



AGENDA

REGULAR MEETING CYPRESS CITY COUNCIL

July 10, 2023
6:30 P.M. - General Session

www.cypressca.org

5275 Orange Avenue
Cypress, California

Interested in speaking to the City Council? Information about participating in the City Council meeting appears at the end of the agenda.

CALL TO ORDER

6:30 P.M.
Council Chambers

ROLL CALL

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

Mayor Anne Hertz-Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez
Council Member Bonnie Peat

PRESENTATIONS

Introduction of New City Employees

ORAL COMMUNICATIONS ON AGENDA ITEMS (Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on agenda items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

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.

1. Receive and File Public Comments Submitted for the July 10, 2023 City Council Meeting

Prepared by: Alisha Farnell, City Clerk

Recommendation: Receive and file submitted public comments.

2. Introduce and/or Adopt All Ordinances and Resolutions Presented for Consideration by Title Only and to Waive Further Reading

3. Approve Minutes - Meeting of June 12, 2023

Prepared by: Alisha Farnell, City Clerk

Recommendation: Approve as submitted.

4. Adopt a Resolution Approving a One-Time Retention Stimulus Payment to Employees in the Cypress Employees' Association and Maintenance Employees' Association

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation: Adopt a Resolution approving a one-time retention stimulus payment of \$1,000 to eligible employees in the Cypress Employees' Association and Maintenance Employees' Association.

5. Approve the Purchase of Six Replacement Police Vehicles

Prepared by: Doug Dancs, Director of Public Works

Recommendation:

1. Approve the purchase of six replacement police vehicles for \$486,258 from National Auto Fleet Group; and

2. Authorize an appropriation increase in the amount of \$6,258 in the City's Capital Replacement Fund to purchase and upfit the vehicles; and

3. Authorize a transfer of \$6,258 from the City's General Fund to the City's Capital Replacement Fund for the purchase of the vehicles.

6. Approve Task Orders for Communications Support and Marketing

Prepared by: Peter Grant, City Manager

Recommendation:

1. Approve a Task Order to Communications LAB for \$120,000 for City Communications Support and Marketing Services for FY 2023-24;
2. Approve a Task Order to Communications LAB for \$60,000 for Recreation and Park District Communications Support and Marketing Services for FY 2023-24;
4. Authorize a \$25,000 appropriation transfer in the City's General Fund from personnel costs to contract services; and
5. Authorize an \$8,000 appropriation in the City's General Fund.

7. Receive and File the Police Department's Annual Military Equipment Report Per California Assembly Bill 481

Prepared by: Mark Lauderback, Chief of Police

Recommendation: Receive and file the Police Department's Annual Military Equipment Report per California Assembly Bill 481.

8. Receive an Update on the Strategic Plan Six-Month Objectives

Prepared by: Peter Grant, City Manager

Recommendation: Receive an update on the Strategic Plan six-month objectives.

NEW BUSINESS

9. Approve Settlement Agreement with Orange County Transportation Authority

Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommendation:

1. Authorize the City Manager to approve a Settlement Agreement with the Orange County Transportation Authority; and
2. Appropriate \$10,465 in the City's General Fund for the preparation of a Streets and Right-of-Way Cost Allocation Plan.

10. Receive an Update and Potentially Provide Direction on City Council Meeting Agenda and Format Revisions

Prepared by: Alisha Farnell, City Clerk

Recommendation: Receive an update and potentially provide direction on City Council meeting agenda and format revisions.

11. Receive a Report of Trial Court's Decision in the Youngsma et al. v Cypress School District and City of Cypress lawsuit

Prepared by: Fred Galante, City Attorney

Recommendation: Receive a report of trial court's decision in the Youngsma et al. v Cypress School District and City of Cypress lawsuit.

ITEMS REMOVED FROM CONSENT CALENDAR

ITEMS FROM CITY COUNCIL MEMBERS

12. Receive Reports from Council Members Appointed to Represent the City on Organizations and Committees

Agendized by: Mayor Anne Hertz-Mallari

Recommendation: Receive reports from Council Members appointed to represent the City on organizations and committees.

ORAL COMMUNICATIONS ON ITEMS NOT ON THE AGENDA (Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on any item within the subject matter jurisdiction of the City Council. Although Council Members may provide brief responses, the City Council may not discuss nor take action on items that are not on the agenda. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

COUNCIL MEMBER REPORTS FROM CITY-AFFILIATED BOARDS AND COMMITTEES AND REMARKS

COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION

CITY MANAGER REMARKS

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, August 28, 2023, beginning at 5:30 p.m. in the Executive Board Room.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted on the City Hall bulletin board and City website not less than 72 hours prior to the meeting. Dated this 6th day of July, 2023.

Alisha Farnell, City Clerk

PUBLIC PARTICIPATION

Members of the public can participate in the City Council meeting in the following ways:

1. Attend In-Person. First-come, first-served seating is available. All attendees must be free of any symptoms associated with contagious illnesses.
2. Attend Virtually via Webinar. Follow this link:
<https://attendee.gotowebinar.com/register/1668136592941528412>
. Advanced registration is recommended.

The public may address the City Council virtually during Oral Communications on Agenda Items/ Public Hearings/ Oral Communication on Items Not on the Agenda. Virtual participants must click the 'hand raise' button prior to the end of the first in-person speaker to indicate they wish to address the City Council. Upon clicking the 'hand raise' button, please unmute your microphone and wait for the Mayor/City Clerk to call on you.



= Hand Raise



= Unmute

3. Submit Public Comments Prior to the Meeting. The public may submit comments via email to cityclerk@cypressca.org. Comments submitted by 3:00 p.m. on the day of the meeting will be added to the City Council agenda as a Consent Calendar item.
4. Watch the Meeting. The City Council meeting can be viewed on Spectrum Cable Channel 36 or on the City's website at www.cypressca.org/watchlive.
5. Listen to the Meeting. Listen-only teleconferencing is available by calling (562) 247-8321 and entering Access Code 303-276-414. No registration or audio pin is necessary.

INVOCATION POLICY

The City Council does not endorse the content of the invocation and does not endorse the invitational speaker's particular faith, belief and/or religious denomination. The City Council has an established neutral policy for selecting and scheduling invitational speakers. The City Council's policy on invocations is available from the City Clerk.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

1.

FROM: Alisha Farnell, City Clerk

DATE: 07/10/2023

SUBJECT: Receive and File Public Comments Submitted for the July 10, 2023 City Council Meeting

RECOMMENDATION

Receive and file submitted public comments.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

3.

FROM: Alisha Farnell, City Clerk
DATE: 07/10/2023
SUBJECT: Approve Minutes - Meeting of June 12, 2023

RECOMMENDATION

Approve as submitted.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

June 12, 2023 City Council Minutes

REGULAR MEETING
CYPRESS CITY COUNCIL
JUNE 12, 2023
5:00 P.M.

A regular meeting of the Cypress City Council was called to order at 5:01 p.m. by Mayor Hertz-Mallari 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 Anne Hertz-Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez - absent
Council Member Bonnie Peat

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
City Clerk Alisha Farnell

ORAL COMMUNICATIONS ON CLOSED SESSION/ WORKSHOP ITEMS

None.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: 6612 Cerritos Avenue, Cypress (APN 134-442-20)

Agency Negotiator: Peter Grant, City Manager

Negotiating Parties: Thoma and Irene Baroldi Family Trust/Irene Baroldi Survivors Trust

Under Negotiation: Price and terms of potential acquisition

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Southwest Voter Registration Education Project v. City of Cypress

Case No. 30-2022-01270865-CU-CR-CJC

Orange County Superior Court

Mayor Hertz-Mallari recessed the meeting at 5:02 p.m.

RECONVENE

Mayor Hertz-Mallari reconvened the City Council meeting at 6:06 p.m.

ROLL CALL

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

Mayor Anne Hertz-Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez - absent
Council Member Bonnie Peat

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
Director of Finance and Administrative Services Matt Burton
Director of Public Works Doug Dancs
Director of Recreation and Community Services Jeff Draper
Chief of Police Mark Lauderback
Planning Director Alicia Velasco
City Clerk Alisha Farnell
City Engineer Nick Mangkalakiri

INVOCATION Father Binh Nguyen, St. Irenaeus Catholic Church, led the Invocation.

PLEDGE OF ALLEGIANCE Staff Sergeant Silva, Army National Guard, led the Pledge of Allegiance.

REPORT OF WORKSHOP AGENDA / CLOSED SESSION

The City Attorney reported that the City Council met in Closed Session and held a discussion on each of the items listed on the Closed Session agenda.

Regarding the first item on the agenda, namely Conference with Real Property Negotiator concerning the property at 6612 Cerritos Avenue with the negotiating party: Thomas and Irene Baroldi Family Trust/Irene Baroldi Survivors Trust and Under Negotiation: Price and terms of potential acquisition. He stated the City Council received a briefing, provided direction and no further reportable action was taken.

Regarding the second Closed Session item listed on the agenda, namely Conference with Legal Counsel – existing litigation, the matter of Southwest Voter Registration Education Project v. the City of Cypress. The City Attorney stated the City Council received an update on the status of the case and no further reportable action was taken.

PRESENTATIONS

District Manager Lora Young from OC Mosquito and Vector Control District provided a presentation.

Nancy Nien, AUHSD Assistant Superintended of Business, provided an update on Cypress High School's athletic field project.

The City Council recognized and presented Certificates of Completion to the Cypress Citizens Academy participants.

The City Council recognized Recreation Specialist Vanessa Banuelos.

ORAL COMMUNICATIONS ON AGENDA ITEMS

Bob Youngsma, Cypress, spoke regarding Agenda Item No. 18.

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 Pro Tem Minikus stated that Agenda Item No. 18, the Warrant Register, includes electronic fund transfer No. 13079 for \$294.34 as reimbursement for medical coverage he is entitled to receive as a CalPERS annuitant. He indicated that in voting for any motion to approve the Warrant Register, he would not be voting on electronic fund transfer No. 13079 for the reason disclosed.

Council Member Burke, Mayor Pro Tem Minikus, and Mayor Hertz-Mallari commented on Agenda Item No. 10.

A motion was made by Council Member Peat, and seconded by Mayor Pro Tem Minikus, to approve Consent Calendar items No. 1 through 18.

The motion was carried by the following roll call vote:

AYES:	4	COUNCIL MEMBERS:	Burke, Peat, Minikus and Hertz-Mallari
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	Marquez

Item No. 1: Receive and File Public Comments Submitted for the June 12, 2023 City Council Meeting

Recommendation: Receive and file submitted public comments.

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 Minutes – Meetings of April 24, 2023, May 8, 2023 and May 22, 2023

Recommendation: Approve as submitted.

Item No. 4: Approve Participation in the Urban County CDBG and Home Programs for Fiscal Years 2024-27 and Accept the Award of Fiscal Year 2023-24 CDBG Funds

Recommendation:

1. Adopt the Resolution accepting the award of CDBG funds for Fiscal Year 2023-24; and
2. Adopt the Resolution confirming Cypress' continued participation in the Urban County CDBG and Home Programs for Fiscal Years 2024-24; and
3. Approve Amendment Six to the Cooperative Agreement and CDBG agreements.

RESOLUTION NO. 6929

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE
COUNTY OF ORANGE TO ACCEPT AN AWARD OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROGRAM YEAR
SPANNING JULY 1, 2023 THROUGH JUNE 30, 2024

RESOLUTION NO. 6930

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
APPROVING THE CITY'S PARTICIPATION IN THE HOUSING AND
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME
PROGRAMS WITH THE COUNTY OF ORANGE

Item No 5: Adopt the Fiscal Year 2023-24 Appropriations Limit

Recommendation: Adopt a Resolution establishing the City's Fiscal Year 2023-24

RESOLUTION NO. 6931

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT
FOR THE 2023-24 FISCAL YEAR

Item No. 6: Adopt the Cypress Recreation and Park District's Fiscal Year 2023-24 Appropriations Limit

Recommendation: Adopt a Resolution establishing the Cypress Recreation and Park District's Fiscal Year 2023-24 Appropriations limit.

RESOLUTION NO. 6932

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
EX OFFICIO GOVERNING BOARD OF DIRECTORS OF THE CYPRESS
RECREATION AND PARK DISTRICT, A SUBSIDIARY DISTRICT OF
THE CITY OF CYPRESS ESTABLISHING THE CYPRESS
RECREATION AND PARK DISTRICT'S APPROPRIATIONS LIMIT FOR
THE 2023-24 FISCAL YEAR

Item No.7: Adopt Annual Statement of Investment Policy

Recommendation: Adopt a Resolution approving the Annual Statement of Investment Policy.

RESOLUTION NO. 6933

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AND ACTING AS THE EX OFFICIO GOVERNING BOARD OF
DIRECTORS OF THE CYPRESS RECREATION AND PARK DISTRICT,
ADOPTING THE ANNUAL STATEMENT OF INVESTMENT POLICY

Item No. 8: Receive and File the Five-Year Technology Master Plan

Recommendation: Receive and file the Five-Year Technology Master Plan for FY 2023-24 through FY 2027-28.

Item No. 9: Receive and File the FY 2023-24 Master Fee Schedule

Recommendation: Receive and file the updated FY 2023-24 Master Fee Schedule which incorporates annual cost-of-living adjustments for City and Park District user fees.

Item No. 10: Appoint City Commissioners

Recommendation: Appoint Commissioners to the Recreation and Community Services, Senior Citizens, and Traffic Commissions.

Item No. 11: Receive an Update on the Strategic Plan Six-Month Objectives

Recommendation: Receive an update on the Strategic Plan six-month objectives.

Item No. 12: Approve Plans and Specifications and Award Contracts for Arterial Street Rehabilitation, Project 346

Recommendation:

1. Approve Plans and Specifications for Arterial Street Rehabilitation, Project 346; and
2. Award a contract to Palp, Inc. DBA Excel Paving Company, for \$296,753, and authorize a contingency of \$45,000; and
3. Approve a Task Order for Construction Inspection Services to Ardurra Group Inc., for \$50,295 and authorize a contingency of \$5,000.

Item No. 13: Approve Plans and Specifications and Award a Contract for Police Department Access Gate Replacements, Project 322

Recommendation:

1. Approve Plan and Specifications for Police Department Access Gate Replacements, Project 322; and
2. Award a contract to R&S Overhead Doors of So Cal, Inc. for \$63,694, and authorize a contingency of \$9,550.

Item No. 14: Award Contracts for Senior Center Interior Improvements, Project 290

Recommendation:

1. Award a contract to Genesis Builders, Inc. DBA K2 Painting, for \$898,000, and authorize a contingency of \$135,000; and
2. Approve a Task Order for Construction Inspection Services to Ardurra Group Inc., for \$110,090, and authorize a contingency of \$22,000; and
3. Approve a \$720,290 appropriation increase in the Recreation and Park District General Fund for the Senior Center Interior Improvements, Project 290.

Item No. 15: Approve an Agreement with Lisa Wise Consulting, Inc. for an Inclusionary Housing Feasibility and Fee Modification Study

Recommendation: Approve a contract services agreement with Lisa Wise Consulting, Inc. for an Inclusionary Housing Feasibility and Fee Modification Study in the amount of \$60,480 and authorize a 15% contingency of \$9,072.

Item No. 16: Accept the Concrete Rehabilitation, Project 319

Recommendation:

1. Accept the Concrete Rehabilitation, Project 319, in the amount of \$259,216 and approve the final payment of \$12,960.80 to CT&T Concrete Paving Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

Item No. 17: Receive and File the Investment Report for the Month Ended April 30, 2023

Recommendation: Receive and file the attached investment report.

Item No. 18: Receive and File Register of Warrants, Transfers, and Wires Issued for the Period of April 8, 2023 through May 5, 2023

Recommendation: Receive and file the attached payment register summarized below for the period of April 8, 2023 through May 5, 2023:

- Electric Funds Transfers 12930 through 13093
- Warrants 62157 through 62364
- Payroll Transfers W1500 through W1501

PUBLIC HEARINGS (Three minutes per speaker)

Item No. 19: Approve Specific Plan Amendment No. 2023-01 and Site Plan Review No. 2023-01 for an Addition to an Existing Building at 10900 Walker Street

Mayor Hertz-Mallari asked Council Members to disclose any communications with anyone relevant to the item.

No communications were disclosed.

Mayor Hertz-Mallari opened the Public Hearing.

The Planning Director provided a report on this item.

Mayor Hertz-Mallari invited the applicant to come forward.

The applicant agreed with the conditions of approval.

City Council asked questions of the applicant.

There were no public comments on this item.

Mayor Hertz-Mallari closed the Public Hearing.

City Council discussion ensued.

A motion was made by Mayor Pro Tem Minikus, and seconded by Council Member Peat, to approve introduce for first reading an Ordinance approving Specific Plan Amendment No. 2023-01; and adopt a Resolution approving Site Plan Review No. 2023-01; and confirm the project is exempt from California Environmental Quality Act requirements.

