



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

### AGENDA - SEPTEMBER 18, 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**

**SEPTEMBER 18, 2018 - 4:30 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 - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

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

**Name of Case:** David Bradley v. City of Fullerton

**Case Number:** 30-2017-00934800

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

**Name of Case:** Eduardo Anaya v. City of Fullerton

**Case Number:** 30-2017-00933590

4. **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

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

**Significant Exposure to Litigation:** One Case

6. **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

7. **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE Per Government Code Section 54957.1(a)(5)**

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

**Property:** Southeast corner of Pomona Avenue and East Santa Fe Avenue in the Fullerton Transportation Center (APN: 033-030-18)

**Agency Negotiator:** Kenneth A. Domer

**Under Negotiations:** Price and Terms

## **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  
SEPTEMBER 18, 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. **PROCLAMATION:**     **Constitution Week**
2. **PRESENTATION:**     **November 2018 District Elections**

**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**

**REGULAR BUSINESS (Items 1 - 4)**

1. **CITY OF FULLERTON BOARD / COMMISSION / COMMITTEE REORGANIZATION**

Ongoing implementation of City Council's final direction regarding boards, commissions and committees, specifically elimination of Planning Commissioner stipends, changes to the Library Board of Trustees and creation of a Library Advisory Commission and Active Transportation Committee.

Recommendation by the City Clerk's Office:

1. Introduce the following ordinances for first reading by title only and waive further reading of the ordinances.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING CHAPTER 2.18.051 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO STIPENDS FOR PLANNING COMMISSIONERS

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.16 OF TITLE 2 OF THE FULLERTON MUNICIPAL CODE RELATING TO THE FULLERTON PUBLIC LIBRARY

2. Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE ACTIVE TRANSPORTATION COMMITTEE AND REPEALING RESOLUTION NOS. 8366 AND 8724

## **2. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING ANIMAL CONTROL PROVISIONS**

The City entered into an agreement with the County of Orange in 2016 for provision of animal care services. Part of that agreement requires consistency with the County's revised animal control ordinances. The proposed amendment would adopt by reference provisions in the County's animal control ordinances regarding the adoption of animal care provisions.

Recommendation by the City Manager's 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, AMENDING TITLE 11 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF ANIMAL CONTROL PROVISIONS

## **3. HILLCREST PARK DUCK POND - DESIGN CONTRACT APPROVAL**

An agreement with STUDIO-MLA for preparation of construction documents for Hillcrest Park Duck Pond Improvements.

Recommendation by the Parks and Recreation Department:

Authorize Director of Parks and Recreation to execute agreement for professional services with STUDIO-MLA for development of construction documents for Hillcrest Park Duck Pond Improvements, in a form approved by the City Attorney.

4. **APPOINTMENT OF COMMUNITY ADVISORY BOARD MEMBER FOR BRIDGES AT KRAEMER PLACE COUNTY HOMELESS SHELTER**

The County of Orange requests that City Council designate a voting representative to sit on the Community Advisory Board.

Recommendation by the Administration Department:

Designate a City Council Member to serve as the voting representative on the Community Advisory Board for the Bridges at Kraemer Place County Homeless Shelter.

**CONSENT CALENDAR (Items 5 - 24)**

*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 21, 2018 MEETING AND SEPTEMBER 4, 2018 SPECIAL MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve August 21, 2018 City Council / Successor Agency Meeting and September 4, 2018 Special City Council / Successor Agency Meeting Minutes.

6. **AUGUST 2018 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

7. **MONTHLY LEGISLATIVE UPDATE**

Recommendation by the Administration Department:

Receive and file.

8. **ORDINANCE REGARDING CARNIVALS AT AMERIGE PARK AND DEFINITION OF PARK - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3265.

ORDINANCE NO. 3265 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING SECTION 9.12.545 OF CHAPTER 9.12 OF TITLE 9 OF THE FULLERTON MUNICIPAL CODE, RELATING TO PARK REGULATIONS

9. **PERSONNEL MANAGEMENT SYSTEM CHANGES**

Recommendation by the Human Resources Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS FROM THE PERSONNEL MANAGEMENT SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2016-23 (FULLERTON

MANAGEMENT ASSOCIATION) AND THE APPENDIX OF RESOLUTION NO. 2016-66 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

**10. BIENNIAL REVIEW AND UPDATE OF CITY OF FULLERTON CONFLICT OF INTEREST CODE**

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE CONFLICT OF INTEREST CODE OF THE CITY OF FULLERTON INCLUDING DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

**11. OFFICE OF TRAFFIC SAFETY AGREEMENT APPROVAL**

Recommendation by the Police Department:

Authorize Acting Chief of Police to execute \$446,116 agreement for 2018-19 Office of Traffic Safety "Selective Traffic Enforcement Program" in a form approved by City Attorney as well as any amendments and increase Police Department appropriations by the same amount in Grants Fund 32.

**12. CALIFORNIA STATE UNIVERSITY, FULLERTON - FEDERAL WORK STUDY PROGRAM CONTRACT RENEWAL**

Recommendation by the Parks and Recreation Department:

Approve Independent Contractor Agreement with California State University, Fullerton and authorize Parks and Recreation Director to sign agreement and subsequent amendments to current agreement, not to exceed 12 months.

