



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - JANUARY 15, 2019

303 West Commonwealth Avenue, Fullerton, California

MEETINGS: The Fullerton City Council / Successor Agency meets on the first and third Tuesday of the month, convening for Closed Session at 5:00 p.m. and Regular Session at 6:30 p.m.

PUBLIC COMMENT: The public may comment on Closed Session items at the beginning of the Closed Session meeting. The public may comment on matters not appearing on the agenda as well as request removal of Consent Calendar items for further discussion during Public Comments at the Regular Session meeting. Those wishing to speak on a regular business or a public hearing item on this agenda may do so when the Mayor calls that specific item for consideration.

Each speaker addressing non-agenda and consent calendar items shall have three minutes to make their remarks. City Council will allow no more than a total of 30 minutes at the beginning of the Regular Session for non-agenda comments. Those speaking on regular business items and public hearing items shall have no more than three minutes per item to address City Council. No person shall speak more than one time to the same item. The Mayor may request that a spokesperson represent a group wishing to address City Council. The Mayor or majority of the Council may grant an extension of time for a speaker. No speaker may yield their time to another speaker.

PERSONS ADDRESSING CITY COUNCIL: Please complete a speaker slip and submit the slip to the Assistant City Clerk in the lobby prior to approaching the podium. State your name and city of residence for the record at the beginning of your remarks. All speakers shall observe civility, decorum and good behavior. Any item submitted to the City Council during the meeting shall become public record and subject to applicable disclosure laws.

AGENDA ITEMS: This agenda contains a brief summary of each item the Council / Agency will consider. The City Clerk's Office posts the agenda packet online no later than 72 hours prior to the meeting at www.cityoffullerton.com. The City Clerk's Office and Library have copies of the packet available for public review.

In accordance with CA Government Code Section 54957.5, the public may inspect any writings or documents relating to an open session agenda item distributed less than 72 hours prior to a regular meeting at the City Clerk's Office located at 303 West Commonwealth Avenue, Fullerton, California and the Fullerton Main Branch Library Information Counter located at 353 West Commonwealth Avenue, Fullerton, California during normal business hours. The City will post such writings and documents received in sufficient time on the City's website at www.cityoffullerton.com.

State regulations prohibit City Council from taking action on non-agenda items except as provided by law. Visit www.cityoffullerton.com or call (714) 738-6350 for more information.

ADA REQUIREMENTS: The City has equipment and services available to assist disabled persons with communications at the public meeting in compliance with the requirements of Title II of the Americans with Disabilities Act (ADA). Should you require special accommodations to participate in a meeting, please contact the City Clerk at cityclerksoffice@cityoffullerton.com or (714) 738-6350 at least 48 hours prior to the meeting to make arrangements.

REMINDER: Please silence all electronic devices while City Council is in session.

The City will rebroadcast this City Council / Successor Agency meeting on Spectrum Cable Channel 3. The public can find cable channel rebroadcast times as well as view the meeting video on-demand at www.cityoffullerton.com.

Refer to Resolution No. 2018-03 to review the complete Rules of Procedure and Decorum for City Council meetings.

Jesus Silva
Mayor (District 3)

Jennifer Fitzgerald
Mayor Pro Tem (At-Large)

Vacant
Council Member
(At-Large)

Bruce Whitaker
Council Member (At-Large)

Ahmad Zahra
Council Member (District 5)



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION AGENDA
JANUARY 15, 2019 - 5:00 P.M.**

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

City Council / Successor Agency will hear public comments on matters appearing on the Closed Session agenda.

RECESS to Closed Session

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Cody Carter v. City of Fullerton, et al.

Case Number: OCSC 30-2018-00990952

2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Corbin Trumbo, a minor by and through his guardian at litem, Stephanie Ortiz; and Stephanie Ortiz v. City of Fullerton

Case Number: OCSC Case No. 30-2018-00978170

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Friends of Coyote Hills et al., v. City of Fullerton, et al.

