

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING FEBRUARY 13, 2018

1. CALL TO ORDER / CLOSED SESSION

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

2. ROLL CALL

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

Absent: None.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

The members of the Stanton City Council of the City of Stanton proceeded to closed session at 6:00 p.m. for discussion regarding:

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

Number of Potential Cases: 4

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

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

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

The meetings were called to order at 6:30 p.m. by Chairman Shawver.

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

The City Attorney reported that there was no reportable action.

6. ROLL CALL

Present: Agency/Authority Member Donahue, Agency/Authority Member Ethans, Agency/Authority Member Warren, Vice Chairman Ramirez, and Chairman Shawver.

Absent: None.

Excused: None.

7. PLEDGE OF ALLEGIANCE

Led by Fire Division Chief Dave Steffen, Orange County Fire Authority.

8. SPECIAL PRESENTATIONS AND AWARDS

Recognition of the City of Stanton's dedicated volunteers.

- Introduction by Ms. Julie S. Roman, Community Services Director.

Presentation by:

- Dr. Sue Johnson, Superintendent, Savannah School District
- Tracy Good Speed, Principal, Hanson Elementary School
- Principal Twila Reed Elementary School
- Brianna Schnitzer, Principal, Cerritos Elementary School
- Hip Murillo, Director of Student Services, Savannah School District
- Jerry Freedman, Principal, Holder Elementary School

Recognizing and honoring the selfless devotion, outstanding, and dedicated services that Ms. Ann Nguyen has given to the Savannah School District students each and every day.

- Mayor Shawver expressed his gratitude to Ms. Ann Nguyen and all Stanton employees.
- Mayor Shawver expressed his gratitude to Dr. Sue Johnson for her contributions and dedication to the Stanton community and congratulated Dr. Johnson on being selected as Citizen of the Year for the City of Buena Park.
- The Mayor and City Council recognized the City of Stanton's 2017 dedicated volunteers.

Volunteers were recognized via the following categories:

- Parks Recreation and Community Services Commission
 - Mr. Victor Barrios
 - Ms. Nancy Heitman
 - Ms. Jenny Lacayo
 - Ms. Beverly Henry
 - Mr. Greg Himes
 - Mr. Adam Ontiveros
 - Mr. John Warren

- Stanton Youth Committee
 - Jorge Amaro
 - Jessica Cedillo
 - Neida Gomez
 - Bryan Lara
 - Kimberly Rodriguez
 - Isaac Mendez Ruiz
 - Laisha Valle

- Senior Nutrition Program Volunteers
 - Ms. Sandra Stubban
 - Mr. Richard Molthen
 - Mr. Dave Hennek
 - Ms. Anne Wade
 - Ms. Virginia Schrader
 - Mr. Max Cadabona
 - Mr. Jay De La Cruz

- Stanton Community Services Center Volunteers
 - Ms. Malinda Todora
 - Mr. Andy Narang
 - Mr. Jerry Steddum
 - Ms. Daniella Fanco
 - Ms. Darlene Steddum
 - Mr. David Pasel

- Stanton Collaborative
 - Mr. Joe Carmona, Principal, Western High School
 - Ms. Michelle Rushall, Principal, Wakeham Elementary School
 - Mr. Roger Nguyen, Principal, Walter Elementary School
 - Ms. Daphne Hammer, Principal, Magnolia High School
 - Ms. Lorena Moreno, Principal, Dale Junior High School
 - Ms. Tracy Godspeed, Hansen Elementary School

- AARP Tax Assistance Volunteers
 - Mr. Ben Chapman
 - Mr. Bob Holman
 - Mr. John Jaecker
 - Mr. Stewart Yeomans
 - Mr. George Pardon
 - Ms. Lynn Pardon
 - Ms. Jyoti Joshi

- Special Event Volunteers
 - Mr. Danilo Seranillo - Stanton Librarian, Christmas Tree Lighting
 - Ms. Bonnie McLaren – Stanton Library, Christmas
 - Ms. Hilda Laufer – Easter Bunny
 - Mr. Mike Flack – Christmas
 - Mr. John H. – Christmas
 - Mr. Dave Morse – Christmas Tree Lighting
 - Mr. Johnny Grubbs – Car Show
 - Mr. Jason Lyon – Car Show

