



AGENDA
CITY COUNCIL/SUCCESSOR AGENCY/STANTON HOUSING AUTHORITY
JOINT REGULAR MEETING
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
TUESDAY, NOVEMBER 27, 2018 - 6:30 P.M.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (714) 890-4245. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City Council agenda and supporting documentation is made available for public review and inspection during normal business hours in the Office of the City Clerk, 7800 Katella Avenue, Stanton California 90680 immediately following distribution of the agenda packet to a majority of the City Council. Packet delivery typically takes place on Thursday afternoons prior to the regularly scheduled meeting on Tuesday. The agenda packet is also available for review and inspection on the city's website at www.ci.stanton.ca.us, at the public counter at City Hall in the public access binder, and at the Stanton Library (information desk) 7850 Katella Avenue, Stanton, California 90680.

- 1. CLOSED SESSION (6:00 PM)**
- 2. ROLL CALL**
 - Council Member Donahue
 - Council Member Ethans
 - Council Member Warren
 - Mayor Pro Tem Ramirez
 - Mayor Shawver
- 3. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Closed Session 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.

4. CLOSED SESSION

4A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of cases: 1

Orange County Catholic Worker et al v. Orange County et al, United States District Court, Central District of California Case Number: 8:18-cv-00155-DOC-JDE

4B. PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Government Code Section 54957)

Title: City Manager

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

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

7. PLEDGE OF ALLEGIANCE

- 8. SPECIAL PRESENTATIONS AND AWARDS** **None.**

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.

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 warrant dated November 7, 2018 and November 15, 2018 in the amount of \$396,499.12.

- 9C. OCTOBER 2018 INVESTMENT REPORT**

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. City Council find 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. Receive and file the Investment Report for the month of October 2018.

9D. OCTOBER 2018 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. Successor Agency find 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. Receive and file the Investment Report for the month of October 2018.

9E. OCTOBER 2018 INVESTMENT REPORT (HOUSING AUTHORITY)

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. Stanton Housing Authority find 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. Receive and file the Investment Report for the month of October 2018.

9F. AWARD OF A MAINTENANCE CONTRACT FOR SPLASH PADS MAINTENANCE SERVICES BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The City currently operates and maintains two splash pads located in Stanton Central Park and Harry M Dotson Park. The splash pads generally operate daily from 12:00 pm to 5:00 pm during the summer months. Staff recommends the City Council award the contract for Splash Pads maintenance to Service First Commercial Pools.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301h; and
2. Award an annual contract for splash pad maintenance services to the lowest responsible and responsive bidder; and
3. Authorize the Interim City Manager to bind the City of Stanton and Service First Commercial Pools in an annual contract for splash pad maintenance.

9G. APPROVAL OF STRATEGIC PLAN

In April of 2013 the City Council and management staff conducted a workshop to discuss, identify, strengthen and prioritize goals and strategies for the City. The City Council identified goals and strategies to be implemented by City staff and adopted a 5-year Strategic Plan. Subsequently on November 13, 2018 the City Council was presented with an update and overview of the Strategic Plan. The City Council directed staff to refine objectives and return with a prioritized version of the Strategic Plan for further City Council consideration. This report provides an update of the City's goals and strategies as of November, 2018.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approve the Six-Month Strategic Plan Objectives / Components.

9H. ACCEPTANCE OF THE DALE AVENUE AND CHANTICLEER ROAD TRAFFIC SIGNAL PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Dale Avenue and Chanticleer Road Traffic Signal Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$151,216.89. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of November 27, 2018 and recommends that the City Council accept the completed work performed on this project.

The original construction contract cost for the Dale Avenue and Chanticleer Road Traffic Signal Project was for \$144,144.00. Change orders approved at staff level did not exceed the 10% maximum authorized at the time of award. The changes orders were due to additional concrete work requested by city staff and removal of buried foundations. The change order cost was \$7,072.89.

RECOMMENDED ACTION:

1. City Council declare this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. Accept the completion of improvements for the Dale Avenue and Chanticleer Road Traffic Signal Project, as certified by the City Engineer, and affix the date of November 27, 2018 as the date of completion of all work on this project; and
3. Approve the final construction contract amount of \$151,216.89 with PTM General Engineering Services, Inc.; 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.

9I. ANNUAL AUDIT REPORTS FOR FISCAL YEAR 2017-18

Attached is the Comprehensive Annual Financial Report (CAFR) for the City of Stanton for the fiscal year ended June 30, 2018. 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.

RECOMMENDED ACTION:

1. City Council find that these items are not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378(b)(4) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly); and
2. Receive and file the Comprehensive Annual Financial Report for fiscal year ended June 30, 2018, 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, 2018.

9J. COOPERATIVE AGREEMENT FOR THE ADMINISTRATION OF THE ORANGE COUNTY TAXI ADMINISTRATION PROGRAM

Since the Spring of 2016, the Orange County Transportation Authority has collaborated with the Orange County City Managers Association and Orange County taxi industry stakeholders to identify a financially sustainable future for the Orange County Taxi Administration Program. City Council/Board of Supervisors approval is requested to execute a cooperative agreement with the Orange County Transportation Authority for the administration of the Orange County Taxi Administration Program from January 1, 2019 through December 31, 2020.

RECOMMENDED ACTION:

1. City Council declare 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. Authorize the City Manager to execute Cooperative Agreement No. C-8-2015 with Orange County Transportation Authority for the administration of the Orange County Taxi Administration Program, effective January 1, 2019 through December 31, 2020.

9K. FOURTH AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY (OCFA) JOINT POWERS AUTHORITY AGREEMENT

This agenda item is submitted to request approval of the Orange County Fire Authority's Fourth Amendment to the Amended Joint Powers Authority (JPA) Agreement to formalize the OCFA's commitment to its "snowball" accelerated pension liability paydown plan.

RECOMMENDED ACTION:

1. City Council find 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. Authorize the Mayor to execute the Fourth Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement on the City's behalf.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. APPEAL OF PLANNING COMMISSION'S DECISION TO ALLOW FOR THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH AN EXISTING MORTUARY AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE

This is an appeal of the Planning Commission's decision to approve the application for Conditional Use Permit C18-04 to allow for the operation of a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue, Stanton, CA 90680.

RECOMMENDED ACTION:

1. City Council hold a public hearing; and
2. Consider Resolution No. 2018-45 upholding the Planning Commission's approval of Conditional Use Permit C18-04, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE APPROVAL OF CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE".

11. UNFINISHED BUSINESS

11A. APPROVAL OF ORDINANCE NO. 1082

This Ordinance was introduced at the regular City Council meeting of November 13, 2018.

RECOMMENDED ACTION:

1. City Clerk read the title of Ordinance No. 1082, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTIONS 6.04.090 AND 6.04.100 OF THE STANTON MUNICIPAL CODE REGARDING CONSTRUCTION AND DEMOLITION DEBRIS”; and

2. City Council find that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3); and
3. Adopt Ordinance No. 1082.

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

12. NEW BUSINESS

12A. CITY COUNCIL POLICY

In August of 2018 the City Council provided staff with direction to agendize an item regarding City Council Policies.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Appoint two Council Members to serve on an ad-hoc committee to establish and review a City Council Policy.

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.

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

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

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

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.

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 21st day of November, 2018.

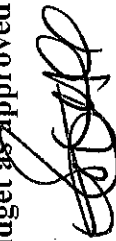
s/ Patricia A. Vazquez, City Clerk/Secretary

**CITY OF STANTON
ACCOUNTS PAYABLE REGISTER**

November 7, 2018	\$83,166.61
November 15, 2018	\$313,332.51

\$396,499.12

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



Interim City Manager

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



Assistant City Manager

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 27, 2018

SUBJECT: OCTOBER 2018 INVESTMENT REPORT

REPORT IN BRIEF:

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. City Council find 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. Receive and file the Investment Report for the month of September 2018.

BACKGROUND:

The attached reports summarize the City investments and deposit balances as of October 2018. A summary of the City's investments and deposits is included as Attachment A. The details of the City's investments are shown in Attachment B. The City's cash and investment balances by fund type are presented in Attachment C.

ANALYSIS:

The City's investment in the State Treasurer's Local Agency Investment Fund (LAIF) continues to be available on demand. The effective yield on LAIF for the month of October 2018 was 2.14%. All City investments have safekeeping with Bank of the West. The City's investments are shown on Attachment B and have a weighted investment yield of 2.12%. Including LAIF and the City's deposit in the Bank of the West money market account, the weighted investment yield of the portfolio is 2.11%, which is below the benchmark LAIF return of 2.14% due to a 228% increase in the LAIF rate over the past two years.

The weighted average maturity of the City's investments on October 2018 is 882 days. Including LAIF and a money market account, it is 772 days. LAIF's average maturity on

October 31, 2018 was approximately 201 days.

With a weighted average maturity of 2.42 years, the City is well within the investment policy restriction of 3.5 years.

FISCAL IMPACT:

All deposits and investments have been made in accordance with the City's 2018-19 Investment Policy. The portfolio will allow the City to meet its expenditure requirements for the next six months. Staff remains confident that the investment portfolio is currently positioned to remain secure and sufficiently liquid.

The City Treasurer controls a \$26.8 million portfolio with \$22.9 million in investments with safekeeping with Bank of the West.

ENVIRONMENTAL IMPACT:

None.

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED

4. Ensure Fiscal Stability and Efficiency in Governance

Prepared by:



Stephen M. Parker, CPA
Assistant City Manager/Treasurer

Approved:



Robert W. Hall
Interim City Manager

Attachments:

- A. Investments and Deposits
- B. Investment Detail
- C. Cash and Investment Balances by Fund Type

CITY OF STANTON, CA
INVESTMENTS AND DEPOSITS
October 31, 2018

Investment Type	Issuer	Date of Maturity	Interest Rate	Par Value	Cost	% of Total	Market Value	Market Value Source
State Pool (LAIF) - City portion ¹	State of California	On Demand	2.14%	\$ 7,600,880	\$ 3,742,793	13.93%	\$ 3,742,794	LAIF
Investments ²	Various	Various	Various	\$ 23,461,879	22,946,660	85.38%	22,890,069	Bank of the West
Money Market Account	Bank of the West	On Demand	0.29%	\$186,384	186,384	0.69%	186,384	Bank of the West
Subtotal - Investments					\$ 26,875,837	100.00%	\$ 26,819,248	
Demand Deposits/Main Checking - City portion	Bank of the West	On Demand	N/A	N/A	\$ 1,164,814		\$ 1,164,814	Bank of the West
Imprest Accts & Petty Cash	Bank of the West	On Demand	N/A	N/A	124,898		124,898	Bank of the West
Subtotal - Deposits					\$ 1,289,711		\$ 1,289,711	

Total Cash Investments and Deposits ³

772	2.11%
Weighted Average Maturity (days)	Weighted Average Yield

\$ 28,165,549

\$ 28,108,959

¹ Par Value amount represents entire LAIF and CAMP balances, including City, Successor Agency and Housing Authority portions

² Cost amount includes \$58,005 adjustment made to City's books at 6/30/17 to adjust portfolio to market value, per GASB 31

³ Weighted average maturity and yield calculations include LAIF, CAMP, Investments and Money Market Account

NOTES:

The City's portfolio is in compliance with the City's 2018-19 Investment Policy.

The portfolio will allow the City to meet its expenditure requirements for the next six months.

CITY OF STANTON
INVESTMENTS
OCTOBER 2018

Attachment B

Investment Type/ Broker	Institution	CUSIP Number	Purchase Yield	Coupon Rate	Purchase Price	Settlement/ Date Purchased	Date of Maturity	Next Call Date (NC=noncallable)	Par Value	Purchase Amount	Current Market Value
U.S. Government Agency Securities:											
Chandler Asset Management	FNMA	3135G0G72	1.17%	1.13%	99.39	10/30/2015	12/14/2018	NC	195,000	194,709	194,731
Chandler Asset Management	FHLB	3130A0J92	1.85%	2.38%	103.07	11/23/15	12/13/19	NC	200,000	205,998	199,080
Chandler Asset Management	FNMA	3135G0D75	1.27%	1.50%	100.90	2/24/2016	2/24/2020	NC	200,000	201,982	195,870
Chandler Asset Management	FNMA	3135G0F73	1.50%	1.50%	100.36	1/20/2016	11/30/2020	NC	190,000	190,035	184,555
Chandler Asset Management	FNMA	3130A3J05	1.49%	1.88%	102.18	2/1/2016	11/1/2020	NC	185,000	188,349	180,812
Chandler Asset Management	FNMA	3135G0H55	1.50%	1.88%	102.11	1/20/2016	12/28/2020	NC	190,000	193,366	185,968
Chandler Asset Management	FHLB	3130A7CV5	1.46%	1.38%	99.77	02/17/16	02/18/21	NC	210,000	209,166	202,778
Chandler Asset Management	FNMA	3135G0J20	1.31%	1.38%	100.01	4/12/2018	2/26/2021	NC	200,000	200,630	193,148
Chandler Asset Management	FHLB	313382K69	1.53%	1.75%	101.72	03/23/16	03/12/21	NC	190,000	192,005	184,956
Chandler Asset Management	FHLB	3130A7PV1	1.33%	1.38%	99.80	04/12/16	04/05/21	NC	200,000	200,432	192,800
Chandler Asset Management	FNMA	3135G0K69	1.23%	1.25%	99.75	8/15/2018	5/6/2021	NC	200,000	200,168	191,894
Chandler Asset Management	FHLB	3130A8Q55	1.28%	1.13%	99.05	08/09/16	07/14/21	NC	190,000	188,998	181,068
Chandler Asset Management	FHLB	3137EAEQ3	1.24%	1.13%	98.96	08/12/16	08/12/21	NC	200,000	198,898	190,138
Chandler Asset Management	FHLB	3130AABQ2	1.97%	1.88%	99.36	11/30/16	11/29/21	NC	100,000	99,536	96,813
Chandler Asset Management	FNMA	3135G0T45	1.89%	1.88%	99.78	4/20/2017	4/5/2022	NC	200,000	198,830	192,890
Chandler Asset Management	FHLB	3130AC2X1	2.00%	2.00%	100.00	8/23/2017	8/23/2022	11/23/2018	500,000	500,000	490,000
Chandler Asset Management	FHLB	3130AC7K4	1.75%	2.00%	100.00	8/22/2017	9/15/2022	12/15/2018	500,000	500,000	489,785
Multi-Bank Securities, Inc.	FHLB	3130ADKP6	2.10%	2.10%	100.00	2/28/2018	2/28/2023	11/28/2018	500,000	500,000	495,820
First Empire Securities	FHLB	3130ADLH3	3.00%	3.00%	100.00	2/28/2018	2/28/2023	11/28/2018	500,000	500,000	500,140
									4,350,000	4,363,399	4,743,540
Municipal Bonds											
Multi-Bank Securities, Inc.	California Earthquake Auth Rev	13017HAE6	2.23%	2.81%	100.63	11/14/2017	7/1/2019	NC	89,040	89,604	86,086
Multi-Bank Securities, Inc.	California Earthquake Auth Rev	13017HAE6	2.43%	2.81%	100.40	11/22/2017	7/1/2019	NC	537,600	539,750	537,880
Multi-Bank Securities, Inc.	CA ST Housing Finance Agency RDA	13034PZ57	2.04%	2.30%	100.75	7/24/2017	8/1/2020	NC	250,000	251,875	245,533
First Empire Securities	Coachella Valley CA Unit School District	189849K17	2.25%	2.89%	101.65	11/17/2017	8/1/2020	NC	440,000	447,260	434,522
Multi-Bank Securities, Inc.	Banning CA RDA SA TAB	066616AD5	2.02%	1.90%	99.66	9/28/2017	9/1/2020	NC	250,000	249,150	243,818
Multi-Bank Securities, Inc.	Pomona CA PFA Lease Bond	73208MCX4	2.25%	2.42%	100.60	6/23/2017	4/1/2021	NC	250,000	249,150	243,818
Multi-Bank Securities, Inc.	CA ST Housing Finance Agency RDA	13034PZH3	2.32%	2.51%	100.75	7/24/2017	8/1/2021	NC	350,000	353,000	341,009
Multi-Bank Securities, Inc.	CA ST Housing Finance Agency RDA	13034PZH3	2.22%	2.51%	101.09	8/18/2017	8/1/2021	NC	255,000	257,777	248,449
Multi-Bank Securities, Inc.	Guadalupe Community Redevelopment	400559AD2	2.55%	2.25%	99.00	1/8/2018	8/1/2021	NC	225,000	222,750	217,321
Multi-Bank Securities, Inc.	Oceanside CA Pension Obligation Bond Taxable	675371AX6	2.03%	3.25%	104.65	8/15/2017	8/15/2021	NC	280,000	293,013	279,728
Multi-Bank Securities, Inc.	LA County CA RDA TAB Taxable West Covina S	54465AH00	2.08%	2.50%	101.67	6/26/2017	9/1/2021	NC	400,000	406,684	391,868
Multi-Bank Securities, Inc.	Yorba Linda RDA SA TAB Taxable Series B	988176A08	2.00%	2.00%	100.00	8/15/2017	9/1/2021	NC	360,000	360,000	347,285
First Empire Securities	Riverside CA Pension Obligation Bond	769036B59	2.25%	2.50%	101.16	6/20/2017	6/1/2022	NC	500,000	505,800	484,040
First Empire Securities	Riverside CA Pension Obligation Bond	769036B59	2.40%	2.50%	100.45	7/24/2017	6/1/2022	NC	240,000	241,080	232,339
									4,826,640	4,963,518	4,824,354
Negotiable Certificates of Deposit:											
Multi-Bank Securities, Inc.	Generations Community Fed Credit	37148LAB4	1.85%	1.65%	100.00	6/28/2017	6/28/2019	NC	245,000	249,000	247,787
Multi-Bank Securities, Inc.	Direct Federal Credit Union	25460FA09	1.75%	1.75%	100.00	05/24/17	2/24/2020	NC	249,000	249,000	245,775
First Empire Securities	Ally Bank	02006LY72	1.75%	1.75%	100.00	03/16/17	3/16/2020	NC	248,000	248,000	244,580
Multi-Bank Securities, Inc.	Live Oak Banking Company	538036CN2	2.00%	2.00%	100.00	04/07/17	4/7/2020	NC	249,000	249,000	245,494
Multi-Bank Securities, Inc.	Community Trust Bank Inc.	20418LAC3	1.85%	1.85%	100.00	08/10/17	8/18/2020	NC	247,000	247,000	242,228
First Empire Securities	The Park National Bank	700654AY2	1.95%	1.95%	100.00	03/30/17	9/30/2020	NC	249,000	249,000	244,112
Multi-Bank Securities, Inc.	First Bank Richmond	319287GC8	2.00%	1.80%	100.00	06/23/17	11/23/2020	NC	247,000	247,000	240,842
Multi-Bank Securities, Inc.	Numerica Credit Union	67054NAF0	2.00%	2.00%	100.00	05/30/17	11/30/2020	NC	249,000	249,000	243,714
First Empire Securities	BMW Bank	05580AG01	1.95%	1.95%	100.00	03/10/17	3/10/2021	NC	248,000	248,000	241,537
First Empire Securities	Wells Fargo Bank, NA	949763FC4	2.10%	2.10%	100.00	03/15/17	3/15/2021	NC	249,000	249,000	243,333
First Empire Securities	Landmark Bank	51506VCA9	2.10%	2.10%	100.00	03/29/17	3/29/2021	12/29/2018	246,000	246,000	242,254
First Empire Securities	Medallion Bank	58403B6F8	1.80%	1.80%	100.00	04/06/17	4/6/2021	NC	249,000	249,000	242,563
First Empire Securities	Comenity Capital Bank	20033AUK0	2.00%	2.00%	100.00	6/30/2017	6/30/2021	NC	249,000	249,000	241,757
First Empire Securities	Discover Bank	2546725D6	2.10%	2.10%	100.00	7/6/2017	7/6/2021	NC	247,000	247,000	240,422
First Empire Securities	Barclays Bank	06740KKC0	2.00%	2.00%	100.00	7/12/2017	7/12/2021	NC	249,000	249,000	239,733
First Empire Securities	Abacus Federal Savings Bank	002571AY2	1.95%	1.95%	100.00	7/21/2017	7/21/2021	NC	249,000	249,000	241,226
First Empire Securities	MB Financial Bank	55266CVM3	1.90%	1.90%	100.00	7/21/2017	7/21/2021	NC	249,000	249,000	240,903
First Empire Securities	HSBC Bank USA, NA	40434YMK0	2.15%	2.15%	100.00	7/26/2017	7/26/2021	1/26/2019	247,000	247,000	240,571
First Empire Securities	Third Federal Savings and Loan	88413QBN7	2.00%	2.00%	100.00	7/28/2017	7/28/2021	NC	248,000	248,000	240,548

[illegible]

CITY OF STANTON
CASH AND INVESTMENT BALANCES BY FUND TYPE
October 31, 2018

Fund Type	Cash and Investments	Totals
General Fund:		
Pooled	\$ (8,602,115)	
Other Accounts *	23,257,942	\$ 14,655,827
Special Revenue, Capital Projects and Enterprise Funds:		
Gas Tax	329,821	
Measure M	755,186	
Fire Emergency Services	(146,405)	
Lighting & Median Maint.	1,656,716	
Sewer Maintenance	3,573,424	
Other	2,639,202	9,163,872
Internal Service Funds		1,133,175
Trust Funds		3,212,675
Total Cash and Investment Balances		\$ 28,165,549

* Money Market, Imprest Accounts, Petty Cash and Investments

CITY OF STANTON

REPORT TO THE SUCCESSOR AGENCY TO THE STANTON REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Successor Agency

DATE: November 27, 2018

SUBJECT: OCTOBER 2018 INVESTMENT REPORT (SUCCESSOR AGENCY)

REPORT IN BRIEF:

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. Successor Agency find 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. Receive and file the Investment Report for the month of October 2018.

BACKGROUND:

The attached reports summarize the Successor Agency investments and deposit balances as of October 2018. A summary of the Agency's investments and deposits is included as Attachment A. The Agency's cash balances by fund are presented in Attachment B.

ANALYSIS:

The Agency's investment in the State Treasurer's Local Agency Investment Fund (LAIF) and California Asset Management Plan (CAMP) continues to be available on demand. The effective yield on LAIF for the month of October 2018 was 2.14%, while the effective yield on CAMP was 2.27%.

The Agency's investments are shown on Attachment A and have a weighted investment yield of 1.22%, which is below the benchmark LAIF return of 2.14%, as the portfolio is almost completely liquid and has significant funds held in custodial accounts accruing very little interest.

With a completely liquid portfolio, the weighted average maturity of the Agency's investments at October 31, 2018 is 1 day. LAIF's average maturity at October 31, 2018 is approximately 201 days.

FISCAL IMPACT:

All deposits and investments have been made in accordance with the City's 2018-19 Investment Policy.

The portfolio will allow the Agency to meet its expenditure requirements for the next six months.

ENVIRONMENTAL IMPACT:

None

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

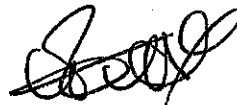
4. Ensure Fiscal Stability and Efficiency in Governance

Prepared by:



Stephen M. Parker, CPA
Assistant City Manager/Treasurer

Approved:



Robert W. Hall
Interim City Manager

Attachments:

- A. Investments and Deposits
- B. Cash Balances by Fund

**SUCCESSOR AGENCY TO THE STANTON REDEVELOPMENT AGENCY
INVESTMENTS AND DEPOSITS
October 31, 2018**

Investment Type	Institution	Issuer/ Broker	Date of Maturity	Interest Rate	Par Value	Cost	Market Value	MV Source
State Treasurer's Pool - SA portion	Local Agency Investment Fund (LAIF)	State of California	On Demand	2.14%	\$ 3,211,764	\$ 3,211,764	\$ 3,208,687	LAIF
California Asset Management Plan	PFM Asset Management	PFM	On Demand	2.14%	\$ 3,038,487	\$ 3,038,487	\$ 3,038,487	PFM
Imprest Account - SA portion	Bank of the West	Bank of the West	On Demand	N/A	999,549	999,549	999,549	Bank of the West
Clawback - Demand Deposits/Money Market Account	Bank of the West	Bank of the West	On Demand	N/A	3,311,064	3,311,064	3,311,064	Bank of the West

Total Cash Investments and Deposits

\$ 10,560,864 \$ 10,557,788

Bond Funds Held by Trustees:

Investment Type	Institution	Issuer/ Broker	CUSIP Number	Date of Maturity	Interest Rate	Par Value	Cost	Market Value	MV Source
2010 Tax Allocation Bonds (Tax-Exempt)									
Principal:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$9.95	\$9.95	\$9.95	US Bank
Interest:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$7,702.83	\$7,702.83	\$7,702.83	US Bank
Special Fund:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$18.47	\$18.47	\$18.47	US Bank
Reserve Account:									
Cash Equivalent	LAIF	US Bank	99LA009W8	On Demand	2.14%	\$1,146,605.95	\$1,146,605.95	\$1,146,605.95	US Bank

Total 2010 Tax Allocation Bonds (Tax-Exempt)

\$1,154,337 \$1,154,337

Investment Type	Institution	Issuer/ Broker	CUSIP Number	Date of Maturity	Interest Rate	Par Value	Cost	Market Value	MV Source
2016 Series A and B									
Debt Service Fund									
Cash Equivalents	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$825,799.98	\$825,799.98	\$825,799.98	US Bank
Principle Account					0.83				
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$485,466.38	\$485,466.38	\$485,466.38	US Bank
Interest Account									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$2.60	\$2.60	\$2.60	US Bank

Total 2016 Series A and B \$ 1,311,269 \$1,311,268.96

Investment Type	Institution	Issuer/ Broker	CUSIP Number	Date of Maturity	Interest Rate	Par Value	Cost	Market Value	MV Source
2016 Series C and D									
Debt Service Fund:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$13.99	\$13.99	\$13.99	US Bank
Interest Account:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	\$37.26	\$37.26	\$37.26	US Bank
Principle Account:									
Cash Equivalent	US Bank Money Market	US Bank	9AMMF05B2	On Demand	0.02%	14.14	\$14.14	\$14.14	US Bank

Total 2016 Series C and D \$ 65 \$65.39

Total Bond Fund Investments and Deposits (3)

\$2,465,672 \$2,465,672

Notes:

- (1) - There have been no exceptions to the Investment Policy.
- (2) - The Successor Agency is able to meet its expenditure requirements for the next six months.
- (3) - Restricted Bond Funds are held by the fiscal agent.

SUCCESSOR AGENCY TO THE STANTON REDEVELOPMENT AGENCY**POOLED CASH BALANCES BY FUND TYPE****October 31, 2018**

Fund	Cash Balance
710 Project 2000 Debt Service Fund	-
711 Redevelopment Debt Service Fund	-
712 Redevelopment Obligation Retirement Fund	7,527,681
720 Low and Moderate Income Housing Fund	-
721 Housing Successor Fund	-
730 Community Redevelopment Administration Fund	-
731 Successor Agency Admin Fund	(277,881)
740 Redevelopment Project Fund	-
741 Successor Agency Project Fund	-
741 Cash DDR Clawback	3,311,064

TOTAL CASH BALANCE**\$ 10,560,864**

CITY OF STANTON

REPORT TO THE STANTON HOUSING AUTHORITY

TO: Honorable Chair and Members of the Housing Authority

DATE: November 27, 2018

SUBJECT: OCTOBER 2018 INVESTMENT REPORT (HOUSING AUTHORITY)

REPORT IN BRIEF:

The Investment Report as of October 31, 2018 has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

RECOMMENDED ACTION:

1. Stanton Housing Authority find 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. Receive and file the Investment Report for the month of October 2018.

BACKGROUND:

The attached reports summarize the Stanton Housing Authority investments and deposit balances as of October 2018. A summary of the Housing Authority's investments and deposits is included as Attachment A. The Housing Authority's cash balances by fund are presented in Attachment B.

ANALYSIS:

The Housing Authority's investment in the State Treasurer's Local Agency Investment Fund (LAIF) continues to be available on demand. The effective yield on LAIF for the month of October 2018 was 2.14%

The Agency's investments are shown on Attachment A and have a weighted investment yield of 2.12%, as almost the entire portfolio is invested in LAIF.

With investments almost completely in LAIF, the portfolio is completely liquid, and the weighted average maturity of the Housing Authority's investments at October 31, 2018 is 1 day. LAIF's average maturity at October 31, 2018 is approximately 201 days.

FISCAL IMPACT:

All deposits and investments have been made in accordance with the City's 2018-19 Investment Policy.

The portfolio will allow the Housing Authority to meet its expenditure requirements for the next six months.

ENVIRONMENTAL IMPACT:

None

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

4. Ensure Fiscal Stability and Efficiency in Governance

Prepared by:



Stephen M. Parker, CPA
Assistant City Manager/Treasurer

Approved:



Robert W. Hall
Interim City Manager

Attachments:

- A. Investments and Deposits
- B. Cash Balances by Fund

**STANTON HOUSING AUTHORITY
INVESTMENTS AND DEPOSITS
October 31, 2018**

Investment Type	Institution	Issuer/ Broker	Date of Maturity	Interest Rate	Par Value	Cost	Market Value	MV Source
State Treasurer's Pool - HA portion	Local Agency Investment Fund (LAIF)	State of California	On Demand	2.14%	\$ 646,323	\$ 646,323	\$ 646,499	LAIF
Imprest Account - SA portion	Bank of the West	Bank of the West	On Demand	N/A	\$ 201,145	201,145	201,145	Bank of the West
State Treasurer's Pool - Housing Authority Account	Local Agency Investment Fund (LAIF)	State of California	On Demand	2.14%	\$ 17,471,153	\$ 17,471,153	\$ 17,454,417	LAIF

Total Cash Investments and Deposits

\$ 18,318,621	\$ 18,302,062
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Notes:

- (1) - There have been no exceptions to the Investment Policy.
(2) - The Housing Authority is able to meet its expenditure requirements for the next six months.

STANTON HOUSING AUTHORITY

POOLED CASH BALANCES BY FUND TYPE

October 31, 2018

Fund	Cash Balance
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285 Housing Authority Fund	18,318,621
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TOTAL CASH BALANCE

\$ 18,318,621

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

DATE: NOVEMBER 27, 2018

**SUBJECT: AWARD OF A MAINTENANCE CONTRACT FOR SPLASH PADS
MAINTENANCE SERVICES BY THE CITY COUNCIL OF THE CITY OF
STANTON, CALIFORNIA**

REPORT IN BRIEF:

The City currently operates and maintains two splash pads located in Stanton Central Park and Harry M Dotson Park. The splash pads generally operate daily from 12:00 pm to 5:00 pm during the summer months. Staff recommends the City Council award the contract for Splash Pads maintenance to Service First Commercial Pools.

RECOMMENDED ACTION:

1. That the City Council declares this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301h; and
2. Award an annual contract for splash pad maintenance services to the lowest responsible and responsive bidder; and
3. Authorize the City Manager to bind the City of Stanton and Service First Commercial Pools in an annual contract for splash pad maintenance.

BACKGROUND:

The City of Stanton needs to provide a preventative maintenance program to sanitize the water play areas at City parks to prevent any health concerns for our residents. The existing vendor who provided the services emailed staff that he would be doubling his fees to \$2,100 a month but he failed to provide a formal proposal detailing the reason for the increase. Staff decided to bid out the services.

ANALYSIS/JUSTIFICATION:

The project was advertised for bids on October 1, 2018. The bid was closed on October 15, 2018. Only one bid was received which was from Service Commercial Pools.

Staff has reviewed the submitted bid documents and found the bidder in compliance with the contract documents. Staff has done a reference check on the firm and received

good reviews on their quality of work. Upon successful execution of the contract documents, Service Commercial Pools will begin regular maintenance of the splash pads on December 1, 2018.

FISCAL IMPACT:

Account Breakdown			
Park	Description	Account	Amount
Stanton Central Park	Oct 1 st - May 15 th maintenance	280-3400-608100	\$6,937.50
Stanton Central Park	May 16 th - Sep maintenance	280-3400-608100	\$5,287.50
Total			\$12,225.00

Account Breakdown			
Park	Description	Account	Amount
Harry Dotson Park	Oct 1 st - May 15 th maintenance	101-3400-608100	\$6,937.50
Harry Dotson Park	May 16 th - Sep maintenance	101-3400-608100	\$5,287.50
Total			\$12,225.00

Sufficient funds for the Splash Pad Maintenance were budgeted from General Fund accounts: 280-3400-608100 and 101-3400-608100 FY17/18 and FY 18/19.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301 (h) as replacement of existing facilities.

LEGAL REVIEW:

The City Attorney has reviewed the contract.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Provide a quality infrastructure.

PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.

Prepared by:

Kelly Hart for AR

Allan Rigg, P.E. AICP
Director of Public Works

Concur:

Stephen Parker

Stephen Parker, CPA
Assistant City Manager

Approved by:

Bob Hall

Bob Hall
Interim City Manager

ATTACHMENT:

(1) Contract

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT, is made and effective as of November 27, 2018 between the **City of Stanton**, a California Municipal Corporation ("City") and **Service First Commercial Pools**, ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

TERM

1. This Agreement shall commence on **December 1, 2018** and shall remain and continue in effect until tasks described herein are completed, but in no event later than **December 1, 2019** unless sooner terminated pursuant to the provisions of this Agreement. The contract may be extended for two additional one-year periods at the same proposed annual cost if mutually agreed upon by all parties.

SERVICES

Consultant shall perform the tasks described and set forth in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A. When available, a more detailed work program shall be attached and incorporated into this agreement as a separate exhibit.

PERFORMANCE

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

CITY MANAGEMENT

City's Director of Public Works shall represent City in all matters pertaining to the administration of this Agreement, review and approval of all products submitted by Consultant, but not including the authority to enlarge the Tasks to Be Performed or change the compensation due to Consultant. City's City Manager shall be authorized to act on City's behalf and to execute all necessary documents that enlarge the Tasks to Be Performed or change Consultant's compensation, subject to Section 5 hereof.

PAYMENT

(a) The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth herein,

attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed **twenty-four thousand, four hundred and fifty dollars (\$24,450)** annually and not to exceed **seventy-three thousand, three hundred and fifty dollars (\$73,350)** for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Manager. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by City Manager and Consultant at the time City's written authorization is given to Consultant for the performance of said services. The City Manager may approve additional work not to exceed ten percent (10%) of the amount of the Agreement, but in no event shall such sum exceed ten thousand dollars (\$10,000.00). Any additional work in excess of this amount shall be approved by the City Council.

(c) Consultant will submit invoices monthly for actual services performed. Invoices shall be submitted on or about the first business day of each month, or as soon thereafter as practical, for services provided in the previous month. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

6. **SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE**

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City pursuant to Section 3.

7. **DEFAULT OF CONSULTANT**

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in

default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the City Manager or his/her delegate determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. OWNERSHIP OF DOCUMENTS

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records; shall permit City to make transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused, or otherwise disposed of by the City without the permission of the Consultant. However, use of data by City for other than the project that is the subject of this agreement shall be at City's sole risk without legal liability or exposure to Consultant. With respect to computer files, Consultant shall make available to the City, at the Consultant's office and upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

9. **INDEMNIFICATION**

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City, and any and all of its officials, employees and agents (collectively "Indemnified Parties"), from and against any and all claims, charges, complaints, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, including but not limited to the extent same are caused or contributed to in whole or in part which relate to or arise out of any negligent, intentional or willful act, omission, occurrence, condition, event, transaction, or thing which was done, occurred, or omitted to be done (collectively "Claims"), by Consultant, its officers, agents, employees or subcontractors (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement without regard to whether such Claims arise under the federal, state, or local constitutions, statutes, rules or regulations, or the common law. With respect to the design of public improvements, the Consultant shall not be liable for any injuries or property damage resulting from the reuse of the design at a location other than that specified in Exhibit A without the written consent of the Consultant.

