



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

### AGENDA - AUGUST 21, 2018

303 West Commonwealth Avenue, Fullerton, California

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**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](http://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](http://www.cityoffullerton.com).

State regulations prohibit City Council from taking action on non-agenda items except as provided by law. Visit [www.cityoffullerton.com](http://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](mailto: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](http://www.cityoffullerton.com).

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

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**Doug Chaffee**  
Mayor

**Greg Sebourn**  
Mayor Pro Tem

**Bruce Whitaker**  
Council Member

**Jennifer Fitzgerald**  
Council Member

**Jesus Silva**  
Council Member



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION AGENDA**

**August 21, 2018 - 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:** City Manager Kenneth Domer

**Employee Organization/s:** Fullerton Fire Management Association, Fullerton Police Officers' Association

**Under Discussion:** Parameters of authority for negotiating salaries, benefits and working conditions

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

**Property:** 1600 W. Commonwealth Avenue, Fullerton, CA  
(APN: 030-290-22)

**Agency Negotiator:** City Manager Kenneth A. Domer

**Under Negotiations:** Price and Terms

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

**Property:** 3001 Pearl Drive, Fullerton, CA  
(APN: 339-231-12)

**Agency Negotiator:** Hugo Curiel, Director of Parks and Recreation

**Negotiating Parties:** Gem Property Owners

**Under Negotiations:** Price and Terms

**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

**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  
AUGUST 21, 2018- 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:**     **Ms. Senior California**

**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 - None**

**PUBLIC HEARINGS - None**

*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.*

**REGULAR BUSINESS (1 - 4)**

1. **DOWNTOWN PARKING - NIGHTTIME PAID PARKING PILOT PROGRAM**

Consideration of creation of a Downtown nighttime paid parking pilot program.

Recommendation by the Community Development Department:

1. Approve 90-day Downtown nighttime paid parking pilot program.
2. Authorize staff to release Request for Qualifications (RFQ) to procure parking management professional services, including implementation of pilot program, and bring agreement with successful RFQ respondent to City Council for review and approval.

2. **SECOND AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES BETWEEN THE CITY OF FULLERTON AND M-G DISPOSAL SERVICES**

Proposed Second Amendment to the Agreement for Solid Waste Handling Services between the City of Fullerton and M-G Disposal.

Recommendation by the Administrative Services Department:

1. Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO, AND THE TRANSFER OF ITS FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES FROM M-G DISPOSAL SERVICES, LLC, TO REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC

Resolution does the following:

- a. Approves the Transfer of the Franchise from M-G Disposal Services, LLC, a Delaware Limited Liability Company to Republic Waste Services of Southern California LLC, a Delaware Limited Liability Company
  - b. Approves the Second Amendment to the Franchise agreement which includes the following:
    - i. service changes as noted in Attachment 1, *Service Change Summary*, to the staff report
    - ii. implementation of an organic material collection program as required by State Law and accompanying adjustments to the maximum rates which may be charged for commercial services
    - iii. implementation of an adjustment to maximum rates to address changes in world markets related to the sale of recyclable materials
2. Alternatively, the Council may wish to first vote on motions in support of or opposition to each of the above items (a), (b)(i), b(ii), and (b)(iii). This will enable any member of the council to express his or her view on each item. If there are not three votes in favor of any of the four items, following the initial vote on each separate item, a motion to approve the attached Resolution would be appropriate; however, the motion to approve the Resolution should clarify the Resolution is

amended in order to be consistent with the fact the item(s) which did not receive support of the majority of the Council are not approved.

**3. WATER QUALITY REPORT UPDATE**

Update to City Council on City of Fullerton Water system and water quality.

Recommendation by the Public Works Department:

Receive and file.

**4. FULLERTON MUNICIPAL CODE AMENDMENT TO REPEAL SECTION 9.12.545 PROHIBITING CARNIVALS AT AMERIGE PARK AND AMEND THE DEFINITION OF PARK IN SECTION 9.12.020**

Recommendation by the Parks and Recreation Department:

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING SECTION 9.12.545 AND AMENDING SECTION 9.12.020 OF CHAPTER 9.12 OF TITLE 9 OF THE FULLERTON MUNICIPAL CODE, RELATING TO PARK REGULATIONS

**CONSENT CALENDAR (5 - 15)**

*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.*

**5. AUGUST 7, 2018 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve August 7, 2018 City Council / Successor Agency Meeting Minutes.