The motion was carried by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Burke, Peat, Minikus and Hertz-Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 1 COUNCIL MEMBERS: Marquez

RESOLUTION NO. 6934

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
CALIFORNIA, APPROVING SITE PLAN REVIEW NO. 2023-01, FOR A
24,452 SQUARE FOOT ADDITION TO AN EXISTING 99,643 SQUARE
FOOT BUILDING LOCATED AT 10900 WALKER STREET IN THE
MCDONNELL CENTER SPECIFIC PLAN AND FINDING THE PROJECT
EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT
REQUIREMENTS

NEW BUSINESS

Item No. 20: Adopt the Fiscal Year 2023-24 Budget for the City of Cypress and the Cypress Recreation and Park District

Director of Finance provided a report on this item.

City Council discussion ensued.

A motion was made by Council Member Peat, and seconded by Council Member Burke, to adopt a Resolution approving the Fiscal Year 2023-24 City budget and adopt a Resolution to approving the Fiscal Year 2023-24 Recreation and Park District budget.

The motion was carried by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Burke, Peat, Minikus and Hertz-Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 1 COUNCIL MEMBERS: Marquez

RESOLUTION NO. 6935

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
APPROVING THE ANNUAL BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023 AND FIXING THE LIMITATIONS OF
EXPENDITURES FOR THE SEVERAL FUNDS AND THE FUNCTIONS,
DEPARTMENTS, AND ACTIVITIES CARRIED ON UNDER SUCH
FUNDS

RESOLUTION NO. 6936

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AND ACTING AS THE EX OFFICIO GOVERNING BOARD OF
DIRECTORS OF THE CYPRESS RECREATION AND PARK DISTRICT,
APPROVING THE DISTRICT'S ANNUAL BUDGET FOR THE FISCAL
YEAR COMMENCING JULY 1, 2023 AND FIXING THE LIMITATIONS OF
EXPENDITURES FOR THE FUNDS AND ACTIVITIES CARRIED ON
UNDER SUCH FUNDS

Item No. 21: Adopt the Seven-Year (FY 2023-24 to FY 2029-30) Capital Improvement Program

The City Engineer provided a report on this item.

City Council discussion ensued.

A motion was made by Mayor Pro Tem Minikus, and seconded by Council Member Peat, to determine the Capital Improvement Program is consistent with the General Plan; and confirm various projects are exempt from California Environmental Quality Act requirements; and adopt a Resolution approving the Seven-Year CIP for FY 2023-24 to FY 2029-30; and adopt a Resolution updating the Public Works contract award thresholds.

AYES: 4 COUNCIL MEMBERS: Burke, Peat, Minikus and Hertz-Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 1 COUNCIL MEMBERS: Marquez

RESOLUTION NO. 6937

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
APPROVING THE SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM
FOR FISCAL YEARS 2023-24 THROUGH FISCAL YEAR 2029-2030

RESOLUTION NO. 6938

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AND ACTING AS EX-OFFICIO GOVERNING BOARD OF DIRECTORS
OF THE CYPRESS RECREATION AND PARK DISTRICT, TO UPDATE
THE FORMAL BID LIMIT FOR PUBLIC WORKS PROJECTS

Item No. 22: Adopt a Resolution Declaring City-owned Property at 5732 Lincoln Avenue Surplus, Authorizing Offering it to Housing Sponsors for Purchase Pursuant to the Surplus Land Act, and Finding These Activities Exempt from CEQA

The Planning Director provided a report on this item.

City Council discussion ensued.

A motion was made by Council Member Burke, and seconded by Council Member Peat to adopt a Resolution declaring the City-owned property at 5732 Lincoln Avenue surplus, authorizing offers for purchase pursuant to the Surplus Land Act, and finding these activities exempt from CEQA.

The motion was carried by the following roll call vote:

AYES: 4 COUNCIL MEMBERS: Burke, Peat, Minikus and Hertz-Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 1 COUNCIL MEMBERS: Marquez

RESOLUTION NO. 6939

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS
DECLARING 5732 LINCOLN AVENUE IN THE CITY OF CYPRESS TO
BE SURPLUS AND AUTHORIZING OFFERS OF SAID PROPERTY FOR
PURCHASE AND FINDING OF EXEMPTION FROM CEQA**

ORAL COMMUNICATIONS ON ITEMS NOT ON THE AGENDA

Beth Culver, spoke in opposition to a Pride picnic event on City property.

Clare Chu, Cypress, spoke in opposition to Pride picnic event.

Harumi Lucak, Cypress, spoke in opposition to Pride picnic event.

Ebru, Cypress, spoke in opposition to Pride picnic event at Civic Center.

Esther, Cypress, spoke in opposition to Cypress Pride picnic event.

Bob Youngsma, Cypress, spoke regarding City Manager responsibilities, campaign committee formed by a current Council member, and Alarm permit fees.

Glenn Button, Cypress, spoke regarding concerns with a show with a mature theme on City property.

Carolyn Balagot, Cypress, spoke in support of the Pride picnic event.

Christen Jackson, Cypress, spoke in support of the Pride picnic event.

The City Attorney stated the Pride picnic is not a City-sponsored event and provided information regarding the City's special event permitting process.

Bret Rogers (virtual), spoke in opposition to the Pride picnic event at Civic Center.

Malini Nagpal (virtual), cypress, spoke in support of the Price picnic event.

Keri Connell, Cypress, spoke in support of the Pride picnic event.

COUNCIL MEMBER REPORTS FROM CITY-AFFILIATED BOARDS AND COMMITTEES

Council Member Peat:

Attended Forest Lawn's Memorial Day event. Conducted Commission interviews and thanked all the applicants. Received a tour of Arnold Cypress Park. Spoke with two residents regarding street conditions in their neighborhood. Thanked the Police Department for providing a welfare check on a resident.

Council Member Burke:

Attended the Police Department Open House. Attended the Orange County Library Advisory Board meeting. Attended the Police Foundation luncheon. Thanked the City Attorney for providing clarification regarding the Pride picnic event.

Mayor Pro Tem Minikus:

Spoke regarding Pride picnic event. Attended a funeral for a local business owner. Received a tour of Arnold Cypress Park. Attended the Police Foundation luncheon. Attended the West Cities Police Communications Board meeting. Attended the Orange County Sanitation District Board meeting. Attended the Police Department Open House. Participated in a Memorial Day parade hosted by Cottonwood Church. Attended Memorial Day event at Forest Lawn. Attended the Citizens Academy graduation. Conducted Commission interviews and thanked all the applicants. Attended a League of California Cities meeting. Will attend the AUHSD Ad Hoc Subcommittee meeting.

Mayor Hertz-Mallari

Spoke about Council Members involvement with the County and City. Requested Council members provide a report on the Boards and Committees they serve.

CITY MANAGER REMARKS

The City Manager announced dates for upcoming Concert on the Green and Salute to America. Spoke about positive feedback from the business community, provided an update on the City's Business Recovery Programs, and shared information about the Business Park operations and vacancy rates.

ADJOURNMENT – IN MEMORY OF RIVERSIDE COUNTY SHERIFF DEPUTY BRETT HARRIS

Mayor Hertz-Mallari adjourned the meeting at 8:59 p.m. to an adjourned Regular Meeting, to be held on Monday, June 26, 2033, 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



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

4.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 07/10/2023

SUBJECT: Adopt a Resolution Approving a One-Time Retention Stimulus Payment to Employees in the Cypress Employees' Association and Maintenance Employees' Association

RECOMMENDATION

Adopt a Resolution approving a one-time retention stimulus payment of \$1,000 to eligible employees in the Cypress Employees' Association and Maintenance Employees' Association.

DISCUSSION

The Cypress Employees' Association (CEA) and Maintenance Employees' Association (MEA) collectively bargain for salary and benefits. The associations entered into three-year agreements in early 2021 which included annual cost of living adjustments (COLA) between two and a half and three percent. At the time the agreements were finalized, the COLAs were in line with recent and anticipated Consumer Price Index (CPI) increases. The agreements were approved during the pandemic and the modest compensation increases were a result of the associations working with the City during periods of financial uncertainty and furthering our positive relationships.

High inflation over the last 18 months has caused CPI during to far exceed the COLAs for the CEA and MEA. The City Council discussed the impacts of inflation on the employees represented by the associations and directed a one-time retention stimulus payment for each employee to help offset these inflationary impacts, recognize the outstanding work the City's employees do on the community's behalf, and strengthen employer-employee relations.

A \$1,000 retention stimulus will be provided to all CEA and MEA employees hired prior to June 30, 2022, who remain employed at July 21, 2023, and who worked more than 1,000 hours in FY 2022-23. The retention stimulus will be prorated for other eligible employees:

- Employees hired between January 1, 2023 and March 30, 2023 will receive \$500
- Employees hired between April 1, 2023 and June 30, 2023 will receive \$250
- Employees hired prior to July 1, 2022 that worked between 500 and 1,000 hours in FY 2022-23 will receive \$500

Of the 53 budgeted positions in the two associations, 47 positions are eligible for the payment. The retention stimulus payments are not pensionable compensation and are not provided to the City Manager, department directors, management employees, confidential employees, Police Officers' Association members or Police Management Association members.

Association	Eligible Employees
CEA	36
MEA	11
Total	47

BUDGET IMPACT

The recommended retention stimulus, including payroll taxes, will cost approximately \$37,000 for the City and \$7,100 for the District and are included in the FY 2023-24 budget.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Resolution - Retention Stimulus

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS, AND ACTING
AS EX-OFFICIO BOARD OF DIRECTORS OF THE CYPRESS RECREATION AND
PARK DISTRICT, APPROVING A ONE-TIME RETENTION STIMULUS FOR ELIGIBLE
EMPLOYEES IN THE CYPRESS EMPLOYEES' ASSOCIATION AND
MAINTENANCE EMPLOYEES' ASSOCIATION

WHEREAS, the City Council appreciates employees' continued service to the City and their willingness to partner with the City in periods of financial uncertainty to ensure high quality and high value services continue to be provided to the community; and

WHEREAS, the Cypress Employees' Association (CEA) and Maintenance Employees' Association (MEA) entered into multi-year agreements in 2021 which included annual cost-of-living adjustments (COLA) between two and one-half percent and three percent based on the Consumer Price Index (CPI); and

WHEREAS, due to the impacts of inflation over the past 18 months, CPI has far exceeded the negotiated COLAs for the CEA and MEA during this period; and

WHEREAS, the City Council desires a \$1,000 one-time retention stimulus payment be made to eligible employees in the CEA and MEA to help alleviate the impacts of inflation; and

WHEREAS, to be eligible for the full payment, individuals must have been employed as of July 1, 2022 and remain employed through the end of the pay period the retention stimulus payment was approved by the City Council (July 21, 2023) and worked a minimum of 1000 hours in FY 2022-23; and

WHEREAS, the retention stimulus will be prorated for employees hired between January 1, 2023 and March 30, 2023 (\$500), individuals hired between April 1, 2023 and June 30, 2023 (\$250), and any employee hired prior to July 1, 2022 who worked between 500 and 1,000 hours (\$500); and

WHEREAS, the payment is not performance based and is not considered pensionable compensation; and

WHEREAS, the retention stimulus will be paid with the regular payroll on July 28, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cypress, and acting as the ex-officio Board of Directors of the Cypress Recreation and Park District, does hereby approve a one-time retention stimulus in the amount of \$1,000 for eligible employees in the CEA and MEA.

PASSED AND ADOPTED by the City Council of the City of Cypress, and acting as ex-officio Board of Directors of the Cypress Recreation and Park District, at a regular meeting held on the 10th day of July, 2023.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I, ALISHA FARNELL, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 10th day of July, 2023, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

CITY CLERK OF THE CITY OF CYPRESS



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

5.

FROM: Douglas Dancs, Director of Public Works

DATE: 07/10/2023

SUBJECT: Approve the Purchase of Six Replacement Police Vehicles

RECOMMENDATION

1. Approve the purchase of six replacement police vehicles for \$486,258 from National Auto Fleet Group; and
2. Authorize an appropriation increase in the amount of \$6,258 in the City's Capital Replacement Fund to purchase and upfit the vehicles; and
3. Authorize a transfer of \$6,258 from the City's General Fund to the City's Capital Replacement Fund for the purchase of the vehicles.

DISCUSSION

The FY 2023-24 Budget includes the replacement of five police vehicles and one police K-9 vehicle. It is recommended the city purchase the vehicles from National Auto Fleet Group through the Sourcewell cooperative purchasing program. Municipal Code Section 21A-10(e) allows the use of cooperative purchasing programs as a more efficient and cost-effective method of procurement due to receiving volume-type pricing. Such cooperative agreements provide the same terms and prices offered to other government agencies through a competitive bid process.

The price for the six vehicles, including all equipment and upfitting, is \$486,258. The vehicles are expected to be delivered in February 2024.

BUDGET IMPACT

The cost to purchase and upfit the vehicles is \$486,258 and the FY 2023-24 capital outlay budget includes \$480,000 for the purchase. The difference of \$6,258 will be funded with General Fund unassigned fund balance.

LEGAL REVIEW

None.

APPROVED BY:

Peter Grant, City Manager

Attachments

Cost Summary

Cost Estimates

COST BREAKDOWN SUMMARY

Make/Model	Quantity	Price per Unit, incl. upfit cost	Total Price
2024 Dodge Durango Pursuit	5	\$80,154.00	\$400,770.00
2024 Dodge Durango Pursuit (K9 Unit)	1	\$85,488.00	\$ 85,488.00
		TOTAL	\$486,258.00



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076
(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax
Fleet@NationalAutoFleetGroup.com

June 29, 2023

Mr. Jose Guerra
City of Cypress
5275 Orange Ave
Cypress, Ca 90630
Delivery Via Email

Dear Mr. Guerra,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Cypress new/unused 2024 Dodge Durango Pursuit V-8 AWDF responding to your requirement with the attached specifications for \$ 50,855.00 plus Upfit, State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Sourcewell (Formerly Known as NJPA) master vehicle contract# 091521-NAFG. Unit includes Ballistic Doors and Black and White Paint.

	One unit MSRP	Selling Price	Total Savings	Extended units (5)	Total Savings
2024 Dodge Durango Pursuit V-8 AWD	55,365.00	51,105.00	7.69%	255,525.00	21,300.00
Black and White Paint		1,350.00		6,750.00	
Dana Upfit Patrol		21,600.00		108,000.00	
Sub Total		74,055.00		370,275.00	
Sales Tax		5,739.26		28,696.31	
Tire Tax		8.75		43.75	
Transport		350.00		1,750.00	
Total		80,153.01		400,765.06	

Terms are net 30 days.

Delivery 120-180 Days ARO

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

Kevin Buzzard

National Law Enforcement Sales Manager

National Auto Fleet Group

626-457-5590 O / 714-264-1867 C / Buzzard5150@gmail.com



Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491731-A
Customer No.	CYPRESS

Bill To

City of Cypress
 5285 Cypress Street
 Cypress, CA 90630

Ship To

(For Pickup - LOSA)
 CANOGA PARK
 9035 Independence Avenue
 Canoga Park, CA 91304

Contact: Jose Guerra
Telephone: 714-229-6760
E-mail: jguerra@cypressca.org

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
06/28/23	GROUND SHIPMENT	QUOTED FREIGHT	JOSE GUERRA	NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Steve Nugent		STEVE NUGENT- LOSA			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
5	5	N	INFO VEHICLE INFORMATION Dodge Durnago's Warehouse: LOSA 2024 pursuit patrol units	0.0000	0.00
5	5	Y	EVP EMERGENCY VEHICLE PACKAGE Warehouse: LOSA Includes Code 3 lighting Setina Troy Products Innovative Parts, labor, shipping cost and any incidentals	17,500.0000	87,500.00
5	5	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: LOSA LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	250.0000	1,250.00
5	5	N	FREIGHT INCOMING FREIGHT Warehouse: LOSA	350.0000	1,750.00
5	5	Y	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: LOSA	3,500.0000	17,500.00

Print Date	06/28/23
Print Time	04:47:44 PM
Page No.	1

Printed By: Steve Nugent

Continued on Next Page

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491731-A
Customer No.	CYPRESS

Bill To

City of Cypress
5285 Cypress Street
Cypress, CA 90630

Ship To

(For Pickup - LOSA)
CANOGA PARK
9035 Independence Avenue
Canoga Park, CA 91304

Contact: Jose Guerra
Telephone: 714-229-6760
E-mail: jguerra@cypressca.org

Contact:
Telephone:
E-mail:

Quote Date		Ship Via		F.O.B.		Customer PO Number		Payment Method			
06/28/23		GROUND SHIPMENT		QUOTED FREIGHT		JOSE GUERRA		NET30			
Entered By			Salesperson			Ordered By			Resale Number		
Steve Nugent			STEVE NUGENT- LOSA								
Order Quantity	Approve Quantity	Tax	Item Number / Description					Unit Price	Extended Price		
			Approved By: _____ ☐ Approve All Items & Quantities Quote Good for 30 Days 21,600⁰⁰ Per unit								

Print Date	06/28/23
Print Time	04:47:44 PM
Page No.	1

Printed By: Steve Nugent

Subtotal	108,000.00
Freight	
7.750 % Sales Tax	
Order Total	



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

June 29, 2023

Mr. Jose Guerra
City of Cypress
5275 Orange Ave
Cypress, Ca 90630
Delivery Via Email

Dear Mr. Guerra,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Cypress new/unused 2024 Dodge Durango Pursuit V-8 AWDF responding to your requirement with the attached specifications for \$ 50,855.00 plus Upfit, State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Sourcewell (Formerly Known as NJPA) master vehicle contract# 091521-NAFG. Unit includes Ballistic Doors and Black and White Paint.

