C. §54956.8), pending litigation (G.C. §54956.9(a)), potential litigation (G.C. §54956.9(b)) or personnel items (G.C. §54957.6). Records not available for public inspection.

CC/SA/SHA AGENDA – Joint Regular Meeting – May 9, 2017 - Page 1 Any writings or documents provided to a majority of the City Council/Successor Agency/Stanton Housing Authority regarding any item on this agenda will be made available for public inspection at the Public Counter at City Hall located at 7800 Katella Avenue, Stanton CA, during normal business hours and online at www.ci.stanton.ca.us.

#### 4. CLOSED SESSION

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

Number of Potential Cases: 3

# 4B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Existing litigation pursuant to Government Code section 54956.9(d)(1) Number of cases: 2

City of Stanton vs. Green Tree Remedy et al, Orange County Superior Court Case Number: 30-2015-00813225-CU-JR-CJC

City of Stanton vs. GZ Café, Orange County Superior Court Case Number: 30-2016-00836298-CU-JR-CJC

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

6. ROLL CALL Agency/Authority Member Donahue Agency/Authority Member Ethans Agency/Authority Member Ramirez Vice Chairman Shawver Chairperson Warren

#### 7. PLEDGE OF ALLEGIANCE

#### 8. SPECIAL PRESENTATIONS AND AWARDS

Monthly Spotlight – Public Works Month.

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#### 9. CONSENT CALENDAR

All items on the Consent Calendar may be acted on simultaneously, unless a Council/Board Member requests separate discussion and/or action.

**ROLL CALL VOTE:** Council Member Donahue

Council Member Ethans Council Member Ramirez Mayor Pro Tem Shawver

Mayor Warren

#### **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

#### RECOMMENDED ACTION:

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

#### 9B. APPROVAL OF WARRANTS

City Council approve demand warrants dated April 20, 2017 and April 27, 2017, in the amount of \$377,117.49.

#### 9C. APPROVAL OF MINUTES

- City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting April 11, 2017.
- 2. City Council approve Minutes of Special Meeting April 20, 2017.
- City Council/Agency/Authority Board approve Minutes of Regular Joint Meeting April 25, 2017.

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Any writings or documents provided to a majority of the City Council/Successor Agency/Stanton Housing Authority regarding any item on this agenda will be made available for public inspection at the Public Counter at City Hall located at 7800 Katella Avenue, Stanton CA, during normal business hours and online at www.ci.stanton.ca.us.

### 9D. ACCEPTANCE OF STANTON CENTRAL PARK CONSTRUCTION BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Stanton Central Park Construction Project has been completed in accordance with the plans and specifications. The final construction cost for the project is \$10,333,166.11. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of May 8, 2017 and recommends that the City Council accept the completed work performed on this project.

#### **RECOMMENDED ACTION:**

- 1. City Council declare this project consistent with the Initial Study/Mitigated Negative Declaration, previously reviewed and adopted for the project on June 23, 2013; and
- 2. Accept the completion of improvements for the Stanton Central Park Project and the Street and Storm Drain Improvements, as certified by the City Engineer, and affix the date of May 8, 2017 as the date of completion of all work on this project; and
- 3. Approve the final construction contract amount of \$10,333,166.11 with USS Cal Builders; and
- 4. Direct the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and
- 5. Direct City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to USS Cal Builders in the amount of \$516,124.97.

#### **END OF CONSENT CALENDAR**

10. PUBLIC HEARINGS None.

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#### 11. UNFINISHED BUSINESS

#### 11A. APPROVAL OF ORDINANCE NO. 1066

This Ordinance was introduced at the regular City Council meeting of April 25, 2017.

#### **RECOMMENDED ACTION:**

1. City Clerk read the title of Ordinance No. 1066, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTIONS 17.04.075 AND 17.04.100 OF, AND ADDING SECTIONS 17.04.073 AND 17.04.110 TO CHAPTER 17.04 OF TITLE 17 OF THE STANTON MUNICIPAL CODE REGULATING PENALTIES FOR THE USE, POSSESSION, SALE, DISPLAY AND DISCHARGE OF FIREWORKS IN THE CITY OF STANTON"; and

- 2. City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 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. Adopt Ordinance No. 1066.

**ROLL CALL VOTE:** Council Member Donahue

Council Member Ethans Council Member Ramirez Mayor Pro Tem Shawver

Mayor Warren

#### 11B. APPROVAL OF ORDINANCE NO. 1065

This Ordinance was introduced at the regular City Council meeting of March 28, 2017.

#### **RECOMMENDED ACTION:**

1. City Clerk read the title of Ordinance No. 1065, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, REPEALING ORDINANCE NO. 1060 IN ITS ENTIRETY, REGARDING THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA"; and

- 2. City Council finds that is not a project within the meaning of CEQA Guidelines section 15378 because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to activities that have the potential for causing a 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. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Orange in accordance with CEQA Guidelines; and
- 3. Adopt Ordinance No. 1065.

**ROLL CALL VOTE:** Council Member Donahue

Council Member Ethans Council Member Ramirez Mayor Pro Tem Shawver

Mayor Warren

12. NEW BUSINESS None.

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#### 13. ORAL COMMUNICATIONS - PUBLIC

At this time members of the public may address the City Council/Successor Agency/Stanton Housing Authority regarding any items within the subject matter jurisdiction of the City Council/Successor Agency/Stanton Housing Authority, provided that NO action may be taken on non-agenda items.

- Members of the public wishing to address the Council/Agency/Authority during Oral Communications-Public or on a particular item are requested to fill out a REQUEST TO SPEAK form and submit it to the City Clerk. Request to speak forms must be turned in prior to Oral Communications-Public.
- When the Mayor/Chairman calls you to the microphone, please state your Name, slowly and clearly, for the record. A speaker's comments shall be limited to a three
   (3) minute aggregate time period on Oral Communications and Agenda Items. Speakers are then to return to their seats and no further comments will be permitted.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council/Agency/Authority and Staff need to be recognized by the Mayor/Chairman before speaking.

#### 14. WRITTEN COMMUNICATIONS None.

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

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

At this time Council/Agency/Authority Members may report on items not specifically described on the agenda which are of interest to the community provided no discussion or action may be taken except to provide staff direction to report back or to place the item on a future agenda.

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

At this time Council/Agency/Authority Members may place an item on a future agenda.

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

At this time Council/Agency/Authority Members may place an item on a future study session agenda.

Currently Scheduled:

None.

### 15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF INSTALLING SPEEDBUMPS NEAR HOLLENBECK PARK

At the April 25, 2017 City Council meeting, Council Member Ramirez requested that this item be agendized for discussion.

#### RECOMMENDED ACTION:

City Council provide direction to staff.

