



**AGENDA
CITY OF CYPRESS
CITY COUNCIL**

**REGULAR MEETING
TUESDAY, MAY 27, 2014
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:

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

CALL TO ORDER

**6:00 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:**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Government Code Section 54957)

Title: City Clerk

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Government Code Section 54957)

To Consider Filling the Position of City Manager

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Government Code Section 54957.6)

Agency Negotiator: William Wynder and Richard Storey

Employee Groups:

City Manager

Cypress Maintenance Employees' Association

Cypress Employees' Association

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 **BOY SCOUT TROOP 671**

INVOCATION

PRESENTATIONS

**INTRODUCTION OF NEW POLICE SERVICE DOG
PASKO**

**PRESENTATION BY THE ORANGE COUNTY FIRE
AUTHORITY ON WATER SAFETY AWARENESS**

**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**
- **No food or beverages please**

PUBLIC HEARINGS (1 - 3)

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

1. **PUBLIC HEARING REGARDING A REQUEST TO APPROVE GENERAL PLAN AMENDMENT NO. 2014-02, ZONE CHANGE NO. 2014-02, CONDITIONAL USE PERMIT NO. 2014-05, TENTATIVE TRACT MAP NO. 17669 AND THE MACKAY PLACE SPECIFIC PLAN FOR THE CONSTRUCTION OF 47 SINGLE-FAMILY HOMES ON THE PROPERTY LOCATED AT 8721 CYPRESS AVENUE IN THE PS-1A PUBLIC & SEMI-PUBLIC ZONE.**

Prepared by: Doug Hawkins, Planning Manager

Recommended Action: That the City Council: 1) Adopt the Resolution by title only, title as follows, certifying the Mackay Place Environmental Impact Report and Mitigation Monitoring Program in accordance with the requirements of the California Environmental Quality Act (CEQA); and 2) Introduce for first reading the Ordinance by title only, title as follows, approving Zone Change No. 2014-02 and the Mackay Place Specific Plan; and 3) Adopt the Resolution by title only, title as follows, approving General Plan Amendment No. 2014-02; and 4) Adopt the Resolutions by title only, titles as follows, approving Conditional Use Permit No. 2014-05 and Tentative Tract Map No. 17669, subject to the conditions in Exhibit "A" of the Resolutions.

A Resolution of the City Council of the City of Cypress Certifying the Final Environmental Impact Report (Sch#2013121083) for the Mackay Place Residential Project Located at 8721 Cypress Avenue in the City of Cypress, California.

An Ordinance of the City Council of the City of Cypress Adopting Zone Change No. 2014-02 and the Mackay Place Specific Plan, Changing the Zoning Classification of 6.8 Acres of the Property Located at 8721 Cypress Avenue from PS-1A Public & Semi-Public to PC Planned Community (PC-13).

A Resolution of the City Council of the City of Cypress Adopting General Plan Amendment No. 2014-02, Changing the General Plan Classification of the Property Located at 8721 Cypress Avenue from Community Services and Facilities to Specific Plan Area.

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 2014-05 – With Conditions.

A Resolution of the City Council of the City of Cypress Approving Tentative Tract Map No. 17669 – With Conditions.

2. **PUBLIC HEARING REGARDING A REQUEST TO APPROVE
GENERAL PLAN AMENDMENT NO. 2014-03, ZONE CHANGE
NO. 2014-03, CONDITIONAL USE PERMIT NO. 2014-06, TENTATIVE
TRACT MAP NO. 17773 AND THE HARMONY 2015 SPECIFIC PLAN
FOR THE CONSTRUCTION OF 29 SINGLE-FAMILY HOMES ON THE
PROPERTY LOCATED AT 9470 MOODY STREET IN THE PS-1A
PUBLIC & SEMI-PUBLIC ZONE.**

Prepared by: Doug Hawkins, Planning Manager

Recommended Action: That the City Council: 1) Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program in accordance with the requirements of the California Environmental Quality Act (CEQA); and 2) Adopt the Resolution by title only, title as follows, approving General Plan Amendment No. 2014-03; and 3) Introduce for first reading the Ordinance by title only, title as follows, approving Zone Change No. 2014-03 and the Harmony 2015 Specific Plan; and 4) Adopt the Resolutions by title only, title as follows, approving Conditional Use Permit No. 2014-06 and Tentative Tract Map No. 17773, subject to the conditions in Exhibit "A" of the Resolutions.