	One Unit MSRP	One Unit	Total Savings	Total Savings
2024 Dodge Durango Pursuit V-8 AWD	55,365.00	51,105.00	7.69%	4,260.00
Black and White Paint		1,350.00		
Dana Upfit K-9		26,551.00		
Sub Total		79,006.00		
Sales Tax		6,122.97		
Tire Tax		8.75		
Transport		350.00		
Total		85,487.72		

Terms are net 30 days.

Delivery 120-180 Days ARO

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

Kevin Buzzard

National Law Enforcement Sales Manager

National Auto Fleet Group

626-457-5590 O / 714-264-1867 C / Buzzard5150@gmail.com



Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	491732
Customer No.	CYPRESS

Bill To

City of Cypress
5285 Cypress Street
Cypress, CA 90630

Ship To

(For Pickup - LOSA)
CANOGA PARK
9035 Independence Avenue
Canoga Park, CA 91304

Contact: Jose Guerra
Telephone: 714-229-6760
E-mail: jguerra@cypressca.org

Contact:
Telephone:
E-mail:

E-mail: jgucina@cyprusair.org

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
06/28/23	GROUND SHIPMENT	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Steve Nugent		Chris Degioanni - LA			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	N	INFO VEHICLE INFORMATION Dodge Durnago Warehouse: LOSA	0.0000	0.00
1	1	Y	2024 pursuit patrol K9 EVP EMERGENCY VEHICLE PACKAGE Warehouse: LOSA	17,500.0000	17,500.00
1	1	Y	Includes Code 3 lighting Setina Troy Products Innovative Parts, labor, shipping cost and any incidentals EVP EMERGENCY VEHICLE PACKAGE K9 EQUIPMENT Warehouse: LOSA	3,251.0000	3,251.00
1	1	N	American Aluminum platform, water dish and fan kit FREIGHT INCOMING FREIGHT FOR K9 EQUIPMENT Warehouse: LOSA	700.0000	700.00
1	1	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: LOSA LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	250.0000	250.00

Print Date	06/28/23
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Printed By: Steve Nugent

Continued on Next Page

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote

Sales Quote No.	491732
Customer No.	CYPRESS

Bill To

City of Cypress
5285 Cypress Street
Cypress, CA 90630

Ship To

(For Pickup - LOSA)
CANOGA PARK
9035 Independence Avenue
Canoga Park, CA 91304

Contact: Jose Guerra
Telephone: 714-229-6760
E-mail: jguerra@cypressca.org

Contact:
Telephone:
E-mail:

Quote Date		Ship Via		F.O.B.		Customer PO Number		Payment Method			
06/28/23		GROUND SHIPMENT		QUOTED FREIGHT				NET30			
Entered By			Salesperson			Ordered By			Resale Number		
Steve Nugent			Chris Degioanni - LA								
Order Quantity	Approve Quantity	Tax	Item Number / Description					Unit Price	Extended Price		
1	1	N	FREIGHT INCOMING FREIGHT Warehouse: LOSA					350.0000	350.00		
1	1	Y	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: LOSA Approved By: _____ ☐ Approve All Items & Quantities Quote Good for 30 Days					4,500.0000	4,500.00		

Print Date	06/28/23
Print Time	06:06:41 PM
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Printed By: Steve Nugent

Subtotal	26,551.00
Freight	0.00
7.750 % Sales Tax	
Order Total	



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

6.

FROM: Peter Grant, City Manager

DATE: 07/10/2023

SUBJECT: Approve Task Orders for Communications Support and Marketing

RECOMMENDATION

1. Approve a Task Order to Communications LAB for \$120,000 for City Communications Support and Marketing Services for FY 2023-24;
2. Approve a Task Order to Communications LAB for \$60,000 for Recreation and Park District Communications Support and Marketing Services for FY 2023-24;
4. Authorize a \$25,000 appropriation transfer in the City's General Fund from personnel costs to contract services; and
5. Authorize an \$8,000 appropriation in the City's General Fund.

DISCUSSION

The City Council approved an on-call agreement with Communications LAB for marketing and communications support following a competitive RFP in 2021. Over the past year, Communications LAB's role has expanded in response to assume the responsibilities previously assigned to the vacant Communications and Marketing Analyst position. Communications LAB manages social media, email and newsletter content, provides communications support, maintains website content, produces *The Progress* and Minute with the Mayor, among other assignments. They have improved social media reach and interactions, quality of video production, and a unified marketing and communications voice.

The attached task orders will provide these same services for the City and Recreation and Park District for FY 2023-24. Communications LAB has staffing flexibility which enables a higher level of service, at roughly the same annual cost, available from the Communications and Marketing Analyst position. It is anticipated the Communications and Marketing Analyst position will remain vacant through FY 2023-24 and the salary savings will fund for the City task order. Quarterly reviews of the services provided by Communications LAB will be conducted throughout the fiscal year and a recommendation regarding the Communications and Marketing Analyst position will be included in the Proposed FY 2024-25 Budget.

BUDGET IMPACT

The City's General Fund budget includes \$112,000 for the Communication and Marketing Analyst position. When the FY 23-24 Budget was developed, it was estimated \$87,000 of salary savings would be needed for the City task order while the position remained vacant. A more recent analysis indicates \$120,000 will be necessary to backfill the position for the fiscal year. It is recommended the remaining \$25,000 of available salary savings be transferred from personnel costs to contract services in the City's General Fund and an additional \$8,000 be appropriated from available, unassigned fund balance amounts in the City's General Fund.

The Recreation and Park District's General Fund budget contains sufficient appropriations to pay for the recommended for the District.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

City Task Order

Parks and Recreation Task Order



June 20,2023

Peter Grant, City Manager
City of Cypress
5275 Orange Ave.
Cypress CA 90630

cc: Jason Machado, Senior Management Analyst

SUBJECT: **Task Order 008 (EXTENSION)**
Ongoing Strategic Communications Support

Dear Mr. Grant,

Communications LAB is pleased to submit the following proposal to provide professional support and ongoing strategic communications services to the City of Cypress as outlined below.

The scope of services as outlined below are an extension of Task Order 008 the new fiscal year. Individual task areas and associated costs are presented by line item for FY 2023-24. This engagement would be for July 2023 through June 2024.

Date(s)	Task Description	Hours	Rate	Total
Fiscal Year 2023/ 2024	Community Events • Support Staffing • Videography • Photography • Event Planning	15 Hours Per Mo.	\$150	\$1,500
	Social Media • Content Creation • Photos/Video • Copy Editing • Social Channel Monitoring • Community Mgmt. • Mayor's Minute (Film & Edit)	10 Hours Per Mo.	\$150	\$1,500
	Community Newsletter • Content Creation • Design & Layout • Production Mgmt.	15 Hours Per Mo.	\$150	\$1,500



	Email Outreach • Content Creation • Design & Layout • Coordination with Staff	15 Hours Per Mo.	\$150	\$750
	Media Relations (as needed) • Press Releases • Content Delivery • Council Support	5 Hours Per Mo.	\$150	\$300
	Website Management • Content Creation • Graphic Design • Calendar Updates	10 Hours Per Mo.	\$150	\$750
	Reports & Metrics • Qtr. KPI Reports • Staff Meetings • Monthly Task Reports	10 Hours Per Mo.	\$150	\$750
	Monthly Hours & Costs Discount	80 Hours	\$150	\$12,000 (\$2,000)
	Total Monthly Cost			\$10,000
	Total Annual Project Cost	960 Hours	\$150	\$120,000

Additionally, as stated above, Communications LAB will be billing at a blended hourly professional rate of \$150 per hour. We have provided the Rate Sheet below to reflect as much. As a valued client, this provides the City of Cypress a discounted professional service rate going forward.

Communications LAB Billing Rates

Title	Standard Rate	Negotiated Rate
CEO	\$205	\$150
President	\$195	\$150
Vice President	\$185	\$150
Director	\$175	\$150
Sr. Account Manager	\$165	\$150
Account Manager	\$155	\$150
Account Executive	\$145	\$150
Graphic Designer	\$145	\$150
Account Coordinator	\$135	\$150



If you should have any questions, please feel free to contact me at my personal mobile phone (714) 878-4864 or via email at arianna@communicationslab.com.

Thank you,

A handwritten signature in blue ink, appearing to read 'Arianna Barrios'.

Arianna Barrios, CEO
Communications LAB
701 E Chapman Avenue
Orange, CA 92866



June 19, 2023

Jeff Draper, Director
Recreation & Community Services
City of Cypress
5275 Orange Ave.
Cypress CA 90630

cc: Jason Machado, Senior Management Analyst

SUBJECT: Task Order 006 (Amended)
Strategic Communications Support
Recreation & Community Services

Dear Mr. Draper

Communications LAB is pleased to submit the following proposal for services to provide professional support to the City of Cypress, Recreation & Community Services Department in the form of **Task Order 006 (Amended)** as outlined below. The scope of services and schedule of compensation are presented by line item for FY 2023-24. This engagement would be for July 2023 through June 2024.

Task Order 006 (Amended)
Ongoing Strategic Communications Support
Rec and Comms Services Department

Date(s)	Task Description	Hours	Cost
July 2023- June 2024	- Social Media Management - Graphic Design - Social Channel Monitoring - Digital Event Marketing - Community Management - Quarterly KPI Reporting - Team Meetings - Website Updates - City and Event Photos - City and Event Videography - Event Planning & Implementation - Special Event Support	35 Hours/Mo.	Hourly Rate: \$150
		420 Hours/Total	Monthly Cost: \$5,000
			Total Cost: \$60,000
	Task Order Total		\$60,000



Additionally, as stated above, Communications LAB will be billing at a blended hourly professional rate of \$150 per hour. We have provided the Rate Sheet below to reflect as much. As a valued client, this provides the City of Cypress a discounted professional service rate going forward.

Communications LAB Billing Rates

Title	Standard Rate	Negotiated Rate
CEO	\$205	\$150
President	\$195	\$150
Vice President	\$185	\$150
Director	\$175	\$150
Sr. Account Manager	\$165	\$150
Account Manager	\$155	\$150
Account Executive	\$145	\$150
Graphic Designer	\$145	\$150
Account Coordinator	\$135	\$150

If you should have any questions, please feel free to contact me at my personal mobile phone (714) 878-4864 or via email at arianna@communicationslab.com.

Thank you,

Arianna Barrios, CEO
Communications LAB
701 E Chapman Avenue
Orange, CA 92866



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

7.

FROM: Mark Lauderback, Chief of Police

DATE: 07/10/2023

SUBJECT: Receive and File the Police Department's Annual Military Equipment Report
Per California Assembly Bill 481

RECOMMENDATION

Receive and file the Police Department's Annual Military Equipment Report per California Assembly Bill 481.

DISCUSSION

In 2022 the City Council adopted an Ordinance approving the Police Department's Military Equipment Policy in accordance with Assembly Bill (AB) 481. This bill requires law enforcement agencies to establish a policy for the funding, acquisition, and use of items deemed to be military equipment. The bill also requires that an annual military equipment report be made public on the Police Department's website and a community meeting be held to allow for public comments within 30 days of submitting and publicly releasing the annual report.

To meet the requirements of the Annual Military Equipment Usage Report pursuant to AB 481 and Government Code § 7072, the following information is to be provided for the immediately preceding calendar year for each type of military equipment:

- **A summary of how the military equipment was used and the purpose of its use.**

The Cypress Police Department had zero military equipment deployments in the City of Cypress in 2022. Cypress PD does participate in the West County Special Weapons and Tactics Team (SWAT), which includes the cities of Cypress, Fountain Valley, Los Alamitos, Seal Beach and Westminster. For military equipment deployments in these cities, the public may refer to these agencies' military equipment annual reports.

- **A summary of any complaints or concerns received concerning the military equipment.**

No violations were discovered in 2022 and officers were found to be operating in a manner that met or exceeded Department and community expectations. The Cypress Police Department did not receive any complaints or concerns related to the use of

military equipment.

- **The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.**

The Department conducted an internal audit and determined there were no violations of the military equipment use policy.

- **The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.**

This cost is contained in the current inventory of military equipment, which includes initial purchase costs (See Military Equipment List Attachment).

- **The quantity possessed for each type of military equipment.**

This information is contained in the current inventory of military equipment, which includes initial purchase costs (See Military Equipment List Attachment).

- **If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.**

The only forecasted purchases for the Cypress Police Department in 2023 are additional ammunition and chemical agents which need to be replenished after use in the field or in training. All items needing to be replenished are included in our policy.

In compliance with the requirements of AB 481, the information provided in this staff report, which includes the Annual Report and the Military Equipment Policy, was first published on the Department's website on June 25, 2023. No public comments have been received since that date.

BUDGET IMPACT

None.

LEGAL REVIEW

The City Attorney has reviewed this report.

APPROVED BY: Peter Grant, City Manager

Attachments

Cypress PD Military Equipment List

City of Cypress, Government Code 7070 (c)

Equipment	Qty.	Unit cost (approx)	Total cost
Remington model 870 breaching shotgun	1	\$850	\$850
Colt model AR-15A3 (patrol rifle 16" barrel) .223 cal	34	\$950	\$32,300
Colt model HBAR Sporter (patrol rifle 16" barrel) .223 cal	1	\$950	\$950
Colt model SP1 (patrol rifle 16" barrel) .223 cal	1	\$950	\$950
Bushmaster model XM15-E25 (patrol rifle 16" barrel) .223 cal	1	\$950	\$950
Colt model match target Sporter (patrol rifle 16" barrel) .223 cal	1	\$950	\$950
Eagle Arms model M15-A2 (patrol rifle 16" barrel) .223 cal	1	\$950	\$950
Colt model CR6920 (patrol rifle 16" barrel) .223 cal	5	\$950	\$4,750
Colt model M4 (motor rifle 10" barrel) .223 cal	3	\$1,550	\$4,650
Remington model 870 less-lethal bean bag shotgun	14	\$946	\$13,244
Heckler & Koch model 416D (SWAT rifle) 5.56mm	10	\$2,300	\$23,000
DPMS Panther Arms model LR308 (SWAT rifle) .308 cal	2	\$1,330	\$2,660
Remington model 700 (SWAT rifle) .308 cal	1	\$980	\$980
Heckler & Koch model MP5 (SWAT rifle) .40cal	10	\$1,978	\$19,780
Heckler & Koch model MP5 (SWAT rifle) 9mm	3	\$1,978	\$5,934
LMT model 40mm launcher	1	\$878	\$878
SAGE model SL-6 37 mm launcher	1	\$1,650	\$1,650
Defense Technology model 37mm launcher	1	\$859	\$859
Winchester 5.56mm 55 grain FMJ training ammunition	20,500	\$0.37	\$7,585
Winchester .223 cal 55 grain FMJ training ammunition	27,000	\$0.46	\$12,393
Winchester .223 cal 69 grain JHP duty ammunition	9,400	\$0.46	\$4,315
Hornady .308 cal 168 grain JHP duty & training ammunition	450	\$2	\$806
Combined Tactical Systems model 7290 Flashbang	21	\$52	\$1,101
Defense Technology model 1069 Yellow Smoke grenade	2	\$39	\$78
Defense Technology 40mm CS powder Ferret ammunition	15	\$26	\$386
Sage International 37mm impact baton	10	\$24	\$240

Sage International 37mm soft tip impact baton	20	\$26	\$520
Defense Technology Exact Impact 40mm sponge	5	\$20	\$100
Combined Tactical Systems model 2581 Super Sock 12 ga. bean bag	650	\$8	\$4,875
Regional assets			
Lenco Bearcat (SWAT vehicle)	1	Westminster PD	
LDV Specialty Vehicles (Mobile Command Post)	1	Tri-Cities	
LRAD Long Range Acoustical Device	1	Westminster PD	
Kinetic Breaching Tool (KBT) Model 3-1000	1	SBPD	
Transcend Vantage Patrol Robot	1	Westminster PD	
Unmanned aircraft system	3	SBPD	



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

8.

FROM: Peter Grant, City Manager

DATE: 07/10/2023

SUBJECT: Receive an Update on the Strategic Plan Six-Month Objectives

RECOMMENDATION

Receive an update on the Strategic Plan six-month objectives.

DISCUSSION

The Strategic Plan establishes major goals and objectives for the City. It provides the principal guidance for the preparation of the budget and a plan for implementation and accountability. The Strategic Plan is among the City Council's most effective tools to improve services and preserve Cypress' high quality of life.

The City Council updated the Strategic Plan in March 2023, including a review of the existing plan, development of new six-month objectives, and a discussion of the City's strengths and accomplishments during the past six months. The attached matrices report the progress on the six-month objectives as of July 10, 2023.

A special City Council meeting will be held on September 14, 2023 to update the plan for the next six months.

BUDGET IMPACT

None.

LEGAL REVIEW

None.