(b) Indemnification for Other Than Professional Liability. In addition to indemnification related to the performance of professional services and to the full extent permitted by law, Consultant shall further indemnify, protect, defend and hold harmless the City and Indemnified Parties from and against any liability (including Claims) where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees or subcontractors of Consultant.

(c) General Indemnification Provisions. Consultant agrees to obtain executed indemnity agreements which indemnify, protect, defend and hold harmless the City from liability, with provisions identical to those set forth here in this Section 9 from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required, this failure shall be a material breach of this Agreement, and Consultant agrees to be fully responsible according to the terms of this entire Section 9. City has no obligation to ensure compliance with this Section by Consultant and failure to do so will in no way act as a waiver. This obligation to indemnify and defend City is binding on the successors, assigns or heirs of Consultant, and shall survive the termination of this Agreement or this section.

(d) Obligation to Defend. It shall be the sole responsibility and duty of Consultant to fully pay for and indemnify the City for the costs of defense, including but not limited to reasonable attorney's fees and costs, for all Claims against the City and the Indemnified Parties, whether covered or uncovered by Consultant's insurance, against the City and the Indemnified Parties which arise out of any type of omission or error, negligent or wrongful act, of Consultant, its officers, agents, employees, or subcontractors. City shall have the right to select defense counsel.

10. **ATTORNEY'S FEES**

If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

11. **INSURANCE**

Consultant shall maintain prior to the beginning of and for the duration of this Agreement insurance coverage as specified in Exhibit B attached to and part of this Agreement.

12. **INDEPENDENT CONSULTANT**

(a) Consultant is and shall at all times remain as to the City a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

13. **LEGAL RESPONSIBILITIES**

The Consultant shall keep itself informed of State and Federal laws and regulations, which in any manner affect those employed by it or in any way, affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

14. **UNDUE INFLUENCE**

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Stanton in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of the City of Stanton will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

15. **NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

16. **RELEASE OF INFORMATION/CONFLICTS OF INTEREST**

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents, or sub consultants, shall not without written authorization from the City Manager or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(b) Consultant shall promptly notify City should Consultant, its officers, employees, agents, or sub consultants be served with any summons,

complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with City and to provide the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

17. **NOTICES**

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To City:	City of Stanton 7800 Katella Ave Stanton, California 90680 Attention: City Clerk
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To Consultant:	Service First Commercial Pools 2510 N. Grand Ave. Suite 110 Santa Ana, CA. 92705
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18. **ASSIGNMENT**

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Because of the personal nature of the services to be rendered pursuant to this Agreement, only Service First Commercial Pools shall perform the services described in this Agreement.

19. **LICENSES**

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

20. **GOVERNING LAW**

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Stanton.

21. **ENTIRE AGREEMENT**

This Agreement contains the entire understanding that between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

22. **CONTENTS OF PROPOSAL**

Consultant is bound by the contents of the proposal submitted by the Consultant, Exhibit "A" hereto.

23. **AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF STANTON

By: _____
Robert Hall
Interim City Manager

CONSULTANT

By: _____
(Signature)

(Typed Name)

Its: _____

Attest:

Patricia A. Vazquez, City Clerk

Approved As To Form:

Matthew E. Richardson, City Attorney

EXHIBIT A

TASKS TO BE PERFORMED

See Attached



REQUEST FOR PROPOSAL (RFP)

FOR

Water Splash Pad Maintenance

RFP responses to be received until

10:00 A.M., October 15, 2018

In the Office of the Public Works Department

City of Stanton

7800 Katella Avenue,
Stanton, CA 90680-3162

ATTN: Allan Rigg, Director of
Public Works / City Engineer

Approved for Advertising:

Allan Rigg, P.E.
Director of Public Works / City Engineer

Date Issued: October 1, 2018



GENERAL DESCRIPTION AND INTRODUCTION

The City of Stanton is requesting proposals from qualified contractors to provide maintenance services for Water Splash Pads.

Proposals must conform to the requirements of this Request for Proposal (RFP), and must be submitted in a sealed envelope, to the Department of Public Works no later than 10:00 a.m., on Monday, October 15, 2018. The consultant contract is anticipated to be awarded on October 23, 2018 with work to begin November 1, 2018. The City reserves the right to waive any irregularity in any proposal, or to reject any proposal that does not comply with this RFP. The City alone, using criteria determined by the City, will select the qualified candidate.

The successful contractor will be required to enter into an agreement with the City, which will include the requirements of this RFP as well as other requirements to be specified at a later date. By submitting a proposal, the contractor agrees to all of the terms of this RFP. The bidder must possess a C-36, or C-42 Contractor License in the State of California. This contract term is for a period of 12 months. The City and contractor may elect to exercise an extension of this Contract for two additional twelve month terms. Contract extensions are also contingent upon satisfactory performance of the Contractor.

PROJECT BACKGROUND

The City currently operates and maintains two Water Splash Pads located in Stanton Central Park (10660 Western Ave, Stanton, CA 90680), and Harry M Dotson Park (10350 Fern Ave, Stanton, CA 90680). The water play operates Monday to Sunday from 12:00 pm to 5:00 pm from Memorial Day to Halloween.

As part of this preventative maintenance program, the City desires that the Water Splash Pad shall be maintain once a week when operational. In addition, there are procedures that will require maintenance every month rather than every week.



SCOPE OF SERVICES

General:

1. Coordinate all activities with City Engineer including any downtime.
2. Ensure that form, fit, and function requirements are incorporated into work.

Specific (required as needed):

1. Service is required once a week generally Sunday thru Saturday or as directed by the City Engineer.
2. Provide chlorine and acid required to maintain as needed. (Under normal conditions chlorine and acid are included.)
3. Maintain all equipment at the optimal parameters: pumps, filters debris traps, time clocks, flow rates, GPM's and vault lighting.
4. Maintain operation of touch pad sensors
5. Maintain service chart.
6. Keep pump enclosure areas clean of trash dirt and debris.
7. Keep all splashpad components including the play surface free from calcium build up, any growth like algae, insects, etc.
8. Remove all obstructions & debris from all clogged plumbing fixtures, pipes, etc.

Required Work (Weekly):

1. Clean pump(s) strainer basket (as necessary)
2. Clean debris trap (if applicable)
3. Check/log PH, chlorine, total alkalinity, calcium hardness, CYA (recalibrate ph as necessary)
4. Backwash sand filters (as necessary)
5. Report any deficiency same day as noticed to City Engineer
6. Report any graffiti same day as noticed to City Engineer
7. Clean any dirty nozzles both in ground and on elevated features.



Operational Season: Required Work (Monthly)

1. Inspect chemical tubing.
2. Inspect play product solenoid valves.
3. Clean chemical injectors.
4. Inspect and clean flow meters (as necessary).
5. Observe by pass valve opening and closing before and after sequence a sequence.
6. Remove any calcium build up from above ground features.
7. Inspect all ball valves and unions for leaks (tighten unions as necessary).
8. Drain and clean holding tank (as necessary).
9. Record maintenance in service chart.

Operational Season: Required Work (Annually):

1. Replace peristaltic pump tubing (as necessary).
2. Grease moving parts (as necessary).
3. Replace U.V. bulb.
4. Inspect all piping for wear.
5. Drain and clean chemical storage tanks.
6. Inspect pump filter lid O-ring (grease or replace if necessary).
7. Inspect chemical probes (replace as necessary).
8. Check quantity of sand filter (add sand as necessary).
9. Record Maintenance in service chart.

SUBMISSION REQUIREMENTS

Please submit the following:

1. Company fee schedule in a separate sealed envelope. The proposal shall include:
 - a. Project cost proposal submitted in a separate, sealed envelope.
 - b. A table indicating the anticipated staff-hours dedicated to perform each of the tasks to complete this service.



2. Evidence of compliance with City insurance requirements.

SELECTION CRITERIA

The proposals will be evaluated on the following factors, but may not be limited to just these factors:

Experience and Cost

Experience in completion of projects of similar complexity and scale for other agencies within Southern California is desirable. Efficiency and timeliness in completion of program requirements. The contractor must show an ability to respond to emergency situations within one (1) hour.

To receive any written responses to Requests for Information or other addenda issued by the City to be made a part of this Request for Proposal prior to the submittal date please e-mail contact information to:

gperez@ci.stanton.ca.us
Re: Water Splash Pad Maintenance

All taxes and licenses, including, but not limited to, a Stanton City Business License, required for this project shall be obtained at the sole expense of the consultant.

Before the City executes a contract, the selected firm shall furnish the City a certificate evidencing Workmen's Compensation Insurance with limits no less than \$1,000,000 per accident and Comprehensive Professional Liability Insurance or General Liability Insurance with limits no less than \$2,000,000 per occurrence. The City shall be named as the Additional Insured. Certificates of Insurance must be accompanied by the applicable endorsements for the specific insurance policy.

EXHIBIT B

INSURANCE REQUIREMENTS

Prior to the beginning of and throughout the duration of the Work, Consultant will maintain insurance in conformance with the requirements set forth below. Consultant will use existing coverage to comply with these requirements. If that existing coverage does not meet the requirements set forth here, Consultant agrees to amend, supplement or endorse the existing coverage to do so. Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. Any insurance proceeds available to City in excess of the limits and coverage required in this Agreement and which is applicable to a given loss, will be available to City.

Consultant shall provide the following types and amounts of insurance:

1. **Commercial General Liability Insurance** using Insurance Services Office "Commercial General Liability" policy form CG 00 01 or the exact equivalent. Defense costs must be paid in addition to limits. There shall be no cross liability exclusion for claims or suits by one insured against another. Limits are subject to review but in no event less than \$2,000,000 per occurrence.
2. **Business Auto Coverage** on ISO Business Auto Coverage form CA 00 01 including symbol 1 (Any Auto) or the exact equivalent. Limits are subject to review, but in no event to be less than \$1,000,000 per accident. If Consultant owns no vehicles, this requirement may be satisfied by a non-owned auto endorsement to the general liability policy described above. If Consultant or Consultant's employees will use personal autos in any way on this project, Consultant shall provide evidence of personal auto liability coverage for each such person.
3. **Workers Compensation** on a state-approved policy form providing statutory benefits as required by law with employer's liability limits no less than \$1,000,000 per accident or disease.
4. **Professional Liability or Errors and Omissions Insurance** as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the consultant and "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy limit shall be no less than \$1,000,000 per claim and in the aggregate. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend. The policy retroactive date shall be on or before the effective date of this Agreement.

Insurance procured pursuant to these requirements shall be written by insurers that are admitted carriers in the state of California and with an A.M. Bests rating of A or better and a minimum financial size VII.

General conditions pertaining to provision of insurance coverage by Consultant. Consultant and City agree to the following with respect to insurance provided by Consultant:

1. Consultant agrees to have its insurer endorse the third party general liability coverage required herein to include as additional insureds City, its officials, employees and agents, using standard ISO endorsement No. CG 2010 with an edition prior to 1992. Consultant also agrees to require all contractors, and subcontractors to do likewise.
2. No liability insurance coverage provided to comply with this Agreement shall prohibit Consultant, or Consultant's employees, or agents, from waiving the right of subrogation prior to a loss. Consultant agrees to waive subrogation rights against City regardless of the applicability of any insurance proceeds, and to require all contractors and subcontractors to do likewise.
3. All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to the City or its operations limits the application of such insurance coverage.
4. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.
5. No liability policy shall contain any provision or definition that would serve to eliminate so-called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor.
6. All coverage types and limits required are subject to approval, modification and additional requirements by the City, as the need arises. Consultant shall not make any reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) that may affect City's protection without City's prior written consent.
7. Proof of compliance with these insurance requirements, consisting of certificates of insurance evidencing all of the coverages required and an additional insured endorsement to Consultant's general liability policy, shall be delivered to City at or prior to the execution of this Agreement. In the event such proof of any insurance is not delivered as required, or in the event such insurance is canceled at any time and no replacement

coverage is provided, City has the right, but not the duty, to obtain any insurance it deems necessary to protect its interests under this or any other agreement and to pay the premium. Any premium so paid by City shall be charged to and promptly paid by Consultant or deducted from sums due Consultant, at City option.

8. Certificate(s) are to reflect that the insurer will provide 30 days notice to City of any cancellation of coverage. Consultant agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.
9. It is acknowledged by the parties of this Agreement that all insurance coverage required to be provided by Consultant or any subcontractor, is intended to apply first and on a primary, non-contributing basis in relation to any other insurance or self insurance available to City.
10. Consultant agrees to ensure that subcontractors, and any other party involved with the project that is brought onto or involved in the project by Consultant, provide the same minimum insurance coverage required of Consultant. Consultant agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Consultant agrees that upon request, all agreements with subcontractors and others engaged in the project will be submitted to City for review.
11. Consultant agrees not to self-insure or to use any self-insured retentions or deductibles on any portion of the insurance required herein and further agrees that it will not allow any contractor, subcontractor, Architect, Engineer or other entity or person in any way involved in the performance of work on the project contemplated by this Agreement to self-insure its obligations to City. If Consultant's existing coverage includes a deductible or self-insured retention, the deductible or self-insured retention must be declared to the City. At that time the City shall review options with the Consultant, which may include reduction or elimination of the deductible or self-insured retention, substitution of other coverage, or other solutions.
12. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Consultant ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Consultant, the City will negotiate additional compensation proportional to the increased benefit to City.
13. For purposes of applying insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking

any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

14. Consultant acknowledges and agrees that any actual or alleged failure on the part of City to inform Consultant of non-compliance with any insurance requirement in no way imposes any additional obligations on City nor does it waive any rights hereunder in this or any other regard.
15. Consultant will renew the required coverage annually as long as City, or its employees or agents face an exposure from operations of any type pursuant to this Agreement. This obligation applies whether or not the Agreement is canceled or terminated for any reason. Termination of this obligation is not effective until City executes a written statement to that effect.
16. Consultant shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Consultant's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to City within five days of the expiration of the coverages.
17. The provisions of any workers' compensation or similar act will not limit the obligations of Consultant under this Agreement. Consultant expressly agrees not to use any statutory immunity defenses under such laws with respect to City, its employees, officials and agents.
18. Requirements of specific coverage features or limits contained in this section are not intended as limitations on coverage, limits or other requirements nor as a waiver of any coverage normally provided by any given policy. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue, and is not intended by any party or insured to be limiting or all-inclusive.
19. These insurance requirements are intended to be separate and distinct from any other provision in this Agreement and are intended by the parties here to be interpreted as such.
20. The requirements in this Section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this Section.
21. Consultant agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Consultant for the cost of additional insurance coverage required

by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

22. Consultant agrees to provide immediate notice to City of any claim or loss against Consultant arising out of the work performed under this Agreement. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: APPROVAL OF STRATEGIC PLAN

REPORT IN BRIEF:

In April of 2013 the City Council and management staff conducted a workshop to discuss, identify, strengthen and prioritize goals and strategies for the City. The City Council identified goals and strategies to be implemented by City staff and adopted a 5-year Strategic Plan. Subsequently on November 13, 2018 the City Council was presented with an update and overview of the Strategic Plan. The City Council directed staff to refine objectives and return with a prioritized version of the Strategic Plan for further City Council consideration. This report provides an update of the City's goals and strategies as of November, 2018.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Approve the Six-Month Strategic Plan Objectives / Components.

BACKGROUND:

The City's two-year strategic plan provided for a three-prong approach to providing services to the community. The three areas in which the City chose to develop are: (1) On-going Operations (2) Develop a Thriving Business Community and (3) Improve the Quality of Neighborhoods.

Senior staff reviewed the status of each component of the Strategic Plan and identified goals and strategies which will enable staff to effectively carry out the City Council's direction.

ANALYSIS/JUSTIFICATION:

The following highlights the progress on the Strategic Plan. The three plan areas originally had a list of forty-two tasks which were to be completed. A total of twenty three tasks have been completed. All remaining tasks continue to see progress. Those items that have been completed or have become a part of on-going operations have been removed from the Strategic Plan.

FISCAL IMPACT:

The programs identified have been budgeted in the 2018-19 budget.

ENVIRONMENTAL IMPACT:

This item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

LEGAL REVIEW

None.

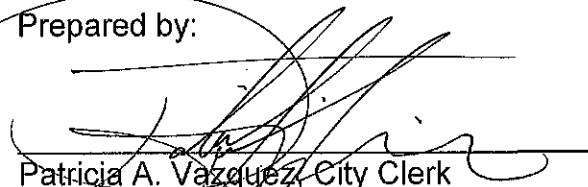
PUBLIC NOTIFICATION:

Through the normal agenda process.

STRATEGIC PLAN COMPONENT ADDRESSED:

Objective 6: Maintain and Promote a Responsive, High Quality and Transparent Government.

Prepared by:


Patricia A. Vazquez, City Clerk

Approved by:


Robert W. Hall, Interim City Manager

Attachment:

A. Six-Month Strategic Plan Objectives / Components

City of Stanton

Six-Month Strategic Objectives / Components
November 1, 2018 - May 31, 2018

1. Provide a Safe Community		Plan Description		How To Implement		Status		Comments	
No.	Assigned	Timeline	Plan Description		How To Implement		Date	On Target	Revised
1.1	Public Safety Services Director	April 1, 2019	Strategy to Address Homelessness		Work with various external partners to provide links to available services as well as address the impacts of homelessness on the community				
1.2	Public Safety Services Director	April 1, 2019	Conduct a Police Services Comparison Study		Work with consultant to complete comparison study / Research options and provide recommendations to City Council				
1.3	Public Safety Services Director	April 1, 2019	Enhance Training of Field Personnel		Develop a training program for field personnel to enhance the level of safety while in contact with the public / Research available training opportunities				
1.4	Public Safety Services Director	January 31, 2019	Emergency Preparedness		Complete quarterly Emergency Management training with existing staff and ensure that new employees are provided opportunity to obtain previously delivered training				
1.5	Public Works Director	July 1, 2019	Cameras throughout the City		Install cameras on streetlights once acquired from SCE and retrofitted. Next step is to present final bill of sale from SCE once received				
1.6	Public Works Director	February 1, 2019	Procure Mutual Aid Agreements		Create and procure Mutual Aid Agreements with various jurisdictions and specialized vendors				

2. Promote a Strong Local Economy							
No.	Assigned	Timeline	Plan Description	How To Implement	Status		Comments
					Done	On Target	Revised
2.1	Facilitate Development of Village Center Community Development Director	February 26, 2019	Facilitate Development of Village Center	Process the necessary permits to allow for an LED changeable copy sign as part of the development.			
2.1.2	Community Development Director	April 3, 2019	Facilitate Development of Village Center	Process the necessary entitlements for the use changes proposed by the developer.			
2.2	Support Opportunities for Affordable Housing Development in the City						
2.2.1	Community Development Director	February 26, 2019	Support opportunities for affordable housing development in the City	Enter into a Purchase and Sales Agreement with Habitat for Humanity for the HA owned properties at 1051 1/2 Flower Ave. and 7922 Gertios Avenue.			
2.2.2	Community Development Director	May 15, 2019	Support opportunities for affordable housing development in the City	Process application for the development of Habitat for Humanity Project.			
2.2.3	Community Development Director	June 26, 2019	Support opportunities for affordable housing development in the City	Assist Jamboree Housing with the development of a Permanent Supportive Housing project at 11850 Beach Blvd. by processing entitlement applications and assisting in the application for funding of the project through the county.			
2.3	Development of Economic Development Strategy						
2.3.1	Community Development Director	November 27, 2019	Development of Economic Development Strategy	Conduct City Council Study Session on Economic Development.			
2.3.2	Community Development Director	April 30, 2019	Development of Economic Development Strategy	Amend the zoning code for code mixes, and to implement economic development strategies.			
2.3.3	Community Development Director	March 26, 2019	Development of Economic Development Strategy	Establish a Sales Tax Assessment Revenue Program.			
2.3.4	Community Development Director	April 30, 2019	Development of Economic Development Strategy	Hire a consultant to review and modify Development Impact Fees and Planning Fees.			
2.3.5	Community Development Director	April 30, 2019	Development of Economic Development Strategy	Create a Development Agreement Procedure.			
2.3.6	Community Development Director	February 12, 2019	Development of Economic Development Strategy	Conduct a survey to the business community regarding "networking events" and how to best communicate.			
2.3.7	Community Development Director	January 31, 2019	Development of Economic Development Strategy	Identify clear roles for the Business Alliance and Chamber of Commerce.			

3. Promote a Quality Infrastructure							
No.	Assigned	Timeline	Plan Description	How To Implement	Status		Comments
					Done	On Target	Revised
3.1	Public Works Director	November 27, 2018	Streetlight Acquisition	Staff will present final purchase price to the City Council for action.			
3.2	Public Works Director	April 1, 2019	Streetlight Conversion	Staff will obtain bids to retrofit all streetlights to LED once lights are owned by the City.			

4. Ensure Fiscal Stability and Efficiency in Governance						
No.	Assigned	Timeline	Plan Description	How To Implement	Status	Comments
					Done	On Target
4.1	Assistant City Manager	November 27, 2018	Complete a 10-year forecast of City finances	Provide forecast to City Manager and City Council.		
4.2	Assistant City Manager	January 22, 2019	Streetsight Acquisition Financing	Present financing options and a recommendation for financing options for Streetsight Acquisition to Council.		
4.3	Assistant City Manager	February 26, 2019	2019-20 Mid-Year Budget	Present the 2019-20 Mid-Year Budget and corresponding budget adjustments to City Council for review and approval.		
4.4	Assistant City Manager	February 26, 2019	User Fee Update - Community Services	Provide updated Community Services user fee schedule with recommended fees for residents, nonprofits, nonresidents, Council and staff.		

5. Provide a High Quality of Life				Plan Description	How To Implement	Status		Comments
No.	Assigned	Timeline				Done	On Target	
5.1	Permit Parking Community Development Director				Meeting to obtain guidance from Council on which permit parking option should be implemented.			
5.1.1	Development Director	October 23, 2018	Permit Parking		Conduct meetings with permit parking stakeholders to educate on the path forward.			
5.1.2	Development Director	December 20, 2018	Permit Parking		Draft an Ordinance and Guidelines for new permit parking program.			
5.1.3	Development Director	January 22, 2019	Permit Parking		Develop an RFP process for identifying appropriate online permit issuance program.			
5.1.4	Development Director	March 1, 2019	Permit Parking		Purchase electronic ticket writing machines.			
5.1.5	Development Director	May 1, 2019	Permit Parking					
5.2	Plan for Tina Pacific Affordable Housing Project							
5.2.1	Community Development Director	October 23, 2018	Plan for Tina Pacific affordable housing project		Enter into Contract with Acquisition and Relocation firm.			
5.2.2	Community Development Director	November 27, 2018	Plan for Tina Pacific affordable housing project		Enter into Contract for Environmental Consultant for drafting of Project EIR.			
5.2.3	Community Development Director	February 12, 2019	Plan for Tina Pacific affordable housing project		Finalize DBA for Phase II of the development project.			
5.3	Community Services Manager	May 30, 2019	Pursue competitive grants to fund park improvements.		Apply for at least two grants.			
5.4	Community Services Manager	May 1, 2019	Sports Field Use Policy		Review and update policy regarding sport field usage and corresponding fees to address wear and maintenance on fields as well as revenue opportunities.			
5.5	Community Services Manager	January 31, 2019	Develop comprehensive sponsorship package to support City programs and facilities.		Outline all opportunities for support in the City including special events, programs and facilities to create defined levels of support and return on investment.			
5.6	Community Services Manager	June 30, 2019	Enhance community outreach and engagement in priority neighborhoods		Target three neighborhoods to address youth development to align with violence prevention efforts.			
5.7	Community Services Manager	April 1, 2019	Update Facility Use Policy		Develop a Community Group tier regarding facility usage to correspond with updated fee schedule.			

6. Maintain and Promote a Responsive, High Quality and Transparent Government									
No.	Assigned	Timeline	Plan Description	How To Implement	Status			Comments	
					Done	On Target	Revised		
6.1	Assistant City Manager	April 23, 2019	Establish a policy on permissions for email on personal devices	Present to Council a proposed policy on who is authorized to have e-mail on their personal devices					
6.2	Assistant City Manager	April 23, 2019	Establish a Bring Your Own Device Policy	Present to Council a proposed Bring Your Own Device policy					
6.3	Assistant City Manager	April 23, 2019	Update Administrative Rules & Regulations	Provide 10 Updated Administrative Rules & Regulations to the City Manager for review and approval					
6.4	City Manager	April 1, 2019	Develop framework for consistent messaging on all media platforms	Update the Style Guide for the City and include all electronic communication mediums					
6.4.1	City Manager	December 31, 2018	Develop framework for consistent messaging on all media platforms	Update the City's website for more accurate and concise content					
6.4.2	City Manager	April 30, 2019	Develop framework for consistent messaging on all media platforms	Update the City's policies for social media display of content, comments, and set a policy on responses to comments					
6.5	City Manager	November 27, 2018	Establish a City Council Rules and Regulations / Ethics Policy	Present to the City Council a City Council Rules and Regulations / Ethics Policy produced by an Ad Hoc Committee to the City Council for review and approval					
6.6	City Manager	February 1, 2019	Fill City Manager Position	Present to Council a list of qualified candidates to consider					
6.7	Community Development Director	January 16, 2019	Update Sign Code	Revise sign code to address temporary signs during an election period					

CITY OF STANTON

REPORT TO CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: ACCEPTANCE OF THE DALE AVENUE AND CHANTICLEER ROAD TRAFFIC SIGNAL PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

REPORT IN BRIEF:

The Dale Avenue and Chanticleer Road Traffic Signal Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$151,216.89. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of November 27, 2018 and recommends that the City Council accept the completed work performed on this project.

The original construction contract cost for the Dale Avenue and Chanticleer Road Traffic Signal Project was for \$144,144.00. Change orders approved at staff level did not exceed the 10% maximum authorized at the time of award. The changes orders were due to additional concrete work requested by city staff and removal of buried foundations. The change order cost was \$7,072.89.

RECOMMENDED ACTION:

1. That the City Council declares this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. City Council accepts the completion of improvements for the Dale Avenue and Chanticleer Road Traffic Signal Project, as certified by the City Engineer, and affix the date of November 27, 2018 as the date of completion of all work on this project; and
3. Approves the final construction contract amount of \$151,216.89 with PTM General Engineering Services, Inc.; 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.

BACKGROUND:

This intersection of Dale Avenue and Chanticleer Road had flashing yellow lights that were pedestrian-activated. Staff received concerns from the principal of the school, Dawn Breese, that many residents cross the street here daily, especially children attending Pyle's Elementary School. She did not feel the current flashing yellow lights were providing adequate safety for the people crossing the street. She cited incidents of near misses and an actual accident involving the crossing guard at this location.

Staff asked our traffic engineer to review the intersection and to provide recommendations to improve the safety of the residents. Several alternatives were reviewed, including a traffic signal on Dale Avenue at Chanticleer Road, or a traffic signal at the entrance of the school. It was found that the driveway directly into the school was too close to Cerritos Avenue as traffic could back up into the intersection of Cerritos and Dale. As such, installing a traffic signal at Dale Avenue and Chanticleer Road was found, through a warrant analysis, as the best option to improve safety.

ANALYSIS/JUSTIFICATION:

The Dale Avenue and Chanticleer Road Traffic Signal Project has been completed in conformance with the project plans and specifications, and has been accepted by the City Engineer. The Notice of Completion is required under the terms of the Construction Agreement for this project.

FISCAL IMPACT:

This project was funded through the Gas Tax Fund. General Fund was not used in the completion of this project.

ENVIRONMENTAL IMPACT:

This project is categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c as replacement of existing facilities.

LEGAL REVIEW:

None.

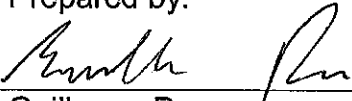
STRATEGIC PLAN OBJECTIVE ADDRESSED:

Provide a quality infrastructure.

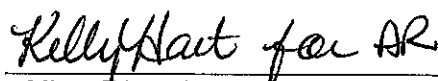
PUBLIC NOTIFICATION:

Notifications and advertisement were performed as prescribed by law.


Prepared by:


Guillermo Perez
Associate Engineer

Reviewed by:


Allan Rigg, P.E. AICP
Director of Public Works

Concur:


Stephen Parker, CPA
Assistant City Manager

Approved by:


Robert Hall
Interim City Manager

ATTACHMENT:

(1) Notice of Completion

Recording requested by and
when recorded mail to:

CITY OF STANTON
7800 KATELLA AVE.
STANTON, CA 90680

(Space above this line for Recorder's use)

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE SECTION 6103

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 the owner of the interest or estate stated below in the property hereinafter described:
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 November 27, 2018. The work was the Dale Avenue and Chanticleer Road Traffic Signal Project.
6. The name of the contractor for such work of improvement was: PTM General Engineering Services, Inc.
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: _____, City of Stanton
Verification for Individual Owner Allan Rigg, City Engineer

VERIFICATION

I, the undersigned, say: I am the City Engineer of the City of Stanton, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2018, at Stanton, California.

_____, City of Stanton
Allan Rigg, City Engineer

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: ANNUAL AUDIT REPORTS FOR FISCAL YEAR 2017-18

REPORT IN BRIEF:

Attached is the Comprehensive Annual Financial Report (CAFR) for the City of Stanton for the fiscal year ended June 30, 2018. 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.

RECOMMENDED ACTION:

1. City Council find 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).
2. Receive and file the Comprehensive Annual Financial Report for fiscal year ended June 30, 2018, 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, 2018.

BACKGROUND:

The CAFR has been prepared by the staff of the Administrative Services Department in conformity with generally accepted accounting principles. This report includes all funds and entities that are within the control of the City. The activity of the Successor Agency to the Stanton Redevelopment Agency is included in the report within a private-purpose trust fund.

The report is organized in three sections: 1) the Introductory Section, which includes the letter of transmittal, the City's organizational chart and a list of principal officials for the fiscal year ended June 30, 2018; 2) the Financial Section, which includes the independent auditor's report, management's discussion and analysis, the basic financial statements, and supplementary information; and 3) the Statistical Section, which includes information on financial trends, revenue and debt capacity, and demographic, economic and operating information for multiple years. To gain an initial understanding of the report, the reader is directed to the letter of transmittal and management's discussion and analysis.

The 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 of Stanton for the fiscal year ended June 30, 2018 and has issued an "unqualified" opinion thereon. An "unqualified" opinion is the highest rating possible and means that the auditors believe the financial statements of the City fairly present, in all material respects, the financial position and the changes in financial position and cash flows for the City for the year ended June 30, 2018, in conformance with generally accepted accounting principles.

In addition to their reports on the City's financial statements, the independent auditors have also issued three other required reports and letters to the City Council: a Report on Internal Controls Over Financial Reporting and On Compliance and Other Matters, an auditor communication letter and a report on agreed-upon procedures relating to the calculation of the City's appropriations limit for the year ended June 30, 2018. The first report indicates that they discovered no deficiencies in internal controls that they considered to be material weaknesses.

The second letter is a direct communication between the auditors and the governing body and advises the City Council of certain significant matters related to the audit, such as the most sensitive estimates and disclosures included in the financial statements, as well as whether they encountered any difficulties in dealing with management or had any disagreements with management. The auditors noted no such difficulties or disagreements during the course of their audit.

The third additional item is the Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheet for the Year Ended June 30, 2018. The auditors noted no issues in reviewing staff's calculation of the appropriations limit for fiscal year 2017/18.

The reports and statements described above are hereby presented for City Council review and consideration.

ANALYSIS/JUSTIFICATION:

None

FISCAL IMPACT:

None

ENVIRONMENTAL IMPACT:

None

PUBLIC NOTIFICATION:

Through the regular agenda process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

4. Ensure Fiscal Stability and Efficiency in Government

Prepared by:



Stephen M. Parker, CPA
Assistant City Manager

Approved by:



Robert W. Hall
Interim City Manager

Attachments:

- A. Comprehensive Annual Financial Report for the Year Ended June 30, 2018
- B. Report on Internal Controls Over Financial Reporting and On Compliance and Other Matters
- C. Auditor's Communication With Those Charged With Governance
- D. Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheet for the Year Ended June 30, 2018

A COPY OF THE

“Comprehensive Annual Financial Report for the
Year Ended June 30 2018”

“Report on Internal Controls Over Financial
Reporting
and On Compliance and Other Matters”

“Auditor’s Communication With Those Charged
With Governance”

&

“Report on Agreed-Upon Procedures Applied to
Appropriation Limit Worksheet for the Year Ended
June 30, 2018”

**IS AVAILABLE FOR
VIEWING IN THE CITY
CLERKS OFFICE**

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and City Council

DATE: November 27, 2018

**SUBJECT: COOPERATIVE AGREEMENT FOR THE ADMINISTRATION OF THE
ORANGE COUNTY TAXI ADMINISTRATION PROGRAM**

REPORT IN BRIEF:

Since the Spring of 2016, the Orange County Transportation Authority has collaborated with the Orange County City Managers Association and Orange County taxi industry stakeholders to identify a financially sustainable future for the Orange County Taxi Administration Program. City Council/Board of Supervisors approval is requested to execute a cooperative agreement with the Orange County Transportation Authority for the administration of the Orange County Taxi Administration Program from January 1, 2019 through December 31, 2020.

RECOMMENDED ACTION:

- 1) City Council declare 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.
- 2) Authorize the City Manager to execute Cooperative Agreement No. C-8-2015 with Orange County Transportation Authority for the administration of the Orange County Taxi Administration Program, effective January 1, 2019 through December 31, 2020.

BACKGROUND:

The Orange County Transportation Authority (OCTA) has administered the Orange County Taxi Administration Program (OCTAP) on behalf of Orange County cities and the County of Orange since 1998. At that time, OCTAP was created to consolidate the licensing, application, and administrative functions to assist the cities and the County of Orange (member agencies) in meeting their requirements set forth in Government Code Section 53075.5 and Vehicle Code Section 21100, *et seq.* OCTA was asked to administer the new program, and the member agencies entered into interagency agreements. Each agency adopted and enforced OCTAP regulations in their respective jurisdictions.

Since its inception, OCTAP was designed to be funded entirely through permit and license fees collected from taxi operators and drivers. With the arrival of transportation network companies (TNC), such as Uber, Lyft, and others, the marketplace has greatly reduced the number of taxi permits in the county, which, in turn, has reduced revenues and, thereby, created a financially unsustainable condition for OCTAP as currently funded.

In June 2016, OCTA provided a one-year notice to member agencies, pursuant to the interagency agreements, that OCTA only had sufficient funds to continue administering OCTAP through June 2017, and would, thereafter, be required to withdraw as the administrator. Given that costs to administer OCTAP continued to exceed revenues, in May 2017, the Orange County City Managers Association (OCCMA) recommended that member agencies cover the shortfall in funding for OCTAP administration. Subsequently, all OCTAP member agencies have been invoiced on a population-based cost sharing basis for costs needed to cover this funding gap and continue the operation of the OCTAP program through 2018.

All cities and the County of Orange have historically been required by Government Code to regulate taxicabs. With Governor Brown's signing of taxi regulation legislation AB 1069 (Chapter 753, Statutes of 2017) in October 2017, OCTAP, as it exists today, cannot continue. Under AB 1069, only those certain cities and counties where taxicabs are "substantially located" are permitted to regulate taxicabs, unless the cities form a joint powers authority or *enter into an agreement with a transit agency* for administering or regulating taxicabs. While clean-up legislation (AB 939, Chapter 472, Statutes of 2018) for AB 1069 was recently passed and signed into law by Governor Brown, it did not substantially change the process of regulating taxis.

