

REGULAR MEETING  
CYPRESS CITY COUNCIL  
November 13, 2018

A regular meeting of the Cypress City Council was called to order at 6:00 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  
City Clerk Denise Basham

**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 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 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, Negotiating Party: City Manager, Parties Negotiating with:

- Lewis Land Developers, LLC and Province Group, LLC

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

At 6:00 p.m., the Mayor recessed the meeting.

**RECONVENE**

The 7:00 p.m. session of the City Council meeting was called to order at 7:03 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  
 Interim Director of Recreation and Community Services Janeen Laudenback  
 City Planner Doug Hawkins  
 City Engineer Kamran Dadbeh  
 Maintenance Supervisor Larry Campos  
 Recreation Supervisor Jenni Worsham  
 Senior Management Analyst Alisha Farnell  
 City Clerk Denise Basham

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

**INVOCATION** The invocation was given by Father Binh Nguyen, St. Irenaeus Catholic 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 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.

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

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

**PRESENTATIONS**

The Director of Community Development introduced Maintenance Worker Arvin Baylon, Maintenance Supervisor Jose Guerra, and Management Analyst Kirsten Graham.

The Chief of Police introduced Senior Management Analyst Jason Machado.

Lora Young, O.C. Mosquito and Vector Control District, made a presentation regarding services provided by the District and invasive mosquitos.

**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.

None.

**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.

Council Member Morales, Council Member Johnson and Mayor Peat indicated they had individually met with the applicant.

**Item No. 1: Continuation of Approval of an Assisted Living Facility at 4775 and 4889 Katella Avenue – Amendment to Conditional Use Permit No. 3019 and Site Plan Review No. 3133**

The City Planner provided background information on this item.

Mayor Pro Tem Berry asked about the agreement between the City, Cottonwood and the City of Los Alamitos.

The City Attorney stated the agreement addresses but does not prohibit a traffic signal at Katella Avenue and Enterprise Circle, and the applicant would not be subject to the agreement.

Council Member Morales asked if the applicant would be barred from installing a traffic signal at Katella Avenue and Enterprise Circle.

The City Attorney stated the applicant is not barred from applying for a traffic signal with the City of Los Alamitos.

Council Member Morales asked if a letter was received from the City of Los Alamitos.

The City Planner responded that a letter was received from the City of Los Alamitos with copies provided to the City Council.

The public hearing was opened.

The applicant, Andy Loos, stated discussion was held regarding the previous plan, unsuccessful retail development marketing, and the potential success of the current plan. He stated that he is willing to pursue the installation of a traffic signal with due diligence and speed, and that he agrees with the conditions.

Shelley Henderson, Cypress, spoke regarding her concern with a covenant requiring commercial development of the west end of the property and the remaining property non-commercial development.

The public hearing was closed.

Council Member Yarc spoke regarding the potential loss of revenues and that the location is not suitable for assisted living development. She spoke in support of retail and restaurant development.

Mayor Pro Tem Berry concurred with Council Member Yarc and stated that assisted living would not be the best use of the property.

Council Member Johnson spoke in support of the development compared to previous proposals, obstacles associated with full retail development, and in favor of a left-turn signal.

It was moved by Council Member Johnson and seconded by Council Member Morales, to: 1) Adopt a Resolution approving an Addendum to the Barton Place Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA); and 2) Adopt a Resolution approving an amendment to Conditional Use Permit No. 3019, subject to the conditions attached; and 3) Adopt a Resolution approving Site Plan Review No. 3133, subject to the conditions attached.

The motion was carried by the following roll call vote:

AYES: 3 COUNCIL MEMBERS: Johnson, Morales and Peat  
 NOES: 2 COUNCIL MEMBERS: Yarc and Berry  
 ABSENT: 0 COUNCIL MEMBERS: None

Resolution No. 6710

A Resolution of the City Council of the City of Cypress Approving Amendment to Conditional Use Permit No. 3019 - With Conditions

Resolution No. 6711

A Resolution of the City Council of the City of Cypress Approving Site Plan Review No. 3133 - With Conditions

Resolution No. 6712

A Resolution of the City Council of the City of Cypress Approving the Addendum to the Certified Final Environmental Impact Report for the Barton Place Project, Adopting the Environmental Findings Pursuant to the California Environmental Quality Act for Construction of Assisted Living and Retail Commercial Buildings

Council Member Morales left the meeting at 7:46 p.m.