APPROVED BY: Peter Grant, City Manager

Attachments

Six-Month Objectives

C I T Y O F C Y P R E S S

SIX-MONTH STRATEGIC OBJECTIVES

March 2023 – September 2023

THREE-YEAR GOAL: MAINTAIN INFRASTRUCTURE AND FACILITIES						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the July 10, 2023 City Council meeting	Public Works Director, working with the RCS Director	Recommend construction plans and specifications for reimagining Arnold Cypress Park.		X		
2. At the April 24, 2023 City Council workshop	Public Works Director, working with SCE	Present options for converting to LED streetlights.	X			
3. By Sept. 1, 2023	Public Works Director	Report the results of the right-of-way water conservation opportunities analysis to the City Manager		X		

C I T Y O F C Y P R E S S

SIX-MONTH STRATEGIC OBJECTIVES

March 2023 – September 2023

MAINTAIN FINANCIAL STABILITY AND PROMOTE ECONOMIC ACTIVITY						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the September 11, 2023 City Council workshop	Finance Director	Present options to accelerate Pension Trust funding to further offset CalPERS pension plan unfunded actuarial liabilities.		X		
2. At the September 11, 2023 City Council workshop	Planning Director	Recommend the Housing Element implementation public outreach plan.		X		
3. At the September 11, 2023 City Council meeting	Planning Director, working with the Economic Development subcommittee	Present options for the redevelopment/sale/transfer of the city-owned property at 5732 Lincoln Ave.			X	Notice of Availability closes August 14.
4. By June 30, 2023	Planning Director	Implement the first phase of the Pandemic Recovery Plan's Business Recovery and Support Program	X			
5. By July 31, 2023	Planning Director, working with the Business Park Advisory Committee	Present the Business Park Modernization land-use recommendations to the City Manager.			X	

C I T Y O F C Y P R E S S

SIX-MONTH STRATEGIC OBJECTIVES

March 2023 – September 2023

THREE-YEAR GOAL: ENHANCE AND MAINTAIN PUBLIC SAFETY						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. FUTURE	Police Chief, working with the Police Management Association and Police Officers' Association	Recommend an agreement with a consultant to support the update of the Police department's personnel evaluation system.			X	RFQ did not identify a system that meets the department's needs. Project under evaluation.
2. FUTURE	Police Chief, working with the Finance Director	Recommend the replacement of the Police department's mobile audio video systems and include options for automated license plate reader (ALPR) technology.		X		
3. By August 31, 2023	Police Chief	Provide Federal Emergency Management Agency required emergency management and incident command training to city staff.		X		
4. By September 15, 2023	Police Chief, working with the Police Management Association, Police Officers' Association, and the Finance Director	Present a strategy to deploy body worn camera to Police patrol personnel to the City Manager.		X		

C I T Y O F C Y P R E S S

SIX-MONTH STRATEGIC OBJECTIVES

March 2023 – September 2023

THREE-YEAR GOAL: ENHANCE RECREATION FACILITIES AND PROGRAMS						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By August 31, 2023	RCS Director	Negotiate agreements with Cypress College and Anaheim Union High School District for relocating pickleball and Cypress Girls Softball during Arnold Cypress Park construction.			X	
2. At the September 11, 2023 City Council meeting	PW Director, working with the RCS Director, Police Chief and Finance Director	Recommend an agreement for installation of security upgrades at Oak Knoll Park.		X		
3. By August 31, 2023	RCS Director, working with the RCS Commission	Present recommendations to update Park Regulations to the City Manager.		X		

C I T Y O F C Y P R E S S
SIX-MONTH STRATEGIC OBJECTIVES
 March 2023 – September 2023

THREE-YEAR GOAL: MAINTAIN HIGH QUALITY AND HIGH VALUE SERVICES FOR THE COMMUNITY						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the June 12, 2023 City Council meeting	Finance Director	Present the new online Budget Book.	X			
2. At the August 28, 2023 City Council meeting	City Clerk, working with the Finance Director	Recommend an agenda management and video streaming services system.		X		
3. At the April 24, 2023 City Council meeting	Finance Director	Recommend the replacement of the telephone system with cloud-based technology.	X			
4. Ongoing	City Manager and City Attorney, working with the City Council	Assess and respond to the California Voting Rights Act lawsuit and potentially consider changes to the City's system for electing Council Members.				



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

9.

FROM: Matt Burton, Director of Finance and Administrative Services

DATE: 07/10/2023

SUBJECT: Approve Settlement Agreement with Orange County Transportation Authority

RECOMMENDATION

1. Authorize the City Manager to approve a Settlement Agreement with the Orange County Transportation Authority; and
2. Appropriate \$10,465 in the City's General Fund for the preparation of a Streets and Right-of-Way Cost Allocation Plan.

SUMMARY

Based on a FY 2021-22 audit, OCTA determined Cypress did not meet Measure M2 maintenance of effort (MOE) requirements and has suspended the city's Measure M2 allocations until the city exceeds its FY 2022-23 and FY 2023-24 MOE expenditure requirement by \$1,381,048 and the MOE expenditures are audited. At that point, likely spring 2025, OCTA will return all suspended allocations to the city.

Importantly, the audit did not identify any fraud, misappropriation, or improper conduct of any kind. Rather, the audit focused on how the city documents and allocates indirect costs to General Fund streets and right-of-way programs to meet Measure M2 MOE requirements. The development of a cost allocation plan will resolve the audit finding and ensure it does not recur.

DISCUSSION

Measure M and M2

Orange County voters approved the Measure M half-cent sales tax in 1990 to fund transportation programs. In 2006, voters approved Measure M2 (M2) that extended the sales tax for 30 years. A portion of M2 revenues are allocated to local jurisdictions, including Cypress, on a per capita basis for eligible street, right-of-way and transportation purposes. Orange County Transit Authority (OCTA) oversees M2, including the annual review and approval of jurisdictions' projects and programs. OCTA audits M2 recipients approximately

every three to five years.

Maintenance of Effort

To be eligible for M2 funding, cities are required to maintain an annual minimum MOE using local discretionary funds (typically General funds) for streets and right-of-way. In FY 2021-22, Cypress' MOE requirement was \$3.6 million.

FY 2021-22 Audit

Since 1990, OCTA has audited Cypress at least a half-dozen times without any eligibility issues. However, during the FY 2021-22 audit OCTA's contract auditor expressed concern with the city's methodology for allocating indirect costs as part of its MOE calculation. FY 2021-22 was the first time the city encountered this issue and OCTA had never expressed concern during prior audits.

As has been our practice for 30 years prior to FY 2021-22, the city uses internal service funds to allocate costs to operating programs throughout all departments, including MOE programs that establish M2 eligibility. The activities allocated using internal service funds include liability insurance, building maintenance and office overhead, central services, equipment and vehicle maintenance and replacement, information technology and website maintenance. These allocations are determined in conjunction with the annual budget and use long-accepted, industry best practice methodologies based on a variety of factors.

MOE reporting classifies internal service fund allocations as indirect costs and, in FY 2021-22, OCTA required additional information to confirm the indirect costs. Specifically, OCTA indicated that the city should have a comprehensive cost allocation plan (CAP) to support the internal service fund allocation methodology and that the CAP should be reviewed and updated every three to five years.

Without a CAP as back-up, OCTA excluded \$1,381,048 of indirect costs from the city's MOE calculation. Again, it is important to note that the city met the MOE benchmark and spent the \$1,381,048 from the General fund on streets and right-of-way consistent with prior years. The audit finding is the result of OCTA applying, for the first time, a CAP standard for documenting indirect costs.

While the Finance and Administrative Services department does not fully agree with the audit finding or believe OCTA clearly communicated the CAP standard for documenting indirect costs, the city embraces the opportunity to improve its cost allocation methodology and enhance transparency.

Settlement Agreement

The recommended settlement agreement with OCTA (attached) documents the FY 2021-22 audit and identifies the process to restore M2 eligibility.

The agreement establishes that:

- OCTA will hold Measure M2 allocations until OCTA finds the city eligible
- OCTA will release all the Measure M2 allocations to the city after becoming eligible
- OCTA will expedite the audit of the city's FY 2022-23 and FY 2023-24 MOE expenditures
- The cost of the FY 2022-23 and FY 2023-24 audits will be deducted from future Measure M2 funds (each audit is estimated to cost \$10,000-\$15,000)

- The city's FY 2022-23 and FY 2023-24 MOE expenditures will exceed the MOE expenditure requirement for this two-year period by at least \$1,381,048
- The city will submit Measure M2 eligibility review materials consistent with current OCTA guidelines
- The city can continue to expend Measure M2 monies on eligible projects

Cost Allocation Plan

To restore M2 eligibility as quickly as possible, the city will engage a consultant to prepare a cost allocation plan to document the allocation of indirect costs street and right-of-way programs to OCTA standards.

A Request for Proposals for a Street and Right-of-Way CAP was released in June and proposals were received from three firms. After assessing the proposals and interviewing each firm, Revenue Cost Specialists (RCS) was selected based on its experience, work plan, and cost. RCS has prepared cost allocation plans and other costing services to municipalities since 1980 and recently developed a similar CAP for a nearby city. RCS's proposal (attached) is \$9,100, and with a 15% contingency, the agreement has a not-to-exceed total of \$10,465. The agreement will be executed under the City Manager's contract authority.

BUDGET IMPACT

The city receives approximately \$1.2 million of Measure M2 revenues from OCTA annually for street and right-of-way purposes and the Cypress Recreation and Park District receives about \$65,000 each year in M2 Senior Mobility Program funds used to pay for the bulk of the senior taxi voucher program. Until M2 eligibility is restored (expected in mid-2025) and deferred M2 allocations are remitted to the city/district, city/district General Fund amounts will backfill M2 allocations. The city/district have sufficient unallocated fund balance reserves to easily manage the cash flow.

OCTA will deduct the cost of the FY 2022-23 and FY 2023-24 audits (each audit is estimated to cost \$10,000-\$15,000) from future M2 allocations. Finally, the settlement agreement commits the city to invest at least \$1,381,048 in streets and right-of-way above the MOE requirement during these two years. While this is a significant additional investment, the city consistently exceeds the MOE requirement and the FY 2023-24 Budget includes sufficient General Fund appropriations to comply with the Settlement Agreement. Future budgets will incorporate the above impacts as necessary.

LEGAL REVIEW

The City Attorney has reviewed the Settlement Agreement between the City and OCTA.

APPROVED BY: Peter Grant, City Manager

Attachments

Draft Settlement Agreement Between OCTA and the City of Cypress
RCS CAP Proposal

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims (“Agreement”) is entered into as of the date upon which the last Party’s signature is affixed (the “Effective Date”) by and among the City of Cypress, a municipal corporation (“CYPRESS”) and the Orange County Transportation Authority, a public entity (“OCTA”).

CYPRESS and OCTA are sometimes individually referred to herein as a “Party” and collectively as the “Parties”.

RECITALS

A. Pursuant to Public Utilities Code Section 180050, OCTA’s Board of Directors (“Board”) has been designated as the Board of Directors for Orange County Local Transportation Authority (“OCLTA”) by the Orange County Board of Supervisors.

B. On July 24, 2006, the Renewed Measure M Transportation Ordinance and Investment Plan (“Ordinance”) was adopted pursuant to Public Utilities Code Section 180206. The Ordinance provides for needed countywide transportation facility and service improvements funded by a transaction and use tax of one-half of one percent (1/2%) for a period of thirty (30) years.

C. Pursuant to the Ordinance, OCTA, sitting as the OCLTA, is responsible for the administration of all aspects and requirements of the Ordinance and the Plan and the distribution of Net Revenues to Eligible Jurisdictions, as defined by the Ordinance.

D. Pursuant to the Ordinance, to be eligible to receive Net Revenues each jurisdiction is required, among other things, to annually maintain a certain minimum maintenance of effort amount of local discretionary funds (“MOE”) that is required to be expended by the jurisdiction for local streets and road purposes. OCTA is prohibited from allocating any Net Revenues to any eligible jurisdiction for any fiscal year until that jurisdiction has certified to the Authority that it has included in its budget for that fiscal year an amount of local discretionary funds for streets and roads purposes at least equal to the required MOE. An annual independent audit may be conducted by OCTA to verify that the maintenance of effort requirements are being met by the jurisdiction. Based upon these audits and other applicable information, OCTA, with the support of the Taxpayer Oversight Committee (“TOC”), annually determines eligibility for each jurisdiction.

E. Pursuant to Section 4.1 of the Measure M2 Eligibility Guidelines, failure to adhere to eligibility compliance components may result in suspension of Measure M2 funds until satisfactory compliance is achieved.

F. In Fiscal Year (FY) 2021-22, CYPRESS was required to expend \$3,607,878 in discretionary funds towards streets and roads in order to comply with its MOE requirement. As a result of an independent audit it was determined that CYPRESS reported \$3,892,903 in MOE

expenditures, of which \$1,666,073 was found to be ineligible or unsupported. This resulted in a shortfall of \$1,381,048 in CYPRESS' required MOE expenditures.

G. On May 22, 2023, OCTA's Board found CYPRESS ineligible to receive or apply for Net Revenues for its failure to comply with the applicable MOE requirements set forth in the Ordinance. The Board further directed that all payments of Net Revenues to CYPRESS be suspended until CYPRESS can demonstrate compliance with the Ordinance and the Board acts to find CYPRESS an eligible jurisdiction.

G.1 The Board further required CYPRESS to demonstrate supplemental investment in discretionary funds equal to the shortfall of discretionary investments in transportation in FY 2021-2022, as a condition of accessing suspended funds upon being found eligible to receive Net Revenues.

H. The Board further directed staff to negotiate and execute this Agreement to address the steps that will be required by CYPRESS to demonstrate compliance with the Ordinance.

Now, therefore, the Parties agree as follows:

1. OCTA

OCTA agrees as follows:

- A. OCTA shall withhold Measure M2 Local Fair Share ("LFS") distributions to CYPRESS until the OCTA Board takes action to find CYPRESS eligible to receive Measure M2 Net Revenues. If CYPRESS has not achieved eligibility by May 12, 2025, OCTA staff will seek further direction from the OCTA Board.
- B. OCTA shall withhold Measure M2 Senior Mobility Program ("SMP") distributions to CYPRESS until the OCTA Board takes action to find CYPRESS eligible to receive Measure M2 Net Revenues. If CYPRESS has not achieved eligibility by May 12, 2025, OCTA staff will seek further direction from the OCTA Board.
- C. OCTA shall withhold any and all payments on Measure M2 Comprehensive Transportation Funding Program ("CTFP") allocations to CYPRESS until the OCTA Board takes action to find CYPRESS eligible to receive Measure M2 Net Revenues. If CYPRESS has not achieved eligibility by May 12, 2025, OCTA staff will seek further direction from the OCTA Board.
- D. OCTA shall provide CYPRESS bi-monthly communications on the amount of withheld LFS, SMP and CTFP funds.
- E. OCTA shall release all of the above-withheld Measure M2 funds to CYPRESS only after a finding of eligibility by OCTA's Board. Said funds shall be released as soon as practicable. LFS and SMP funds will be released no later than ten (10) business days after the finding of eligibility by OCTA's Board. CTFP funds will only be

released if they have completed review and approval of CTFP project invoices from OCTA. Approved CTFP funds will be listed on the communication listed in Item D above.

- F. Upon notification to OCTA by CYPRESS that the City has finalized its Annual Comprehensive Financial Report (“ACFR”) reflecting an unmodified opinion issued by an external audit firm and receipt by OCTA of CYPRESS’ FY 2022-23 Expenditure Report by December 31, 2023 and FY 2023-24 Expenditure Report by December 31, 2024, OCTA shall use its best efforts to expedite an audit of the FY 2022-23 and 2023-24 Expenditure Reports and CYPRESS’ FY 2022-23 and 2023-24 MOE at CYPRESS’s cost.
- G. Once the audits addressed in Item F above are complete, OCTA staff will take a recommendation to the earliest possible OCTA Board of Directors meeting for action.

2. CYPRESS

CYPRESS agrees as follows:

- A. CYPRESS will ensure that its FY 2022-23 and 2023-24 MOE expenditures meet the minimum requirement and that the total MOE expenditure for FY 2022-23 and 2023-24 exceeds the total MOE expenditure requirement for FY 2022-23 and 2023-24 by no less than the shortfall amount for FY 2021-22 (\$1,381,048).
- B. CYPRESS shall submit any and all required Measure M2 eligibility review material, CTFP review material and SMP material to OCTA during the period of ineligibility consistent with the most current OCTA M2 Eligibility, CTFP and SMP Guidelines.
- C. CYPRESS shall accept the deduction of the cost of an independent audit of CYPRESS’ FY 2022-23 and FY 2023-24 Expenditure Reports and MOE requirements from future LFS disbursements. If CYPRESS has not reestablished eligibility by May 12, 2025, CYPRESS shall pay for said audits from City funds within thirty (30) days of the receipt of a written request from OCTA.
- D. CYPRESS shall notify OCTA in writing when the City’s FY 2022-23 and 2023-24 ACFR’s have been finalized. The ACFR’s must include an unmodified audit opinion issued by an external audit firm.

3. MUTUAL UNDERSTANDINGS

The Parties mutually agree:

- A. CYPRESS is not entitled to interest earnings on any withheld Measure M2 funds.