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

#### 17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

#### 17A. ORANGE COUNTY FIRE AUTHORITY

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

#### 18. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 4<sup>th</sup> day of May, 2017.

s/ Patricia A. Vazquez, City Clerk/Secretary

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# CITY OF STANTON ACCOUNTS PAYABLE REGISTER

April 20, 2017

April 27, 2017

\$180,583.44

\$196,534.05

Demands listed on the attached registers conform to the City of Stanton Annual Budget as approved by the City Council.

Demands listed on the attached registers are accurate and funds are available for payment thereof.

\$377,117.49

Administrative Services Director

Council Agenda Item # City Manager

# MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING APRIL 11, 2017

#### 1. CALL TO ORDER / CLOSED SESSION

The City Council meeting was called to order at 6:08 p.m. by Mayor Warren.

#### 2. ROLL CALL

Present:

Council Member Donahue, Council Member Ethans, Council Member

Ramirez, and Mayor Warren.

Absent:

None.

Excused:

Mayor Pro Tem Shawver.

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 6:08 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: 3

#### 4B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code Section 54957.6)

Title: City Manager

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

The meetings were called to order at 6:30 p.m. by Chairperson Warren.

The City Attorney reported that the Stanton City Council met in closed session from 6:08 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

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AMENDMENT AND APPROVAL AT NEXT MEETING
Housing Authority
Agenda Item # SHA

Agenda Item # SHA

Agenda Item # SHA

Agenda Item # SHA

90.

#### 6. ROLL CALL

Present:

Agency/Authority Member Donahue, Agency/Authority Member Ethans,

Agency/Authority Member Ramirez, and Chairperson Warren.

Absent:

None.

Excused:

Vice Chairman Shawver.

#### 7. PLEDGE OF ALLEGIANCE

Led by Mr. Christopher Townsend, Townsend Public Affairs.

#### 8. SPECIAL PRESENTATIONS AND AWARDS

- **8A.** The City Council presented a Certificate of Recognition honoring the Monthly Spotlight Financial Literacy: Mr. Ben Chapman, AARP Local Coordinator and Bank of the West Stanton.
  - The City Council expressed their gratitude to Mr. Ben Chapman, AARP Local Coordinator and Bank of the West - Stanton for their dedicated and outstanding service to the residents of the City of Stanton and for their show of community pride.

#### 9. CONSENT CALENDAR

Motion/Second:

Ramirez/Ethans

Motion unanimously carried by the following vote:

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

NOES: None ABSTAIN: None

ABSENT: 1 (Shawver)

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.

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#### 9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated March 21, 2017 and March 30, 2017, in the amount of \$1,147,416.87.

#### 9C. APPROVAL OF MINUTES

- The City Council approved Minutes of Adjourned Meeting March 14, 2017.
- The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting March 14, 2017.
- The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting March 28, 2017.

#### 9D. AGREEMENT WITH WHITE NELSON DIEHL EVANS, LLP

The City sent Request for Proposals (RFP) to nine independent certified public accounting firms to audit its financial statements through the fiscal year ending June 30, 2019, with the option of auditing its financial statements for each of the two subsequent fiscal years. Staff reviewed the RFP's submitted and selected White Nelson Diehl Evans LLP (White Nelson Diehl Evans) as the firm that should complete the auditing services.

- 1. The City Council finds that this item is not subject to 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 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. Authorizes the City Manager to sign the Agreement for Consultant Services with White Nelson Diehl Evans for professional auditing services through December 31, 2019 and two additional one-year options with a not to exceed amount of \$101,315 for the initial term.

### 9E. PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS TO PROVIDE ADVOCACY AND GRANT FUNDING SERVICES

Requested is the authorization to allow the City Manager to enter into a Professional Services Agreement with Townsend Public Affairs to provide advocacy and grant funding services in an amount not to exceed \$58,000 for the remainder of FY2016-17 and all of FY2017-18.

- 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 for Townsend Public Affairs; and
- 3. Authorized the City Manager to bind the City of Stanton and Townsend Public Affairs in a contract to provide advocacy and grant funding services to the City of Stanton and the Stanton Housing Authority.

# 9F. APPROVAL FOR THE PURCHASE OF TRAFFIC SIGNAL POLES AND EQUIPMENT FOR THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT

The Western Avenue and Thunderbird Lane Traffic Signal Project requires a traffic signal poles, mast arms and other equipment. This project is currently in the bidding process. Staff is planning to cut several months of delay time by procuring the necessary materials while the awarding process of the project is taking place.

- 1. The City Council authorized the City Manager to bind the City of Stanton and JTB Supply Co., Inc. in a contract to furnish all the necessary poles and equipment required for the Western Avenue and Thunderbird Lane Traffic Signal Project in the amount of \$20,945.25; and
- 2. Declared that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b) (2) continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.

# 9G. APPROVAL FOR THE PURCHASE OF TRAFFIC SIGNAL CABINET AND EQUIPMENT FOR THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT

The Western Avenue and Thunderbird Lane Traffic Signal Project requires a traffic signal cabinet and internal equipment. This project is currently in the bidding process. Staff is planning to cut several months of delay time by procuring the necessary materials while the awarding process of the project is taking place.

- 1. The City Council authorized the City Manager to bind the City of Stanton and Econolite Group, Inc. in a contract to furnish a new TS2 cabinet and equipment for the Western Avenue and Thunderbird Lane Traffic Signal Project in the amount of \$30,110.92; and
- 2. Declared that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b) (2) continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.

#### **END OF CONSENT CALENDAR**

- 10. PUBLIC HEARINGS None.
- 11. UNFINISHED BUSINESS

#### 11A. UPDATE ON PERMIT PARKING MODIFICATION

This report is intended to provide an update on the actions to date to develop a new permit parking program, and to request further direction from Council on next steps.

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

Mr. Greg Witz, Stanton property owner, spoke regarding City parking issues and his
concerns with his neighborhood becoming a low income area and requested that
the City Council create temporary permit parking solutions while the City researches
more permanent parking solutions.

Motion/Second: Donahue/Ethans

Motion unanimously carried by the following vote:

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

NOES: None ABSTAIN: None

ABSENT: 1 (Shawver)

- 1. The City Council declared that the project is not subject to 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
- Directed staff to engage with a consulting firm with expertise in traffic and parking management.

### 11B. APPROVAL OF AGREEMENT TO ACQUIRE STREETLIGHTING FROM SOUTHERN CALIFORNIA EDISON

The City Council previously entered into a contract with Tanko Streetlighting Inc (Tanko) to assist the City with the purchase of the streetlights owned in Stanton by Southern California Edison (SCE) and to convert them to LED. Tanko completed their report on the viability of purchasing the streetlights and presented it to the City Council. The City Council reviewed the report and directed staff to prepare an agreement to purchase the streetlights. The final agreement is being presented to the City Council for their approval.