A Resolution of the City Council of the City of Cypress Adopting General Plan Amendment No. 2014-03, Changing the General Plan Classification of the Property Located at 9470 Moody Street from Community Services and Facilities to Specific Plan Area.

An Ordinance of the City Council of the City of Cypress Adopting Zone Change No. 2014-03 and the Harmony 2015 Specific Plan, Changing the Zoning Classification of the Property Located at 9470 Moody Street From PS-1A Public & Semi-Public to PC Planned Community (PC-14).

A Resolution of the City Council of the City of Cypress Approving Conditional Use Permit No. 2014-06 – With Conditions.

A Resolution of the City Council of the City of Cypress Approving Tentative Tract Map No. 17773 – With Conditions.

3. **PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2014-15 THROUGH FISCAL YEAR 2020-21 CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF CYPRESS/CYPRESS RECREATION AND PARK DISTRICT.**

Prepared by: Kamran Dadbeh, Assistant City Engineer

Recommended Action: That the City Council, and acting as the ex-officio governing Board of Directors of the Cypress Recreation and Park District: 1) Conduct a public hearing to solicit comments on the City of Cypress/Cypress Recreation and Park District Capital Improvement Program (CIP) proposed Fiscal Year 2014-15 through Fiscal Year 2020-21 Capital Improvement Program (CIP); and 2) Upon closing the public hearing, formally adopt the City of Cypress/Cypress Recreation and Park District CIP for Fiscal Year 2014-15 through Fiscal Year 2020-21.

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 (4 – 10)

4. **APPROVAL OF MINUTES.**

Meeting of May 12, 2014.

Prepared by: Denise Basham, City Clerk

Recommended Action: Approve as submitted.

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

6. **APPROVAL OF AMENDMENT TO THE CONTRACT AGREEMENT FOR THE VALLEY VIEW STORM DRAIN (C9), PUBLIC WORKS PROJECT NO. 79.**

Prepared by: Nick Mangkalakiri, Associate Engineer

Recommended Action: That the City Council authorize the Interim City Manager to approve Amendment No. 1 to the Contract Agreement with Mike Bubalo Construction Company, Inc. for construction of the Valley View Storm Drain (C9), Public Works Project No. 79, for a revised total contract amount of \$263,819.76.

7. **APPROVAL OF PLANS AND SPECIFICATIONS FOR THE DARRELL ESSEX PARK SOUTH BUILDING REPLACEMENT, PUBLIC WORKS PROJECT NO. 106.**

Prepared by: Alvin Papa, Senior Civil Engineer

Recommended Action: That the City Council approve the plans and specifications for the Darrell Essex Park South Building Replacement, Public Works Project No. 106.

8. **APPROVAL OF PARTICIPATION IN THE CALIFORNIA HOME ENERGY RENOVATION OPPORTUNITY (HERO) PROGRAM AND THE FIGTREE PROPERTY ASSESSED CLEAN ENERGY PROGRAM.**

Prepared by: Steve Clarke, Redevelopment Project Manager

Recommended Action: That the City Council: 1) Authorize the City's participation in the California Home Energy Renovation Opportunity (HERO) Program through adoption of the Resolution by title only, title as follows, approving an amendment to the Western Riverside Council of Governments (WRCOG) Joint Powers Agreement to add the City of Cypress as an Associate Member; and 2) Adopt the Resolution by title only, title as follows, approving the City's Associate Membership in the California Enterprise Development Authority; and 3) Adopt the Resolution by title only, title as follows, and support documentation authorizing the City's participation in the Figtree Property Assessed Clean Energy Program.