This point was brought to the OCTA Board of Director's (Board) attention, and at the May 25, 2018 OCTA Board meeting, staff was directed to take necessary steps to cease OCTA administration of OCTAP effective December 31, 2018, absent a viable solution from OCTAP member agencies that would include OCTA. This action was communicated to member agencies and OCCMA, and discussions to identify a solution continued.

ANALYSIS/JUSTIFICATION:

Following further discussions between OCTA, OCCMA, and OCTAP stakeholders, the OCCMA queried all OCTAP member agencies which then unanimously agreed to request that OCTA continue to administer OCTAP beginning January 1, 2019, for an initial term of two years (term may be extended upon agreement among the parties). In addition, estimated costs for all participating agencies were also agreed upon using the same population-based cost sharing model (Exhibit A of the agreement).

A cooperative agreement which is similar to other agreements OCTA has with local agencies has been prepared. This agreement is being provided to all OCTAP member

agencies for their consideration with the goal of having all agreements fully executed prior to January 1, 2019. Should an agency decide not to enter into this agreement or delays action, they do so at their own risk with respect to state law.

While this agreement and path appear prudent today, the industry continues to change which could result in additional changes to OCTAP in the future. Two variables that neither OCTA nor any government agency has any control over are that the taxi industry and TNCs operate in a private economy, and the possibility that future legislation further affects the taxi industry. Both of these variables could lead to a situation where OCTA and local agencies are forced to react.

Upon approval, OCCMA and Stanton will work with OCTA to take steps necessary to continue to administer OCTAP beginning January 1, 2019. In the coming months, OCTA will work with member agencies and the taxi industry on exactly what a newly structured OCTAP will look like. There is a strong desire in the taxi industry to level the playing field with TNCs in terms of regulations; however, taxis are regulated under different state laws compared to TNCs and, therefore, are governed by different requirements. There is also a strong desire by OCTAP member agencies to reduce or eliminate outside costs to support OCTAP. It may be possible within the two-year period that greater efficiencies can be achieved, thus potentially lowering costs.

FISCAL IMPACT:

Stanton's share for continuing OCTAP is \$1,158 for the second half of the current fiscal year, \$2,787 for FY 19/20 and \$2,071 for the first six months of FY 20/21. Funds for these payments are found in the General Fund's Non-Departmental Special Department Expense account (101-1600-602100).

ENVIRONMENTAL IMPACT:

None.

LEGAL REVIEW:

The City Attorney has reviewed and approved the attached agreement.

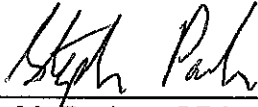
PUBLIC NOTIFICATION:

Through the agenda posting process.

STRATEGIC PLAN OBJECTIVE ADDRESSED

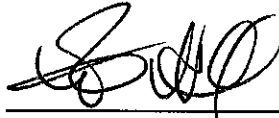
4. Ensure Fiscal Stability and Efficiency in Governance

Prepared by:



Stephen M. Parker, CPA
Assistant City Manager

Approved by:



Robert W. Hall
Interim City Manager

Attachment:

- A. Cooperative Agreement No. C-8-2015
 - Exhibit A: Estimated Cost Sharing for OCTAP Member Agencies
 - Exhibit B: OCTAP Program Cash Flow

RECITALS:

WHEREAS, pursuant to Government Code Section 53075.5, cities and counties are required to protect the public health, safety, and welfare in regard to taxicab transportation service within their jurisdictions.

WHEREAS, Government Code Section 53075.5 permits a city or county to enter into an agreement with a transit agency for the purpose of administering taxicab permits on behalf of said city or county.

WHEREAS, the Orange County Taxi Administration Program ("OCTAP") is a voluntary association of MEMBER AGENCIES which have delegated the issuance of taxicab permits and other administrative functions to AUTHORITY.

WHEREAS, AUTHORITY has agreed to provide administrative services on behalf of MEMBER AGENCIES for the permitting of taxicabs in Orange County.

WHEREAS, MEMBER AGENCIES have agreed to participate in OCTAP in order to increase public safety, reduce administrative costs, and expand the provision of private transportation service in Orange County.

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and MEMBER AGENCIES as follows:

ARTICLE 1. COMPLETE AGREEMENT

A. This Agreement, including any attachments incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the term(s) and condition(s) of this Agreement between AUTHORITY and MEMBER AGENCIES and it supersedes all prior representations, understandings, and communications. The invalidity in whole or in part of any term or condition of this Agreement shall not affect the validity of other term(s) or condition(s) of this Agreement. The above referenced Recitals are true and correct and are incorporated by reference herein.

B. AUTHORITY's failure to insist on any instance(s) of MEMBER AGENCIES' performance of any term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of AUTHORITY's right to such performance or to future performance of such term(s) or condition(s), and

MEMBER AGENCIES' obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

C. MEMBER AGENCIES' failure to insist on any instance(s) of AUTHORITY's performance of any term(s) or condition(s) of this Agreement shall not be construed as a waiver or relinquishment of MEMBER AGENCIES' right to such performance or to future performance of such term(s) or condition(s), and AUTHORITY's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon MEMBER AGENCIES except when specifically confirmed in writing by authorized representatives of MEMBER AGENCIES by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

ARTICLE 2. SCOPE OF AGREEMENT

This Agreement specifies the roles and responsibilities of the Parties as they pertain to the administration of OCTAP. Both AUTHORITY and MEMBER AGENCIES agree that each will cooperate and coordinate with the other in all activities covered by this Agreement and any other supplemental agreements that may be required to facilitate purposes thereof. The Parties agree to work diligently together and in good faith, using their reasonable best efforts in the performance of this Agreement.

ARTICLE 3. RESPONSIBILITIES OF AUTHORITY

AUTHORITY agrees to the following responsibilities:

A. AUTHORITY will provide staffing and administrative services necessary to implement the OCTAP Regulations.

B. AUTHORITY will collect permit fees for taxicab companies, drivers, and vehicles, as appropriate, to offset administrative costs.

ARTICLE 4. RESPONSIBILITIES OF MEMBER AGENCIES

MEMBER AGENCIES agree to the following responsibilities:

A. MEMBER AGENCIES will appoint an OCTAP Steering Committee. The OCTAP Steering Committee is responsible for creating OCTAP Regulations that define the requirements for permitting

1 taxicabs in Orange County and establish minimum safety and service standards for the operation of
2 taxicabs. The OCTAP Steering Committee shall advise AUTHORITY on matters including the OCTAP
3 Regulations, the policies and procedures governing the issuance of taxicab permits, and public safety
4 issues in Orange County.

5 B. Each MEMBER AGENCY shall adopt the OCTAP Regulations into its Municipal Code, by
6 ordinance or other appropriate means, and shall provide notice thereof to AUTHORITY. Each MEMBER
7 AGENCY shall use such ordinance and any applicable state laws to enforce the OCTAP Regulations and
8 regulate taxicabs within the MEMBER AGENCY's jurisdiction. Each MEMBER AGENCY shall be
9 responsible for enforcement of all violations of its taxicab ordinance and the OCTAP Regulations
10 occurring within its jurisdiction and shall endeavor to notify AUTHORITY of such occurrences.

11 **ARTICLE 5. LEGAL RESPONSIBILITY FOR TAXICAB REGULATION**

12 MEMBER AGENCIES acknowledge and agree that AUTHORITY does not possess police power
13 and therefore is providing administrative services on behalf of MEMBER AGENCIES. MEMBER
14 AGENCIES shall retain all responsibility for taxicab regulation and enforcement within their respective
15 jurisdictions in accordance with state law. AUTHORITY does not assume any responsibility or liability for
16 the regulation or enforcement of MEMBER AGENCY ordinances, MEMBER AGENCIES' compliance
17 with state law, or for the performance of taxicab operators, vehicles, or drivers. MEMBER AGENCIES
18 acknowledge and agree that OCTAP is not a separate legal entity that can sue or be sued.

19 **ARTICLE 6. DELEGATED AUTHORITY**

20 To ensure prompt and continued cooperation and coordination between the Parties, the Parties
21 agree to each designate, identify and authorize a responsible individual to act on behalf of and as the
22 lead for the Party and to perform any tasks needed as part of this Agreement. The actions required to
23 be taken by each MEMBER AGENCY in the implementation of this Agreement are delegated to its City
24 Manager, or designee, and the actions required to be taken by AUTHORITY in the implementation of this
25 Agreement are delegated to AUTHORITY's Chief Executive Officer or designee.

26 **ARTICLE 7. PAYMENT**

A. Each MEMBER AGENCY agrees to pay AUTHORITY in an amount equal to its pro rata share

of AUTHORITY's costs to administer OCTAP, as shown in Exhibit A. Each MEMBER AGENCY agrees to pay its pro rata share to AUTHORITY in full, in six (6) month intervals, or as otherwise mutually agreed upon in writing by AUTHORITY and MEMBER AGENCY. Upon execution of this Agreement, each MEMBER AGENCY shall submit an initial payment to AUTHORITY consistent with this Article.

B. Failure by any MEMBER AGENCY to timely provide payment in accordance with this Article is considered a default of the Agreement by MEMBER AGENCY and shall result in termination of the Agreement for MEMBER AGENCY, pursuant to Article 10. AUTHORITY will not administer OCTAP on behalf of any terminated MEMBER AGENCY.

C. Upon expiration or termination of this Agreement, AUTHORITY will perform a final accounting of all OCTAP expenses and shall submit a reasonably detailed accounting summary to MEMBER AGENCIES. If the total expenses are less than the total combined contributions by MEMBER AGENCIES and other related OCTAP revenues, AUTHORITY will refund each MEMBER AGENCY its pro rata share of unspent funds. If the total expenses are greater than the total combined contributions by MEMBER AGENCIES and other related OCTAP revenues, AUTHORITY will invoice each MEMBER AGENCY for its pro rata share, which shall be timely paid by each MEMBER AGENCY.

ARTICLE 8. AUDIT AND INSPECTION

AUTHORITY and MEMBER AGENCIES shall maintain a complete set of records in accordance with generally accepted accounting principles. Upon reasonable notice, MEMBER AGENCIES shall permit the authorized representatives of the AUTHORITY to inspect and audit all work, materials, payroll, books, accounts, and other data and records of MEMBER AGENCIES for a period of four (4) years after final payment, or until any on-going audit is completed. For purposes of audit, the date of completion of this Agreement shall be the date of MEMBER AGENCIES' payment of AUTHORITY's final billing (so noted on the invoice) under this Agreement. AUTHORITY shall have the right to reproduce any such books, records, and accounts. The above provision with respect to audits shall extend to and/or be included in contracts with MEMBER AGENCIES' contractor.

ARTICLE 9. INDEMNIFICATION

A. To the fullest extent permitted by law, MEMBER AGENCIES shall defend (at MEMBER

1 AGENCIES' sole cost and expense with legal counsel reasonably acceptable to AUTHORITY),
 2 indemnify, protect, and hold harmless AUTHORITY, its officers, directors, employees, and agents
 3 (collectively the "Indemnified Parties"), from and against any and all liabilities, actions, suits, claims,
 4 demands, losses, costs, judgments, arbitration awards, settlements, damages, demands, orders,
 5 penalties, and expenses including legal costs and attorney fees (collectively "Claims"), including but not
 6 limited to Claims arising from injuries to or death of persons (MEMBER AGENCIES' employees included),
 7 for damage to property, including property owned by AUTHORITY, or from any violation of any federal,
 8 state, or local law or ordinance, by the negligent acts, omissions or willful misconduct of MEMBER
 9 AGENCIES, their officers, directors, employees or agents in connection with or arising out of the
 10 performance of this Agreement.

11 B. To the fullest extent permitted by law, AUTHORITY shall defend (at AUTHORITY's sole cost
 12 and expense with legal counsel reasonably acceptable to MEMBER AGENCIES), indemnify, protect, and
 13 hold harmless MEMBER AGENCIES, their officers, directors, employees, and agents (collectively the
 14 "Indemnified Parties"), from and against any and all liabilities, actions, suits, claims, demands, losses,
 15 costs, judgments, arbitration awards, settlements, damages, demands, orders, penalties, and expenses
 16 including legal costs and attorney fees (collectively "Claims"), including but not limited to Claims arising
 17 from injuries to or death of persons (AUTHORITY's employees included), for damage to property,
 18 including property owned by MEMBER AGENCIES, or from any violation of any federal, state, or local
 19 law or ordinance, by the negligent acts, omissions or willful misconduct of AUTHORITY, its officers,
 20 directors, employees or agents in connection with or arising out of the performance of this Agreement.

21 C. The indemnification and defense obligations of this Agreement shall survive its expiration or
 22 termination.

23 **ARTICLE 10. ADDITIONAL PROVISIONS**

24 A. Term of Agreement: This Agreement shall be effective on January 1, 2019 and shall remain
 25 in full force and effect for two (2) years through December 31, 2020.

26 B. Termination: In the event either Party defaults in the performance of their obligations under
 this Agreement or breaches any of the provisions of this Agreement, the non-defaulting Party shall have

1 the option to terminate this Agreement upon thirty (30) days' prior written notice to the other Party.

2 C. Termination for Convenience: Any Party may terminate this Agreement for its convenience
3 by providing six (6) months' prior written notice of its intent to terminate for convenience to the other
4 Parties. If any MEMBER AGENCY terminates its participation in this Agreement prior to the Agreement's
5 expiration, AUTHORITY shall refund to MEMBER AGENCY its pro rata contribution of unspent funds, as
6 determined by AUTHORITY, as of the effective date of the MEMBER AGENCY's termination.

7 D. AUTHORITY and MEMBER AGENCIES shall comply with all applicable federal, state, and
8 local laws, statutes, ordinances and regulations of any governmental authority having jurisdiction over
9 OCTAP.

10 E. Legal Authority: AUTHORITY and MEMBER AGENCIES hereto consent that they are
11 authorized to execute this Agreement on behalf of said Parties and that, by so executing this Agreement,
12 the Parties hereto are formally bound to the provisions of this Agreement.

13 F. Severability: If any term, provision, covenant or condition of this Agreement is held to be
14 invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the
15 remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or
16 condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

17 G. Counterparts of Agreement: This Agreement may be executed and delivered in any number
18 of counterparts, each of which, when executed and delivered shall be deemed an original and all of which
19 together shall constitute the same agreement. Facsimile signatures will be permitted.

20 H. Force Majeure: Either Party shall be excused from performing its obligations under this
21 Agreement during the time and to the extent that it is prevented from performing by an unforeseeable
22 cause beyond its control, including but not limited to; any incidence of fire, flood; acts of God;
23 commandeering of material, products, plants or facilities by the federal, state or local government; national
24 fuel shortage; or a material act or omission by the other Party; when satisfactory evidence of such cause
25 is presented to the other Party, and provided further that such nonperformance is unforeseeable, beyond
26 the control and is not due to the fault or negligence of the Party not performing.

I. Assignment: Neither this Agreement, nor any of the Parties' rights, obligations, duties, or authority hereunder may be assigned in whole or in part by either Party without the prior written consent of the other Party in its sole and absolute discretion. Any such attempt of assignment shall be deemed void and of no force and effect. Consent to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any right to consent to such subsequent assignment.

J. Governing Law: The laws of the State of California and applicable local and federal laws, regulations and guidelines shall govern this Agreement.

K. Litigation Fees: Should litigation arise out of this Agreement for the performance thereof, the court shall award costs and expenses, including attorney's fees, to the prevailing party.

L. Notices: Any notices, requests, or demands made between the Parties pursuant to this Agreement shall be deemed given when mailed to them, first class, postage prepaid, or faxed to the address set out by their signatures.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement No. C-8-2015 to be executed on the date first written above.

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____
Darrell E. Johnson
Chief Executive Officer

NOTICE TO AUTHORITY TO BE GIVEN TO:

550 South Main Street
P. O. Box 14184
Orange, CA 92863-1584

By: _____
Jennifer L. Bergener
Chief Operating Officer, Operations

Attention: Carla Shaffer
Senior Contract Administrator
Tel: (714) 560-5884
E-mail: cshaffer@octa.net

CITY OF STANTON

Dated: _____

By: _____

Robert W. Hall
City Manager

ATTEST:

City Clerk

NOTICE TO CITY TO BE GIVEN TO:

Interim City Manager
Mr. Robert W. Hall
7800 Katella Avenue
Stanton, California 90680

Email: rhall@ci.stanton.ca.us
Phone: (714) 349-9222 Ext. 241

APPROVED AS TO FORM:

City Attorney

Estimated Cost Sharing for OCTAP Member Agencies

AGREEMENT NO. C-8-2015
EXHIBIT A

City	Funding Share	Cost Recovery Based on Funding Share**	Cost Recovery Based on Funding Share**		Jan-Jun 2018-19 2019 **	Full Year 2019-20 2020**	July-Dec 2020-21 2021**
			Funding Share**	Funding Share**			
Aliso Viejo	1.55%	\$ 2,299.54	\$ 69.73	\$ 69.73	\$ 1,523.58	\$ 3,667.64	\$ 2,726.32
Anaheim	10.64%	\$ 15,806.12	\$ 494.45	\$ 494.45	\$ 10,472.46	\$ 25,209.94	\$ 18,739.67
Brea	1.34%	\$ 1,987.03	\$ 60.35	\$ 60.35	\$ 1,316.52	\$ 3,169.21	\$ 2,355.81
Buena Park	2.50%	\$ 3,717.99	\$ 115.07	\$ 115.07	\$ 2,463.38	\$ 5,930.00	\$ 4,408.03
Costa Mesa	3.43%	\$ 5,103.51	\$ 158.22	\$ 158.22	\$ 3,381.37	\$ 8,139.84	\$ 6,050.70
Cypress	1.49%	\$ 2,212.25	\$ 68.68	\$ 68.68	\$ 1,465.74	\$ 3,528.42	\$ 2,622.83
Dana Point	1.01%	\$ 1,508.13	\$ 46.13	\$ 46.13	\$ 999.23	\$ 2,405.39	\$ 1,788.04
Fountain Valley	1.70%	\$ 2,519.53	\$ 78.30	\$ 78.30	\$ 1,669.33	\$ 4,018.52	\$ 2,987.15
Fullerton	4.30%	\$ 6,383.55	\$ 196.68	\$ 196.68	\$ 4,229.47	\$ 10,181.43	\$ 7,568.31
Garden Grove	5.27%	\$ 7,830.20	\$ 244.79	\$ 244.79	\$ 5,187.96	\$ 12,488.76	\$ 9,283.45
Huntington Beach	6.04%	\$ 8,970.10	\$ 269.51	\$ 269.51	\$ 5,943.21	\$ 14,306.84	\$ 10,634.91
Irvine	8.23%	\$ 12,224.78	\$ 356.73	\$ 356.73	\$ 8,099.62	\$ 19,497.88	\$ 14,493.64
Laguna Beach	0.89%	\$ 1,031.76	\$ 32.61	\$ 32.61	\$ 683.60	\$ 1,645.60	\$ 1,223.25
Laguna Hills	0.95%	\$ 1,408.41	\$ 42.36	\$ 42.36	\$ 933.15	\$ 2,246.33	\$ 1,669.80
Laguna Niguel	1.95%	\$ 2,893.88	\$ 91.32	\$ 91.32	\$ 1,917.36	\$ 4,615.58	\$ 3,430.97
Laguna Woods	0.49%	\$ 734.66	\$ 22.38	\$ 22.38	\$ 486.75	\$ 1,171.74	\$ 871.01
La Habra	1.87%	\$ 2,782.02	\$ 85.69	\$ 85.69	\$ 1,843.25	\$ 4,437.18	\$ 3,298.35
Lake Forest	2.53%	\$ 3,755.62	\$ 115.85	\$ 115.85	\$ 2,488.31	\$ 5,990.01	\$ 4,452.64
Mission Viejo	2.86%	\$ 4,250.09	\$ -	\$ -	\$ 2,815.93	\$ 6,778.68	\$ 5,038.89
La Palma	0.48%	\$ 705.93	\$ 22.17	\$ 22.17	\$ 467.72	\$ 1,125.92	\$ 836.95
Los Alamitos	0.35%	\$ 525.11	\$ 16.21	\$ 16.21	\$ 347.91	\$ 837.52	\$ 622.57
Newport Beach	2.60%	\$ 3,859.06	\$ 116.34	\$ 116.34	\$ 2,556.85	\$ 6,155.00	\$ 4,575.29
Orange	4.23%	\$ 6,282.98	\$ 195.25	\$ 195.25	\$ 4,162.84	\$ 10,021.03	\$ 7,449.08
Placentia	1.57%	\$ 2,335.17	\$ 72.16	\$ 72.16	\$ 1,547.18	\$ 3,724.48	\$ 2,768.57
Rancho Santa Margarita	1.47%	\$ 2,183.52	\$ 66.98	\$ 66.98	\$ 1,446.71	\$ 3,482.60	\$ 2,586.77
San Clemente	1.95%	\$ 2,901.22	\$ 91.46	\$ 91.46	\$ 1,922.23	\$ 4,627.30	\$ 3,439.68
San Juan Capistrano	1.09%	\$ 1,627.12	\$ 49.82	\$ 49.82	\$ 1,078.06	\$ 2,595.17	\$ 1,929.10
Santa Ana	10.08%	\$ 14,972.32	\$ 473.46	\$ 473.46	\$ 9,920.02	\$ 23,880.06	\$ 17,751.11
Seal Beach	0.77%	\$ 1,150.17	\$ 34.62	\$ 34.62	\$ 762.05	\$ 1,834.46	\$ 1,363.63
Stanton	1.18%	\$ 1,747.12	\$ 54.88	\$ 54.88	\$ 1,157.57	\$ 2,786.56	\$ 2,071.37
Tustin	2.45%	\$ 3,644.91	\$ 114.20	\$ 114.20	\$ 2,414.96	\$ 5,813.44	\$ 4,321.39
Villa Park	0.18%	\$ 263.42	\$ 8.21	\$ 8.21	\$ 174.53	\$ 420.14	\$ 312.31
Westminster	2.81%	\$ 4,181.93	\$ 129.88	\$ 129.88	\$ 2,770.77	\$ 6,669.96	\$ 4,958.07
Yorba Linda	2.06%	\$ 3,059.60	\$ 93.38	\$ 93.38	\$ 2,027.16	\$ 4,879.91	\$ 3,627.45
County of Orange (includes JWA)*	7.90%	\$ 11,744.24	\$ 366.31	\$ 366.31	\$ 7,781.23	\$ 18,731.45	\$ 13,923.92
TOTALS	100%	\$ 148,603.00	\$ 148,603.00	\$ 148,603.00	\$ 98,458.00	\$ 237,014.00	\$ 176,183.00

*based on trips not population

** Costs are estimated, may adjust slightly

10/1/18



OCTAP Program Cash Flow

OCTAP		Full Year 2018-19 2019		Jul-Dec 2018-19 2019		Jan-Jun 2018-19 2019		Full Year 2019-20 2020		July-Dec 2020-21 2021	
Beginning Cash Balance		\$	64,869	\$	64,869	\$	57,604	\$	125,594	\$	133,362
Revenues											
Company Permits			22,539		8,452		14,087		23,440		3,103
Vehicle Permits/Re-Inspection			215,134		61,711		153,424		200,909		19,843
Driver Permits			64,813		20,722		44,090		57,930		6,898
Fines/Misc Revenue			8,054		2,636		5,419		8,376		1,064
Interest Income			5,501		1,800		3,701		2,881		2,515
Agency Contributions			247,061		148,603		98,458		237,014		176,183
Total Revenues		\$	464,644	\$	243,923	\$	319,178	\$	530,551	\$	209,606
Expenses											
Other Salaries-Regular			123,944		61,972		61,972		128,641		66,758
Sick Leave Pay			2,134		1,067		1,067		2,219		1,154
Holiday Pay			5,972		2,986		2,986		6,211		3,230
Vacation Pay			6,726		3,363		3,363		6,995		3,637
Other Paid Absences			754		377		377		784		408
Extra Help			-		-		-		-		-
Overtime			199		100		100		207		108
Benefits			105,397		52,698		52,698		109,416		56,795
Administrative service expense			218,804		109,402		109,402		229,278		119,984
Services and Supplies			15,621		7,811		7,811		15,944		8,142
Security services			3,600		1,800		1,800		3,464		1,955
Legal fees			19,225		9,613		9,613		19,623		10,441
Total Expenses		\$	502,376	\$	251,188	\$	251,188	\$	522,783	\$	272,612
Operating Surplus/Deficit		\$	(37,733)	\$	(7,265)	\$	67,990	\$	7,768	\$	(63,007)
Ending Cash Balance		\$	27,137	\$	57,604	\$	125,594	\$	133,362	\$	70,355

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: FOURTH AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY (OCFA) JOINT POWERS AUTHORITY AGREEMENT

REPORT IN BRIEF:

This agenda item is submitted to request approval of the Orange County Fire Authority's Fourth Amendment to the Amended Joint Powers Authority (JPA) Agreement to formalize the OCFA's commitment to its "snowball" accelerated pension liability paydown plan.

RECOMMENDED ACTIONS:

1. City Council find 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. Authorize the Mayor to execute the Fourth Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement on the City's behalf.

BACKGROUND:

OCFA's "Snowball" Accelerated Pension Paydown Plan

At its meeting of September 26, 2013, the OCFA Board of Directors adopted an accelerated pension liability paydown plan, otherwise known as the "snowball" plan. The snowball plan calls for the OCFA to accelerate payment of its unfunded pension liability more quickly than the timeframe required for payment by the Orange County Employees Retirement System (OCERS), thereby saving future interest costs and improving the funding status of the OCFA's pension plan.

Since the plan was adopted, the OCFA's unfunded pension liability has steadily declined from \$473.8 million to \$400.6 million, and the funding status has consistently improved from 65% to 79%. Per OCERS' actuary, OCFA is on track to achieve an 85% funding level by December 2020, and has achieved interest savings to date totaling \$18.3 million.

City of Irvine's June 13 Proposal and June 27 Notice of Withdrawal

On June 13, 2018, the City of Irvine provided a proposal to the OCFA requesting, among other proposal elements, that OCFA commit to a pension pay down strategy. On June 21 and June 25, the OCFA responded to Irvine's proposal reiterating its commitment to OCFA's "snowball" accelerated pension liability paydown plan, in addition to other commitments made by OCFA regarding proposed service enhancements. On June 27, 2018, Irvine provided OCFA with a Notice of Withdrawal seeking the initiation of good faith negotiations.

OCFA desires to retain Irvine as a member agency, and OCFA staff will continue to negotiate in good faith, as requested by Irvine. At the same time, OCFA desires to continue progress on the commitments made in its June 21 and June 25 responses to Irvine. The OCFA is hopeful that with these continued actions honoring its commitments, Irvine will elect to rescind its Notice of Withdrawal.

JPA History and Proposed Fourth Amendment to the Amended JPA Agreement

The Orange County Fire Authority (OCFA) was formed in 1995 to provide regional fire protection and related services to the County of Orange and 18 member cities. Subsequent to formation, six additional cities have become members of the OCFA. The original JPA Agreement was amended on September 23, 1999, and renewed in 2010 by the First Amendment, which provided for a term that runs through 2030. In 2013, OCFA's members approved a Second Amendment to the Amended JPA, in an attempt to address these same "Overpayment" concerns by the City of Irvine; however, the Second Amendment was subsequently invalidated by court judgment. In 2015, a Third Amendment was approved by OCFA's members, which eliminated alternate Directors to the OCFA Board.

OCFA is now seeking approval of a Fourth Amendment to formalize the OCFA's commitment to its "snowball" accelerated pension liability paydown plan (Attachment). In order to become effective, the Fourth Amendment must be approved by at least two-thirds (e.g., 16 of 24) of the member agencies' governing bodies.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

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).

LEGAL REVIEW:

None.

PUBLIC NOTIFICATION:

Through the normal agenda process.

STRATEGIC PLAN OBJECTIVE ADDRESSED:

Objective1: Provide a safe community.

Objective 5: Provide a high quality of life.

Prepared by:



James J. Wren
Public Safety Services Director

Concur:



Stephen M. Parker, CPA
Assistant City Manager

Approved by:



Bob Hall
Interim City Manager

Attachments:

A. Proposed Fourth Amendment to Amended Joint Powers Authority Agreement

**FOURTH AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT
ORANGE COUNTY FIRE AUTHORITY**

This Fourth Amendment ("Fourth Amendment") to the Amended Joint Powers Authority Agreement is made and entered into by and between the following public entities (collectively referred to as "members"): Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, and Yorba Linda (collectively referred to as "Cities" and individually as "City") and the County of Orange (referred to as the "County"), each of whom is a member of the Joint Powers Authority, Orange County Fire Authority ("the Authority"). This Fourth Amendment requires the approval of two thirds of the members to go into effect, and it shall be effective when approved by a sixteenth member.

RECITALS

WHEREAS, the Authority presently provides fire protection, prevention and suppression services and related and incidental services (collectively, "Fire Services") to Cities as well as to the unincorporated area of the County and State Responsibility Areas ("SRA"); and

WHEREAS, the County and several of the Cities entered into a Joint Powers Authority Agreement to form the Authority as of February 3, 1995, pursuant to the provisions of Article 1, Chapter 5, Division 7, Title I (commencing with Section 6500) of the Government Code of the State of California ("Joint Powers Statutes"); and

WHEREAS, pursuant to the Joint Powers Statutes the members are authorized to jointly provide for the methods of the provision of Fire Services, including the method of financing the provision of Fire Services; and

WHEREAS, on September 23, 1999, the members entered into an amended Joint Powers Authority Agreement ("1999 Amended Agreement") which superseded all prior agreements between the members and is incorporated herein by reference; and

WHEREAS, pursuant to the 1999 Amended Agreement the members provided for the provision of Fire Services and the joint financing of Fire Services; and

WHEREAS, on July 1, 2010, the members entered into the First Amendment to the Amended Joint Powers Agreement ("First Amendment") which amended several provisions of the 1999 Amended Agreement; and

WHEREAS, on April 20, 2012, the City of Santa Ana joined the Authority and became a party to the 1999 Amended Agreement and the First Amendment; and

WHEREAS, on November 18, 2013, the required number of member agencies approved the Second Amendment to the Amended Joint Powers Agreement ("Second Amendment") which amended several provisions of the 1999 Amended Agreement. However, a final court judgment subsequently invalidated the Second Amendment, so the Second Amendment became, and remains, inoperative; and

WHEREAS, on July 14, 2015, the required number of member agencies approved the Third Amendment to the Amended Joint Powers Agreement ("Third Amendment") to eliminate alternative Board Directors;

WHEREAS, the Amended Joint Powers Agreement, as amended by the First Amendment and Third Amendment, is referred to herein as the "Amended Joint Powers Agreement And Its Operative Amendments";

WHEREAS, the members wish to adopt this Fourth Amendment to the Amended Joint Powers Agreement And Its Operative Amendments to formalize the OCFA's commitment to its "snowball" accelerated pension liability paydown plan on the terms and conditions set forth herein.

NOW THEREFORE, the members agree to amend the Amended Joint Powers Agreement And Its Operative Amendments as follows:

AGREEMENT

1. *Article IV of the Amended Joint Powers Authority Agreement And Its Operative Amendments is amended to add Section 7, to read as follows:*

7. Payments to Reduce Unfunded Pension Liability.

- A. Except as provided in subsection C, the OCFA Board shall appropriate funds in its budget annually consistent with, or greater than, the budgetary payments called for in the "snowball" accelerated pension liability paydown plan approved by the OCFA Board of Directors on September 26, 2013, and amended on November 19, 2015, November 17, 2016, and March 23, 2017.

- B. Payments will be greater than those appropriated in the OCFA's budget annually when triggered by a Net General Fund Surplus (per the Financial Stability Budget Policy). Payments from the "Net General Fund Surplus" are hereby deemed as derived from revenues received by overfunded structural fire fund cities as determined by the equity calculation required under Article IV, Section 4 – Equity.

- C. Appropriations and payments required by subsection A and B may be reduced to the extent the Board determines, by vote approved by two-thirds of the Board, is necessary to address a fiscal hardship.

- 1) For purposes of this section, "fiscal hardship" shall refer to a substantial reduction in OCFA anticipated revenue and/or a significant increase in anticipated expenses that are beyond the reasonable control of the OCFA Board.

2. *This Fourth Amendment amends the 1999 Amended Agreement And Its Operative Amendments, and except as specifically amended herein, the 1999 Amended Agreement And its Operative Amendments shall remain in full force and effect.*

[SIGNATURES ON FOLLOWING PAGES]

CITY OF STANTON

Dated: _____

By: _____
David J. Shawver
Mayor

ATTEST:

Patricia A. Vazquez
City Clerk

NOTICE TO CITY TO BE GIVEN TO:

City Manager
City of Stanton
7800 Katella Avenue
Stanton, CA 90680

Phone: (714) 379-9222
Fax: (714) 890-1443

APPROVED AS TO FORM:

By: _____
Matthew E. Richardson
City Attorney

Dated: _____

[Signatures Continued on Page 24]

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION TO ALLOW FOR THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH AN EXISTING MORTUARY AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

REPORT IN BRIEF:

This is an appeal of the Planning Commission's decision to approve the application for Conditional Use Permit C18-04 to allow for the operation of a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue.

RECOMMENDED ACTION:

1. The City Council hold a public hearing; and
2. The City Council consider Resolution No. 2018-45 upholding the Planning Commission's approval of Conditional Use Permit C18-04.

BACKGROUND:

In 2016, the Heaven's Gate Funeral Home obtained a business license, which allowed for the operation of a mortuary business located at 8351 Katella Avenue in the IG (Industrial General) zone. Per Table 2-7 in Section 20.220.020 of the Stanton Municipal Code (SMC), funeral homes and mortuaries without cremation facilities are uses that are permitted by right, and not subject to a conditional use permit. The Applicant is now requesting to add cremation services to the existing mortuary within the same building. Per Section 20.220.020 of the Stanton Municipal Code (SMC), a crematory use requires approval of a conditional use permit.

On July 10, 2018, Doug Browne (Applicant) submitted an application for a conditional use permit to allow for the addition of cremation services to the existing business. On October 3, 2018, the Planning Commission held a public hearing to consider Conditional Use Permit C18-04. At the conclusion of the public hearing, the Planning Commission, with a 3-2 vote, approved the request for the Conditional Use Permit to allow for the addition of a crematory use to the existing mortuary. Within the 10-day appeal period, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04.

ANALYSIS/JUSTIFICATION:

PROJECT LOCATION/DESCRIPTION – The subject site consists of a 28,630 square foot parcel, improved with an existing 12,000 square foot building, which currently houses a mortuary and parking garage for the mortuary business.

The project site is located in a large industrial district at the northeast corner of Katella and Boatman Avenues. On Boatman Ave., the industrial businesses include automotive repair businesses, including automotive painting and bodywork, and sign manufacturing companies. In the industrial business park to the east of the site, uses including a mortuary, adult day care facility, office and warehousing uses, and other industrial businesses. To the south of the site are a roofing material storage and distributor, an automotive dismantling and storage yard, auto body shops, and a recycling center. To the north of the site, businesses include a building materials sales company, personal storage facility, and industrial businesses on Monroe Ave. To the west of the site includes the Southern California Electric Company property, an automotive storage business, an automotive repair business, and a lumber and plywood business.

The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. There are also existing nonconforming residential units within the IG zone along Katella Ave. that are approximately 1,200 lineal feet from the subject property. The nearest school is the Rancho Alamitos High School, southeast of the site by approximately 900 lineal feet to the sports field.

OPERATIONS – The existing mortuary, Heaven's Gate Funeral Home, has been operating in Stanton since 2016 and provides clients with funeral and memorial planning services, which include embalming and preparation services. The facility is currently comprised of an office/reception area, a showroom, three viewing rooms, an embalming room and a storage room. The office is used to meet with clients to arrange funeral and memorial services. The showroom is utilized to display caskets, urns, and other related product options for their clients. The viewing rooms provide a place for family and friends of the deceased to gather and pay their respects.