- GRIP, NOCC, and NET Programs,
 - Ms. Diana Verdin, GRIP Intern
 - Mr. Raul Barragan, GRIP Intern
 - Ms. Jessica Zavalza, GRIP Intern
 - Ms. Yvonne Vo, GRIP Intern
 - Ms. Martha Beatty, GRIP Intern
 - Ms. Monica Nguyen, GRIP Volunteer
 - Dr. Sue Johnson, SSD Director – GRIP
 - Mr. Hip Murillo, Savanna School District – GRIP
 - Dr. Friedman, Holder Elementary – GRIP
 - Ms. Erin Helinihi, Twila Reid Elementary – GRIP
 - Ms. Maria Manzano, Savanna School District – GRIP
 - Ms. Briana Schnitzer, Cerritos Elementary – GRIP
 - Ms. Pam Sepulveda, Casa Youth Shelter, Director of Operations
 - Ms. Becky Stone, Comprehensive Health Assessment Team-Homeless Public Health Nurse
 - Mr. Ray Huab, Cottonwood Church Pastor

- Community Engagement Advisory Committee (CEAC)
 - Mr. Van Vo
 - Ms. Connie Cardoza
 - Ms. Stephanie Grice
 - Ms. Rosa Leon
 - Ms. Arcelia Gutierrez
 - Ms. Martina Banelous
 - Ms. Paula Soto
 - Ms. Maria Reyes
 - Ms. Eugenia Amaro
 - Ms. Laura Lonzo
 - Mr. Salvador Barajas

- Ms. Gabriela Garcia
- Ms. Teresa Vera
- Ms. Natalie Nguyen
- Mr. Arturo Valtierra
- Ms. Maria Salgado
- Mr. Froylan Ramirez
- Ms. Martha Moreno
- Ms. Roselia Arriage
- Mr. Rudy Bran
- Ms. Fatima Khier

9. CONSENT CALENDAR

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

AYES: 5 (Donahue, Ethans, Ramirez, Shawver, and Warren)
 NOES: None
 ABSTAIN: None
 ABSENT: None

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

CONSENT CALENDAR

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

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

9B. APPROVAL OF WARRANTS

The City Council approved demand warrants dated January 18, 2018, January 24, 2018, and January 25, 2018, in the amount of \$543,923.22.

9C. APPROVAL OF MINUTES

The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – January 23, 2018.

9D. APPROVAL FOR THE PURCHASE OF TRAFFIC SIGNAL CABINET AND EQUIPMENT FOR THE DALE AVENUE AND CHANTICLEER ROAD TRAFFIC SIGNAL PROJECT

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

1. The City Council declared that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b) (2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Authorized the City Manager to execute a purchase with Econolite Group, Inc. to furnish a new TS2 cabinet and equipment for the Dale Avenue and Chanticleer Road Traffic Signal Project in the amount of \$35,478.74.

9E. ACCEPTANCE OF THE WESTERN AVENUE AND THUNDERBIRD LANE TRAFFIC SIGNAL PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Western Avenue and Thunderbird Lane Traffic Signal Project has been completed in accordance with the plans and specifications. The final construction cost for the project was \$220,155.68. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Western Avenue and Thunderbird Lane Traffic Signal Project is for \$287,115.41. The remaining balance of \$66,959.73 is based on the contractor not being allowed to build the center median island. The center median island will be a separate project in the future once Union Pacific gives the City of Stanton a Right-Of-Entry agreement. Other than the design changes created by Union Pacific, this project had no change orders created by field conditions, contractor or staff.

1. The City Council declared this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. Accepted the completion of improvements for the Western Avenue and Thunderbird Lane Traffic Signal Project, as certified by the City Engineer, and affixed the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approved the final construction contract amount of \$287,115.41 with DBX, Inc.; and
4. Directed the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion with the County Recorder of the County of Orange; and
5. Directed City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to DBX, Inc. in the amount of \$11,007.78.

9F. ACCEPTANCE OF THE RUTLEDGE AVENUE AND PALAIS ROAD ALLEY IMPROVEMENT PROJECT BY THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA

The Rutledge Avenue and Palais Road Alley Improvement Project have been completed in accordance with the plans and specifications. The final construction cost for the project was \$900,172.92. The City Engineer, in his judgment, certifies that the work was satisfactorily completed as of February 1, 2018 and recommends that the City Council accept the completed work performed on this project.

The construction contract for the Rutledge Avenue and Palais Road Alley Improvement Project is for \$941,000.00. Staff was able to save \$40,827.08 during the construction phase and come in below the initial estimated cost due to field conditions. The existing base material of several streets throughout the Bradford Place was found to be in good condition even though the asphalt had failed. This allowed staff to modify the initial street section design. Staff was able to reduce the thickness of the base material required and in the end saving the City of Stanton construction cost.

1. The City Council declared this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301c; and
2. Accepted the completion of improvements for the Rutledge Avenue and Palais Road Alley Improvement Project, as certified by the City Engineer, and affixed the date of February 1, 2018 as the date of completion of all work on this project; and
3. Approved the final construction contract amount of \$900,172.92 with Hardy and Harper, Inc.; and
4. Directed the City Clerk within ten (10) days from the date of acceptance to file the Notice of Completion with the County Recorder of the County of Orange; and
5. Directed City staff, upon expiration of the thirty-five (35) days from the filing of the "Notice of Completion," to make the retention payment to Hardy and Harper, Inc. in the amount of \$45,008.65.