Staff report by Mr. Allan Rigg, Public Works Director / City Engineer.

Motion/Second:

Ramirez/Ethans

Motion unanimously carried by the following vote:

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

NOES: None ABSTAIN: None

ABSENT: 1 (Shawver)

- The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(b) – Existing facilities of both investor and publicly-owned utilities to provide electric power, natural gas, sewerage, or other public utility services; and
- 2. The City Council reviewed the agreement with Southern California Edison to purchase all sellable streetlights in Stanton; and
- Delegated authority to the City Manager or his designee to authorize amendments to the exhibits attached to the agreement which shall be subject to City Attorney approval; and
- 4. Authorized the Mayor to execute said agreements with amended exhibits.

#### 11C. APPROVAL OF ORDINANCE NO. 1063

This Ordinance was introduced at the regular City Council meeting of March 28, 2017.

Staff report by Ms. Patricia A. Vazquez, City Clerk.

Motion/Second:

Donahue/Ethans

**ROLL CALL VOTE:** 

Council Member Donahue

AYE

Council Member Ethans
Council Member Ramirez

AYE AYE

Mayor Pro Tem Shawver

ABSENT

Mayor Warren

AYE

Motion unanimously carried:

1. The City Clerk read the title of Ordinance No. 1063, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ADDING CHAPTER 9.102 TO TITLE 9 OF THE STANTON MUNICIPAL CODE REGULATING MODEL AIRCRAFT AND CIVIL UNMANNED AIRCRAFT SYSTEMS, COMMONLY KNOWN AS DRONES"; and

- 2. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to 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. Adopted Ordinance No. 1063.

### 11D. REVIEW OF RESTRIPING PLAN FOR CERRITOS AVENUE FROM KNOTT AVENUE TO WESTERN AVENUE TO INCREASE STREET PARKING

The City Council has directed staff to procure a redesign of striping on Cerritos Avenue from Knott Avenue to Western Avenue to increase parking on the street. The redesign is complete and being presented to the City Council for their review. The restriping will result in an additional 38 parking spaces and will cost approximately \$19,500 to implement.

Staff report by Mr. Allan Rigg, Public Works Director / City Engineer.

Motion/Second:

Ethans/Ramirez

Motion unanimously carried by the following vote:

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

NOES: None ABSTAIN: None

ABSENT: 1 (Shawver)

- 1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and
- 2. Directed staff to proceed with the implementation of the restriping plan for Cerritos Avenue from Knott Avenue to Western Avenue to increase parking.

#### 12. NEW BUSINESS

# 12A. AWARD OF CONTRACT TO VIDEO VOICE DATA COMMUNICATIONS AND APPROVAL OF A BUDGET ADJUSTMENT NO. 2017-21 FOR THE CHARGING STATIONS PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

Video Voice Data Communications was selected through a competitive process to install one dual charging station for the public and three single charging stations for city fleet.

A budget adjustment is needed to allocate funds for the installation of charging stations at the City Hall Parking Structure. This Charging Station project will provide our residents and our fleet with a clean alternate energy resource.

Staff report by Mr. Allan Rigg, Public Works Director / City Engineer.

Motion/Second:

Ramirez/Donahue

Motion unanimously carried by the following vote:

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

NOES: None

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ABSTAIN: None

ABSENT: 1 (Shawver)

- The City Council approved budget adjustment No. 2017-21 to appropriate \$23,925 to the Equipment-General account of the Air Quality Improvement Fund for this project; and
- 2. Approve a Professional Services Agreement with Video Voice Data Communications for the Changing Stations Project for the maximum contract sum of \$21,761.00; and
- 3. Authorized the City Manager to bind the City of Stanton and Video Voice Data Communications in a contract to provide these services; and
- 4. Declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
- 13. ORAL COMMUNICATIONS PUBLIC None.
- 14. WRITTEN COMMUNICATIONS None.
- 15. MAYOR/CHAIRMAN/COUNCIL/AGENCY/AUTHORITY INITIATED BUSINESS

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

- Council Member Donahue requested that Interim Community Services Director Soo Kang report on the upcoming Movie Night Under the Stars / Kids to Parks Day event.
- Interim Community Services Director Soo Kang reported on the upcoming Movie Night Under the Stars / Kids to Parks Day event, which is scheduled to be held on May 19, 2017 at Stanton Central Park.
- Council Member Donahue requested that Interim Community Services Director Soo Kang report on the upcoming Easter Egg Hunt, Pancake Breakfast, and Resource Fair event.
- Interim Community Services Director Soo Kang reported on the upcoming Easter Egg Hunt, Pancake Breakfast, and Resource Fair event, which is scheduled to be held on April 15, 2017 at Stanton Central Park.
- James A. Box, City Manager requested that Interim Community Services Director Soo Kang report on what steps were taken in notifying Stanton residents of the cancellation of the previously scheduled Movie Night Under the Stars event due to weather concerns.

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- Interim Community Services Director Soo Kang reported that city staff took the following actions in notifying Stanton residents of the cancellation of the previously scheduled Movie Night Under the Stars event, due to weather concerns:
  - Information notices on A-Frames throughout the park.
  - Advertised on the Civic Center Electronic Reader Board
  - Advertised on the City's social media outlets
  - Advertised on the City's website
  - Posted on the City's Facebook events page and several postings were also released on the events page throughout the week.
  - Posted on the City's Twitter feed.
  - Posted on the City's Linkedin profile
  - Stanton Central Park afterschool family attendees were personally contacted via phone.

Interim Community Services Director Soo Kang also reported that staff prepared and planned alternate activities for any attendees who arrived to the park for the cancelled event. Interim Director Kang further reported that three families arrived at the park fully aware of the cancellation, however, were interested in participating in the planned alternate activities such as creating Easter baskets for the upcoming Easter Egg Hunt event.

- Council Member Ethans requested that Mr. Allan Rigg, Public Works Director / City Engineer report on the upcoming Stanton Farmer's Market event.
- Mr. Allan Rigg, Public Works Director / City Engineer reported on the upcoming grand opening of the Stanton Farmer's Market event, which is scheduled to be held on April 27, 2017 at Stanton Central Park.
- Council Member Donahue reported on the upcoming 16<sup>th</sup> Annual Car Show and Kids Fair event, which is scheduled to be held on May 13, 2017.

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

None.

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

None.

City Council items 15D and 15E were tabled to a future meeting due to the absence of the author.

# 15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF UTILIZING AN APP CALLED SHOTSPOTTER ("MOBILE APP FOR ANYTIME ANYWHERE ACCESS TO GUNFIRE ALERTS")

At the March 28, 2017 City Council meeting, Mayor Pro Tem David J. Shawver requested that this item be agendized for discussion.

#### RECOMMENDED ACTION:

City Council provide direction to staff.

