

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING NOVEMBER 28, 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: 2

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

4C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)

Property: 10632 Beach Boulevard, Stanton, CA (APN 126-434-15)

Negotiating Parties: James A. Box, Executive Director, Stanton Housing Authority
Royal Crown Development, Inc., Owner
County of Orange, Negotiating Party

Under Negotiation: Instruction to negotiator will concern price and terms of payment.

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 Mr. Joel Greer, Stanton Planning Commissioner.

8. SPECIAL PRESENTATIONS AND AWARDS None.

9. CONSENT CALENDAR

Motion/Second: Ramirez/Shawver
Motion unanimously carried by the following vote:

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 November 9, 2017 and November 16, 2017, in the amount of \$396,723.00.

9C. OCTOBER 2017 INVESTMENT REPORT

The Investment Report as of October 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 October 2017.

9D. OCTOBER 2017 INVESTMENT REPORT (SUCCESSOR AGENCY)

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

1. 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 October 2017.

9E. OCTOBER 2017 INVESTMENT REPORT (HOUSING AUTHORITY)

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

1. The Stanton 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 October 2017.

9F. CONTRACT EXTENSION FOR INCO REALTY (HOUSING AUTHORITY)

Requested is the authorization to allow the Executive Director to extend the professional services agreement with Inco Realty to continue providing brokerage services for associated with the sale of the Housing Authority asset located at 7455 Katella Avenue.

1. The Housing Authority 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 Inco Realty; and
3. Authorized the Executive Director to bind the Stanton Housing Authority and Inco Realty in a contract to continue providing brokerage services associated with the sale of the Housing Authority asset located 7455 Katella Avenue.

9G. ANNUAL AUDIT REPORTS FOR FISCAL YEAR 2016-17

Attached is the Comprehensive Annual Financial Report (CAFR) for the City of Stanton for the fiscal year ended June 30, 2017. This report includes all funds and entities that are within the control of the City. The independent firm of White Nelson Diehl Evans LLP, Certified Public Accountants and Consultants (WNDE), has conducted an independent audit of the financial statements of the City included in the CAFR and has issued an "unqualified" opinion thereon.

Three additional reports and letters required by governmental auditing standards were issued by the auditors and are submitted herewith. All three cite no significant instances of noncompliance or other exceptions.

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
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2. Received and filed the Comprehensive Annual Financial Report for fiscal year ended June 30, 2017, the Report on Internal Controls Over Financial Reporting and On Compliance and Other Matters, the Auditor's Communication With Those Charged With Governance, and the Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheet for the Year Ended June 30, 2017.

9H. A RESOLUTION APPROVING THE APPLICATION FOR THE CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CaVIP) GRANT FOR THE CITY OF STANTON ADMINISTERED BY THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

The City of Stanton desires to apply for the California Violence Intervention and Prevention (CaVIP) Grant funds from the Board of State and Community Corrections (BSCC) and requests authorization for the City Manager to submit a non-binding letter of intent to the BSCC.

1. The City Council approved of Resolution No. 2017-51, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA APPROVING THE APPLICATION FOR THE CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CaVIP) GRANT FOR THE CITY OF STANTON ADMINISTERED BY THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)”; and

2. Authorized the City Manger to submit a non-binding letter of intent to the Board of State and Community Corrections (BSCC) on behalf of the City of Stanton; and
3. Authorized the City Manger to perform all actions necessary and required in carrying out this Resolution including, but not limited to, the execution, in the name of the City of Stanton, any applications, any agreements, and all other documents required by the Board of State and Community Corrections, as approved by the City Attorney.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

At the request of the City Council, Ms. Patricia A. Vazquez, City Clerk pulled this item from the agenda.

~~10A. ADOPTION OF AN ART IN PUBLIC PLACES MANUAL AND FEE RESOLUTION~~

~~At the November 14, 2017 City Council meeting, Ordinance No. 1072 was introduced to establish an Art in Public Places Program. Before Council for consideration is the final Art in Public Places Manual to establish the procedures for the Program, and a fee resolution.~~

~~RECOMMENDED ACTION:~~

~~1. City Council declare that the project is not a project subject to 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~~

~~2. Approve Resolution No. 2017-43 adopting the Art in Public Places Manual, entitled:~~

~~**“A RESOLUTION OF CITY COUNCIL OF THE CITY OF STANTON,
CALIFORNIA, ADOPTING AN ART IN PUBLIC PLACES MANUAL”;** and~~

~~3. Approve Resolution No. 2017-49 adopting an Art in Public Places Program fee, entitled:~~

~~**“A RESOLUTION OF CITY COUNCIL OF THE CITY OF STANTON,
CALIFORNIA, ADOPTING AN ART IN PUBLIC PLACES FEE”.**~~

10B. APPEAL OF PLANNING COMMISSION'S REVOCATION OF CONDITIONAL USE PERMIT C17-04, WHICH ALLOWED FOR THE CONTINUED OPERATION OF A MASSAGE ESTABLISHMENT AT THE PROPERTY LOCATED AT 10450 BEACH BLVD., #104 IN THE CG (COMMERCIAL GENERAL) ZONE; SUBMITTED BY BILL MINH, THE ESTABLISHMENT OPERATOR

Consideration of an appeal of the Planning Commission's decision to revoke Conditional Use Permit C17-04, which allowed for the operation of a massage establishment at the property located at 10450 Beach Blvd. #104. The basis for the revocation was several violations of Stanton Municipal Code Section 20.400.190 as well as several violations of Conditional Use Permit C17-04.

