

MINUTES OF THE CITY COUNCIL / SUCCESSOR AGENCY / HOUSING AUTHORITY
OF THE CITY OF STANTON
JOINT REGULAR MEETING MAY 26, 2020

1. CALL TO ORDER / CLOSED SESSION

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

2. ROLL CALL

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

Absent: None.

Excused: None.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS None.

4. CLOSED SESSION

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

4A. CONFERENCE WITH COUNSEL - THREAT TO PUBLIC SERVICES OR FACILITIES

Pursuant to Government Code Section 54957

Consultation with: City Attorney

4B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

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

Number of Potential Cases: 1

4C. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

4D. 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

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

Property: 11550 Beach Boulevard, Stanton, CA (APN 131-121-02)

Negotiating Parties: Jarad L. Hildenbrand, City Manager, City of Stanton
Patel Trust, Owner

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

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

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

6. ROLL CALL

Present: Agency Member Ramirez, Agency Member Taylor, Agency Member Van, Vice Chairperson Warren, and Chairman Shawver.

Absent: None.

Excused: None.

7. PLEDGE OF ALLEGIANCE

Led by Mr. Dean Ruffridge, CR&R.

8. SPECIAL PRESENTATIONS AND AWARDS None.

9. CONSENT CALENDAR

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

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)
NOES: None
ABSTAIN: None
ABSENT: None

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 April 24 – May 7, 2020, in the amount of \$859,716.00.

9C. APPROVAL OF MINUTES

1. The City Council approved Minutes of Special Meeting – May 12, 2020 (4 PM);
and
2. The City Council approved Minutes of Special Meeting – May 12, 2020 (5 PM);
and
3. The City Council/Agency/Authority Board approved Minutes of Regular Joint Meeting – May 12, 2020.

9D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1 FOR FISCAL YEAR 2020-21

On April 14, 2020, the City Council adopted Resolution No. 2020-05, initiating proceedings for the annual levy of assessments and ordered the Engineer to prepare a report in accordance with Section 22565 et seq. of the State of California Streets and Highways Code. The Engineer has filed a report with the City Clerk in compliance with Council direction. The proposed resolution would preliminarily approve the report.

1. The City Council finds that this item is not subject to 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. Adopted Resolution No. 2020-14, preliminarily approving the Engineer's Report for the annual level of assessments for the Stanton Lighting and Landscaping District No. 1 for Fiscal Year 2020-21, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1 FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND ENDING JUNE 30, 2021.

9E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR IMPROVEMENT, MAINTENANCE, AND SERVICING OF LIGHTING AND LANDSCAPING WITHIN THE BOUNDARIES OF THE TERRITORY INCLUDED IN THE STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1 FOR FISCAL YEAR 2020-21 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

On April 14, 2020, the City Council adopted Resolution No. 2020-05, initiating proceedings for the annual levy of assessments and ordered the Engineer to prepare a report in accordance with Section 22565 et seq. of the State of California Streets and Highways Code. The Engineer has filed a report with the City Clerk in compliance with Council direction. The proposed resolution would declare the City Council's intention to levy and collect the assessments and set the required public hearing for Tuesday, June 23, 2020.

1. The City Council finds that this item is not subject to 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. Adopted Resolution No. 2020-18, declaring its intention to levy and collect the annual assessments for Stanton Lighting and Landscaping District No. 1, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR IMPROVEMENT, MAINTENANCE, AND SERVICING OF THE TERRITORY INCLUDED IN THE STANTON LIGHTING AND LANDSCAPING DISTRICT NO. 1 FOR FISCAL YEAR 2020-21 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO; and

3. Scheduled the public hearing to consider the assessments for Fiscal Year 2020-21 on June 23, 2020.

9F. APRIL 2020 INVESTMENT REPORT (SUCCESSOR AGENCY)

The Investment Report as of April 30, 2020, 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 April 2020.

9G. APRIL 2020 INVESTMENT REPORT

The Investment Report as of April 30, 2020, 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 April 2020.

9H. APRIL 2020 GENERAL FUND REVENUE AND EXPENDITURE REPORT AND APPROPRIATION OF FUNDS

The monthly General Fund Revenue and Expenditure Report as of April 2020 has been provided to the City Manager in accordance with Stanton Municipal Code Section 2.20.080 (D) and is being provided to City Council.

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 General Fund Revenue and Expenditure Report as of April 2020.