9G. PROPOSED CHANGES TO PERSONNEL RULES AND REGULATIONS

The City Council has established Personnel Rules and Regulations as set forth in Title II, Chapter 2.44 of the Stanton Municipal Code. From time to time the provisions of the Personnel Rules are changed based on changes in federal or state law or the needs of the organization have changed.

1. The City Council declared that this project is exempt from the California Environmental Quality Act ("CEQA") under Section 15378 (b)(2) – continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
2. Approved Resolution No. 2018-03 amending the City of Stanton Personnel Rules and Regulations, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING AND ADOPTING PERSONNEL RULES FOR THE ADMINISTRATION OF THE CITY'S PERSONNEL SYSTEM AND REPEALING ALL OTHER RESOLUTIONS AND MOTIONS INCONSISTENT HEREWITH."

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, IMPOSING A MORATORIUM TO TEMPORARILY PROHIBIT THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND ADOPTION OF REGULATORY STANDARDS

This ordinance proposes a new moratorium for the establishment of new permit parking areas so that staff may analyze alternative options to relieve parking issues in the City and to study and propose new regulatory standards. The City needs to evaluate permit parking due to immediate health, safety, and welfare issues. Requests for permit parking are often prompted by residents' complaints of overflow parking, which allegedly results in excessive litter, vehicle break-ins, thefts, and other crime. However, the City must balance those requests against a California Attorney General opinion related to permit parking.

Recently, the City has become aware of alternative options that could help relieve the City's parking issues, including opening certain public properties for overflow parking. These options could have a direct effect on the City's permit parking program, and therefore, staff recommends a one-year moratorium to analyze these new alternatives and to study and propose new regulatory standards.

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

The public hearing was opened.

- Mr. Greg Witz, property owner, spoke in opposition to the permit parking moratorium and stated that the City Council is not addressing the most noticeable solutions nor addressing the problems which are causing the parking issues.

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

Motion/Second: Ethans/Warren

Motion unanimously carried by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council conducted a public hearing; and
2. Declared that the project is not subject to the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Moreover, this Ordinance is statutorily exempt from further CEQA review under Section 15262 (feasibility and planning studies); and
3. Adopted Interim Urgency Ordinance No.1078, entitled:

"AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 36937, ENACTING A TEMPORARY MORATORIUM PROHIBITING THE ESTABLISHMENT OF ANY AREA OF PERMIT PARKING PENDING STUDY AND THE ADOPTION OF REGULATORY STANDARDS."

10B. PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-788, TENTATIVE TRACT MAP TM17-02, PLANNED DEVELOPMENT PERMIT PDP17-02 AND A DEVELOPMENT AGREEMENT TO SUBDIVIDE A 4.95 ACRE SITE FOR THE DEVELOPMENT OF A HOUSING SUBDIVISION CONSISTING OF THE CONSTRUCTION OF 35 SINGLE FAMILY DETACHED DWELLING UNITS, A PRIVATE STREET, AND PRIVATE PARK AREA FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE

A public hearing to consider subdivision of a 4.95 acre site for planned development purposes and to construct 35 single family detached dwelling units, community and private open space; a private street and associated improvements. Under consideration are Precise Plan of Development PPD-788, Tentative Tract Map TM17-02, Planned Development Permit PDP17-02 and a Development Agreement.

Staff report by Ms. Rose Rivera, Associate Planner.

Ms. Rose Rivera, Associate Planner noted for the record that a letter was received from Mr. Frank Hathcock, resident, citing concerns with the proposed development.

The public hearing was opened.

- Mr. Chad Brown, applicant, spoke regarding the proposed project and expressed his gratitude to the City staff and City Council.

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

Motion/Second: Ramirez/Warren

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

Motion unanimously carried:

1. The City Council conducted a public hearing; and
2. Declared that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15332, Class 32 (In-Fill Development Projects); and
3. Adopted Resolution No. 2018-04 approving Precise Plan of Development PPD-788, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PRECISE PLAN OF DEVELOPMENT PPD-788, A REQUEST TO SUBDIVIDE A 4.95 ACRE SITE AND CONTRUCT 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; and

4. Adopted Resolution No. 2018-05 approving Tentative Tract Map TM17-02, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING TENTATIVE TRACT MAP 18122 (TM 17-02) TO SUBDIVIDE A LEGAL PARCEL (4.95 ACRES) FOR PLANNED DEVELOPMENT PURPOSES FOR THE DEVELOPMENT OF 35 SINGLE-FAMILY DETACHED HOMES, INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; and

