

REGULAR MEETING
CYPRESS CITY COUNCIL
April 9, 2018
5:30 P.M.

A regular meeting of the Cypress City Council was called to order at 5:30 p.m. by Mayor Peat in the Executive Board Room, 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 Jon Peat
Mayor Pro Tem Stacy Berry
Council Member Rob Johnson
Council Member Paulo Morales
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)

None.

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 Located at 5285 Cypress Street, Cypress, California, Parties Negotiating with: Cypress School District, Negotiating Party: City Manager, Under Negotiation: Price and Terms of Payment.

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(a) & (d)(1), Orange County Catholic Worker et al. v. Orange County, et al., Case No. SA CV 18-0155-DOC (JDEx), U.S. District Court, Central District.

The City Attorney reported that the City Council would be meeting in Closed Session regarding Conference with Labor Negotiator, pursuant to Government Code Section 54957.6, Agency Negotiators: City Manager and Director of Finance and Administrative Services, Employee Groups:

- Cypress Employees' Association
- Cypress Maintenance Employees' Association

The City Attorney reported that the City Council would be meeting in Closed Session regarding Public Employee Performance Evaluation, pursuant to Government Code Section 54957, Title: City Attorney.

At 5:31 p.m., the Mayor recessed the meeting.

RECONVENE

The 7:00 p.m. session of the City Council meeting was called to order at 7:01 p.m. by Mayor Peat.

ROLL CALL

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

Mayor Jon Peat
Mayor Pro Tem Stacy Berry
Council Member Rob Johnson
Council Member Paulo Morales
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 Planner Doug Hawkins
Public Works Superintendent Kirk Streets
Assistant Planner Judy Aquino
Senior Management Analyst Alisha Farnell
City Clerk Denise Basham

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

INVOCATION The invocation was given by Pastor Gabriel Rodriguez, Cottonwood Church.

REPORT OF WORKSHOP AGENDA/CLOSED SESSION

Mayor Peat 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 Real Property Negotiators, pursuant to Government Code Section 54956.8, Real Property Located at 5285 Cypress Street, Cypress, California, Parties Negotiating with: Cypress School District, Negotiating Party: City Manager, Under Negotiation: Price and Terms of Payment. He stated that no reportable action was taken.

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(a) & (d)(1), Orange County Catholic Worker et al. v. Orange County, et al., Case No. SA CV 18-0155-DOC (JDEx), U.S. District Court, Central District. He stated that no reportable action was taken.

The City Attorney reported that the Closed Session regarding Conference with Labor Negotiator, pursuant to Government Code Section 54957.6, Agency Negotiators: City Manager and Director of Finance and Administrative Services, Employee Groups: Cypress Employees' Association, Cypress Maintenance Employees' Association, was not discussed.

The City Attorney reported that the City Council met in Closed Session regarding Public Employee Performance Evaluation, pursuant to Government Code Section 54957, Title: City Attorney. He stated that no reportable action was taken.

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

PRESENTATIONS

Mayor Peat presented a Certificate of Special Recognition to Police Explorer Jessica Costescu on being selected to attend the 2018 FBI National Academy Associates - Youth Leadership program.

The Chief of Police introduced Police Officers Sebastian Reed and Cameron Presti.

Mayor Peat presented a DMV/Donate Life California Month Proclamation to John Whalen.

Mayor Peat stated that Agenda Item No. 10 would be the first order of business.

NEW BUSINESS**Item No. 10: Approve Retirement and Sale of Police Service Dog Sem**

The Chief of Police provided background information on this item.

It was moved by Council Member Yarc and seconded by Council Member Johnson, to:
1) Authorize the retirement of Police Service Dog Sem; and 2) Approve the sale of Police Service Dog Sem to Police Officer Rebecca Mondon for \$1.

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

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

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

Mayor Peat 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 Appreciation luncheon.

Debra Ashby, South Coast Air Quality Management District, spoke regarding a community meeting that would be held April 17, 2018 and Clean Air Awards.

Lenore Albert-Sheridan, introduced herself and spoke regarding her campaign for District Attorney.

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.

Mayor Pro Tem Berry stated that she would be recusing herself from this item due to her ownership of property in the project area.