# 15E. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF UTILIZING A graffiti reporting APP

At the March 28, 2017 City Council meeting, Mayor Pro Tem David J. Shawver requested that this item be agendized 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

- Mr. James A. Box, City Manager expressed his gratitude to Ms. Soo Kang, Interim Community Services Director for her time and efforts as acting Interim Director of the Community Services Department in the absence of Ms. Julie S. Roman.
- Mr. James A. Box, City Manager requested that Interim Community Services Director Soo Kang report on the Mayor's Prayer Breakfast event.
- Interim Community Services Director Soo Kang reported on the Mayor's Prayer Breakfast event, which was held on March 30, 2017.

#### 17A. ORANGE COUNTY FIRE AUTHORITY

At this time the Orange County Fire Authority will provide the City Council with an update on their current operations.

 Division Chief Dave Steffen provided the City Council with an update on their current operations.

Vol. 31 Minutes – Joint Regular Meeting – April 11, 2017 - Page 11 of 12 THESE MINUTES ARE ISSUED FOR INFORMATION ONLY AND ARE SUBJECT TO AMENDMENT AND APPROVAL AT NEXT MEETING

The City Council recessed back into closed session at 7:18 p.m.

The City Council reconvened in open session at 8:14 p.m.

Mr. Matthew E. Richardson, City Attorney reported that the City Council met in closed session from 6:08 to 6:30 p.m. and that once all items on the agenda were heard, the City Attorney reported that the City Council recessed back into closed session from 7:18 to 8:14 p.m.

Mr. Matthew E. Richardson, City Attorney reported that there was no reportable action.

**18.** ADJOURNMENTMotion/Second: Warren/
Motion carried at 8:15 p.m.

MAYOR/CHAIRPERSON	
ATTEST:	
CITY CLERK/SECRETARY	

MINUTES OF THE CITY COUNCIL OF THE CITY OF STANTON SPECIAL MEETING APRIL 20, 2017 (8697 CERRITOS AVENUE, STANTON, CA 90680 / HOLLENBECK PARK)

_	CLOSED	SESSION	None.
	CLOSED	SESSION	

2. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Council Member Ramirez.

3. PLEDGE OF ALLEGIANCE

Led by Council Member Ramirez.

4. ROLL CALL

Present: Council Member Donahue, Council Member Ethans, and Council Member

Ramirez.

Absent:

None.

Excused:

Mayor Pro Tem Shawver and Mayor Warren.

#### SPECIAL ORDERS OF THE DAY

- 5. NEW BUSINESS
- 5A. DISCUSSION REGARDING COMMUNITY AND RESIDENT COMMENTS

Presentations and discussions by the City Council, staff, and residents regarding the City, City projects and programs, and addressing resident comments.

**6. ADJOURNMENT** Motion/Second: Ramirez/ Motion carried at 6:45 p.m.

COUNCIL MEMBER RIGOBERTO A. RAMIREZ
ATTEST:
CITY CLERK

# MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY OF THE CITY OF STANTON JOINT REGULAR MEETING APRIL 25, 2017

#### 1. CALL TO ORDER / CLOSED SESSION

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

#### 2. ROLL CALL

Present: Council Member Donahue, Council Member Ethans, Council Member

Ramirez, Mayor Pro Tem Shawver, and Mayor Warren.

Absent: None.

Excused: None.

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 6:00 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: 3

4B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of cases: 1

City of Stanton vs. Green Tree Remedy et al, Orange County Superior Court Case Number: 30-2015-00813225-CU-JR-CJC

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

The meetings were called to order at 6:32 p.m. by Chairperson Warren.

The City Attorney reported that the Stanton City Council met in closed session from 6:00 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

#### 6. ROLL CALL

Present: Agency/Authority Member Donahue, Agency/Authority Member Ethans,

Agency/Authority Member Ramirez, Vice Chairman Shawver, and

Chairperson Warren.

Absent: None.

Excused: None.

#### 7. PLEDGE OF ALLEGIANCE

Led by Ms. Kelly Hart, Community and Economic Development Director.

#### 8. SPECIAL PRESENTATIONS AND AWARDS

Presentation by Mr. Derek Kirk, Director of Community Engagement, North Orange County Chamber, sharing their mission with the City Council and providing information on their current operations.

#### 9. CONSENT CALENDAR

Motion/Second: Ethans/Ramirez

Motion unanimously carried by the following vote:

Mayor Pro Tem Shawver abstained from Consent Calendar item 9C.

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)

NOES: None ABSTAIN: None ABSENT: None

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 April 6, 2017 and April 13, 2017, in the amount of \$279.849.04.

#### 9C. APPROVAL OF MINUTES

The City Council approved Minutes of Adjourned Meeting – April 11, 2017.

9D. RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER TO PREPARE AND TO FILE A REPORT FOR THE STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1

As part of the annual update to the Lighting and Landscaping District No. 1, certain procedural resolutions must be adopted by the City Council. The proposed resolution orders the Engineer's report for the 2017-2018 update.

- 1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(4); and
- 2. Adopted Resolution No. 2017-12 initiating proceedings and ordering the Engineer's report for the fiscal year 2017-2018 update, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL ASSESSMENTS FOR THE STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1 FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018; AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE THEREWITH."

# 9E. EXTENSION OF CONTRACT TO GREAT SCOTT TREE SERVICE, INC. TO PROVIDE PROFESSIONAL SERVICES RELATED TO CITYWIDE TREE TRIMMING AND REMOVAL SERVICES

A contract was awarded to Great Scott Tree Service, Inc. at the October 8, 2013 City Council meeting to provide Citywide Tree Trimming and Removal Services. On August 25, 2015 a ten (10) month extension was granted to the original contract in order to have the contract period coincide with the City's fiscal year. This eased tracking of the contract's budget and purchase orders. The contract was renewed for an additional twelve (12) months on May 10, 2016 for the period of July 1, 2016 to June 30, 2017. The current contract expires on June 30, 2017 and staff recommends an additional extension for the period of July 1, 2017 to June 30, 2018.

- The City Council declared that the project is categorically exempt under the California Environmental Quality Act, Class 1, Section 15301(h) as maintenance of existing landscaping; and
- 2. Approved a contract extension to the firm of Great Scott Tree Service, Inc. for citywide tree trimming and removal services for the third (3) of four (4) allowable contract renewals at identical unit prices for the contract sum of \$53,304 annually.

#### 9F. MARCH 2017 INVESTMENT REPORT

The Investment Report as of March 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

- 1. The City Council finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
- 2. Received and filed the Investment Report for the month of March 2017.

#### 9G. MARCH 2017 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of March 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

- The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
- 2. Received and filed the Investment Report for the month of March 2017.

#### 9H. MARCH 2017 INVESTMENT REPORT (HOUSING AUTHORITY)

The Investment Report as of March 31, 2017 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

- The Housing Authority finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
- 2. Received and filed the Investment Report for the month of March 2017.

