

REGULAR MEETING  
CYPRESS CITY COUNCIL  
October 23, 2017  
7:00 P.M.

A regular meeting of the Cypress City Council was called to order at 7:01 p.m. by Mayor Morales in the Council Chambers, 5275 Orange Avenue, Cypress, California.

**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 (arrived at 7:06 p.m.)  
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  
Police Commander Steve Ramsey  
City Engineer Kamran Dadbeh  
City Planner Doug Hawkins  
Senior Civil Engineer Nick Mangkalakiri  
Water Quality Manager Gonzalo Vazquez  
Public Works Superintendent Kirk Streets  
Information Systems Manager Adrian Smith  
Senior Management Analyst Anna Sanchez  
Recreation Supervisor Jenni Worsham  
Recreation Coordinator Shayna Gutierrez  
Pool Manager Courtney Mercer  
Senior Management Analyst Alisha Farnell  
Deputy City Clerk Rhonda Barone  
City Clerk Denise Basham

**PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was led by Council Member Berry.

**INVOCATION** The invocation was given by Pastor Denise Ristenpart, SeaCoast Grace Church.

**PRESENTATIONS**

Mayor Morales presented a Certificate of Special Recognition to Speedo USA Vice President of Finance Brian Piantanida for their swim program sponsorship.

The Director of Recreation and Community Services provided a preview of the Mackay Park Grand Opening.

**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.

Phyllis Campbell, Cypress, spoke regarding coyote sightings in residential areas.

**PUBLIC HEARINGS**

Public comments – five minutes per speaker, unless extended by the City Council.

Council Members should disclose communications with anyone relevant to a Public Hearing

**Item No. 1: Conduct Solid Waste Rate Adjustment Public Hearing**

Council Member Berry disclosed that she submitted a written protest.

Mayor Pro Tem Peat disclosed that he had spoken with George Briggeman, Valley Vista Services.

Mayor Morales asked the City Clerk for a tally of written protests received.

The City Clerk indicated that 135 written protests were received prior to the public hearing and 6,908 protests are needed in order for the noticed rate adjustment to be rejected.

The City Manager provided background information on this item.

The public hearing was opened.

The following spoke in opposition:

Linda Stock, Cypress  
John Roper, Cypress  
David Rose, Cypress  
Lisa Belthius, Cypress  
Charles Milam, Cypress  
Charles Ellis, Cypress  
Mike McGill, Cypress  
Andy Hippert, Cypress

The public hearing was closed.

Mayor Morales asked the City Clerk for a tally of written protests received at the conclusion of the public hearing.

The City Clerk indicated that a total of 140 written protests were received at the conclusion of the public hearing and that a majority protest does not exist.

Council Member Johnson disclosed that he had spoken to George Briggeman, Valley Vista Services.

Council Member Berry spoke in opposition of this item and stated the City Council's obligation is to represent the residents and business owners. She spoke regarding the waste hauler selection process and questioned why this matter would be considered since there was a signed contract. She commented that she stands strongly opposed to the rate increases presented tonight.

Council Member Yarc asked about the requested City Council action.

The City Attorney stated that this item relates to the Proposition 218 protest process and does not affect the Franchise Amendments approved by the City Council on August 28.

Council Member Yarc spoke regarding the low number of protests received and stated that she is not comfortable with the contract amendment. She stated that the City solid waste rates are the sixth lowest in Orange County, and that letters of solicitation were sent to other waste haulers with no positive responses. She commented that Valley Vista Services provides excellent service.

Mayor Pro Tem Peat reviewed the 2014-2017 Residential Solid Waste Rates chart and spoke regarding the rate adjustment notices mailed to residents in comparison to the low amount of written protests received.

Council Member Johnson spoke in support of the comments made by Mayor Pro Tem Peat and Council Member Yarc, and stressed the importance of respecting the opinion of others.

Mayor Morales spoke regarding ethics and fiscal responsibility, and misinformation stated about political campaign financial support.

It was moved by Mayor Pro Tem Peat and seconded by Council Member Johnson, to:  
 1) Hold a hearing to accept testimony and written solid waste rate adjustment protests; and; 2) Direct the City Clerk to tabulate the protests and, if the number of written protests received is not sufficient to constitute a majority protest, find there is no majority protest; and 3) Consider adjusting the rates for all solid waste services or provide other direction.

