



**AGENDA
CITY OF CYPRESS
CITY COUNCIL**

**REGULAR MEETING
MONDAY, OCTOBER 13, 2014
6:30 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.

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

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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

**6:30 P.M.
Council Chambers**

ROLL CALL

**MAYOR LEROY MILLS
MAYOR PRO TEM ROB JOHNSON
COUNCILMEMBER DOUG BAILEY
COUNCILMEMBER PRAKASH NARAIN
COUNCILMEMBER MARIELLEN YARC**

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. No action may be taken 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 to Closed Session.

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 LABOR NEGOTIATOR**

(Pursuant to Government Code Section 54957.6)

Agency Negotiators: Peter Grant and Richard Storey

Employee Groups:

Executive Management

Mid-Management

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

KDC, Inc., dba Dynalectric v. Bannaoun Engineers Constructors

Corporation, et al. and

Bannaoun Engineers Constructors Corporation v. City of

Cypress, et al.

Case No. 30-2014-00739525-CU-OR-CJC

Orange County Superior Court

RECONVENE

7:00 P.M.

Council Chambers

ROLL CALL

**MAYOR LEROY MILLS
MAYOR PRO TEM ROB JOHNSON
COUNCILMEMBER DOUG BAILEY
COUNCILMEMBER PRAKASH NARAIN
COUNCILMEMBER MARIELLEN YARC**

PLEDGE OF ALLEGIANCE

INVOCATION

**REPORT OF WORKSHOP AGENDA/
CLOSED SESSION**

**CITY MANAGER
CITY ATTORNEY**

PRESENTATIONS

**INTRODUCTION OF SUPPORT SERVICES
SUPERVISOR ANDREW ZELINKO**

**PRESENTATION BY NORTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT REGARDING
MEASURE J**

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. **PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT NO. 2996 AND TENTATIVE PARCEL MAP NO. 2014-151, A REQUEST TO CREATE A ONE-LOT SUBDIVISION AND CONSTRUCT TWO DETACHED CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 9191 WALKER STREET IN THE PC PLANNED COMMUNITY ZONE AND THE CM COMMERCIAL MIXED USE DISTRICT OF THE LINCOLN AVENUE SPECIFIC PLAN AREA.**

Prepared by: Judy Aquino, Assistant Planner

Recommended Action: That the City Council adopt the Resolutions by title only, titles as follows, approving Conditional Use Permit No. 2996 and Tentative Parcel Map No. 2014-151, subject to the conditions in Exhibit "A" of the Resolutions. In accordance with California Environmental Quality Act (CEQA) guidelines, a Categorical Exemption, Class 32 will be filed for this project.

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 2996 – With Conditions.

A Resolution of the City Council of the City of Cypress Approving Tentative Parcel Map No. 2014-151 – 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 – 8)

2. **APPROVAL OF MINUTES.**
Meeting of September 22, 2014.
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. **PROCLAIMING THE WEEK OF OCTOBER 20 - 26, 2014 AS “RED RIBBON WEEK” IN THE CITY OF CYPRESS.**

Prepared by: Denise Basham, City Clerk

Recommended Action: That the City Council officially proclaim the week of October 20 - 26, 2014 as “Red Ribbon Week” in the City of Cypress.

5. **AWARD OF CONSTRUCTION CONTRACT AND AWARD OF TASK ORDER FOR CONSTRUCTION INSPECTION SERVICES FOR STREET REHABILITATION PROJECT – OVERLAY, PUBLIC WORKS PROJECT NO. 123.**

Prepared by: Dario Simoes, Associate Engineer

Recommended Action: That the City Council: 1) Award a contract for Street Rehabilitation Project – Overlay, Public Works Project No. 123, in the amount of \$262,000, to the lowest responsible bidder, Hardy and Harper, Inc., Santa Ana, California; authorize a contingency of \$39,300 (15% of Bid Amount); and direct the Director of Public Works/City Engineer to issue any necessary change orders to complete additional work within budgetary authority; and 2) Approve a Task Order for Construction Management and Inspection Services, in the amount of \$39,961, within the existing agreement for On-Call Construction Management/Inspection/Engineering Services, for Street Rehabilitation Project – Overlay, Public Works Project No. 123, to Vali Cooper and Associates, Inc. (VCA); authorize a contingency of \$5,544 (15% of contract amount) to be used for unforeseen work; and direct the Director of Public Works/City Engineer to act as Contract Officer.