Case Number: OCSC 30-2016-00834366

4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Orange County Catholic Worker et al v. Orange County et al. United States District Court, Central District of California

Case Number: 8:18-cv-00155-DOC-JDE

5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

Title: City Manager

6. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per
Government Code Section 54956.9(d)(4)**

Initiation of Litigation: One Case

ADJOURNMENT

Adjourn to the next regular City Council / Successor Agency meeting at 6:30 p.m. in Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING AGENDA
JANUARY 15, 2019 - 6:30 P.M.**

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

**EX PARTE COMMUNICATIONS REPORT PURSUANT TO FMC 2.33.040 -
TRANSPARENCY AND ACCOUNTABILITY IN LABOR NEGOTIATIONS**

PRESENTATIONS

1. **PRESENTATION:** Fullerton Aquatic Swim Team (FAST)
2. **PRESENTATION:** CSUF Sorority Toy Drive

PUBLIC COMMENTS

The City Council / Successor Agency will hear public comments on matters not appearing on the agenda but within City Council / Agency jurisdiction at this time. The City Council / Agency will also accept public requests for removal of Consent Calendar items for further discussion. Those wishing to speak on a regular business or public hearing item on this agenda may do so when the Mayor / Chair calls that specific item for discussion. State regulations prohibit the City Council / Agency from acting on non-agenda items.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Council may ask a question for clarification, make a brief announcement, make a brief report on his / her activities, request a report from staff at a subsequent meeting concerning any matter or direct staff to place a matter of business on a future agenda.

APPOINTMENTS

1. **DIRECT COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Recommendation by the City Clerk's Office:

1. **Mayor Silva make the following direct appointments:**
 - a. Bicycle Users Subcommittee - term expiring December 31, 2022.

- b. Community Development Citizens' Committee - term expiring December 31, 2022.
 - c. Parks and Recreation Commission - term expiring December 31, 2022.
 - d. Planning Commission - term expiring December 31, 2022.
 - e. Transportation & Circulation Commission - term expiring December 31, 2022.
 - f. Infrastructure and Natural Resources Committee - term expiring December 31, 2022.
2. **Mayor Pro Tem Fitzgerald make the following direct appointments:**
- a. Infrastructure and Natural Resources Committee - term expiring December 31, 2020.
3. **Council Member Whitaker make the following direct appointments:**
- a. Library Board of Trustees - term ending December 31, 2021.
 - b. Infrastructure and Natural Resources Committee - term expiring December 31, 2020.
4. **Council Member Zahra make the following direct appointments:**
- a. Bicycle Users Subcommittee - term expiring December 31, 2022.
 - b. Community Development Citizens' Committee - term expiring December 31, 2022.
 - c. Parks and Recreation Commission - term expiring December 31, 2022.
 - d. Planning Commission - term expiring December 31, 2022.
 - e. Transportation & Circulation Commission - term expiring December 31, 2022.
 - f. Library Board of Trustees - term ending December 31, 2021.
 - g. Infrastructure and Natural Resources Committee - term expiring December 31, 2022.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 1 - 3)

1. OPTIONS FOR FILLING CITY COUNCIL VACANCY

On December 4, 2018, Council Member Silva was sworn in as the District 3 City Council Member. This created a mid-term vacancy in Council Member Silva's prior at-large City Council seat which expires in December 2020 and requires the City Council to consider the legally available alternatives for filling the vacancy. City Council began discussions regarding filling the vacancy at the December 18, 2018 City Council meeting and continued deliberations to the January 15, 2019 meeting.

Recommendation by the City Clerk's Office:

1. Appoint a qualified individual to the fill the vacancy through the remainder of the term, either through direct appointment or following a process for applications and / or interviews and / or other steps as determined by City Council.

OR

2. Adopt resolutions calling special municipal election on November 5, 2019.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL

MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY, NOVEMBER 5, 2019

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REQUESTING THE REGISTRAR OF VOTERS OF THE COUNTY OF ORANGE TO CONDUCT A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019 ON BEHALF OF THE CITY OF FULLERTON, CALIFORNIA

2. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS

Continuation of annual City Council review of and appointments to the City's designated representation on regional advisory bodies to allow members of the public time to submit applications for positions on the Fullerton Arboretum Commission and Metropolitan Water District Board of Directors.

Recommendation by the City Clerk's Office:

Appoint representatives to the following regional advisory bodies for terms expired or vacated in 2018:

- Metropolitan Water District Board of Directors
- Fullerton Arboretum Commission.

