

REGULAR MEETING
CYPRESS CITY COUNCIL

April 24, 2017

6:00 P.M.

A regular meeting of the Cypress City Council was called to order at 6:00 p.m. by Mayor Morales in the Executive Board Room, 5275 Orange Avenue, Cypress, California.

ROLL CALL

Mayor Paulo Morales
Mayor Pro Tem Jon Peat
Council Member Stacy Berry
Council Member Rob Johnson
Council Member Mariellen Yarc

STAFF PRESENT

City Manager Peter Grant
City Attorney Anthony Taylor

ORAL COMMUNICATIONS (Limited to 30 minutes – three minutes per speaker, unless extended by the City Council)

The following spoke regarding Closed Session item Conference with Real Property Negotiators:

George Pardon, Cypress
John Roper, Cypress
Frank Sherren, Los Alamitos Race Course

CLOSED SESSION

The City Attorney reported that the City Council would be meeting in Closed Session regarding Conference with Legal Counsel – Existing Litigation, pursuant to Government Code Section 54956.9(d)(1), Victor Ramos v. City of Cypress, et al., Case No. SACV15-470 CJC (JCGx), U.S. District Court Central District.

The City Attorney reported that the City Council would be meeting in Closed Session regarding Conference with Real Property Negotiators, pursuant to Government Code Section 54956.8, Real Property Identified by APN Numbers 241-091-22 through 26, Inclusive, 13.329 Acres Located at the Northwest Corner of Katella Avenue and Winners Circle, Parties Negotiating With: CenterCal Properties, Shea Properties, and Edward C. Allred (unsolicited), Negotiating Party: City Manager, Under Negotiation: Price and Terms of Payment.

At 6:10 p.m., the Mayor recessed the meeting.

RECONVENE

The 7:00 p.m. session of the City Council meeting was called to order at 7:06 p.m. by Mayor Morales.

ROLL CALL

Cypress City Council, also acting as the Ex-Officio Governing Board of Directors of the Cypress Recreation and Park District

Mayor Paulo Morales
Mayor Pro Tem Jon Peat
Council Member Stacy Berry
Council Member Rob Johnson
Council Member Mariellen Yarc

STAFF PRESENT

City Manager Peter Grant
City Attorney Anthony Taylor
Director of Finance and Administrative Services Matt Burton
Chief of Police Rodney Cox
Director of Community Development Doug Dancs
Director of Recreation and Community Services June Liu
City Engineer Kamran Dadbeh
City Planner Doug Hawkins
Public Works Superintendent Kirk Streets
Associate Planner Kori Sanders
Senior Management Analyst Alisha Farnell
City Clerk Denise Basham

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Pro Tem Peat.

INVOCATION The invocation was given by Pastor Dan Kotoff, Cottonwood Church.

REPORT OF WORKSHOP AGENDA/CLOSED SESSION

The Mayor asked for the report of the Closed Session Agenda items discussed earlier in the evening.

The City Attorney reported that the City Council met in Closed Session regarding Conference with Legal Counsel – Existing Litigation, pursuant to Government Code Section 54956.9(d)(1), Victor Ramos v. City of Cypress, et al., Case No. SACV15-470 CJC (JCGx), U.S. District Court Central District. He stated that no reportable action was taken.

The City Attorney reported that the City Council met in Closed Session regarding Conference with Real Property Negotiators, pursuant to Government Code Section 54956.8, Real Property Identified by APN Numbers 241-091-22 through 26, Inclusive, 13.329 Acres Located at the Northwest Corner of Katella Avenue and Winners Circle, Parties Negotiating With: CenterCal Properties, Shea Properties, and Edward C. Allred (unsolicited), Negotiating Party: City Manager, Under Negotiation: Price and Terms of Payment. He stated that discussion was not concluded and that the City Council would be meeting in Closed Session after the regular 7:00 p.m. session to resume discussion.

No other action was taken in Closed Session, nor was any solicited.

PRESENTATIONS

Robert Cox, Program Manager, Mothers Against Drunk Driving, presented an award to Cypress Police Officer Angus Yu.

Paul Worlie, Citrus Pest & Disease Prevention Program, Jeff Croy, County of Orange Public Works, and Richard Tiffer, County of Orange Public Works, made a presentation regarding the Huanglongbing (HLB) Disease.

ORAL COMMUNICATIONS (Limited to 30 minutes – three minutes per speaker, unless extended by the City Council)

Mayor Morales asked anyone who wished to speak on any topic not included on the meeting Agenda to come forward.

Shelley Henderson, Cypress, spoke regarding the Cypress Police Foundation.