#### **END OF CONSENT CALENDAR**

- **10. PUBLIC HEARINGS** None.
- 11. UNFINISHED BUSINESS None.

#### 12. NEW BUSINESS

# 12A. AN ORDINANCE ADOPTING PENALTIES FOR THE POSSESSION, SALE, AND DISCHARGE OF ILLEGAL OR DANGEROUS FIREWORKS IN THE CITY

The attached Ordinance adopts a new penalty schedule and citation regulations for the use, storage, sale, display and/or possession of illegal or dangerous fireworks in the City.

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

Motion/Second: Donahue/Shawver

ROLL CALL VOTE: Council Member Donahue AYE

Council Member Ethans AYE
Council Member Ramirez AYE
Mayor Pro Tem Shawver AYE
Mayor Warren AYE

#### Motion unanimously carried:

- 1. The City Council 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 is 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. Introduced Ordinance No. 1066, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTIONS 17.04.075 AND 17.04.100 OF, AND ADDING SECTIONS 17.04.073 AND 17.04.110 TO CHAPTER 17.04 OF TITLE 17 OF THE STANTON MUNICIPAL CODE REGULATING PENALTIES FOR THE USE, POSSESSION, SALE, DISPLAY AND DISCHARGE OF FIREWORKS IN THE CITY OF STANTON"; and

3. Set said Ordinance for adoption at the regular City Council meeting of May 9, 2017.

#### 12B. CITY MANAGER EMPLOYMENT AGREEMENT

On September 6, 2012, the City of Stanton and James A. Box entered into an Employment Agreement for the services of City Manager. For consideration is the new three (3) year employment agreement with James A. Box for City Manager.

Staff report by Mr. Matthew E. Richardson, City Attorney.

Motion/Second: Shawver/Ramirez

Motion unanimously carried by the following vote:

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)

NOES: None ABSTAIN: None ABSENT: None

- The City Council finds that this item is exempt from the California Environmental Quality Act ("CEQA") under Section 15378(b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
- 2. Authorized the Mayor to approve the City Manager Employment Agreement.

# 12C. AWARD OF A CONTRACT FOR THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT

The construction bids for the Western Avenue and Thunderbird Lane Traffic Signal Project consisting of installation of new traffic signal poles and mast arms, controllers, and cabinet have been reviewed by the staff. Based on post bid analysis of the seven (7) bids received, staff determined that the construction bid submitted by DBX, Inc. to be the lowest responsible bid at \$179,849.00. Staff recommends the City Council award the contract for the proposed services to DBX, Inc.

Staff report by Mr. Allan Rigg, Public Works Director / City Engineer.

Motion/Second: Shawver/Ethans

Motion unanimously carried by the following vote:

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)

NOES: None ABSTAIN: None ABSENT: None

- 1. The City Council declared that the project is exempt from the California Environmental Quality Act ("CEQA") under Section 15301(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; and
- 2. Awarded a contract for the Western Avenue and Thunderbird Lane Traffic Signal Project to DBX. Inc. for the amount of \$179,849.00; and
- 3. Authorized the City Manager to bind the City of Stanton and DBX, Inc. in a contract for the Western Avenue and Thunderbird Lane Traffic Signal Project; and
- 4. Authorized the City Manager to approve contract changes, not to exceed 10-percent.

#### 13. ORAL COMMUNICATIONS - PUBLIC

- Mr. Jeffery L. Benson spoke in opposition to the closing of Green Tree Remedy, his
  request for a special election, the City's business license program, business taxes, the
  nuisances with City motels/hotels, 99 Bottles and Cocktails (Bar), massage parlors,
  strip clubs, and meth labs.
- Mr. David Feiner spoke in opposition to the closing and banning of marijuana dispensaries within the City limits.
- Mr. Anthony Dituri spoke in opposition to the closing of Green Tree Remedy and the banning of marijuana dispensaries within the City limits.
- Ms. Emily Hemingway spoke in opposition to the closing of Green Tree Remedy, the banning of marijuana dispensaries within the City limits, and the stigma of marijuana use.
- Mr. Dale Jung spoke in opposition to the closing of Green Tree Remedy and the banning of marijuana dispensaries within the City limits.
- Mr. Chris O'Brien spoke in opposition to the closing and banning of marijuana dispensaries within the City limits and stated that he believes that marijuana sales should be regulated to avoid trafficking.
- Mr. Kristoffer Leuandouski spoke regarding his support of medical marijuana and the need of medical marijuana by suffering veterans and disabled persons.
- Mr. Brain Jensen, resident, spoke in opposition to the disbanding of the City's permit parking program in his neighborhood.
- Mr. Hector Moreno spoke in opposition to the closing of Green Tree Remedy.

#### **14. WRITTEN COMMUNICATIONS** None.

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

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

- Council Member Donahue reported on the 4<sup>th</sup> Annual Stanton Community Foundation Supply Our Schools Grants in which 34 teachers will be awarded a combined total of \$19,387 to purchase supplies for their classrooms.
- Council Member Ramirez expressed his gratitude to the Community Enhancement Deputy and Citynet for their engagement with the homeless initiative and helping 74 persons/families off the streets.
- Council Member Ethans reported on the upcoming grand opening of the Stanton Farmer's Market event, which is scheduled to be held on April 27, 2017 at Stanton Central Park.

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

Council Member Ramirez reported on speeding reports/issues through the neighborhood near Hollenbeck Park and requested to agendize discussion regarding the installation of speed bumps near Hollenbeck Park.

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

None.

# 15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF UTILIZING AN APP CALLED SHOTSPOTTER ("MOBILE APP FOR ANYTIME ANYWHERE ACCESS TO GUNFIRE ALERTS")

At the March 28, 2017 City Council meeting, Mayor Pro Tem David J. Shawver requested that this item be agendized for discussion.

Report by Mayor Pro Tem Shawver.

The City Council discussed testing the system in collaboration with the Orange County Sheriff's Department, addressing community concerns, which cities are currently utilizing the "shotspotter" app, the ability for the app to track the discharge of illegal fireworks, and cost.

The City Council directed staff to proceed with researching implementation of the Shotspotter App, provide a cost analysis, and to report staff's findings to the City Council at a

future meeting.

# 15E. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING THE POSSIBILITY OF UTILIZING A GRAFFITI REPORTING APP

At the March 28, 2017 City Council meeting, Mayor Pro Tem David J. Shawver requested that this item be agendized for discussion.

Report by Mayor Pro Tem Shawver.

The City Council discussed the ease of use of the system, faster response times for the City's residents, and costs.

Mr. Allan Rigg, Public Works Director / City Engineer reported that the City currently has a beta tested app that city staff is currently utilizing in house and also reported on the additional software needed to complete the app for resident testing, should the City decide to proceed with implementation of a graffiti app.

