

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING NOVEMBER 27, 2018

1. CALL TO ORDER / CLOSED SESSION

The City Council meeting was called to order at 6:04 p.m. by Mayor Shawver.

2. ROLL CALL

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

Absent: None.

Excused: Council Member Donahue.

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 6:04 p.m. for discussion regarding:

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

The meetings were called to order at 6:40 p.m. by Chairman Shawver.

The City Attorney reported that the Stanton City Council met in closed session from 6:04 to 6:30 p.m.

The City Attorney reported that there was no reportable action.

6. ROLL CALL

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

Absent: None.

Excused: Agency/Authority Member Donahue.

7. PLEDGE OF ALLEGIANCE

Led by Fire Division Chief Kelly Zimmerman.

8. SPECIAL PRESENTATIONS AND AWARDS None.

9. CONSENT CALENDAR

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

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

NOES: None

ABSTAIN: None

ABSENT: 1 (Donahue)

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 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.

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

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

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

1. The City Council declared this project categorically exempt under the California Environmental Quality Act, Class 1, and Section 15301h; and
2. Awarded an annual contract for splash pad maintenance services to the lowest responsible and responsive bidder; and

3. Authorized 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.

1. The City Council finds 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. Approved 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.

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 Dale Avenue and Chanticleer Road Traffic Signal Project, as certified by the City Engineer, and affixed the date of November 27, 2018 as the date of completion of all work on this project; and
3. Approved the final construction contract amount of \$151,216.89 with PTM General Engineering Services, 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.

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.

1. The City Council finds that these items are not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378(b)(4) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly); and
2. Received and filed 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.

1. The City Council declared that the project is exempt from California Environmental Quality Act ("CEQA") under Section 15378(b)(4) – The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and
2. Authorized 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.

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. Authorized 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.

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

The City Council inquired if there is an existing smoke stack or if one would be added, if there is an Air Quality Management District (AQMD) approval process for the permitted use of a smoke stack, method/management of storing bodies, valet system (parking), parking requirements, state regulations, AQMD inspections, and businesses compatibility.

The public hearing was opened.

The following speakers **spoke in opposition** to 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:

- Ms. Janet Slinkard spoke in opposition to the application and expressed her concerns with the inspection process, potential explosions, and air quality.
- Ms. Linda Smith, spoke in opposition to the application and expressed her concerns with parking, homeless, and health issues.

- Ms. Kathy Hamilton, spoke in opposition to the application and stated that she was neither proud nor happy with the type of businesses that are being approved by the City Council to operate within the City.
- Mr. Jake DeRuyter, spoke in opposition to the application and expressed his concerns with parking and environmental effects of operating this type of business.
- Mr. Matt DeRuyter, spoke in opposition to the application and expressed his concerns with property values, employee standpoints, and perception.
- Mr. Allan Havens, spoke in opposition to the application and expressed his concerns with the upkeep, maintenance and inspections of the smokestacks and health issues.
- Mr. Bryan Wilson, spoke in opposition to the application and expressed his concerns with parking issues, explosions, fires, release of mercury, regular inspections, property values, and business proximity.
- Ms. Barbara Aguilera, spoke in opposition to the application and expressed her employees concerns with religious and superstitious beliefs.

The following speakers **spoke in favor** of 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:

- Mr. Doug Browne, applicant, spoke in favor of the application and spoke regarding administrative record and introduced his experts to speak in favor of the application.
- Mr. Max Ahmadi, spoke in favor of the application and stated that this is an ancient historic process, same respect and equality as all other religious and superstitions, parking requirements, possibility / opportunity to revoke the CUP if the conditions are not being followed.
- Mr. John Raggett, spoke in favor of the application and stated that this is an approved AQMD process, reported on inspection timelines, surprises inspections, reduced PPM, and malfunction alerts.
- Mr. Steve Abraham, spoke in favor of the application and spoke regarding the strict conditions placed on the applicants conditional use permit (CUP), compared various types of other businesses, contamination, and stated that the applicant has met all the required steps to operate their business.
- Mr. Doug Browne, applicant, spoke in favor of the application and addressed parking concerns, spoke regarding the conditional use permit conditions that the operator is willing to comply with, and requested that the City Council uphold the Planning Commission decision and approve the CUP.
- Mr. Robert Lewis, spoke regarding parking issues and stated that from what he has heard from staffs report, that the parking requirements seem fair.

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

The opposing party submitted to the City Clerk letters, petitions, e-mails, articles, and subject related documents from the City of Garden Grove for the record.

