



**FULLERTON CITY COUNCIL
SUCCESSOR AGENCY
AGENDA - DECEMBER 17, 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 and Consent Calendar items during Public Comments at the Regular Session meeting. Prior to public comments, the public may request the removal of consent items for further discussion. 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 form and submit the form 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. 2019-10 to review the complete Rules of Procedure and Decorum for City Council meetings.

**Jennifer Fitzgerald
Mayor (At-Large)**

**Jan Flory
Mayor Pro Tem (At-Large)**

**Jesus Silva
Council Member (District 3)**

**Bruce Whitaker
Council Member (At-Large)**

**Ahmad Zahra
Council Member (District 5)**



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION AGENDA
DECEMBER 17, 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 LABOR NEGOTIATOR Per Government Code Section 54957.6**
Agency Representative/s: Kenneth Domer and Jay Trinnaman
Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Police Management Association, Fullerton Firefighters' Association
Under Discussion: Parameters of authority for negotiating salaries, benefits and working conditions
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Air Combat USA v. City of Fullerton, et al.
Case Number: OCSC 30-2017-00952643
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Joshua Ferguson v. City of Fullerton
Case Number: OCSC 30-2019-01103679
Name of Case: City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson and David Curlee
Case Number: OCSC 30-2019-01107063
4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Kelly McIlravy v. City of Fullerton, et al.

Case Number: 30-2018-01020650

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

Name of Case: Francisco Oliveros, et al. v. City of Fullerton, et al.

Case Number: 30-2018-00981683

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
DECEMBER 17, 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:** California State University, Fullerton: "State of CSUF"
2. **PRESENTATION:** Orange County Vote Center Elections
3. **CERTIFICATE:** Sunny Hills High School Football Team

PUBLIC COMMENTS

The City Council / Successor Agency will hear public comments on matters not appearing on the agenda but within City Council / Agency jurisdiction and Consent Calendar items not pulled from the Consent Calendar at this time. Speakers will have three minutes to make their remarks. 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. State regulations prohibit the City Council / Agency from acting on non-agenda items.

**CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS
AND REPORTS**

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 - None

CONSENT CALENDAR (Items 1 - 13)

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.

1. **DECEMBER 3, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve December 3, 2019 City Council / Successor Agency Meeting Minutes.

2. **NOVEMBER 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

3. **CITY COUNCIL REGULAR CLOSED SESSION MEETING START TIME CHANGE**

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2019-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
MODIFYING THE TIME OF REGULAR MEETINGS OF THE CITY COUNCIL

4. **DEVELOPER IMPACT FEE ANNUAL COMPLIANCE REPORT**

Recommendation by the Parks and Recreation Department:

Review and approval of compliance reports titled "Parkland Acquisition and Park Facilities Development Impact Fee (Park Dwelling Fee) Annual Report Fiscal Year 2018-19" and "Public Works Traffic Impact Mitigation Fees Annual Report Fiscal Year 2018-19".

5. **MEASURE M2 EXPENDITURE REPORT**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF FULLERTON FOR THE FISCAL YEAR ENDING JUNE 30, 2019

6. **GRANT APPROPRIATION FOR DOWNTOWN HOLIDAY LIGHTING - FACILITY CAPITAL REPAIR**

Recommendation by the Public Works Department:

Approve \$3,200 budget transfer from Facility Capital Repair Fund balance to Facility Capital Repair operating budget for decorative lighting on Harbor Boulevard.

7. **GROUP INSURANCE RENEWALS**

Recommendation by the Human Resources Department:

1. Accept renewal proposals of Cigna Open Access Plan, Cigna Full HMO, Cigna Select HMO and Kaiser HMO for medical coverage for represented employees for 2020 calendar year.
2. Accept Cigna Minimum Value HMO renewal proposal for 2020.

3. Accept renewal proposal of Delta Dental of California for dental insurance for 2020.
4. Accept renewal proposal of The Standard Insurance Company for Life and Accidental Death and Dismemberment coverage and Long-Term Disability insurance for 2020.
5. Accept renewal proposal of Vision Services Plan for vision coverage for 2020.
6. Accept renewal proposal of Cigna to provide an EAP for 2020.
7. Authorize City Manager or designee to execute agreements as required.

8. CALIFORNIA STATE UNIVERSITY, FULLERTON - CENTER FOR HEALTHY NEIGHBORHOODS MEMORANDUM OF UNDERSTANDING

Recommendation by the Parks and Recreation Department:

1. Approve Memorandum of Understanding with California State University, Fullerton for use of Richman Neighborhood Center and Don Castro Center for the California State University, Fullerton Center for Healthy Neighborhoods.
2. Direct Staff to add Richman Neighborhood Center and Don Castro Center to City's facilities improvement plan and seek available grant funding for future expansion / enhancement opportunities.

9. UPDATED EMERGENCY OPERATIONS PLAN

Recommendation by the Fire Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE FULLERTON EMERGENCY OPERATIONS PLAN

2. Authorize Mayor to sign Letter of Promulgation indicating approval of Emergency Operations Plan for the City of Fullerton.