The motion was carried by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Johnson, Yarc, Peat and Morales  
 NOES: 1 COUNCIL MEMBERS: Berry  
 ABSENT: 0 COUNCIL MEMBERS: None

Resolution No. 6650

A Resolution of the City Council of the City of Cypress Declaring the Result of the Proposition 218 Protest Count for the Proposed Solid Waste Collection Rates and Adopting the Proposed Rates

### **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.

Mayor Morales stated that Agenda Item No. 8, the Warrant Register, includes warrant no. 44290 for \$78.24 for a reimbursement he receives as a retired employee of the City of Cypress. He indicated that in voting for any motion to approve the Warrant Register, he would not be voting on warrant no. 44290 for the reason disclosed.

Council Member Berry requested Agenda Item No. 4 be pulled from the Consent Calendar.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Peat, to approve Consent Calendar Items No. 2, 3, and 5 through 8.

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. 2: Approve Minutes – Meeting of October 9, 2017**

Recommendation: Approve as submitted.

### **Item No. 3: Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading**

### **Item No. 5: Approve a Contract for Municipal Code Codification Services**

Recommendation: Approve a three year contract with the option of two additional one year terms with Quality Code Publishing in an amount not to exceed \$15,000 for municipal code codification services.

**Item No. 6: Accept Annual Overlay, Project 178**

Recommendation: Accept the Annual Overlay, Project 178, in the amount of \$420,292.48, and approve the final retention payment of \$21,014.62 to All American Asphalt.

**Item No. 7: Receive and File the Investment Report for the Month Ended September 30, 2017**

Recommendation: Receive and file the attached Investment report.

**Item No. 8: Approve Register of Warrants, Electronic Funds Transfers and Wires Issued for the Period of October 2, 2017 through October 13, 2017**

Recommendation: Approve the attached payment register summarized below for the period of October 2, 2017 through October 13, 2017:

- Warrants 44220 through 44338
- Electronic Funds Transfers 3413 through 3491
- Payroll Transfers W1345

**Regarding Item No. 4: Receive and File Exclusive Negotiating Agreement with Shea Properties for City-Owned 13 Acre Parcel at Katella Avenue and Winners Circle,** Council Member Berry asked the City Manager for further clarification on this item.

The City Manager stated that the City and Shea Properties would negotiate for an exclusive negotiating agreement for 135 days in order to assess the feasibility of the 13 acre parcel for potential hotel, luxury theatre, high-end dining, specialty grocer, and retail development. He indicated that the negotiating period would include development, economical, and feasibility of the project and assess the public outreach process. He stated that development input and a purchase and sale agreement from the City to Shea Properties would be brought to the City Council for consideration.

It was moved by Council Member Berry and seconded by Council Member Johnson, to receive and file the Exclusive Negotiating Agreement with Shea Properties for city-owned 13 acre parcel at Katella Avenue and Winners Circle.

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

**NEW BUSINESS**

**Item No. 9: Select Conceptual Design for the Valley View Median Restoration, Project 179**

The Senior Civil Engineer provided background information on this item.

David Volz, David Volz Design, spoke regarding the Valley View Street restoration and reviewed the two conceptual designs.

Council Member Johnson asked about the watering system.

Mr. Volz indicated that sub-surface watering would be used.

Council Member Johnson spoke in support of tree retention and asked about landscape growth that could obstruct ingress and egress.

Mr. Volz indicated that smaller trees would be planted initially in order to not obstruct the sightline.

Council Member Johnson asked if existing trees could be used in conjunction with the restoration landscaping.

Mr. Volz responded in the affirmative, and clarified that shorter trees would be preferred.

Council Member Yarc asked about the drought tolerance of both concepts.

Mr. Volz responded that both concepts are equally drought tolerant.

Council Member Yarc asked about the cost differences.

Mr. Volz responded that there is only a slight cost difference.

Council Member Berry asked about the ground cover.

Mr. Volz stated that materials used in Concept A are diverse and materials used in Concept B are smooth.

Council Member Berry asked if the ground covering would be similar to what is used near Valley View Street and Katella Avenue.

Mr. Volz responded in the affirmative.

Council Member Berry asked about maintenance costs.

The Director of Community Development indicated that the maintenance costs for both concepts would be the same.

Council Member Berry asked about the project timeline and suggested that it should not conflict with the schedule of neighboring schools and traffic impacts.