Mayor Warren requested a report on the security measures within the graffiti app software to ensure that the app is safe for staff and residents.

The City Council directed staff to proceed with researching implementation of a Graffiti App, provide a cost analysis, and to report staff's findings to the City Council at a future meeting.

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

None.

#### 17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

None.

#### 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 A. Howell provided the City Council with an update on their current operations.

18.		Motion/Second: Warren/ Motion carried at 7:21 p.m.
MAY	OR/CHAIRPERSON	 I
ATTI	EST:	
CITY	' CLERK/SECRETAI	RY

### CITY OF STANTON

#### REPORT TO CITY COUNCIL

TO:

Honorable Mayor and Members of the City Council

DATE:

May 9, 2017

SUBJECT: ACCEPTANCE OF STANTON CENTRAL PARK CONSTRUCTION BY

THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

#### **REPORT IN BRIEF:**

The Stanton Central Park Construction Project has been completed in accordance with the plans and specifications. The final construction cost for the project is \$10,333,166.11. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of May 8, 2017 and recommends that the City Council accept the completed work performed on this project.

#### **RECOMMENDED ACTION:**

- 1. That the City Council declares this project consistent with the Initial Study/Mitigated Negative Declaration, previously reviewed and adopted for the project on June 23, 2013; and
- 2. City Council accepts the completion of improvements for the Stanton Central Park Project and the Street and Storm Drain Improvements, as certified by the City Engineer, and affix the date of May 8, 2017 as the date of completion of all work on this project; and
- 3. Approves the final construction contract amount of \$10,333,166.11 with USS Cal Builders: and
- 4. Directs the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion (Attachment) with the County Recorder of the County of Orange; and
- 5. Directs City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to USS Cal Builders in the amount of \$516,124.97.

#### **BACKGROUND:**

On May 12, 2015, the City Council awarded the construction contract for Stanton Central Park Construction Project to USS Cal Builders in the amount of \$9,645,432.22, plus a 5% contingency in the event of changes in the scope of work. The project began construction in June 2015 and is now complete. The scope of this project included but was not limited to the demolition of existing facilities at the site, grading, construction of the community building, restroom building, flatwork, parking lot, landscaping, installation of playground equipment, and utility installation.

In October 27, 2015, the City Council approved an amendment to the contract for the construction of street and storm drain improvements. The scope of work in the amendment included street improvements such as pavement, wheel chair ramps, sidewalks, curb and gutter, and a new storm drain installation outside the south exit of the park. The contract amendment was for the amount of \$197,082.55 and funds were budgeted for these improvements in the Fiscal Year 2015-16 using Measure M fund and therefore not impacting the General Fund.

In addition to the initial scope of work, change order items were approved in order to accommodate properly for unforeseen conditions. Overall, while there were added costs, the street improvements that were part of the approved contract amendment were completed under budget. All additional work totaled \$505,779.55.

At the time of award, Staff estimated the construction of the project to cost \$10,127,704 and \$197,082.55 for the street and storm drain improvements. Listed below is a table showing anticipated costs and actual costs.

	Anticipated Cost	Actual Cost
Stanton Central Park Construction – Original Approval for On-site Work	\$ 10,127,704.00	\$ 10,151,211.77
Amendment to the Stanton Central Park Construction Contract (Street and Storm Drain Improvements)	\$ 197,082.55	\$ 181,954.34
Total	\$ 10,324,786.55	\$ 10,333,166.11

#### **ANALYSIS/JUSTIFICATION:**

The Stanton Central Park Construction Project has been completed in conformance with the project plans and specifications and has been accepted by the City Engineer. The payment to the contractor and the filing of the Notice of Completion is required under the terms of the Construction Agreement for this project.

#### **FISCAL IMPACT:**

The onsite project was funded by bonds, Prop 87 Grant, and Park in Lieu fees. The street and storm drain improvements amendment was funded by Measure M. This project did not have any impact on the General Fund.

#### **ENVIRONMENTAL IMPACT:**

This project was declared consistent with the Initial Study/Mitigated Negative Declaration, previously reviewed and adopted for the project on June 23, 2013 under the California Environmental Quality Act, Class 1, and Section 15301.

#### **LEGAL REVIEW:**

None.

#### **PUBLIC NOTIFICATION:**

Notifications and advertisement were performed as prescribed by law.

#### STRATEGIC PLAN OBJECTIVE ADDRESSED:

3.4 – Complete the design and construct the new 12 acre Stanton Central Park.

Prepared by:

Guillermo Perez

**Engineering Assistant** 

R<mark>eviewe</mark>d by:

Allan Rigg, P.E. AICP

Director of Public Works

Concur:

Stephen Parker, CPA

Administrative Services Director

Approved by:

James A. Box

City Manager

#### ATTACHMENT:

(1) Notice of Completion

Recording requested by and when recorded mail to:		
CITY OF STANTON 7800 KATELLA AVE. STANTON, CA 90680		
EXEMPT FROM RECORDING FEES PER GOVERNMENT CODE SECTION 6103	(Space above this line for Recorder's use)	
NOTICE OF	COMPLETION	
Notice pursuant to Civil Code Section 3093	, must be filed within 10 days after completion.	
Notice is hereby given that:		
1. The undersigned is owner or corporate officer of property hereinafter described:	of the owner of the interest or estate stated below in the	
2. The full name of the owner is the City of Stanton.		
3. The full address of owner is 7800 Katella Avenue, Stanton, CA 90680.		
4. The nature of the interest or estate of the owner is: Public Right of Way.		
5. A work of improvement on the property hereinafter described was completed on May 8, 2017. The work was the Stanton Central Park Construction Project.		
6. The name of the contractor for such work of improvement was: USS Cal Builders.		
7. The property on which said work of improvement was completed is in the City of: Stanton, County of Orange, and State of California.		
Dated: S(3)(7 Verification for Individual Owner Allan Rig	gg, City Engineer , City of Stanton	
VERIF	FICATION	
· · · · · · · · · · · · · · · · · · ·	City of Stanton, the declarant of the foregoing Notice of d know the contents thereof; the same is true of my own foregoing is true and correct.	
Executed on $5/3$ , 2	017, at Stanton, California.	
Allan Rigg, City	, City of Stanton	

#### **ORDINANCE NO. 1066**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTIONS 17.04.075 AND 17.04.100 OF, AND ADDING SECTIONS 17.04.073 AND 17.04.110 TO CHAPTER 17.04 OF TITLE 17 OF THE STANTON MUNICIPAL CODE REGULATING PENALTIES FOR THE USE, POSSESSION, SALE, DISPLAY AND DISCHARGE OF FIREWORKS IN THE CITY OF STANTON

