



AGENDA

REGULAR MEETING CYPRESS CITY COUNCIL

September 11, 2023

4:00 P.M. - Closed Session/Workshop

6:00 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

4:00 P.M.

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

Mayor Anne Mallari

Mayor Pro Tem Scott Minikus

Council Member David Burke

Council Member Frances Marquez

Council Member Bonnie Peat

ORAL COMMUNICATIONS ON CLOSED SESSION / WORKSHOP ITEMS (Limited to 30 minutes - 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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Californians Aware v. City of Cypress

Case No. 30-2022-01260088-CU-WM-CJC

Orange County Superior Court

WORKSHOP SESSION

Pension Trust Workshop

RECONVENE

6:00 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 Mallari

Mayor Pro Tem Scott Minikus

Council Member David Burke

Council Member Frances Marquez

Council Member Bonnie Peat

INVOCATION The Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE

REPORT OF CLOSED SESSION / WORKSHOP

City Manager/City Attorney

PRESENTATIONS

Eagle Scout Recognition

Certificate of Achievement for Excellence in Financial Reporting

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 September 11, 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 - Meetings of August 28, 2023

Prepared by: Alisha Farnell, City Clerk

Recommendation: Approve as submitted.

4. Adopt Resolutions Authorizing the Reallocation of Recreation and Park District Proposition 68 Funds to the City

Prepared by: Jeff Draper, Director of Recreation and Community Services

Recommendation:

1. Adopt a Resolution authorizing the State of California to decrease the Cypress Recreation and Park District's \$415,878 Proposition 68 Per Capita Grant Fund allocation to zero; and

2. Adopt a Resolution authorizing the State of California to increase the City of Cypress' Per Capita Grant Fund allocation to \$415,878 to accept the reallocation from the Cypress Recreation and Park District; and

3. Authorize the City Manager to execute and make adjustments to any agreements necessary for the receipt and use of Proposition 68 funds.

5. First Reading of an Ordinance Amending Ordinance No. 1203 and Chapter 2 of the Municipal Code Relating to the Conduct of City Council Meetings

Prepared by: Alisha Farnell, City Clerk

Recommendation: Introduce for first reading an Ordinance amending Ordinance No. 1203 and Chapter 2 of the Municipal Code relating to the conduct of City Council meetings.

6. Accept the Police Department Access Gate Replacements, Project 322

Prepared by: Doug Dancs, Director of Public Works

Recommendation:

1. Accept the Police Department Access Gate Replacements, Project 322, in the amount of \$63,694 and approve the final payment of \$3,184.70 to R&S Overhead Doors of So Cal, Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

7. Accept the Sewer System Video Evaluation, Project 318

Prepared by: Doug Dancs, Director of Public Works

Recommendation:

1. Accept the Sewer System Video Evaluation, Project 318, in the amount of \$107,887.38 and approve the final payment of \$5,394.36 to Premier Pipe, Inc.; and
2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

8. Approve Annual Task Order for Solid Waste Consulting Services

Prepared by: Doug Dancs, Director of Public Works

Recommendation: Approve a \$100,000 task order for solid waste consulting services to Michael Balliet Consulting.

NEW BUSINESS

None.

ITEMS REMOVED FROM CONSENT CALENDAR

ORAL COMMUNICATIONS (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 - IN MEMORY OF CYPRESS RESIDENT DODIE JACOBSEN

The next meeting will be an adjourned Regular Meeting, to be held on Monday, September 25, 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 7th day of September, 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/5613053472952797534>. Advanced registration is recommended.

The public may address the City Council virtually during Oral Communications on Agenda Items and 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 (562) 247-8422 and entering Access Code 910-216-370. 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: 09/11/2023

SUBJECT: Receive and File Public Comments Submitted for the September 11, 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: 09/11/2023
SUBJECT: Approve Minutes - Meetings of August 28, 2023

RECOMMENDATION

Approve as submitted.

BUDGET IMPACT

None.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

August 28, 2023 Special Meeting Minutes
August 28, 2023 Special Joint Meeting Minutes
August 28, 2023 Regular Meeting Minutes

SPECIAL MEETING
CYPRESS CITY COUNCIL
AUGUST 28, 2023
5:00 P.M.

A regular meeting of the Cypress City Council was called to order at 6:42 p.m. by Mayor Mallari in the Executive Board Room, 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 Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez
Council Member Bonnie Peat

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
Director of Finance and Administrative Services Matt Burton
City Clerk Alisha Farnell
Human Resources Regina Nguyen

ORAL COMMUNICATIONS ON CLOSED SESSION/ WORKSHOP ITEMS

None.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Negotiators: City Manager and Director of Finance and Administrative Services

Employee Group: Cypress Police Management Association

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

Under Negotiation: Price and terms of potential acquisition

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Fortis LLP v. Frances Marquez, City of Cypress
Case No. 30-2022-01277792-CU-WM-CJC
Orange County Superior Court

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 Mallari recessed the meeting at 5:03 p.m.

Mayor Mallari reconvened the meeting at 5:46 p.m.

REPORT OF WORKSHOP AGENDA / CLOSED SESSION

The City Attorney stated the City Council met in Closed Session to discuss the four items listed on the Special Meeting agenda.

Regarding the first Closed Session item, namely Conference with Labor Negotiator concerning the employee group Cypress Police Management Association, the City Attorney reported the City Council received an update and no further reportable action was taken.

Regarding the second Closed Session item, 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. The City Attorney stated the City Council received a briefing and no further reportable action was taken.

Regarding the third Closed Session item, namely Conference with Legal Counsel – existing litigation, the matter of Fortis LLP v. Frances Marquez. The City Attorney stated Council Member Marquez recused herself from the item and exited the room. The remaining Council received an update and no further reportable action was taken.

The City Attorney stated the City Council will recess back into in Closed Session following the Regular Meeting of the City Council to discuss the last item on the Closed Session agenda.

Mayor Mallari recessed the meeting at 5:47 p.m.

Mayor Mallari reconvened the meeting at 9:43 p.m.

Regarding the fourth Closed Session item, namely Conference with Legal Counsel – existing litigation, the matter of Southwest Voter Registration Education Project v. City of Cypress, the City Attorney stated the City Council held a discussion on the status of the case and provided direction. Additionally, notwithstanding the declaration of a conflict of

interest through her attorney's letter, Council Member Marquez confirmed she does not have a conflict of interest in this matter and may continue to participate in the Closed Session discussions. The City Council proceeded with the discussion after this confirmation, with Mayor Pro Tem Minikus and Council Member Peat objecting. The City Attorney further stated that no reportable action was taken.

ADJOURNMENT

Mayor Mallari adjourned the meeting at 9:44 p.m. to an adjourned Regular Meeting, to be held on Monday, September 11, 2023, beginning at 6:00 p.m. in the Council Chambers.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

SPECIAL JOINT MEETING
CYPRESS CITY COUNCIL AND
SENIOR CITIZENS COMMISSION
AUGUST 28, 2023
6:00 P.M.

A special meeting of the Cypress City Council was called to order at 6:03 p.m. by Mayor 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 Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez
Council Member Bonnie Peat

SENIOR CITIZENS COMMISSION

Commissioner Glen Button
Commissioner Linda Croce
Commissioner Jon DeCesare
Commissioner Gincy Heins
Commissioner Hank Machal
Commissioner Ginger Osman
Commissioner David Skorupinski
Former Commissioner Carlos Ramirez

STAFF PRESENT

City Manager Peter Grant
City Attorney Fred Galante
Director of Recreation and Community Services Jeff Draper
City Clerk Alisha Farnell
Recreation Manager Ian Kokot
Recreation Supervisor Shayna Gutierrez

INVOCATION Trevor Cooper, First Baptist Church of Cypress, led the invocation.

PLEDGE OF ALLEGIANCE Oxford Academy students Marcus Kwon led the Pledge of Allegiance and Diego Munoz sang the National Anthem.

PRESENTATIONS

The City Council accepted a donation from the Senior Center Line Dancers group and recognized their efforts to support the Senior Center.

ORAL COMMUNICATIONS (Limited to three minutes per speaker, unless modified by the City Council)

None.

NEW BUSINESS

Item No. 1: Receive the Annual Update from the Senior Citizens Commission

The Director of Recreation and Community Services provided a report on this item.

No action was taken.

ADJOURNMENT

Mayor Mallari adjourned the Joint Special Meeting at 6:35 p.m. to the adjourned Regular Meeting, scheduled to be held on Monday, August 28, 2023, beginning at 6:30 p.m. in the Council Chambers.

