

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON SEPTEMBER 12, 2023

SPECIAL CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY MEETING
(5:30 PM)

JOINT REGULAR CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY MEETING
(6:30 PM)

Mayor Shawver participated in this evenings meeting remotely, Mayor Pro Tem Van assisted the Mayor in presiding over all agenda items within tonight's meeting agenda.

1. CALL TO ORDER / CLOSED SESSION

The City Council / Successor Agency / Housing Authority meeting was called to order at 5:33 p.m. by Mayor Pro Tem / Chairperson Van.

2. ROLL CALL

Present: Council/Agency/Authority Member Taylor, Council/Agency/Authority Member Torres, Council/Agency/Authority Member Warren, Mayor Pro Tem/Vice Chairperson Van, and Mayor/Chairman Shawver.

Absent: None.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the City Council / Successor Agency / Housing Authority of the City of Stanton proceeded to closed session at 5:34 p.m. for discussion regarding:

4A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Number of cases: 1

Case Name: Tina Pacific Residents Association, et al. v. City of Stanton

Case Number: OCSC 39-2023-01316300-CU-WM-CXC

**4B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Government Code Section 54957.6)**

Title: City Attorney

4C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 1

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

The City Council / Successor Agency / Housing Authority reconvened in open session at 6:35 p.m.

6. ROLL CALL

Present: Council/Agency/Authority Member Taylor, Council/Agency/Authority Member Torres, Council/Agency/Authority Member Warren, and Mayor Pro Tem/Vice Chairperson Van.

Absent: Mayor/Chairman Shawver.

Excused: None.

7. PLEDGE OF ALLEGIANCE

Led by Chief Steve Dohman, Orange County Fire Authority.

The City Attorney / Agency Counsel reported that the Stanton City Council / Successor Agency / Housing Authority met in closed session from 5:33 to 6:30 p.m.

The City Attorney / Agency Counsel reported that there was no reportable action.

8. SPECIAL PRESENTATIONS AND AWARDS

The City Council proclaimed September 2023 as Hunger Action Month in the City of Stanton and presented a proclamation to Ms. Kelly Alesi, Hunger Relief Worker Director of Sourcing, Logistics & Sustainability, Second Harvest Food Bank, Orange County.

Mayor Shawver arrived/established connection at 6:39 p.m.

9. CONSENT CALENDAR

Motion/Second: Warren/Torres

ROLL CALL VOTE:	Council/Agency/Authority Member Taylor	AYE
	Council/Agency/Authority Member Torres	AYE
	Council/Agency/Authority Member Warren	AYE
	Mayor Pro Tem/Vice Chairperson Van	AYE
	Mayor/Chairman Shawver	AYE

Motion unanimously carried:

CONSENT CALENDAR

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

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

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated August 11, 2023 – August 24, 2023, in the amount of \$1,546,346.40.

9C. APPROVAL OF MINUTES

1. The City Council/Successor Agency/Housing Authority approved Minutes of Joint Special and Regular Meeting – August 22, 2023; and
2. The City Council/Successor Agency/Housing Authority approved Minutes of Joint Special Meeting – August 30, 2023.

9D. JULY 2023 INVESTMENT REPORT

The Investment Report as of July 31, 2023, has been prepared in accordance with the City’s Investment Policy and California Government Code Section 53646.

1. The City Council finds that this item is not subject to California Environmental Quality Act (“CEQA”) pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of July 2023.

9E. JULY 2023 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of July 31, 2023, has been prepared in accordance with the City's Investment Policy and California Government Code Section 53646.

1. The Successor Agency finds that this item is not subject to California Environmental Quality Act ("CEQA") pursuant to Sections 15378(b)(5) (Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment); and
2. Received and filed the Investment Report for the month of July 2023.

9F. EXECUTE A GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE ORANGEWOOD AVENUE COMPLETE STREETS PROJECT

In March 2023, the City received an award letter from the U.S. Department of Housing and Urban Development (HUD) confirming the award of FY 2022 Community Project Funding (CPF) for the proposed Oranewood Avenue Complete Streets Project. HUD is requiring the agreement and application be submitted by September 29, 2023.

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Section 15378(b)(5) – Organizational or administrative activities of governments that will not result in direct or indirect physical change in the environment; and
2. Accepted the HUD FY 2022 Community Project Funding in the amount of \$850,000; and
3. Authorized the City Manager to sign the FY 2022 Community Project Funding Grant Agreement (NO. B-22-CP-CA-0124.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. CONDUCT A PUBLIC HEARING AND CONSIDER ADOPTION OF RESOLUTION NO. 2023-25, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING AN AMENDED AND RESTATED FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH CR&R INCORPORATED AND ADOPTING MAXIMUM PERMITTED SERVICE CHARGES"

The City of Stanton has an exclusive franchise with CR&R, Inc. (“CR&R”) for the collection, disposal, recycling, and processing of solid waste within the City. CR&R is proposing to increase the rates it charges for the collection and handling of solid waste within the City in order to account for the increased cost of complying with certain new organic waste mandates. The attached Resolution would, if approved and adopted by the City Council, implement these rate increases (proposed as 3.5% for single family residential customers and 8.3% for commercial customers). Out of an abundance of caution, and without conceding the applicability of Proposition 218 (Prop. 218) to solid waste rate changes, a notice was mailed for a public hearing set for this evening’s regular meeting of the City Council to discuss the proposed solid waste rate increases called for by the first amendment to the CR&R franchise agreement.