Jason Carter, Cypress, spoke regarding the Bonanni Development on Lincoln Avenue.

The City Manager stated that Mr. Bonanni has presented staff with a proposed development for the Hanson's Auto site that meets the City's parking requirement and anticipates that the matter would be brought back to the City Council at its next regular meeting of May 8, 2017.

CONSENT CALENDAR

All matters listed on the Consent Calendar are to be approved with one motion unless a Council Member requests separate action on a specific item.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Peat, to approve Consent Calendar Items No. 1 through 7.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Berry, Johnson, Yarc, Peat and Morales
 NOES: 0 COUNCIL MEMBERS: None
 ABSENT: 0 COUNCIL MEMBERS: None

Item No. 1: Approve Minutes – Meeting of April 10, 2017

Recommendation: Approve as submitted.

Item No. 2: Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading

Item No. 3: Approve Settlement and Release Agreement for Ramos Litigation

Recommendation: Approve the settlement agreement, authorize a settlement payment of \$150,000 and authorize the City Manager to execute the settlement agreement.

Item No. 4: Approve a One Year Extension of Conditional Use Permit No. 2007-13 and Design Review Committee Permit No. 2007-07

Recommendation: Approve a one-year extension of Conditional Use Permit No. 2007-13 and Design Review Committee Permit No. 2007-07.

Item No. 5: Approve Plans and Specifications and Award Contracts for the Sumner Place Storm Drain, Project 175

Recommendation:

1. Approve Plans and Specifications for the Sumner Place Storm Drain, Project 175; and
2. Award a \$189,750 contract to Kordich Construction for the Sumner Place Storm Drain, Project 175, and authorize a \$28,500 contingency; and
3. Approve a \$14,500 Task Order for Construction Inspection Services to Vali Cooper and Associates, Inc., and authorize a \$2,200 contingency.

Item No. 6: Receive and File the Investment Report for the Month Ended March 31, 2017

Recommendation: Receive and file the attached investment report.

Item No. 7: Approve Register of Warrants, Electronic Funds Transfers and Wires Issued for the Period of April 3, 2017 through April 14, 2017

Recommendation: Approve the attached payment register summarized below for the period of April 3, 2017 through April 14, 2017:

- Warrants 42128 through 42264
- Electronic Funds Transfers 2709 through 2782
- Payroll Wire W1331

NEW BUSINESS**Item No. 8: Review of and Potential Modifications to Conditions of Approval for a 67 Unit Apartment Project at 4552 Lincoln Avenue – Design Review Committee Permit No. 3036**

The City Planner provided background information on this item.

The Director of Community Development stated future projects would require developer self-certification one week prior to applying for a building permit or Certificate of Occupancy in order to meet conditions of approval. He stated that permits would be offered in phases, conditions of approval would be more specific, and that staff would create a tracking matrix.

Council Member Yarc asked if staff inspects the project site prior to issuing permits to assure that the conditions have been met.

The City Planner responded no, and clarified that staff reviews the conditions of approval for determination if the conditions have been met. He stated that if the conditions have a specific timeframe, staff would insure such. He indicated that the applicant was still working on the landscaping.

The Director of Community Development stated that engineering conditions are inspected and signed-off by staff, and that field inspections are done for projects adjacent to public property. He indicated that inspections would be included in the tracking matrix.

Mayor Pro Tem Peat asked about Conditions of Approval 2.7 and if the City has guidelines that define mature trees.

The Director of Community Development responded no, and stated that mature trees are typically a 24 inch box and that the City could require larger trees based on available space.

Council Member Berry asked when trees are planted in a project.

The Director of Community Development stated that landscaping is typically planted towards the end of the project to avoid possible construction project damage, unless it is a condition of approval by the City.

Council Member Berry asked if a tree planting timeframe condition of approval could be imposed by the City Council.

The City Attorney stated that the conditions of approval could be modified and/or changed by a vote of the City Council and stated that City staff should be consulted on the timing feasibility.

The Director of Community Development stated that the developer should be asked about the project schedule and the building permit process, and that consideration should be given to the planting process in order to avoid damage from the construction process.

Council Member Yarc stated that she visited the homes on Rainier Drive and asked if there is a screen tree height requirement, and expressed concern with the lack of privacy provided by the trees.

The Director of Community Development stated that tree height would be restricted due to box size and that growth would be approximately two to three feet per year. He indicated that the developer could be required to plant larger, more mature trees.

Council Member Yarc asked if additional trees have been required.

The Director of Community Development responded in the affirmative, and clarified that the space between the trees has decreased in order to create a denser screen.

Mayor Morales asked about the tree planting schedule.