**6. JULY 2018 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

**7. JANUARY 1, 2019 CITY COUNCIL MEETING CANCELLATION**

Recommendation by the City Clerk's Office:

Cancel January 1, 2019 City Council / Successor Agency Meeting.

**8. MONTHLY LEGISLATIVE UPDATE**

Recommendation by the Administration Department:

Receive and file.

**9. CALIFORNIA STATE LIBRARY INITIATIVES BOOK PROJECT GRANT FUNDED BY LIBRARY SERVICES AND TECHNOLOGY ACT**

Recommendation by the Library:

Approve grant funding for California State Library Initiatives Book Project Grant funded by the federal Library Services and Technology Act

**10. AMENDING THE POLICY FOR USE OF PLUMMER PARKING STRUCTURE REGARDING PARKING BY FULLERTON COLLEGE AND INCREASING PARKING RATE TO \$3.00 PER DAY**

Recommendation by the Administration Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING POLICY FOR THE USE OF THE PLUMMER PARKING STRUCTURE AND DESIGNATING IT AS A PLACE FOR PUBLIC PARKING EVERYDAY

**11. STREETLIGHT ENERGY CONSERVATION LOAN PAYMENT APPROPRIATION**

Recommendation by the Public Works Department:

Approve \$220,998 appropriation and payment from CIP Project 47002 for September 2018 scheduled loan payment for streetlight LED conversion project.

**12. BREA DAM - ST. JUDE JOINT PARKING LOT AGREEMENT AMENDMENT #1**

Recommendation by the Parks and Recreation Department:

Approve Amendment #1 to agreement with St. Jude Medical Center for joint use and operation of shared parking lot located on St. Jude property and Brea Dam in a form approved by the City Attorney and authorize Director of Parks and Recreation to sign amendment.

**13. CITYWIDE BICYCLE AND PEDESTRIAN IMPROVEMENT PROJECT**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Citywide Bicycle and Pedestrian Improvement Project.
2. Award \$549,895 construction contract for Citywide Bicycle and Pedestrian Improvement Project to Cal Stripe, Inc.

**14. DOROTHY LANE STORM DRAIN REHABILITATION PHASE II**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Dorothy Lane Storm Drain Rehabilitation, Phase II Project.
2. Award \$325,922 construction contract for Dorothy Lane Storm Drain Rehabilitation, Phase II Project to Sancon Technologies, Inc.

**15. VALENCIA DRIVE INFRASTRUCTURE IMPROVEMENTS FROM GILBERT TO BROOKHURST CHANGE ORDER REQUEST**

Recommendation by the Public Works Department:

1. Approve \$157,300 budget transfer from Project 53618 Water Main System Replacement 17-18 to Project 44032 Valencia Drive Infrastructure Improvements from Gilbert to Brookhurst Project.
2. Approve \$143,000 contract change order between GRFCO, Inc. and City of Fullerton for Valencia Drive Infrastructure Improvements from Gilbert to Brookhurst Project.

## **AGENDA FORECAST**

*Tuesday, September 18, 2018*

- *PRESENTATION: NOVEMBER 2018 DISTRICT ELECTION*
- *APP BASED RIDESHARE LOADING / UNLOADING IN DOWNTOWN DISTRICT*
- *NEW WELL 7A CONSTRUCTION, WELL 7 DESTRUCTION, AND PIPELINE ASSESSMENT*
- *HILLCREST PARK DUCK POND CONSULTANT SERVICES*
- *GILBERT / IDAHO TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM AGREEMENT*
- *AUGUST 2018 CHECK REGISTER*
- *MONTHLY LEGISLATIVE UPDATE*
- *DESIGNATION AS A RECYCLING MARKET DEVELOPMENT ZONE*
- *COMMITTEE REORGANIZATION*
- *FINANCIAL AND TREASURER'S REPORT FOR FISCAL YEAR END JUNE 30, 2018*
- *PERSONNEL MANAGEMENT SYSTEM CHANGES*

*Tuesday, October 2, 2018*

- *SEPTEMBER 18, 2018 CITY COUNCIL MEETING MINUTES*

## **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.*