5. Adopted Resolution No. 2018-06 approving Planned Development Permit PDP17-02, entitled:

“A RESOLUTION OF THE city council of CITY OF STANTON, CALIFORNIA FINDING THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING PLANNED DEVELOPMENT PERMIT PDP17-02 TO ALLOW CUSTOMIZED DEVELOPMENT STANDARDS FOR A 35-UNIT INCLUDING A PRIVATE STREET, AND PRIVATE AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 8232 LAMPSON AVENUE IN THE RH (HIGH DENSITY RESIDENTIAL) ZONE AND THE SOUTH GATEWAY MIXED USE OVERLAY”; and

6. Introduced Ordinance No. 1077, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, MAKING FINDINGS THAT THE DEVELOPMENT AT 8232 LAMPSON AVENUE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF STANTON AND STANTONLAMPSON 2017, LLC FOR CERTAIN REAL PROPERTY

**LOCATED AT 8232 LAMPSON AVENUE, WITHIN THE CITY OF STANTON
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET
SEQ"; and**

7. Set said ordinance for adoption at the regular City Council meeting on February 27, 2018.

11. UNFINISHED BUSINESS None.

12. NEW BUSINESS

12A. APPEAL OF CITY MANAGER'S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 TO ALLOW FOR CONTINUED OPERATION OF A MASSAGE ESTABLISHMENT FOR THE PROPERTY LOCATED AT 10356 BEACH BLVD. IN THE CG (COMMERCIAL GENERAL) ZONE; SUBMITTED BY TRINITY NGUYEN

This is an appeal of the City Manager's decision to deny Massage Establishment License MEL17-01 for the operation of a massage establishment by Trinity Nguyen.

Mr. Matthew E. Richardson, City Attorney stepped down from the dais and Mr. Colin Robert Burns, Attorney At Law / Special Counsel stepped in to advise the City Council during this public hearing.

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

Ms. Kelly Hart, Community and Economic Development Director noted for the record that Mr. Philip Trad provided the City Clerk with documents pertaining to the appeal.

Mr. Philip Trad, applicant representative, stated that they were not here because of a criminal conviction, arrest, or any kind of prosecution, that they are here due to notices that were provided to cover what happened in the City of Anaheim. Mr. Trad requested to present arguments for both New Business items 12A and 12B.

The City Council approved Mr. Trad's request to present arguments for both New Business items 12A and 12B.

- Mr. Trad stated that the Anaheim matter was divided primarily into three sections. The City of Anaheim gave a notice of intent to revoke a license on May 4, 2017 and an appeal was filed due to that notice and that license revocation process was stopped. However, Mr. Trad states that Ms. Nguyen had already actively been involved with the City of Stanton in renewing her license and that before Ms. Nguyen could renew her license she would need to go through and obtain a conditional use permit (CUP) with the City of Stanton. Mr. Trad re-stated that Ms. Nguyen was already actively involved with the CUP process before any activity was taken by the City of Anaheim.
- Mr. Trad further states that a hearing was not heard on the City of Anaheim matter until July 25, 2017 and that there were two major issues raised by the City of Anaheim, illegal advertising and an unsupported police narrative alleging one violation. Moreover, Mr. Trad reported that the hearing was conducted on those two primary points.

Additionally, Mr. Trad noted that prior to meeting and having the hearing with Anaheim, Mr. Trad met with the City of Anaheim's code enforcement division and the planning department and that information given to him confirmed that during the hearing that the City of Anaheim held they had expressly stated that Anaheim wants all 69 massage businesses out of the City. Furthermore, Mr. Trad noted that a June 9, 2017 letter addressed to the City of Anaheim police department asked for any support, evidence, background information, or documentation that would support the alleged narrative that was being used by the City of Anaheim to attack Ms. Nguyen's license. Mr. Trad stated that the City of Anaheim's police department refused to provide any compliance with the discovery requests for over four months. Mr. Trad questioned why none of this information was provided to the City Council.

- Mr. Trad reported that under the allegations, it claims that on July 25, 2017 there was an individual employed without a business license and clothing garments that were in house. Mr. Trad further reported that he has not been provided with any documentation of the July 25, 2017 violation and that he has been provided with the July 24, 2017 violation, which references the citation number and the name of the employee and that a letter from the City of Stanton dated December 5, 2017 to Ms. Tran that states that the violation was being dismissed, the fines were being refunded, and the matter was concluded.
- Mr. Trad again states that he is unaware as to why this information was not being provided. Mr. Trad proceeded to discuss the issues of the window coverings. Mr. Trad stated that weather or not that there was a curtain covering a window, this was a curtain in a lobby and that it is not a curtain covering a therapeutic room, it's merely an entry lobby when entering through the front door.
- Mr. Trad stated that he is asking that Ms. Nguyen get due process in the City of Stanton and that the City not condemned a business by failing to note that the City dismissed charges and refunded fines, do not suspend a business because they have a drape in a non-accessible area except an entry lobby and that the City should not be dismissing a business on an alleged narrative one page, non-described, unsupported no evidence claim.