END OF CONSENT CALENDAR

10. PUBLIC HEARINGS

10A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE RESCISSION OF RESOLUTION NOS. 2019-50 AND 2019-54 AS TO CERTAIN REAL PROPERTY LOCATED ON THE SOUTH SIDE OF TINA WAY, EAST OF SHERRILL STREET, IN STANTON, ORANGE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; AND 126-482-14, ADOPTED FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT PROJECT IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA

The City of Stanton adopted two resolutions of necessity (RON) to initiate condemnation proceedings to acquire a fee interest in certain real property located on the south side of Tina Way, east of Sherrill Street, in Stanton, Orange County, California, more particularly described as Assessor Parcel Nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; and 126-482-14, for the construction of a 161-unit multi-family affordable housing development, and may include a preschool and additional recreational facilities, in Stanton, as further identified in Exhibit A and Exhibit B attached hereto as well as to the Resolution of Rescission submitted herewith.

Staff report by Ms. Amy Stonich, Contract City Planner.

The public hearing was opened.

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

Motion/Second: Warren/Van

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

1. The City Council conducted a public hearing; and
2. Approved Resolution No. 2020-17 for the rescission of Resolution Nos. 2019-50 and 2019-54, adopted on November 12, 2019 and November 26, 2019, respectively, in their entirety, pursuant to California Code of Civil Procedure section 1245.260, and based on the facts set forth herein. The Resolutions related to the acquisition of certain real property located on the south side of Tina Way, east of Sherrill Street, in Stanton, Orange County, California, more

particularly described as assessor parcel nos. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-05; 126-481-06; 126-481-08; 126-481-09; 126-481-10; 126-481-21; 126-481-17; 126-481-16; 126-482-07; 126-482-08; 126-482-14, for the construction of a 161-unit multi-family affordable housing development project, which the City hereby abandons, entitled:

“RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF STANTON FOR THE RESCISSION OF RESOLUTION OF NECESSITY NOS. 2019-50 AND 2019-54 PREVIOUSLY ADOPTED FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE INTEREST IN CERTAIN REAL PROPERTY GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE CITY, TO THE WEST OF THE INTERSECTION OF MAGNOLIA AVENUE AND PACIFIC AVENUE, AND MORE SPECIFICALLY, THE 10.27 ACRE AREA BOUNDED BY TINA WAY TO THE NORTH, MAGNOLIA AVENUE TO THE EAST, AN ALLEYWAY SOUTH OF PACIFIC TO THE SOUTH, AND SHERRILL STREET TO THE WEST, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 126-481-01; 126-481-02; 126-481-03; 126-481-04; 126-481-06; 126-481-21; 126-481-16; 126-482-07; AND 126-482-14, FOR THE CONSTRUCTION OF A 161-UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT, THAT MAY HAVE INCLUDED A PRESCHOOL AND ADDITIONAL RECREATIONAL FACILITIES, IN THE CITY OF STANTON, ORANGE COUNTY, CALIFORNIA.”

- 11. UNFINISHED BUSINESS None.
- 12. NEW BUSINESS
- 12A. REVIEW OF PROPOSED CHANGES TO CR&R SERVICES/CHARGES AND APPROVAL OF A PROPOSITION 218 NOTICE

CR&R has requested a modification of the collection of waste from single family residences from a two-cart to a three-cart system. The change is due to their inability to continue to separate recyclables from other trash at their Material Recovery Facility. They have also requested the ability to charge additional fees due to these changes.

Additionally, CR&R have requested to begin to charge for the collection of food waste and recyclables from commercial customers. Currently there is no charge for these services.

Finally they have requested for Consumer Price Index increases to their other commercial services.

These changes are required to be approved through the Proposition 218 process.

The attached Proposition 218 Notice (Notice) is a requirement of the process. Staff is asking for the Council's review/approval of the changes to the services and rates and of the Notice.

Staff report by Mr. Allan Rigg, Public Works Director / City Engineer.

Mr. Rigg stated that the City received notice that CR&R is requesting to preserve existing rates for residential collections until July 1, 2022, requesting to add an additional can for recycling, requesting for an organics fee, and proposing for a delay for commercial organics and commercial CPI increases.

- Ms. Melissa Saldana, submitted an e-comment in opposition to CR&R's proposed rate increases.
- Mr. DeWayne Normand, submitted an e-comment in opposition to CR&R's proposed rate increases and expressed his concerns with services in which CR&R is providing as well as his displeasure with their current operations.

Mr. Dean Ruffridge, CR&R, reported on CR&R's summarized request for Item 12A and offered a rate implementation concession due to the COVID19 issues that we are all encountering.

Residential Collections (CR&R will):

1. Provide an additional blue cart to every household for source separated recyclables at no charge.
2. Continue annual Cost of Living Rate freeze for two more years (*total five years per agreement*).
3. Start charging for the organics Anaerobic Digestion fee (*split over two years*) beginning this October 1, 2020 and the other half beginning July 1, 2021.

Commercial Collections:

1. Establish rates and implement, but delay billing until October 1, 2020 for source separated recycling and organics collection and processing. These rates will incentivize customers and be established at 80% of the normal trash rate.
2. Delay commercial cost of living increase until October 1, 2020 in lieu of July 1, 2020 per contract.