ATTEST:

MAYOR OF THE CITY OF CYPRESS

CITY CLERK OF THE CITY OF CYPRESS

REGULAR MEETING
CYPRESS CITY COUNCIL
AUGUST 28, 2023
6:30 P.M.

A regular meeting of the Cypress City Council was called to order at 6:42 p.m. by Mayor 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 Mallari
Mayor Pro Tem Scott Minikus
Council Member David Burke
Council Member Frances Marquez
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
Human Resources Manager Regina Nguyen

PRESENTATIONS

The City Council presented a Proclamation in honor of Hunger Action Month to Matthew Hurley of Orange County Food Bank.

ORAL COMMUNICATIONS ON AGENDA ITEMS

Wanda Youngsma, Cypress, spoke regarding Agenda Item No. 3.

Bob Youngsma, Cypress, spoke regarding Agenda Item No. 11 from the July 10 City Council meeting.

Helen Le, Cypress, spoke regarding Agenda Item No. 10 from the July 10 City Council meeting.

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. 9, the Warrant Register, includes electronic fund transfer No. 13341 for \$294.34 and electronic fund transfer No. 13429 in the amount of \$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. 13341 and 13429 for the reason disclosed.

A motion was made by Council Member Peat, and seconded by Mayor Pro Tem Minikus, to approve Consent Calendar items No. 1 through 9.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Burke, Marquez, Peat, Minikus and Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

Item No. 1: Receive and File Public Comments Submitted for the August 28, 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 – Meeting of June 26, 2023 and July 10, 2023

Recommendation: Approve as submitted.

Item No. 4: Proclaim the Month of September 2023 as Hunger Action Month

Recommendation: Proclaim the month of September 2023 as Hunger Action Month.

Item No. 5: Adopt a Resolution Establishing Benefits for Management Employees

Recommendation: Adopt a Resolution establishing the Schedule of Benefits for Management Employees

RESOLUTION NO. 6944

**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 AMENDING
RESOLUTION NO. 6910 ESTABLISHING BENEFITS FOR
MANAGEMENT EMPLOYEES

Item No. 6: Approve a Task Order for an Environmental Initial Study/Mitigated Declaration for a Warehouse Development at 5665 Plaza Drive

Recommendation: Approve a \$65,100 task order with LSA for the preparation of an Environmental Initial Study/Mitigated Negative Declaration at 5665 Plaza Drive.

Item No. 7: Receive an Update on the Strategic Plan Six-Month Objectives

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

Item No. 8: Receive and File the Investment Reports for the Months Ended June 30, 2023 and July 31, 2023

Recommendation: Receive and file the attached investment reports.

Item No. 9: Receive and File Register of Warrants, Transfers, and Wires Issued for the Period of June 10, 2023 through August 11, 2023

Recommendation: Receive and file the attached payment register summarized below for the period of June 10, 2023 through August 11, 2023

- Electronic Funds Transfers 13224 through 13574
- Warrants 62704 through 63231
- Payroll Transfers W1504 through W1508

NEW BUSINESS

Item No. 10: Approve the Acquisition of Real Property at 6612 Cerritos Avenue

The City Manager provided a report on this item.

City Council discussion ensued.

A motion was made by Mayor Pro Tem Minikus, and seconded by Council Member Burke, to approve the purchase of real property at 6612 Cerritos Avenue in the amount of \$2,700,000 and authorize a contingency for closing costs not to exceed \$15,000; and authorize the City Manager to sign and finalize all documents associated with the purchase; and authorize a \$2,715,000 appropriation increase in the Recreation and Park District's General Fund for the purchase.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Burke, Marquez, Peat, Minikus and Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

Item No. 11: Adopt a Resolution Approving a Four-Year Memorandum of Understanding with the Police Management Association

The Human Resource Manager provided a report on this item.

City Council discussion ensued.

A motion was made by Council Member Peat, and seconded by Council Member Marquez, to adopt a Resolution approving a Memorandum of Understanding with the Cypress Police Management Association for the period July 1, 2023 through June 30, 2027; and approve a \$65,000 appropriation in the General Fund for FY 2023-24 salary and benefit costs.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Burke, Marquez, Peat, Minikus and Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

RESOLUTION NO. 6945

A RESOLUTION OF THE CITY COUNCIL AND ACTING AS EX-OFFICIO
BOARD OF DIRECTORS OF THE CYPRESS RECREATION AND PARK
DISTRICT OF THE CITY OF CYPRESS, APPROVING THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
CYPRESS AND THE POLICE MANAGEMENT ASSOCIATION
CONCERNING WAGES, SALARIES, FRINGE BENEFITS AND
CONDITIONS OF EMPLOYMENT

Item No. 12: Receive an Update on the Police Department Strategic Plan

The Chief of Police provided a report on this item.

City Council discussion ensued.

No action was taken.

Item No. 13: Designate Voting Delegate for the 2023 League of California Cities Annual Conference.

The City Clerk provided a report on this item.

It was moved by Mayor Pro Tem Minikus, and seconded by Council Member Peat, to designate Council Member Burke as the voting delegate for the 2023 League of California Cities conference.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Burke, Marquez, Peat, Minikus and Mallari
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

ORAL COMMUNICATIONS

Wanda Youngsma, Cypress, spoke regarding a press release on City website.

Bob Youngsma, Cypress, spoke regarding virtual participation during oral communications and traffic.

Bruce Seaton, Cypress, spoke regarding Nature Park maintenance.

Cynthia Ambrose, Cypress, spoke regarding house fire on Via Largo and Nature Park maintenance.

Marilyn Reames, Cypress, spoke regarding virtual comments during second oral communications period.

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

None.

CITY MANAGER REMARKS

None.

ADJOURNMENT

Mayor Mallari announced that following the adjournment of the Regular Meeting, the City Council will reconvene into the Special Meeting that began earlier in the day to continue Closed Session discussion of the remaining Closed Session agenda item.

Mayor Mallari adjourned the Regular Meeting at 7:58 p.m. to an adjourned Regular Meeting, to be held on Monday, September 11, 2023, 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: Jeff Draper, Director of Recreation and Community Services

DATE: 09/11/2023

SUBJECT: Adopt Resolutions Authorizing the Reallocation of Recreation and Park District Proposition 68 Funds to the City

RECOMMENDATION

1. Adopt a Resolution authorizing the State of California to decrease the Cypress Recreation and Park District's \$415,878 Proposition 68 Per Capita Grant Fund allocation to zero; and
2. Adopt a Resolution authorizing the State of California to increase the City of Cypress' Per Capita Grant Fund allocation to \$415,878 to accept the reallocation from the Cypress Recreation and Park District; and
3. Authorize the City Manager to execute and make adjustments to any agreements necessary for the receipt and use of Proposition 68 funds.

DISCUSSION

On June 5, 2018, California voters approved Proposition 68, the "Parks and Water Bond Act of 2018." Proposition 68 provides \$185 million to cities, counties and special districts statewide for local park rehabilitation, creation and improvements on a per capita basis. Per capita grant recipients are encouraged to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

Both the City of Cypress and the Cypress Recreation and Park District are eligible to receive Proposition 68 per capita grant allocations. The combined grants total \$415,878 and require a 25% (\$103,970) spending match. Jurisdictions receiving a per capita grant may transfer the allocation to another eligible jurisdiction and in September 2021, City Council approved Resolutions to pass through the City's \$207,939 of per capita grant funds to the District.

Following discussions with the State, it was determined the District would need to obtain a new taxpayer ID to receive the \$415,878 of per capita grant funding. The District is considered a component unit of the City and all payroll tax filings and reporting are reported under a single tax ID number. Obtaining a separate taxpayer ID specific to the District would require changes to established tax reporting requirements and create other potential trickle

down negative impacts. In order to avoid these administrative challenges and be able to receive the full \$415,878 of available Proposition 68 grant funds, it is recommended the full grant amount be reallocated from the District to the City.

BUDGET IMPACT

The 2023-24 Capital Improvement Program includes \$250,000 of Proposition 68 grant funding for park improvements. Later this year, Recreation and Community Services will recommend a project(s) to the City Council that incorporates the additional grant allocation and meets the per capita grant criteria.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Proposition 68 Per Capita Donor Resolution
Proposition 68 Per Capita Recipient Resolution

RESOLUTION NO. ____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CYPRESS
RECREATION AND PARK DISTRICT, AUTHORIZING THE CYPRESS
RECREATION AND PARK DISTRICT TO ENTER INTO AN
AMENDMENT FOR CONTRACTS C9801465 AND C9802191 WITH THE
STATE OF CALIFORNIA FOR THE PER CAPITA GRANT PROGRAM
UNDER THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE,
COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF
2018.

