



**AGENDA  
CITY OF CYPRESS  
CITY COUNCIL**

**REGULAR MEETING  
MONDAY, SEPTEMBER 14, 2015**

**5:30 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](http://www.ci.cypress.ca.us).*

*City Hall Directory:*

*Administration – (714) 229-6680*

*[admin@ci.cypress.ca.us](mailto:admin@ci.cypress.ca.us)*

*Finance – (714) 229-6700*

*[fin@ci.cypress.ca.us](mailto:fin@ci.cypress.ca.us)*

*Community Development – (714) 229-6720*

*[cdd@ci.cypress.ca.us](mailto:cdd@ci.cypress.ca.us)*

*Public Works – (714) 229-6740*

*[pw@ci.cypress.ca.us](mailto:pw@ci.cypress.ca.us)*

*Police – (714) 229-6600*

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*Recreation – (714) 229-6780*

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*City Council Agendas/Minutes are available at [www.ci.cypress.ca.us](http://www.ci.cypress.ca.us).*

**CALL TO ORDER**

**5:30 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)**

**Richard Linington and Michelle Moreno v. City of Cypress**

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

**Orange County Superior Court**

**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****ST. IRENAEUS CATHOLIC 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.*

**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)**

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

1. **APPROVAL OF AN EXPANSION OF AN OUTDOOR DINING AREA FOR JOE SCHMOE'S RESTAURANT AT 5123 BALL ROAD – CONDITIONAL USE PERMIT NO. 3041.**  
**Prepared by: Judy Aquino, Assistant Planner**

Recommended Action: That the City Council adopt the Resolution by title only, title as follows, approving Conditional Use Permit No. 3041, subject to the conditions in Exhibit "A." In accordance with 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. 3041 (Amendment to Conditional Use Permit No. 2010-07) – With Conditions.

#### **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 (2 – 6)**

2. **APPROVAL OF MINUTES.**  
Meeting of August 24, 2015  
**Prepared by: Denise Basham, City Clerk**

Recommended Action: Approve as submitted.

3. **MOTION TO INTRODUCE AND/OR ADOPT ALL ORDINANCES AND RESOLUTIONS PRESENTED FOR CONSIDERATION BY TITLE ONLY AND TO WAIVE FURTHER READING.**

4. **CONSIDERATION OF APPOINTMENTS TO FILL TWO VACANCIES ON THE RECREATION AND COMMUNITY SERVICES COMMISSION.**  
**Prepared by: Denise Basham, City Clerk**

Recommended Action: That the City Council appoint Patricia Boggs and Pat O'Toole to fill the current vacancies on the Recreation and Community Services Commission.

5. **ACCEPTANCE OF VALLEY VIEW SEWER IMPROVEMENTS, PROJECT 79.**  
**Prepared by: Doug Dancs, Director of Community Development**

Recommended Action: That the City Council accept the Valley View Sewer Improvements in the final amount of \$211,498.68 and approve the final retention payment of \$13,472.37 to Mike Bubalo Construction Company.

6. **APPROVAL OF COMMERCIAL WARRANT LIST AND WIRE TRANSFERS FOR FISCAL YEAR 2015-16 FOR WARRANTS NO. 35515 THROUGH 35833.**  
**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 (7 – 9)**

7. **APPROVAL OF COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO REHABILITATE BALL ROAD AND ORANGE AVENUE.**  
**Prepared by: Doug Dancs, Director of Community Development**

Recommended Action: That the City Council approve the Cooperative Agreement with the Orange County Transportation Authority to rehabilitate Ball Road and Orange Avenue.

8. **APPROVAL OF SUPPLEMENTAL APPROPRIATIONS AND ESTIMATED REVENUES FOR FISCAL YEAR 2014-15.**  
**Prepared by: Matt Burton, Director of Finance and Administrative Services**

Recommended Action: That the City Council approve supplemental appropriations of \$233,100 and increase estimated revenues by \$264,900 for Fiscal Year 2014-15 as detailed in Attachment A.

9. **APPROVAL OF CITY OF CYPRESS FISCAL YEAR 2014-15 CONTINUING APPROPRIATIONS, REVENUES AND TRANSFERS TO FISCAL YEAR 2015-16.**

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

Recommended Action: That the City Council: 1) Authorize the appropriation of \$3,972,161 in Fiscal Year 2015-16 for the carryover of items as detailed in Attachment A; and 2) Authorize the appropriation of \$5,210,260 in Fiscal Year 2015-16 for the carryover of items encumbered at June 30, 2015 as detailed in Attachment B; and 3) Authorize the continuation of operating transfers totaling \$453,328 and estimated grant revenue totaling \$873,400 in Fiscal Year 2015-16 as detailed in Attachment C to support carryover appropriations.

**RECREATION & PARK DISTRICT MATTERS (10)**

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

10. **APPROVAL OF CYPRESS RECREATION AND PARK DISTRICT FISCAL YEAR 2014-15 CONTINUING APPROPRIATIONS AND TRANSFERS TO FISCAL YEAR 2015-16.**

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

Recommended Action: That the City Council, acting as the ex-officio governing Board of Directors of the Cypress Recreation and Park District: 1) Authorize the appropriation of \$216,025 in Fiscal Year 2015-16 for items encumbered at June 30, 2015, as detailed in Attachment A, in the Cypress Recreation and Park District General Fund (Fund 212); and 2) Authorize the appropriation of \$530,000 in Fiscal Year 2015-16 for the carryover of continuing appropriations, as detailed in Attachment A, in the Cypress Recreation and Park District General Fund (Fund 212); and 3) Authorize the continuation of an operating transfer of \$480,000 from the Park Development Fund (Fund 213) to the Cypress Recreation and Park District General Fund (Fund 212) in Fiscal Year 2015-16 to support carryover appropriations.

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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 Special Meeting, to be held on Monday, September 21, 2015, beginning at 6:00 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 10<sup>th</sup> 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 11, 2015 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THIS MEETING.**