**WHEREAS**, the City of Stanton ("City"), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

**WHEREAS**, the City may enact an ordinance regulating fireworks within its jurisdiction that is compatible with the State Fireworks Law (Health & Safety Code, § 12500 *et seq.*); and

WHEREAS, the City currently regulates fireworks pursuant to Chapter 17.04 of the Stanton Municipal Code; and

WHEREAS, the use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult; and

WHEREAS, the City has received numerous complaints regarding the discharge of illegal fireworks, with the complaints clustering around the Fourth of July holiday; and

WHEREAS, the City Council has identified the discharge of illegal fireworks as a nuisance, and finds that there should be an increase in enforcement and penalties for the discharge of illegal fireworks; and

**WHEREAS**, the State Fire Marshal has proposed new penalties for the discharge of illegal fireworks through a model administrative fine ordinance; and

WHEREAS, the City wishes to adopt a similar Ordinance consistent with the Fire Marshal draft Model Administrative Fine Ordinance to establish higher penalties, based on the amount of illegal fireworks a person has for storage, sale, display and/or possession, especially on the misuse of "safe and sane fireworks," and "dangerous fireworks," as defined by the Health & Safety Code; and

WHEREAS, the proposed changes to the City's fireworks ordinance are intended to encourage and obtain compliance with the provisions of the City's fireworks ordinance for the benefit and protection of the entire community and the health, welfare, and safety of its residents, visitors, and businesses, and

WHEREAS, because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of the City's Code and the effect of such conditions or activities on the

Ordinance No. 1066 Page 1 of 7

Council Agenda Item#



safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, the proposed amendments to the City's fireworks ordinance is intended to impose strict civil liability upon the violator, and each contiguous use, display and/or possession shall constitute a separate violation is intended to be subject to a separate administrative fine, as provided in this Ordinance; and

WHEREAS, the administrative fines described in this Ordinance are imposed under authority of Government Code Section 53069.4 and Health and Safety Code Section 12557, in addition to the City's police power; and

**WHEREAS**, on April 25, 2017, the City Council considered the staff report, recommendations by staff, and public testimony regarding the proposed revisions to the City's fireworks ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES ORDAIN AS FOLLOWS:

**SECTION 1. Findings.** The above recitals are true and correct and incorporated by this reference.

**SECTION 2. CEQA.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to 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.

**SECTION 3. Block party permit.** Section 17.04.073 is hereby added to Chapter 17.04 of Title 17 of the Stanton Municipal Code to read as follows:

#### "17.04.073 Block party permit.

Every person, firm or corporation who applies for and receives an administratively-issued "block party permit," or similar license or approval required by the City to close a street or otherwise reserve or use a piece of City property shall comply with all conditions imposed upon the issuance of such permit, license or approval, including but not limited to taking all reasonable efforts necessary to ensure that dangerous fireworks are not used at said event. A violation of this condition of such permit, license or approval shall be subject to a separate administrative fine under the provisions of this chapter. Likewise, any person, firm or corporation that fails to obtain any "block party permit", license or other such approval from the city when such person is so required by the Code shall be subject to a separate administrative fine under this chapter as well as an additional administrative fine if dangerous fireworks are used at and during said event."

**SECTION 4. Discharge of fireworks prohibited – Exceptions.** Section 17.04.075 of Chapter 17.04 of Title 17 of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follows:

#### "17.04.075 Discharge of fireworks prohibited—Exceptions.

- A. It is unlawful for any person, firm or corporation to use or discharge any fireworks, including safe and sane fireworks, as defined in Part 2 of Division 11 of the California Health and Safety Code, within the following areas of the city:
- 1. Any public property, including, but not limited to, public streets, highways, alleys, sidewalks, parks or other publicly owned property, buildings or facilities without an administratively-issued "block party permit";
- 2. Any property within a commercial district of the city (defined in Section 20.215.010 of this code) except for any nonconforming residential use within such district used for residential purposes as of the effective date of the ordinance codified in this section;
- 3. Any property within an industrial/manufacturing district of the city (defined in Section 20.220.010 of this code) except for any nonconforming residential use within such district used for residential purposes as of the effective date of the ordinance codified in this section.
- B. Nothing in this section shall preclude the use or discharge of safe and sane fireworks, consistent with this chapter, on appropriate privately owned areas within a residential district (defined in Section 20.210.010 of this code) or the presentation of any public fireworks display authorized by the city.
- C. It is unlawful for any person, firm or corporation to possess, sell, use, discharge, and/or display any dangerous fireworks, as defined in Part 2 of Division 11 of the California Health and Safety Code, at any time and within any area of the city with the exception of pyrotechnic licensees conducting business while holding a current valid license issued pursuant to Chapter 5 of Part 2 of Division 11 (commencing with Section 12570) of the California Health and Safety Code."

**SECTION 5**. **Administrative penalty.** Section 17.04.100 of Chapter 17.04 of Title 17 of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follows:

#### "Section 17.040.100 Administrative penalty.

In addition to, or in lieu of the penalty set forth in Section 17.04.090, any person, firm or corporation violating the provisions of this chapter may be issued an administrative citation by an enforcement officer in accordance with the provisions of Chapter 1.12 of this Code. The administrative fine for a violation of this chapter shall be assessed in the

#### amount provided as follows:

A. Each person, firm or corporation who violates any provision of this Code as it relates to the use, discharge, storage, sale, display and/or possession of less than 25 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty (not including any Late Charges or
First	\$1,000.00	\$250.00	interest) \$1,250.00
Second	\$2,000.00	\$500.00	\$2,500.00
Third	\$3,000.00	\$1,000.00	\$4,000.00

B. Each person, firm or corporation who violates any provision of this Code as it relates to the storage, sale, display and/or possession of more than 25 pounds and less than 100 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$1,000.00	\$250.00	\$1,250.00
Second	\$2,000.00	\$500.00	\$2,500.00
Third	\$3,000.00	\$1,000.00	\$4,000.00

C. Each person, firm or corporation who violates any provision of this Code as it relates to the storage, sale, display and/or possession of more than 100 pounds and less than 5,000 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$5,000.00	\$1,000.00	\$6,000.00
Second	\$10,000.00	\$1,000.00	\$11,000.00
Third	\$15,000.00	\$1,000.00	\$16,000.00

D. Each person, firm or corporation who violates any provision of this Code as it relates to the storage, sale, display and/or possession of more than 5,000 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$10,000.00	\$50,000.00	\$60,000.00
Second	\$20,000.00	\$50,000.00	\$70,000.00
Third	\$30,000.00	\$50,000.00	\$80,000.00

E. A person, firm or corporation who fails to obtain a block party permit, license or approval from the city when such a person is required by the Code shall be subject to administrative fine or fines under this chapter.

