



**AGENDA
CITY OF CYPRESS
CITY COUNCIL**

**REGULAR MEETING
MONDAY, SEPTEMBER 28, 2015**

6:00 P.M.; 7:00 P.M.
Public Hearings at 7:00 P.M.

COUNCIL CHAMBERS
5275 Orange Avenue
CYPRESS, CALIFORNIA

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing in the following Agenda. Supporting documents, including staff reports, are available for review in the City Clerk's office and the City's website at www.ci.cypress.ca.us.

City Hall Directory:

Administration – (714) 229-6680

admin@ci.cypress.ca.us

Finance – (714) 229-6700

fin@ci.cypress.ca.us

Community Development – (714) 229-6720

cdd@ci.cypress.ca.us

Public Works – (714) 229-6740

pw@ci.cypress.ca.us

Police – (714) 229-6600

cypd@ci.cypress.ca.us

Recreation – (714) 229-6780

crpd@ci.cypress.ca.us

City Council Agendas/Minutes are available at www.ci.cypress.ca.us.

CALL TO ORDER

**6:00 P.M.
Executive Board Room**

ROLL CALL

**MAYOR ROB JOHNSON
MAYOR PRO TEM MARIELLEN YARC
COUNCILMEMBER STACY BERRY
COUNCILMEMBER PAULO MORALES
COUNCILMEMBER JON PEAT**

ORAL COMMUNICATIONS

The public may at this time address the members of the City Council on any matters within the jurisdiction of the City Council, prior to any action taken on the Agenda. Although individual Council Members may provide brief responses to the oral communications, the City Council may not discuss or take action on off-Agenda items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each.

Recess the meeting.

CLOSED SESSION

Pursuant to California law, "a person may not disclose confidential information that has been acquired by being present in a closed session... to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information." (Gov. Code § 54963(a).) Any "[v]iolation of [Government Code § 54963] may be addressed by the use of such remedies as are currently available by law, including, but not limited to: (1) injunctive relief to prevent the disclosure of confidential information...; (2) disciplinary action against [a person] who has willfully disclosed confidential information....; [and/or] (3) referral of a member of a legislative body who has willfully disclosed confidential information... to a grand jury." (Gov. Code § 54963(c).)

CITY OF CYPRESS ITEMS:**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Rand v. City of Cypress

WCAB No. ADJ9219051

Claim No. 13-11-5780

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Richard Linington and Michelle Moreno v. City of Cypress

Case Number 30-2015-00804210-CU-WM-CJC

Orange County Superior Court

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

City of Cerritos et al., v. State of California et al.,

Case Number C070484

California Court of Appeal, Third Appellate District

RECONVENE **7:00 P.M.**
Council Chambers

ROLL CALL **MAYOR ROB JOHNSON**
MAYOR PRO TEM MARIELLEN YARC
COUNCILMEMBER STACY BERRY
COUNCILMEMBER PAULO MORALES
COUNCILMEMBER JON PEAT

PLEDGE OF ALLEGIANCE

INVOCATION **WEST CYPRESS CHURCH**

The City Council does not endorse the content of the invocation and does not endorse the invocational speaker's particular faith, belief and/or religious denomination. The City Council does not engage in any prior inquiry, review of, or involvement in, the content of the invocation, except to request the speaker to refrain from using the invocation as an opportunity to attempt to convert others to a particular faith or to disparage any faith or belief. The City Council has an established neutral policy for selecting and scheduling invocational speakers. The City Clerk will make the City Council's policy on invocations available upon request for public inspection and copying.

PRESENTATIONS **RECOGNITION OF CYPRESS COLLEGE'S**
PARTNERSHIP FOR THE CITY'S SUMMER
SWIM PROGRAM

**REPORT OF WORKSHOP AGENDA/
CLOSED SESSION** **CITY MANAGER**
CITY ATTORNEY

ORAL COMMUNICATIONS (LIMITED TO ONE-HALF HOUR)

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If you would like to address the City Council, please complete the white **SPEAKER'S CARD**. The card is available at the speaker's podium or from the City Clerk. Please identify on the card your name, address, and the item on which you would like to speak, and return to the City Clerk. The **SPEAKER'S CARD** assists the Mayor in ensuring that all persons wishing to address the Council are recognized. Your name will be called at the time the matter is heard by the Council.

Council Chamber Decorum:

- **Use courteous and professional language at all times**
- **Refrain from clapping, whistling, etc. in response to a speaker's comments**
- **Allow speakers to provide comments without interruption**
- **Remove hats upon entering Council Chambers**
- **No food or beverages please**

PUBLIC HEARINGS (1 - 2)

Public Comments Restricted to Ten Minutes Per Speaker, Unless Extended by the City Council.

Members of the City Council should disclose at this time all communications with anyone relevant to a Public Hearing item.

1. **APPROVAL TO AMEND THE EXISTING BUSINESS HOURS AND ALLOW THE CONSUMPTION OF BEER AND WINE IN THE OUTDOOR PATIO AREA OF THE HYUN POONG GOM TANG RESTAURANT AT 4450 LINCOLN AVENUE – CONDITIONAL USE PERMIT NO. 3040.**

Prepared by: Doug Dancs, Director of Community Development

Recommended Action: That the City Council adopt the Resolution by title only, title as follows, approving Conditional Use Permit No. 3040, subject to the conditions in Exhibit "A." In accordance with the California Environmental Quality Act (CEQA), a Categorical Exemption, Class 1 will be filed for this project.

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 3040 – With Conditions.