3. OPTIONS FOR LEGISLATIVE ADVOCACY PROFESSIONAL SERVICES

Consideration of request for proposals to provide legislative advocacy services and alternative options such as continued / renewed membership with similar service providers such as Association of California Cities Orange County and / or League of California Cities.

Recommendation by the Administration Department:

Option 1 - Finalize a professional services agreement with the top rated respondent and incumbent consultant, Townsend Public Affairs, at the existing annual expense of \$60,000 for state and federal legislative advocacy services

Option 2 - Redirect remaining funds currently budgeted in Fiscal Year 2018-19 for legislative advocacy professional services to rejoin the League of California Cities and reconsider legislative advocacy service needs as part of the upcoming Fiscal Year 2019-20 budget preparation process

Option 3 - Pleasure of the City Council

CONSENT CALENDAR (Items 4 - 10)

City Council / Successor Agency will enact routine matters listed on the Consent Calendar with one motion. The Council / Agency will not have separate discussion of these items unless Council / Agency Members, Staff or the

public request discussion or removal of specific Consent Calendar items for separate action.

4. DECEMBER 18, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve December 18, 2018 City Council / Successor Agency Meeting Minutes.

5. DECEMBER 2018 CHECK REGISTER

Recommendation by the Administrative Services Department

Receive and file.

6. MONTHLY LEGISLATIVE UPDATE

Recommendation by the Administration Department:

Receive and file.

7. PERSONNEL MANAGEMENT SYSTEM CHANGES

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND ADDING A CERTAIN CLASS SPECIFICATION TO THE PERSONNEL MANAGEMENT SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2017-66 (EXECUTIVE RESOLUTION) AND THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

8. PARK DWELLING FEE ANNUAL COMPLIANCE REPORT

Recommendation by the Parks and Recreation Department:

Approve Parkland Acquisition and Park Facilities Development Impact Fee (Park Dwelling Fee) Annual Report Fiscal Year 2017-2018.

9. RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 AND ADMINISTRATIVE BUDGET ALLOWANCE PER ASSEMBLY BILLS 1X 26 AND 1484, AND SENATE BILL 107

Recommendation by the Administrative Services Department:

Adopt Resolution No. SA 2019-XX.

RESOLUTION NO. SA 2019-XX - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 AND ADMINISTRATIVE BUDGET ALLOWANCE (PERIOD COVERING JULY 1, 2019 - JUNE 30, 2020)

10. EL RANCHO VISTA AREA INFRASTRUCTURE IMPROVEMENTS PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for El Rancho Vista Area Infrastructure Improvements Project.
2. Approve budget transfers to Project 53012 El Rancho Vista Area Infrastructure Improvements Project in the following amounts:
 - \$1,370,000 from Measure M2 Fund from Project 44589, Residential Street Program
 - \$98,000 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Programs FY 2018-19
 - \$2,040,000 of Water Fund from Project 53617 Water Main Replacement FY 2016-17 and Project 53618 Water Main Replacement FY 2017-18.
3. Award \$2,999,796.50 construction contract for El Rancho Vista Area Infrastructure Improvements Project, in a form approved by the City Attorney, to Williams Pipeline Contractors, Inc.
4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved project budget.

AGENDA FORECAST (Tentative)

Tuesday, February 5, 2019

- *MOVE MORE EAT HEALTHY (MMEH)*
- *AT-LARGE APPOINTMENTS*
- *STATE COLLEGE GRADE SEPARATION – AMEND. NO. 7 TO OCTA AGREEMENT*
- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *VEHICLE PURCHASE AUTHORIZATION*
- *WATER RATE STUDY – PRELIMINARY RECOMMENDATIONS*
- *SCAG DELEGATE*
- *FIREWORKS ANNUAL REPORT AND 2019 TIMELINE*
- *APPROVAL OF JAIL STAFFING SERVICES AGREEMENT*
- *ANNUAL REVIEW - RULES OF PROCEDURE / DECORUM COUNCIL MEETINGS*

Tuesday, February 19, 2019

- *JANUARY 2019 CHECK REGISTER*
- *RECOGNIZE OUTGOING COMMITTEE / COMMISSION MEMBERS*

ADJOURNMENT

Adjourn to next regularly scheduled closed session meeting at 5:00 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

Adjourn to next regularly scheduled City Council / Successor Agency meeting at 6:30 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.