WHEREAS, the Cypress Recreation and Park District will enter into an Amended Contract with the State of California to decrease the Cypress Recreation and Park District's Per Capita Grant Fund allocation of C9801465 and C9802191 from \$355,904 and \$59,974, respectively to \$0 and \$0 to reflect the pass through of \$415,878 to the City of Cypress.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Cypress Recreation and Park District hereby:

1. Approves the Amendment to Contract No. C9801465 and C9802191 with the State of California under the Per Capita Grant Program under the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018; and
2. Authorizes the City Manager to execute the Amendment on behalf of the Cypress Recreation and Park District.

PASSED AND ADOPTED by the Board of Directors of the Cypress Recreation and Park District at a regular meeting held on the 11th day of September, 2023.

MAYOR OF THE CITY OF CYPRESS

ATTEST:

CITY CLERK OF THE CITY OF CYPRESS

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
AUTHORIZING THE CITY OF CYPRESS TO ENTER INTO AN
AMENDMENT FOR CONTRACTS C9801465 AND C9802191 WITH THE
STATE OF CALIFORNIA FOR THE PER CAPITA GRANT PROGRAM
UNDER THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE,
COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF
2018.

WHEREAS, the City of Cypress will enter into an Amended Contract with the State of California to increase the City of Cypress' Per Capita Grant Fund allocation from \$-0- to \$415,878 to reflect the pass through of \$415,878 from the Cypress Recreation and Park District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cypress hereby:

1. Approves the Amendment to Contracts C9801465 AND C9802191 with the State of California under the Per Capita Grant Program under the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018; and
2. Authorizes the City Manager to execute the Amendment on behalf of the City of Cypress.

PASSED AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the 11th day of September, 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 11th day of September, 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: Alisha Farnell, City Clerk

DATE: 09/11/2023

SUBJECT: First Reading of an Ordinance Amending Ordinance No. 1203 and Chapter 2 of the Municipal Code Relating to the Conduct of City Council Meetings

RECOMMENDATION

Introduce for first reading an Ordinance amending Ordinance No. 1203 and Chapter 2 of the Municipal Code relating to the conduct of City Council meetings.

DISCUSSION

At its April 10 regular meeting, the City Council approved Ordinance No. 1203, which repealed and replaced Ordinance No. 1193, relating to the conduct of City Council meetings, order of business, and City Council decorum. At its April 24 meeting, the City Council approved minor updates to Ordinance No. 1203 to clarify/modernize language and to require that the destruction of audio or video recordings of City Council proceedings be approved by the City Council. Finally, at its July 10 meeting, the City Council approved a minor update to Ordinance No. 1203 to change the title of the final oral communications period during City Council meetings to clarify that the public may address the City Council on any item within its subject matter jurisdiction during that period.

BUDGET IMPACT

None.

LEGAL REVIEW

The attached Ordinance was drafted and approved by the City Attorney's office.

APPROVED BY: Peter Grant, City Manager

Attachments

Ordinance

Ordinance - Redline Version

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CYPRESS, CALIFORNIA
AMENDING ORDINANCE NO. 1203 AND SECTIONS 2-1 AND 2-2 OF
THE CYPRESS MUNICIPAL CODE RELATING TO THE CONDUCT
OF CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Cypress is authorized to establish rules of conduct for its proceedings pursuant to Government Code section 36813; and

WHEREAS, on March 14, 2022, the City Council adopted Ordinance No. 1193 updating the rules of conduct and decorum, as well as the order of business of City Council meetings; and

WHEREAS, the publishing company for the Cypress Municipal Code noted some inconsistencies between Ordinance No. 1193 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder; and

WHEREAS, on April 10, 2023, the City Council adopted Ordinance No. 1203 repealing and replacing Ordinance 1193 and updating Sections 2-1 and 2-2 of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on April 24, 2023, the City Council directed changes to Ordinance No. 1203 to further refine and update Section 2-2 and subsections thereunder of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on July 10, 2023, the City Council directed changes to Section 2-2.9 of the Cypress Municipal Code relating to the order of business of City Council meetings, specifically changing the title of the final period of Oral Communications; and

WHEREAS, by adoption of this Ordinance, the City Council wishes to amend Ordinance No. 1203 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Ordinance No. 1203 and Chapter 2. Sections 2-1 and 2-2, including all subsections thereunder, of the Cypress Municipal Code shall be amended in their entirety to read as follows:

2-1. City council meetings—Time of regular meetings.

The city council shall hold regular meetings at 5:30 p.m., on the second and fourth Mondays of each month. Said meetings shall be adjourned no later than 11:30 p.m., unless the majority of the council waives said adjournment time.

2-2. Same—Place.

Meetings of the city council shall be held at 5275 Orange Avenue, Cypress, or at such other locations as the city council may specify.

2-2.0. Definitions pertaining to open meeting compliance.

For the purposes of this chapter, the definitions of “legislative body,” “regular meeting,” and “special meeting” as set forth in Section 54950 et seq. of the Government Code of the State of California shall apply.

2-2.1. Special meetings, call.

As permitted by state law, a special meeting may be called at any time by the presiding officer of the legislative body, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body, posting on the city’s website. The notice shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time of the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given in writing by electronic communication. The written notice may be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

2-2.2. Same—Adjourned meetings.

Any regular or adjourned regular or special meeting may be adjourned to a time certain but not beyond the next regular meeting date.

2-2.3. Same—Notice.

Notice shall be given of all meetings as required by state law.

2-2.4. Same - Agenda.

- a) The city clerk shall prepare an agenda of the council proceedings, which agenda shall be prepared in accordance with the order of business, and shall furnish each member of the council, the mayor, the city manager and city attorney with a copy of the same not less than seventy-two (72) hours prior to each regular meeting and not less than twenty-four (24) hours prior to each special meeting. Any council member wishing to add an item on the agenda shall adhere to the city

council's adopted process for council members adding items to the agenda, as may be amended by the council from time-to-time. Matters that are not listed on the agenda shall not be presented to the council, except matters of an urgent or emergency nature presented by the city manager as provided by Government Code Section 54954.2.

- b) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body, including the city council, may hold an emergency meeting without complying with either the twenty-four-hour notice requirement or the twenty-four-hour posting requirement of Government Code Section 54956 or both the notice and posting requirement. Meetings held in such emergency situations shall comply with Government Code Section 54956.5.
- c) The council may take action on any item of business not appearing on the agenda pursuant to the provisions of Government Code 54954.2.

2-2.4.1. Enforcement.

The provisions of this chapter shall be enforceable pursuant to the provisions of Government Code Sections 54960 through 54960.5, as said sections may be amended.

2-2.5. Same – Presiding Officer.

The mayor shall preside at the meetings of the council and shall maintain order and decorum at all regular and special meetings of the council. The mayor shall state every question coming before the council, announce the decision of the council on all subjects, except where the city clerk makes such announcement, and decide all questions of order subject however to an appeal to the council in which event a majority vote of the council shall govern and conclusively determine such question of order.

2-2.6. City council meetings – Call to order; temporary chairperson.

The mayor, or in his/her absence the mayor pro tempore, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or mayor pro tempore, the city clerk shall call the council meeting to order, whereupon a temporary chair shall be elected by the council members present. Upon the arrival of the mayor or mayor pro tempore, the temporary chair shall immediately relinquish the chair upon the conclusion of the business immediately before the council.

2-2.7. Same – Roll call.

Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes.

2-2.8. Same – Quorum.

A majority of the council constitutes a quorum for the transaction of business, but a lesser number may adjourn from time to time and may cancel the meeting by a notice. The city clerk may also notice the adjournment or cancellation of a meeting for lack of a quorum.

2-2.9. Same – Order of business.

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the council members, city manager, city clerk and the city attorney shall take their assigned stations in the council chambers and the business of the council shall be taken up for consideration and disposition in the following order, unless otherwise changed by resolution of the council.

1. Call to order
2. Roll call
3. Oral communications on closed session/workshop items
4. Closed session; workshop
5. Presentations
6. Oral communications on agenda items
7. Consent calendar; minutes
8. Public hearings
9. New business
10. Items removed from consent calendar
11. Continued items
12. Items from council members
13. Oral communications
14. Council member reports from city-affiliated boards and committees, and remarks
15. Council member items for future consideration
16. City manager reports
17. Adjournment

2-2.10. Same—Approved minutes as official record of proceedings.