6. **ACCEPTANCE OF CONCRETE REHABILITATION PROJECT, PUBLIC WORKS PROJECT NO. 114.**

Prepared by: Dario Simoes, Associate Engineer

Recommended Action: That the City Council: 1) Accept the Concrete Rehabilitation Project, Public Works Project No. 114, as being satisfactorily completed in conformance with the project specifications, in the final amount of \$441,467.25; and 2) Approve the final retention payment of \$22,073.37 to FS Construction, Sylmar, California; and 3) Authorize the City Clerk to release the Labor and Materials Bond and Faithful Performance Bond upon expiration of the required lien period, if no claims or objections have been filed, upon concurrence of the Director of Public Works.

7. **APPROVAL OF AN AMENDMENT TO THE CITY'S MEASURE M2 7-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP), AUTHORIZATION OF AN APPROPRIATION INCREASE, AND APPROVAL OF A TASK ORDER FOR THE DESIGN OF THE ENVIRONMENTAL CLEANUP PROGRAM (ECP) TIER 2 GRANT PROJECT, PUBLIC WORKS PROJECT NO. 115.**
Prepared by: Dario Simoes, Associate Engineer

Recommended Action: That the City Council: 1) Approve an amendment to the City's Measure M2 7-Year CIP, Fiscal Years 2014-15 through 2020-21, for inclusion of the ECP Tier 2 Grant Project, Public Works Project No. 115; and 2) Authorize an appropriation increase in the CIP Fund in the amount of \$609,040 (Account No. 415-80300-8032.4186), for the design, construction, inspection, and contingency of ECP Tier 2 Grant Project, Public Works Project No. 115; and 3) Authorize an increase in estimated revenues by \$211,840 in Account No. 415-99999.3525 (Other Grants) for the award of Measure M2 ECP funds from OCTA; and 4) Authorize a fund transfer in the amount of \$397,200 from the Infrastructure Reserve Fund (Account No. 416-99999.4501_415) to the CIP Fund (Account No. 415-99999.3901_416); and 5) Approve a Task Order for Engineering Storm Drain Design Services in the amount of \$61,990 for the ECP Tier 2 Grant Project, Public Works Project No. 115, to Harris and Associates; authorize a contingency of \$9,300 (15% of contract amount) to be used for unforeseen work; and direct the Director of Public Works/City Engineer to act as Contract Officer.

8. **APPROVAL OF COMMERCIAL WARRANT LIST AND WIRE TRANSFERS FOR FISCAL YEAR 2014-15 FOR WARRANTS NO. 31615 THROUGH 31931.**
Prepared by: Richard Storey, Director of Finance and Administrative Services

Recommended Action: That the City Council approve the attached warrant registers and wire transfers for Fiscal Year 2014-15.

END OF CONSENT CALENDAR

NEW BUSINESS (9)

9. **CONSIDERATION OF AN ORDINANCE AMENDING CYPRESS MUNICIPAL CODE SECTION 21A-1 REGARDING THE PAYMENT OF PREVAILING WAGES.**

Prepared by: Lindsay Tabaian, Assistant City Attorney

Recommended Action: That the City Council introduce for first reading an Ordinance by title only, title as follows, amending the Cypress Municipal Code to comply with Labor Code section 1782.

An Ordinance of the City Council of the City of Cypress Amending Cypress Municipal Code Section 21A-1 Regarding the Payment of Prevailing Wages.

RECREATION & PARK DISTRICT MATTERS

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

No items.

SUCCESSOR AGENCY TO THE CYPRESS REDEVELOPMENT AGENCY MATTERS

The Cypress City Council, Acting as the Successor Agency to the Cypress Redevelopment Agency.

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 27, 2014 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 8th day of October, 2014.

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, OCTOBER 10, 2014 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THIS MEETING.