A Resolution of the City Council of the City of Cypress Consenting to the Inclusion of Properties Within the City's Jurisdiction in the California Hero Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving the Amendment to Certain Joint Powers Agreement Related Thereto.

A Resolution of the City Council of the City of Cypress Approving Associate Membership by the City of Cypress in the California Enterprise Development Authority and Authorizing and Directing the Execution of an Associate Membership Agreement Relating to Associate Membership of the City in the Authority.

A Resolution of the City Council of the City of Cypress Authorizing the City of Cypress to Join the Figtree Pace Program, Authorizing the California Enterprise Development Authority to Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City of Cypress, and Authorizing Related Actions.

9. [REVIEW OF INVESTMENT REPORT FOR THE MONTH OF APRIL, 2014.](#)

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

Recommended Action: That the City Council receive and file the Investment Report for the month of April, 2014.

10. [APPROVAL OF COMMERCIAL WARRANT LIST AND WIRE TRANSFERS FOR FISCAL YEAR 2013-14 FOR WARRANTS NO. 30060 THROUGH 30222.](#)

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

Recommended Action: That the City Council approve the attached warrant registers and wire transfers for Fiscal Year 2013-14.

END OF CONSENT CALENDAR

NEW BUSINESS (11)

11. [APPROVAL OF RESOLUTION MAKING NAYLOR ACT FINDINGS REQUIRED FOR THE PROPOSED ACQUISITION OF A PORTION OF THE MACKAY SITE BY CITY FROM DISTRICT FOR RECREATION AND OPEN SPACE USES, SURPLUS SCHOOL PROPERTY PURCHASE PLAN FOR THE "SURPLUS SCHOOL ACREAGE" IN THE CITY OF CYPRESS AND RESOLUTION ADOPTING SURPLUS SCHOOL PROPERTY PURCHASE PLAN, AND PURCHASE AND SALE DOCUMENTS REGARDING MACKAY SITE.](#)

Prepared by: Doug Hawkins, Planning Manager

Recommended Action: That the City Council: 1) By a two-thirds vote, adopt the Resolution by title only, title as follows, making the findings required by the Naylor Act (California Education Code §§ 17485-17500); and 2) Adopt the Resolution by title only, title as follows, approving the "Surplus School Property Purchase Plan" required by California Education Code § 17493 for the four (4) Cypress School District properties located in the City of Cypress which meet the statutory definition of "surplus school acreage" (as the term is defined by California Education Code § 17499), including the Mackay Site; and 3) Approve entering into that certain "Purchase and Sale Agreement for the Mackay Site" by and between the City of Cypress and the Cypress School District with respect to the City's acquisition of thirty (30) percent of the Mackay Site pursuant to the Naylor Act, said acquisition to be contingent upon the voter approval of the proposed rezoning of the Mackay Site; and 4) Approve a transfer in the amount of \$480,000 from the restricted fund balance of the Cypress Recreation and Park District Development Fund

(213-99999.4501_212) to the Cypress Recreation and Park District General Fund (212-99999.3901_213) to provide for the purchase of the City Site; and approve the appropriation of \$480,000 to account number 212-80700-8071.4176 (Land Acquisition) from the Cypress Recreation and Park District General Fund fund balance for the purchase of 2.91 acres of land located at 8721 Cypress Street in the City of Cypress, California and more particularly described and identified in the legal description and map in Exhibit "A-3" to the Mackay Purchase Agreement (the "City Site").

A Resolution of the City Council of the City of Cypress Finding and Determining That Acquisition of a Portion of the Mackay Site by the City of Cypress From the Cypress School District is Subject to the Naylor Act, as Set Forth at California Education Code Section 17486.

A Resolution of the City Council of the City of Cypress Approving the City's Surplus School Property Purchasing Plan.

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.

ORAL COMMUNICATIONS

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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, June 9, 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 21st day of May, 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, MAY 23, 2014 WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ASSURE ACCESSIBILITY TO THIS MEETING.