The Director of Community Development stated that staff would coordinate the project with the school schedules.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Peat, to select Concept B for the Valley View Median Restoration Design, Project 179.

Council Member Yarc made a substitute motion and was seconded by Council Member Berry, to select Concept A for the Valley View Median Restoration Design, Project 179.

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

AYES: 4 COUNCIL MEMBERS: Berry, Yarc, Peat and Morales  
NOES: 1 COUNCIL MEMBERS: Johnson  
ABSENT: 0 COUNCIL MEMBERS: None

#### **Item No. 10: Award a Contract for Police Mobile Audio Video System**

The Chief of Police provided background information on this item.

Council Member Berry asked about the number of vehicles and motorcycles that would be equipped with the system.

The Police Commander indicated that 18 vehicles, two traffic vehicles, and three motorcycles would be equipped with the system.

Council Member Berry asked if one of the traffic vehicles follows the street sweepers.

The Police Commander responded in the affirmative, and clarified that both traffic vehicles follow the street sweepers.

Council Member Berry asked about maintenance at the expiration of the five year term.

The Chief of Police responded that maintenance fees would be negotiated separately.

Council Member Berry asked about video storage retention.

The Chief of Police responded that video storage retention is one to two years.

Council Member Yarc asked about the location of the audio receptors.

The Chief of Police responded that audio receptors would be in the police unit and worn on the uniform of police officers.

Council Member Johnson spoke in support of this item and asked if the equipment would fit the new vehicles.

The Chief of Police responded in the affirmative.

Mayor Pro Tem Peat asked about the useful life of the system.

The Chief of Police commented that he is not aware of existing useful life data.

The Police Commander stated that the current camera system has been in place for 10 years and life expectancy would be at least five years.

It was moved by Council Member Johnson and seconded by Council Member Yarc, to award a contract for \$248,196 to WatchGuard Video for the purchase and installation of a Mobile Audio Video System for Police Department vehicles and motorcycles.

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: Approve Agreements for Strategic Planning Facilitation and Recording Services**

The City Manager provided background information on this item.

Council Member Berry asked about the separate agreements.

The City Manager indicated that the Snider and Associates business model has changed and different recorders are used for each planning session.

Council Member Johnson asked about the contract amounts.

The City Manager stated that there is a \$400 per session cost increase and separation of contracts.

It was moved by Mayor Pro Tem Peat and seconded by Council Member Berry, to: 1) Approve a three year agreement with Snider and Associates for strategic planning facilitation for an amount not to exceed \$16,500 plus expenses; and 2) Approve a three year agreement with Snider Education and Communication for strategic planning recording services for an amount not to exceed \$9,900 plus expenses.

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:

Attended the St. Irenaeus Catholic Church Oktoberfest. Attended the Warland Tenant Appreciation event. Attended the funeral services for Cypress Police Officer Matt Ward.

Council Member Berry:

Attended the Cypress Senior Citizens Center Birthday Celebration. Attended a Woman’s Club of Cypress Board meeting. Attended the Warland Tenant Appreciation event. Attended the funeral services for Cypress Police Officer Matt Ward. Attended a Boys and Girls Club of Cypress fundraiser. Attended the Farmers Market. Stated that Cypress Church has converted to solar energy.

Mayor Pro Tem Peat:

Attended an Oversight Board meeting. Attended the Warland Tenant Appreciation event. Attended the funeral services for Cypress Police Officer Matt Ward. Attended the Boys and Girls Club of Cypress fundraiser.

Mayor Morales:

Attended a 4<sup>th</sup> of July Ad-Hoc Subcommittee meeting. Attended the City of Stanton State of the City luncheon. Attend the 8<sup>th</sup> Annual Hispanic 100 event. Attended the Warland Tenant Appreciation event. Spoke at the funeral services for Cypress Police Officer Matt Ward. Attended the Boys and Girls Club of Cypress fundraiser.

**CITY MANAGER REMARKS**

None.

**ADJOURNMENT**

Mayor Morales adjourned the meeting at 8:48 p.m. to an adjourned Regular Meeting, to be held on Monday, November 13, 2017, beginning at 5:30 p.m. in the Executive Board Room.

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MAYOR OF THE CITY OF CYPRESS

ATTEST:

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CITY CLERK OF THE CITY OF CYPRESS