Mr. Ruffridge also noted that all of the listed changes are due to State mandatory regulatory issues and that CR&R's costs to recycle and to process organics now exceed the cost to landfill materials. Mr. Ruffridge further stated that CR&R must be reimbursed for these added services.

The City Council questioned staff and CR&R regarding compliance with current and upcoming rules and regulations, franchise fees, onsite organic and recycling fees, countywide rate comparisons, concerns with CR&R's increased rates to residents earlier than the promised July, 2022 date, organic waste cans, anaerobic digestion rate comparison, outreach, and State mandatory regulatory requirements.

Motion/Second: Warren/Van

Motion unanimously carried by the following vote:

AYES: 5 (Ramirez, Shawver, Taylor, Van, and Warren)

NOES: None

ABSTAIN: None

ABSENT: None

The City Council tabled discussion of this item to the June 9, 2020 regularly scheduled City Council meeting.

13. ORAL COMMUNICATIONS – PUBLIC

- Ms. Faviola Garcia, submitted an e-comment regarding her concerns with the rising homeless population and further expressed her concerns regarding public safety and health risks. Ms. Garcia also inquired about when City parks will reopen to allow a safe space for residents to walk.
- Ms. Melissa Saldana, submitted an e-comment regarding her concerns with Airbnb properties within the City and further expressed her concerns with the lack of City response to her report on a subject property and only wishes to restore peace within her neighborhood.
- Mr. DeWayne Normand, submitted an e-comment regarding his desire to reopen City parks to show that social distancing can be achieved effectively in an outdoor environment that is conducive to a higher quality of life and good health, continued efforts in streaming of all City related meetings which illustrates transparency, the rising homeless population and his concerns regarding public safety and health risks, and requested that the City Council perform an audit on the City's police services with the Orange County Sheriff's Department and further expressed his concerns with the services which are currently being provided.
- Mr. Dat Nguyen, spoke regarding his concerns with the City's efforts in enforcing eminent domain on the property in which he owns in the Tina/Pacific neighborhood.

14. WRITTEN COMMUNICATIONS None.

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

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

Mayor Shawver reported on his attendance at the Board of Supervisors meeting in which the board held a discussion on the CARES Funds Allocation that is going to be distributed to Orange County cities to assist with local businesses within each city that has experienced hardships due to the COVID-19 pandemic.

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

Council Member Van requested to agendize discussion regarding if the City should terminate its solid waste agreement (*evergreen clause*) with CR&R.

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

None.

15D. FORMATION OF AD HOC ECONOMIC RECOVERY ADVISORY COMMITTEE

Mayor Shawver requested the formation of the subject committee to oversee Stanton's economic recovery from the COVID-19 pandemic.

Presentation by Mayor Shawver.

Consensus was received and the City Council approved the formation of a two member Ad Hoc Committee consisting of Mayor David J. Shawver and Council Member Rigoberto A. Ramirez to create and provide recommendations on the economic impact of the COVID-19 health emergency to the City Council.

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

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 the City Manager will provide a report on the closed session proceedings.

17. ITEMS FROM CITY MANAGER/EXECUTIVE DIRECTOR

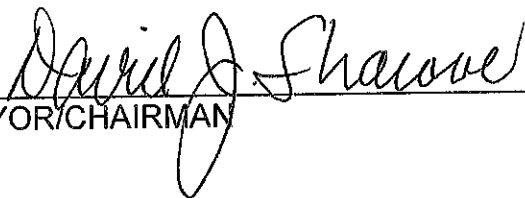
Mr. Jarad L. Hildenbrand, City Manager, reported on the City's partnership with the City of Fullerton and their 150 bed facility, which is scheduled to open in June/July of 2020. Mr. Hildenbrand further reported that this would ensure that beds are available to the City and that the City is continuing on working on drafting a cooperation agreement to finalize the partnership.

17A. ORANGE COUNTY SHERIFF'S DEPARTMENT

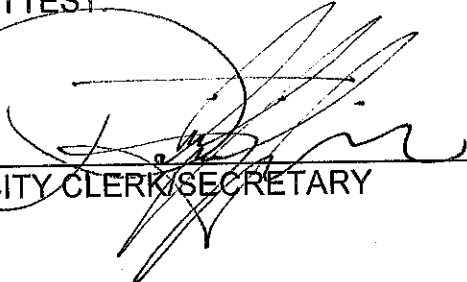
At this time the Orange County Sheriff's Department will provide the City Council with an update on their current operations.

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

18. ADJOURNMENT Motion/Second: Shawver/
Motion carried at 8:11 p.m.



MAYOR/CHAIRMAN

ATTEST:


CITY CLERK/SECRETARY