- B. CYPRESS may advance Measure M2 funded projects with other revenues during the suspension period, however, Measure M2 funds cannot be used to pay any internal borrowing costs.
- C. CYPRESS shall not be allocated any new funding from the CTFP unless the OCTA Board takes action to find CYPRESS eligible prior to the presentation of a project to the OCTA Technical Advisory Committee.

4. PROCESS FOR REESTABLISHMENT OF ELIGIBILITY

The Parties agree as follows:

- A. CYPRESS must include in the City's combined FY 2022-23 Expenditure Report and FY 2023-24 Expenditure Report a total of eligible MOE expenditures in the amount of not less than \$8,596,804. This amount includes \$3,607,878 of required FY 2022-23 MOE expenditures, \$3,607,878 of required FY 2023-24 and \$1,381,048 of MOE expenditure shortfall from FY 2021-22.
- B. CYPRESS must submit the FY 2022-23 Expenditure Report to OCTA by December 31, 2023. CYPRESS must submit the FY 2023-24 Expenditure Report to OCTA by December 21, 2024.
- C. CYPRESS must finalize the City's FY 2022-23 and FY 2023-24 ACFR's and notify OCTA. The ACFR's must include an unmodified audit opinion issued by an external audit firm.
- D. An independent audit firm engaged by OCTA's internal auditor will audit CYPRESS' FY 2022-23 and FY 2023-24 Expenditure Reports and MOE expenditures.
- E. If, based on the audit results, OCTA determines that CYPRESS has met the FY 2022-23 and 2023-24 MOE requirements, including making up the FY 2021-22 shortfall, and all other Measure M eligibility requirements for FY 2022-23 and 2023-24, OCTA staff will make a recommendation following the internal auditor's presentation of the audit results at the next regularly scheduled Board of Directors meeting to re-establish eligibility for the City.

5. RELEASE OF CLAIMS

- A. CYPRESS, including its respective officers, employees, agents and attorneys hereby releases and forever discharges OCTA, its respective Board Members, officers, employees, agents and attorneys from any and all claims related to and/or arising out of OCTA's finding on May 22, 2023 of non-eligibility of CYPRESS to

receive Net Revenues and resulting suspension of Net Revenues to CYPRESS. Claims shall include any and all causes of action, in law or equity, suits, liabilities, demands, damages, losses, costs or expenses of any nature whatsoever, including but not limited to attorneys' fees, litigation expenses, whether now known or unknown, which is has or might have asserted against OCTA.

B. Waiver of Civil Code Section 1542: To the extent applicable, CYPRESS expressly waives any rights or benefits under Civil Code Section 1542, which provides as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

In connection with this waiver, CYPRESS acknowledges that claims and facts in addition to or different from those which are now known or believed to exist may hereafter be discovered with respect to the subject matter of this Agreement or the other Parties hereto.

6. **GENERAL PROVISIONS**

A. Interpretation. Wherever the context so requires, the neutral gender shall include the masculine and feminine genders.

B. Warranty of No Assignment. Each Party hereby warrants and represents that it has not assigned, transferred, or conveyed, or purported to have assigned, transferred, or conveyed, to any person or entity any claim, demand, debt, liability, account, obligation, or cause of action herein released.

C. Warranty of Authority. Each individual signing this Agreement warrants and represents that he has full authority to execute on behalf of the entity on whose behalf he so signs, and that such signature is binding thereon.

D. Entire Agreement, No Reliance on Representations by Others. This Agreement contains the entire agreement and understanding concerning the subject matter herein and supersedes and replaces any prior negotiations and agreements between the Parties, or any of them, whether written or oral. Each Party acknowledges that no other Party or agent or attorney of any other Party has made any promise, representation, or warranty whatsoever, express or implied, not contained herein, concerning the subject matter hereof, to induce the other Party to execute this Agreement. Each Party acknowledges that it has not executed this Agreement in reliance upon any such promise, representation, or warranty not contained herein.

E. Binding on Successors and Heirs. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective assigns, successors and heirs.

F. Controlling Law. This Agreement is made and entered into in the State of California and shall in all respects be interpreted, enforced, and governed by and under the laws of California.

G. Modification. This Agreement may be modified only by a written agreement signed by all Parties hereto.

H. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original.

I. Payment of Costs. Except as such amounts may be included in this Agreement, each Party hereto shall be responsible for its own costs and fees, including attorneys' fees, incurred in connection with negotiating and drafting this Agreement.

J. Drafting of Agreement. This Agreement is a negotiated document and shall be deemed to have been drafted jointly by the Parties. This Agreement shall be interpreted and construed on the express assumption that the Parties participated equally in its drafting.

K. Headings and Titles. The headings and titles for the paragraphs of this Agreement are for convenience only and shall not alter the terms of this Agreement.

L. Waiver. Waiver by any Party of any breach or failure to exercise any right under this Agreement shall not be deemed a waiver of any subsequent breach or right. The failure of any Party to take action at the earliest possible time to redress any such breach or to exercise any such right shall not deprive such Party of the right to take action at any subsequent time while such breach or condition giving rise to such right continues.

M. Time of the Essence. Time is of the essence for this Agreement and for each term and condition hereof.

N. Notice. Any notice, request, demand, instruction, or other communication to be given to any Party hereunder shall be in writing and personally delivered or sent by first class mail, as follows:

If to CYPRESS:

City of CYPRESS
5275 Orange Avenue
Cypress, CA 90630
Attention: City Manager

With a copy to:

If to OCTA:

Orange County Transportation Authority
600 South Main Street
Orange, CA 92863
Attn: Darrell Johnson
Chief Executive Officer

With a copy to:

James Donich, General Counsel
Woodruff & Smart
555 Anton Boulevard, Suite 1200
Costa Mesa, CA 92626

Notice shall not be deemed given unless and until notice is given to all addressees to whom notice must be sent. The addresses and addressees for the purposes of this Section may be changed by giving written notice of such change in the manner provided in this Section.

O. Representations. The Parties make the following material representations with the understanding that each of them enters into this Agreement in reliance upon each of these representations and that without these representations, none would enter into this Agreement.

P. Representation re Understanding and Consultation with Counsel. Each of the Parties warrants and represents that it has read and understands this Agreement, and that each Party has had adequate time to consult with its counsel and review this Agreement.

Q. Good Faith and Further Assurances. The Parties agree that they will act in good faith in abiding by the terms of this Agreement, and in carrying out the obligation of each Party set forth herein. So long as authorized by applicable laws to do so, each Party to this Agreement will do such further acts and execute, acknowledge, and deliver all further documents as may be necessary to fully effectuate the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement.

Dated: _____

CITY CYPRESS

APPROVED AS TO FORM:

By: _____
Peter Grant, City Manager

City Attorney

Dated: _____

Dated: _____

ORANGE COUNTY TRANSPORTATION
AUTHORITY

APPROVED AS TO FORM:

By: _____

Darrell E. Johnson
Chief Executive Officer

James M. Donich, General Counsel

Dated: _____

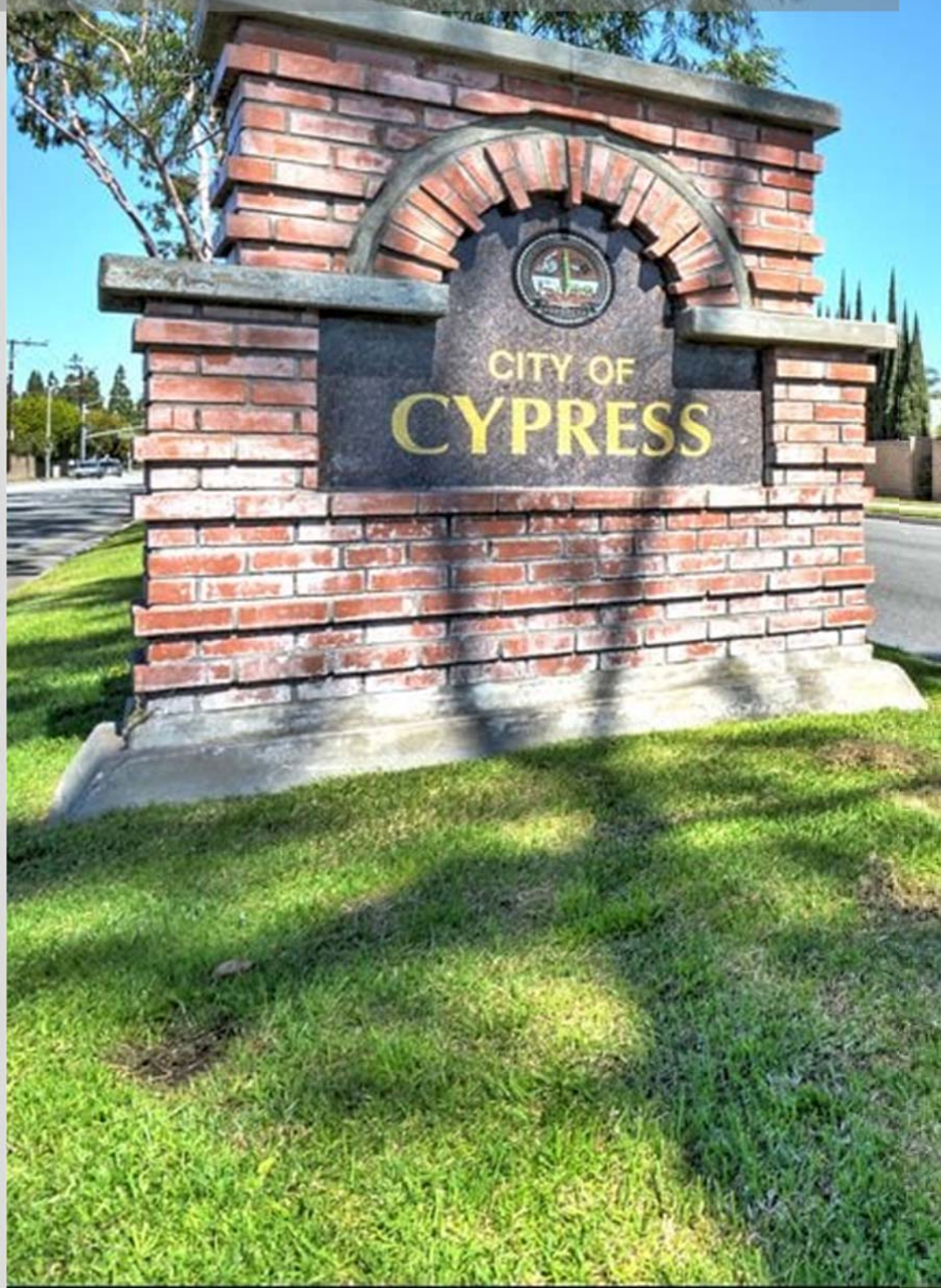
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DRAFT

Proposal for the City of Cypress

Cost Allocation Plan for

Public Works Right-Of-Way Activities



1519 E Chapman Ave
Suite C
Fullerton, CA 92831
(714) 992-9020
www.revenuecost.com

Cover Letter 3

Abilities and Experience..... 5

Work Plan 11

Cost Summary Separate File





June 19, 2023

Jason Machado, Senior Management Analyst
City of Cypress, Finance Department
5275 Orange Avenue
Cypress, CA 90630

Proposal for a Cost Allocation Plan for Public Works Right-Of-Way Activities

Revenue & Cost Specialists, LLC (RCS) appreciates this opportunity to provide the City of Cypress with this proposal for a Cost Allocation Plan for Public Works Right-Of-Way Activities. We have been providing cost allocation plans and other costing services since 1980, making us the first and foremost expert in costing services for California. RCS' skill set will generate maximum accountability for the City of Cypress. We have a history of delivering quality reports with defensible data that can be acted on and adopted.

Our processes are straightforward, and the information provided by RCS will allow staff, City Council and other stakeholders to make rational, informed policy decisions. We strive to ensure that you will be able to confidently stand behind the information and recommendations in the Report. As former city staff ourselves, we understand how Cypress operates, what you want, and that your time is precious.

With 43 years in business, RCS plans to provide timely support to Cypress for years to come. The terms of this proposal will be honored for 90 calendar days from the date of submittal. Please contact Eric at (714) 992-9027 or eric@revenuecost.com with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric S. Johnson", written over a light blue horizontal line.

ERIC S. JOHNSON
President

A handwritten signature in black ink, appearing to read "Chu Thai", written over a light blue horizontal line.

CHU THAI
Vice President



RCS Contacts

Revenue & Cost Specialists
1519 E Chapman Ave, Ste C
Fullerton, CA 92831

www.revenuecost.com



Eric Johnson

President

714-992-9027

Eric@revenuecost.com



Chu Thai

Vice President

714-992-9024

Chu@revenuecost.com



ABILITIES AND EXPERIENCE

ABOUT RCS

RCS (Taxpayer ID No. 330787781) was founded in 1980 by two former City Managers and a Finance Director who, after the passage of Propositions 13 and 4, discovered that user fees were a legal option to recover lost municipal revenues. Forty-one years later, Revenue & Cost Specialists continues its focus on cost allocation and user fee calculation services.

After the passage of AB 1600 in 1988, our company added impact fee calculation services to help municipalities finance public facility expansion. In those early years, RCS principals published articles and presented at conferences on how user fees and impact fees worked.



By the mid-1990s, RCS was a company with 25 employees, yet we were not happy with the business model. We strategically downsized, and the remaining four principals focused on service delivery, no longer worrying about revenue growth or competing market shares. Now, RCS principals commit resources to client satisfaction and long-term relationships. To this day, RCS continues to thrive through repeat business, referrals and references. As a small business, RCS takes only a handful of new clients each year, allowing us to spend substantial time with them.

In 2000, RCS created Government Software Systems to develop robust costing software that serves fee calculation needs better than spreadsheets. Our company has provided additional services to municipalities that include long-range financial planning, accounting procedures and utility rate studies.

In 2023, RCS celebrates its 43rd year in business and is looking forward to another 40+ years of partnering with municipalities.

COMPANY QUALIFICATIONS AND EXPERIENCE

RCS is a Limited Liability Company which has been financially stable since the company started. Combined, RCS principals have over 100 years of experience in cost allocation plans and fee studies and have served over 250 municipalities. We have provided these services to a wide array of public agencies, from the smallest special district to larger and more complex cities and counties. Though based in Orange County, we engage in projects throughout the State of California.



RCS principals specialize in:

- Cost Allocation Plans
- User Fee Studies
- Development Impact Fee Studies
- Special studies and reports supporting municipal financial management

These specializations allow RCS to focus on every aspect of municipal fees and be the best of what we do. We are confident in our project time estimates and do not respond to RFPs when the project workload would exceed our capacity. We have suggested new fees that are not common practice throughout the state and have challenged and removed municipal fees that were not defensible. We have assisted municipalities in streamlining their fee-based processes.

CYPRESS PROJECT TEAM

While all RCS principals have worked independently on projects, Eric Johnson and Chu Thai would both be involved in the project. Prior to the project kick-off, we will designate one principal as the Project Manager and primary contact. The other principal will work behind the scenes, compiling and analyzing the data.

RCS assigns two principals for several reasons. Often, both principals will attend the public hearing because two are better than one at convincing the policy makers. Two principals allow us to discuss high-level issues for each project. Most important to RCS, we want our principals to build long-term relationships with all our clients.

RCS may assign additional specialists to the project to help maintain the proposed schedule and ensure the quality of the product. For the sake of continuity, only RCS principals will interact with City staff, as our specialization and expertise will allow staff to focus on other City functions. We thoroughly understand and will be involved in every phase of the fee study, advising City staff when necessary.

RCS resumes for the project team are included in this proposal on the following pages.



Eric S. Johnson President

EDUCATION

Bachelor of Arts in Political
Science - University of
Redlands

AFFILIATIONS

California Society of
Municipal Finance Officers

Government Finance Officers
Association

Mr. Johnson serves as President of Revenue & Cost Specialists with over 30 years of professional knowledge in cost recovery model and user fee studies. He focuses on providing a positive experience for RCS clients, which minimizes staff interruptions yet still produces a comprehensive, defensible study that is adopted by the governing board.

Municipal Experience

City of Redlands – Redevelopment Intern (1987-1989)

Relevant Project Experience

City of Long Beach – Comprehensive Fee Study: Mr. Johnson is performing a three-year comprehensive update of Long Beach’s fees starting in 2019. The first phase of the project was approved by the City Council in 2021.

City of Santa Clarita – Cost recovery model and Comprehensive Fee Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2017 and also annually updates the Cost Allocation Plan. RCS has been providing these services for the City since 1995.

City of Lancaster – Cost recovery model and Comprehensive Fee Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2019 and also annually updates the Cost Allocation Plan. RCS has been providing these services for the City since 2006.

City of El Segundo – Cost recovery model and Comprehensive Fee Study: Mr. Johnson developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2018 and also annually updates the Cost Allocation Plan. RCS has been providing these services for the City since 2008.