Mr. Colin Robert Burns, Attorney At Law / Special Counsel wanted to note for the record that before the hearings this evening for items 12A and 12B he did discuss the matter with Ms. Hart and with Mr. Trad it was agreed by all that this would be a de novo hearing there would be no oath, witnesses would not be crosses examined if either party wanted to do any closing, Mr. Burns wanted to make sure that everybody agreed that they had those procedural issues correct.

Mr. Colin Robert Burns, Attorney At Law / Special Counsel recommended that the City Council hear both items 12A and 12B separately.

- Ms. Kelly Hart, Community and Economic Development Director response to Mr. Trad's comments in regards to the timing of the City of Anaheim's revocation, the Stanton Municipal Code specifically states that it is disqualifying conduct and that the City is unable to wave the findings if that within five years and during any time of the processing of the application that an application for a massage permit in another city had been revoked. Ms. Hart reported that the City of Anaheim initially denied the

permit on May 4th and that the appeal process did occur during that time. Ms. Hart stated that previously in staffs report on August 9, 2017 a final determination from the City of Anaheim was made and the application was filed as being revoked. Ms. Hart further stated that the City of Stanton did not take a final action with the processing of the massage establishment license until December 4th or thereabouts and that at no time during the denial of the or the revocation of the Anaheim permit and the ultimate denial of the Stanton massage permit did the applicant come forth with the information that the Anaheim permit for Fantasy Massage had been revoked, until such time as staff asked the final question before the final processing of the application. Ms. Hart reported that on September, 2017 the applicant updated their information with the City of Stanton application and updated their license information to say that the business had been sold, not revoked and so that is a willful misrepresentation of the facts of what had occurred with the business and as such it is an omission of information.

- Ms. Kelly Hart, Community and Economic Development Director response to Mr. Trad's comments in regards to the reasons for Anaheim's revocation are not the issue of this hearing that the basis for the denial of the Stanton license is simply that the permit was revoked which was the basis for the finding that revocation is final and cannot be reopened or re-litigated here.
- Ms. Kelly Hart, Community and Economic Development Director response to Mr. Trad's comments in regards to the Silky Spa questions, regarding the July 24th, July 25th items and stated that was a little disingenuous where Mr. Trad has had the discussion of what actually occurred in the staff report and that it's clear that there was a simple typo in the staff report of the actual date of the citation and the inspection dates and that the facts were identified in the staff report, which corresponded with the documentation that the applicant and appellant had regarding the citation at hand and they corresponded directly.
- Ms. Kelly Hart, Community and Economic Development Director response to Mr. Trad's comments in regards to the curtains being in a lobby and that lobby area is not visible from any of the massage rooms. Ms. Harts states that the municipal code does not identify whether it's a lobby area or a massage room or restroom of any sort it simply says that all windows must be clear of any obstruction in any types of room, so regardless of where it is it's still a violation of the Stanton Municipal Code.
- Ms. Kelly Hart, Community and Economic Development Director response to Mr. Trad's comments in regards to the dismissal of a citation and fees. Ms. Hart reported that the City of Stanton did not dismiss any administrative citation associated with the inspections nor any fines that were paid and that there was no refund of any of any monies.
- Mr. Trad stated that if the City of Anaheim issue is not considered in the decision to deny, why does it take up two thirds of staffs December 7, 2017 report and that the decision was made in Anaheim on August 9, 2017. Mr. Trad stated that they have been in communication with Stanton and that if Stanton felt that we needed or wanted Ms. Nguyen to provide an amended application, it would have been a very simple matter to state and that there has been confusion on both sides. Ms. Nguyen was actively involved before Anaheim revoked the license and that there were potential

sales for the business and because of the City of Anaheim's decision the sales were lost and not completed. Mr. Trad further stated that the problem was the tactics that the City of Anaheim took and the City of Stanton's reliance upon Anaheim's representations. Lastly, Mr. Trad reported that he is unaware about the typo, and that all he knows is that the citation issued to the female who is named in the complaint brought before the City Council is the same female and citation in exhibit I that says that the charges were dismissed and that the fines were being refunded, therefore there is no violation. Again, all Ms. Nguyen is asking for is due process that she didn't get in Anaheim and should get in Stanton and if there is some issue or something that she can do that will make the City Council confident in the activities that Ms. Nguyen would undertake in her businesses, she's happy to comply, she's always complied.