John Bonanni, Bonanni Development, stated that the project is in the forms stage and that landscaping could be done within a four to five month period because of the larger area.

Mayor Morales asked for clarification on the construction and tree screening processes.

Mr. Bonanni responded that the project would be under construction within four months and that building would take longer. He stated that the parking lot and back landscaping could be done.

Council Member Berry asked about the project completion.

Mr. Bonanni stated that project completion would take approximately one year.

It was moved by Council Member Yarc and seconded by Council Member Johnson, to direct staff to work with the developer and adjacent residents to identify a larger species of tree and the appropriate planting to create the desired screen and a recommended timeframe, and return to the City Council with a recommended Condition of Approval for consideration.

The motion was unanimously carried by the following roll call vote:

| | | | |
|---------|---|------------------|--|
| AYES: | 5 | COUNCIL MEMBERS: | Berry, Johnson, Yarc, Peat and Morales |
| NOES: | 0 | COUNCIL MEMBERS: | None |
| ABSENT: | 0 | COUNCIL MEMBERS: | None |

Item No. 9: Review of and Potential Modifications to Conditions of Approval for a 57 Unit Condominium Project at 4604 Lincoln Avenue – Tentative Tract Map No. 17770 and Design Review Committee Permit No. 2988

The City Planner provided background information on this item.

Council Member Berry requested an update on the tree planting for the occupied unit on the eastern corner of the project.

The City Planner stated that Mr. Bonanni would be working with the property owner for tree plantings in place of an existing concrete patio.

Council Member Berry asked about the tree plantings timeframe.

The City Planner responded that a timeline would be established once Mr. Bonanni returns from vacation.

Council Member Berry asked for clarification on self-certification.

The Director of Community Development stated that self-certification would require the developer to meet with staff one week prior to applying for building permits in order to review the conditions of approval and the tracking matrix.

Council Member Berry asked about the conditions of approval review and inspection processes.

The City Planner indicated that the majority of conditions of approval can be reviewed at City Hall and few require an on-sight inspection, and that phased projects are typically inspected at the end of the project.

Council Member Berry asked if screen trees require a physical inspection.

The City Planner responded in the affirmative.

Council Member Berry asked when the physical inspection is done.

The City Planner stated that physical inspection would be done at the end of the project when the landscaping is completed.

Council Member Berry asked if that would be future practice.

The City Planner responded in the affirmative.

Council Member Berry asked about lighting on the south side of the building and possible obstruction by the tree screen.

The City Planner stated there is a conditions of approval that addresses lighting and that the lighting is building mounted, and light and glare from the building is not anticipated. He stated that the matter could be addressed if it becomes an issue.

Council Member Johnson asked if the block wall height is consistent with both projects.

The City Planner responded in the affirmative, and clarified that the block wall is eight feet high measured at the highest grade and the other side is between 10 and 11 feet high.

Council Member Johnson asked about the thickness of the block wall.

The City Planner indicated that the wall is six-inch block.

Council Member Yarc asked if this item could be revisited after Mr. Bonanni meets with the resident to resolve the final areas of landscaping.

The City Manager responded in the affirmative, and asked if the City Council would like to review the item before the final Certificate of Occupancy is issued or if staff has a requested appropriate time.

The Director of Community Development stated that this item could be reviewed in 90 days.

Council Member Yarc stated that the City Council should review this item in order to assure that Mr. Bonanni has completed the requested tasks.

The Director of Community Development stated that review could be done a minimum of 30 days prior to Certificate of Occupancy.

The City Manager clarified that City Council verification of completion of the conditions of approval could be done one month prior to permanent permission for occupancy of the last condominium unit.

Mayor Pro Tem Peat asked if the project could be done sooner.

The City Manager responded in the affirmative, and stated that this matter could be brought back to the City Council when all of the conditions of approval have been satisfied.

It was moved by Council Member Yarc and seconded by Council Member Johnson, that staff return this item to the City Council for another review when all of the Conditions of Approval are met or 30 days prior to the anticipated issuance of the final Certificate of Occupancy.

The motion was unanimously carried by the following roll call vote:

| | | | |
|---------|---|------------------|--|
| AYES: | 5 | COUNCIL MEMBERS: | Berry, Johnson, Yarc, Peat and Morales |
| NOES: | 0 | COUNCIL MEMBERS: | None |
| ABSENT: | 0 | COUNCIL MEMBERS: | None |

Item No. 10: Consideration of Street Sweeping Options

The Director of Community Development provided background information on this item.

Council Member Yarc asked if the in-house labor cost includes unfunded pension liabilities.