The Applicant is proposing to convert the existing 1,032 square foot storage room to a cremation chamber. The cremation process consists of a traditional incineration process using a machine that is designed to eliminate any smoke or odor and is compliant with EPA standards. The process takes approximately 1.5-2 hours for each cremation. After the remains are processed, they are packaged into an urn and picked up by the client.

According to the Applicant, a cultural custom for some of their clients involves allowing friends and families of the deceased to observe the cremation service which includes placing the body (which is in a wood casket or cremation box) into the cremation chamber. In order to accommodate this custom, the operator is proposing to install a window in the wall between the cremation chamber and viewing room #3.

The business would service its own clients who are utilizing their facility for memorial services in addition to other funeral homes that do not have the capacity to perform cremation services. Remains are collected by refrigerated transporter vans which are owned by the business operator. There are a total of three transporter vans, one of which will be taken home by the operator nightly and the remaining two vans will be parked on-site in the parking garage. Remains would be delivered to the facility by the transporter van which would fully enter the unit through the roll-up door at the rear of the unit. Upon entering the unit, the remains would be placed in a refrigerated storage unit until they can be processed by the staff. The business currently has a refrigerated storage unit which has the capacity to hold up to three unprocessed remains but is proposing to install a walk-in refrigerated unit that can hold 10-15 unprocessed remains at a time. According to the business operator, the average storage period is five days before the remains are processed for cremation. According to the Applicant, cremations for their clients who would host the funeral services on-site would be conducted between the hours of 8:00 a.m. and 9:00 p.m. daily. The Applicant estimates to conduct approximately 15 "witnessed" cremations and ten "direct" (non-service) cremations per month between these hours. Cremations performed for outside clients would be conducted after 6 p.m. and are proposed to take place through the night, depending on the workload.

In regards to noise generated by the operation, the Applicant states that the noise level generated by the machine is approximately 71-74 decibels at five feet from the blower motor. The machine is equipped with a soundproof blower cover which is designed to lessen potential noise. Wall attenuation creates a further reduction of 10-12 decibels which is lower than average city traffic noise.

The Applicant states that the equipment used for cremating remains is a modern cremation chamber which is vented through the roof of the building. There is a smoke stack in place which contains a series of baffles which filter the contaminants so that the discharge has no detectable odor. The Applicant further states that the vapors emitted from the cremation machine evaporates into the atmosphere and does not filter down to the ground level. These emissions, according to the Applicant, comply with EPA requirements for pollution considerations. Air quality standards are regulated by the South Coast Air Quality Management District (SCAQMD). The SCAQMD is the responsible agency to evaluate air quality standards. The Applicant, if the CUP is approved, would need to apply for a permit with the SCAQMD, who would conduct a risk assessment, ensure that all machinery, venting, and emissions meet the standards, and determine whether a permit should be issued. If the SCAQMD does not issue the permit, the crematory services would not be able to be initiated.

CIRCULATION/PARKING - The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are a total of 49 parking spaces available on-site, including 19 spaces located within the parking garage. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site was deficient by one space. The Applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff included a condition of approval in the resolution which would require the

Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. Additionally, staff also included a condition of approval which requires the Applicant to file a parking management plan with the city which would be automatically implemented for any service event that is held at the facility.

Although there are three viewing rooms, not more than one viewing service is scheduled during any given time period. Additionally, viewing services are scheduled a minimum of two hours in between services. Therefore, the parking demand will not be further impacted by the inclusion of cremation services as any viewing associated with the cremation service would follow the same procedures as the mortuary services. Conditions of approval were added to memorialize this operation standard to ensure the parking and neighboring streets are not further impacted.

PLANNING COMMISSION MEETING - At the Planning Commission meeting, staff presented the project and also presented one letter of support and three letters from community members in opposition of the project. Documents were also provided with the letters of opposition which included an article from the OC Register discussing the opposition of a proposed crematory and mortuary which was originally proposed in the City of Garden Grove. Additional documents submitted included the minutes from the public hearing and the resolution from the Garden Grove Planning Commission denying the requested CUP. These documents indicated that the basis of denial was site suitability since the proposed location was directly adjacent to residential zoning districts and in the direct vicinity of a school. Additional documents provided with the opposition letters included an opinion letter published in the Weatherford Democrat and an article in Applied Economics which indicated diminished residential land values adjacent to crematory operations. These articles did not provide information regarding the impacts on industrial land values adjacent to crematories.

During the public hearing portion of the meeting, testimony from several community members spoke in favor of the project, as well as community members who were in opposition to the project. A real estate broker, Steve Abraham, who spoke in favor of the project, stated that the use and the location of the proposed crematory will not affect the values of the surrounding properties. Mr. Abraham also stated that he believed the crematory would not be detrimental to public health because the public would not be able to see or smell the emissions since they meet the strict EPA emission standards. The community members that spoke in opposition of the proposed project expressed concerns including: toxic emissions that would impact the health and comfort of people living and working in the area, the negative impact on surrounding property values due to the proposed use, the parking issues that are already experienced with the existing mortuary, concerns regarding the location of the crematory use adjacent to a large number of employees and population, and concerns that the use is not inspected with enough regularity by the SCAQMD and it is therefore not guaranteed that the system would not run in compliance with the standards.

In response to hearing testimony from the public, the Applicant and business owner provided an overview of the company's operations and addressed the air quality and parking concerns. The Applicant indicated that the proposed use is subject to regulations set forth by the

Southern California Air Quality Management District (SCAQMD) who sets strict standards for air emissions. The Applicant further stated that the contaminants that result from the cremation operation are highly filtered through the smoke stack and are well within the levels set by SCAQMD. In response to the parking issues, the Applicant discussed how adjacent businesses could prevent those who are not patrons of their business from parking in their lots. He stated that the property owners could post "No Parking" signs which would allow the property managers to have the unauthorized vehicles towed away. A representative from the mortuary stated that they became aware of the parking issues and in response, implemented a valet system during services in order to prevent attendees from parking on adjacent properties.

BASIS FOR PLANNING COMMISSION DECISION – In order to approve a conditional use permit, *all* of the findings set forth in Stanton Municipal Code Section 20.550.060(B) must be met. These findings require that a use be consistent with the Goals and Policies of the General Plan and be a conditionally permitted use within the district the use is proposed to be located. The finding also address the suitability of the use's location, compatibility with surrounding uses, how the use would be operated, and whether the use would be detrimental to neighboring properties. In order to approve a Conditional Use Permit, all of the required findings must be met. In this case, the Planning Commission determined that all of the findings could be met based on the location. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in a highly industrialized area within the IG (Industrial General) zone. It is surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses. The property is generally located away from sensitive uses such as residential neighborhoods and schools. The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. The nearest school is approximately 900 lineal feet to the sports field. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements. If the proposed project receives approval for a permit from SCAQMD, the regulating agency for air emissions, they are making the determination that the facility would not create a health risk to the public.

After hearing testimony from the public, the applicant, and City staff, the Commission approved Conditional Use Permit 18-04 by a vote of 3 to 2 in favor of the CUP request. Within the 10-day appeal period, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04.

APPEAL – On October 10, 2018, an appeal of the Planning Commission's decision to approve Conditional Use Permit C18-04 was submitted by a number of business owners in the general vicinity. The basis of the appeal, stated by the Appellants and provided in Attachment B, can be summarized that the Appellants believe that crematories have caused problems in other places, will pose health issues, and are in incompatible with religious beliefs and superstitions.

City Staff's Response to Appeal

1. The Appellants assert that there are concerns regarding fires and explosions from crematories located in other places.

City Response: The existing building has fire sprinklers throughout the facility with all the required alarm systems. Fire extinguishers are also located throughout the building. The Orange County Fire Authority conducts inspections of commercial facilities to ensure the appropriate fire suppression systems are in place, fire exit plans are clearly identified, and there is no blockage of access to emergency exits. When reviewing the application for the requested CUP, staff requested the Orange County Fire Authority (OCFA) review the proposed project and identify if any additional fire safety measures which would be required as part of the proposed use. Upon review of the proposal, OCFA has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification. This requirement is standard practice for any other industrial use.

If the use is approved, Building Permits would be required for the installation of the cremation equipment. Through the processing of the plan review, the plans would also need to be submitted to OCFA to ensure that no modification to the fire sprinkler system would be required. With any use, from residential to heavy industrial, there is the possibility of fire. OCFA has fire suppression requirements to ensure that fire systems are in place to quickly assist OCFA with unexpected fire emergencies and help minimize damage. Since the fire suppression systems are in place, the risk for fire or damage to surrounding properties is intended to be minimal.

2. The Appellants assert that there are concerns regarding toxic mercury emissions released into the air and that most crematories are self-monitored (not inspected by regulatory agencies).

City Response: In order to operate the proposed crematory, the Applicant must obtain approval by the South Coast Air Quality Management District (SCAQMD), the regulatory agency that monitors air emissions. As part of the review and approval process for obtaining a permit through SCAQMD, a Health Risk Assessment is conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Any equipment that has the potential to give off toxic emissions (e.g. spray booths, boilers, internal combustion engines, gasoline dispensing facilities, etc.) must go through this process. Without approval from SCAQMD, the crematory would not be permitted to operate. Through the SCAQMD permitting process, the applicant would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices are identified, and meet the minimum standards as well. SCAQMD would also inspect the facility prior to operation to make sure all required systems are in place prior to operation.

In regards to the concern of self-monitoring of crematoriums, Staff contacted SCAQMD to

get further clarification of the compliance process for businesses who have obtained permits. The SCAQMD engineer stated that before a permit is issued, an inspection is conducted at the facility to test the equipment once it is installed to ensure that it is compliant with the permit's conditions of approval. Once a permit is received, the equipment operator is required to renew the permit on an annual basis. The renewal process for the permit involves paying an annual fee and demonstrating that the business has been operating in compliance with SCAQMD requirements. In regards to regular inspections conducted by SCAQMD, the engineer stated that inspections are conducted on a complaint driven basis and if neighboring businesses have any concerns or complaints, they may call the compliance division of SCAQMD who will investigate the complaints.

In regard to air emission standards, it is not the City of Stanton but SCAQMD who is the regulating agency for determining what is an acceptable level of air contaminants that are emitted by the operation. Through the SCAQMD permitting process, the applicant would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices meet the minimum standards. The City of Stanton is only determining whether the proposed use, as conditioned, is appropriate for the location. Since the proposed crematory is surrounded by industrial uses and in the IG zone with no residential zones or schools adjacent to the site, the required findings could be made based on the location. The proposed project could be supported, based on the fact that SCAQMD is the regulating agency for air emissions and if they approve a permit, they are making the determination that the facility would not create a health risk to the public. Further, the CUP itself does not guarantee that the crematory would be able to operate as the ability to operate falls under SCAQMD.

3. The Appellants assert that the addition of a crematory will impact parking.

City Response: The proposed crematory involves the conversion of an existing storage room into a cremation chamber and does not involve additional square footage to the existing building. Staff conducted a parking analysis during the application review process. Using the requirements of Section 20.320.030 of the Stanton Municipal Code (SMC), it was determined that the addition of the crematory use to the existing mortuary would require a total of 50 parking spaces. The site currently has a total of 49 parking spaces and therefore would be deficient by one space. The Applicant has proposed to add the parking space adjacent to the south drive aisle, on the western portion of the property. In order to ensure that the proposal meets the minimum parking requirement, staff included a condition of approval in the resolution which would require the Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use.

At the Planning Commission meeting, neighboring business owners objected to the project citing that there are existing parking issues at the site. Their concern was that when the mortuary parking lot became full, patrons of the mortuary business utilized off-site parking lots that belonged to the neighboring businesses. In order to manage the demand on on-

site parking, the Applicant has indicated that only one viewing service is scheduled during any given time period and that viewing services would be scheduled a minimum of two hours in between services. In addition, Staff has included conditions of approval to ensure that parking is not further impacted. These conditions include: proof that the required 50 parking stalls are provided to the City prior to issuance of a business license for the crematory services, a parking management plan be filed with the city to be implemented for any viewing/service event at the facility, and a maximum of two transporter vehicles be parked on-site. With these conditions of approval, the addition of the crematory services to the existing mortuary is not anticipated to further impact the parking demand.

Further, with the addition of the 50th parking space on the property, the proposed use meets the parking requirements as specified in the Stanton Municipal Code. Additionally, the parking concerns identified by the public at the Planning Commission meeting were regarding the existing mortuary use, which is a use that is permitted by right and would not cease operations if the crematory service was denied.

4. The Appellants assert that the addition of a crematory will result in devaluation of surrounding properties.

City Response: Prior to the Planning Commission hearing, neighboring business owners provided documents which addressed the effects of a crematory on surrounding property values. The additional documents provided, which include an opinion letter published in the Weatherford Democrat and an article in Applied Economics, referenced only residential properties adjacent to crematory operations, based on the portions of the article and paper provided. There has been no supporting evidence provided to indicate that the proposed use would lower property values of the surrounding industrial properties. Additional documents were also provided with letters of opposition including an article from the OC Register which discusses the opposition of a proposed crematory and mortuary which was originally proposed in the City of Garden Grove, minutes from the public hearing and the resolution from the Garden Grove Planning Commission denying the requested CUP. These documents all indicate that the proposed CUP was denied based on the site being adjacent to a residential neighborhood and in the immediate vicinity of a school and therefore was found to be an unsuitable location for the proposed use.

In this instance, the proposed crematory is located in an industrial district, surrounded by a variety of industrial uses which include automotive repair, painting and bodywork businesses, a sign manufacturing company, warehousing uses, a recycling center, building materials companies, personal storage facility, and an industrial business park which contain uses such as a mortuary, adult day care facility and various offices. The nearest residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. There are also existing nonconforming residential units within the IG zone along Katella Ave. that are approximately 1,200 lineal feet from the subject property. The nearest school is the Rancho Alamitos High School, southeast of the site by approximately 900 lineal feet to the sports field. The required findings for approval of a Conditional Use Permit take into consideration the suitability of the use's location and the compatibility with surrounding uses. The findings do not take into consideration whether a use has the

potential to reduce values of adjacent properties. In this case, the required findings could be made based on the location. The proposed project could be supported, based on the fact that SCAQMD is the regulating agency for air emissions and if they approve a permit, they are making the determination that the facility would not create a health risk to the public.

5. The Appellants assert that employees of businesses within a half mile radius and neighboring residences are concerned with health issues related to the proposed crematory and religious and superstitious beliefs associated with the storing and burning bodies.

City Response: In regards to health issues related to the proposed crematory, the regulating agency is the SCAQMD who is responsible for determining if the emissions that are released into the air from the facility pose a risk to the surrounding community. The approval of a CUP is only the first step in the approval process for operating a crematory. Without approval from SCAQMD, the crematory would not be permitted to operate. If the SCAQMD approves a permit, the approval is an indication that the Agency determined that the proposed operation would not cause a health risk to the public.

SCAQMD requires issuance of a Permit to Operate for any equipment that emits pollutants into the atmosphere. Once an application is filed, SCAQMD requires an Engineering Evaluation, which would include a Health Risk Assessment (HRA). An HRA is a technical study that evaluates how toxic emissions are released from a facility, how they disperse throughout the community, and the potential for those toxic pollutants to impact human health. If the HRA shows that the equipment meets the air emission requirements established by SCAQMD, a Permit to Construct is issued by SCAQMD. The Permit to Construct contains certain conditions of approval including but not limited to equipment maintenance provisions, maximum number of pounds of remains cremated per month, record keeping, and testing requirements. Once the piece of equipment is installed or constructed, SCAQMD processes the application for a Permit to Operate. Before the Permit to Operate can be approved, SCAQMD will perform an inspection to determine if the equipment has been constructed in compliance with all applicable rules and regulations.

In regards to the concerns of religious and superstitious beliefs associated with the storage and burning of bodies associated with the crematory use, although it is understood that these concerns may exist, the consideration of the use should be based on the findings identified in the municipal code. Further, the storage of bodies is already an existing element of the existing mortuary so the proposed crematory would not be adding this as a new component to their operations. The findings that must be made prior to approval of a Conditional Use Permit address the suitability of the use's location, compatibility with surrounding uses, how the use would be operated, and whether the use would be detrimental to neighboring properties. In this case, the proposed crematory is fully surrounded by industrial uses with no adjacent residential uses.

The proposed crematory is subject to licensing and approval by the State of California

Cemetery and Funeral Bureau as well as the South Coast Air Quality Management District (SCAQMD). The Applicant would be required to obtain all necessary permits prior to issuance of a new business license and initiation of operations. SCAQMD requires a Health Risk Assessment be conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community prior to the issuance of a permit to operate. Additionally, OCFA reviews the plans to ensure that they meet fire protection and life-safety requirements. Fire suppression systems are in place with the existing mortuary and OCFA requires that the applicant submit plans if the existing fire sprinkler system requires modification. With these conditions and permit requirements in place, the use is not expected to interfere with the use or enjoyment of surrounding properties.

Although the Appellants' concerns are understood, the City's consideration for the requested CUP is if the site is suitable for the proposed use. Based on the concerns, the appropriate fire suppression and fire safety systems would be in place and evaluated by OCFA; and the emissions and concerns regarding air quality would be evaluated via a risk assessment by SCAQMD and a permit would only be issued if it is demonstrated that the facility is utilizing appropriate equipment and filtration devices to not cause an adverse impact on the surrounding community. In addition, there is no known evidence regarding devaluation of property values. Finally, the subject property is located in a highly industrialized area, with other heavy industrial users that also require SCAQMD permits to operate, therefore it could be consistent and compatible with surrounding uses. As proposed, conditioned and regulated by appropriate permitting agencies, the cremation facility is not expected to result in a significant risk to the health of employees or the general public.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

In accordance with the requirements of the California Environmental Quality Act (CEQA) this project has been determined to be categorically exempt under Section 15301(Existing Facilities). An initial study environmental information form was submitted by the Applicant upon submittal of the application. The form was reviewed by staff and it was determined that the inclusion of cremation services within the IG zone and in an enclosed existing building, subject to approval by SCAQMD for permitting purposes, would fall under the CEQA exemption category of existing facilities. This category consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

PUBLIC NOTIFICATION:

Notice of Public Hearing was mailed to all property owners within a five hundred-foot radius of the subject property, posted at three public places, and made public through the agenda-posting process.

STRATEGIC PLAN:


2 – Promote a Strong Local Economy

Prepared by,



Rose Rivera
Associate Planner

Reviewed by,



Kelly Hart
Community & Economic
Development Director

Approved by,



Robert W. Hall
Interim City Manager

ATTACHMENTS

- A. City Council Resolution No. 2018-45 for upholding approval of C18-04
- B. Letter of Appeal from Neighboring Businesses (dated October 10, 2018)
- C. Planning Commission staff report and attachments (dated October 3, 2018)
- D. Documents submitted by Applicant for the Planning Commission public hearing
- E. Documents submitted by neighboring business owners for the Planning Commission public hearing

RESOLUTION NO. 2018-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE APPROVAL OF CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE

WHEREAS, on July 10, 2018, the Applicant submitted an application for a conditional use permit to allow for the addition of cremation services to an existing mortuary business in the City of Stanton; and

WHEREAS, on October 3, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Conditional Use Permit C18-04 to allow a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue within the IG (Industrial General) zone; and

WHEREAS, the Planning Commission, after due consideration of all reports and testimony at said hearing, adopted Planning Commission Resolution No. 2482 approving Conditional Use Permit C18-04; and

WHEREAS, on October 11, 2018, representatives of surrounding businesses filed a joint appeal of the Planning Commission's action to approve CUP No. C18-04 to the City Council; and

WHEREAS, on November 27, 2018, the City Council held a duly-noticed public hearing and considered the staff report, agenda items, recommendations by staff, and public testimony concerning the appeal; and.

WHEREAS, the Council has carefully considered all pertinent testimony and information contained in the staff report prepared for this appeal as presented at the public hearing; and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON DOES HEREBY FIND:

SECTION 1: Recitals. The City Council hereby finds that all of the facts, findings and conclusions set forth above in this resolution are true and correct.

SECTION 2: CEQA. Based upon the Initial Study Short Environmental Form, and the entire record before it, the City Council exercises its independent judgment and finds that the project, as conditioned hereby, is categorically exempt from environmental review under the California Environmental Quality Act, Section 15301 (Existing Facilities) as the project involves the operation of a crematory in conjunction with an existing mortuary within in an

existing building. This category consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The inclusion of cremation services within the IG zone, is within an enclosed existing building and is subject to approval by SCAQMD, the regulating agency for air emissions. SCAQMD would only issue a permit to operate the crematory if they determine that the facility meets the air emission standards as to not create a health risk to the public.

SECTION 3: Findings. That in accordance with the findings as set forth in Section 20.550.060 of the Stanton Municipal Code:

- A. The proposed use is consistent with the General Plan, including Economic Development Strategy ED-4.1.1, to encourage existing Stanton businesses to expand and grow and Goal ED-1.3, to improve the quality of industrial uses located within the city. Approval of CUP C18-04 which would allow for a cremation facility will create employment opportunities in the City and provide a new service to the Stanton community that is not currently provided. Moreover, the addition of cremation services would support the existing mortuary business and help to more efficiently serve their clients.
- B. The proposed use is allowed within the applicable zone and complies with all other provisions of the Stanton Municipal Code (SMC). The existing mortuary is a permitted use in the IG (Industrial General) zone and a crematory use is permitted subject to approval of a conditional use permit. The SMC does not identify specific standards regarding crematory services; however, the proposal complies with all other development standards of the SMC. The proposed crematory will take place in an existing building of the mortuary with no new construction or expansion of the building proposed. There is existing landscape treatment along the perimeter of the site which meet the requirements for required landscape buffers in nonresidential zones. Parking requirements for the proposed use would be met with the addition of one parking space which would be provided adjacent to the south drive aisle, on the western portion of the property. Additional conditions of approval have been included which would require that the applicant provide a total of 50 parking spaces prior to issuance of a business license for the new use, a parking management plan to be instituted for each service event to limit overflow parking issues, and a maximum of two transporter vehicles to be parked on-site.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in a highly industrialized area within the IG (Industrial General) zone. It is surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses. The property is generally located away from sensitive uses such as residential neighborhoods and schools. The nearest

residentially zoned properties are approximately 800 feet northeast of the site in the City of Stanton, and approximately 760 feet southeast in the City of Garden Grove. The nearest school is approximately 900 lineal feet to the sports field. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements. If the proposed project receives approval for a permit from SCAQMD, the regulating agency for air emissions, they are making the determination that the facility would not create a health risk to the public. The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are currently a total of 49 parking spaces available on-site. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. An additional space would be provided adjacent to the south drive aisle, on the western portion of the property to meet the parking requirement. Conditions of approval have been included which would require the applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. In addition, the applicant would be required to develop a parking management plan to be instituted for each service event to limit overflow parking issues. Based on the proposed operations, building design, and existing surrounding uses, the proposed use could be considered compatible with existing and future anticipated land uses as all other uses are industrial in nature, with the nearest residential use approximately 760 feet east of the subject property.

- D. The site is physically suitable in terms of its design, location, shape, size, and operating characteristics of the proposed use; the provision of public and emergency vehicle access; public protection services; the provision of utilities; and served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate. The site is located in the IG (Industrial General) zone, surrounded by other heavy industrial uses such as automotive repair, body shops, vehicle dismantling businesses, and general manufacturing uses and generally located away from sensitive uses such as residential neighborhoods and schools. With the conditions of approval, the site would provide adequate parking to accommodate the parking requirements specified in the SMC and would accommodate delivery vehicle access to the indoor area. Furthermore, the site is already being serviced by all required utilities and public protection services. The Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification. Building Permits would be required for the installation of the cremation equipment. Through the processing of the plan review, the plans would also need to be submitted to OCFA to ensure that no modification to the fire sprinkler system would be required. OCFA has fire suppression requirements to ensure that fire systems are in place to quickly assist OCFA with unexpected fire emergencies and help minimize damage. Since the fire suppression systems are in place, the

risk for fire or damage to surrounding properties is intended to be minimal.

- E. The site's suitability ensures that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. All activity would be conducted indoors, within a fully enclosed building. The machine used in conjunction with the cremation operation is equipped with a soundproof blower cover which is designed to lessen any potential noise. Additionally, wall attenuation further reduces any potential noise that could be generated by the operation. The proposed cremation facility shall be licensed and regulated by South Coast Air Quality Management District (SCAQMD) and the State of California Cemetery and Funeral Bureau ensuring that the cremation process is conducted in a manner that is safe to employees and members of the public. SCAQMD, the regulatory agency that monitors air emissions, must approve a Permit to Operate in order for the cremations to take place. As part of the review and approval process for obtaining a permit through SCAQMD, a Health Risk Assessment is conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Without approval from SCAQMD, the crematory would not be permitted to operate. Through the SCAQMD permitting process, the facility would need to demonstrate that the cremation machine meets the standard set by SCAQMD and that all air filtration devices are identified, and meet the minimum standards as well. SCAQMD would also inspect the facility prior to operation to make sure all required systems are in place prior to operation. If the permit is issued by SCAQMD, it is determined that the use would not create a health risk to the surrounding community.

SECTION 4: That based upon the above findings, the Planning Commission hereby approves Conditional Use Permit to allow subject to the following Conditions:

- A. That all conditions of the Planning Division be met, including, but not limited to, the following:**
1. The applicant(s)/owner(s) shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to the application for this proposed project, and such requirements shall be made a condition of permit approval.
 2. The proposed project will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plans, drawings submitted, and conditions imposed in this Resolution of Approval.
 3. Any deviations to the approved plans must first be approved by the Planning Division. Any approval by the Building Division does not constitute approval by the Planning Division.

4. The applicant(s)/owner(s) shall agree and consent in writing within 30 days to the conditions of approval as adopted by the Planning Commission. In addition, the applicant(s)/owner(s) shall record the conditions of approval in the Office of the County Recorders. Proof of recordation shall be provided to the Planning Division prior to final of the building permit.
5. All business related activities shall occur fully within the enclosed building. Outdoor work is expressly prohibited. Exterior noise shall not exceed 65 dBA at the property line.
6. Outdoor storage of materials may be permitted in compliance with Section 20.400.250 (Outdoor Storage and Activities) of the Stanton Municipal Code, to the satisfaction of the Community Development Director. No outdoor storage may occur within the required parking areas. No outdoor storage of chemicals or solvents associated with the embalming or cremation process may occur.
7. Loading and unloading of transporter vans or trucks and parking and storage of vehicles used in connection with the business shall be prohibited on adjoining streets and alleys.
8. Loading and unloading of the remains outside the enclosed building and parking garage shall be strictly prohibited.
9. 50 parking spaces shall be provided at all times, unless otherwise approved by the Community Development Department. Proof of the constructed additional parking stall shall be provided to the City prior to issuance of a business license for the crematory services.
10. A parking management plan shall be filed with the city to be automatically implemented for any service event that is held at the facility.
11. A maximum of two transporter vehicles may be parked on-site.
12. Deliveries shall be limited to the hours between 6:00 a.m. to 9:00 p.m., unless otherwise authorized by the Community Development Director.
13. All access doors to the cremation facility shall remain closed, except during times when the remains are being transported into or from the unit.
14. The remains must be placed within the cooler/refrigeration unit within two (2) hours of arriving at the subject unit. The remains must stay in the cooler/refrigeration unit at all times, except when the remains are being prepared for cremation, embalming, viewing and funeral services, or transport.

15. The storage of unprocessed remains on-site shall be limited to a maximum of seven (7) calendar days before beginning of the cremation process. A maximum of 15 unprocessed remains may be stored on-site at one time, unless additional storage/refrigeration capacity is provided to the satisfaction of the Community Development Director.
16. Roof-mounted mechanical equipment, including exhaust vents, shall be screened from public view to the satisfaction of the Community Development Department.
17. Based on substantiated reports from surrounding businesses or property owners of any noise or odors emanating from the subject unit, the Community Development Director may require modifications to the business operations, including but not limited to the length of time the remains may be on-site or the number of remains that may be on-site at a given time, additional sound proofing, or additional air filtration devices.
18. All medical and hazardous waste created by the cremation process shall be disposed of in accordance with all local, state and federal laws.
19. The applicant shall comply with all applicable regulations, licensing, permitting and certification requirements for the use, storage, and transportation of human remains as required by the State of California Cemetery and Funeral Bureau, the South Coast Air Quality Management District (SCAQMD), and all other County, State or Federal agencies exercising authority over said materials.
20. The applicant shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to this use, and such requirements shall be made a condition of permit approval.
21. Approval of all necessary permits through SCAQMD shall be obtained prior to building permit issuance for the machinery installation, and business license issuance for final inspection, or as required by SCAQMD.
22. Approval for modifications of the proposed use shall be obtained from the Planning Commission, subject to an amended Conditional Use Permit.
23. Graffiti on the property shall be removed at the property owner's expense within 24 hours.
24. In accordance with policies adopted by the City, the applicant(s)/owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigations/inspections, which result in a finding of violation of any applicable laws and/or conditions of approval. The applicant/owner shall have 30 days from the date of receipt of invoices to make payment to the City of Stanton.

25. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and fully co-operate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

B. That all requirements of the Building Division be met, including but not limited to the following:

1. Applicant shall furnish, three (3) complete sets of plans (Structural, Mechanical, Electrical, and Plumbing) designed and signed in ink by the required licensed professionals. Said plans submitted shall contain structural calculations. Mechanical plans shall include duct and equipment data. Plumbing plans shall include isometric drawing of drain vents and water system.
2. All plans shall meet the 2016 Title 24 Energy Code.
3. All plans shall be designed in conformance with the 2016 California Building Code, 2016 California Plumbing Code, 2016 California Mechanical Code, the 2016 California Electrical, the 2016 Green Building Standards, 2016 Title 24 Energy Code and Code as amended by City Ordinance.
4. Electrical plans shall include service, panel schedules and feeder size. Panel schedules and motors shall comply with requirements of the 2016 edition of the California Electrical Codes.
5. Provide approval by the Orange County Fire Authority and permit for this project.
6. The conditions of approval will be required to be copied on the approved set of plans prior to issuance of building permits. All the conditions must be completed prior to final approval and issuance of the Certificate of Occupancy.
7. Applicant will be required to have all the contractors and sub-contractors recycle construction materials to the maximum feasible extent. All recyclable construction materials are to be taken to an approved Transfer Station.
8. Applicant will be required to submit a Waste Management plan (WMP) for the demolition and new construction phases of the project. All recyclable construction materials are to be taken to an approved Transfer Station.

9. Provide South Coast Air Quality Management District checklist with plan submittal to determine whether construction or business operations will require an air quality permit for this project.
10. Provide approval by the Orange County Health Department and permit for this project.
11. Incinerators and Crematories must comply with 2016 California Mechanical Code Sections 926.1 and 926.2.
12. Plans need to show compliance with the 2016 California Building Code (CBC), 2016 California Fire Code (CFC), NFPA standards, and local amendments.

C. That all requirements of the Engineering Division be met.

D. That all requirements of the Orange County Fire Authority be met, including but not limited to the following:

1. Prior to issuance of a building permit, the applicant or responsible party shall submit the following plan(s) to the Orange County Fire Authority for review: fire sprinkler system (service codes PR430), if the existing fire sprinkler system requires modification. Approval shall be obtained on each plan prior to the event specified.

SECTION 4: Denial of Appeal. That based upon the above findings and on the entirety of the record including the staff report, written and oral testimony, and this Resolution, the City Council hereby upholds the Planning Commission's approval of Conditional Use Permit C18-04 to addition of cremation services to an existing mortuary business located at 8351 Katella Ave., in the IG (Industrial General) zoning district and denies Appellants' appeal.

SECTION 5: Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 6: Custodian and Location of Records. 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 Community Development Director is the custodian of the record of proceedings.

SECTION 7: Certification. The City Clerk shall certify to the adoption of this Resolution and cause a copy to be transmitted to the City Clerk.

ADOPTED, SIGNED AND APPROVED by the City Council of the City of Stanton at a regular meeting held on November 27, 2018 by the following vote, to wit:

SIGNATURE PAGE FOR RESOLUTION NO. 2018-45

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, PATRICIA A. VAZQUEZ, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2018-45 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 27, 2018, and that the same was adopted, signed and approved by the following vote to wit:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

PATRICIA A. VAZQUEZ, CITY CLERK



CITY OF STANTON

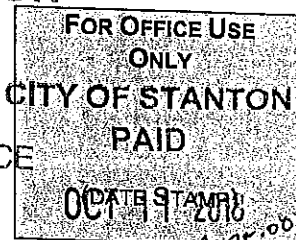
APPEAL FORM AND HANDOUT

City Clerk's Office
7800 Katella Avenue, Stanton, CA 90680
Phone: (714) 379-9222 Fax: (714) 890-1443

CITY OF STANTON

OCT 11 2018

CITY CLERK'S OFFICE



An appeal shall be filed within ten (10) calendar days after the final action of the Planning Commission.

APPEAL OF: ☒ Planning Commission Decision (\$2,185 fee) ☐ Other: _____ (\$2,185 fee)

Type of Permit (example: Conditional Use Permit): C18-04 Permit Number: _____

Address of Project: 8351 Katella Ave Decision Date: 10/3/18

APPELLANT INFORMATION

Name of Applicant (Appellant): Linda Smith / Brian Wilson / David Bonnenberg / Goulade Farrah

Mailing Address: _____

Telephone Number: (____) _____ Email: _____

In what capacity is the appellant filing? ☐ Recorded Property Owner ☐ Interested Party ☒ Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: _____

Mailing Address: _____

Telephone Number: (____) _____ Email: _____

Describe what portion(s) of the decision you are appealing: to put in crematory in 8351 Katella Ave.

Describe the Purpose for Your Appeal (be specific): We are appealing the crematory at "Heavens Gate". - see attached.

APPLICANT CERTIFICATION:

I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICANT'S REQUEST FOR REQUIRED PUBLIC NOTICES.

Signature: _____ Date: 10/10/18

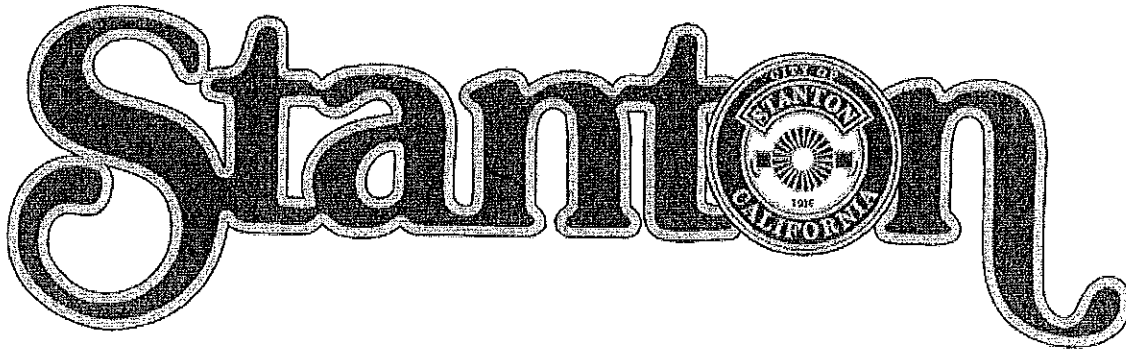
REASONS FOR APPEAL

Problems with crematoriums in other places

- Fires from crematoriums.
- Explosions from crematoriums.
- Mercury emissions being released into the air. They are clean and orderless but toxic
- Most crematoriums are self-monitored.
- Parking is already an issue and would be worse.
- Devaluation of surrounding property.
- There is residential within a half mile of the crematorium.