**Item No. 2: Approve Modified Conditions for Chuze Fitness – Conditional Use Permit No. 3136**

The City Planner provided background information on this item.

Mayor Pro Tem Berry asked if the only noise complaint was submitted without an official letter of opposition and/or attendance at the community meeting.

The City Planner responded in the affirmative.

Council Member Johnson asked how often the location would be monitored.

The City Planner stated that monitoring would be based on complaints.

Council Member Johnson asked if there is parking in the front and rear.

The City Planner responded in the affirmative.

Council Member Johnson asked about rear door access.

The City Planner stated that rear door access would be limited to 7:00 a.m. to 9:00 p.m.

Council Member Johnson asked if the conditions of approval would be consistent to 24-hour fitness facilities.

The City Planner responded in the affirmative.

Council Member Yarc asked about the other 24-hour fitness facilities in the city.

The City Planner stated that there is a 24-Hour Fitness on Katella Avenue and Anytime Fitness on Katella Avenue and Knott Avenue.

Mayor Peat asked about the location of the complaining party.

The City Planner stated that the complaining party is located on the east side of Walker Street across from the parking lot.

Kevin Kohan, representing Chuze Fitness, stated they agree to the conditions of approval.

Melissa Sowell, Chuze Fitness Chief Administration Officer and Development Officer, stated that they agree to the conditions of approval. She apologized for operating outside of the conditions of approval.

Council Member Yarc asked how complaints would be addressed.

Ms. Sowell stated that noise reducing efforts were made but rejected by the resident, and that noise concerns would be logged and addressed in-person.

The public hearing was opened.

The following spoke in support:

- Stephen Teschke, Cypress
- Debby Pefley, Cypress
- John Roper, Cypress
- Michelle Matney, Cypress
- Danielle Cook, Cypress
- Julius Carter II, Cypress
- Tommy Sibley, Garden Grove
- John Namavandi
- Chris Lavoie, Buena Park

The public hearing was closed.

Mayor Pro Tem Berry spoke in support of working out and flexible business hours, and stated that she would vote in favor of this item.

It was moved by Council Member Johnson and seconded by Mayor Pro Tem Berry, to adopt a Resolution approving the expanded business hours and change the age requirement for supervision subject to the attached conditions.

The motion was carried by the following roll call vote:

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

Resolution No. 6713

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 3136 - With Conditions

**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 Council Member Yarc, to approve Consent Calendar Items No. 3 through 11.

The motion was carried by the following roll call vote:

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

**Item No. 3: Approve Minutes – Meeting of October 22, 2018**

Recommendation: Approve as submitted.

**Item No. 4: Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading**

**Item No. 5: Proclaim November 24, 2018 as “Small Business Saturday”**

Recommendation: Proclaim November 24, 2018 as “Small Business Saturday.”

**Item No. 6: Excuse Absences of Recreation and Community Services Commissioner David Sluga and Traffic Commissioner Steve Fenoglio**

Recommendation: Excuse the absences of Recreation and Community Services Commissioner David Sluga and Traffic Commissioner Steve Fenoglio.

**Item No. 7: Receive and File the Strategic Plan Six-Month Objectives Update**

Recommendation: Receive and file the strategic plan six-month objectives update.

**Item No. 8: Receive and File the Phase I Environmental Site Assessment and Award a Contract for a Phase II Environmental Site Assessment for LARC Park**

Recommendation:

1. Receive and file the LARC Park Phase I Environmental Site Assessment; and
2. Award a \$23,800 contract to Ninyo & Moore to conduct a Phase II Environmental Site Assessment.

**Item No. 9: Adopt a Resolution Approving the Measure M2 Annual Expenditure Report**

Recommendation: Adopt a Resolution approving the Measure M2 Annual Expenditure Report for the fiscal year ended June 30, 2018.

## Resolution No. 6714

A Resolution of the City Council of the City of Cypress, Ex Officio Board of Directors of the Cypress Recreation and Park District, Concerning the Measure M2 Expenditure Report for the City of Cypress for the Fiscal Year Ended June 30, 2018

**Item No. 10: Approve Police Department Closed Circuit TV System Upgrade**

Recommendation:

1. Approve an upgrade of the Police Department Closed Circuit TV system through a GSA cooperative purchasing agreement with LeverageIS; and
2. Appropriate \$28,953 from the City’s Equipment Replacement Fund for the upgrade.