The Director of Community Development responded that the in-house labor cost includes two staff salaries plus a portion of the Public Works Supervisor and all fringe benefits. He stated that labor costs do not include future pension costs that would be approximately \$15,000 annually over the next seven years, which is below overall contract costs.

Council Member Yarc asked if there is a financial risk that the labor costs and unfunded pension liabilities could increase.

The Director of Finance and Administrative Services stated there are negotiated labor agreements with the Maintenance Association and that most costs are under the City's control. He indicated that the City has obligated pension costs whether or not the street sweeping services remain in-house, and there would be limited risk.

The City Manager stated that even if the in-house costs would rise up equal to or slightly exceed the contract costs, there would likely be a savings.

Mayor Pro Tem Peat asked about the Air Quality Management District Fund (AQMD) and if \$141,000 would be funded from the City General Fund.

The Director of Finance and Administrative Services responded that the original funding source was the City General Fund, and that replacement funds have been set aside and are available

Mayor Pro Tem Peat asked if the \$165,000 cost savings should be added to the cost for services.

The Director of Finance and Administrative Services stated that the cost savings is not contingent upon the services and that if the two vacant positions are eliminated, the cost savings could be applied.

Council Member Berry asked about the security of the AQMD funds.

The Director of Finance and Administrative Services stated that the funds are secure.

Council Member Berry asked if most cities contract out for street sweeping services.

The Director of Community Development responded no, and clarified that the AQMD fund is a determining factor.

Council Member Berry asked if this matter could be reviewed in five years to determine cost comparisons of in-house versus contract.

The Director of Community Development responded in the affirmative.

Council Member Johnson asked if the contract amount could increase over time.

The Director of Community Development responded in the affirmative, and stated that there would be no Consumer Price Index adjustments for the initial four years.

Council Member Johnson commented on street sweeping schedule consistency for residents.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Peat, to: 1) Continue providing street sweeping services with City employees; and 2) Approve a transfer of \$519,000 from the Air Quality Management District Fund to the Capital Replacement Fund; and 3) Appropriate \$660,000 from the Capital Replacement Fund for the purchase of two replacement street sweepers.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Berry, Johnson, Yarc, Peat and Morales
 NOES: 0 COUNCIL MEMBERS: None
 ABSENT: 0 COUNCIL MEMBERS: None

Item No. 11: Police Department Strategic Plan Update

The Chief of Police provided background information on this item.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Peat, to receive and file the Police Department Strategic Plan update.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Berry, Johnson, Yarc, Peat and Morales
 NOES: 0 COUNCIL MEMBERS: None
 ABSENT: 0 COUNCIL MEMBERS: None

Item No. 12: Adopt the Strategic Plan Update and Six-Month Objectives

The City Manager provided background information on this item.

It was moved by Council Member Johnson and seconded by Council Member Berry, to adopt the updated Strategic Plan and Six-Month Objectives.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Berry, Johnson, Yarc, Peat and Morales
 NOES: 0 COUNCIL MEMBERS: None
 ABSENT: 0 COUNCIL MEMBERS: None

ORAL COMMUNICATIONS (Five minutes per speaker, unless extended by the City Council)

None.

COUNCIL MEMBER REPORTS AND REMARKS

Mayor Morales requested reports from the Council Members on their respective committee assignments.

Council Member Johnson requested that discussion regarding the Orange County Task Force on Drowning Prevention be agendaized for the next regular City Council meeting.

CITY MANAGER REMARKS

The City Manager stated that the Police Department Open House will be held on Saturday, May 6, 2017.

The City Manager stated that the City Council would be meeting in Closed Session after the regular 7:00 p.m. session.

CLOSED SESSION

The City Attorney reported that the City Council would be meeting in Closed Session regarding Conference with Real Property Negotiators, pursuant to Government Code Section 54956.8, Real Property Identified by APN Numbers 241-091-22 through 26, Inclusive, 13.329 Acres Located at the Northwest Corner of Katella Avenue and Winners Circle, Parties Negotiating With: CenterCal Properties, Shea Properties, and Edward C. Allred (unsolicited), Negotiating Party: City Manager, Under Negotiation: Price and Terms of Payment.

At 8:25p.m., the Mayor recessed the meeting.

At 9:04 p.m., the Mayor reconvened the meeting.

The City Attorney reported that no reportable action was taken.

ADJOURNMENT

Mayor Morales adjourned the meeting at 9:04 p.m. to an adjourned Regular Meeting, to be held on Monday, May 8, 2017, beginning at 5:30 p.m. in the Executive Board Room.



MAYOR OF THE CITY OF CYPRESS

ATTEST:



CITY CLERK OF THE CITY OF CYPRESS