CONCERNS OF THE EMPLOYEES OF BUSINESSES WITHIN ½ MILE RADIUS AND NEIGHBORING RESIDENCES

- Health issues
- Religious beliefs
- Superstitious concerning death (burning bodies, storing bodies)



CITY OF STANTON REPORT TO THE PLANNING COMMISSION

TO: Chairperson and Members of the Planning Commission

DATE: October 3, 2018

SUBJECT: PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C18-04 TO ALLOW FOR THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH AN EXISTING MORTUARY AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing; and
- Declare that the project is categorically exempt per California Environmental Quality Act, Public Resource Code Section 15301, Class 1 (Existing Facilities); and
- Adopt Resolution No. 2482 approving Conditional Use Permit C18-04.

BACKGROUND

In 2016, the Heaven's Gate Funeral Home obtained a business license which allowed for the operation of a mortuary business located at 8351 Katella Avenue in the IG (Industrial General) zone. The Applicant is now requesting to add cremation services to the existing mortuary within the same building. Per Section 20.220.020 of the Stanton Municipal Code (SMC), a crematory use requires approval of a conditional use permit.

As such, the Applicant has submitted an application for a conditional use permit to allow for the cremation business.

ANALYSIS/JUSTIFICATION

PROJECT LOCATION/DESCRIPTION – The subject site consists of a 28,630 square foot parcel, improved with an existing 12,000 square foot building, which currently houses a mortuary and parking garage for the mortuary business.

The project site is located in a large industrial district at the northeast corner of Katella and Boatman Avenues. Surrounding uses are a broad range of industrial businesses including an automotive paint and body repair shop, a sign manufacturing company, a building materials yard and an industrial business park. The nearest residentially zoned properties are approximately 800 feet northeast of the site.

PROPOSED OPERATIONS – The existing mortuary, Heaven's Gate Funeral Home, has been operating in Stanton since 2016 and provides clients with funeral and memorial planning services, which include embalming and preparation services. The facility is currently comprised of an office/reception area, a showroom, three viewing rooms, an embalming room and a storage room. The office is used to meet with clients to arrange funeral and memorial services. The showroom is utilized to display caskets, urns, and other related product options for their clients. The viewing rooms provide a place for family and friends of the deceased to gather and pay their respects.

The Applicant is proposing to convert the existing 1,032 square foot storage room to a cremation chamber. The cremation process consists of a traditional incineration process using a machine that is designed to eliminate any smoke or odor and is compliant with EPA standards. The process takes approximately 1.5-2 hours for each cremation. After the remains are processed, they are packaged into an urn and picked up by the client.

According to the Applicant, a cultural custom for some of their clients involves allowing friends and families of the deceased to observe the cremation service which includes placing the body (which is in a wood casket or cremation box) into the cremation chamber. In order to accommodate this custom, the operator is proposing to install a window in the wall between the cremation chamber and viewing room #3.

The business would service its own clients who are utilizing their facility for memorial services in addition to other funeral homes that do not have the capacity to perform cremation services. Remains are collected by refrigerated transporter vans which are owned by the business operator. There are a total of three transporter vans, one of which will be taken home by the operator nightly and the remaining two vans will be parked on-site in the parking garage. Remains would be delivered to the facility by the transporter van which would fully enter the unit through the roll-up door at the rear of the unit. Upon entering the unit, the remains would be placed in a refrigerated storage unit

until they can be processed by the staff. The business currently has a refrigerated storage unit which has the capacity to hold up to three unprocessed remains but is proposing to install a walk-in refrigerated unit that can hold 10-15 unprocessed remains at a time. According to the business operator, the average storage period is five days before the remains are processed for cremation. According to the Applicant, cremations for their clients who would host the funeral services on-site would be conducted between the hours of 8:00 a.m. and 9:00 p.m. daily. Cremations performed for outside clients will be conducted after 6 p.m. and are proposed to take place through the night, depending on the workload.

In regards to noise generated by the operation, the Applicant states that the noise level generated by the machine is approximately 71-74 decibels at five feet from the blower motor. The machine is equipped with a soundproof blower cover which is designed to lessen potential noise. Wall attenuation creates a further reduction of 10-12 decibels which is lower than average city traffic noise.

CIRCULATION/PARKING - The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are a total of 49 parking spaces available on-site, including 19 spaces located within the parking garage. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site is deficient by one space. The Applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff has included a condition of approval in the resolution which would require the Applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use.

Although there are three viewing rooms, not more than one viewing service is scheduled during any given time period. Additionally, viewing services are scheduled a minimum of two hours in between services. Therefore, the parking demand will not be further impacted by the number of guests attending services. Conditions of approval have been added to memorialize this operation standard to ensure the parking and neighboring streets are not impacted.

LICENSING REQUIREMENTS - The proposed crematory is subject to licensing and approval by the State of California Cemetery and Funeral Bureau as well as the South Coast Air Quality Management District (SCAQMD). The Applicant would be required to obtain all necessary permits prior to issuance of a new business license and initiation of operations. The Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification.

As proposed, conditioned and regulated by appropriate permitting agencies, the

cremation facility is not expected to result in a significant risk to the health of employees or the general public. SCAQMD requires a Risk Assessment be conducted in order to determine if the emissions that are released into the air from the facility meet the threshold requirements established by SCAQMD as to not pose a risk to the community. Further, the location is in a highly industrial area with no nearby residential uses and therefore would not have an impact on the health of employees or the general public.

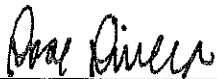
ENVIRONMENTAL IMPACT

In accordance with the requirements of the California Environmental Quality Act (CEQA) this project has been determined to be categorically exempt under Section 15301, Class 1 (Existing Facilities).

PUBLIC NOTIFICATION

Notice of Public Hearing was mailed to all property owners within a five hundred-foot radius of the subject property, posted at three public places, and made public through the agenda-posting process.

Prepared by,



Rose Rivera
Associate Planner

Approved by,



Kelly Hart
Community & Economic
Development Director

ATTACHMENTS

- A. Resolution No. 2482
- B. Vicinity Map
- C. Narrative
- D. Noise Measurement Report
- E. Site Plan, Floor Plan and Elevations

RESOLUTION NO. 2482

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON APPROVING CONDITIONAL USE PERMIT C18-04 TO ALLOW THE OPERATION OF A CREMATION FACILITY IN CONJUNCTION WITH A MORTUARY FOR THE PROPERTY LOCATED AT 8351 KATELLA AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

THE PLANNING COMMISSION OF THE CITY OF STANTON HEREBY RESOLVES AS FOLLOWS:

WHEREAS, on October 3, 2018, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Conditional Use Permit C18-04 to allow a cremation facility in conjunction with an existing mortuary at 8351 Katella Avenue within the IG (Industrial General) zone; and

WHEREAS, the Commission has carefully considered all pertinent testimony and information contained in the staff report prepared for this application as presented at the public hearing; and

WHEREAS, staff has reviewed the environmental form submitted by the applicant in accordance with the City's procedures. Based upon the information received and staff's assessment of the information, the project has been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1 (Existing Facilities); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES HEREBY FIND:

SECTION 1: The Planning Commission hereby finds that all of the facts, findings and conclusions set forth above in this resolution are true and correct.

SECTION 2: Based upon the Initial Study, the Planning Commission exercises its independent judgment and finds that the project, as conditioned hereby, is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), Section 15301, Class 1 (Existing Facilities).

SECTION 3: That in accordance with the findings as set forth in Chapter 20.550.060 of the Stanton Municipal Code:

- A. The proposed use is consistent with the General Plan, including Economic Development Goal ED-4.1, to attract new businesses to the city while supporting and promoting those already located in Stanton and Goal ED-1.3, to improve the quality of industrial uses located within the city. Approval of CUP C18-04 which would allow for a cremation facility will create employment opportunities in the City and provide a new service to the Stanton community that is not currently provided. Moreover, the addition of cremation

ATTACHMENT A

services would support the existing mortuary business and help to more efficiently serve their clients.

- B. The proposed use is allowed within the applicable zone and complies with all other provisions of the Stanton Municipal Code (SMC). The existing mortuary is a permitted use and a crematory use is permitted subject to approval of a conditional use permit. The SMC does not identify specific standards regarding crematory services, however, the proposal complies with all other development standards of the SMC.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity. The proposed land use would allow a cremation facility in conjunction with an existing permitted mortuary. The property is located in the IG (Industrial General) zone and is adjacent to other manufacturing and automotive repair businesses. The proposed operations would occur solely within the enclosed structure and would comply with all outside agency permitting requirements to ensure the business does not adversely affect the surrounding air quality. The project site is accessible from two driveways on Boatman Avenue. In regards to parking, there are currently a total of 49 parking spaces available on-site. Utilizing the parking requirements for the proposed use, a total of 50 off-street parking spaces would be required. A parking analysis was conducted per the requirements of Table 3-6 in Section 20.320.030 of the SMC and it was determined the subject site is deficient by one space. The applicant has specified that the additional space can be provided adjacent to the south drive aisle, on the western portion of the property. Staff has included a condition of approval in the resolution which would require the applicant to provide a total of 50 parking spaces prior to issuance of a business license for the new use. Based on the proposed operations, building design, and existing surrounding uses, the proposed use would be considered compatible with existing and future anticipated land uses as all other uses are industrial in nature, with the nearest residential use approximately 800 feet east of the subject property.
- D. The site is physically suitable in terms of its design, location, shape, size, and operating characteristics of the proposed use; the provision of public and emergency vehicle access; public protection services; the provision of utilities; and served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate. The site is located in the IG (Industrial General) zone; would provide adequate parking to accommodate the parking requirements specified in the SMC; accommodates delivery vehicle access to the indoor area; and is consistent with all the requirements of the municipal code. Furthermore, the site is already being serviced by all required utilities and public protection services. Further, the Orange County Fire Authority (OCFA) has reviewed the plans to ensure that the proposed use meets fire protection and life-safety requirements. OCFA has determined that there does not appear to be any significant issues associated with the proposal and has conditioned that the Applicant submit fire sprinkler system plans if the existing fire sprinkler system requires modification.
- E. The site's suitability ensures that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. All activity would be conducted indoors, within a fully enclosed building. The machine

used in conjunction with the cremation operation is equipped with a soundproof blower cover which is designed to lessen any potential noise. Additionally, wall attenuation further reduces any potential noise that could be generated by the operation. The proposed cremation facility shall be licensed and regulated by South Coast Air Quality Management District and the State of California Cemetery and Funeral Bureau ensuring that the cremation process is conducted in a manner that is safe to employees and members of the public.

- F. The requirements of the California Environmental Quality Act (CEQA) have been satisfied.

SECTION 4: That based upon the above findings, the Planning Commission hereby approves Conditional Use Permit to allow subject to the following Conditions:

- A. **That all conditions of the Planning Division be met, including, but not limited to, the following:**
1. The applicant(s)/owner(s) shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to the application for this proposed project, and such requirements shall be made a condition of permit approval.
 2. The proposed project will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plans, drawings submitted, and conditions imposed in this Resolution of Approval.
 3. Any deviations to the approved plans must first be approved by the Planning Division. Any approval by the Building Division does not constitute approval by the Planning Division.
 4. The applicant(s)/owner(s) shall agree and consent in writing within 30 days to the conditions of approval as adopted by the Planning Commission. In addition, the applicant(s)/owner(s) shall record the conditions of approval in the Office of the County Recorders. Proof of recordation shall be provided to the Planning Division prior to final of the building permit.
 5. All business related activities shall occur fully within the enclosed building. Outdoor work is expressly prohibited. Exterior noise shall not exceed 65 dBA at the property line.
 6. Outdoor storage of materials may be permitted in compliance with Section 20.400.250 (Outdoor Storage and Activities) of the Stanton Municipal Code, to the satisfaction of the Community Development Director. No outdoor storage may occur within the required parking areas. No outdoor storage of chemicals or solvents associated with the embalming or cremation process may occur.
 7. Loading and unloading of transporter vans or trucks and parking and storage of vehicles used in connection with the business shall be prohibited on adjoining streets and alleys.
 8. Loading and unloading of the remains outside the enclosed building and parking garage shall be strictly prohibited.

9. 50 parking spaces shall be provided at all times, unless otherwise approved by the Community Development Department. Proof of the constructed 50th parking stall shall be provided to the City prior to issuance of a business license for the crematory services.
10. A maximum of two transporter vehicles may be parked on-site.
11. Deliveries shall be limited to the hours between 6:00 a.m. to 9:00 p.m., unless otherwise authorized by the Community Development Director.
12. All access doors to the cremation facility shall remain closed, except during times when the remains are being transported into or from the unit.
13. The remains must be placed within the cooler/refrigeration unit within two (2) hours of arriving at the subject unit. The remains must stay in the cooler/refrigeration unit at all times, except when the remains are being prepared for cremation, embalming, viewing and funeral services, or transport.
14. The storage of unprocessed remains on-site shall be limited to a maximum of seven (7) calendar days before beginning of the cremation process. A maximum of 15 unprocessed remains may be stored on-site at one time, unless additional storage/refrigeration capacity is provided to the satisfaction of the Community Development Director.
15. Roof-mounted mechanical equipment, including exhaust vents, shall be screened from public view to the satisfaction of the Community Development Department.
16. Based on substantiated reports from surrounding businesses or property owners of any noise or odors emanating from the subject unit, the Community Development Director may require modifications to the business operations, including but not limited to the length of time the remains may be on-site or the number of remains that may be on-site at a given time, additional sound proofing, or additional air filtration devices.
17. All medical and hazardous waste created by the cremation process shall be disposed of in accordance with all local, state and federal laws.
18. The applicant shall comply with all applicable regulations, licensing, permitting and certification requirements for the use, storage, and transportation of human remains as required by the State of California Cemetery and Funeral Bureau, the South Coast Air Quality Management District, and all other County, State or Federal agencies exercising authority over said materials.
19. The applicant shall comply with all requirements of the City of Stanton Municipal Code, as it pertains to this use, and such requirements shall be made a condition of permit approval.
20. Approval for modifications of the proposed use shall be obtained from the Planning Commission, subject to an amended Conditional Use Permit.

21. Graffiti on the property shall be removed at the property owner's expense within 24 hours.
22. In accordance with policies adopted by the City, the applicant(s)/owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigations/inspections, which result in a finding of violation of any applicable laws and/or conditions of approval. The applicant/owner shall have 30 days from the date of receipt of invoices to make payment to the City of Stanton.
23. As a condition of issuance of this approval, the applicant shall agree, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this project. The City agrees to promptly notify the applicant of any such claim filed against the City and fully co-operate in the defense of any such action. The City may, at its sole cost and expense, elect to participate in the defense of any such action under this condition.

B. That all requirements of the Building Division be met.

C. That all requirements of the Engineering Division be met.

D. That all requirements of the Orange County Fire Authority be met.

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on October 3, 2018 by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

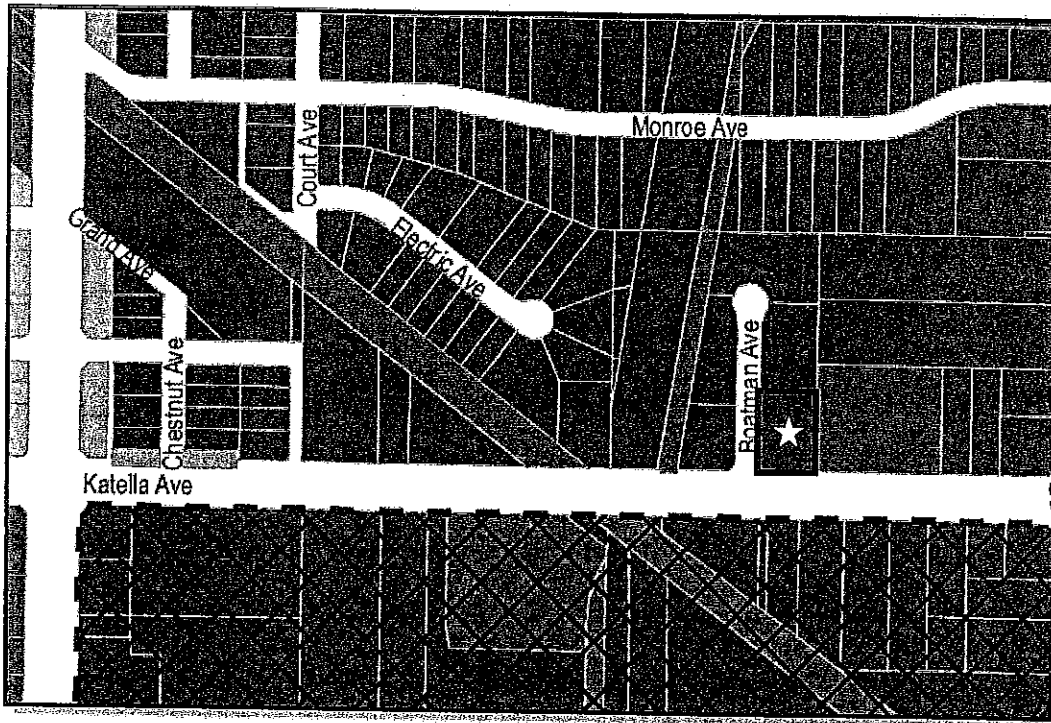
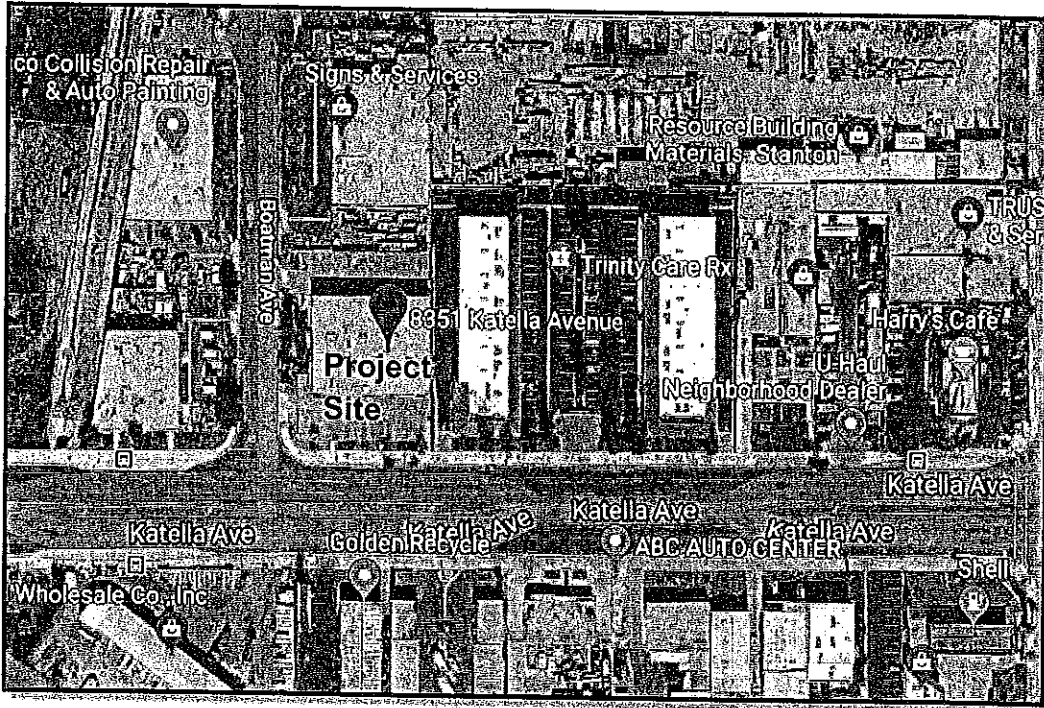
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:



Sou Moua, Chairperson
Stanton Planning Commission

Kelly Hart
Planning Commission Secretary

VICINITY MAP 8351 KATELLA AVE.



Industrial

-  Business Park Zone
-  Industrial General Zone

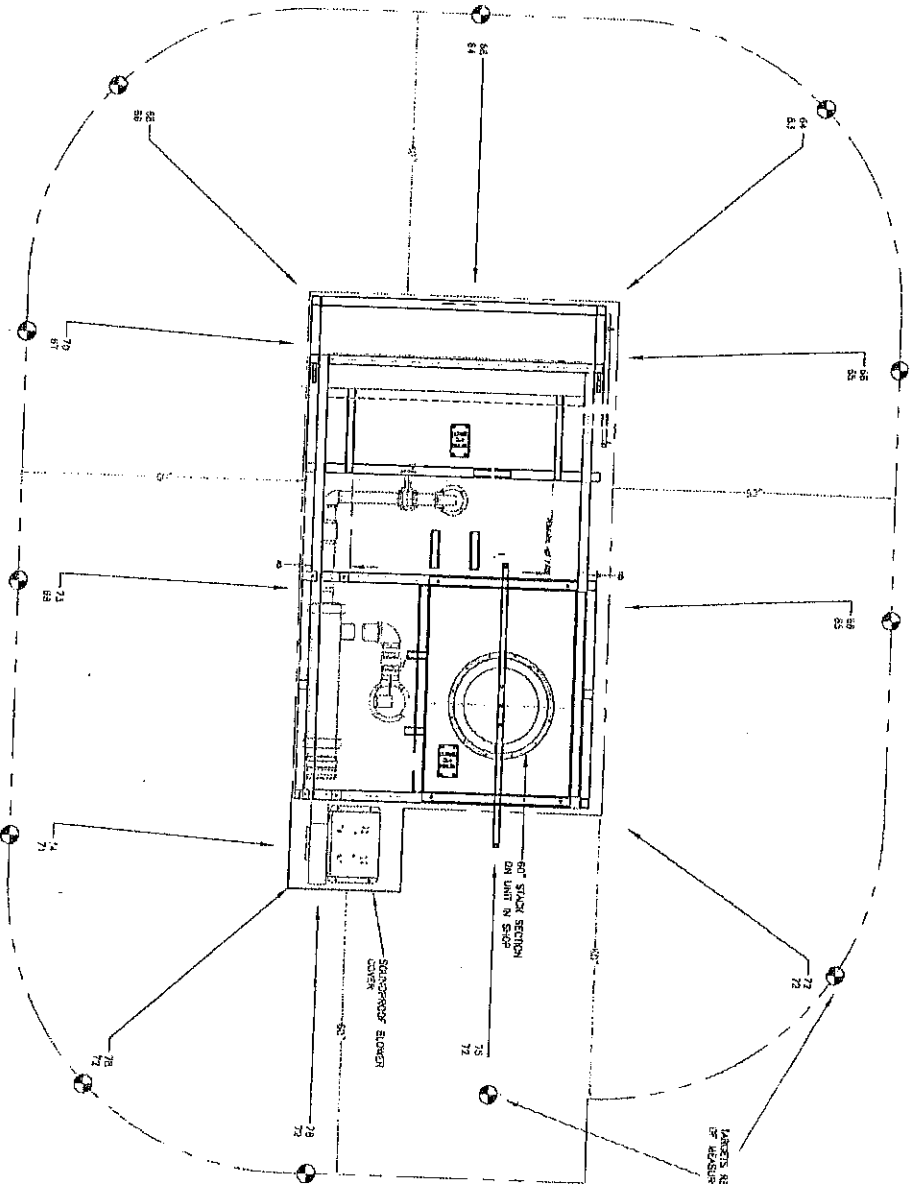
Narrative for Proposed Cremation Facility

The existing funeral home building is configured to accommodate a cremation unit in an existing 1000' storage room, only a small portion of which is currently used. In the tradition of the operator's clients' customs, the performance of the cremation is 'ceremonial' and involves those friends and family members of the deceased observing the placement of the casket into the cremation chamber through a proposed viewing window (see the floor plan exhibit attached). The modern cremation chamber is vented through the roof of the building, filtered through baffles, and hence discharges no detectable odor to the atmosphere and fully complies with EPA requirements for pollution considerations. The addition of a cremation service to the operator's existing business requires a permit from the State of California Cemetery and Funeral Bureau.

ATTACHMENT C

dB READING IN MAGENTA - WITH BLOWER COVER OFF
 dB READING IN BLUE - WITH BLOWER SOUND COVER ON

ABOVE MEASUREMENTS ON HC00 IN ARMIL/CFS SHOP
 SPEER SCIENTIFIC Model 810035
 DATE: 8-27-2005



dB READINGS OF CREMATOR SOUND LEVEL
 ALL TAKEN AT 60" HIGH (60" DISTANCE)
 dB METER HELD AT ANGLE OF ARROW AS SHOWN
 (BOTH BURNERS IGNITED DURING MEASUREMENTS)

MAGENTA REPRESENTS POINT
 OF MEASUREMENT WITH DB METER

dB

BUILDING DATA:

OCCUPANCY CLASSIFICATION: A3
 CONSTRUCTION TYPE: IIIA
 MORTUARY BUILDING FOOTAGE: 52785
 NUMBER OF STORIES: 1-0
 FIRE SPRINKLER: Y

PARKING ANALYSIS

BDG. SF. TOTAL	ACCESSIBLE REQUIRED	PROVIDED	REQUIRED	PROVIDED	TOTAL
52785 S.F. / 100 = 17.99	2	3	46	46	49

1 SITE PLAN
 SCALE: 3/32" = 1'-0"

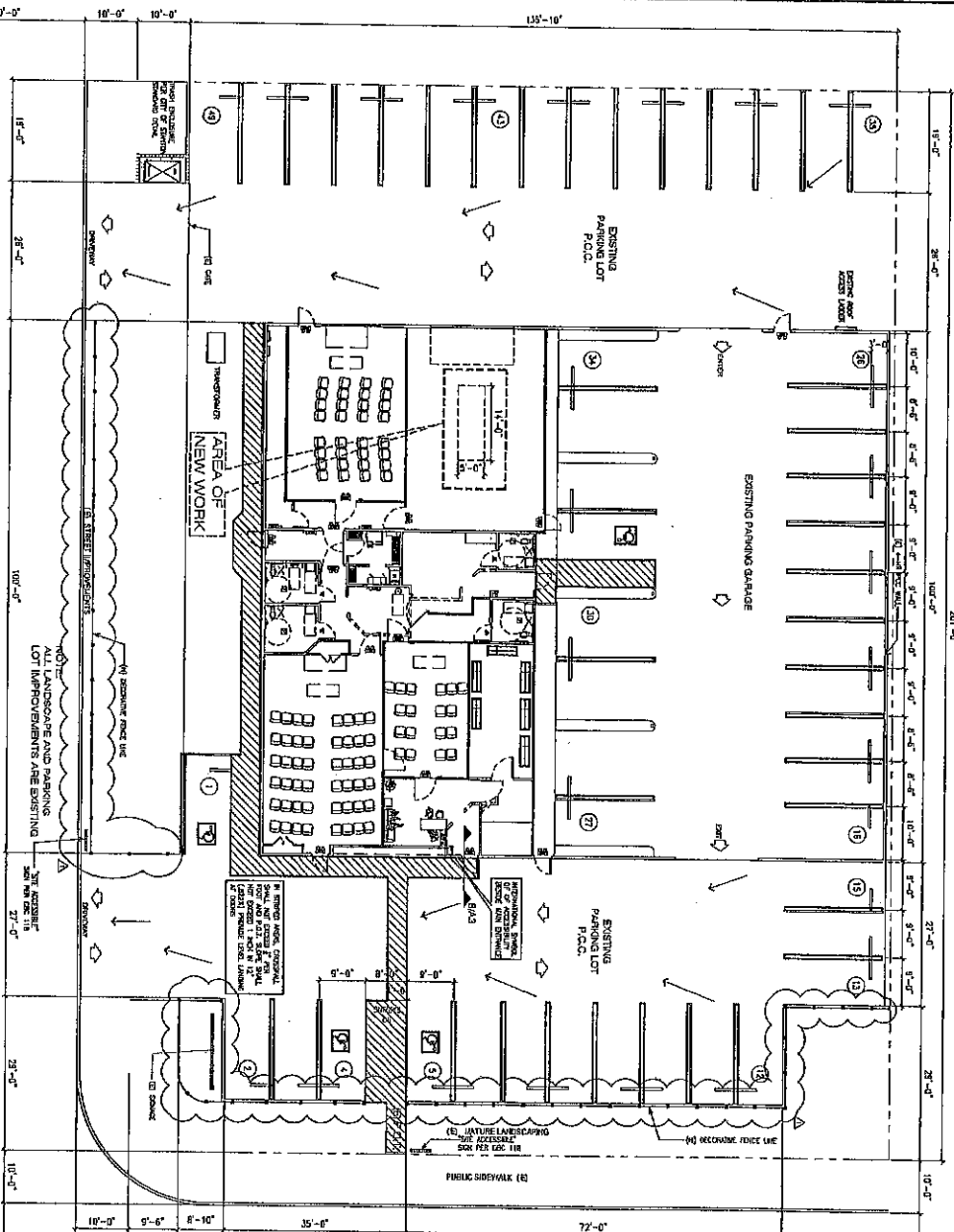
NOTES:
 1. SEE SHEET T24 FOR FIRE DEPARTMENT NOTES.
 2. FIRE SPRINKLER MODIFICATION PLANS SHALL BE SUBMITTED UNDER SEPARATE APPLICATION.

HEAVENS GATE FUNERAL HOME
 8351 KATELLA AVE
 STANTON, CA. 90680

ALABAMA CODE NOTE 1538

NOTE:
 THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BY PRODUCTS, SOIL, PARTICULATE, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER SHALL BE DISCHARGED TO ANY STORM DRAINAGE SYSTEM. ALL WASTEWATER SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET, WATER OR STORM DRAIN SYSTEM.

OWNER/TENANT INFO:
 HEAVENS GATE
 714-224-2501



MIXED BUILDING OCCUPANCY ANALYSIS:

OCCUPANCY	DESCRIPTION	AREA	FACTOR	OCC. LOAD
B	OFFICE	155.75	100	1.55
	BOAT ENCLINING	108.80		
	RECEPTION	272.50	100	2.72
	ELECTRICAL SERVICE ROOM	175.50		
	HALLWAY	112.47		
A3	CORRIDOR	305.05		
	STORAGE CLOSET	108.88		
	MEN'S RR. 1	94.09		
	MEN'S RR. 2	91.35		
	WORKERS RR. 1	54.55		
M	WORKERS RR. 2	71.05		
	CLOSET STORAGE 1 & 2 @ VENDING ROOM 1	34		
	SHOWROOM (RETAILING)	322.72	100	3.22
	VENDING ROOM 1	874.25	7	124.89
	VENDING ROOM 2	419.55	7	60
S2	VENDING ROOM 3	765.30	7	108.04
	EVAPORATING ROOM	299.47	200	1.49
	OPERATION ROOM	1,011.89	500	2.06
	PARKING GARAGE	6,721	300	22.40
		5,279.86		
GROSS FLOOR AREA - MORTUARY		12,010 S.F.		
TOTAL OCCUPANT LOAD				327.17
CONSTRUCTION TYPE -		VB SPRINKLERED		

TABLE 422.1 FUTURE CALC. REQUIREMENTS

REQUIREMENT	PER FLOOR	TOTAL	PER FLOOR	TOTAL
1. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
2. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
3. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
4. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
5. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
6. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
7. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
8. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
9. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
10. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
11. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
12. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
13. MIN. 1.5 IN. THICK	1.5 IN.	1.5 IN.	1.5 IN.	1.5 IN.
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NOTE:
 CURRENT CODES:
 2016 CALIFORNIA BUILDING CODE
 2016 CALIFORNIA ELECTRICAL CODE
 2016 CALIFORNIA PLUMBING CODE
 2016 CALIFORNIA MECHANICAL CODE
 2016 CALIFORNIA FIRE ALARM CODE
 2016 CALIFORNIA GREEN BUILDING CODE

SCOPE OF WORK

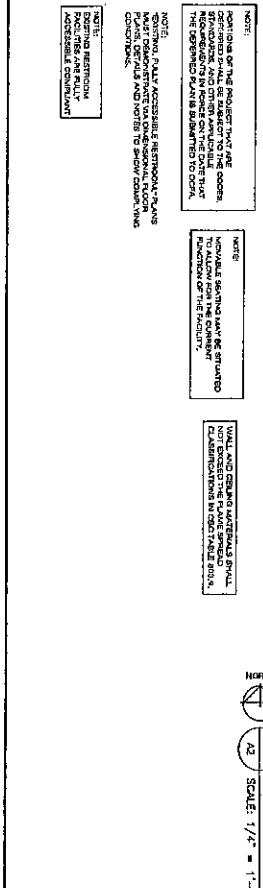
THESE DRAWINGS SHALL BE USED TO CONSTRUCT THE BUILDING IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE AND PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ROADS AND DRIVEWAYS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND BARRIERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE AND PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ROADS AND DRIVEWAYS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND BARRIERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS.

VICINITY MAP



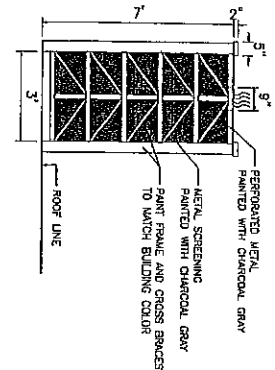
Assessor's Parcel Number / Tax ID: 126-541-30

TENANTS IMPROVEMENTS MORTUARY BUILDING 8351 KATELLA AVE., STANTON, CA 90680-3224		SITE PLAN 1E ADDITION AL HOME		OWNER/DEVELOPER: NAME: BRESKING, INC. ADDRESS: P.O. BOX 4365 ORANGE, CA 92667 PHONE: 714-714-0000 FAX: 714-332-2000	
DATE: APRIL 9, 2018 BY: AS NOTED SCALE: AS NOTED		REVISIONS: BY: [] DATE: [] DESCRIPTION: []		PROJECT NO.: A1 SHEET NO.: 5/23	

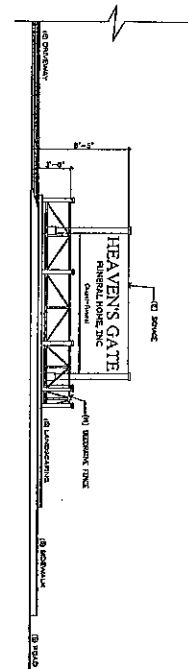
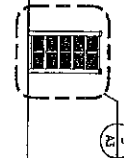


NOTES:

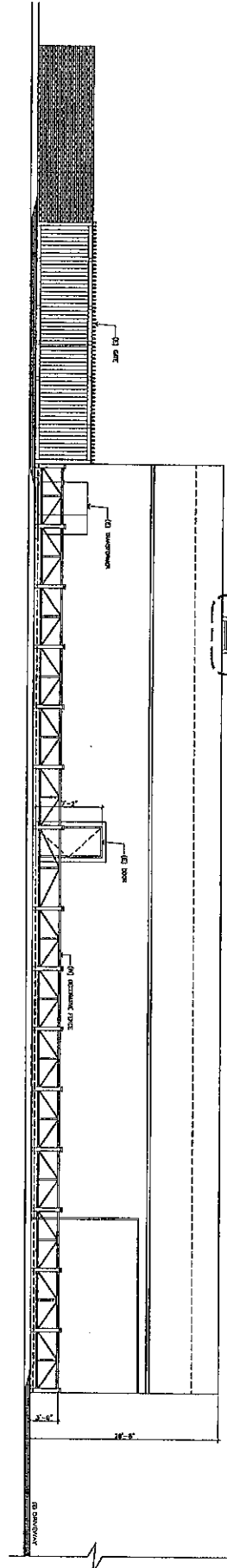
1. The board shall, based on the fully open, best bid, when an opening bid is received, award the contract to the bidder who has submitted the lowest bid. The opening is awarded to the bidder with the lowest bid, provided the bidder is not a "fly bidder" and is not a "fly bidder" who has submitted a bid that is not a "fly bid" (as defined in the rules of the board).
2. The board shall, based on the fully open, best bid, when an opening bid is received, award the contract to the bidder who has submitted the lowest bid. The opening is awarded to the bidder with the lowest bid, provided the bidder is not a "fly bidder" and is not a "fly bidder" who has submitted a bid that is not a "fly bid" (as defined in the rules of the board).
3. The board shall, based on the fully open, best bid, when an opening bid is received, award the contract to the bidder who has submitted the lowest bid. The opening is awarded to the bidder with the lowest bid, provided the bidder is not a "fly bidder" and is not a "fly bidder" who has submitted a bid that is not a "fly bid" (as defined in the rules of the board).
4. The board shall, based on the fully open, best bid, when an opening bid is received, award the contract to the bidder who has submitted the lowest bid. The opening is awarded to the bidder with the lowest bid, provided the bidder is not a "fly bidder" and is not a "fly bidder" who has submitted a bid that is not a "fly bid" (as defined in the rules of the board).
5. The board shall, based on the fully open, best bid, when an opening bid is received, award the contract to the bidder who has submitted the lowest bid. The opening is awarded to the bidder with the lowest bid, provided the bidder is not a "fly bidder" and is not a "fly bidder" who has submitted a bid that is not a "fly bid" (as defined in the rules of the board).