10. CONSOLIDATED FIRE COMMAND STAFF AGREEMENT

Recommendation by the Fire Department:

Approve Consolidated Fire Command Agreement with City of Brea.

11. VALENCIA DRIVE / BASQUE AREA INFRASTRUCTURE IMPROVEMENT PROJECT - ADDITIONAL FUNDING

Recommendation by the Public Works Department:

Approve \$100,000 budget transfer from Project 52591, Miscellaneous Storm Drain Repair Fiscal Year 2019-20 to 44033 Valencia Drive / Basque Area Infrastructure Improvement Project.

12. WEST CHAPMAN AVENUE INFRASTRUCTURE IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve plans and specifications for West Chapman Avenue Infrastructure Improvements Project.

2. Approve the following budget transfers to Project 44039 West Chapman Avenue Infrastructure Improvements Project:
 - \$514,000 from Project 44589 Residential Street Program
 - \$777,000 from Project 51419 Annual Sewer Replacement Program
 - \$86,000 from Project 53250 Water Main System Replacement Fiscal Year 2019-20.
3. Award \$1,183,154 construction contract for West Chapman Avenue Infrastructure Improvements Project to Lucas Builders, Inc., in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

13. RAYMOND AVENUE AT STATE ROUTE 91 STREET IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve \$250,000 budget transfer to Project 44047 Raymond Avenue at SR-91 Street Improvement Project from Project 44400 Arterial Street Reconstruction, Rehabilitation and Repair.
2. Authorize Public Works Director to enter into Joint Participation Agreement with City of Anaheim.

PUBLIC HEARINGS (Item 14)

Pursuant to California Government Code Section 65009, if you challenge a City Council / Successor Agency decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Fullerton at, or prior to, the public hearing.

14. LOCAL LANDMARK DESIGNATION FOR PROPERTY AT 200 NORTH CORNELL AVENUE

Request to designate property at 200 North Cornell Avenue as a Local Landmark with corresponding request to amend The Fullerton Plan to add property to The Fullerton Plan Historic Preservation Element.

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A LOCAL LANDMARK DESIGNATION FOR PROPERTY LOCATED AT 200 NORTH CORNELL AVENUE (HISTORIC LANDMARK NO. HL-103) AND A GENERAL PLAN REVISION TO MAKE CORRESPONDING AMENDMENTS TO THE FULLERTON PLAN HISTORIC PRESERVATION ELEMENT, TABLE 6 - CITY OF FULLERTON LOCAL REGISTER OF HISTORICAL RESOURCES AND EXHIBIT 3 - MAP OF HISTORICAL RESOURCES - NATIONAL AND LOCAL

REGULAR BUSINESS (Items 15 - 18)

15. PURCHASE AND SALE AGREEMENT FOR WEST COYOTE HILLS NEIGHBORHOODS 1 AND 3

The City has secured necessary funding to acquire 24.1 acres (Neighborhoods 1 and 3) located in West Coyote Hills from Chevron / Pacific Coast Homes as approved in Resolution No. 2015-62 and requests Purchase and Sale Agreement approval.

Recommendation by the Parks and Recreation Department:

1. Approve purchase and sale agreement for acquisition of additional 24.1 acres of land on east side of West Coyote Hills, known as Neighborhood 1 and Neighborhood 3.
2. Approve \$16,199,000 budget transfer in State grant funding to West Coyote Hills Acquisition Project #54036.

16. DOWNTOWN NIGHTTIME PAID PARKING PROGRAM OPERATING PARAMETERS

Consider establishment of operating parameters for Downtown nighttime paid parking program following completion of pilot program ending December 31, 2019.

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE DOWNTOWN NIGHTTIME PAID PARKING PROGRAM OPERATING PARAMETERS

17. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019

To submit to the City Council the Comprehensive Annual Financial Report (CAFR) for the City of Fullerton for the Fiscal Year ended June 30, 2019.

Recommendation by the Administrative Services Department:

Receive and file.

18. FINAL CONSIDERATION OF TENTATIVE AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON FIRE MANAGEMENT ASSOCIATION

Proposed Memorandum of Agreement between City of Fullerton and Fullerton Fire Management Association reflecting tentative agreement on wages, hours and working conditions between City of Fullerton and Fullerton Fire Management Association for final consideration by City Council and adoption of revised resolution related to paying and reporting employer paid member contribution to CalPERS.

Recommendation by the Human Resources Department:

Adopt the following resolutions:

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE FULLERTON FIRE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CLASSIC MEMBERS

AND REPEALING RESOLUTION NO. 2019-26 IN ITS ENTIRETY

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, January 7, 2020

- COMMITTEE APPOINTMENTS
- THIRD AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES
- CONTRACT RENEWAL FOR CONSULTANT TRAFFIC ENGINEERING SERVICES
- CONTRACT FOR CROSSING GUARD SERVICES
- FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT
- REGIONAL ADVISORY BODIES

Tuesday, January 21, 2020

- DECEMBER CHECK REGISTER
- FULLERTON SUCCESSOR AGENCY OBLIGATION PAYMENT SCHEDULE
- CITY COUNCIL RULES OF PROCEDURE REVIEW
- POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE

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.