Mr. Matthew E. Richardson, City Attorney stepped down from the dais and Mr. Alan Burns, Harper & Burns, LLP stepped in to advise the City Council during this public hearing.

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

Mr. Alan Burns, Harper & Burns, LLP provided the City Council with a brief overview of what is before the City Council. The appellant has a vested right to a conditional use permit for a massage business, staff has the burden of proof showing that staff has evidence that has been submitted thus far, within the staff report, that constitutes as evidence. It is unclear that this is a denovo hearing of the City's code or if the appellant can introduce new information. However Mr. Burns encourage the City Council to give some latitude with hearing the rebuttal by the appellant.

The public hearing was opened.

Mr. Ronald Talmo, Legal Representative for the appellant, requested on behalf of his client that the City consider a penalty and/or a disciplinary action other than a straight revocation. Furthermore, Mr. Talmo is requesting a sixty (60) day suspension followed by proof that his client's work personnel are appropriately licensed, managers are approved by the City, that his client pay restitution to the City, and that there be a 90 day review by the Planning Commission. Moreover, Mr. Talmo stated that his client admits to all the issued violations and that his client is again asking for a penalty and/or a disciplinary action other than a straight revocation.

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

Mayor Pro Tem Shawver commented that the regulations and the enforcement of said regulations for these types of industries were previously controlled by the State of California and that the enforcement is now upon the City to enforce. Mayor Pro Tem Shawver further commented that if this was any other business, the City would have to treat that business in the same manner. Furthermore, Mayor Pro Tem stated that this is an issue of public health and safety and that this City Council is responsible for protecting public safety and the City cannot jeopardize its residents.

Council Member Ramirez echoed Mayor Pro Tem Shawver's comments and stated that in a matter of months there were five conditional use permit violations, including avoiding and delaying inspections. Council Member Ramirez further commented that this does not seem like a good business partner and that public safety and health is a main concern for the City Council. Moreover, Council Member Ramirez stated that the conditional use permit is written for a reason, the conditional use permit is the law and it has to be followed.

Mayor Warren echoed Mayor Pro Tem Shawver's and Council Member Ramirez's comments and stated that the City enacted these laws for a reason and that within a short period of time, those laws were violated. Mayor Warren further stated that the hearings conducted by the City Council and Planning Commission were fair and honest.

Motion/Second: Ethans/Ramirez
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 held a public hearing; and
2. Declared the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies); and
3. Approved Resolution No. 2017-48 upholding the Planning Commission's revocation of Conditional Use Permit C17-04 and denying the appeal.

11. UNFINISHED BUSINESS

11A. APPROVAL OF ORDINANCE NO. 1050

This Ordinance was introduced at the regular City Council meeting of November 14, 2017.

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

Motion/Second: Donahue/Ethans

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 Clerk read the title of Ordinance No. 1050, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING CHAPTER 20.325 OF THE STANTON MUNICIPAL CODE RELATING TO POLITICAL SIGNS AND TEMPORARY NONCOMMERCIAL SIGNS”; and

2. 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; and
3. Adopted Ordinance No. 1050.

At the request of the City Council, Ms. Patricia A. Vazquez, City Clerk pulled this item from the agenda.

~~11B. APPROVAL OF ORDINANCE NO. 1072~~

~~This Ordinance was introduced at the regular City Council meeting of November 14, 2017.~~

~~RECOMMENDED ACTION:~~

~~1. City Clerk read the title of Ordinance No. 1072, entitled:~~

~~“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA ADDING CHAPTER 20.533 TO THE ZONING CODE PERTAINING TO THE IMPLEMENTATION OF AN ART IN PUBLIC PLACES PROGRAM”;~~ and

~~2. City Council find 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. 1072.~~

~~ROLL CALL VOTE: Council Member Donahue
Council Member Ethans
Council Member Ramirez
Mayor Pro Tem Shawver
Mayor Warren~~

11C. APPROVAL OF ORDINANCE NO. 1073

This Ordinance was introduced at the regular City Council meeting of November 14, 2017.

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

- Mr. John Harris, Resident, requested that the following questions be addressed: One: considering that most of the city except for one district is split by the preferred map, will this map and this action resolve and respond to the California Voting Rights Act. Two: That the City Council has a unique conflict of interest, and request for the record that he City Council state which district that the fall into. Three: Will the newly adopted term limits be imposed on the at-large City Council Member, once they term out and seek a seat in a district election.

Mayor Warren stated that all rules and regulations were strickly followed in the creation/approval of the preferred map.