2. **APPROVAL OF AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON NEW RESIDENTIAL USES, INCLUDING MULTI-FAMILY AND MIXED USE, IN THE OFFICE PROFESSIONAL, COMMERCIAL NEIGHBORHOOD, COMMERCIAL GENERAL, AND COMMERCIAL HEAVY ZONES.**
Prepared by: Doug Dancs, Director of Community Development

Recommended Action: That the City Council: 1) Conduct a public hearing to consider the interim Ordinance; and 2) Waive further reading and adopt, by a four-fifths (4/5ths) vote of the City Council , the interim Ordinance by title only (to take effect immediately upon adoption), title as follows, which imposes a moratorium on the approval of any projects proposing residential development in commercial zones except for any project where a development application submittal has been provided to the City prior to adoption of the Ordinance.

An Interim Ordinance of the City Council of the City of Cypress, California, Prohibiting the Permitting of Residential Uses in Any Commercial Zones Within the City as Such Zones Are Defined in Section 2.06.030, of Article 2 of Appendix I of the Cypress Municipal Code.

CONSENT CALENDAR NOTICE

All matters listed on the Consent Calendar are to be approved with one motion unless a member of the Council requests separate action on a specific item. Ordinances on the Consent Calendar should be read by title only prior to taking any action.

CONSENT CALENDAR (3 – 11)

3. **APPROVAL OF MINUTES.**
 Meeting of September 14, 2015
Prepared by: Denise Basham, City Clerk
- Recommended Action: Approve as submitted.
4. **MOTION TO INTRODUCE AND/OR ADOPT ALL ORDINANCES AND RESOLUTIONS PRESENTED FOR CONSIDERATION BY TITLE ONLY AND TO WAIVE FURTHER READING.**
5. **PROCLAIM THE WEEK OF OCTOBER 4-10, 2015 AS “FIRE PREVENTION WEEK” IN THE CITY OF CYPRESS.**
Prepared by: Denise Basham, City Clerk

Recommended Action: That the City Council officially proclaim the week of October 4-10, 2015 as “Fire Prevention Week” in the City of Cypress.

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6. **[ACCEPTANCE OF ANNUAL SLURRY SEAL, PROJECT 129.](#)**
Prepared by: Doug Dancs, Director of Community Development

Recommended Action: That the City Council accept the Annual Slurry Seal Project in the final amount of \$1,037,284.57 and approve the final retention payment of \$51,864.23 to American Asphalt South, Inc.

 7. **[ACCEPTANCE OF ANNUAL OVERLAY, PROJECT 130.](#)**
Prepared by: Doug Dancs, Director of Community Development

Recommended Action: That the City Council accept the Annual Overlay Project in the final amount of \$1,079,346.44 and approve the final retention payment of \$53,967.33 to RJ Noble.

 8. **[APPROVE AN AGREEMENT WITH CIGNA TO PROVIDE INSURANCE BENEFITS TO ELIGIBLE CITY EMPLOYEES.](#)**
Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommended Action: That the City Council, and acting as the ex-officio governing Board of Directors of the Cypress Recreation and Park District, authorize the City Manager to execute a two-year agreement with Cigna to provide basic life/accidental death and dismemberment insurance, short-term disability and long-term disability benefits to eligible City employees.

 9. **[SUSPENSION OF ENFORCEMENT OF PORTIONS OF SECTION 17-74.4 OF THE CYPRESS MUNICIPAL CODE.](#)**
Prepared by: Anthony Taylor, City Attorney

Recommended Action: That the City Council suspend enforcement of the specific portions of Section 17-74.4 of the Cypress Municipal Code (the "Ordinance") as set forth.

 10. **[RECEIVE AND FILE INVESTMENT REPORT FOR THE MONTH OF AUGUST 2015.](#)**
Prepared by: Matt Burton, Director of Finance and Administrative Services

Recommended Action: That the City Council receive and file the Investment Report for the month of August 2015.

11. [APPROVAL OF COMMERCIAL WARRANT LIST AND WIRE TRANSFERS FOR FISCAL YEAR 2015-16 FOR WARRANTS NO. 35834 THROUGH 35942.](#)

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

Recommended Action: That the City Council approve the attached warrant register and wire transfers for Fiscal Year 2015-16.

END OF CONSENT CALENDAR

NEW BUSINESS (12)

12. [APPROVAL OF PURCHASE OF 800 MEGAHERTZ RADIO UPGRADE EQUIPMENT, INSTALLATION AND PROGRAMMING.](#)

Prepared by: Rod Cox, Chief of Police

Recommended Action: That the City Council: 1) Approve the appropriation of \$344,417 from the Equipment Replacement Fund for the purchase and installation of the new 800 Megahertz (MHz) public safety mobile radios; and 2) Approve the purchase of the 800 MHz public safety mobile radio upgrade equipment to Motorola Solutions in an amount up to \$316,897; and 3) Approve the purchase to install and program the new 800 MHz public safety mobile radios to the Orange County Sheriff's Department, Communications and Technology Division, in an amount up to \$27,820.

RECREATION & PARK DISTRICT MATTERS

The Cypress City Council, Acting as the Ex-Officio Governing Board of Directors.

No items.

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ITEMS FROM CITY COUNCIL MEMBERS

- Reports on Committee Assignments
- Other Items

ITEMS FROM CITY MANAGER

ADJOURNMENT

The next meeting will be an adjourned Regular Meeting, to be held on Monday, October 12, 2015, 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 not less than 72 hours prior to the meeting. Dated this 24th day of September, 2015.

Denise Basham, City Clerk

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, YOU SHOULD CONTACT THE OFFICE OF THE CITY CLERK AT (714) 229-6683. NOTIFICATION BY NOON ON FRIDAY, SEPTEMBER 25, 2015 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THIS MEETING.