Mayor Shawver stated that the City Council is mandated to enforce its laws and the municipal code and that the City Council would be in remise of the oath that they took to protect the health and safety of its community if they were not to enforce such ordinances and laws as they are written. Mayor Shawver further stated that if there has been a violation of the City's regulations, laws, or ordinances, especially those dealing with public health and safety that they have to look at it as a very serious concern in the City Council's decision. Additionally, the City Council treats no business any different and that city businesses have CUP's with restrictions and guidelines that protect the public and if the City does not enforce those guidelines, not only is there chaos but the City is not doing justice as legislators and people that govern the community and the City Council is not protecting the public interest and that one of the most important items is the City's responsibility to equally and fairly enforce the statutes and ordinances that the City has.

Council Member Warren questioned if the City of Stanton is stating that the citation for the undergarments that were found in the massage parlor stands as a valid citation for the City of Stanton and has not been cancelled or rescinded.

- Ms. Hart stated that in regards to the letter dated December 5, 2018 in exhibit I, the administrative citation was heard before an independent hearing officer and that the massage technician was found liable for that decision. Ms. Hart further stated that there was an administrative citation decision and that an administrative hearing had occurred and that the administrative hearing officer found the individual liable for the procedures. Ms. Hart reported that after the administrative hearing was held to appeal the decision of the administrative hearing, Ms. Kieu Kim Tran appealed the decision of the administrative hearing officer to the Superior Court and that in the filing of the appeal Ms. Kieu Kim Tran entered into an agreement with the City of Stanton whereby as part of the agreement the citation and the fine associated with the citation would be removed in exchange for Ms. Kieu Kim Tran not operating within the City of Stanton and so as part of the settlement agreement of further appeal to the Superior Court that further agreement with the City was made, but the fact of the matter remained that the decision of the hearing officer was that Ms. Kieu Kim Tran was found liable for the violation and only through the processing of the further agreement with the City after the appeal to the Superior Court was the fine associated with the fine dismissed.

Ms. Hart reported that inspections that were conducted in July, an individual was found within an employee only area without any proper business license within the City, which is a violation and that during that same inspection is the item that we have been discussing in length regarding Ms. Kieu Kim Tran taking off her underwear inside a massage room.

Additionally, there is the secondary inspection in September or thereabouts with the fact that the windows were covered by a semi sheer window covering, which is also a violation of the City's municipal code. Ms. Hart further reported that each of those are indentified violations and therefore the City cannot make the findings of the application that state that the business is in compliance with the specific requirements of our municipal code. Moreover, the concern with the City of Anaheim's revocation of a permit, regardless of any case of the City of Anaheim, the purpose of the revocation of the City's permit is that our municipal code simply states that a disqualifying conduct is that a permit has been revoked by any other city, agency, or state within 5 years of the date of the application or at the time of the processing of the application.

Ms. Hart further reported that as part of the processing of a massage establishment license, per chapter 5.16 of the City's code which regulates massage establishment licensing, there are specific findings that must be made for the City Manager who is the authority for the application and it very clearly states that every single finding identified for the processing of a massage establishment license must be made and due to the facts that were presented there are four findings that the City staff and city manager cannot make and that is the denial of a massage establishment license.

Mayor Pro Tem Ramirez requested clarification on the information timeline.

- Ms. Hart reported that the initial revocation of the permit was May 4th and that the initial application to the City of Stanton was on May 9th. Additionally, the final determination for the appeal procedures in the City of Anaheim ended with a final decision and notice of order on August 9, 2017 and that on September of 2017 the applicant came in and modified and updated their massage establishment application to identify the business as being sold, not as being revoked and not until during the final phases of the processing of the massage establishment application when staff directly asked the massage establishment owner or representative of the owner, her sister about if any licenses had been revoked. Ms. Hart further reported that it was only then that the applicant informed staff that their license had been revoked.

Mr. Trad stated that it doesn't detract from the fact that the City, despite their representation did not rely on the City of Anaheim and that the City of Stanton's notice was based on Anaheim's revocation. Mr. Trad further stated that he has given the City Council evidence that was not given to them before which was voluntarily given to City staff showing why that was inappropriate and that there was no claim in the notice of December 7, 2017 regarding the sale or non-sale after the hearing was conducted in Anaheim and that there was an attempt to amend, once that decision came down and he had indicated to Council that he didn't think that, that was going to be an issue tonight. Conversely, the sale fell through, because the license fell though and in Anaheim and in Stanton the City has provision that if you lose your license in Anaheim can't relicense in Stanton. However, the issue of sale or non-sale is not part of the December 7, 2017 notice of terms and conditions that are established here and again it might be a typo, but on the July 24, 2017 violation, Mr. Trad states that they have no evidence and none has been provided except what is being reported and that he has no ability to counteract that because he has just heard it for the first time this evening. Again, when the City says that they are dismissing and issuing a refund, there is no other statement in there about them practicing in Stanton, not conducting business, all these other terms and conditions that the Council is hearing are not contained in the letter and the City of Stanton knows very well how to document

terms and conditions of restrictive informing conditions when you deny or revoke a license, and not of that is contained in that December 5, 2017 notice.