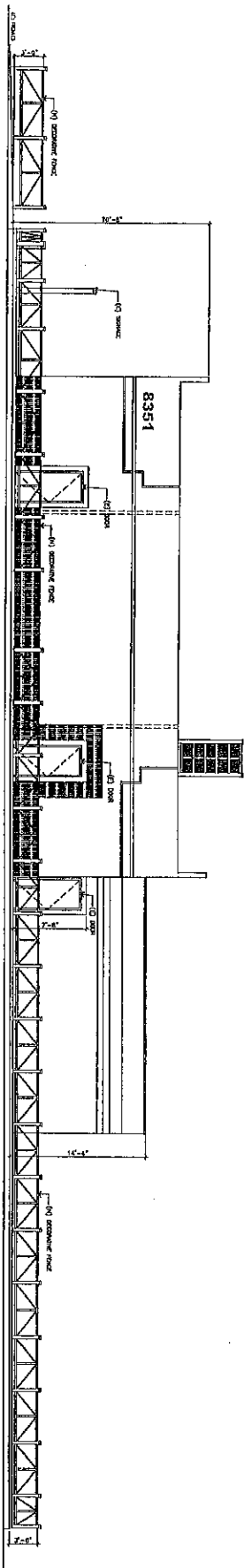
3 SMOKESTACK SCREENING
SCALE: 1/2" = 1'-0"



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



**DOCUMENTS SUBMITTED BY THE APPLICANT
FOR THE
PLANNING COMMISSION PUBLIC HEARING**

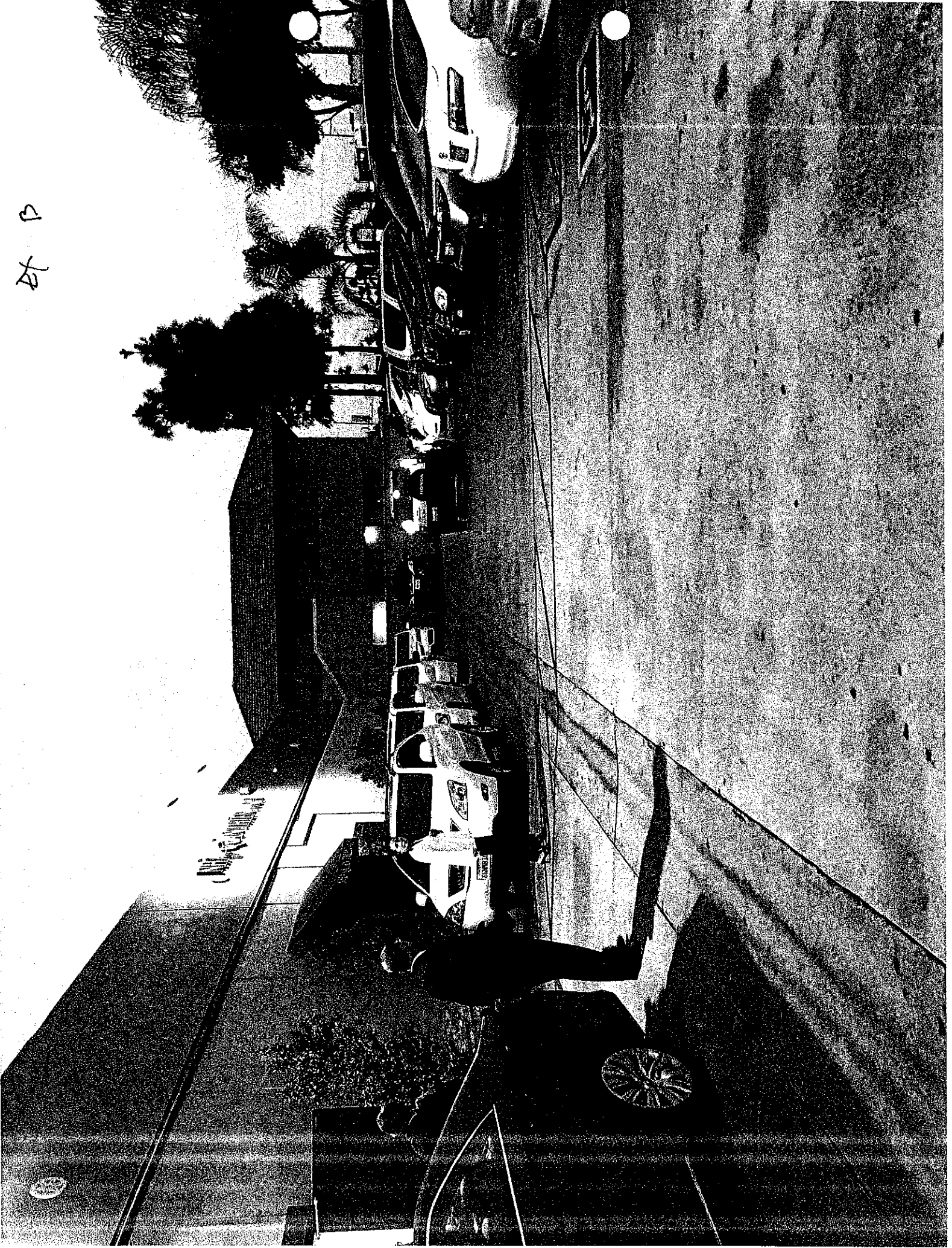
E-1

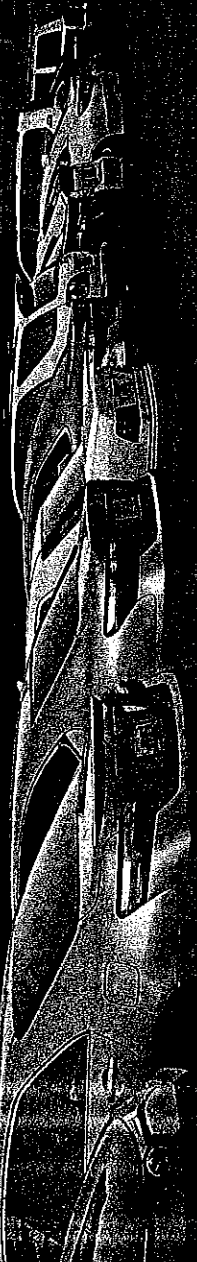
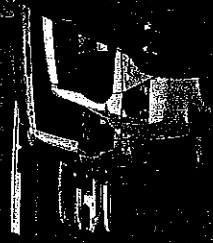
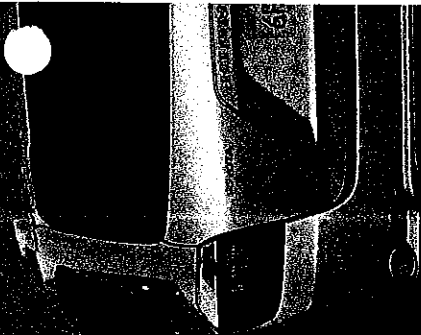
Crematory Emissions Factors (USEPA Final 1999 Non Point HAP Source Estimates, August 26, 2003)

	Human Cremation	Animal Cremation
Compound	EF (lb/ton)	EF (lb/ton)
Arsenic and arsenic compounds (inorganic)	4.00E-04	4.00E-04
Beryllium (and beryllium compounds)	1.84E-05	1.84E-05
Cadmium and cadmium compounds	1.46E-03	1.46E-03
Chromium, hexavalent *	1.91E-04	1.91E-04
Polychlorinated Dibenzofurans (PCDF) (as 2, 3, 4, 8-Equiv) and t	1.43E-07	1.43E-07
Polychlorinated Dibenzo-p-Dioxins (PCDD) (as 2,3,7,8-Equiv)	7.74E-08	7.74E-08
Formaldehyde	2.89E-09	2.89E-09
Hydrogen Chloride (Hydrochloric Acid)	1.97E+00	1.97E+00
Lead and lead compounds (inorganic, including elemental lead	9.39E-03	9.39E-03
Nickel & nickel compounds (except nickel oxide):	5.09E-04	5.09E-04
Mercury and mercury compounds (inorganic)	5.32E-03	0.00E+00
PolyCyclic Aromatic Hydrocarbon (PAHs)	9.63E-04	9.63E-04

*Emission factor from EPA is for Total Chrome. Hex Chrome emission factor is from San Diego APCD

27 B





c

8

APPLICATION:

Accessibility to public buildings, commercial buildings and publicly funded housing. Group occupancies included are A, B, E, F, H, I, M, R (hotels, motels, Inn, dormitories, resorts, homeless shelters, halfway houses, transient group homes and similar places of transient lodging), S, and outdoor occupancies, such as parks and recreational areas, campsites, beach picnic areas, boat docks, and nature trails. For application to privately funded housing, refer to Chapter 11-A of the California Building Code, Volume 1.

CODE REFERENCE: CALIFORNIA BUILDING CODE, VOLUME 1, CHAPTERS 10 AND 11B**AN IMPORTANT NOTE:**

The contents of all illustrations of this bulletin are taken from the California Building Code, Volume 1, Chapters 10 and 11B. The users of this bulletin should be aware that this bulletin is intended only as an aid to the basic understanding of the regulations and that to fully understand and apply these regulations, they must refer to the code reference stated above.

NEW BUILDINGS**GENERAL CONCEPT:**

Provide path of travel from handicapped parking spaces to all accessible elements and spaces, such as walks, sidewalks, curb ramps and pedestrian ramps, lobbies and corridors, elevators, sanitary facilities, other improved areas or necessary combinations thereof that provide free and unobstructed access to and from a particular area or location for pedestrians and/or wheelchair users.

ILLUSTRATION OF ACCESSIBILITY REGULATIONS**ACCESSIBLE PARKING:**

Handicapped parking spaces shall be located on the shortest accessible route to an accessible entrance and they shall be so arranged that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own. The required number of handicapped parking spaces shall be in accordance with table below.

TOTAL REQUIRED	MINIMUM HANDICAPPED SPACES REQUIRED
1 to 25	1 van accessible space
26 - 50	2 including 1 van accessible space
51 - 75	3 including 1 van accessible space
76 - 100	4 including 1 van accessible space
101 - 150	5 including 1 van accessible space
151 - 200	6 including 1 van accessible space
201 - 300	7 including 1 van accessible space
301 - 400	8 including 1 van accessible space
401 - 500	9 including 2 van accessible spaces
501 - 1000	2% including 3 van accessible spaces
1001 - ?	20 + 1 per 100 or fraction, including min. 1 van accessible space per 8 accessible spaces or fraction thereof



Lễ Nhập Quan & Phát Tang

Date: Friday August 3, 2018

Time: 9:00 AM– 11:00AM

**Place: Heaven's Gate Funeral Home
Chapel 1**

Lễ Di Quan: 12:00PM – Hỏa Táng 1:00PM.

1 Comment

Duke Nguyen on August 1, 2018 at 9:39 am

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

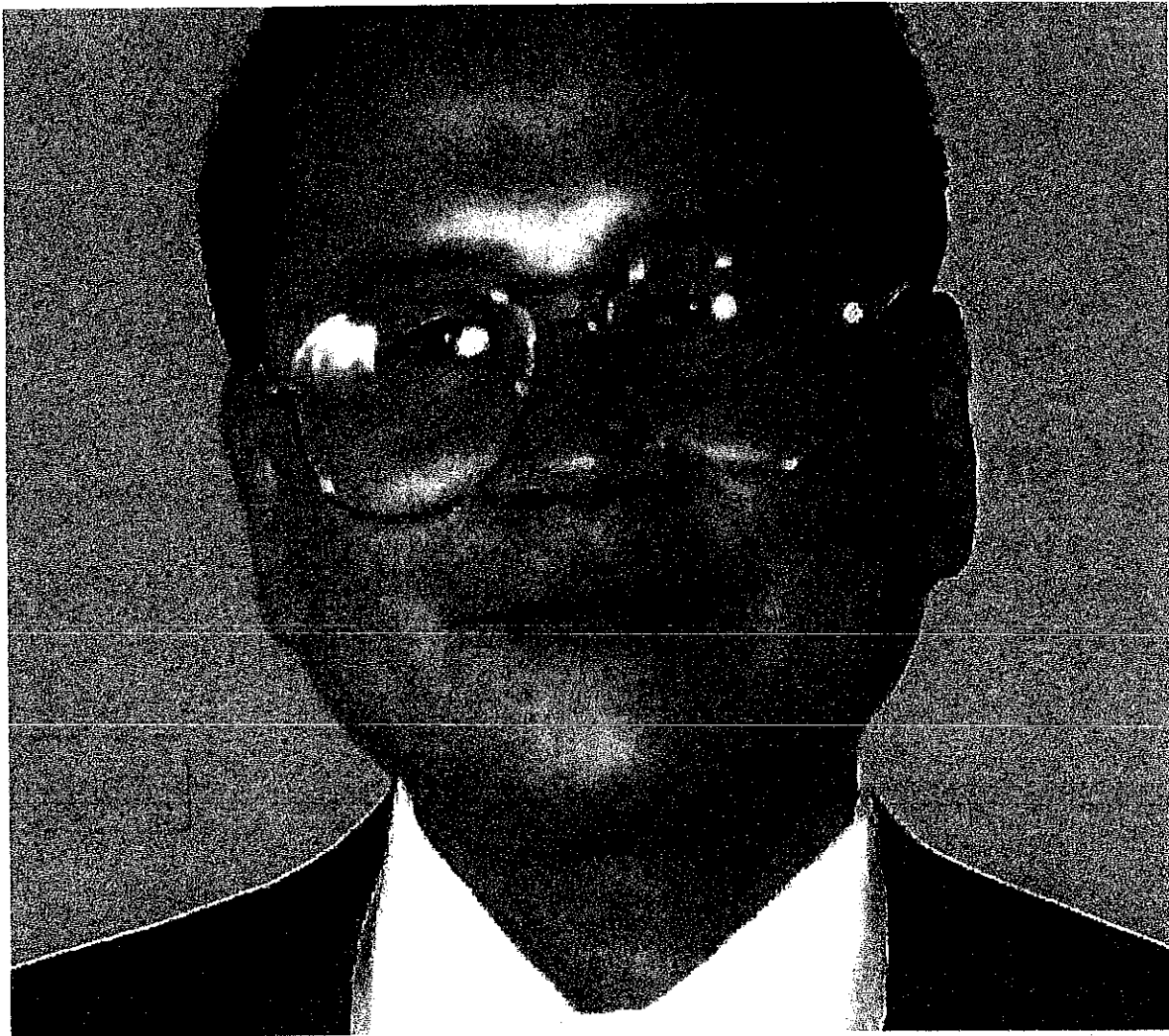
Archives

October 2018

September 2018

Bùi Văn Rĩ

by Duke Nguyen | Aug 1, 2018 | Obituaries | 1 comment



November 4, 1942 – July 31, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Thursday- August 9, 2018

Time: 8:00AM – 9:00AM (Lễ nhập quan & phát tang)

9:00AM – 1:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

1 Comment

Duke Nguyen on August 6, 2018 at 2:04 pm

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

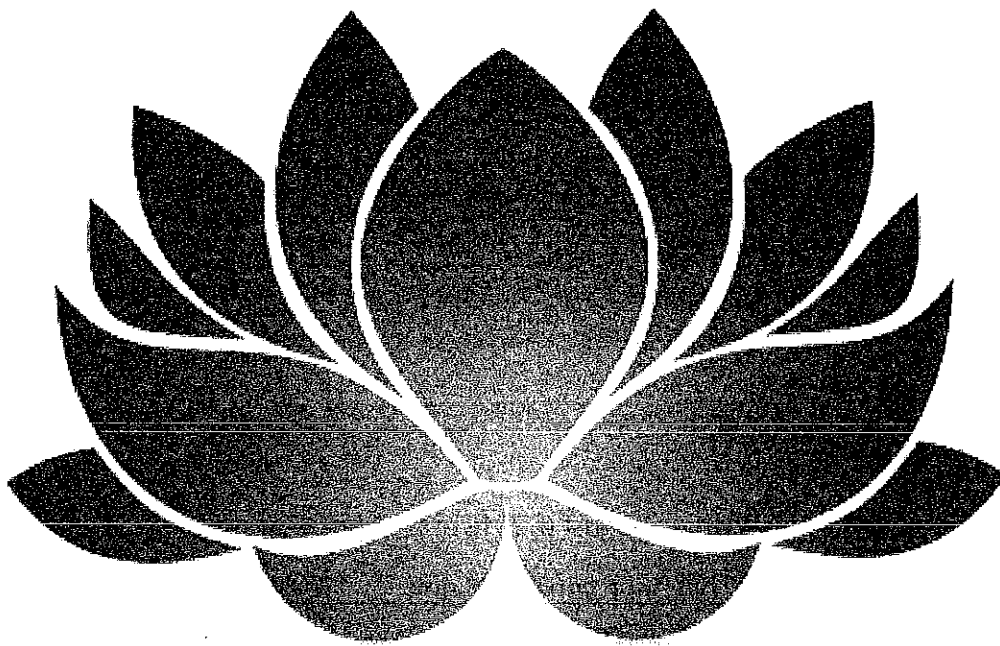
Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Tăng Quảng Vinh

by Duke Nguyen | Aug 6, 2018 | Obituaries | 1 comment



March 1, 1973 – August 5, 2018

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan, Phát Tang & Thăm Viếng

Date: Saturday August 11, 2018

Time: 10:00AM – 7:00PM (Lễ nhập quan & Thăm Viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

September 2018

August 2018

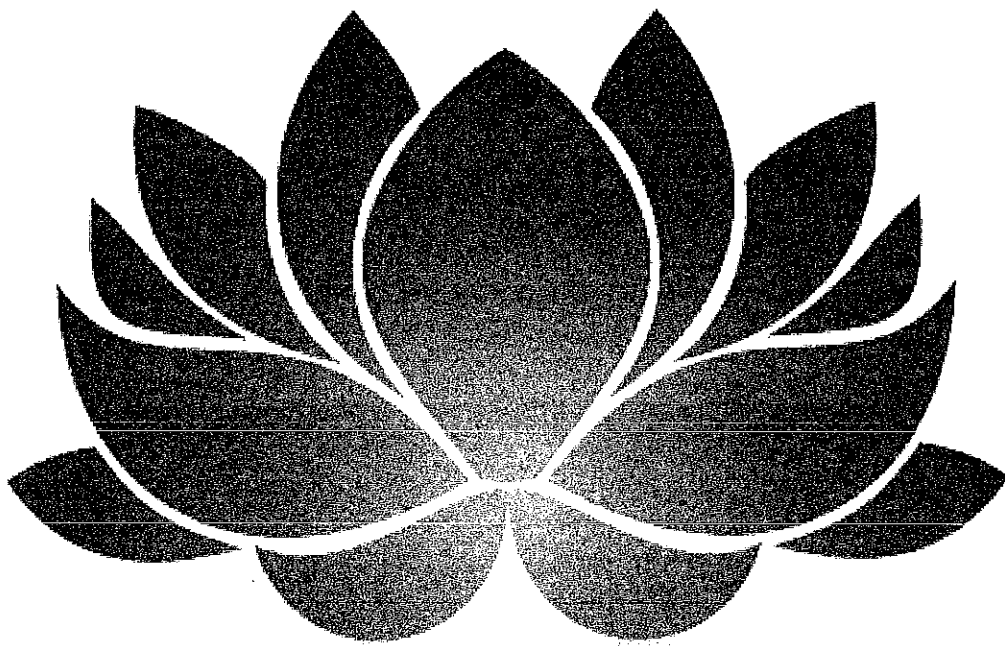
July 2018

June 2018

May 2018

Nguyễn Thế Mỹ

by Duke Nguyen | Aug 8, 2018 | Obituaries | 0 comments



March 03, 1951 – August 6, 2018

Chương Trình Tảo Mộ Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

CREMATION

Thăm Viếng

Date: Saturday August 11, 2018

Time: 9:00AM – 9:00PM

Place: Heaven's Gate Funeral Home Chapel

2 Comments

Cliftonguest on August 22, 2018 at 9:33 am

Duke Nguyen, thanks so much for the post. Much thanks again. Really Cool.

Reply

Duke Nguyen on August 7, 2018 at 10:22 am

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

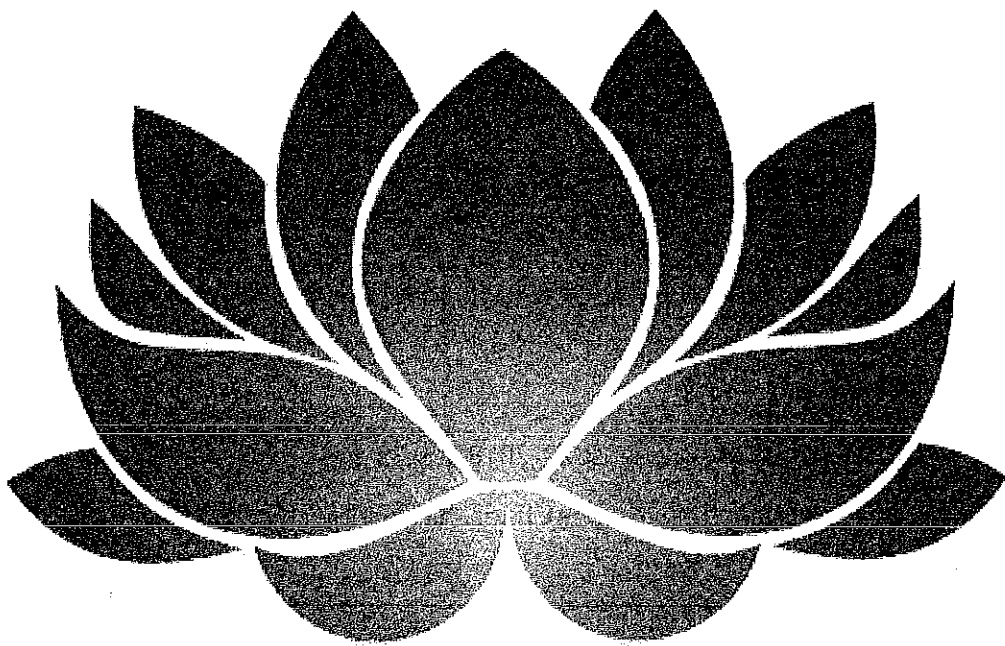
Reply

Send Flowers

Please contact for flowers arrangements.

Phạm Văn Toàn

by Duke Nguyen | Aug 7, 2018 | Obituaries | 2 comments



June 15, 1943 – August 6, 2018

Chương Trình Tảo Lễ (Visitation & Memorial Services)

VISITATION & MEMORIAL SERVICE

Thăm Viếng & An Táng

Date: Sunday August 12, 2018

Time: 3:00PM – 8:00PM

Place: Heaven's Gate Funeral Home Chapel

Body will be shipped back to Vietnam after the service.

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

September 2018

August 2018

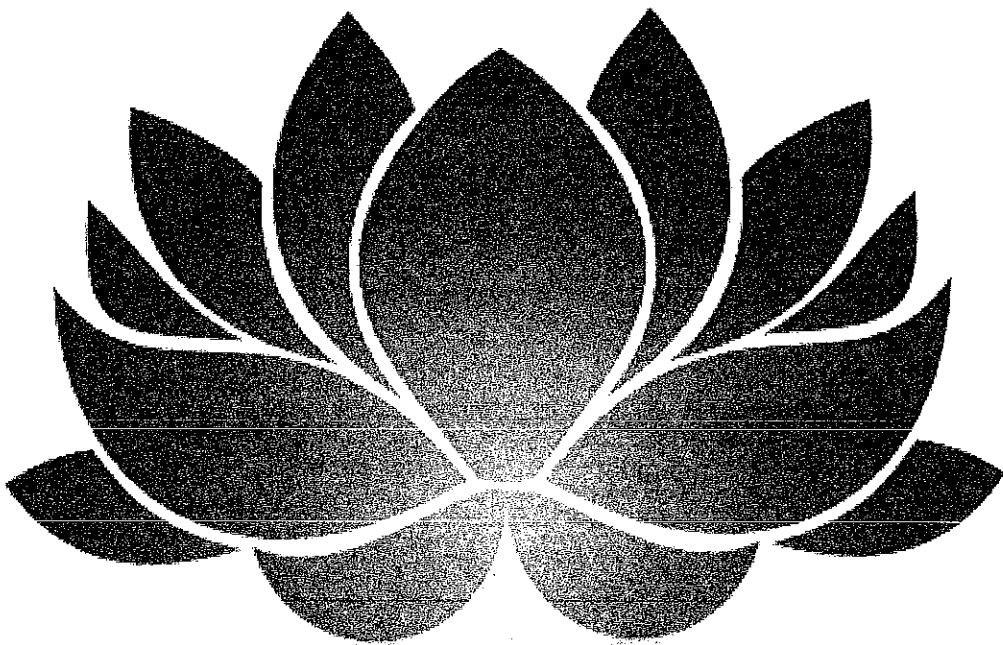
July 2018

June 2018

May 2018

Dương Tân

by Duke Nguyen | Aug 8, 2018 | Obituaries | 0 comments



June 6, 1946 – August 7, 2018

ĐẠI ĐẠO TAM KỲ PHỒ ĐỘ

(Cửu Thập Tam Niên)

TÒA THÁNH TÂY NINH

THÁNH THẤT CALIFORNIA

CHƯƠNG TRÌNH TANG LỄ

CÓ HIỀN TÀI: NGUYỄN KIM MINH . 80 Tuổi

Sanh ngày 13-04-1939 (KỶ MỆO) tại Xã Hòa Thành, H. Hòa Thành, Tỉnh Tây Ninh.

Quí vị lúc: 13 giờ 51 phút, ngày 04 tháng 7 năm Mậu Tuất (DL 14-08-2018) Mùì thời tại Bệnh Viện UCI, Orange, California, Hoa Kỳ. Cử hành tang lễ tại nhà quán THIÊN MÔN, địa chỉ: 8351 KATELLA AVE., STANTON. Điện thoại: 714-224 - 2501.

THỨ BẢY, NGÀY: 18 - 08 - 2018 (AL 08 - 07 - Mậu Tuất) HÀNH LỄ:

- 6:00 Am (sáng) : - Thỉnh linh vị châu lễ Đức Chí Tôn, tại Thánh Thất California.
- 12:00 pm (Ngọ Thời) : - Thỉnh linh vị châu lễ Đức Chí Tôn, tại Thánh Thất California.
- 1:30 Pm : - Lễ nhập quan, (kính Tân Liệm)
 - Kính Cáo từ Tổ Thọ Tang
 - Lễ Thành Phục Phát Tang.
 - Cúng Triều.
- 2:30 Pm : - Thăm Viếng
- 5:30 Pm : - Tế Điện
 - Chánh Tế (chồng tế vợ, con tế mẹ, trò tế thầy)
 - Phụ tế chúc sắc đồng phẩm niệm hương.
 - Chúc sắc đồng phẩm qui tế
 - Chúc việc & đạo hữu qui tế
 - Cầu siêu

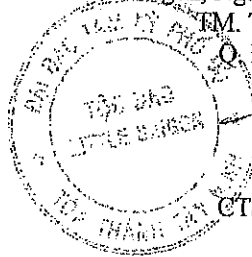
CHỦ NHỰT, NGÀY: 19 - 08 - 2018 (AL 09 - 07 - Giáp Ngọ)

- 8:00 Am : - thăm viếng
- 10:30 Am (sáng) : - Lễ Cáo Từ Tổ
 - Cúng triều
- 11:30 Am (sáng) : - Di Quan (khiển điện)
 - Viếng Thánh Thất ra nghĩa trang
- 1:30 Pm : - Hạ huyệt.

LittleSaigon, Ngày 15 Tháng 8 Năm 2018

TM. Tộc Đạo Littlesaigon

Q. ĐÀU TỘC ĐẠO

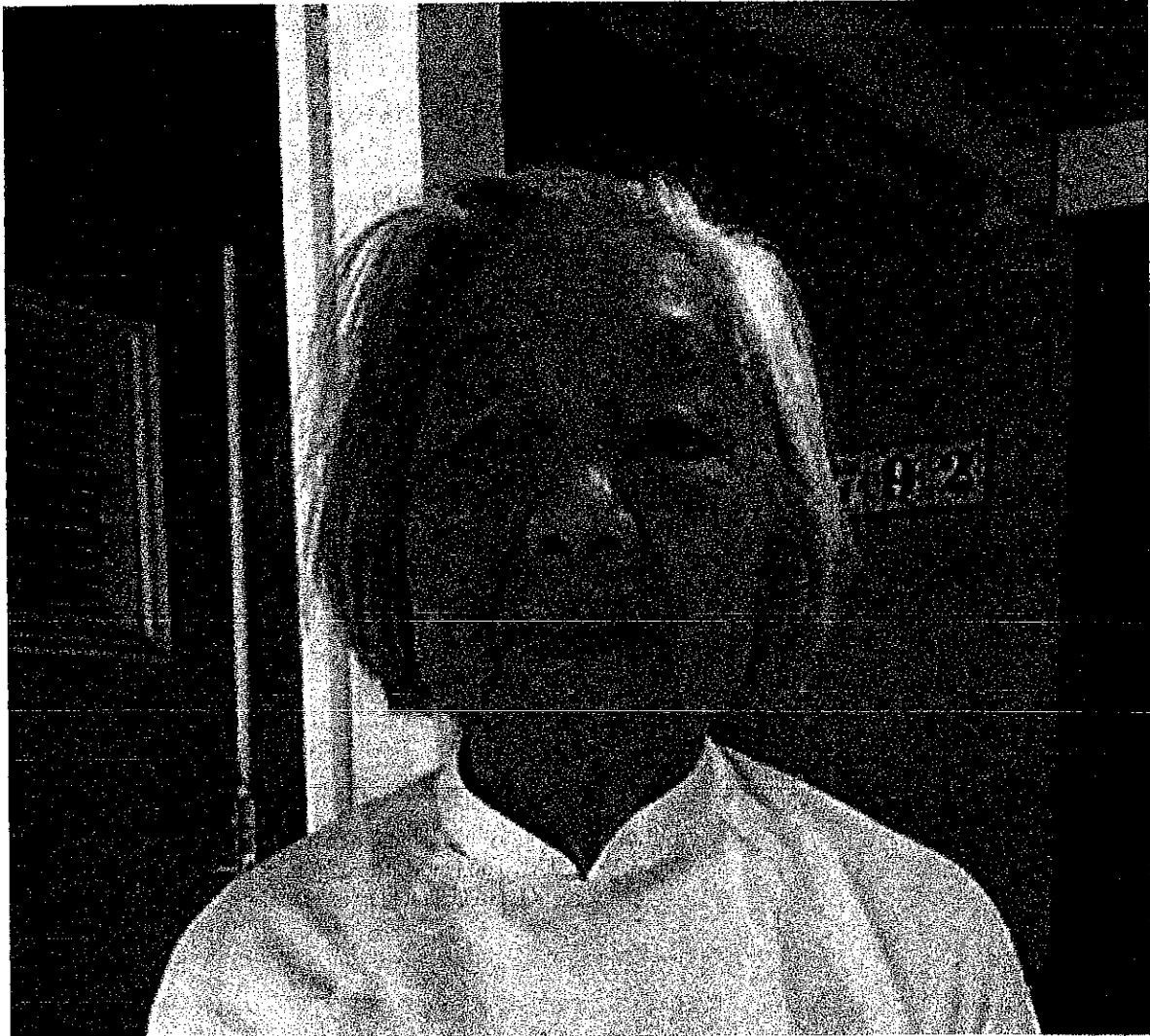


CTS: Trần Quang Linh

Gia đình xin miễn phúng điếu

Nguyễn Kim Minh

by Duke Nguyen | Aug 15, 2018 | Obituaries | 1 comment



VISITATION

MEMORIAL SERVICE

BURIAL

Nghi Thức Phát Tang và Thăm Viếng

Date: Monday September 10, 2018

Time: 10:00AM - 8:00PM

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

October 2018

September 2018

August 2018

July 2018

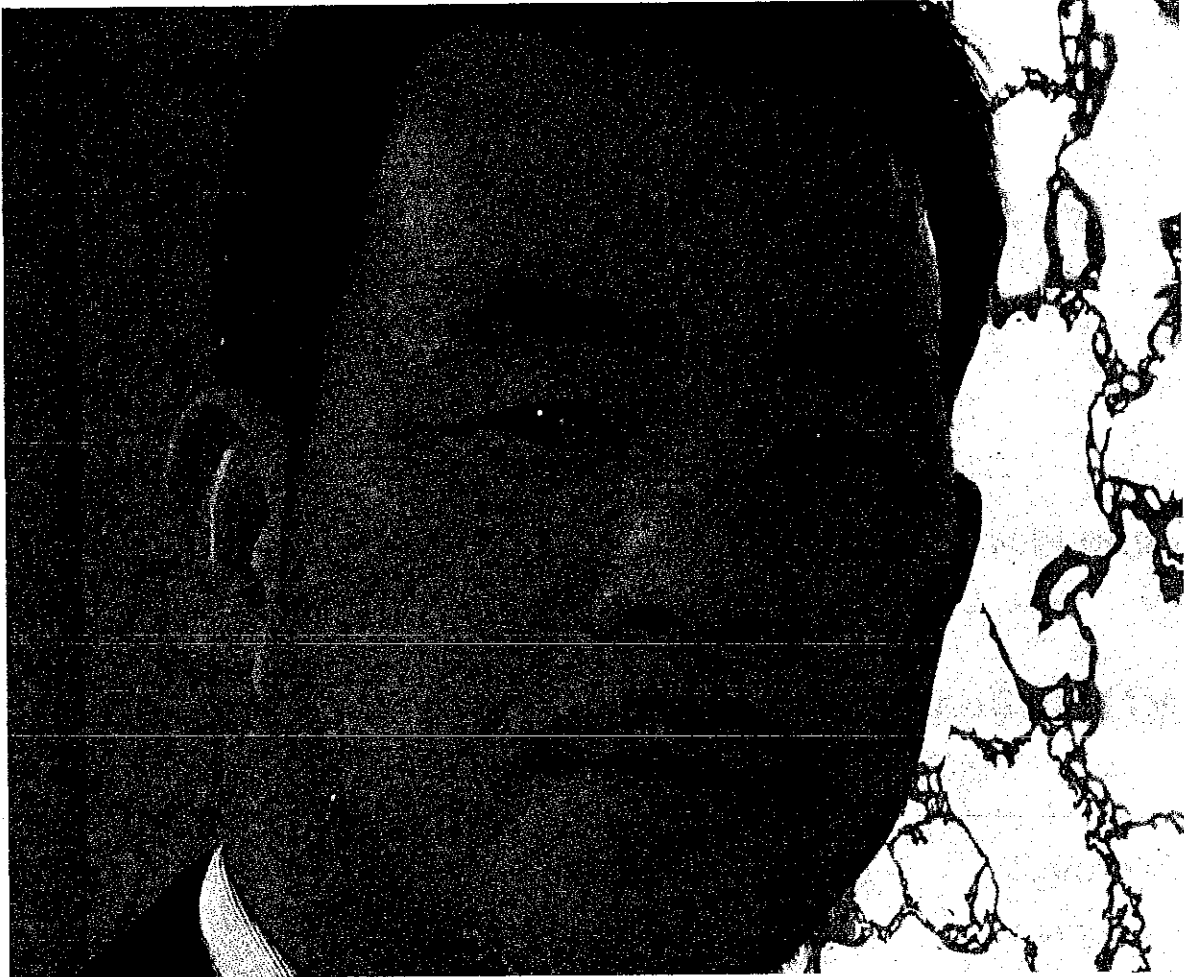
June 2018

May 2018

Navigation

Trần Quốc Thịnh

by Duke Nguyen | Sep 7, 2018 | Obituaries | 0 comments



**January 20, 1967 – September 6,
2018**

Chương Trình Tang Lễ (Visitation & Memorial Services)

Chương Trình Tang Lễ (Visitation & Memorial Services)

Reply:

December 13, 1928 – September 19, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Sunday 23, 2018

Time: 08:00AM – 2:00PM

Place: Heaven's Gate Funeral Home Chapel

1 Comment

Anonymous on September 20, 2018 at 2:02 pm

Chúng tôi xin chia buồn cùng gia đình!