- a) Approval of minutes. Unless the reading of the minutes of a council meeting is requested by council member, such minutes may be approved without reading if the city clerk has previously furnished each member with a copy thereof. Minutes shall be approved by voice or roll call vote.

- b) Designated as official record. The approved written minutes constitute the official record of council proceedings and actions and are superior to any other record, recordation, document, transcript, audio recording, video recording, or other memorial or writing of said proceedings and action. Any other recordings and records of council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7 and the council's records retention policy. Audio and video recordings of council proceedings may only be destroyed with council authorization.
- c) Subsections (a) and (b) shall apply to the minutes of the meetings of any city board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency and the council have approved the same.
- d) The provisions of this section shall apply to all minutes and recordings which have been approved by the body conducting the meeting and by the council.

2-2.11. Council meetings—Rules of debate.

- a) Presiding officer may debate and vote. The mayor, or in his/her absence, such other council member as may be presiding may move, second and debate from the chair, subject only to such limitations of debate per these rules imposed on all council members and shall not be deprived of any of the rights and privileges of a council member by reason of his/her acting as the presiding officer.
- b) Getting the floor. Every council member desiring to speak shall do so only when recognized by the presiding officer and confine him/herself to the question under debate.
- c) Interruptions. A council member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a council member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined.
- d) Remarks of council member - When entered in minutes. Any council member may request, through the presiding officer, the privilege of having a written abstract of his/her statement on any subject under consideration by the city council entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.

- e) Motion to reconsider. A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one on the prevailing side, but may be seconded by any council member and may be made at any time and have precedence over all other motions or, while a council member has the floor, it shall be debatable.
- f) Rules of order. Except as otherwise provided in this chapter “Robert’s Rules of Order”, as revised and updated from time-to-time, shall govern the conduct of the meetings of the council.

2-2.12. Same—Addressing City Council—Generally.

- a) Opportunity to address legislative body. Every agenda for regular meetings of any legislative body, including the city council, of the City of Cypress shall provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code Section 54954.(b). The legislative body may adopt reasonable regulations to ensure that the intent of this section is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The rules pertaining to addressing the council shall also apply equally to all city board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency created by the council.
- b) Oral communications. Each member of the public addressing the council in person shall use the microphone in front of the podium or if addressing the council virtually, the microphone on their device, give his/her name and city of residence in an audible tone of voice for the record and, unless further time is granted by the council, shall limit his/her remarks to the time allotted on the agenda for public comments. Members of the public may address the council by oral communications on any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the city council. All remarks shall be addressed to the legislative body as a body and not to an individual council

member. Although council members may provide brief responses, the city council may not discuss or take action on items that are not on its agenda. In discussion of any issue before the council, members of the public must confine themselves to the question before the council.

- c) Spokesperson for group of persons. Whenever any group of persons wishes to address the council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group to address the council, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the council so as to avoid unnecessary repetition before the council.
- d) Written communications. Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.
- e) Public hearings and protests. Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals, and petitions, or similar matters in regard to matters then under consideration.

2-2.13. Same—Same—After motion made.

After a motion is made by the council, no person shall address the council without first securing the permission of the Presiding Officer.

2-2.14. Reserved.

2-2.15. Council meetings—Decorum.

- a) By council members.
 - 1. Conduct. While the council is in session, the council members must preserve order and decorum, and a council member shall neither by conversation, by the utterance of loud, threatening, profane or abusive language, or by engaging in any other disorderly conduct at any council meeting, delay or interrupt the council proceedings. A council member's persistence in discussing an agenda item or any other matter before the council after the matter has been called to a vote, shall constitute a violation of this subsection. Council members shall obey the orders of the council or the presiding officer. The following rules shall be

obeyed:

- i. Council members shall keep any remarks clear, concise and on-topic.
 - ii. When there are differences of opinion, council members shall focus on debating the facts of the situation and avoid personalities. Council members should seek to build on the ideas of others and look for common ground.
 - iii. Council members shall be prepared at council meetings, including by reading their agendas with enough time to ask questions prior to the council meeting. Every effort will be made to ask questions before the council meeting so that the city manager or the city attorney, as applicable, has ample time to research the question before the council meeting.
 - iv. Council members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
2. Censure. A violation of these rules of decorum or the adopted civility, conduct and governance policy by a council member shall be subject to the below enforcement provisions. Any council member may make a motion for a vote to censure or for a vote for removal or ejection as set forth herein.
- i. Resolution of censure. Any council member who reasonably believes that another council member is violating these rules of decorum or the adopted civility, conduct and governance policy shall be allowed to request an agenda item be presented, in accordance with the procedures for requesting future agenda items, calling for staff to bring back a draft resolution of censure by identifying the council member, and that council member's speech, actions or behavior, that he/she believes constitutes such violation. Once approved to be presented to the council for consideration, the resolution of censure may be approved by a majority of the council and may contain the penalties described below. Upon such motion, all council members present shall immediately vote on the motion and state whether they agree that the identified speech, actions or behavior constitutes a violation and

justifies a vote of censure. If a majority of the council members present a vote for censure, then that vote shall be duly noted by the city clerk and the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal, any council member shall be entitled to make a motion to overturn the vote of censure. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such censure from the record. Motions to overturn a vote of censure may only be made at the meeting at which the vote of censure was made. This subsection contemplates no other administrative remedy to a vote of censure other than the two (2) minute rebuttal. If not so overturned, the resolution of censure shall be adopted.

- ii. Fines for censure. Any council member who is censured by the City Council may be subject to a one hundred dollar (\$100.00) fine per censure. Such fine(s) shall be paid to the city clerk within thirty (30) days of the date imposed. Failure to pay such fine(s) within sixty (60) days shall give rise to a civil action by the city for collection, or shall be deducted or offset from the council member's compensation or per diem entitlements.
- iii. Revocation of special privileges. Any council member who is censured by the council shall be subject to revocation of his/her committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a city credit card, council salary, stipends, and ceremonial titles.
- iv. Removal. Any council member who is censured by a majority of the council during a council meeting, in addition to the attendant fines, shall also be subject to a vote, upon motion by any council member, by a majority of the council present, to remove such offender from the council meeting. If a majority of the council votes for removal, then the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal any council

member shall be entitled to make a motion to overturn the vote to remove. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such vote from the record. If the vote to remove is not overturned, then such vote shall remain part of the administrative record and resolution of censure. Motions to overturn a vote of removal may only be made at the meeting at which the vote of removal was made. If the offending council member does not leave voluntarily, the presiding officer may order any law enforcement officer who is on duty at the council meeting as sergeant at arms to remove the offender from the council chambers. It shall be the duty of any law enforcement officer who is serving as sergeant at arms at the council meeting to carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum, including the removal of disruptive council members and/or members of the public.

v. Resisting removal; penalty. Any council member or member of the public who resists removal by the sergeant at arms shall be guilty of a misdemeanor.

3. Motion to enforce. If the presiding officer fails to enforce the rules set forth above, any council member may move to require the presiding officer to do so, and an affirmative vote of a majority of the council shall mandate such action. If the presiding officer fails to carry out the will of a majority of the council the majority may designate another council member to act as the presiding officer for the limited purpose of enforcing any provision of this subsection which it desires to enforce.

b) By other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by directive of the presiding officer, be barred from further audience at said meeting before the council unless permission to continue is granted by a majority vote of the council.

2-2.16. Same – Same – Enforcement.

The Chief of Police or such member or members of the Police Department as he/she may designate shall be Sergeant-at-Arms of the Council meetings. He/she shall carry out all orders and instructions given

by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms or designee to place any person who violates the order and decorum of the meeting under arrest, and cause him/her to be prosecuted under the provisions of this Code or state law.

2-2.17 Same—Entering protest of city council action in minutes.

Any member at his request shall have the right to have the reasons for his dissent from or protest against any action of the council entered on the minutes.

2-2.18. Same—Ordinances, resolutions, motions and contracts.

- a) Preparation of ordinances. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested in writing by any member of the council, the presiding officer or the city manager or prepared by the city attorney on his own initiative.
- b) Prior approval by administrative staff. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative and shall have been examined and approved for the administration by the city manager or his authorized representative where there are substantive matters of administration involved.
- c) Introducing for passage or approval. Ordinances, resolutions and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor, city manager or city attorney may present ordinances, resolutions and other matters or subjects to the council, and any council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

2-2.19. Same—Voting—Roll call vote.

A roll call vote shall be taken upon the passage of all ordinances and resolutions and be entered upon the journal of the proceedings of the council. Upon request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or roll call vote of the council is in order, the city clerk shall call the names of the members in alphabetical order, except that the name of the presiding officer shall be called last.