The approving (in favor) party submitted to the City Clerk petitions and photos of the subject site for the record.

Ms. Kelly Hart responded to the applicant and public hearing speakers regarding air emissions / air quality which is fully regulated by the AQMD and not by the City, the property meets the City's code requirements, with the approval of the CUP there are conditions in place to require a parking program (valet services), if the CUP is not approved then the parking conditions (valet services) are not required, that there is no documented findings that cite that property values/commercial property values diminish due to the proximity of a crematorium, that the municipal code does not provide a minimum separation requirement for sensitive uses which have been identified, that the findings are based on the compatibility of the land uses and its cohesiveness not the basis of superstition or religion, and that the crematorium is a permitted use, however, the permitted use is subject to approval of a CUP.

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

AYES: 3 (Ramirez, Shawver, and Warren)

NOES: 1 (Ethans)

ABSTAIN: None

ABSENT: 1 (Donahue)

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

Mr. Matthew E. Richardson reported that with the City Council having voted to uphold the appeal and deny the CUP there isn't a resolution currently drafted that supports that action, staff will return at a subsequent meeting with a Resolution reflecting the City Councils direction and specifically the findings of health, safety, welfare, and compatibility on which that decision has been based. The City Council will have the opportunity to review that resolution and vote on that resolution at that subsequent meeting, which will be held on December 11, 2018.

11. UNFINISHED BUSINESS

11A. APPROVAL OF ORDINANCE NO. 1082

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

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

Motion/Second: Warren/Ramirez

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

Motion unanimously carried:

1. The 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. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3); and

3. Adopted Ordinance No. 1082.

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.

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

Mayor Pro Tem Ramirez nominated Council Member Warren to serve on the ad-hoc committee.

Motion/Second: Ramirez/Shawver

Motion unanimously carried by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: 1 (Donahue)

1. The City Council finds 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. Appointed Council Member Warren to serve on the ad-hoc committee to establish and review a City Council Policy.

Council Member Warren nominated Mayor Pro Tem Ramirez to serve on the ad-hoc committee.

Motion/Second: Warren/Shawver

Motion unanimously carried by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: 1 (Donahue)

1. The City Council finds 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. Appointed Mayor Pro Tem Ramirez to serve on the ad-hoc committee to establish and review a City Council Policy.

13. ORAL COMMUNICATIONS – PUBLIC

Ms. Paulette Holm, CityNet, provided the City Council with the 2019 Point In Time Count / Everyone Counts Orange County report.

14. WRITTEN COMMUNICATIONS None.

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

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

Council Member Warren reported that the Public Cable Television Authority's (PCTA) manager has offered the City their services as a Public Information Officer (PIO) which can be included into the City's PEG fees (no cost to the City).

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

None.

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

None.

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

None.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

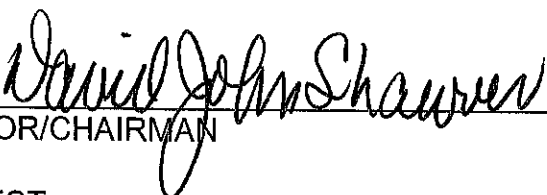
- Ms. Zenia Bobadilla, Community Services Manager, reported on the upcoming Christmas Tree Lighting Ceremony, which is scheduled to be held on December 6, 2018.
- Ms. Patricia A. Vazquez, City Clerk read a letter submitted by a resident expressing their gratitude to the Public Safety Services Department and Mr. James J. Wren for their outstanding and dedicated service to the Stanton residents.
- Mr. Robert Lewis, resident, spoke regarding his disappointment in the City Council's decision to approve the appeal for Public Hearing item number 10A after all the facts and statistics were provided to the City Council.

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

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

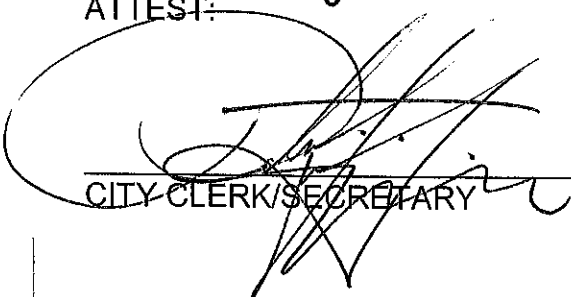
Lieutenant Nate L. Wilson provided the City Council with an update on their current operations.

18. ADJOURNMENT Motion/Second: Shawver/
Motion carried at 8:31 p.m.



MAYOR/CHAIRMAN

ATTEST:



CITY CLERK/SECRETARY