Motion/Second: Donahue/Ethans

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

Motion unanimously carried:

1. The City Council declared the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies); and
2. Adopted Resolution No. 2018-01 upholding the City Manager's denial of Massage Establishment License MEL17-01 and deny the appeal, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER’S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-01 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 10356 BEACH BLVD. BY TRINITY NGUYEN AND DENYING APPLICANT’S APPEAL”; and

3. The City Council upheld the City Managers denial of massage establishment license MEL17-01 and designated the business closure date to be thirty (30) days from the date the City notifies the appellant of the City Council's decision.

12B. APPEAL OF CITY MANAGER’S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN

This is an appeal of the City Manager's decision to deny Massage Establishment License MEL17-03 for the operation of a massage establishment by Trinity Nguyen.

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

Mr. Trad reported on an inspection which occurred on August, 2017 in which a smell that staff could not locate and how this information was not identified to him yet is being presented this evening. However, Mr. Trad stated that the City was notified of the plumbing problem and that the landlord was contacted and arrangements were being made to correct the problem. Additionally, Mr. Trad further stated that there was also a contract for laundry service. Furthermore, Mr. Trad addressed issue number 2 and stated that on September 27, 2017 there was nobody with a Camtec certificate onsite and that the person that was there was operating on a suspended license and that the therapist was found to be working on a suspended license. Mr. Trad invited the City Council to look at exhibit H, which he states are two e-mails from the California Massage Therapy Council, one dated January 17, 2018 and the other dated January 23, 2018. Mr. Trad reported that no

notices were given to the business owner, that there were no notices provided instantly to the business owner in fact the business owner is mailed a letter from Sacramento. Mr. Trad reported that assuming that Camtec made its decision on the 27th on September, 2017 to suspend a license that there is no way that Ms. Nguyen could have known since there was no way an employee or a technician could have known that their license was suspended because Camtec does not immediately notify the technician. send notice out to the cities. I mean it's a little egregious here. Mr. Trad further states that it's clear that from the first e-mail dated the 17th that yes her license was suspended on September 27, 2017 in Sacramento, not in Stanton. However, the technician's certificate is not expired and that the bottom line is that until notice has been given, until his client has a chance to give notice of an act taken by a government agency, his client cannot be charged with responsibility that she is actively employing somebody who is unlicensed.

Mr. Trad reported on the January 23, 2018 letter to make it clear that Camtec e-mails notifications to cities and local enforcement and that Camtec does not e-mail certificate holders and employers a hard copy it is mailed. So to charge his client with a violation on September 27, 2017 that she has no knowledge of and it's impossible for her to have knowledge of until she gets the letter in the mail his client cannot be in violation of this section. Mr. Trad further reported that he reads that the City of Stanton reports that the City received noticed on the 25th or thereabouts. He has no way to verify that because Camtec won't respond to that, all Camtec states is that the notice that the license was suspended, not their certificate.

Mayor Pro Tem Ramirez questioned Mr. Trad on the headers and body of e-mails dated Wednesday, January 17th at 7:26 am within the packet of documents provided to the City Council from Mr. Trad.

Mayor Shawver questioned Mr. Trad as to what the Anaheim Department issue was.

- Mr. Trad responded that the e-mails were forwarded to him from his client and that he was referencing that the Anaheim Police department had not provided information/documents to him nor his client.

Mr. Colin Robert Burns, Attorney At Law / Special Counsel, reported that procedures that were decided on were based on a stipulation, and that it wasn't a set of procedures that he himself had laid down and forced upon them, that everybody was ok the procedures before the hearing was started. Additionally, the speeding ticket analogy, in this case in which we discussed before, we are dealing with something a little bit different, there is a due process issue, so he wouldn't rely on the argument that they do not have to have notice as far as a Camtec license revocation, we already are dealing with a planning and zoning due process case, with that being said he would require some notice there. Moreover, the two questions that were proposed that he did not hear any response to is there being no onsite manager and Mr. Burns asked that Mr. Trad agree that the Fantasy Massage case is final and non-appealable at this point.

- Mr. Trad stated that the hearing that was conducted is non-appealable at this point.

Mr. Colin Robert Burns, Attorney At Law / Special Counsel asked if there is any way that the Council can make the finding yes that the applicant has not had a massage establishment license revoked in the last five years.

- Mr. Trad stated that he believed that the issue was that they failed to notify Stanton that the license had been revoked.