2-2.20. Same—Same—Disqualification and abstention.

No city council member shall be permitted to disqualify him/herself if such disqualification results in a tied vote unless such disqualification shall have been approved by the city attorney or by vote of the remainder of the council. Unexcused disqualification and abstentions shall be counted by the

city clerk as a vote in favor of the particular motion.

2-2.21. Same—Motion to adjourn.

A motion to adjourn shall always be in order and decided without debate.

2-2.22. Same—Code of ethics.

The following principles shall constitute the Cypress code of ethics, applicable to all council members. Council members, upon the adoption of this ordinance or upon entering office, shall sign a statement affirming they read and understood the code of ethics. In addition, this code of ethics shall be periodically reviewed and updated by the council.

- a) Act in the public interest. Recognizing that stewardship of the public interest must be their primary concern, council members will work for the common good of the community and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the council.
- b) Comply with the law. Council members shall comply with the laws of the nation, the State of California and the City of Cypress in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Charter; the Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Council members shall also comply with all applicable city policies and procedures.
- c) Conduct of council members. The professional and personal conduct of council members must be above reproach and should avoid even the appearance of impropriety. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other council members, city staff or public.
- d) Respect for process. Council members shall perform their duties in accordance with the processes and rules of order established by the council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the council by city staff.
- e) Incompatible employment. No council member shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.

- f) Use of public property. No council member shall request or permit the use of city owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, and in the same manner as available to the public, or are provided as city policy for the use of such official in the conduct of official business. No official shall use the time of any city employee during working hours for personal purposes.
- g) Contracts with city. Council members shall not have a financial interest in any business transaction, or contract with the city, or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state.
- h) Disclosure of interest in legislation. A council member who has a financial or other private interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest.
- i) Conflict of interest. In order to assure their independence and impartiality on behalf of the common good, council members shall not use their official positions to influence government decisions in which they have a material financial interest. In accordance with the law, council members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts, as determined under applicable laws, may exist. Council members should endeavor to consult with the city attorney before any council meeting to allow an evaluation by the city attorney of any potential conflict.
- j) Confidential information. Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- k) Advocacy. When representing the city while serving on or appearing before other government agencies or in court, council members shall represent the official policies or positions of the council to the best of their ability when designated as delegates for this purpose. When representing the city while serving on or appearing before other government agencies or in court, council members shall advocate policies that are in the best interest of the city over their own personal interests. When presenting their individual opinions and positions, council members shall explicitly state they do not represent the council or the city, and shall not allow the inference that they do.

- I) Positive workplace environment. Council members shall support positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Council members shall recognize their special role in dealings with city employees not provide direction to city staff in violation of the city charter.

2-2.22.1. Vacancy on commissions upon filing of nomination papers for city council.

Whenever a member of the recreation and community services commission, senior citizens commission, traffic commission, or any other board or commission officially adopted by ordinance of the city council, as the case may be, is nominated for the office of city council by the filing of nomination papers designating such person as a candidate for the office of city council, the office of such person so nominated on the recreation and community services commission, senior citizens commission, traffic commission or any board or commission officially adopted by ordinance of the city council, as the case may be, shall be immediately and automatically rendered vacant and the city clerk shall immediately notify the city council of that fact, and the vacancy may be filled in the manner provided by law.

2-2.23. City council to serve as planning commission.

The city council hereby is designated as the planning commission of the City of Cypress. Except as otherwise provided for by resolution of the city council, any meeting of the city council shall also be deemed to be a meeting of the planning commission.

Section 3. Effective date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 4. Certification. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the ____ day of _____, 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 Ordinance was duly adopted at a regular meeting of said City Council held on the ____ day of _____, 2023, by the following roll call vote:

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

CITY CLERK OF THE CITY OF CYPRESS

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF CYPRESS, CALIFORNIA
AMENDING ORDINANCE NO. 1203 AND SECTIONS 2-1 AND 2-2 OF
THE CYPRESS MUNICIPAL CODE RELATING TO THE CONDUCT
OF CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Cypress is authorized to establish rules of conduct for its proceedings pursuant to Government Code section 36813; and

WHEREAS, on March 14, 2022, the City Council adopted Ordinance No. 1193 updating the rules of conduct and decorum, as well as the order of business of City Council meetings; and

WHEREAS, the publishing company for the Cypress Municipal Code noted some inconsistencies between Ordinance No. 1193 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder; and

WHEREAS, on April 10, 2023, the City Council adopted Ordinance No. 1203 repealing and replacing Ordinance 1193 and updating Sections 2-1 and 2-2 of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on April 24, 2023, the City Council directed changes to Ordinance No. 1203 to further refine and update Section 2-2 and subsections thereunder of the Cypress Municipal Code relating to the conduct of City Council meetings; and

WHEREAS, on July 10, 2023, the City Council directed changes to Section 2-2.9 of the Cypress Municipal Code relating to the order of business of City Council meetings, specifically changing the title of the final period of Oral Communications; and

WHEREAS, by adoption of this Ordinance, the City Council wishes to amend Ordinance No. 1203 and Cypress Municipal Code Sections 2-1 and 2-2 and subsections thereunder.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES ORDAIN AS FOLLOWS:

Section 1. Amendments to Ordinance No. 1203 and Chapter 2. Sections 2-1 and 2-2, including all subsections thereunder, of the Cypress Municipal Code shall be amended in their entirety to read as follows:

2-1. City council meetings—Time of regular meetings.

The city council shall hold regular meetings at 5:30 p.m., on the second and fourth Mondays of each month. Said meetings shall be adjourned no later than 11:30 p.m., unless the majority of the council waives said adjournment time.

2-2. Same—Place.

Meetings of the city council shall be held at 5275 Orange Avenue, Cypress, or at such other locations as the city council may specify.

2-2.0. Definitions pertaining to open meeting compliance.

For the purposes of this chapter, the definitions of “legislative body,” “regular meeting,” and “special meeting” as set forth in Section 54950 et seq. of the Government Code of the State of California shall apply.

2-2.1. Special meetings, call.

As permitted by state law, a special meeting may be called at any time by the presiding officer of the legislative body, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body, posting on the city’s website, ~~and to each local newspaper of general circulation, radio, or television station requesting notice in writing.~~ The notice shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time of the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given in writing by electronic communication. The written notice may be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

2-2.2. Same—Adjourned meetings.

Any regular or adjourned regular or special meeting may be adjourned to a time certain but not beyond the next regular meeting date.

2-2.3. Same—Notice.

Notice shall be given of all meetings as required by state law.

2-2.4. Same - Agenda.

- a) The city clerk shall prepare an agenda of the council proceedings, which agenda shall be prepared in accordance with the order of business, and shall furnish each member of the council, the mayor, the city manager and city attorney with a copy of the same not less than seventy-two (72) hours prior to each regular meeting and not less than twenty-four (24) hours prior to each special meeting. Any council member

wishing to add an item on the agenda shall adhere to the city council's adopted process for council members adding items to the agenda, as may be amended by the council from time-to-time. Matters that are not listed on the agenda shall not be presented to the council, except matters of an urgent or emergency nature presented by the city manager as provided by Government Code Section 54954.2.

- b) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body, including the city council, may hold an emergency meeting without complying with either the twenty-four-hour notice requirement or the twenty-four-hour posting requirement of Government Code Section 54956 or both the notice and posting requirement. Meetings held in such emergency situations shall comply with Government Code Section 54956.5.
- c) The council may take action on any item of business not appearing on the agenda pursuant to the provisions of Government Code 54954.2.

2-2.4.1. Enforcement.

The provisions of this chapter shall be enforceable pursuant to the provisions of Government Code Sections 54960 through 54960.5, as said sections may be amended.

2-2.5. Same – Presiding Officer.

The mayor shall preside at the meetings of the council and shall ~~preserve strict~~maintain order and decorum at all regular and special meetings of the council. The mayor shall state every question coming before the council, announce the decision of the council on all subjects, except where the city clerk makes such announcement, and decide all questions of order subject however to an appeal to the council in which event a majority vote of the council shall govern and conclusively determine such question of order.

2-2.6. City council meetings – Call to order; temporary chairperson.

The mayor, or in his/her absence the mayor pro tempore, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the council to order. In the absence of the mayor or mayor pro tempore, the city clerk shall call the council meeting to order, whereupon a temporary chair shall be elected by the council members present. Upon the arrival of the mayor or mayor pro tempore, the temporary chair shall

immediately relinquish the chair upon the conclusion of the business immediately before the council.