Mayor Peat stated that he met with the project owners.

Item No. 1: Approve a Self-Service Car Wash at 9971 Valley View Street – Conditional Use Permit No. 3120

The Assistant Planner provided background information on this item.

Council Member Yarc asked about the three-month extension on the Conditions of Approval.

The Assistant Planner responded that it is determined that the applicant must comply within the three-month period.

The Director of Community Development stated that the applicant had done work prior to the Conditions of Approval and still needed to obtain permits, and staff is confident that the conditions would be met within the three-month period.

Council Member Yarc asked if the City has granted three-month extensions for other projects.

The Director of Community Development stated that there have been occasional extensions granted for minor issues, and clarified that the driveway approach is the only remaining item.

Council Member Yarc asked about non-compliance with the three-month extension.

The Director of Community Development indicated that the project would be brought back to the City Council for failure to abide by the Conditions of Approval.

Council Member Yarc asked if staff would follow-up with the applicant.

The Director of Community Development responded in the affirmative.

Council Member Johnson asked if this was a new ownership.

The Assistant Planner responded in the affirmative.

Council Member Johnson asked who maintains the front grass strip.

The Director of Community Development replied that the front grass strip is maintained by the property owner who would also maintain all of the landscaping.

Council Member Morales expressed concerns with the project starting without City approval and the Conditions of Approval extensions. He asked if this is the applicant's first City project.

The Director of Community Development stated that the applicant began the permit process for certain areas and went beyond the scope. He stated that staff has been working with the applicant to obtain the appropriate permits, and confirmed that the project began without all of the necessary permits and appropriate plans.

Council Member Morales expressed concern with the noise and the 7:00 a.m. start time due to the project being in close proximity to residential properties. He asked if the 7:00 a.m. start time was owner or City requested.

The Assistant Planner stated that self-serve car washes typically start at 7:00 a.m.

The City Planner stated that the applicant requested a start time of 7:00 a.m.

Mayor Peat asked if staff received input from surrounding residents.

The Assistant Planner responded no.

Council Member Johnson asked if the applicant has multiple locations.

The Assistant Planner responded in the affirmative.

Council Member Johnson asked if staff researched similar projects in surrounding cities.

The Assistant Planner responded no.

Brett Blanchard, H2GO Express, stated that this is their third location with others in planning, and that extra measures were taken to contain the noise. He stated that they agree to the conditions of approval.

Jeff Bergsma, project applicant, discussed the vacuum producer noise and silencers, and assured that there would be little to no noise from the vacuum system. He stated that a condition could be imposed that the northern third vacuums not be used in the morning. He spoke positively about the business in Cypress.

Council Member Morales asked about the delay with the Conditional Use Permit.

Mr. Bergsma stated that he thought the entitlement was in place with the existing CUP for an automatic carwash. He stated that the building permits were in place until the asphalt replacement, and that there was not a Water Quality Control Management permit for the asphalt removal.

Council Member Morales asked about the necessity of being open between the hours of 7:00 a.m. and 8:00 a.m. and the assurance that the northern third vacuums are not turned on until 8:00 a.m.

Mr. Bergsma stated that their intent is to provide service to drivers commuting to work and that Code Enforcement would monitor the site for condition compliance. He assured that the project would be quieter than the previous car wash.

Keith Bohr, H2GO Express, stated that there was not a previous intention to replace the blacktop concrete.

Mayor Peat asked if noise monitoring is feasible.

The Director of Community Development responded in the affirmative, and clarified that periodic monitoring could be done at the City Council direction and that complaints would be followed-up as well.

Council Member Yarc spoke in support of an 8:00 a.m. start time on the weekends and 7:00 a.m. weekdays.

Council Member Morales concurred with Council Member Yarc.

Brian McKay, the previous property owner, spoke in support of the applicants.

The public hearing was opened.

The public hearing was closed.

It was moved by Council Member Yarc and seconded by Council Member Johnson, to approve Conditional Use Permit No. 3120, subject to the attached conditions, as amended.

The motion was carried by the following roll call vote:

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

Resolution No. 6667

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 3120 - With Conditions

Mayor Pro Tem Berry returned to the Council Chambers.

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.