Introduction and announcements by Ms. Patricia A. Vazquez, City Clerk and Ms. HongDao Nguyen, City Attorney.

Staff report by Mr. Cesar Rangel, Public Works Director/City Engineer.

Presentation by Mr. David Davis, MSW Consultants.

Announcements and instructions by Ms. Patricia A. Vazquez, City Clerk.

Mayor Pro Tem Van opened the public hearing.

Public Comments / E-Mail:

- Ms. Ramona Macias, resident, wrote in opposition to the proposed rate increases.
- Mr. Scott Steiner, resident, wrote in opposition to the proposed rate increases.

Public Comments / In-Person:

- Ms. Melissa Saldana, resident, spoke in opposition to the proposed rate increases.
- Mr. Dirk Clinton, resident, spoke in opposition to the proposed rate increases and further requested that the city not allow unlimited refuse/overage in lieu of one bulky item pick-up.
- Ms. Elizabeth Ash, resident, spoke in opposition to the proposed rate increases and further requested that CR&R repair and maintain their vehicles, take additional caution and care with refuse bins and place them back along the curb after they have been emptied.
- Ms. Debi Grand, resident, spoke on behalf of her community and spoke in opposition to the proposed rate increases.

Written Protest Received:

- Mr. Filemon Huizar, resident, wrote in opposition to the proposed rate increases.
- Mr. Auturo Garcia, resident, wrote in opposition to the proposed rate increases.
- Mr. Leo Noriega, resident, wrote in opposition to the proposed rate increases.
- Ms. Kate Ly, resident, wrote in opposition to the proposed rate increases.
- Ms. Melissa Saldana, resident, wrote in opposition to the proposed rate increases.

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

As a member of the CR&R Contract Review Sub-Committee, Mayor Pro Tem Van provided the City Council with sub-committee report.

Motion/Second: Shawver/Warren

ROLL CALL VOTE:	Council/Agency/Authority Member Taylor	AYE
	Council/Agency/Authority Member Torres	AYE
	Council/Agency/Authority Member Warren	AYE
	Mayor Pro Tem/Vice Chairperson Van	AYE
	Mayor/Chairman Shawver	AYE

Motion unanimously carried:

1. The City Council conducted a public hearing to accept written protests and verbal comments against the increased solid waste fees, tracked the number of valid written protests, finds that the number of written protests received at the close of the public comment portion of the hearing was not sufficient to constitute a majority, and finds that there is not a majority protest by property owners and/or tenants; and

2. Approved Resolution No. 2023-25, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, APPROVING AN AMENDED AND RESTATED FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH CR&R INCORPORATED AND ADOPTING MAXIMUM PERMITTED SERVICE CHARGES”; and

3. Authorized the City Manager to execute the Amended and Restated Franchise Agreement with CR&R Incorporated.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. RATIFICATION OF OPERATING MEMORANDUM RELATING TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF STANTON AND LIFE ILLUMINATED, LLC FOR THE “VRV” PROJECT, LOCATED AT 12736 BEACH BOULEVARD, AND INITIATION OF A DEVELOPMENT AGREEMENT AMENDMENT BETWEEN THE CITY OF STANTON AND BONANNI DEVELOPMENT COMPANY III, LLC RELATING TO THE PAYMENT OF PUBLIC BENEFIT FEES FOR THE VRV PROJECT

In June 2020, the City and Life Illuminated, LLC, the developer of the VRV mixed-use project at 12736 Beach Boulevard, entered into a Development Agreement (“VRV Agreement”). Among other things, the Agreement provided the developer a vested right to construct the project in exchange for the payment of certain development impact and public benefit fees. Recently, the developer reached out to the City regarding its financial hardship and requested an alternative schedule to pay for a portion of the fees. The VRV Agreement allows the parties to agree to a different payment schedule for public benefit fees. Tonight, the Council will: (1) consider ratifying an Operating Memorandum between the City and developer that would memorialize an alternative payment schedule for a portion of the public benefit fees, and (2) consider directing staff to initiate an amendment to the Development Agreement between the City and Bonanni Development Company III, LLC, whose “Bigsby” project at 12200 Beach Boulevard would be used as collateral for the VRV fees.