**Item No. 11: Approve Register of Warrants, Transfers, and Wires Issued for the Period of October 13, 2018 through October 26, 2018**

Recommendation: Approve the attached payment register summarized below for the period of October 13, 2018 through October 26, 2018:

- Electronic Funds Transfers 4980 through 4991
- Warrants 48198 through 48354
- Payroll Transfer W1375

**NEW BUSINESS****Item No. 12: 2019 Summer Aquatics Program Update**

The Interim Director of Recreation and Community Services provided background information on this item.

Council Member Yarc asked about the Cypress High School pool usage delay.

The Interim Director of Recreation and Community Services responded that this would be the second summer of non-use due to construction delays.

The City Manager responded that the Cypress High School pool usage delays are due to asbestos findings and over budget bids.

Council Member Yarc suggested that a pool be considered at the new park.

It was moved by Mayor Pro Tem Berry and seconded by Council Member Yarc, to receive and file the 2019 Summer Aquatics Program update.

The motion was carried by the following roll call vote:

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

### **Item No. 13: Approve Senior Center Capital Campaign Improvements**

The Interim Director of Recreation and Community Services provided background information on this item.

Council Member Johnson asked if the Senior Citizens Commission is prioritizing the recommended enhancements.

The Interim Director of Recreation and Community Services responded in the affirmative, and clarified that the Senior Citizens Commission is providing input to decorative enhancements.

Council Member Johnson spoke in support of the capital campaign.

It was moved by Mayor Pro Tem Berry and seconded by Council Member Johnson, to appropriate \$111,387 of Senior Center Capital Campaign funds for Senior Center improvements.

The motion was carried by the following roll call vote:

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

**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:

Thanked O.C. Fire Authority Division Chief Bill Lockhart for his service to the City. Congratulated Stacy Berry, Paulo Morales, and Jon Peat on their reelections.

O.C. Fire Authority Division Chief Shane Sherwood introduced himself.

Mayor Pro Tem Berry:

Attended the AVI-SPL grand opening. Attended an OCCOG Board meeting. Attended a League of California Cities O.C. Division Board meeting. Attended the Farmers Market. Volunteered at the Cypress Senior Citizens Center Halloween party. Attended a SCAG Community Education and Human Development Committee meeting. Attended a SCAG Regional Council meeting. Served dinner and played bingo at the Long Beach Veterans Administration Hospital. Attended a Woman's Club of Cypress General Membership

meeting. Led the Boys and Girl Club of Cypress in making thank you and holiday cards for the Long Beach Veterans Administration Hospital. Attended the Volunteers In Policing Appreciation luncheon. Attended the Cypress College Americana Awards kick-off event. Attended the Cypress Senior Citizens Center Veterans Day Appreciation luncheon. Participated in the Alzheimer's O.C. Walk at Anaheim Stadium. Congratulated Paulo Morales and Jon Peat on their reelections and thanked residents for the privilege of serving another City Council term.

Council Member Yarc:

Attended the Cypress College Americana Awards Honorees' luncheon. Attended the Farmers Market. Attended an O.C. Sanitation District Operations meeting. Attended the Cypress College Americana Awards kick-off event.

Mayor Peat:

Attended the AVI-SPL grand opening. Attended the New City Employee breakfast. Attended a Coyote Ad Hoc Subcommittee meeting. Attended a City/Anaheim Union High School District Joint Steering Ad Hoc Committee meeting. Attended the Volunteers In Policing Appreciation luncheon. Met with the Japanese Economic Development Trade Development organization. Attended an O.C. City Selection Committee meeting. Attended the Cypress Forest Lawn Flag Laying ceremony for Veterans Day. Thanked the community for the opportunity to serve four more years.

**CITY MANAGER REMARKS**

The City Manager announced the appointment of Cameron Harding as the new Director of Recreation and Community Services. He wished everyone a Happy Thanksgiving.

**ADJOURNMENT**

Mayor Peat adjourned the meeting in memory of Sister Mary Rita O'Connell, Costa Mesa Fire Captain Mike Kreza, and Ventura County Sheriff Sergeant Ron Helus at 8:45 p.m. to an adjourned Regular Meeting, to be held on Monday, November 26, 2018, 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