Please accept our deepest condolences!

Heaven's Gate Funeral Home Staff

Reply

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Bùi Thị Trước

by Duke Nguyen | Sep 20, 2018 | Obituaries | 1 comment



VISITATION & MEMORIAL SERVICE

CREMATION

Lễ Nhập Quan và Thăm Viếng

Date: Wednesday September 26, 2018

Time: 09:00AM – 10:00AM (Lễ nhập quan)

10:00AM – 1:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

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Navigation

Nguyễn Văn Đắc

by Duke Nguyen | Sep 21, 2018 | Obituaries | 0 comments



**December 15, 1955 – September
26, 2018**

Chương Trình Tang Lễ (Visitation & Memorial Services)

Date: Friday September 28, 2018

Time: 1:00PM – 08:00PM

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

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Cremation

Receiving & Forwarding Remains

Ship To & From Vietnam

Away From Home Protection

Nguyễn Khắc Lập

by Duke Nguyen | Sep 20, 2018 | Obituaries | 0 comments



April 8, 1948 – September 15, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

BURIAL

Thăm Viếng

March 14, 1952 – September 23, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION

MEMORIAL SERVICE

BURIAL

Lễ Nhập Quan và Thăm Viếng

Date: Saturday 29, 2018

Time: 11:00AM – 12:00PM (Lễ nhập quan)

12:00PM – 8:00PM (Thăm viếng)

Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

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August 2018

Đặng Khánh Đức

by Duke Nguyen | Sep 24, 2018 | Obituaries | 0 comments



February 2, 1928 – September 23, 2018

Chương Trình Tang Lễ (Visitation & Memorial Services)

VISITATION
MEMORIAL SERVICE
Phát tang và Thăm Viếng
Date: Friday 9/28/, 2018
Time: 4:00PM – 8:00PM
Place: Heaven's Gate Funeral Home Chapel

Send Flowers

Please contact for flowers arrangements.

Make A Donation

We will have a donation account setup soon.

Archives

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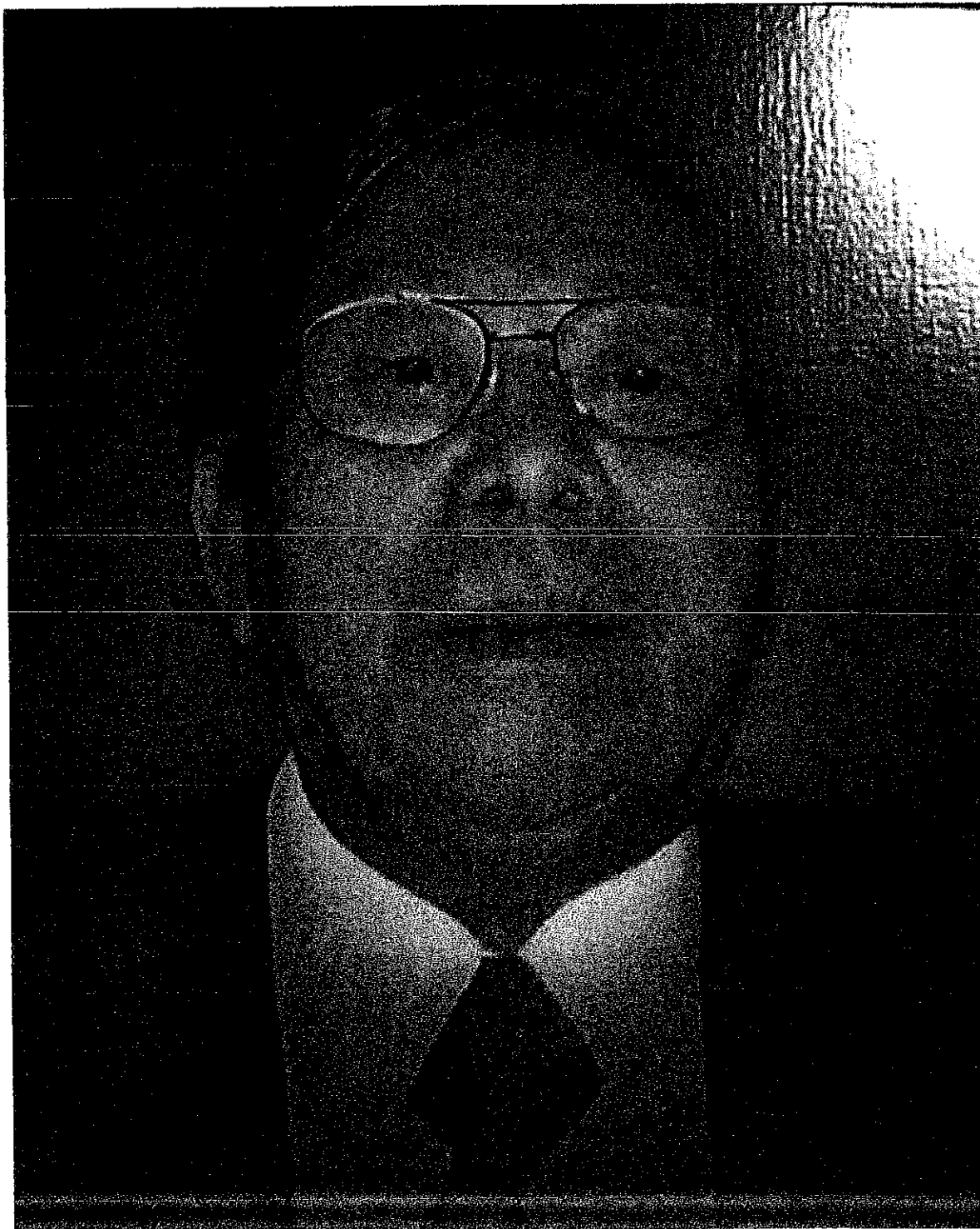
September 2018

August 2018

July 2018

Phạm Văn Tín

by Duke Nguyen | Sep 24, 2018 | Obituaries | 0 comments



**DOCUMENTS SUBMITTED BY NEIGHBORING BUSINESS OWNERS
FOR THE
PLANNING COMMISSION PUBLIC HEARING**

Rivera, Rose

From: Mitchell Thomas [REDACTED]
Sent: Tuesday, October 02, 2018 2:02 PM
To: Rivera, Rose
Subject: CREMATORY at 8351 Katella Ave. Stanton, CA.
Importance: High

Stanton Planning Commission

10/02/18

Hearing on October 3, 2018

RE: Request to add cremation services to existing mortuary.

**As the Owner of Ford Wholesale Co., Inc.
8302 Katella Ave., Stanton, CA. 90680**

I/WE OBJECT to the Request for Conditional Use Permit C18-04 at 8351 Katella Ave.

I/WE are concerned about the potential long-term physical and mental health impacts from

residing and/or working in such close proximity to a crematory.

I/WE are concerned that the proximity of the proposed use would interfere with the use and

enjoyment of OUR property, and that due to negative public perceptions about living in the

close proximity to such a use, OUR property values would DECREASE substantially, IF the

proposed use was allowed at this location.

I/WE believe that the requested use at the proposed location will, IN FACT, adversely affect

the health, peace, and comfort of persons residing or working in the surrounding area, and

unreasonably interfere with the use, enjoyment, and/or valuation of OUR property and that of

other persons located in the vicinity of the site.

Therefore, the required finding for approval of the Conditional Use Permit cannot be made.

I/WE RESERVE ALL LEGAL RIGHTS IN A COURT of LAW regarding this CUP C18-04 request.

Respectfully submitted:

Mitchell Thomas – Owner

Ford Wholesale Co.,Inc.
8302 Katella Ave. Stanton,CA.



NORTH
ORANGE COUNTY
CHAMBER

October 3, 2018

Chairman Sou Moua
Planning Commission
City of Stanton
7800 Katella Avenue
Stanton, CA 90680

October 3, 2018; Item 7 B

Dear Chairman Moua,

North Orange County Chamber supports consideration of a Conditional Use Permit allowing for the operation of a cremation facility in conjunction with an existing mortuary located at 8351 Katella Avenue in the City of Stanton.

Heaven's Gate Funeral Home is a family owned and operated business. Their roots in the area since 2007 -- locally since 2016 -- provides them unique insight to the requests and needs of their customers. The request to provide cremation services at their existing mortuary and within the same building is recognized by us as a business decision of the applicant.

According to the staff report for this item, the site's suitability ensures that the type, density, and intensity of use proposed will not adversely affect the public convenience, health, interest, safety or general welfare, constitute a nuisance, or be materially detrimental to the proposed improvements. We therefore recommend approval of Permit C18-04 to allow the applicant to proceed modifying conditions to include the use requested.

NOCC is the voice of the business community in North Orange County representing 3,000 business members throughout the region. We actively work to build stronger communities and advocate for a healthy business climate.

Thank you for your continued partnership and support.

Sincerely,

Theresa Harvey
President and CEO
North Orange County Chamber

Cc: Planning Commissioners
Kelly Hart, Community Development Director

BOARD OF DIRECTORS

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Holiday Inn Buena Park

Michael Williams, Chair Elect

Williams Insurance Company

DruAnn Copping, Vice Chair

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Southern California Gas Company

Cherry Li-Bugg, Ph.D.

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Ho-El Park

Law Office of Ho-El Park

Kevin Pendergraft

Credit Union of Southern California

Carlos Salazar

Salazar Associates

Katie Wanamaker

The Source Buena Park

RECEIVED

OCT -3 2018

COMMUNITY DEVELOPMENT


To Whom it May Concern,

As a general partner in Ray Thornton Properties I would like to let all concerned parties know that Ray Thornton Properties is adamantly against the plans to build a crematorium on Katella Ave.

Ray Thornton Properties has several small business parks on Katella Ave and Dale St, with one being right across the street from the proposed crematorium location.

It is our understanding that the crematorium will have a negative impact on our future property value, and could also impact our selection of future tenants.

Sincerely,



Ron Thornton

Ray Thornton Properties



Ewles Materials

DIV. OF JOHN B. EWLES, INC.

GENERAL ENGINEERING CONTRACTOR

License No. 232684

P.O. BOX 578 • STANTON, CALIFORNIA 90680 • (714) 894-1988 • FAX: (714) 894-7699

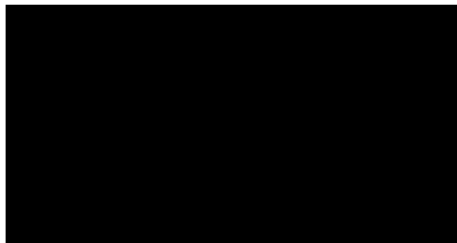
To whom it may concern:

Katella Business Park, John B Ewles Inc, and New Rental Co., have written this letter to express adamant disapproval of the plans to develop a crematorium on Katella Ave.

It is a collective understanding that the development of a crematorium and its business activities therein will negatively impact the surrounding businesses, communities and overall property values.

A collaborative effort is underway by business owners and property owners alike, to refuse the proposed development of the crematorium, and will continue to voice its disapproval.

We appreciate your consideration of our concerns in this matter, and are open to any and all discussion moving forward.



Steve Ewles
President

Mitchell Thomas

From: Mitchell Thomas
Sent: Tuesday, October 02, 2018 2:02 PM
To: 'rrivera@ci.stanton.ca.us'
Subject: CREMATORY at 8351 Katella Ave. Stanton,CA.
Importance: High

Stanton Planning

Commission

10/02/18

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I/WE RESERVE ALL LEGAL RIGHTS IN A COURT of LAW regarding this CUP C18-04 request.

Respectfully submitted:

**Mitchell Thomas – Owner
Ford Wholesale Co., Inc.
8302 Katella Ave. Stanton, CA.**

NEWS > LOCAL NEWS

Neighbors fighting Garden Grove funeral home's crematorium plans

By CHRIS HAIRE | chaire@scng.com | Long Beach Press-Telegram
June 16, 2016 at 7:00 am

0 COMMENTS

GARDEN GROVE – A proposed funeral home has drawn the ire of some residents in Garden Grove, Orange and Santa Ana because of fears its crematorium would cause health problems.

Heaven's Gate Funeral Home, which would occupy an approximately 19,500-square-foot abandoned office building on Garden Grove Boulevard if approved by the Planning Commission today, would have a showroom for caskets and urns, host wakes and cremate bodies.

It is the crematorium, which would border three cities and be within 300 feet of several houses, that has residents concerned. There is not enough evidence, they say, to prove that fumes released when bodies are burned are not harmful to others.

"I don't want it to affect our children," said Khai Nguyen of Santa Ana, who lives near the proposed funeral home and has two young children.

"They say the fumes will be clear, odorless and invisible," Nguyen said. "But how many other things were clear, odorless and invisible that we later found out were harmful. We don't want to be guinea pigs."

Heaven's Gate's owner, Tuan Duc Nguyen (no relation to Khai Nguyen), who runs a storefront mortuary of the same name in Westminster, says it is unfair to prevent him from opening. The building is zoned as light commercial, which allows his type of business.

"I've been looking for a place to expand my business for 10 years," he said. "It's very hard. I want to open the funeral home to take care of my community."

Tuan Duc Nguyen said his funeral home would have two furnaces that would cremate an estimated 34 bodies each per month.

"I can't believe the zoning would let them get that close to a residential area," said Stan Wirth, who has lived in a Garden Grove house a block from the proposed funeral home for 37 years. "If it were just a funeral home, I'd be OK with it. But not a crematorium."

Cremations have become an increasingly popular method for families looking at funeral options. Mike Nicodemus, vice president of cremations for the National Funeral Directors Association, said 65 percent of those who die in California this year will be cremated, compared with 48 percent nationwide.

Nicodemus said environmental fears are overblown.

"It's no problem at all for the environment," he said "There should only be heat vapors. No smoke should come out of the stack."

He added that the machines must be well-maintained, the employees properly trained and the furnaces running between 1,400 and 1,800 degrees.

Heaven's Gate applied for a permit from the South Coast Air Quality Management District in February and awaits a decision. An inspection of the facility would determine whether it posed a risk of cancer and other health problems, AQMD spokesman Sam Atwood said.

Opposition to crematoriums is not isolated. Residents of Richmond, San Leandro, San Rafael and Long Beach have all fought to prevent them in their neighborhoods – saying they fear health risks, dwindling property values and even the "creepiness" of living near a funeral home.

According to city documents, eight people showed up at a neighborhood meeting in April, at which a few expressed "a general fear of ghosts." At a Garden Grove Planning Commission meeting this month, 36 people spoke against the proposed funeral home.

The city also received a petition with 486 signatures opposing the funeral home. Tuan Duc Nguyen submitted a petition with about the same amount of signatures in his favor.

Pom Nguyen moved to her house in Santa Ana, behind the proposed funeral home, a year ago with her husband and three young children. The house is an investment, she said, and the family wouldn't have moved in if they knew about the proposed funeral home.

"Having to look and funerals every day, it'd be depressing," Pom Nguyen said. "And I think it will hurt our investment."

The losing side at the Planning Commission meeting will have 21 days to appeal to the City Council and potentially appeal to the courts after that, City Attorney Omar Sandoval said.

"If I follow every regulation, what is their reason for denying me?" said Tuan Duc Nguyen. "I am prepared to take them to court and fight."

Contact the writer: 714-796-6979 or chaire@ocregister.com



SPONSORED CONTENT

Former FBI Agent Is Warning To Always Keep Your Keys Wrapped In Foil

By GND.com

GND.com

If You See Someone With Their Keys Wrapped In Foil, This Is What It Means



Chris Haire

Chris Haire is the senior reporter for the Press-Telegram. He previously was a general assignment reporter for the Orange County Register, covering everything from spot news to human-interest features. He has been with the Register and Southern California News Group since December 2012. He graduated with honors from the Columbia

2

GARDEN GROVE PLANNING COMMISSION
Council Chamber, Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, June 2, 2016

CALL TO ORDER: 7:05 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Barker
Commissioner Margolin
Commissioner Nuygen
Commissioner Paredes
Commissioner Zamora

Absent: Kanzler

PLEDGE OF ALLEGIANCE: Led by Chair O'Neill. He then mentioned Memorial Day and remembered those who gave their lives so that people could express themselves freely.

ORAL COMMUNICATIONS - PUBLIC - Mr. Hugh Tra asked that some restrictions be removed on Main Street entertainment in order to attract new and local customers; that bands could be allowed on certain nights; and, that fees could be charged for special events.

May 19, 2016 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Zamora

Ayes: (6) Barker, Margolin, Nuygen, O'Neill, Paredes, Zamora
Noes: (0) None
Absent: (1) Kanzler

PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT NO. CUP-073-2016 FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF FAIRVIEW STREET.

Applicant: Heaven's Gate Funeral Home, Inc.
Date: June 2, 2016

Request: Conditional Use Permit approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.

Ms. Binh Minh Tran was available for Vietnamese translation.

Staff noted that a Neighborhood Meeting, open to the public, was held on Wednesday, April 13th, 2016 to review and receive input on the applicant's proposal to operate the proposed funeral home with a mortuary and crematory. The eight (8) attendees expressed opposition to the project with similar concerns related to the creepiness of living next to dead bodies, a general fear of ghosts, and that human remains may be stored for long periods of time.

Subsequent to the April 13, 2016 community meeting, staff received a letter of opposition, along with a petition containing 486 signatures, which was included in the record. Some of the reasons for opposition to the project set forth in the letter included: that there are many schools and churches in the area; that the fear of dead bodies being stored behind neighboring homes and the dangers from air pollution from the crematory has caused stress and anxiety in the community, especially for children, that the crematory emissions, such as vaporized Mercury, and other toxic chemicals, could pose health risks. An updated list included 81 additional signatures.

Staff also received another letter of opposition from www.change.org with identical language to the previously mentioned letter, with the website tallying an additional 376 supporters of the opposition, along with 108 comments, which was also placed into the record.

One letter of support was received from Tuan Nguyen, the owner of the Funeral Home, with 465 signatures of support. This letter was entered into the record.

Two additional opposition letters, received prior to the meeting, cited a concern relating to potential hazards to human health from crematory emissions. These letters were also entered into the record.

Additional handouts provided at the meeting included a Heaven's Gate Funeral Home Frequently Asked Questions sheet by the applicant, a Crematory Emission's Data sheet, a letter of opposition from Chieu, and petitions of 81 and 287 additional signatures opposing the project. All of these were entered into the record.

Commissioner Margolin asked if annual testing of the RPPD (Reduced Pressure Principle Device) backflow device was standard. Staff replied yes, the device was related to fire prevention.

Commissioner Margolin then asked how long the embalming process took. Staff deferred to the applicant.

Regarding Condition No. 24, allowing food on the premises with City approval, Commissioner Margolin asked if the health department addressed the discarded food after a funeral for health standards. Staff replied yes, that food may be brought in as long as there was no cooking on site due to no kitchen facilities, and that a special events permit would be required for any temporary food event in the parking area or yard areas.

Commissioner Zamora asked how long human remains were kept on site and how many bodies would be cremated per day. Staff deferred to the applicant.

Commissioner Zamora asked about the removal of non-bone fragments or foreign materials. Staff replied that any foreign materials would be removed prior to placing the body in the cremation chamber.

Commissioner Zamora then asked staff to confirm that if the applicant did not get approval by the South Coast Air Quality Management District (SCAQMD), they could not open. Staff replied yes. *

Commissioner Zamora then asked who inspects the crematory on a weekly basis and was the facility open at night. Staff responded that the owner would inspect the machine, with the State of California and SCAQMD monitoring the business for proper operation and use, and that the business was not open in the evening.

Commissioner Zamora noted that no alcohol was to be sold or consumed on the premises, and asked what happened if alcohol was brought in. Staff replied that the City would be notified as this would be a violation of the Conditional Use Permit; that the applicant would be accountable and could be fined with an administrative citation of up to \$1,000.

Commissioner Zamora asked staff to clarify 'amusement devices' in Condition No. 17. Staff responded that this condition was typical and related to gaming or gambling machines.

Commissioner Paredes asked for the number of crematories operating in Garden Grove and where were they located. Staff replied that there were two funeral homes without crematories; that the applicant's other crematory facility was off-site; and that this facility would have two cremation chambers. *

Commissioner Paredes then asked where the embalming process chemicals would be stored, how long bodies would be in cold storage, and if tooth fillings with mercury and amalgams were removed. Staff

deferred to the applicant on the chemicals and length of time, then stated that any foreign metals would be removed prior to cremation and that vaporization would not be a factor.

Commissioner Barker asked if a system would be in place to measure emissions. Staff deferred to the applicant and equipment manufacturer.

Chair O'Neill opened the public hearing.

Mr. Tuan Nguyen, the owner, Ms. Chi Tang, the representative, and Mr. John Raggett, the cremation equipment representative, approached the Commission. A fact sheet on the funeral home was distributed in both English and Vietnamese.

Ms. Tang described the project and stated that the facility could help with lower cost funeral services all over Southern California; that remains could be shipped to Vietnam; that they wished to expand the level of business/service/convenience for all groups; that land was expensive; that the business would benefit the City with revenue; that they have a petition of support with signatures from clients who have supported them through the years; that bodies were kept for 3-5 days with no storage more than a week; that embalming was for burials only; that fluids with poisonous substances were not allowed; that the facility had cameras and all areas were locked; that there were two cremation units; that licensed staff was required; and that the owner was a licensed embalmer.

Mr. John Raggett, the technical manufacturer, stated that the surrounding area had 14 machines; that two were down the street by the Christ Cathedral; that four were around the corner from there; that two were in Westminster, and four in Santa Ana, near the 5 and 22 Freeways, and two at Fairhaven Cemetery in Santa Ana; that the City recommended finding a C-2 or C-3 zone; that a crematory was cleaner than burning a fire in a fireplace or cooking a hamburger in a hamburger facility as these have higher emissions due to lower temperatures of burning; that a crematory burns at 1800 degrees and was regulated by Air Quality, from which they have a permit; that if there was anything unethical near residents they would not look at that zone; that the crematory would be inspected yearly unannounced by Air Quality, sometimes twice yearly by Consumer Affairs; that the machine was to be maintained every six months for proper operation; that a cremation takes one to one and a half hours; that there would be no smoke or odor, only heat flume from the stack like a car; that the machines were quiet and residents would not be able to see it or smell it, no smoke or odor; and that the property had been vacant for years and was chosen for the zone in a commercial/industrial area off the freeway.

Commissioner Paredes asked if the chemicals used in the embalming

and cremation processes were different. Mr. Raggett explained that regardless, an individual was put in 40 degree cold storage for sterility and sanitation; that there was no embalming with cremation; that only after paperwork was completed would a body be cremated; that embalming was for the viewing process or burial; that certain cremation machines could handle larger bodies up to 1,000 pounds; and that for this facility, anyone larger than 200 pounds would be outsourced.

Commissioner Paredes asked if there was a cremation backlog because if there were other crematories available, why build another. Mr. Raggett explained that families like to keep the loved one close; that they sometimes want to witness the cremation and participate in the service; that bodies were in boxes, or caskets, all mandated by the state; and that metals and plastics, such as pacemakers, would cause emissions and were removed.

Chair O'Neill asked the applicant to clarify the cultural issues, and Ms. Chi provided a response and discussed Asian religious traditions and practices.

Commissioner Barker asked if other waste was burned, for example, hazardous waste, medical waste, or trash. Ms. Chi replied no, that was illegal, and that the California Bureau of Cemetery and Funeral Services inspected the facility every six months as it was heavily regulated.

Commissioner Barker asked if there would be a system to measure emissions. Mr. Raggett stated that the machine would be source tested about every three years, mandated by Air Quality, to ensure the machine was operating properly to be smoke, odor, and particulate free; and, that the machine itself was a constant measure, being temperature and air quality controlled.

Commissioner Barker asked for clarification of the mercury and amalgam. Mr. Raggett responded that older people's teeth, such as baby boomers, have small amounts of amalgam and mercury in their teeth. Also, foreign materials in bodies would be removed at the funeral home and recycled to be properly disposed of.

Commissioner Zamora asked who did the weekly inspections. Mr. Raggett stated that the operator would inspect before the machine was run, both daily and weekly, along with inspections by the manufacturer; and, that records were kept for Consumer Affairs and Air Quality.

Commissioner Zamora then asked about alcohol consumption on the premises. Ms. Chi answered that alcohol and food were not allowed; that coffee and water was available; that praying food, such as fruit bowl by outside restaurants, was allowed on the shrine for prayer; and that there were no parties.

Commissioner Paredes asked for confirmation that 34 bodies were allowed to be cremated per month. Ms. Chi said yes. Mr. Raggett stated the hours would be Monday through Friday from 8:00 a.m. to 5:00 p.m. with no activity at night. *

Commissioner Barker asked for clarification on the filtration system. Mr. Raggett explained that there was a two-second retention time at 1800 degrees; that the stack sensors work as the filtration system; that when the heat hits the atmosphere at a cooled 900 degrees, this was better than the machines in the 1970-80's; and, that everything was pollution controlled, for example, if there was an upset cremation with smoke, the burner turns off automatically and gives it air.

Commissioner Nuygen asked what process was used to ensure toxins were not released into the air. Mr. Raggett responded that daily, each cremation would be documented with a chart recorder to log in each step of the cremation process and this log would be checked by the state unannounced; and, that the chart recorder on the machine was checked by Air Quality, so the information was kept both manually and electronically, stored up to five years.

Commissioner Paredes asked for the logistics of taking bodies in and out of the facility. Ms. Chi stated that to be respectful, the loading and unloading of bodies would take place inside the facility; that the hearse would enter an area with a roll-up door; that a wall would be built between the warehouse and the cremation machine; and that a short distance, from the door to the coach/hearse for burial, was typical.

Chair O'Neill called for a recess at 8:20 p.m. The session reconvened at 8:30 p.m.

Chair O'Neill opened the public hearing to receive testimony in favor of or in opposition to the request.

The following people opposed the request for the following reasons:

Mr. Saul Quinones: 20 feet from the homes, where his cousin lived; and they do not want to smell the burning fumes of bodies.

Ms. Stacey Hua spoke on behalf of the residents: negative impact on physical and mental health on children and seniors; negatively affects property values with lower re-sale values; fear of deceased, may have to move away; toxic chemicals released and contamination in the air such as mercury dioxin and amalgam poisoning as these metals were not removed prior to cremation; mercury vapors harmful causing health issues such as an effect on young children and fetus's, immune system issues and cancer; process not regulated as safe levels cannot be

measured; would affect future children, who would be leaders; some children stopped going outside; elderly would have issues too; need to protect health; other states have complaints of increased traffic and smells; ten other funeral homes were located in the area and another was not needed in the neighborhood.

Ms. Katie Le: lived next door to the proposed site; concern for how children would be affected with toxic emissions such as mercury, carbon monoxide, nitrogen oxide, carbon dioxide, sulfur oxide, and volatile acids such as hydrogen chloride, hydrogen fluoride, and carbon dioxide, which were listed in the Mitigated Negative Declaration; though fumes were filtered, crematoriums still spill toxins; no statistics on mercury emissions; the number of people opposing the project was large; the signatures for support from the applicant were people not from the community; and Nicole at the Cremation Society of Orange Coast, who had a cremation business at Lewis Street and Lampson Avenue, agreed that the crematory should not be close to the homes.

Mr. David Lee: health risk due to the particulates that could be breathed in and lodged in the lungs, with active children high at risk; emissions rise with aging machine parts; questioned qualification of inspectors and effectiveness of mitigation; filtering fumes has little effect on toxins; weekly inspections were pointless; disputed integrity and questions accuracy of study. x

Mr. Dylan Tran, Ms. Brooklyn Tran, and Mr. Peter Hua: affected asthma; could cause diseases such as cancer; children afraid to go outside, scared of dead bodies; they would not be able to sleep and would have nightmares of dead bodies.

Mr. Nu Bui: seniors not eating or playing; the poor want days without worries; listen to our wish; they want to live in peace.

Mr. Richard Rowe: the City has a stewardship for health and quality of life; lived in Garden Grove 40 years; mercury has low vapor pressure so 900 degrees not low enough, which results in mercury going into air.

Ms. Thao Tran: proximity issue as there was not a lot of space around the facility; odors; traffic; loud noises; property value reduction; mercury; burned body releases chemicals.

The following person supported the request for the following reasons:

Mr. Steve Abraham, the real estate broker for the project: the request was based on facts not fears; the property owners have rights; owners have met hurdles; only eight (8) people showed up at neighborhood meeting at which four were former family members who used his services and would have supported the proposal had they known Tuan

Nguyen was the applicant; one other person was a competitor; business would bring in revenue with sales tax; benefit for the neighbors; if the conditions were not met, the Conditional Use Permit could be pulled; the decision to support should be based on fact.

The following persons opposed the request for the following reasons:

Mr. Vincent Nguyen: the children would be a concern, especially at nearby school for eight (8) years; he experienced being near a furnace at 50', it was too hot and his eyes watered; applicant did not know about the Vietnamese culture; dead were celebrated; would have smell every day; afraid of the fear from everywhere.

Mr. Viet Mai: no one knew about the neighborhood meeting; people are afraid; smoke; dead people in cars; suggest Commissioners put themselves in their shoes; no one would want business next to funeral home; lower property values.

Mr. Quan Van Luu: cremations occur already at Lewis Street and Harbor Boulevard, so with others around, another one was not needed here.

Mr. Jessie Arambulo: lived a few blocks from crematory; project was disturbing; need to take seriously; loved neighborhood; not easy to sell house, would have higher property taxes if moved elsewhere; consider another location; consider morally.

Ms. Lynn Hua: do not approve; psychological effects; children want to play outside.

Mr. Joseph Tran: dentists today were moving away from amalgam and instead were using composites; with baby boomers still around, mercury emissions would increase over time in the next two or three decades.

Mr. Stan Wirth: he would be yards away from funeral home; lots of children in the area; increased fumes, noise, and traffic.

Mr. Alex Pantoja: already parking problems across the street at Cedar Grove from church; if there was viewing and church on the same day, 76 parking spaces would not be enough; already had restrictions on water usage; water contamination with embalming; kids walk across area to go home; senior home next door where bus stops.

Mr. Tim Nguyen: he found out about the project through his daughter's friend; was not aware of psychological affects; children would lose self-confidence and be afraid of ghosts; too close to backyard.

Mr. Khai Nguyen: 100 feet from project with two children; report doesn't matter; no guarantee on health; if machine breaks, particles go into

environment; does not want children to be guinea pigs; fears they would have to move; residents lived in the area already; no one would buy their property at market value.

Ms. Hoang Ho: lived one street behind funeral home; Commissioners already heard enough opinion from community; the number of people present were a statement, along with elderly and children, to voice opinions; Tuan Nguyen would have no support from at least a few hundred families of all cultures.

Ms. Auralia Garcia: three-story school within 500 feet of funeral home, which her daughter attends; daughter had cancer, but did not want it to come back; kids scared of dead people.

Ms. Kia Marina: need to cool bones more than 900 degrees; this may affect earth and environment; residents may have to pay more to air condition their homes; lived by freeway with emissions and could be a problem mixed with funeral home emissions.

Mr. Siraj Hussein: he had a different religion, but the proposal was scary, especially near a school; needs to be in a neutral area; he loves his neighborhood, but area would be chaotic; services were already nearby.

Mr. Thuy Nguyen: need to look at sociological perspective; four generations; wondered if the applicant's research and study was factual; people fear death; surprised the Vietnamese owner did not consider the proximity, cultural, ethical, and moral values regarding grief.

Ms. Nicole Nguyen: used to work at Rose Hills Memorial Park; sometimes bodies were kept longer than 3-5 days; usually a crematory was separate and not within a funeral home; would impact other cities, such as Santa Ana.

Mr. Robert Darcy: emissions would be from 8:00 a.m. to 5:00 p.m. every day and it was not clear how people would react; proximity way too close to homes.

Mr. Rick Vu and Tu Vu: agreed that the funeral home would be too close; don't want to see hearses every day; environmental and psychological effects; have to explain to children.

Mr. Carlos: unsightly and ghoulish issue people do not like to think about; area has nice homes and schools; science just coming to understand mercury.

Ms. Madalene Tran: her relatives live right behind; she remembered her experience of living near a cemetery as a child, very sad; put benefit of citizens first.

Mr. Martin: funeral home would affect everyone's peace; something will be in the air that people would breathe; people's feeling were important.

Ms. Gina Nguyen: funeral home would be trauma for children; imagination can create fear and stay with a person; there was life after death; there were many families, but one business.

Mr. Thomas Tran: suddenly everyone was talking; people were scared.

Mr. Keith: proximity concern, especially with our children and their future; let people decide what they want; there were other location options, such as rezoning.

Ms. Phuong Hoang: enough funeral homes around; would not bring in business; in residential area, would only bring fear to residents, children, and seniors; imagination was scary; people would live in fear; put the project somewhere else.

Commissioner Paredes commented that he lived near a funeral home, without a crematory, at Chapman Avenue and Nutwood Street, with a Boys & Girls Club nearby. He asked if the crematory was the real issue or the whole facility.

The applicant was invited back up to respond. Ms. Tang thanked all present and stated that they chose the zone for the opportunity to be a benefit to the community; that they understood the concerns, but would leave the decision up to the Commission based on the facts; and, that they would respect whatever decision was made.

There being no further comments, the public portion of the hearing was closed.

Commissioner Margolin commented that she understood the dedication to the Vietnamese young and old and wished that other ethnicities cared as much; that the fear factor was what bothered her and that children learn from their parents; that a culture believing in ghosts was fine, however, to instill this fear of ghosts in children was not right because there was enough fear already; that the parent's suffering was their own personal experience; and that there was no reason to frighten children with the idea of ghosts.

Commissioner Paredes commented that the public testimony was the funeral home versus the crematory; that the environmental impact was not clear, as the neighborhood was also next to a freeway with pollutants and an industrial area; that he would look at the community area as a whole.

Commissioner Nuygen asked for a raise of hands of people who lived behind the project area. A majority of the people raised their hands. He stated that their voices needed to be heard, as well as the applicant's.

Commissioner Barker commented that his experience of living near a funeral home as a child was creepy, but soon the home became a neighborhood fixture as parents began to pass away.

Commissioner Zamora expressed concern with the children's fears, which may be taught to them; that death was a fact of life and was sad that children were afraid of the dead; that her environmental concern was with the air and that she would like unbiased emission facts from similar situations. She asked if there were there any regulations regarding proximity to neighborhoods.