Chu Thai Partner

EDUCATION

Claremont Graduate University – Completed coursework towards Masters in Public Policy

Cal State Northridge – MA Public Administration

Cal Poly, Pomona – BS in Urban and Regional Planning

AFFILIATIONS

California Society of Municipal Finance Officers (CSMFO – Board Member)

Government Finance Officers Association (GFOA)

International City/County Management Association (ICMA) (Cal-ICMA)

Municipal Information Systems Association of California (MISAC)

Mr. Thai provides multiple aspects to the implementation of user fees, impact fees and utility rates. His experience as a municipal finance officer helps clients reach their goal of fee adoption. Chu keeps current of all legal policies which impact the noticing, calculation and reporting of fees.

Municipal Experience

Impact Fees: Cities of Morgan Hill and Monterey Park

Utility Rates: Cities of Morgan Hill, Beverly Hills, South Pasadena and Monterey Park

User Fees: Cities of Claremont, Morgan Hill, Beverly Hills, South Pasadena and Monterey Park

Director of Management Services, City of Monterey Park, CA

- Managed department of 15 to provide financial planning and reporting, revenue collections, treasury, information technology, telecommunication and support services
- Improved city's revenues through updated user fees, utility rates, and impact fees
- Conducted long-term financial forecasting and analysis
- Streamlined and enforced purchasing process

Administrative Services Director, City of Eastvale, CA

- Managed department providing general accounting, accounts payable, purchasing, payroll, business tax, treasury, IT and communication services
- Updated the City's Investment Policy and strategy
- Developed long-term revenue strategy
- Performed communications audit and reduced expenses by 75%

Finance Director, City of South Pasadena, CA

- Outsourced utility billing and customer service
- Completed \$43.4 Million Water Bond Issuance and \$12 Million Refunding
- Coordinated the passage of Utility Users Tax Ballot Measure
- Negotiated lease agreements for city property and cell towers



Chu Thai

Vice-President

Municipal Experience (continued)

Budget and Management Officer, City of Beverly Hills, CA

- Managed \$400 million citywide budget for 750 full-time employees
- Developed comprehensive capital improvement program
- Developed quarterly performance report presented to the City Council
- Implemented performance-based budget, including goals and objectives
- Updated the city's user fees and utility rates

Budget Manager, City of Morgan Hill, CA

- Managed utility billing, purchasing, business license and accounts receivable functions
- Coordinated IT overhaul, including finance, utility billing and recreation software conversions, standardization, training, disaster recovery and outsourcing.
- Developed pro-formas for proposed aquatics and community centers
- Updated the city's impact fees, user fees and utility rates

Senior Management Analyst, City of Tustin, CA

- Coordinated the City's \$80 million operating and CIP budget with all departments
- Managed finance software upgrade, focusing on departmental reports
- Deployed online payment system for utility customers

Management Analyst, City of Claremont, CA

- Assisted in the development of effective parks and recreation programs
- Assisted in the construction and programming of the Claremont Youth Activity Center, Claremont Skate Park and Hughes Community Center
- Coordinated budget and evaluated cost recovery for the department



REFERENCES

The following are municipal agencies that requested the same components outlined in the City's RFP. We have also included a comprehensive list of clients throughout the years.

Jurisdiction	Contact	Title
City of Beaumont	Jennifer Ustation (951) 572-3236	Finance Director justation@beaumontca.gov
RCS is updating the City's full and OMB cost allocation plan, and comprehensive user fee. The Fee Study is being presented to the City Council.		
City of El Segundo	Joseph Lillio (310) 524-2315	Director of Finance jlillio@elsegundo.org
RCS completed a Cost Allocation Plan and Comprehensive Fee Study for the City in 2018. The City Council adopted changes to its fee schedule, including Building fees. RCS is currently contracted to evaluate their Aquatics program and revenue collections procedures.		
City of Lompoc	Dean Albro (805) 736-1261	City Manager d_albro@ci.lompoc.ca.us
RCS assisted the City of Lompoc update their Impact Fees in 2018, and currently updating their User Fees. We are preparing the final report for review and presentation to the City Council.		
City of Lathrop	Cari James (209) 941-7320	Finance Director cjames@ci.lathrop.ca.us
RCS has been updating Lathrop's cost allocation plan since 2000.		
City of Santa Clarita	Carmen Magana (661) 255-4997	Admin Services Director cmagana@santa-clarita.com
RCS developed a Cost Allocation Plan and Comprehensive Fee Study for the City most recently in 2014 and also annually updates the Cost Allocation Plan. RCS has been providing these services for the City since 1995.		



WORK PLAN

RCS will perform an OMB Compliant Cost Allocation Plan which meets reporting requirements for State Gas Tax, State SB 1 Road Maintenance and Rehabilitation Account (RMRA), and Measure M2 monies received through the Orange County Transit Authority (OCTA). The Office of Management and Budget (OMB) 2 Code of Federal Regulations (CFR) Part 225 Compliant Cost Allocation Plan is required to be based on audited actual expenditures. RCS will use the FY 2021-22 audited expenditures. For the time allocations to the various central services the OMB Circular requires verifiable time allocations. Therefore, RCS will work with City staff to determine the level of time detail that exists. Most likely this will require time allocations at the divisional level. The result will be a Cost Plan with appropriate overhead rates for each department and division so that staff may be charged to federal grant programs.

Task 1: Prepare City Data

RCS will review and prepare necessary files for the project. This includes obtaining and reviewing line-item budget details and salary schedules.

Task 2: Identify Central Services and Allocation Factors

RCS will identify and review central services and allocate staff time and costs for those services. Examples of central services include finance, human resources, information technology and facility maintenance. Typical information needed for this study includes number of employees, computers, and square footage by departments.

Task 3: Discuss Cypress Internal Service Funds

RCS will discuss and recommend best practices for reporting and updating internal service funds. This discussion is necessary to make sure indirect costs are not double-counted.

Task 4: Develop Cost Allocation Plan

RCS will develop the allocation factors for each central service identified in the above task. These factors will form the basis for determining fully burdened hourly rates and allocating central service costs.

Task 5: Initial Review of Cost Allocation Plan

RCS will prepare a draft Cost Allocation Plan and review it with the City, making any necessary adjustments to ensure that costs are allocated properly.



Task 6: Prepare Final Cost Allocation Plan

RCS will then prepare a Final Report with allocations to end user departments.

Task 7: Assist staff in reporting

RCS will then work with City staff on submitting the Cost Plan to the relevant agencies and work with those agencies until the Cost Plan is approved.

IMPLEMENTATION TIMELINE

RCS is available to begin work in July 2023 or any time after. This schedule, of course, will require the cooperative participation of City staff.

Cost Allocation Plan Project Timeline	July 2023	August 2023
Prepare City Data		
Identify Central Services and Allocation Factors		
Discuss Cypress Internal Service Funds		
Develop Cost Allocation Plan		
Initial Review of Cost Allocation Plan		
Prepare Final Cost Allocation Plan		

ONSITE MEETINGS AND VIDEO CONFERENCING MEETINGS

RCS is available to be onsite at the City for the project kick-off meeting and all working meetings occurring the same day. RCS will utilize our Zoom account, or any video conferencing platform of the City's choosing, to facilitate all other working meetings.

CLIENT INPUT

RCS will make every effort to advise, seek input from and, in general, explain the work as it is being performed. For a project to be completed successfully, we depend on dedicated and engaged staff participation. The City should designate a Project Coordinator for the fee study who will:

- 1) Identify key City staff and coordinate the kick-off meeting(s)
- 2) Assist in obtaining requested information
- 3) Coordinate the review of draft reports, and
- 4) Provide project direction if needed



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

10.

FROM: Alisha Farnell, City Clerk

DATE: 07/10/2023

SUBJECT: Receive an Update and Potentially Provide Direction on City Council Meeting Agenda and Format Revisions

RECOMMENDATION

Receive an update and potentially provide direction on City Council meeting agenda and format revisions.

DISCUSSION

In February and March, the City Council held a workshop and approved updates to its meeting agenda structure. The updates were based on a survey of the other 33 cities in Orange County and a best practices assessment of the City Council meeting structure and virtual public participation. The updates produced an agenda that is easy to read and understand; promotes efficient and effective meetings; encourages public participation; is transparent; and is easy for the Mayor and City Clerk to administer.

In summary, the updates which began rolling-out in March:

- Streamlined the agenda by moving routine, recurring public participation, invocation and Americans with Disabilities Act (ADA) advisements to the end of the agenda
- Made the *Consent Calendar* the first order of business
- Added *Items Removed From the Consent Calendar* to the agenda after *New Business*
- Clarified the title of *Council Member Reports and Remarks* to *Council Member Reports from City-Affiliated Boards and Committees, and Remarks*
- Added *Council Member Items for Future Consideration* to the agenda after *Council Member Reports from City-Affiliated Boards and Committees, and Remarks*
- Established more focused and orderly Oral Communications/Public Hearings with the introduction of a process for virtual participants to indicate their desire to speak

The City Council has held seven meetings using its updated agenda. This item provides the opportunity to assess the revisions and for the City Council to consider adjustments.

Agenda Structure/Meeting Operation

The updated agenda structure has made meetings easier for the Mayor and City Clerk to

manage, improved the process for considering consent calendar items, and provided more structure for comments on agenda items prior to City Council action. No changes to the updated agenda structure are recommended.

Virtual Participation

Cypress City Council meetings allow more virtual participation than most Orange County cities and creating a structure through which virtual participants can indicate their desire to speak has made meetings more manageable for the City Clerk. Neither the City Council, City Clerk nor City Manager's offices has documented any concern from virtual participants about the updated virtual hand raising process. To monitor the updated virtual speaker process' effectiveness, the City Clerk's Office began tracking virtual participation in March. The City Council has had six meetings with general session and meetings have averaged about seven virtual participants and about two virtual speakers. Virtual participants may be residents, interested parties from outside Cypress, or city staff/consultants. Virtual participation was not tracked prior to March, and meeting participation (in-person and virtual) is generally determined by items on a given meeting agenda, making historical comparisons unproductive. In the six meetings with general session since the update, a total of six individuals have made virtual comments. People making virtual comments typically speak more than once during a meeting and comment at most City Council meetings. The number of virtual speakers since the agenda update is consistent with the number of virtual speakers prior to the update, especially when accounting for the routine nature of the recent City Council agendas.

Meeting	Virtual Participants	Virtual Speakers Agenda Items	Virtual Speakers Items Not On Agenda	Virtual Speakers Public Hearings
3/27/2023	8	1	3	1
4/10/2023	10	1	3	2
4/24/2023	6	2	2	N/A
5/8/2023	8	1	3	N/A
5/22/2023	Closed	Session	Only	N/A
6/12/2023	9	0	2	N/A
6/26/2023	3	0	0	0

The March 13, 2023, agenda item and all its attachments are attached.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

230313 Agenda Item & Attachments



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

Item # 8.

FROM: Peter Grant, City Manager

DATE: 03/13/2023

SUBJECT: **Approve Updates to City Council Meeting Agenda Structure and Discuss Meeting Location and Cablecast/Streaming**

RECOMMENDATION

Approve updates to City Council meeting agenda structure.

DISCUSSION

At its February 13 meeting, the City Council held a workshop to review its meeting agenda structure. The City Clerk led a presentation (attached) of the results of a best practices assessment of the City Council meeting structure and virtual public participation. The attached recommendations are intended to produce an agenda that is easy to read and understand; promotes efficient and effective meetings; encourages public participation; is transparent; and is easy for the Mayor and City Clerk to administer.

All the recommendations are based on a survey of the other 33 cities in Orange County. The survey was conducted before the Governor lifted California's pandemic state of emergency (and related virtual public meeting rules) and it found that only 15 of 34 Orange County cities (44%) allow virtual public participation at city council meetings. The number of cities permitting virtual public participation at city council meetings is anticipated to decrease with the end of the state of emergency. All the workshop recommendations were drawn from other Orange County cities' city council meeting agendas.

Summary of the Workshop Recommendation

The workshop recommendations are attached (along with options that capture City Council input from the workshop). In summary, the recommendations:

- Streamline the agenda by moving routine, recurring public participation, invocation and Americans with Disabilities Act (ADA) advisements to the end of the agenda
- Make the *Consent Calendar* the first order of business
- Add *Items Removed From the Consent Calendar* to the agenda after *New Business*
- Clarify the title of *Council Member Reports and Remarks* to *Council Member Reports from City-Affiliated Boards and Committees, and Remarks*
- Add *Council Member Items for Future Consideration* to the agenda after *Council Member Reports from City-Affiliated Boards and Committees, and Remarks*
- Establish more focused and orderly Oral Communications/Public Hearings

Consent Calendar and Items Removed from the Consent Calendar

The Consent Calendar serves to expedite meetings and reserve time for matters that need to be discussed. Items on the Consent Calendar are generally non-controversial and do not require much, if any, discussion. The Consent Calendar allows the City Council to group such items together under a single heading and decide them at one time. The City Council has a procedure for removing an item from the Consent Calendar for separate discussion. This enables the item to be considered and voted upon separately if discussion is needed or if a Council Member needs to disqualify themselves because of a conflict of interest. Adding *Items Removed from the Consent Calendar* to the agenda makes it easier for the Mayor and City Clerk to track those items during the meeting and provides department directors the opportunity to review the agenda report and prepare a brief presentation/answer questions from the City Council.

Oral Communications

Several adjustments to oral communications are recommended to enhance City Council meeting participation and encourage residents to engage with, rather than "talk at," Council Members. Currently, each oral communication period operates differently and speakers sometimes express frustration with awkward Brown Act rules that prohibit Council Members from engaging on items that do not appear on the meeting agenda. The recommended oral communications periods have distinct titles: (1) *Oral Communications on Closed Session / Workshop Items* (limited to 30 minutes and three minutes per speaker); (2) *Oral Communications on Agenda Items* (three minutes per speaker, no limit on total time); (3) *Public Hearings* (three minutes per speaker, no limit on total time); and (4) *Oral Communications on Items Not on the Agenda* (three minutes per speaker, no limit on total time). In-person participation during *Oral Communications on Closed Session / Workshop Items* is recommended because the City Council does not take action in workshops and (infrequent) action in Closed Session is reported/approved during a General Session. This recommendation also protects the city from user errors/technology failures that have enabled outsiders to eavesdrop during other cities' Closed Sessions. In-person participation during *Oral Communications on Items Not on the Agenda* is recommended to maintain the meeting's focus on City Council business and to encourage communication with the City Council in a setting when Council Members can engage with residents. To further this goal, each oral communication period includes the following statement: *Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.* In-person and virtual participation is recommended for *Oral Communications on Agenda Items* and *Public Hearings*. It is also recommended that the public continue to have the option to submit comments via email to cityclerk@cypressca.org. Comments submitted by 3:00 p.m. on the day of the meeting are added to the City Council agenda as a Consent Calendar item. During the February 13 workshop, the City Council expressed a preference for in-person and virtual participation during *Oral Communications on Items Not on the Agenda*. The *City Council Workshop Preference* is distinguished from the *Workshop Recommendation* on the attached agenda template and a motion to approve the agenda structure update should indicate if the motion is for the *City Council Workshop Preference* or the *Workshop Recommendation*. Statistics from 21 Cypress City Council meetings leading into the pandemic and 26 meetings after the City Council returned to in-person meetings are attached.

Next Steps

Updates to the City Council agenda structure must be reflected in the Municipal Code. If the City Council approves the agenda structure update, changes to the Municipal Code will appear as a Consent Calendar item at an upcoming meeting and the updated agenda structure will be in effect 30 days after the Municipal Code update.

Meeting Location and Cablecast/Streaming

City Council meetings sometimes include a Workshop (many cities refer to this portion of a meeting as a study session), which provides the City Council the opportunity to take a deep dive into an important or complicated issue. The City Council does not take action in Workshops, rather this portion of the meeting is a classroom-style brainstorming session where Council Members and

department directors engage in discussions designed to create synergy and stimulate questions and dialogue. To foster this environment, the City Council holds Workshops in conference rooms rather than the Council Chambers, because the Council Chambers was designed to create distance between Council Members and its advisors/the public, and physically places Council Members above everyone else in the room.

Workshops are open to the public and, since the pandemic, may be attended virtually. Workshop audio is synched to any presentations and is available from the City Clerk's office, but is not posted on the website because of technological limitations. Requests for Workshop recordings or presentations are exceedingly rare. While the city does not track such requests, the City Clerk's office cannot recall more than a handful of requests from Council Members and a single resident since 2018.

Past City Councils placed such a high value on the teamwork and collaboration generated by Workshops that the city has a longstanding practice to hold Workshops in a conference room setting and not cablecast/stream them. The only city meeting room with the technology required to cablecast/stream is the Council Chambers and the cost to outfit a city conference room with the appropriate technology is exceedingly high when considering how infrequently the City Council holds Workshops. In 2022, the City Council only held one Workshop that was not part of the Budget development process. The City Council also conducts confidential Closed Sessions in the same room as Workshops and the cablecast/streaming technology would present an information security risk.

If any action arises from Workshop discussion, the item comes before the City Council for consideration in a General Session, which is held in the Council Chambers and cablecast/streamed. The Budget development process is an excellent example: typically, the City Council is briefed in Workshops that focus on different aspects of the city's financial condition, policies, and the proposed Budget and Capital Improvement Plan. Many of the Workshop sessions are accompanied by New Business items considered in General Session (the Mid-Year Budget and Capital Improvement Plan Updates are recent examples). Budget-related Workshops begin in February and culminate in June when the City Council receives thorough presentations from the Finance Director and Public Works Directors in General Session and considers the annual Budget and Capital Improvement Plan as New Business items.