2-2.7. Same – Roll call.

Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes.

2-2.8. Same – Quorum.

A majority of the council constitutes a quorum for the transaction of business, but a lesser number may adjourn from time to time and may cancel the meeting by a notice. The city clerk may also notice the adjournment or cancellation of a meeting for lack of a quorum.

2-2.9. Same – Order of business.

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the council members, city manager, city clerk and the city attorney shall take their assigned stations in the council chambers and the business of the council shall be taken up for consideration and disposition in the following order, unless otherwise changed by resolution of the council.

1. Call to order
2. Roll call
3. Oral communications on closed session/workshop items
4. Closed session; workshop
5. Presentations
6. Oral communications on agenda items
7. Consent calendar; minutes
8. Public hearings
9. New business
10. Items removed from consent calendar
11. Continued items
12. Items from council members
13. Oral communications ~~on items not on the agenda~~
14. Council member reports from city-affiliated boards and committees, and remarks
15. Council member items for future consideration
16. City manager reports
17. Adjournment

2-2.10. Same—Approved minutes as official record of proceedings.

- a) Approval of minutes. Unless the reading of the minutes of a council meeting is requested by council member, such minutes may be approved without reading if the city clerk has previously furnished each member with a copy thereof.

Minutes shall be approved by voice or roll call vote.

b) Designated as official record. The approved written minutes constitute the official record of council proceedings and actions and are superior to any other record, recordation, document, transcript, audio recording, video recording, or other memorial or writing of said proceedings and action. Any other recordings and records of council proceedings which may be deemed duplicate records shall be kept only as required by Government Code Section 34090.7 ~~as it presently exists and as it may from time to time be amended. The council hereby authorizes the city clerk to store and destroy said duplicate records in accordance with said section of the Government Code and the council's records retention policy. Audio and video recordings of council proceedings may only be destroyed with council authorization.~~

~~e) Subsections (a) and (b) shall apply to the minutes of the meetings of any city board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency and the council have approved the same. The city clerk, and every board, commission, committee, task force, or agency secretary or clerk shall cause any recording made of the proceedings to assist in the preparation of the minutes to be destroyed in accordance with Government Code Section 34090.7.~~

~~c)~~

d) The provisions of this section shall apply to all minutes and recordings which have been approved by the body conducting the meeting and by the council.

2-2.11. Council meetings—Rules of debate.

a) Presiding officer may debate and vote. The mayor, or in his/her absence, such other council member as may be presiding may move, second and debate from the chair, subject only to such limitations of debate per these rules imposed on all council members and shall not be deprived of any of the rights and privileges of a council member by reason of his/her acting as the presiding officer.

b) Getting the floor. Every council member desiring to speak shall ~~request to be so only when~~ recognized by the presiding officer, ~~only speak after being so recognized,~~ and confine him/herself to the question under debate.

c) Interruptions. A council member, once recognized, shall not be

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interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a council member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined.

- d) Remarks of council member - When entered in minutes. Any council member may request, through the presiding officer, the privilege of having a written abstract of his/her statement on any subject under consideration by the city council entered in the minutes. If the city council consents thereto, such statement shall be entered in the minutes.
- e) Motion to reconsider. A motion to reconsider any action taken by the council may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one on the prevailing side, but may be seconded by any council member and may be made at any time and have precedence over all other motions or, while a council member has the floor, it shall be debatable.
- f) Rules of order. Except as otherwise provided in this chapter "Robert's Rules of Order", as revised and updated from time-to-time, shall govern the conduct of the meetings of the council.

2-2.12. Same—Addressing City Council—Generally.

- a) Opportunity to address legislative body. Every agenda for regular meetings of any legislative body, including the city council, of the City of Cypress shall provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code Section 54954.(b). The legislative body may adopt reasonable regulations to ensure that the intent of this section is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The rules pertaining to addressing the council shall also apply equally to all city board, commission, committee, task force, or agency after the board, commission, committee, task force, or agency created by the council.
- b) Oral communications. Each member of the public addressing the council in person shall ~~step up to use~~ the microphone in

front of the podium or if addressing the council virtually, the microphone on their device, give his/her name and address city of residence in an audible tone of voice for the record and, unless further time is granted by the council, shall limit his/her address-remarks to the time allotted on the agenda for public comments. Members of the public may address the council by oral communications on any matter over which the council has control; provided, however, that preference shall be given to those persons who may have notified the city clerk in advance of their desire to speak in order that the same may appear on the agenda of the city council. All remarks shall be addressed to the legislative body as a body and not to an individual council member. ~~No person, other than the council and the person having the floor shall be permitted to participate in the discussion, without the permission of the presiding officer. No member of the public may ask a direct question shall to a council member except through the presiding officer. Although council members may provide brief responses, the city council may not discuss or take action on items that are not on its agenda.~~ In discussion of any issue before the council, members of the public ~~and of the council~~ must confine themselves to the question before the council.

- c) Spokesperson for group of persons. Whenever any group of persons wishes to address the council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group to address the council, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the council so as to avoid unnecessary repetition before the council.
- d) Written communications. Interested parties or their authorized representatives may address the council by written communications in regard to matters then under discussion.
- e) Public hearings and protests. Interested persons or their authorized representatives may address the council by reading of protests, petitions, or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals, and petitions, or similar matters in regard to matters then under consideration.

2-2.13. Same—Same—After motion made.

After a motion is made by the council, no person shall address the council without first securing the permission of the Presiding Officer.

2-2.14. Reserved.

2-2.15. Council meetings—Decorum.

a) By council members.

1. Conduct. While the council is in session, the council members must preserve order and decorum, and a council member shall neither by conversation, by the utterance of loud, threatening, profane or abusive language, or by engaging in any other disorderly conduct at any council meeting, delay or interrupt the council proceedings. A council member's persistence in discussing an agenda item or any other matter before the council after the matter has been called to a vote, shall constitute a violation of this subsection. Council members shall obey the orders of the council or the presiding officer. The following rules shall be obeyed:
 - i. Council members shall keep any remarks clear, concise and on-topic.
 - ii. When there are differences of opinion, council members shall focus on debating the facts of the situation and avoid personalities. Council members should seek to build on the ideas of others and look for common ground.
 - iii. Council members shall be prepared at council meetings, including by reading their agendas with enough time to ask questions prior to the council meeting. Every effort will be made to ask questions before the council meeting so that the city manager or the city attorney, as applicable, has ample time to research the question before the council meeting.
 - iv. Council members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
2. Censure. A violation of these rules of decorum or the adopted civility, conduct and governance policy by a council member shall be subject to the below enforcement provisions. Any council member may make a motion for a vote to censure or for a vote for removal or ejection as set forth herein.
 - i. Resolution of censure. Any council member who reasonably believes that another council

member is violating these rules of decorum or the adopted civility, conduct and governance policy shall be allowed to request an agenda item be presented, in accordance with the procedures for requesting future agenda items, calling for staff to bring back a draft resolution of censure by identifying the council member, and that council member's speech, actions or behavior, that he/she believes constitutes such violation. Once approved to be presented to the council for consideration, the resolution of censure may be approved by a majority of the council and may contain the penalties described below. Upon such motion, all council members present shall immediately vote on the motion and state whether they agree that the identified speech, actions or behavior constitutes a violation and justifies a vote of censure. If a majority of the council members present a vote for censure, then that vote shall be duly noted by the city clerk and the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal, any council member shall be entitled to make a motion to overturn the vote of censure. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such censure from the record. Motions to overturn a vote of censure may only be made at the meeting at which the vote of censure was made. This subsection contemplates no other administrative remedy to a vote of censure other than the two (2) minute rebuttal. If not so overturned, the resolution of censure shall be adopted.

- ii. Fines for censure. Any council member who is censured by the City Council may be subject to a one hundred dollar (\$100.00) fine per censure. Such fine(s) shall be paid to the city clerk within thirty (30) days of the date imposed. Failure to pay such fine(s) within sixty (60) days shall give rise to a civil action by the city for collection, or shall be deducted or offset from the council member's compensation or per diem entitlements.
- iii. Revocation of special privileges. Any council member who is censured by the council shall be

subject to revocation of his/her committee assignments, regional boards and commissions, and community-generated board/committee appointments; suspension of official travel, conference participation, access to a city credit card, council salary, stipends, and ceremonial titles.