Mr. Colin Robert Burns, Attorney At Law / Special Counsel asked if there is any way that the Council can make the finding yes that the applicant has not had a massage establishment license revoked in the last five years.

- Mr. Trad responded no, I would have to agree that the license.

Ms. Hart responded that there was no register list of employees, there was a suspended camtec license, there was no valid Camtec licensed person onsite, and that both of these items had a citation associated with them, the citation was appealed by the person who was issued the citation, and that those citations make you liable for any fines associated with those citations and upon payment of those fines you are accepting and admitting liability of it and none of those citations were through the Superior Court. Moreover, in regards to the Anaheim revocation the City simply cannot make the finding that it is required as part of the application that no license for massage establishment had been revoked within the last five years associated with the business owner.

Motion/Second: Donahue/Ethans

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

Motion unanimously carried:

1. The City Council declared the project exempt from CEQA under Section 15321 (Enforcement Actions by Regulatory Agencies); and
2. Adopted Resolution No. 2018-02 upholding the City Manager’s denial of Massage Establishment License MEL17-03 and deny the appeal, entitled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA UPHOLDING THE CITY MANAGER’S DENIAL OF MASSAGE ESTABLISHMENT LICENSE MEL17-03 FOR THE OPERATION OF A MASSAGE ESTABLISHMENT LICENSE AT 12505 BEACH BLVD. #B3 BY TRINITY NGUYEN AND DENYING APPLICANT’S APPEAL”; and

3. The City Council upheld the City Managers denial of massage establishment license MEL17-03 and designated the business closure date to be thirty (30) days from the date the City notifies the appellants of the City Council's decision.

12C. AN ORDINANCE AMENDING THE LOCAL VENDOR PREFERENCE SECTION OF THE STANTON MUNICIPAL CODE AND REVISING ADMINISTRATIVE POLICY IV-4-12

City Council recently held discussions relating to the local vendor preference listed in Stanton’s Municipal Code. As a result of those discussions, adjustments are being made to double the local vendor preference and to clarify the situations in which the preference can apply through the adoption of Ordinance No. 1076. In addition, a corresponding revision is being made to Administrative Policy IV-4-12, “Purchasing Policy and Procedures”.

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

Motion/Second: Ramirez/Ethans

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

Motion unanimously carried:

1. The City Council declared that the project is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

2. Introduced Ordinance No. 1076, entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, AMENDING SECTION 2.56.075 OF THE MUNICIPAL CODE PERTAINING TO LOCAL VENDOR PREFERENCES”; and

3. Set said ordinance for adoption at the February 27, 2018 regular City Council meeting; and

4. Approved Administrative Policy IV-4-12, “Purchasing Policy and Procedures,” as revised, effective the later of March 29, 2018 or 30 days after adoption of Ordinance No. 1076.

13. ORAL COMMUNICATIONS – PUBLIC

Mr. Robert Lewis, resident, complemented Ms. Rose Rivera, Associate Planner on a well written staff report and presentation for Public Hearing item 10B.

14. WRITTEN COMMUNICATIONS None.

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

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

- Mayor Pro Tem Ramirez expressed his gratitude to Mr. Allan Rigg, Public Works Director / City Engineer for the installation of the traffic signal light at Stanton Central Park.
- Mayor Pro Tem Ramirez reported on his attendance at the Cypress College Foundation Americana Awards event, which was held on February 10, 2018.
- Mayor Shawver reported on the Cypress College Foundation Americana Awards recipients Ms. Fran Daigle and Mr. Cliff Ronnenberg and expressed his gratitude to the committee and donors for a successful event.
- Mayor Pro Tem Ramirez expressed his gratitude to Mr. James J. Wren, Public Safety Services Director and Ms. Kelly Hart, Community and Economic Development Director for successful Wake Up Stanton event, which was held on February 13, 2018.

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

None.

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

Currently Scheduled:

- February 20, 2018 (4:00 p.m.)
Marijuana Cultivation.
- February 27, 2018 (5:00 p.m.)
Mid-Year Budget Review.

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

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

17A. ORANGE COUNTY FIRE AUTHORITY

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

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

18. ADJOURNMENT in honor and memory of Ms. Marilyn St. Paul

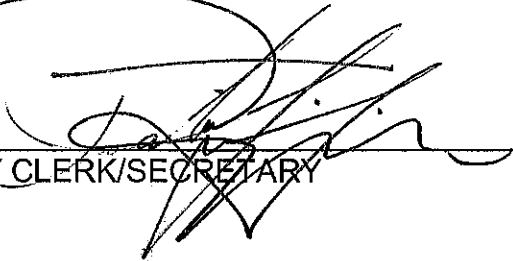
Motion/Second: Shawver/

Motion carried at 9:05 p.m.



MAYOR/CHAIRMAN

ATTEST:



CITY CLERK/SECRETARY