The city's executive team believes Workshops are of great value to Cypress and that the more causal, back-and-forth exchanges between Council Members and department directors result in better recommendations to the City Council later in General Session. Changing the location of Workshops or cablecasting/streaming them is likely to degrade this powerful teamwork environment. Accordingly, it is recommended that the City Council maintain its existing approach to Workshops. One option for the City Council to consider is directing the City Manager to evaluate the technology and cost required to post Workshop audio recordings to the website. However, given the low level of interest in Workshop recordings, the return on this expense is likely to be very low.

BUDGET IMPACT

None.

LEGAL REVIEW

The City Attorney participated in developing the agenda structure update.

APPROVED Peter Grant, City Manager
BY:

Attachments
Workshop PPT
Meeting Data
Agenda Template

Review of City Council Meeting Agenda Structure



Prior Agenda Updates

- 2016 - significant adjustments to implement new agenda management, streaming and video archive system (*Agenda Quick*)
- Spring 2020 - significant modifications in response to the pandemic
- Summer 2021 - refined to current version
- Early 2023 – recommendations under review



Guiding Principals

- Easy to read and understand
- Promotes efficient and effective meetings
- Encourages public participation
- Transparent
- Easy for Mayor and City Clerk to administer



Best Practices Review

- Surveyed agenda from all 34 OC cities
- Every city has a different agenda format!
- Only 15 of 34 cities (44%) permit virtual participation
- All recommended changes are drawn from other OC city agendas





www.cypressca.org

**AGENDA
REGULAR MEETING
CYPRESS CITY COUNCIL
DATE
TIME - Closed Session / Workshop
TIME - Open Session**

**Council Chambers
5275 Orange Avenue
Cypress, California**

Interested in speaking to the City Council? Information about participating in the City Council meeting appears at the end of the agenda.

CALL TO ORDER

TIME
Executive Board Room

ROLL CALL

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

ORAL COMMUNICATIONS ON CLOSED SESSION / WORKSHOP ITEMS

(Limited to 30 minutes and three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on closed session/workshop items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

CLOSED SESSION / WORKSHOP

RECONVENE

TIME
Council Chambers

ROLL CALL

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

PLEDGE OF ALLEGIANCE

INVOCATION

REPORT OF CLOSED SESSION / WORKSHOP

City Manager/City Attorney

PRESENTATIONS

ORAL COMMUNICATIONS ON AGENDA ITEMS

(Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on agenda items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

CONSENT CALENDAR

All matters listed on the Consent Calendar are approved with one motion unless a Council Member requests further discussion of an item.

PUBLIC HEARINGS

(Three minutes per speaker)

The public may address the City Council on public hearing items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first.

NEW BUSINESS

ITEMS REMOVED FROM THE CONSENT CALENDAR

ITEMS FROM COUNCIL MEMBERS



ORAL COMMUNICATIONS ON ITEMS NOT ON THE AGENDA

(Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on any item within the subject matter jurisdiction of the City Council. Although Council Members may provide brief responses, the City Council may not discuss nor take action on items that are not on the agenda. Please complete a Speaker's Card to address the City Council in-person. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

COUNCIL MEMBER REPORTS FROM CITY-AFFILIATED BOARDS AND COMMITTEES, AND REMARKS**COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION****CITY MANAGER REMARKS****ADJOURNMENT**

The next meeting will be an adjourned Regular Meeting, to be held on Monday, MONTH DAY, YEAR, beginning at 5:30 P.M. in the Executive Board Room.

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted on the City Hall bulletin board and the City's website not less than 72 hours prior to the meeting. Dated this DAY of MONTH, YEAR.

Alisha Farnell, City Clerk

PUBLIC PARTICIPATION

Members of the public can participate in the City Council meeting in the following ways:

1. Attend In-Person. First-come, first-served seating is available in the Council Chambers. All attendees must be free of any symptoms associated with contagious illnesses.
2. Attend Virtually via Webinar.
Follow this link: <https://attendee.gotowebinar.com/register/6682541831096695382>. Advance registration is recommended.

The public may address the City Council virtually during Oral Communications on Agenda Items/Public Hearings. Virtual participants must click the 'hand raise' button prior to the end of the first in-person speaker to indicate they wish to address the City Council. Upon clicking the 'hand raise' button, please unmute your microphone and wait for the Mayor/City Clerk to call on you.



= Hand Raise



= Unmute

3. Submit Public Comments Prior to the Meeting. The public may submit comments via email to cityclerk@cypressca.org. Comments submitted by 3:00 p.m. on the day of the meeting will be added to the City Council agenda as a Consent Calendar item.
4. Watch the Meeting. The City Council meeting can be viewed on Spectrum Cable Channel 36 or on the City's website at www.cypressca.org/watchlive.
5. Listen to the Meeting. Listen-only teleconferencing is available by calling (213) 929-4212 and entering Access Code 393-665-422. No registration or audio pin is necessary.

INVOCATION POLICY

The City Council does not endorse the content of the invocation and does not endorse the invitational speaker's particular faith, belief and/or religious denomination. The City Council has an established neutral policy for selecting and scheduling invitational speakers that is available from the City Clerk.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



Recommendation

- Discuss and provide direction regarding updating the City Council meeting agenda format

Next Steps

- City Council consideration of revised meeting agenda format in General Session on February 27
- New format in place in April (if approved)



Oral Communications Summary

Oral Communications	Current	Recommended	Type
Closed Session/Workshop	3 min/speaker	3 min/speaker	In-person comments only; Must address agenda item
First Period → Items on the Agenda	30 min. and 3 min/speaker	3 min/speaker	In-person and virtual comments; Must address agenda item
Public Hearings	5 min/speaker	3 min/speaker	In-person and virtual comments; Must address public hearing item
Second Period → Items Not on the Agenda	5 min/speaker	3 min/speaker	In-person comments only; Must address city business



	1st OC	In Person	Virtual	30 Min Cap?	2nd OC	In Person	Virtual	Spoke in Both	Mtg Length
2/11/2019	0	0	N/A		0	0	N/A	0	00:55
2/25/2019	2	2	N/A		0	0	N/A	0	00:29
3/25/2019	12	12	N/A	Yes	1	1	N/A	1	01:57
4/8/2019	1	1	N/A		0	0	N/A	0	00:46
4/22/2019	4	4	N/A		0	0	N/A	0	00:59
5/13/2019	1	1	N/A		0	0	N/A	0	00:59
5/28/2019	2	2	N/A		0	0	N/A	0	00:51
6/10/2019	2	2	N/A		0	0	N/A	0	00:56
6/24/2019	1	1	N/A		0	0	N/A	0	00:45
7/8/2019	3	3	N/A		0	0	N/A	0	02:23
8/26/2019	1	1	N/A		0	0	N/A	0	00:29
9/9/2019	0	0	N/A		0	0	N/A	0	00:40
10/14/2019	1	1	N/A		0	0	N/A	0	00:44
10/28/2019	4	4	N/A		3	3	N/A	2	01:27
11/12/2019	6	6	N/A		0	0	N/A	0	01:32
11/25/2019	0	0	N/A		0	0	N/A	0	01:42
12/9/2019	3	3	N/A		1	1	N/A	0	01:42
1/13/2020	12	12	N/A	Yes	6	6	N/A	0	01:31
1/27/2020	4	4	N/A		2	2	N/A	2	01:33
2/10/2020	7	7	N/A		2	2	N/A	1	00:57
2/24/2020	1	1	N/A		0	0	N/A	0	00:59
Average	3.2				0.7			0.3	1:09

	1st OC	In Person	Virtual	30 Min Cap?	2nd OC	In Person	Virtual	Spoke in Both	Mtg Length
6/28/2021	9	9	0		3	3	0	2	01:13
7/12/2021	5	2	3		1	1	0	0	02:19
8/23/2021	10	10	0		1	1	0	0	01:46
9/13/2021	3	3	0		0	0	0	0	02:02
9/27/2021	2	2	0		0	0	0	0	00:52
10/11/2021	7	2	5		3	1	2	3	01:08
10/25/2021	0	0	0		1	0	1	0	01:22
11/8/2021	2	2	0		0	0	0	0	00:42
11/22/2021	6	3	2		1	0	1	0	01:38
12/13/2021	0	0	0		0	0	0	0	00:37
1/10/2022	8	3	5		4	0	4	4	02:40
1/24/2022	7	3	4		9	8	1	3	03:12
2/14/2022	10	10	0	Yes	5	3	2	0	03:28
2/28/2022	10	9	1		6	5	1	1	03:04
3/14/2022	6	5	1		5	3	2	4	01:29
3/28/2022	12	11	1	Yes	2	0	2	0	01:48
4/11/2022	12	12	0	Yes	9	6	3	0	02:55
4/25/2022	13	12	1	Yes	3	2	1	3	02:28
5/9/2022	12	11	1	Yes	5	3	2	2	02:09
5/23/2022	8	5	3		8	7	1	3	02:02
6/13/2022	11	9	2	Yes	4	2	2	1	03:21
6/27/2022	9	6	3		6	2	4	3	04:05
7/11/2022	19	14	5	Yes	9	2	7	6	04:08
8/22/2022	10	10	0	Yes	16	9	7	5	03:45
9/12/2022	5	4	1		1	1	0	0	02:32
9/26/2022	11	11	0	Yes	9	5	4	1	03:21
Average	8.0	6.5	1.5		4.3	2.5	1.8	1.6	2:18

	Pre-Pandemic	Post-Pandemic
Average Meeting Length	1:09:00	2:18:00
Shortest Meeting	0:29:00	0:37:00
Longest Meeting	1:42:00	4:08:00
General Session:		
First Oral Communications	3.2 Speakers	8.0 Speakers
<i>% of total</i>	82%	18%
Second Oral Communications	0.7 Speakers	4.3 Speakers
<i>% of total</i>	65%	35%
Spoke during 1st & 2nd	0.3 Speakers	1.6 Speakers
Virtual vs. In-Person:		
First Oral Communications (In-Person)	N/A	6.5 Speakers
<i>% of total</i>		82%
First Oral Communications (Virtual)	N/A	1.5 Speakers
<i>% of total</i>		18%
Second Oral Communications (In-Person)	N/A	2.5 Speakers
<i>% of total</i>		58%
Second Oral Communications (Virtual)	N/A	1.8 Speakers
<i>% of total</i>		42%

Over the 26 post-pandemic meetings, 34 people spoke 97 times during the second (final) Oral Communications period:

- 18 people spoke once
- 16 people spoke multiple times and averaged 4.9 appearances
- The 10 most frequent speakers appeared 63 times (65% of all speakers)
- The seven most prolific speakers (those who spoke five or more times) averaged 7.3 appearances and accounted 53% of all speakers

Oral Communications and meeting length significantly increased beginning in February 2022, which correlates to the California Voting Rights Act community forums. From February to October 2022, General Session First Oral Communications increased 62%, General Session Second Oral Communications increased 223%, and meetings were 1h 42m longer.



www.cypressca.org

**AGENDA
REGULAR MEETING
CYPRESS CITY COUNCIL**

DATE

TIME - Closed Session / Workshop

TIME - General Session

**Council Chambers
5275 Orange Avenue
Cypress, California**

Interested in speaking to the City Council? Information about participating in the City Council meeting appears at the end of the agenda.

CALL TO ORDER

TIME

Executive Board Room

ROLL CALL

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

ORAL COMMUNICATIONS ON CLOSED SESSION / WORKSHOP ITEMS

(Limited to 30 minutes and three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on closed session/workshop items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

CLOSED SESSION / WORKSHOP

RECONVENE

TIME

Council Chambers

ROLL CALL

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

PLEDGE OF ALLEGIANCE

INVOCATION

REPORT OF CLOSED SESSION / WORKSHOP

City Manager/City Attorney

PRESENTATIONS

ORAL COMMUNICATIONS ON AGENDA ITEMS

(Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

The public may address the City Council on agenda items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

CONSENT CALENDAR

All matters listed on the Consent Calendar are approved with one motion unless a Council Member requests further discussion of an item.

PUBLIC HEARINGS

(Three minutes per speaker)

The public may address the City Council on public hearing items prior to any action taken. Although Council Members may provide brief responses, the City Council may not engage in a discussion with members of the public during the meeting. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first.

NEW BUSINESS

ITEMS REMOVED FROM THE CONSENT CALENDAR

ITEMS FROM COUNCIL MEMBERS

ORAL COMMUNICATIONS ON ITEMS NOT ON THE AGENDA

(Three minutes per speaker. The City Council may adjust the time allotted per speaker.)

WORKSHOP RECOMMENDATION

The public may address the City Council on any item within the subject matter jurisdiction of the City Council. Although Council Members may provide brief responses, the City Council may not discuss nor take action on items that are not on the agenda. Please complete a Speaker's Card to address the City Council in-person. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

CITY COUNCIL WORKSHOP PREFERENCE

The public may address the City Council on any item within the subject matter jurisdiction of the City Council. Although Council Members may provide brief responses, the City Council may not discuss nor take action on items that are not on the agenda. Please complete a Speaker's Card to address the City Council in-person. Please follow the instructions at the end of the agenda and wait for the Mayor/City Clerk to call on you to address the City Council virtually. Speakers providing in-person comments will be called first. Members of the public are encouraged to communicate with the City Council via email at adm@cypressca.org or by calling 714-229-6699.

COUNCIL MEMBER REPORTS FROM CITY-AFFILIATED BOARDS AND COMMITTEES, AND REMARKS**COUNCIL MEMBER ITEMS FOR FUTURE CONSIDERATION****CITY MANAGER REMARKS****ADJOURNMENT**

The next meeting will be an adjourned Regular Meeting, to be held on Monday, MONTH DAY, YEAR, beginning at 5:30 P.M. in the Executive Board Room.

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted on the City Hall bulletin board and the City's website not less than 72 hours prior to the meeting. Dated this DAY of MONTH, YEAR.

Alisha Farnell, City Clerk

PUBLIC PARTICIPATION

Members of the public can participate in the City Council meeting in the following ways:

1. Attend In-Person. First-come, first-served seating is available in the Council Chambers. All attendees must be free of any symptoms associated with contagious illnesses.
2. Attend Virtually via Webinar.
Follow this link: <https://attendee.gotowebinar.com/register/6682541831096695382>.
Advance registration is recommended.

WORKSHOP RECOMMENDATION

The public may address the City Council virtually during Oral Communications on Agenda Items/Public Hearings. Virtual participants must click the 'hand raise' button prior to the end of the first in-person speaker to indicate they wish to address the City Council. Upon clicking the 'hand raise' button, please unmute your microphone and wait for the Mayor/City Clerk to call on you.

CITY COUNCIL WORKSHOP PREFERENCE

The public may address the City Council virtually during Oral Communications on Agenda Items/Public Hearings/Oral Communications on Items Not on the Agenda. Virtual participants must click the 'hand raise' button prior to the end of the first in-person speaker to indicate they wish to address the City Council. Upon clicking the 'hand raise' button, please unmute your microphone and wait for the Mayor/City Clerk to call on you.



= Hand Raise



= Unmute

3. Submit Public Comments Prior to the Meeting. The public may submit comments via email to cityclerk@cypressca.org. Comments submitted by 3:00 p.m. on the day of the meeting will be added to the City Council agenda as a Consent Calendar item.
4. Watch the Meeting. The City Council meeting can be viewed on Spectrum Cable Channel 36 or on the City's website at www.cypressca.org/watchlive.
5. Listen to the Meeting. Listen-only teleconferencing is available by calling (213) 929-4212 and entering Access Code 393-665-422. No registration or audio pin is necessary.

INVOCATION POLICY

The City Council does not endorse the content of the invocation and does not endorse the invitational speaker's particular faith, belief and/or religious denomination. The City Council has an established neutral policy for selecting and scheduling invitational speakers that is available from the City Clerk.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk at (714) 229-6685 at least 72 hours prior to the meeting to enable the City to make reasonable arrangements to assure accessibility to this meeting.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

11.

FROM: Fred Galante, City Attorney

DATE: 07/10/2023

SUBJECT: Receive a Report of Trial Court's Decision in the Youngsma et al. v Cypress School District and City of Cypress lawsuit

RECOMMENDATION

Receive a report of trial court's decision in the Youngsma et al. v Cypress School District and City of Cypress lawsuit.

DISCUSSION

On February 3, 2022, the City was named as a co-defendant in litigation initiated against the Cypress School District ("CSD") by Bob and Wanda Youngsma along with several city residents ("Plaintiffs") who live in the vicinity of the former Swain Elementary School site ("Swain Site"). Generally, the lawsuit alleges that the Swain Site is now being used as a maintenance yard for CSD equipment, including buses and vehicles. The Plaintiffs allege that this new use is not allowed, and that CSD and the City did not follow the required procedures for allowing this use. The Plaintiffs seek costs incurred in the lawsuit and an award of attorneys' fees.