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$500.00	\$150.00	\$625.00
Second	\$1,000.00	\$250.00	\$1,250.00
Third	\$1,500.00	\$500.00	\$2,000.00

F. Any person, firm or corporation who does obtain an administratively-issued block party permit, license or approval from the City where there was a condition imposed upon the issuance of such block party permit, license or approval requiring the person to make all reasonable efforts necessary to ensure that "dangerous fireworks" are not used at said event and said person is said to be in violation of the permit by virtue of the fact that there were dangerous fireworks used at said event shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$1,500.00	\$375.00	\$1,875.00
Second	\$3,000.00	\$750.00	\$3,750.00
Third	\$5,000.00	\$2,000.00	\$7,000.00

G. Each person, firm or corporation who uses safe and sane fireworks on or at dates, times and/or locations other than those permitted by this chapter shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of offence in 1 year period	Amount of Administrative Penalty	Disposal Charge	Total Amount of Penalty plus Late Charge
First	\$250.00	\$75.00	\$325.00
Second	\$500.00	\$150.00	\$650.00
Third	\$750.00	\$300.00	\$1,050.00

- H. In the case of a violation relating to dangerous fireworks, the citee shall be required to abate the violation and surrender all dangerous fireworks to the enforcement officer, immediately.
- I. Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the Code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code."

**SECTION 6**. **State fines.** Section 17.04.110 of Chapter 17.04 of Title 17 of the Stanton Municipal Code is hereby added to read as follows:

#### "Section 17.04.110 State fines.

Fines collected pursuant to this chapter shall be subject to California Health and Safety Code Section 12726, which provides that 65 percent of all administrative fines or penalties collected by the City shall be forwarded to the Controller of the State of California for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as described in Health and Safety Code Section 12728."

- **SECTION 7.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.
- **SECTION 8.** Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.
- **SECTION 9. Custodian of Record.** The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The City Clerk is the custodian of the record of proceedings.
- **SECTION 10.** Effective Date. This ordinance shall be effective thirty (30) days after its adoption.

PASSED, A	PPROVED, and ADOPTED	this 9 <sup>th</sup> day of May, 2017.
CAROL WAI	RREN, MAYOR	
ATTEST:		
PATRICIA A	. VAZQUEZ, CITY CLERK	·
APPROVED	AS TO FORM:	
MATTHEW	E. RICHARDSON, CITY AT	TORNEY
	CALIFORNIA ) F ORANGE ) ss. TANTON )	
that the fore Council of the duly adopted	going Ordinance No. 1066 he City of Stanton, Califorr	f the City of Stanton, California, do hereby certify was introduced at a regular meeting of the City nia, held on the 25 <sup>th</sup> day of April, 2017 and was the City Council held on the 9 <sup>th</sup> day of May, 2017,
AYES:	COUNCILMEMBERS:	
NOES:	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	
ABSTAIN:	COUNCILMEMBERS:	
CITY CLER	K, CITY OF STANTON	

Ordinance No. 1066 Page 7 of 7

#### **ORDINANCE NO. 1065**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, REPEALING ORDINANCE NO. 1060 IN ITS ENTIRETY, REGARDING THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA

WHEREAS, the City of Stanton, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, on October 25, 2016 the City Council adopted Ordinance No. 1060, to address the personal, medical and commercial use of marijuana in light of the potential passage of California Proposition 64; and

WHEREAS, under State law, Ordinance No. 1060's effective date would have been 30 days after adoption (November 25, 2016); and

WHEREAS, however, on November 22, 2016, a group of Stanton residents/proponents filed a signed petition with the City Clerk's Office seeking to repeal Ordinance No. 1060 by referendum, pursuant to the procedures set forth in the California Elections Code; and

WHEREAS, the petition was timely filed prior to the Ordinance's effective date and on January 10, 2017, the City Clerk's Office verified that the petition contained the required number of signatures under the California Elections Code to qualify the referendum for the ballot; and

WHEREAS, under California Elections Code Section 9237, Ordinance No. 1060 has been automatically suspended and the City Council is required to reconsider the ordinance; and

WHEREAS, after reconsideration, California Elections Code Section 9241 requires the City Council to choose one of the following three options:

- a. Entirely repeal the ordinance against which the referendum petition is filed;
- b. Submit the referendum measure to the voters at the next regular municipal election. A "regular election" is one where Council Members are elected. That would be November 6, 2018;
- c. Submit the Measure to the voters at a special election no earlier than 88 days after the City Council calls the election.

WHEREAS, the City Council has reconsidered Ordinance No. 1060 and has decided to entirely repeal Ordinance No. 1060.

# 11B

### NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

#### **SECTION 1.** Incorporation of Recitals.

The City Council hereby finds that all of the facts set forth in the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

#### SECTION 2. Repeal of Ordinance No. 1060/ No Referendum Election.

After due reconsideration pursuant to California Elections Code Sections 9237 and 9241, the City Council hereby repeals Ordinance No. 1060 in its entirety, in lieu of calling any regular or special election to determine the referendum issue.

#### **SECTION 3.** CEQA.

This Ordinance is not a project within the meaning of CEQA Guidelines section 15378 because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to activities that have the potential for causing a 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. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Orange in accordance with CEQA Guidelines.

#### SECTION 4. Custodian of Records.

The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 7800 Katella Avenue, Stanton, California 90680. The custodian of these records is the City Clerk.

#### **SECTION 5.** Severability.

If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

This Ordinance shall become effective thirty (30) days after its adoption.
SECTION 7. Publication.
The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted in the three (3) designated posting places within the City of Stantor within fifteen (15) days after its passage.
PASSED, APPROVED, and ADOPTED this 9 <sup>th</sup> day of May, 2017.
CAROL WARREN, MAYOR
ATTEST:
PATRICIA A. VAZQUEZ, CITY CLERK
APPROVED AS TO FORM:
MATTHEW E. RICHARDSON, CITY ATTORNEY

**SECTION 6.** Effective Date.

	CALIFORNIA ) FORANGE )ss. ANTON )	
hereby certif meeting of the of March, 20	y that the foregoing ( ne City Council of the 017 and was duly ac	Clerk of the City of Stanton, California, do Ordinance No. 1065 was introduced at a regular City of Stanton, California, held on the 28 <sup>th</sup> day lopted at a regular meeting of the City Council by the following roll-call vote, to wit:
AYES:	COUNCILMEMBER	S:
		·
NOES:	COUNCILMEMBER	:S:
ABSENT:	COUNCILMEMBER	S:
ABSTAIN:	COUNCILMEMBER	S:
,		
PATRICIA A	. VAZQUEZ, CITY C	LERK

# City Council Item 15D

"CITY COUNCIL INITIATED ITEM – DISCUSSION REGARDING THE POSSIBILITY OF INSTALLING SPEEDBUMPS NEAR HOLLENBECK PARK"

## City Council Initiated Item.

(This item does not contain a staff report)