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 Clerk read the title of Ordinance No. 1073, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, ESTABLISHING FOUR CITY COUNCIL DISTRICTS FOR A BY-DISTRICT ELECTORAL SYSTEM AND CERTAIN RELATED MATTERS”;
and

2. 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
3. Adopted Ordinance No. 1073.

Council Member Ramirez lead the City Council Members in announcing which district each of them reside in.

11D. ADOPT AN ORDINANCE AMENDING SECTION 10.08.060 OF TITLE 10 OF THE STANTON MUNICIPAL CODE IN REGARDS TO PERMIT PARKING REGULATIONS

In April of 2016, the California Attorney General issued a formal opinion that local authorities may not institute preferential parking regulations that discriminate among residents based on the residents' dwelling type. As a result, the City worked with a consultant to determine the viability of a permit parking program in highly impacted areas that was consistent with the Attorney General's opinion. After extensive analysis the consultant determined that there was no version of a parking permit program that was consistent with the Attorney General's opinion and provided permit relief in the impacted areas based on the lack of available parking. Dissolution of the permit parking program was recommended with the preservation of existing permit parking areas.

Staff report by Mr. James J. Wren, Public Safety Services Director.

The City Council commented that the City has gone and continues to go though great lengths to provide parking within the City and that regardless of the decision made, the City will continue in its efforts to seek out alternative options for public parking.

- Mr. Greg Witz, Property Owner, spoke in opposition to the proposed ordinance and stated that eliminating permit parking is not the best solution, that grandfathered permit parking areas is a discrimination against multifamily homes, and that he requests that the City reengage with the consultant to speak with all affected parties to come to a better final solution.
- Mr. Lou Penrose, Apartment Association of Orange County (AAOC), spoke in opposition to the proposed ordinance and request that the City continue this item to a future date and continue to work with the AAOC. Mr. Penrose further stated that the AAOC strongly believes in the Attorney General's opinion and that City streets should be available to all residents.

Motion/Second: Donahue/Ethans

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 exempt from 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; and
2. Adopted an Ordinance No.1075, entitled:

"AN ORDINANCE AMENDING SECTION 10.08.060 OF TITLE 10 OF THE STANTON MUNICIPAL CODE IN REGARDS TO PERMIT PARKING REGULATIONS"; and

3. Set said ordinance for adoption at the December 12, 2017 City Council meeting.

Ms. Patricia A. Vazquez, City Clerk re-stated that Ordinance No. 1075 is set for adoption at the **December 12, 2017** City Council meeting.

12. NEW BUSINESS

12A. A RESOLUTION TO RE-ESTABLISH FEES FOR STATE FRANCHISED VIDEO SERVICE PROVIDERS

As part of our membership in the joint powers authority of the Public Cable Television Authority (PCTA), every ten (10) years the City must approve a resolution and ordinance that reauthorizes local governments to establish and collect Public, Educational, and Governmental Access (PEG) fees from a city's cable and video TV operators. City Council previously adopted Ordinance No. 1064 on March 28, 2017, but with Time Warner Cable LLC's expiring franchise in January 2018, PCTA has asked that City Council re-establish the PEG fees again.

Staff report by Mr. Stephen M. Parker, Administrative Services Director.

Motion/Second: Ramirez/Ethans

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 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. Adopted Resolution 2017-50 entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, RE-ESTABLISHING FEES FOR STATE FRANCHISED VIDEO SERVICE PROVIDERS"; and

3. Introduced for first reading Ordinance No. 1074, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, RE-ESTABLISHING FEES FOR STATE FRANCHISED VIDEO SERVICE PROVIDERS”; and

4. Set said ordinance for adoption at the regular City Council meeting of December 12, 2017.

13. ORAL COMMUNICATIONS – PUBLIC

- Ms. Ester Friedman, Resident, spoke regarding the need for the City to recognize all religions and requested that the City further recognize all religions at annual City holiday events.

14. WRITTEN COMMUNICATIONS None.

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

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

- Mayor Warren requested to recognize Ms. Pam Schoonover, Executive Director of the Boys & Girls Club of Stanton who is retiring at the December 12, 2017 City Council meeting.

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

None.

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

None.

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

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

Ms. Julie S. Roman, Community Services Director reported on the upcoming Christmas Tree Lighting Ceremony, Celebrating Holidays Around the World event, which is scheduled to be held on December 7, 2017 at Stanton Central Park.

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

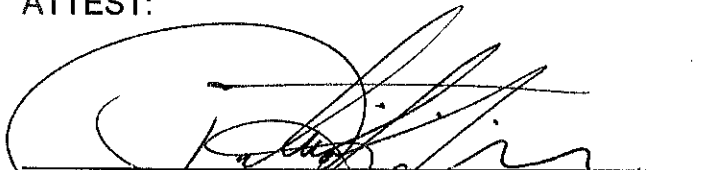
At this time the Orange County Sheriff's Department will provide the City Council with an update on their current operations.

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

- 18. ADJOURNMENT** Motion/Second: Warren/
Motion carried at 7:50 p.m.


MAYOR/CHAIRPERSON

ATTEST:


CITY CLERK/SECRETARY