On March 10, 2023, the City Attorney's office filed a Motion for Judgment on the Pleadings ("Motion") asking the judge in the case to find that none of the legal claims against the City are legally appropriate and to decide the matter in the City's favor. On June 30, 2023, the day scheduled for oral arguments on the Motion, the judge ruled in the City's favor on all claims against the City alleged in the complaint by Mr. and Mrs. Youngsma and the other plaintiffs. The decision ends the case against the City, unless the Plaintiffs amend the complaint to address what the judge concluded were inappropriate and time-barred claims against the City.

Specifically, the judge held that the Plaintiffs failed to allege any act that the City was required to perform related to permitting CSD's change of use on the Swain Site. All of the duties set forth in the Plaintiffs' Complaint concern either zoning requirements applicable to CSD or discretionary conduct that could be taken by the City. California Environmental Quality Act (CEQA) requirements would be triggered only by an application to the City for a project, but there are no allegations in the Complaint that the City was provided with such an

application.

The City also argued that CSD's use of the Swain Site as a maintenance yard is not in violation of applicable zoning laws. Indeed, City Resolution No. 338 approving Conditional Use Permit No. C-198, Cypress School District, establishes that there are no conditions that prohibit CSD from using the Swain Site for school district uses other than an elementary school.

In response to the claim for inverse condemnation against the City, the Motion argued that the claim required the Plaintiffs to allege facts showing that some regulation deprived them of substantially all use of their property. The Court agreed and found that the Plaintiffs failed to allege that they have been deprived of substantially all use of their property. Additionally, a public entity is a proper defendant in an action for inverse condemnation only if the entity substantially participated in the planning, approval, construction or operation of a public project or improvement that proximately caused injury to private property. Since the Plaintiffs made no such allegations of substantial participation by the City and instead focus their allegations on conduct by CDS, the Court agreed there was no basis for this claim.

As to the allegation that the change in the use of the Swain Site somehow caused a public nuisance, the Court also agreed with the arguments in the Motion that the Plaintiffs failed to meet the standard. To establish a claim for public nuisance, the Plaintiffs would have had to demonstrate some injury to them over and above any ordinary impact to other members of the public. The Court agreed that the Plaintiffs could not do so.

In addition to ruling on the merits of the case, the Court also concluded that the Plaintiffs' action against the City failed on procedural grounds insofar as it was filed beyond the statute of limitations. Although the Plaintiffs filed their lawsuit on September 7, 2021, they waited over five months later to name the City as a party. The Court ruled that this was beyond the applicable 90-day statute of limitations.

A more detailed explanation of the Court's decision is provided in the attached Ruling from the Court.

BUDGET IMPACT

None.

LEGAL REVIEW

The City Attorney's office prepared this report.

APPROVED BY:

Peter Grant, City Manager

Attachments

Court Ruling

RULING

Youngsma vs. Cypress School District 2021-01220176

Defendant City of Cypress' Motion for Judgment on the Pleadings is granted with 14 days leave to amend. Defendant City's Request for Judicial Notice is granted. The court notes that plaintiffs filed their opposition four days late. Plaintiffs are admonished to comply with all applicable procedural rules in all future filings.

The City has shown that based on the allegations in the First Amended Complaint, plaintiffs' claims are time-barred. Plaintiffs contend that the City failed to adequately review the change of use of the subject school site by defendant Cypress School District. Gov. Code §65009(c)(1)(E) provides a 90-day statute of limitations that applies to claims based on zoning ordinances where the government action neither effected a physical invasion of the land nor impaired title to the land. Travis v. County of Santa Cruz (2004) 33 Cal. 4th 757, 775. While the City concedes that the specific date of the City's decision is unclear in the First Amended Complaint, it argues that the decision necessarily occurred prior to plaintiffs filing this lawsuit on September 7, 2021, and the City was not added as a defendant until February 3, 2022, almost five months later. Plaintiffs argue that they could not name the City as a defendant initially because they had to submit an administrative claim after the First Amended Complaint was filed on September 14, 2021, and contend they could not add the City until 90 days after November 5, 2021. However, plaintiffs cite no authority extending the 90-day deadline because an administrative claim needed to be filed. (No claim is required to be filed to maintain an inverse condemnation action against a public entity for the taking of, or for damage to, private property. Gov. Code §905.1.) Plaintiffs argue that the City had made no decision until it rejected plaintiffs' administrative claim. However, plaintiffs had already alleged the wrongful conduct in their First Amended Complaint, and the City was added as a Doe defendant without amending the First Amended Complaint.

As to the first cause of action for Petition for Writ of Mandate, a writ of mandate may be issued only on a showing that defendant has a clear, present and ministerial duty to perform some act and that plaintiffs have a clear, present and beneficial right to performance of that duty entitling them to a writ of mandate. Kavanaugh v. W. Sonoma County Union High School Dist. (2003) 29 Cal. 4th 911, 916. Here, plaintiffs fail to allege any ministerial act that the City was required to perform. All of the duties set forth in the First Amended Complaint concern either zoning requirements applicable to the District or discretionary conduct that could be taken by the City. CEQA requirements would be triggered only by an application to the City for a project, but there are no allegations in the First Amended Complaint that the City was provided with such an application.

Further, the City contends that the District's use of the school site as a maintenance yard is not in violation of applicable zoning laws. The City states that the Resolution of the Planning Commission of the City of Cypress Approving Conditional Use Permit No. C-198, Cypress School District, Resolution No. 338 (FAC ¶34), a judicially noticeable document, establishes that there are no conditions that prohibit the District from using the Swain Site for school district uses other than an elementary school. The City explains that the zoning designation for the Swain Site is "PS-1A", the public and semi-public zone. In the PS-1A zone, the following uses are permitted, subject to a conditional use permit: "Educational Institutions, Private or Public", "Public Buildings or Grounds", and "Public Maintenance Yards". (CMC

§2.08.030, Table 2-15.) Plaintiffs do not address this argument, and thus implicitly concede that the allegations in the First Amended Complaint do not establish any violation of existing zoning laws by the District.

The City also contends that the District is exempt from land use requirements. Under CMC §2.04.040, "Any land use activities conducted by the city, county, state or an agency of the state, or the federal government on land owned or leased by a governmental agency are exempt from land use permit requirements of the City's zoning code, provided they are operated in compliance with applicable development standards." Plaintiffs do not address this argument, thereby conceding that the District is exempt from land use requirements.

Plaintiffs' second cause of action is for inverse condemnation. To state a cause of action for inverse condemnation based on government regulation amounting to a constitutional taking, plaintiffs must allege facts showing that the regulation deprived them of substantially all use of their property. Smith v. City & County of San Francisco (1990) 225 Cal. App. 3d 38, 45. Further, where the only damage from zoning regulation is the reduced market value of plaintiffs' land, there is no claim for inverse condemnation. HFH, Ltd. v. Superior Court (1975) 15 Cal. 3d 508, 511. Plaintiffs here do not allege that they have been deprived of substantially all use of their property.

Plaintiffs contend that the City is liable for inverse condemnation because it failed to enforce zoning laws and allowed the wrongful conduct to occur. However, a public entity is a proper defendant in an action for inverse condemnation only if the entity substantially participated in the planning, approval, construction or operation of a public project or improvement that proximately caused injury to private property. Paterno v. State of California (2003) 113 Cal. App. 4th 998, 1029. Here, plaintiffs have made no such allegations of substantial participation and instead focus their allegations on conduct by the District. Thus, plaintiffs' allegations are insufficient.

Plaintiffs' third cause of action is for public nuisance. A private person may maintain an action for a public nuisance if it is specially injurious to himself, but not otherwise. Civil Code §3493. This rule is based on the common law principle that the action would lie if the plaintiff could show that he had suffered special damage over and above the ordinary damage caused to the public at large by the nuisance. Venuto v. Owens-Corning Fiberglas Corp. (1971) 22 Cal. App. 3d 116, 123-24. Plaintiffs here fail to allege any injury that is special to them as opposed to the public. To the extent plaintiffs claim some special injury, they do not allege those facts in the First Amended Complaint.

Moreover, nothing which is done or maintained under the express authority of a statute can be deemed a nuisance. Civil Code §3482. The City contends that the District is acting consistently with the applicable zoning regulations, and thus its conduct cannot be a public nuisance. Plaintiffs do not address this argument and thus implicitly concede that the District's activity at the school site is not a public nuisance. Plaintiffs further argue that the City is liable for allowing the existence of the public nuisance, i.e., the District's use of the school site as a maintenance yard. However, plaintiffs fail to allege facts in the First Amended Complaint establishing the City's liability, and their opposition to this motion fails to cite any legal authority imposing such liability. Thus, none of plaintiffs' claims state a cause of action against the City.

A Status Conference is also set for today and will go forward.

Defendant City of Cypress is ordered to give notice of the ruling unless notice is waived.



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

12.

FROM: Anne Hertz-Mallari, Council Member

DATE: 07/10/2023

SUBJECT: Receive Reports from Council Members Appointed to Represent the City on Organizations and Committees

RECOMMENDATION

Receive reports from Council Members appointed to represent the City on organizations and committees.

DISCUSSION

The Mayor placed this item on the agenda to provide Council Members an opportunity to update the community about the organizations and committees on which they represent Cypress. The City Council's Civility, Conduct and Governance Policy establishes the expectation that Council Members attend and actively participate in all meetings of organization boards and committees to which they are appointed and to report on meaningful happenings within the organizations and commissions on which they serve.

The list of appointments and descriptions of each organization or committee are attached.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

2023 Org/Committee Appointments
Organization/Committee Descriptions





**CITY OF CYPRESS
APPOINTMENTS OF CITY COUNCIL MEMBERS
TO ORGANIZATIONS AND COMMITTEES
2023**

COMPENSATED:

Orange County Fire Authority	Anne Hertz-Mallari – Representative (No Alternate)
Orange County Mosquito & Vector Control District (Term ending Jan. 2024)	Bonnie Peat - Representative (No Alternate)
Orange County Sanitation District	Scott Minikus – Representative Bonnie Peat – Alternate

NON-COMPENSATED:

Bridges at Kraemer Place Community Advisory Board	David Burke – Representative (No Alternate)
City/Anaheim Union High School District Ad Hoc Subcommittee	Anne Hertz-Mallari Scott Minikus
City/Cypress College Ad Hoc Committee	Anne Hertz-Mallari Bonnie Peat
City/Cypress School District Ad Hoc Subcommittee	David Burke Anne Hertz-Mallari
Economic Development Ad Hoc Subcommittee	Anne Hertz-Mallari Bonnie Peat
Joint Forces Training Base Cities Group	Scott Minikus – Representative Frances Marquez – Alternate
League of California Cities General Assembly	Anne Hertz-Mallari – Representative Scott Minikus – Alternate

League of California Cities
Orange County Division

Anne Hertz-Mallari – Representative
Scott Minikus – Alternate

Orange County City Selection Committee

Anne Hertz-Mallari – Representative
Scott Minikus – Alternate

Orange County Council of Governments
General Assembly

Anne Hertz-Mallari – Representative
Scott Minikus – Alternate

Orange County Library Advisory Board
(2-year Term ending Jan. 2025)

David Burke – Representative
Bonnie Peat – Alternate

Santa Ana River Flood Protection
Agency

Frances Marquez – Representative
Bonnie Peat – Alternate

Southern California Association of
Governments - General Assembly

Scott Minikus – Representative
David Burke – Alternate

Veteran Recognition Ad Hoc Subcommittee

Frances Marquez
Scott Minikus

West Cities Police Communications Center

Scott Minikus – Representative
Anne Hertz-Mallari – Alternate

CITY COUNCIL COMMITTEE APPOINTMENTS

Each year following its reorganization, the City Council makes appointments to organizations and committees. The Mayor recommends appointments and the City Council confirms the appointments by a motion, second, and vote. A description of the organizations and committee appointments is provided below. Please note some committees require the Mayor to serve as delegate or require a two-year term.

- **Orange County Fire Authority (OCFA) – Representative**

Meets 4th Thursday of every other month at 6:00 p.m.; compensated \$100 per meeting.

Orange County Fire Authority is a regional fire service agency that serves 23 cities in Orange County, including Cypress, and all unincorporated areas. Representative serves on the Board of Directors. The City Council adopts a Resolution when appointing or changing its representative to the Orange County Fire Authority.

- **Orange County Sanitation District (OC San) – Representative and Alternate**

Meets 4th Wednesday of month at 6:00 p.m.; compensated \$212.50 per meeting.

Orange County Sanitation District provides wastewater collection, treatment, and disposal services for approximately 2.6 million people in central and northwest Orange County. Representative serves on the Board of Directors.

- **Orange County Mosquito and Vector Control District – Representative**

Meets 3rd Thursday of the month at 3:00 p.m.; compensated \$100 per meeting.

Orange County Mosquito and Vector Control District protects public health by controlling rats, flies, mosquitoes, Red Imported Fire Ants and other vector related problems. Representative is appointed to a two-year term and serves on the Board of Trustees.

- **West Cities Police Communications Center (West-Comm) – Representative**

Meets 3rd Tuesday in May and November at 4:30 p.m. or as needed; non-compensated.

West Cities Police Communications Center is a Joint Powers Agency between the cities of Cypress, Los Alamitos, and Seal Beach. West-Comm provides dispatch services to the three cities, as well as contract service to the Orange County Park Rangers. Representative serves on the Board of Directors.

- **League of California Cities (Cal Cities) – Representative and Alternate**

Meets annually or as needed; non-compensated.

League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and

combine resources so that they may influence policy decisions that affect cities. Representative serves as the General Assembly Voting Delegate at the Annual Conference and as the delegate for Orange County Division events as needed. The Mayor is designated as the City's representative and Mayor Pro Tem traditionally serves as the alternate.

- **Orange County City Selection Committee – Representative and Alternate**
Meets biannually or as needed; non-compensated.
Orange County City Selection Committee is responsible for appointing city representatives to boards, committees, commissions, and agencies as required by State and County law. The Mayor is designated as the City's representative and Mayor Pro Tem traditionally serves as the alternate.
- **Orange County Council of Governments (OCCOG) – Representative and Alternate**
Meets annually or as needed; non-compensated.
Orange County Council of Governments serves as Orange County's sub-regional planning organization. In partnership with the Southern California Association of Governments (SCAG), OCCOG leads the development of Orange County's required regional planning documents enabling the County to compete for State and Federal funding. Representative serves as General Assembly delegate.
- **Orange County Library Advisory Board – Representative and Alternate**
Meets three times annually or as needed; non-compensated.
Library Advisory Board (LAB) acts in an advisory capacity, reviewing the OC Public Libraries' budget, operations and policy decisions and makes recommendations to the OC Board of Supervisors. Representative serves a two-year term.
- **Santa Ana River Flood Protection Agency – Representative and Alternate**
Meets 4th Thursday of odd-numbered months at 4:00 p.m.; non-compensated.
Santa Ana River Flood Protection Agency (SARFPA) is a Joint Powers Agency formed to support authorization and appropriations for the Santa Ana River Mainstream Project and related projects. The agency provides its members with information on the progress of the Santa Ana River and related projects and supports regional flood control improvements to remove current floodplains within its members' boundaries.
- **Southern California Association of Governments (SCAG) – Representative and Alternate**
Meets annually; non-compensated.
SCAG is the nation's largest metropolitan planning organization, representing six counties, 191 cities and more than 19 million residents. SCAG undertakes a variety

of planning and policy initiatives to encourage a more sustainable Southern California. Representative serves as General Assembly delegate.

- **Bridges at Kraemer Place Community Advisory Board – Representative**

Meets quarterly; non-compensated.

Bridges at Kraemer Place is an emergency shelter in Anaheim and operated by Mercy House through a contract with the County of Orange. The Community Advisory Board (CAB) acts as an advisory body to the shelter operator, reviews the operations of the Bridges at Kraemer Place Year Round Emergency Shelter Program and Multi-Service Center and provides report to the OC Board of Supervisors annually, and enhances community relations.

- **Joint Forces Training Base Cities Group – Representative and Alternate**

Meets as needed.

Committee members consist of the cities of Cypress, Los Alamitos, Seal Beach and Garden Grove. Committee meets as needed to discuss issues of mutual concern related to the Joint Forces Training Base.

- **Economic Development Ad Hoc Subcommittee**

Meets as needed.

Subcommittee members advise on economic development programs and initiatives, as well as engage and outreach to the Cypress business community as needed. Two Council Members appointed each year.

- **City/Anaheim Union High School District Ad Hoc Subcommittee**

Meets as needed.

Subcommittee members meet as needed with representatives from Anaheim Union High School District to discuss issues of mutual concern. Two Council Members appointed each year.

- **City/Cypress College Ad Hoc Subcommittee**

Meets as needed.

Subcommittee members meet as needed with representatives from Cypress College to discuss issues of mutual concern. Two Council Members appointed each year.

- **City/Cypress School District Ad Hoc Subcommittee**

Meets as needed.

Subcommittee members meet as needed with representatives from Cypress School District to discuss issues of mutual concern. Two Council Members appointed each year.

- **Veteran Recognition Subcommittee**

Meets as needed.

Subcommittee members meet as needed to review applications submitted as part of the Veteran Recognition program and determine recognition recipients. Two Council Members appointed each year.