- iv. Removal. Any council member who is censured by a majority of the council during a council meeting, in addition to the attendant fines, shall also be subject to a vote, upon motion by any council member, by a majority of the council present, to remove such offender from the council meeting. If a majority of the council votes for removal, then the subject of that vote shall have two (2) minutes to make a rebuttal stating why the vote should be overturned. After such rebuttal any council member shall be entitled to make a motion to overturn the vote to remove. If such motion is approved by a majority vote of those council members present, then the city clerk shall remove such vote from the record. If the vote to remove is not overturned, then such vote shall remain part of the administrative record and resolution of censure. Motions to overturn a vote of removal may only be made at the meeting at which the vote of removal was made. If the offending council member does not leave voluntarily, the presiding officer may order any law enforcement officer who is on duty at the council meeting as sergeant at arms to remove the offender from the council chambers. It shall be the duty of any law enforcement officer who is serving as sergeant at arms at the council meeting to carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum, including the removal of disruptive council members and/or members of the public.
 - v. Resisting removal; penalty. Any council member or member of the public who resists removal by the sergeant at arms shall be guilty of a misdemeanor.
3. Motion to enforce. If the presiding officer fails to enforce the rules set forth above, any council member may move to require the presiding officer to do so, and an affirmative vote of a majority of the council shall

mandate such action. If the presiding officer fails to carry out the will of a majority of the council the majority may designate another council member to act as the presiding officer for the limited purpose of enforcing any provision of this subsection which it desires to enforce.

- b) By other persons. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by directive of the presiding officer, be barred from further audience at said meeting before the council unless permission to continue is granted by a majority vote of the council.

2-2.16. Same – Same – Enforcement.

The Chief of Police or such member or members of the Police Department as he/she may designate shall be Sergeant-at-Arms of the Council meetings. He/she shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms or designee to place any person who violates the order and decorum of the meeting under arrest, and cause him/her to be prosecuted under the provisions of this Code or state law.

2-2.17 Same—Entering protest of city council action in minutes.

Any member at his request shall have the right to have the reasons for his dissent from or protest against any action of the council entered on the minutes.

2-2.18. Same—Ordinances, resolutions, motions and contracts.

- a) Preparation of ordinances. All ordinances shall be prepared by the city attorney. No ordinance shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested in writing by any member of the council, the presiding officer or the city manager or prepared by the city attorney on his own initiative.
- b) Prior approval by administrative staff. All ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative and shall have been examined and approved for the administration by the city manager or his authorized representative where there are substantive matters of administration involved.
- c) Introducing for passage or approval. Ordinances, resolutions and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor, city manager or city attorney may present ordinances, resolutions and other matters of

subjects to the council, and any ~~councilman-council member~~ may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

2-2.19. Same—Voting—Roll call vote.

A roll call vote shall be taken upon the passage of all ordinances and resolutions and be entered upon the journal of the proceedings of the council. Upon request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or roll call vote of the council is in order, the city clerk shall call the names of the members in alphabetical order, except that the name of the presiding officer shall be called last.

2-2.20. Same—Same—Disqualification and abstention.

No city council member shall be permitted to disqualify him/herself if such disqualification results in a tied vote unless such disqualification shall have been approved by the city attorney or by vote of the remainder of the council. Unexcused disqualification and abstentions shall be counted by the city clerk as a vote in favor of the particular motion.

2-2.21. Same—Motion to adjourn.

A motion to adjourn shall always be in order and decided without debate.

2-2.22. Same—Code of ethics.

The following principles shall constitute the Cypress code of ethics, applicable to all council members. Council members, upon the adoption of this ordinance or upon entering office, shall sign a statement affirming they read and understood the code of ethics. In addition, this code of ethics shall be periodically reviewed and updated by the council.

- a) Act in the public interest. Recognizing that stewardship of the public interest must be their primary concern, council members will work for the common good of the community and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the council.
- b) Comply with the law. Council members shall comply with the laws of the nation, the State of California and the City of Cypress in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Charter; the Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government. Council members shall also comply with all applicable city policies and procedures.
- c) Conduct of council members. The professional and personal conduct of

council members must be above reproach and should avoid even the appearance of impropriety. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other council members, city staff or public.

- d) Respect for process. Council members shall perform their duties in accordance with the processes and rules of order established by the council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the council by city staff.
- e) Incompatible employment. No council member shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties.
- f) Use of public property. No council member shall request or permit the use of city owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, and in the same manner as available to the public, or are provided as city policy for the use of such official in the conduct of official business. No official shall use the time of any city employee during working hours for personal purposes.
- g) Contracts with city. Council members shall not have a financial interest in any business transaction, or contract with the city, or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state.
- h) Disclosure of interest in legislation. A council member who has a financial or other private interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest.
- i) Conflict of interest. In order to assure their independence and impartiality on behalf of the common good, council members shall not use their official positions to influence government decisions in which they have a material financial interest. In accordance with the law, council members shall disclose investments, interests in real property, sources of income and gifts; and abstain from participating in deliberations and decision-making where conflicts, as determined under applicable laws, may exist. Council members should endeavor to consult with the city attorney before any council meeting to allow an evaluation by the city attorney of any potential conflict.

- j) Confidential information. Council members shall respect the confidentiality of information concerning the property, personnel or affairs of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- k) Advocacy. When representing the city while serving on or appearing before other government agencies or in court, council members shall represent the official policies or positions of the council to the best of their ability when designated as delegates for this purpose. When representing the city while serving on or appearing before other government agencies or in court, council members shall advocate policies that are in the best interest of the city over their own personal interests. When presenting their individual opinions and positions, council members shall explicitly state they do not represent the council or the city, and shall not allow the inference that they do.
- l) Positive workplace environment. Council members shall support positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. Council members shall recognize their special role in dealings with city employees not provide direction to city staff in violation of the city charter.

2-2.22.1. Vacancy on commissions upon filing of nomination papers for city council.

Whenever a member of the recreation and community services commission, senior citizens commission, traffic commission, or any other board or commission officially adopted by ordinance of the city council, as the case may be, is nominated for the office of city council by the filing of nomination papers designating such person as a candidate for the office of city council, the office of such person so nominated on the recreation and community services commission, senior citizens commission, traffic commission or any board or commission officially adopted by ordinance of the city council, as the case may be, shall be immediately and automatically rendered vacant and the city clerk shall immediately notify the city council of that fact, and the vacancy may be filled in the manner provided by law.

2-2.23. City council to serve as planning commission.

The city council hereby is designated as the planning commission of the City of Cypress. Except as otherwise provided for by resolution of the city council, any meeting of the city council shall also be deemed to be a meeting of the planning commission.

Section 3. Effective date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 4. Certification. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the ____ day of _____, 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 Ordinance was duly adopted at a regular meeting of said City Council held on the ____ day of _____, 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

6.

FROM: Douglas Dancs, Director of Public Works

DATE: 09/11/2023

SUBJECT: Accept the Police Department Access Gate Replacements, Project 322

RECOMMENDATION

1. Accept the Police Department Access Gate Replacements, Project 322, in the amount of \$63,694 and approve the final payment of \$3,184.70 to R&S Overhead Doors of So Cal, Inc.; and

2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

DISCUSSION

On June 12, the City Council awarded a construction contract to R&S Overhead Doors of So Cal, Inc. for the replacement of the motorized vehicle gates securing the Police Department's parking area. This project replaced the vehicle gates on the lower and upper decks, motor operators, and provided new access controls.

Public Works will release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period.

BUDGET IMPACT

The original estimated cost of construction was \$73,244 and final project cost is \$63,694 as summarized in the attached table. Sufficient amounts are budgeted in the City Capital Projects Fund to pay for the project.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Cost Table

PROJECT COST TABLE

Police Department Access Gate Replacements Project 322

<u>Item Description</u>	<u>Original Amount</u>	<u>Actual Expenditures</u>	<u>Difference</u>
<u>Construction</u>			
Construction	\$ 63,694.00	\$ 63,694.00	\$ -
Construction Contingency	\$ 9,550.00	-	\$ 9,550.00
Total Project	\$ 73,244.00	\$ 63,694.00	\$ 9,550.00



CITY OF CYPRESS

CITY COUNCIL REPORT

City Council Regular

7.

FROM: Douglas Dancs, Director of Public Works

DATE: 09/11/2023

SUBJECT: Accept the Sewer System Video Evaluation, Project 318

RECOMMENDATION

1. Accept the Sewer System Video Evaluation, Project 318, in the amount of \$107,887.38 and approve the final payment of \$5,394.36 to Premier Pipe, Inc.; and

2. Authorize the City Engineer to file a Notice of Completion with the County Recorder.

DISCUSSION

Last November, the City Council awarded a construction contract to Premier Pipe, Inc. for the evaluation of nearly 20 miles of sewer pipe. This project is an ongoing effort where roughly one-fifth of the City's 100-mile sanitary sewer system is inspected annually to maintain compliance with State Water Board regulations. The work began in February and was completed in June.