Staff report by Ms. HongDao Nguyen, City Attorney

Motion/Second: Shawver/Warren

ROLL CALL VOTE:	Council/Agency/Authority Member Taylor	AYE
	Council/Agency/Authority Member Torres	AYE
	Council/Agency/Authority Member Warren	AYE
	Mayor Pro Tem/Vice Chairperson Van	AYE
	Mayor/Chairman Shawver	AYE

Motion unanimously carried:

1. The City Council declared this project to be categorically exempt under the California Environmental Quality Act, Section 15378(b)(5) – Organizational or administrative activities of governments that will not result in direct or indirect physical change in the environment; and
2. Considered and ratified an Operating Memorandum relating to the VRV Agreement, and directed Staff to begin processing an amendment to the Development Agreement between the City of Stanton and Bonanni Development Company III, LLC.

13. ORAL COMMUNICATIONS – PUBLIC

- Ms. Jenny McCauslan, resident, voiced concerns regarding the area near her neighborhood on Western Avenue stating that Western Avenue has become a mini highway with numerous reported accidents, including an accident that was so violent it shook her home along with a few of her neighbor's homes. Ms. McCauslan further stated that in this violent accident the car had struck a fire hydrant and a light pole, the fire hydrant was repaired fairly quickly, however, it's been 17 months and the light pole has yet to be repaired/replaced. Ms. McCauslan reported that this portion of her neighborhood remains in the dark, she has reported this discrepancy to the City on numerous occasions with no results, she further reported that the constituents need to be heard and that the safety concerns within and near her neighborhood needs to be addressed.
- Mr. Rigoberto A. Ramirez, resident, recommended that those who are sitting on and along the dais not utilize their electronic devices (cell phones) while meetings are in session, it comes off as unprofessional. Additionally, Mr. Ramirez spoke his concerns that if a partner agency of more than thirty years, such as the Orange County Sheriff's Department (OCSD) come to the City with a solutions to assist in deterring and fighting crime and to bring justice to individuals for free, that the City Council work with that partner agency, as it reflects that the City Council is not trusting of their partner and he hopes that is not the case. Mr. Ramirez also stated that extending term limits from two terms to three terms leads the community to the belief that the City Council is inefficient and ineffective. Mr. Ramirez further questioned the proposed discussion of the move to five districts and stated that it gives the sense that the City Council is unable to perform their duties and that they need an additional person to assist in doing so and believes that this is not the case, that the City Council is capable and asks that the City Council ensure that they are executing correctly. Lastly, Mr. Ramirez further stated that if the City is still interested he would like to continue the tradition and donate \$250 dollars towards the purchase of pumpkins for the City's Annual Halloween Fun with Family and Friends 2023 event.

14. WRITTEN COMMUNICATIONS None.

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

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

- Council Member Torres reported on his participation on a ride-a-long with the Orange County Sheriff's Department (OCSD) and expressed his gratitude to the OCSD Sheriff's Deputies.

- Mayor Shawver expressed his gratitude to the Orange County Fire Authority and applauded their service and care to him and his family during his most recent need for their assistance. Mayor Shawver further expressed his gratitude to City staff and his fellow Council Members for filling in and representing for him while he has been away from office duties and further thanked the Stanton community for their thoughts and prayers and expressed his appreciation for each and every community member.
- Mayor Shawver reported on the St. Polycarp Catholic Church’s upcoming Annual St. Polycarp Family Festival event, which is scheduled to be held on September 15-17, 2023 at the St. Polycarp Catholic Church.
- Mayor Shawver reported on a drive through food distribution event, which is scheduled to be held on September 16, 2023, at Stanton Park.
- Mayor Pro Tem Van reported on the Orange County Community Resource / Housing and Community Development’s announcement that the Orange County Housing Authority (OCHA) will be opening the Housing Choice Voucher Program (Section 8) waiting list and that they will be accepting applications beginning September 18, 2023, 8:00 a.m. and ending September 29, 2023, 11:59 p.m. Mayor Pro Tem Van offered her assistance to those who are in need of assistance in applying for this program.
- Mayor Pro Tem Van reported on the upcoming 4th Annual Mid-Autumn Festival (Tết Trung thu) 2023, which is scheduled to take place on October 1, 2023, from 10:00 AM – 12:00 PM at Stanton Central Park.

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

None.

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

None.

15D. CITY COUNCIL INITIATED ITEM — DISCUSSION REGARDING REDISTRICTING

At the August 22, 2023, City Council meeting, Council Member Taylor requested that this item be agendaized for discussion. Council Member Taylor is requesting to discuss changing the composition of the current four (4) City Council Member Districts with a directly-elected Mayor to a five (5) Council Member Districts with no directly-elected Mayor.

Presentation by Council Member Taylor.

The presentation was received and filed.

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

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

- Ms. Hannah Shin-Heydorn, City Manager, reported on the City's upcoming 2023 Citizen's Academy and that registration is open and the City is currently accepting applications.

17A. ORANGE COUNTY FIRE AUTHORITY

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

Chief Steve Dohman provided the City Council with an update on their current operations.

- 18. ADJOURNMENT** in memory and honor of Mr. Glen Sprowl Jr.
Motion/Second: Van/Shawver
Motion carried at 8:13 p.m.

/s/ David J. Shawver

DAVID J. SHAWVER, MAYOR

ATTEST:

/s/ Patricia A. Vazquez

CITY CLERK/SECRETARY