Council Members Morales stated that Agenda Item No. 9, the Warrant Register, includes warrant no. 45971 for \$480.29 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. 45971 for the reason disclosed.

It was moved by Council Member Johnson and seconded by Council Member Yarc, to approve Consent Calendar Items No. 2 through 9.

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

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

Item No. 2: Approve Minutes – Meeting of March 26, 2018

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. 4: Proclaim the Month of April 2018 as “DMV/Donate Life California Month”

Recommendation: Proclaim the month of April 2018 as “DMV/Donate Life California Month.”

Item No. 5: Accept Storm Drain Connector Pipe Screen Installation at Various Locations, Project 195

Recommendation: Accept the Connector Pipe Screen Installation at Various Locations, Project 195, in the amount of \$134,279 and approve the final payment of \$6,713.95 to G2 Construction, Inc.

Item No. 6: Accept Sewer Relining, Project 200

Recommendation: Accept the Sewer Relining, Project 200, in the amount of \$276,329, and approve the final retention payment of \$13,816.45 to Insituform Technologies, LLC.

Item No. 7: Approve Plans and Specifications for Traffic Signal Installation at Valley View Street and Cypress High School, Project 190

Recommendation: Approve Plans and Specifications for Traffic Signal Installation at Valley View Street and Cypress High School, Project 190.

Item No. 8: Approve a Reimbursement Agreement with Los Alamitos Race Course for Election and Other Costs Associated with the June 2018 Election

Recommendation:

1. Approve a Reimbursement Agreement with Los Alamitos Race Course; and
2. Authorize the City Manager to make minor modifications to the Reimbursement Agreement consistent with the City Council's approval.

Item No. 9: Approve Register of Warrants, Transfers and Wires Issued for the Period of March 12, 2018 through March 23, 2018

Recommendation: Approve the attached payment register summarized below for the period of March 12, 2018 through March 23, 2018:

- Warrants 45892 through 46039
- Electronic Funds Transfers 3910 through 4041
- Payroll Transfer W1357

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

None.

COUNCIL MEMBER REPORTS AND REMARKS

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

Council Member Johnson:

Attended the Easter Egg Hunt at Oak Knoll Park. Attended a 4th of July Ad Hoc Committee meeting. Attended an Arnold Elementary School fundraiser. Attended a Los Alamitos Race Course Ad Hoc Subcommittee meeting.

Mayor Pro Tem Berry:

Attended the Precious Life Shelter new facility grand opening. Attended the Easter Egg Hunt at Oak Knoll Park. Attended a Woman's Club of Cypress General Membership meeting. Attended a SCAG Community Economic and Human Development Committee meeting. Attended a SCAG Regional Council meeting. Spoke to Cub Scout Pack 578. Attended the Health Resource Fair in Buena Park. Attended a Los Alamitos Race Course Ad Hoc Subcommittee meeting.

Council Member Morales:

Attended a City/Anaheim Union High School District Joint Steering Committee meeting. Attended the Easter Egg Hunt at Oak Knoll Park. Attended a 4th of July Ad Hoc Subcommittee meeting.

Council Member Yarc:

Attended an O.C. Sanitation District Board meeting. Attended the Easter Egg Hunt at Oak Knoll Park. Attended a Woman's Club of Cypress General Membership meeting. Attended an O.C. Sanitation District Operations Committee meeting.

Mayor Peat:

Attended the Precious Life Shelter new facility grand opening. Attended a City/Anaheim Union High School District Joint Steering Committee meeting. Attended Career Day at Vessels Elementary School. Attended a Cypress High School Baseball game at Anaheim stadium. Participated in a ride-along with Police Officer Tavaras and CityNet staff. Attended the Easter Egg Hunt at Oak Knoll Park. Attended a breakfast with O.C. Division Chief Bill Lockhart.

CITY MANAGER REMARKS

The City Manager stated that Youth In Government Day would be held on April 11, 2018. He announced the Cypress Senior Citizens Center Volunteer Recognition to be held on April 20, 2018.

ADJOURNMENT

Mayor Peat adjourned the meeting at 8:13 p.m. to an adjourned Regular Meeting, to be held on Monday, April 23, 2018, 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