Public Works will release the Labor and Materials Bond and the Faithful Performance Bond upon expiration of the required lien period.

BUDGET IMPACT

The estimated cost of the project was \$125,501 and final project costs total \$107,887.38 as summarized in the attached table. Sufficient amounts are budgeted in the Sewer Fund to pay for the project.

LEGAL REVIEW

None required.

APPROVED BY: Peter Grant, City Manager

Attachments

Cost Table

PROJECT COST TABLE

Sewer System Video Evaluation Project 318

<u>Item Description</u>	<u>Original Amount</u>	<u>Actual Expenditures</u>	<u>Difference</u>
<u>Construction</u>			
Construction	\$ 109,101.00	\$ 107,887.38	1,213.62
Construction Contingency	16,400.00	-	16,400.00
Sub-total Construction	\$ 125,501.00	\$ 107,887.38	\$ 17,613.62
Total Project	<u>\$ 125,501.00</u>	<u>\$ 107,887.38</u>	<u>\$ 17,613.62</u>



CITY OF CYPRESS
CITY COUNCIL REPORT

City Council Regular

8.

FROM: Douglas Dancs, Director of Public Works

DATE: 09/11/2023

SUBJECT: Approve Annual Task Order for Solid Waste Consulting Services

RECOMMENDATION

Approve a \$100,000 task order for solid waste consulting services to Michael Balliet Consulting.

DISCUSSION

In April 2021, City Council approved an on-call solid waste consulting services contract to Michael Balliet Consulting (MBC) after a competitive Request for Qualification (RFQ). The contract term covers up to five years and allows annual task orders to be issued to meet organic recycling program compliance, including CalRecycle reporting, public education, as well as outreach to businesses and edible food recovery partners.

MBC assists the city's efforts to comply with state organic waste recycling regulations. The task order issued in September 2022 is close to being fully expended and additional services are necessary for FY 2023-24. MBC's new task order will ensure Public Works complies with CalRecycle requirements without hiring additional full-time city staff. MBC will continue to develop and monitor required edible food recovery and procurement programs, review existing recycling compliance, and develop and review public outreach. State regulations require cities and haulers to provide public outreach to residents and businesses. Valley Vista Services provides separate public education and outreach.

Task	Amount
CalRecycle Related SB 1383 Compliance Consulting	\$41,750
Edible Food Recovery Program	\$15,500
Franchise Hauler Compliance Coordination	\$17,250
Required City Public Education and Outreach	\$5,000
Mandatory Procurement	\$7,100
General Compliance Consulting and Project Management	\$16,025
Total	\$100,000

BUDGET IMPACT

Sufficient amounts are budgeted in the General Fund's solid waste management program to pay for the organic recycling outreach and monitoring services outlined in the task order. The costs are funded by the compliance monitoring fee collected from residential and commercial solid waste customers.

LEGAL REVIEW

None required.

APPROVED BY:

Peter Grant, City Manager

Attachments

Task Order



Proposed Tasks and Budgets for Compliance Program Assistance In 2023/2024

Task 1: CalRecycle Related SB 1383 Compliance Consulting

This task includes activities required to substantiate SB 1383 compliance to CalRecycle and include compliance tracking and reporting protocols to address “at any time” inspection by CalRecycle. Task activities also include meetings and correspondence with CalRecycle and the County of Orange, who is tasked by CalRecycling to monitor jurisdictional capacity requirements. Activities for this subtask include assistance with annual reporting, CalRecycle site visits, and various reports and studies that may be required.

We envision significant effort to populate and maintain the City’s official Implementation Records. For ease of access, we will develop an online portal for both the City and the franchised hauler to utilize.

Another major subtask for this period is finalizing and recording the City’s enforcement activities that must commence in CY 2024. By 2024, CalRecycle mandates that jurisdictions must have enforcement planning and implementation in effect. We plan to undertake the following tasks to ensure the City’s compliance:

1. Review Municipal and Relevant Codes: We will thoroughly examine the municipal and relevant codes applicable to waste management and enforcement regulations.
2. Create Enforcement Notices: Based on our review, we will develop clear and concise enforcement notices that outline the specific violations and corresponding penalties.
3. Coordinate Site Visits and Process Monitoring: We will work closely with the City's staff to coordinate on-site visits and provide assistance in monitoring waste management processes. This will help ensure compliance with the established regulations.
4. Develop a Written Enforcement Plan: Upon completion of the code review and coordination efforts, we will finalize a comprehensive written plan for enforcement. This plan will serve as a guide for implementing effective enforcement strategies and procedures.

Through these steps, MBC aims to assist the City in establishing a robust enforcement framework in accordance with CalRecycle's requirements.

We envision task work will also include ongoing meetings and correspondence with CalRecycle as the City has not fully implemented all required programs. Modifications to compliance plans and potential negotiations with the State on alternative timelines may be needed.

Projected Task 1 Hours

Mike Balliet & Susan Silvestri	250.00	\$125	\$31,250.00
Staff Consultants	100.00	\$105	\$10,500.00
			\$41,750.00

Task 2: Edible Food Recovery Program

We will required annual site visits to all Tier 1 and Tier 2 generators to ensure they are complying with regulations and to collect edible food donations records. As applicable we will prepare and provide them with education materials to make them aware of their responsibilities under SB 1383. Initially, we will focus on bringing all Tier 2 locations into compliance (written agreement and proper recordkeeping procedures in place).

Task 2 work will continue to include coordination with Food Finders to establish all locations they are currently collecting data from and where they have agreements in place. We will also establish quarterly reporting procedures and data sharing to the extent required to confirm City-compliance.

We will identify other collection groups operating in the City and maintain a database of all locations in the City that accept donations.

Projected Task 2 Hours

Mike Balliet & Susan Silvestri	40.00	\$125	\$ 5,000.00
Staff Consultants	100.00	\$105	\$10,500.00
			\$15,500.00

Task 3: Franchise Hauler Compliance Coordination

While some interface with your franchise hauler is incorporated into Task 1, significant and additional contact and assistance will be required to ensure full program implementation, rightsizing of service, responding to resident and business program issues, and ensuring that all required reports and data are provided. This task will include an annual compliance review of franchise agreement requirement, as well as technical assistance as SB 1383 compliance reviews, enforcement, and other CY 2024 measures complicate their monitoring and reporting requirements. This period we will work to streamline hauler compliance reporting though an online portal, and ensure that all agreement terms are monitored for compliance on a recurring schedule.

Projected Task 3 Hours

Mike Balliet & Susan Silvestri	100.00	\$125	\$12,500.00
Staff Consultants	50.00	\$105	\$ 5,250.00
			\$17,250.00

Task 4: Public Education and Outreach

We will continue assist City staff, the franchised hauler, and the education/promotion contractor to develop and maintain a comprehensive education and outreach program covering all entities under the City's SB 1383 authority.

Projected Task 4 Hours

Mike Balliet & Susan Silvestri	40.00	\$125	\$5,000.00
Staff Consultants	0.00	\$105	\$ 0.00
			\$5,000.00

Task 5: Mandatory Procurement

We will advise and assist the City in meeting procurement requirements, including coordination of staff tracking purchases, edits/revisions to vendor agreements, and providing an online portal for required records consolidation and reporting to CalRecycle.

Projected Task 5 Hours

Mike Balliet & Susan Silvestri	40.00	\$125	\$5,000.00
Staff Consultants	20.00	\$105	\$2,100.00
			\$7,100.00

Task 6: General Compliance Consulting and Project Management

Task hours include regular project meetings, report development, and monthly project updates on all activities. Additional hours are set-aside here to address contingencies and/or services the City determines would be beneficial during the contract year, or retaining subcontractors (such as retaining Tripepi Smith) for education/outreach material development.

Projected Task 6 Hours

Mike Balliet & Susan Silvestri	87.25	\$125	\$10,906.25
Staff Consultants	48.75	\$105	\$ 5,118.75
			\$16,025.00

Total Proposed Scope

Total task hours are presented below.

Projected Project Hours

Mike Balliet & Susan Silvestri	532.25	\$125	\$ 66,531.25
Staff Consultants	318.75	\$105	\$ 33,468.75
Tripepi Smith			TBD
Project Total =			\$100,000.00