Commissioner Paredes checked Realtor.com online and stated that the lowering of property values could be based on nearby strip clubs, rental properties, and funeral homes, which may impact a neighborhood. X

Staff mentioned that before the Commission was the proposed resolution of approval based on legal findings supported by facts; that four findings must be made, which were included in the resolution, to approve a Conditional Use Permit; that if the Commission decided to deny the Permit, a finding must be made that a finding could not be met.

Chair O'Neill stated that the weight of the concern was proximity rather than the crematory itself, and the environmental.

Commissioner Nuygen agreed with Commissioner Zamora and commented that his concern was the contradiction of facts regarding environmental impacts and asked staff if an independent study could be done to make the decision easier.

Commissioner Margolin moved to approve the request, subject to the recommended conditions of approval, and commented that Commissioners have received the facts, the project had met the requirements regarding emissions and needs, and that as a Commissioner she could not deny a business that had met the Code. She added that her reasoning did not have to do with anything other than a Commissioner's obligation.

Motion No. 1:

Action: Public Hearing held. Speaker(s): Chi Tang (Representative), Tuan Nguyen (Owner present, but did not speak), John Ragget (American Cremation Equipment Company), Mark Blodgett (Blodgett, Baylosis

Environmental Planning). 36 people spoke in opposition to the request. In addition to the Applicant and its representatives, one person spoke in favor of the request.

Action: Motion to adopt a Resolution approving the proposed Conditional Use Permit failed for lack of an affirmative vote of a majority of the Commissioner's present.

Motion: Margolin Second: Barker

Ayes: (3) Barker, Margolin, O'Neill,
Noes: (2) Nuygen, Paredes
Abstain: (1) Zamora
Absent: (1) Kanzler

Staff noted that the Mitigated Negative Declaration and Initial Study consultant, Mark Blodgett, of Blodgett Baylosis Environmental Planning, was available to respond to the Commissioner's technical questions if the Public Hearing was re-opened.

Commissioner Zamora moved to continue the case to the Thursday, June 16, 2016 meeting, in order to have a consultant answer questions regarding area emissions as a whole, to address Page 53 of the report, and to address the contradictions and receive further research.

Commissioner Margolin then asked if a Commissioner, who abstained from voting, had the right to ask for another motion when the first motion failed. And, with a continuance, would the audience speak all over again.

Staff pointed out that further public comment at a future meeting could be limited at the discretion of the Commission and that more than two weeks would be required to gather additional information. The suggestion was to continue to a date uncertain and to have the case re-advertised. Additionally, if an independent consultant was hired to check the consultant's work, the applicant would be responsible for the cost.

Motion No. 2:

Action: Motion to continue the item to the June 16, 2016 meeting to receive additional technical information from Staff died for lack of a second.

Motion: Zamora Second: None

Chair O'Neill re-opened the public hearing to receive testimony from the

consultant/expert.

Mr. Mark Blodgett stated that he was retained by the City of Garden Grove to prepare the Initial Study; that the project was unique by occupying an existing building; that the use needed to be scrutinized through CEQA (California Environmental Quality Act); that they looked at air quality as well as 16 other issues that included noise and traffic; that California has the most stringent emissions controls in the United States; that earlier studies occurred before the more stringent standards; that they identified potential contaminants as part of their study; that they asked for the technical specifications and paperwork that the South Coast Air Quality Management district provided; that they went and observed a cremation looking for smoke, visible emissions, particulates, or odors; that their observations concluded there were no noticeable emissions to see, no odors to smell, and noted, however, that they could not get up in the flume to do measurements; that this was a CUP and fugitive dust or odors were not permitted from any business; that visible emissions were a nuisance and not permitted from a crematorium, a Burger King, or any other use; that the CUP could be rescinded with any violation; that the study was open and independent; that the applicant had to agree to the mitigation; and that CEQA would find everything and anything that could or would be wrong.

Commissioner Barker asked if the company was pre-approved. Mr. Blodgett replied yes.

Commissioner Barker asked how the smells would be contained. Mr. Blodgett stated that the two enforcement agencies, the City and South Coast Air Quality Management District, would be monitoring health risks, and that concerns were complaint driven.

Commissioner Zamora asked for clarification of children around the toxins, and the supposed contradictions on Page 53. Mr. Blodgett stated that the citation was a reference to a report they reviewed; that they wanted to look at a new facility, so they did a field survey; that the manufacturer installed a crematorium near his home and he did not know it, which gave him a comfort level; that if there was any type of health risk to anyone, the recommendation would have been denial; that if he could eliminate the risk he would do it; that if the equipment was working properly there would be no odor; that the staff would be well-trained and the equipment maintained; that professionally, the concerns may or may not be fear-based; and, that the residents did not have the opportunity to look at an operating crematorium, experience living in close proximity to one, or conduct extensive research, which took three to four months, as he did.

There being no further comments, the public portion of the hearing was closed.

Commissioner Barker moved to approve the request, subject to the recommended conditions of approval.

Motion No. 3:

Action: Motion to adopt a Resolution approving the proposed Conditional Use Permit failed for lack of an affirmative vote of a majority of the Commissioner's present

Motion: Barker Second: Margolin

Ayes: (3) Barker, Margolin, O'Neill

Noes: (2) Paredes, Zamora

Abstain: (1) Nuygen

Absent: (1) Kanzler

Chair O'Neill moved to re-open the public hearing and continue the case to the next regular meeting on Thursday, June 16, 2016 in order for a full Commission to vote on the project. Staff was also directed to prepare and have on hand, a resolution of denial, should the request be denied.

Motion No. 4:

Action: The motion to re-open the public hearing and continue the public hearing to the next regular meeting at 7:00 p.m. on Thursday, June 16, 2016, in order for a full Commission to be present to vote on the project, and to direct Staff to prepare an additional alternative Resolution of Denial based on the testimony provided at the public hearing, was approved.

Motion: O'Neill Second: Barker

Ayes: (5) Barker, Margolin, Nuygen, O'Neill, Zamora

Noes: (1) Paredes

Absent: (1) Kanzler

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff gave a brief description of the items for the next regular meeting to be held on Thursday, June 16, 2016, which includes a drive-thru Starbucks and the continued case.

ADJOURNMENT: At 11:20 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, June 16, 2016, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Motion: Margolin Second: Zamora

Ayes: (6) Barker, Margolin, Nuygen, O'Neill, Paredes,
Zamora

Noes: (0) None

Absent: (1) Kanzler

Judith Moore
Recording Secretary

GG
RESOLUTION NO. 5863-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING CONDITIONAL USE PERMIT NO. CUP-073-2016, A REQUEST TO OPERATE A NEW FUNERAL HOME, WITHIN AN EXISTING APPROXIMATELY 19,460 SQUARE FOOT OFFICE BUILDING, WHICH INCLUDES A MORTUARY AND CREMATORY, FOR PROPERTY LOCATED AT 13272 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NOS. 399-011-44 AND 46.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on June 16, 2016, does hereby deny Case No. Conditional Use Permit No. CUP-073-2016 for a property located on the South side of Garden Grove Boulevard and east of Fairview Street, at 13272 Garden Grove Boulevard, Assessor's Parcel No. 399-011-44 & 46.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-073-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Heaven's Gate Funeral Home, Inc.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate a new funeral home, within an existing approximately 19,460 square foot office building, which will include a mortuary and crematory.
3. Because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject site is 1.4-acres in area and is improved with an existing approximately 19,460 square foot one-story office building located on the south side of Garden Grove Boulevard, east of Fairview Street at 13272 Garden Grove Boulevard (Assessor's Parcel Nos. 399-011-44 & 399-011-46).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 2, 2016, and duly continued to, and further held on, June 16, 2016, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meetings of June 2, 2016 and June 16, 2016.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is 1.4-acres in area and is improved with an existing approximately 19,460 square foot one-story office building, located on the south side of Garden Grove Boulevard, east of Fairview Street at 13272 Garden Grove Boulevard (Assessor's Parcel Nos. 399-011-44 & 399-011-46).

The property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The subject property is adjacent to C-2 zoned properties to the east and west, R-1 (Single-Family Residential) zoned properties to the south, and C-3 (Heavy Commercial) zoned properties, across Garden Grove Boulevard, to the north. The property is located on the edge of the C-2 Zone adjacent to a residential neighborhood, and the building in which the proposed funeral home, mortuary, and crematory would be housed is within a few hundred feet of existing single family residences. There is also a school in the immediate vicinity.

In March of 1981, the City approved Site Plan No. SP-107-81, which allowed the construction of the 19,460 square foot single-story office building. According to business license records, the office building has been vacant since 2014, and was previously occupied by general office type businesses.

The applicant has requested to utilize the existing office building to operate a new funeral home, which will include a mortuary and crematory. Mortuaries and crematories are permitted uses in the C-2 zone, subject to the approval of a Conditional Use Permit.

Pursuant to Garden Grove Municipal Code Section 9.32.030.D.4 (Conditional Use Permit), in order for the Planning Commission to approve a Conditional Use Permit, information submitted by the applicant and/or presented at the public hearing shall substantiate each of the following four (4) findings:

1. That the proposed use will be consistent with the City's adopted General Plan.
2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.
4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

FINDINGS AND REASONS:

Based on the totality of information provided, the Planning Commission finds that the following required finding for a Conditional Use Permit cannot be made:

2. Required Finding: That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Reason Required Finding Cannot Be Made: Although located within the C-2 Zone, the property on which the proposed funeral home, mortuary and crematory would be located is adjacent to a residential neighborhood, and the building itself is within a few hundred feet of existing single family residences. There is also a school in the immediate vicinity. Several members of the public testified that, due to its proximity to single family residences and other sensitive uses, the proposed new use is inappropriate for this particular location. Several residents of the adjacent residential neighborhood testified that the nature of the use makes them and their children uncomfortable, that they are concerned about the potential long-term physical and mental health impacts from residing and/or working in such close proximity to a crematory, that the proximity of the proposed use would interfere with their use and enjoyment of their properties, and that, due to negative public perceptions about living in proximity to such a use, their property values would decrease if the proposed use was established at this location.

For these reasons, and based on the totality of the information provided, it appears that the requested use at the proposed location will, in fact, adversely affect the health, peace, and comfort of persons residing or working in the surrounding area, and unreasonably interfere with the use, enjoyment, and/or valuation of the property of other persons located in the

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit (CUP-073-2016) does not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. The applicant's request for Conditional Use Permit No. CUP-073-2016 is denied in its entirety.

Adopted this 16th day of June, 2016

/s/ JOHN O'NEILL
CHAIR

/s/ JUDITH MOORE
SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on June 16, 2016, by the following vote:

AYES: COMMISSIONERS: (7) BARKER, KANZLER, MARGOLIN, NUYGEN,
O'NEILL, PAREDES, ZAMORA
NOES: COMMISSIONERS: (0)

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is July 7, 2016.

http://www.weatherforddemocrat.com/opinion/letters_to_the_editor/the-crematorium-next-to-my-home/article_71e6f13d-ddaf-5f7c-a7fc-e057b98a1efc.html

The crematorium next to my home

Sherrie Bays

CNHI Jul 11, 2011



On June 22, Weatherford Planning and Zoning Board approved a Conditional Use Permit for Galbreath-Pickard Funeral Chapel to install an incinerator with a 19-foot smokestack so that they can do cremations on site. Galbreath-Pickard is located on the corner of First and Elm streets. It is next door to North Side Baptist Preschool. Coutts Christian Academy is across the street, at 802 N. Elm. Weatherford ISD has two campuses close by — Bowie Learning Center across the street and Seguin Elementary School a few blocks away.

The fact that this permit was approved is surprising because there is strong scientific evidence that crematoriums produce dangerous pollutants which are linked with serious health problems, especially for children. These pollutants include mercury, dioxins, dibenzofurans, sulfur dioxide, nitrogen oxide and hydrogen chloride.

In 2010, the United States Environmental Protection Agency stated that toxins are released into the environment through the cremation of human bodies. The most dangerous of these is mercury. During the cremation process, the mercury in the body becomes vaporized into a colorless, odorless gas. Even the new state-of-the-art facility that Galbreath-Pickard wants to build is not capable of filtering the mercury vapors out of the exhaust from the smokestack.

Mercury is especially dangerous in this heated vaporized form because when it is inhaled, it is quickly absorbed into the bloodstream and carried to the brain and other organs. Even very small amounts of mercury can be dangerous. The EPA confirms that there are serious health effects from even low-level exposure to mercury.

Young children and unborn babies are the most vulnerable because their brains and nervous systems are still developing. Studies done by researchers at the University of Texas Health Science Center found that close proximity to sources of mercury release were associated with increases in learning disabilities, autism and special education rates. Adults can also develop problems with the brain and nervous system, as well as the lungs, kidneys and immune system.

The project manager, Deb Carney, told the Planning and Zoning Board at its June 22 meeting that more pollutants are emitted by nearby fast food chains than by crematoriums. With all due respect, we are not talking about dirty dish water and french fry grease. We are talking about the systematic burning of human remains, day-in and day-out, for decades to come.

The Planning and Zoning Board was told that there would be no odors or visible smoke. That's because vaporized mercury is a colorless, odorless gas. Ms. Carney also told the Planning and Zoning Board that crematoriums are heavily regulated by the state. When it comes to mercury pollution, this is absolutely not true. According to the EPA, there are no federal or state regulations restricting mercury emissions from crematoriums.

In communities across the country, city leaders have begun to deny conditional use permits for crematoriums near schools and homes. Besides protecting the health of residents, there are financial issues to consider. City tax revenues could decrease because property values of homes and businesses

located near the crematorium will go down, according to a 2010 article in Applied Economics. Schools will also need more money for Special Education due to the rise in learning disabilities and autism among children who live near the crematorium.

Because of concerns like these, other cities have required that crematoriums be located in less populated areas. Weatherford is surrounded by rural land which would provide a much better location for this facility.

You might wonder why there was no opposition from residents at the June 22 Planning and Zoning meeting. The answer is simple – no one told us about this. We had to read about it in the June 23 issue of the Weatherford Democrat. It's a good thing my neighbors and I read the paper.

Since the permit has gotten past the Planning and Zoning Board, the next step is approval by the City Council. I sincerely hope that the City Council will give the health of its residents top priority and deny the conditional use permit for a crematorium in this location.

Whether you agree with me or not, please let the Weatherford City Council know what you think. You can call them at 817-598-4202 or 817-598-4201. You can also send them a fax at 817-598-4294 or drop them a note at 303 Palo Pinto St., Weatherford, 76086. Sure, it might take a few minutes, but isn't it worth it to protect your home and family?

Sherrie Bays is a guest columnist.

0 comments

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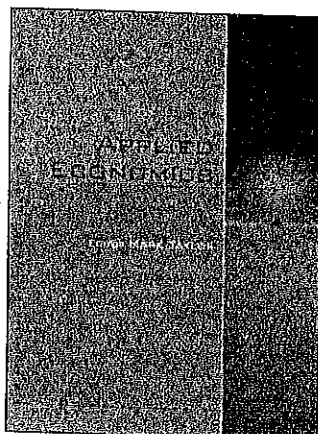
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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

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Directional heterogeneity of environmental disamenities: the impact of crematory operations on adjacent residential values

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A hedonic study of residential house sales in Rawlins, Wyoming, was conducted to estimate the impact of an environmental shock from a new point source upon adjacent residential property values. We use a unique data base of house sale prices and associated house attributes, including structural and neighbourhood characteristics and geographic distances and directions from the source of the shock, atmospheric emissions from a new crematory. Our data spans 27 months of house sales: 7 months before, and 20 months after the startup of crematory operations. Results indicate that proximity, measured both in terms of direction and distance from the crematory, imparts a statistically significant negative impact on average house sale prices – an increase of 0.3 to 3.6% of average sale price for every one-tenth mile increase up to one-half mile in distance away from the crematory, but depending on direction from the crematory. This distance benefit increases somewhat with calendar time only for houses located west of the crematory.

1. Introduction

Residential property values depend both on physical and locational attributes. Attributes include structural, neighbourhood and environmental characteristics, all of which may impact the selling price of a property. Indeed, housing markets are one of the few places where environmental amenities are traded in formal markets along with physical amenities. As such, for decades, economists have used hedonic property value techniques to measure monetary equivalents of a variety of environmental quality

changes that affect consumers' welfare via their purchase and consumption of the good 'housing.' Recent examples include air quality (Kiel and McClain, 1995; McMillen and Thorsnes, 2003), aesthetic views (Bourassa *et al.*, 2004) and proximity to other amenities or disamenities such as proximity to natural areas (Thorsnes, 2002) or landfills (Kotkar, 1992).

Hedonic property value studies are useful if they provide empirical evidence that selling prices of a heterogeneous market good reflect alternative levels of amenities (good or bad). Given the sometimes

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DON'T LET THE DEAD DESTROY THE LIVING

On behalf of the business owners, employees, and residents of the city of Stanton, we are concerned about the plan to operate a crematory at the Heaven's Gate funeral home in Stanton. This facility will add a new, permanent, ongoing source of pollution which will immediately impact our community. It is well-known that crematories emit mercury because of dental fillings and other heavy metals and toxins that vaporize at high temperatures.

We have seen sufficient evidence in the form of scientific studies and expert opinions to warrant our concerns. Crematory emissions contain known toxins, including mercury from dental amalgam fillings, cadmium, lead, dioxins, furans, hydrogen chloride, nitrogen oxides and other pollutants at levels exceeding National Air Quality Guidelines. Heavy metals and PCDD/Fs stand out because of their toxicity and capacity for bioaccumulation, which means chronic and ongoing potential risks for human health exist.

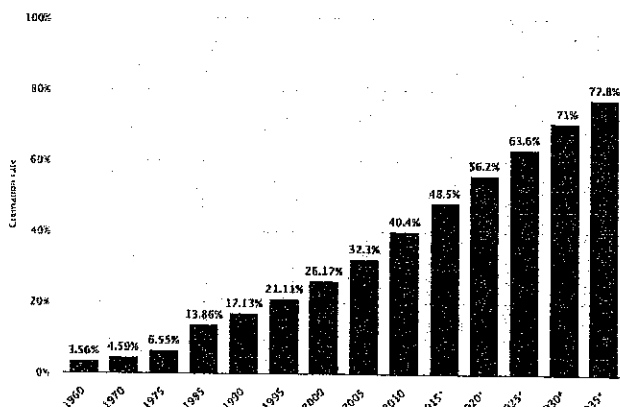
EPA recognizes that pollution from all sources of mercury is a serious concern to human health and the environment.

Mercury is well-documented as a toxic, environmentally persistent substance that demonstrates the ability for bio-accumulation and atmospheric transportation on a local, regional, and global scale.

There is evidence that even low-level exposure to mercury has serious health impacts.

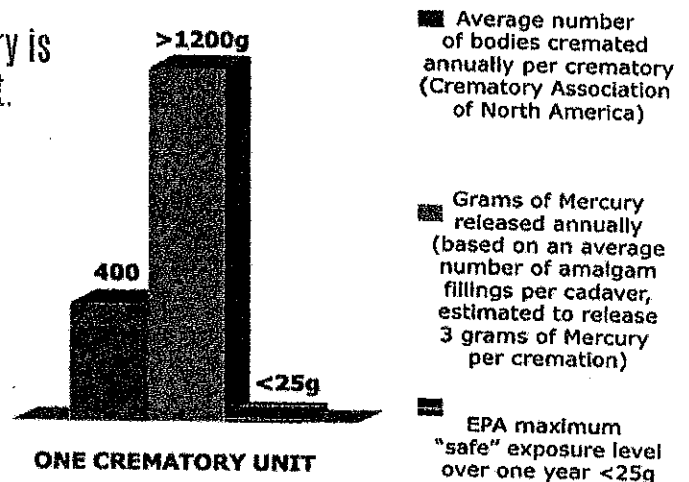
Mercury is a known neurotoxin which affects developing fetuses and young children even at low levels of exposure. Dioxins are known to cause cancer and birth defects. Human health is compromised by significantly smaller concentrations of these toxins than ever imagined. In summary, there is enough scientific data to indicate the potential for harm to human health from living or working near a crematory is very real. There is good reason to expect in the future stricter regulations on crematory emissions are coming, but they are not in place yet. We are just not willing to allow this crematory to become established in Stanton, only to later learn our health and properties have been adversely impacted.

Cremation rate in the United States from 1960 to 2035



Since cremation rates are only expected to continue to rise, the estimated number of cremations annually will be significantly higher. A business owner has a right to expand and grow, but with those rights also comes responsibility. Two years ago, Tuan Duc Nguyen of Heaven's Gate was denied permission to operate a crematory in Garden Grove. Now he has targeted our community of Stanton without regard for the impact it would have on the environment and on the health of our citizens. Our constitution protects us as property owners, workers and residents from the negative impact of a land use that is too intense for the surrounding area and is better suited for a more remote location.

At this time we are asking all of our neighbors, along with government officials at every level to take the time to investigate all of the current information, so they make an informed decision as to what is right for this community. Environmental responsibility demands an in-depth environmental assessment before considering approval of any cremation facility in our community. We must ask ourselves if the City of Stanton is willing to take on the financial burden of frequent air quality monitoring, considering the high cost of heavy metal testing.



ORDINANCE NO. 1082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING SECTIONS 6.04.090 AND 6.04.100 OF THE STANTON MUNICIPAL CODE REGARDING CONSTRUCTION AND DEMOLITION DEBRIS

WHEREAS, in response to SB 1374 (2002), many cities and counties adopted ordinances to require the recycling and reuse of construction and demolition debris (C&D Debris); and

WHEREAS, the City adopted Stanton Municipal Code Sections 6.04.090 and 6.04.100 to regulate C&D Debris; and

WHEREAS, the California Building Standards Commission recently added provisions to the California Green Building Standards Code (CALGreen) regulating C&D Debris; and

WHEREAS, cities and counties are required to enforce the more stringent of their local C&D Debris regulations or those set forth in CALGreen; and

WHEREAS, the City's current C&D Debris regulations are less stringent than CALGreen; and

WHEREAS, the City Council wishes to amend Stanton Municipal Code Sections 6.04.090 and 6.04.100 to meet the requirements of CALGreen regarding C&D Debris.

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

SECTION 1: CEQA. The City Council finds that this Ordinance is not subject to 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 2: Amendment to Section 6.04.090. Section 6.04.090 of the Stanton Municipal Code is hereby amended to read in full as follows:

"6.04.090 Construction and demolition waste management—General.

A. Definitions. For the purposes of this section the following words and phrases shall have the meanings respectively ascribed to them, unless clearly inapplicable. Words and phrases not ascribed a meaning by this section shall have the meaning ascribed by this chapter, if defined therein, and if not, by Division 30, Part 1, Chapter 2 of the Public Resources Code, Sections 40000 et seq., the California Green Building Standards Code and the regulations of the California Department of Resource Recycling and Recovery, if defined therein, and if not, to the definitions found in the

Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6901 et seq. and the regulations implementing RCRA, as they may be amended from time to time.

1. "Applicant" means any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply to the building department for an applicable permit to undertake any construction, demolition, renovation or parking area construction project within the city. An applicant must comply with this section.
2. "Building department" means the building department of the city.
3. "Building official" means the building official of the city.
4. "Community development director" or "director" means the city staff person holding that title or otherwise authorized and responsible for implementing this chapter.
5. "Construction" means the building of any facility or structure or any portion thereof, including any tenant improvements to a previously unoccupied existing facility or structure. "Construction" does not include a project limited to interior plumbing work, electrical work or mechanical work.
6. "Construction and demolition materials" or "C&D materials" means used or commonly discarded materials removed from premises of a covered project during construction, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building or other structure or from landscaping. Such materials include, but are not limited to, dirt, sand, rock, gravel, bricks, plaster, gypsum wallboard, aluminum, glass, asphalt material, plastic pipe, roofing material, carpeting, concrete, wood, masonry, rocks, trees, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures. C&D materials shall be deemed solid waste and regulated as such, whether or not they are potentially recyclable, in all cases where a fee, charge or other consideration, in any form or amount, is directly or indirectly paid by the generator in exchange for collection, removal, transportation, storage, processing, handling or disposal services (fee for service recycling), whether or not arranged by or through a subcontractor, broker, agent, or affiliate of the container supplier. "Generator" shall include the property owner, occupant, or its contractor.

7. "Construction and demolition diversion security deposit" or "security deposit" means any performance bond, surety bond, money order, letter of credit, cash, certified check or certificate of deposit in a form acceptable to the city, submitted to the city pursuant to this section.
8. "Construction and demolition materials management plan" or "C&DMMP" means a completed C&DMMP form, approved by the city for the purpose of compliance with this section, submitted by the applicant for any covered project.
9. "Conversion rate" means the rate set forth in the standardized conversion rate table approved by the city pursuant to this section for use in estimating the volume or weight of materials identified in a construction and demolition materials management plan.
10. "Covered project" means a project for which a building, demolition, parking area construction or other similar permit is required and must meet the diversion standards set forth in California Green Building Standards Code or its successor.
11. "Deconstruction" means a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
12. "Demolition" means the destruction, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
13. "Divert" or "diversion" means activities which reduce or eliminate the amount of C&D material from disposal in a landfill or transformation facility. See Public Resources Code Section 40124.
14. "Diversion standard(s)" means the minimum percentage or amount of C&D materials diverted from a covered project as set forth in the California Green Building Standards Code.
15. "Recycling" shall have the meaning ascribed by Public Resources Code Section 40180, as it, from time to time, may be amended.
16. "Renovation" means any change, addition, or modification in an existing structure that requires a building permit or demolition permit but does not include a project limited to interior plumbing work, electrical work or mechanical work.

17. "Reuse" means further or repeated use of construction or demolition materials.
18. "Salvage" means the controlled removal of construction or demolition materials from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

B. Covered Projects. Each applicant for a building or demolition permit for a covered project shall also complete and submit a construction and demolition materials management plan ("C&DMMP"). No building or demolition permit shall be issued by the building department unless the applicant for a construction or demolition permit for a covered project has submitted to the building official a construction and demolition materials management plan approved by the city's director of community development. Compliance with the provisions of this chapter shall be a condition of approval on any building or demolition permit issued for a covered project.

C. City-Sponsored Projects. All city-sponsored construction, demolition, and renovation projects, except as provided in this subsection, and regardless of cost, shall be considered "covered projects" for the purposes of this chapter and shall be subject to all applicable provisions of this chapter. Prior to the start of any city-sponsored construction or demolition activities, a construction and demolition materials management plan shall be prepared by the community development director. The city is not required to submit a security deposit for city-sponsored covered projects. City-sponsored projects limited to interior plumbing work, electrical work or mechanical work are not covered projects. City-sponsored demolition or construction required to protect public health or safety in an emergency, as defined in Public Resources Code Section 21060.3, as it, from time to time, may be amended, is not a covered project.

SECTION 3: Amendment to Section 6.04.100. Section 6.04.100 of the Stanton Municipal Code is hereby amended to read in full as follows:

6.04.100 Construction and demolition materials management plans—Security deposits—Exemptions—Appeals.

A. Construction and Demolition Materials Management Plans. Each applicant for a permit for any covered project shall complete and submit to the building official a construction and demolition materials management plan ("C&DMMP"), on a C&DMMP form approved by the city for this purpose with any application for a building or demolition permit for a covered project. The completed C&DMMP shall indicate all of the following: (1) the estimated volume or weight of project C&D materials, by materials type, to be generated; (2) the maximum volume or weight of C&D materials that may be diverted, via reuse or recycling; (3) the vendor or facility (including name, address, telephone number and contact person) that the applicant proposes to use to collect, reuse or receive the diverted C&D materials; (4) a certification by the applicant that it will ensure strict compliance with the city's exclusive solid waste franchise and acknowledges that the only person authorized to conduct solid waste handling activities

or services, including fee for service recycling, is the solid waste enterprise granted the exclusive franchise; (5) the estimated volume or weight of residual C&D materials that would be transported for disposal in a landfill or transformation facility; (6) the applicant (or property owner if different from applicant) gives consent to city or its agent to enter the project site to enforce the provisions of this chapter; and (7) any other information required by the current version of the California Green Building Standards Code. In estimating the volume or weight of materials identified in the C&DMMP, the applicant shall use the standardized conversion rates approved by the city for this purpose.

B. Deconstruction. In preparing the C&DMMP, applicants for building or demolition permits involving the removal of all or part of an existing structure shall consider deconstruction, and shall make the materials generated thereby available for salvage prior to being transported for disposal in a landfill or transformation facility.

C. Review of C&DMMP.

1. Approval. Notwithstanding any other provision of this code, no building or demolition permit shall be issued for any covered project unless the community development director has approved the C&DMMP. The community development director shall approve a C&DMMP only if the director first determines that all of the following conditions have been met: (1) the C&DMMP provides all of the information set forth in this chapter; (2) the C&DMMP indicates that the diversion standards will be met; and (3) the applicant has submitted an appropriate security deposit in compliance with this section.

If the community development director determines that these three conditions have been met, the director shall mark the C&DMMP "Approved", return a copy of the C&DMMP to the applicant, and notify the building department and the building official that the C&DMMP has been approved. Approval shall not be required if construction or demolition is required to protect public health or safety in an emergency, as defined in Public Resources Code Section 21060.3.

2. Denial. If the community development director determines that the C&DMMP is incomplete or fails to indicate that the diversion standards will be met, the director shall either: (1) return the C&DMMP to the applicant marked "Denied", including a statement of reasons, and so notify the building department, which shall then immediately stop processing the building or demolition permit application; or (2) return the C&DMMP to the applicant marked "Further Explanation Required," including a statement of reasons, and so notify the building department, which shall then immediately stop processing the building or demolition permit application. If, during the course of the project, the applicant determines that the estimated tonnage of C&D material to be generated and/or recovered from

the project is substantially different from the C&DMMP, the applicant shall submit an addendum to the original C&DMMP.

D. Security Deposits. Each applicant for a permit for a covered project shall submit a security deposit with the construction and demolition materials management plan. The amount of the security deposit shall be calculated as the lesser of three percent of total project cost or ten thousand dollars. The community development director may waive the diversion security deposit if the total security required pursuant to this section would be fifty dollars or less.

E. Application for Refund of Security Deposits. Within one hundred eighty days after the completion of any covered project, the applicant shall submit to the community development director documentation that the applicant has met the diversion standard for the project and may apply for a refund of the security deposit. This documentation may include all of the following:

1. Receipts and gate tickets from the vendor or facility which collected or received C&D material showing the actual weight or volume of that material;
2. A copy of the previously approved C&DMMP for the project adding the actual volume or weight of each type of C&D material diverted and transported for disposal in a landfill or transformation facility;
3. Any additional information required by the California Green Building Standards Code or which the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

Applicants shall make reasonable efforts to ensure that all C&D materials diverted or delivered to disposal facilities for disposal are measured and recorded using the most accurate method of measurement reasonably available. To the extent practical, all C&D materials shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D materials for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose. Documentation of the foregoing shall consist of photocopies of receipts, weight tickets, gate tickets, and other records from recycling facilities, deconstruction contractors, solid waste enterprises and disposal facilities.

F. Determination of Compliance and Release of Security Deposit. The community development director shall review the information and determine whether the applicant has complied with the construction and demolition materials management plan, as follows:

1. Full Compliance. If the community development director determines that the applicant has fully complied with the construction and demolition materials management plan applicable to the project, the director shall cause the full security deposit to be released to the applicant.
2. Good Faith Effort to Comply. To the extent permitted by the California Building Standards Code, if the community development director determines that the construction and demolition materials management plan has not been complied with, the director shall determine whether the applicant made a good faith effort to comply with this chapter. In making this determination, the community development director shall consider the availability of markets for the C&D materials transported for disposal in a landfill or transformation facility, the size of the project and the documented efforts of the applicant to divert C&D materials. If the community development director determines that the applicant has made a good faith effort to comply with this chapter, the director shall approve the release of the security deposit, or a portion thereof, to the applicant. Any portion of the security deposit not released to the applicant shall be forfeited to the city, and shall be used for the purposes of promoting recycling within the city.
3. Noncompliance. If the community development director determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by this chapter within the required time period, then the security deposit shall be retained by the city and a stop work order may be issued for the project.
4. Refund of Erroneous Payment. The director may authorize the refund of any security deposit which was erroneously paid or collected.
5. Withdrawal of Building or Demolition Permit Application. The director may authorize the refund of any security deposit if the building or demolition permit application is withdrawn or cancelled before any work has begun.
6. All security deposits retained by the city shall be used only for:
 - a. Payment of security deposit refunds;
 - b. Costs of administration of the program established by this chapter;
 - c. Cost of programs to achieve diversion of construction materials from disposal at disposal facilities.

G. Appeals of Decisions Regarding C&DMMP, Security Deposit or Refunds.

1. Appeal. Each applicant shall have the right to appeal any decision made by the community development director to the city manager or the city manager's designee. The applicant must file a notice of appeal from the ruling of the director of community development with the city clerk, with copy to the director of community development, within ten calendar days of receipt of notice of the community development director's decision. The notice of appeal shall include all evidence and legal arguments which the applicant wishes the city, and any reviewing court to consider.
2. Decision by the City Manager. The decision made by the city manager, or the city manager's designee, shall be in writing, stating the legal and factual bases for the decision. The decision shall be final and conclusive.

SECTION 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason 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 of the City of Stanton hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional.

SECTION 5: Effective Date. This Ordinance No. 1082 shall be effective 30 days after its adoption.

SECTION 6: 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.

PASSED, APPROVED AND ADOPTED this 27th day of November, 2018.

DAVID J. SHAWVER, MAYOR

ATTEST:

PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

MATTHEW E. RICHARDSON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF STANTON)

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. 1082 was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the 13th day of November, 2018 and was duly adopted at a regular meeting of the City Council held on the 27th day of November, 2018, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

CITY CLERK, CITY OF STANTON

CITY OF STANTON

REPORT TO THE CITY COUNCIL

TO: Honorable Mayor and Members of the City Council

DATE: November 27, 2018

SUBJECT: CITY COUNCIL POLICY

REPORT IN BRIEF / BACKGROUND:

In August of 2018 the City Council provided staff with direction to agendize an item regarding City Council Policies.

RECOMMENDED ACTION:

1. City Council find that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Appoint two Council Members to serve on an ad-hoc committee to establish and review a City Council Policy.

ANALYSIS/JUSTIFICATION:

Pursuant to the City Council's direction creating a City Council Policy would address Strategic Plan component 6.5 Establish a City Council Policy.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

This item is not subject to California Environmental Quality Act ("CEQA") pursuant to Section 15378(b)(5)(Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment).

LEGAL REVIEW

None.

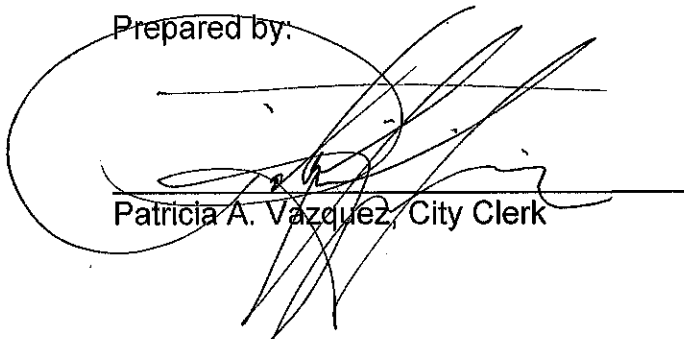
PUBLIC NOTIFICATION:

Through the normal agenda process.

STRATEGIC PLAN COMPONENT ADDRESSED:

Objective 6: Maintain and Promote a Responsive, High Quality and Transparent Government.

Prepared by:



Patricia A. Vazquez, City Clerk

Approved by:



Robert W. Hall, Interim City Manager