**13. PROFESSIONAL SERVICES AGREEMENT WITH COMPREHENSIVE HOUSING SERVICES, INC. TO PROVIDE HOUSING PROGRAMS ADMINISTRATIVE SUPPORT SERVICES AND OVERSIGHT OF THE HOME IMPROVEMENT PROGRAM**

Recommendation by the Community Development Department:

Authorize City Manager to enter into professional services agreement with Comprehensive Housing Services, Inc. to provide administrative support for Community Development Block Grant and HOME Investment Partnerships Programs and oversight of Home Improvement Program in a form approved by the City Attorney.

**14. SUMMARY VACATION AB 18-02 ABANDONING WATERLINE EASEMENT OVER PORTION OF 4100 AND 4030 NORTH HARBOR BOULEVARD**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION TO ABANDON

A CITY OF FULLERTON WATER LINE EASEMENT OVER A PORTION OF 4100 NORTH HARBOR BOULEVARD AND 4030 NORTH HARBOR BOULEVARD

**15. PERMANENT APP BASED RIDESHARE LOADING / UNLOADING ZONES IN DOWNTOWN FULLERTON**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING SELECT LOCATIONS AS PLACES WHERE PARKING IS RESTRICTED TO "APP BASED RIDESHARE LOADING / UNLOADING ONLY" BETWEEN THE HOURS OF 6:00 P.M. AND 2:00 A.M.

**16. SALE OF SOUTHERN CALIFORNIA EDISON RULE 20A ALLOCATIONS TO THE CITY OF LAGUNA BEACH FOR UNDERGROUNDING UTILITIES**

Recommendation by the Public Works Department:

1. Authorize City Manager to negotiate and enter into an agreement, in a form approved by the City Attorney, with City of Laguna Beach to sell the current balance in Rule 20A Underground Utility credits.
2. Direct Staff to appropriate revenues received in the same amount in Capital Projects Fund (Fund 74) for Project #44400 "Arterial Street Reconstruction, Rehab & Repair".

**17. PROPERTY TRANSFER TO ORANGE COUNTY TRANSIT DISTRICT OF A PARCEL WITHIN THE FULLERTON TRANSPORTATION CENTER CURRENTLY UTILIZED AS THE ORANGE COUNTY TRANSPORTATION AUTHORITY BUS FACILITY**

Recommendation by the Administration Department:

Approve Property Conveyance and Use Agreement between City of Fullerton and Orange County Transit District transferring the identified parcel(s) for continued use as governmental / public purpose as a bus transit center, subject to the restrictions contained within the Agreement.

**18. ABANDONMENT AB 18-01 REGARDING PORTION OF SOUTH POMONA AVENUE NORTH OF ORANGETHORPE AVENUE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO ABANDON AN EASEMENT FOR STREET RIGHT-OF-WAY AND PUBLIC UTILITY LOCATED ALONG A PORTION OF SOUTH POMONA AVENUE WITHIN THE FULLERTON TOWN CENTER AND NORTH OF ORANGETHORPE AVENUE

**19. ORANGE COUNTY TRANSPORTATION AUTHORITY COOPERATIVE AGREEMENT NO. 174-46022 FOR THE GILBERT STREET / IDAHO STREET REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM**

Recommendation by the Public Works Department:



Authorize Director of Public Works, or designee, to enter into Cooperative Agreement No. 174-46022 with Orange County Transportation Authority and execute any amendments / supplements, in a form approved by the City Attorney.

**20. TRENCHLESS PIPE TECHNOLOGY INVESTIGATION AND DESIGN PROJECT**

Recommendation by the Public Works Department:

1. Approve \$99,709 consultant contract between Michael Baker International, Inc. and City of Fullerton, in a form approved by the City Attorney.
2. Approve \$120,000 budget transfer from Project 53618 Water Main System Replacement Fiscal Year 2017-18 to Project 53015 Trenchless Pipe Technology.
3. Authorize Director of Public Works, or designee, to execute contract and take any and all action necessary to implement and administer contract.

**21. ENGINEERING / HYDROGEOLOGIST CONSULTANT SERVICES AWARD FOR NEW WELL 7A CONSTRUCTION, WELL 7 DESTRUCTION AND PIPELINE ASSESSMENT**

Recommendation by the Public Works Department:

Authorize Director of Public Works to execute \$224,015 agreement, in a form approved by the City Attorney, with Hazen and Sawyer for professional hydrogeological / engineering services for the installation of new Main Plant Well 7A, destruction of Well 7 and on-site pipeline replacement and upgrades.

**22. STATE COLLEGE BOULEVARD GRADE SEPARATION PROJECT - AMENDMENT NO. 7 TO COOPERATIVE AGREEMENT C-9-0576**

Recommendation by the Public Works Department:

1. Approve Amendment No. 7 to Cooperative Agreement C-9-0576 between OCTA and City of Fullerton and authorize the City Manager to execute on City's behalf.
2. Approve \$2,500,000 budget transfer from Renewed Measure M (M2) funds to the State College Boulevard Grade Separation Project.

**23. HARBOR BOULEVARD REHABILITATION PROJECT, NORTH OF IMPERIAL TO BECKMAN SITE - CONSTRUCTION CONTRACT AWARD**

Recommendation by the Public Works Department:

1. Approve plans and specification for Harbor Boulevard Rehabilitation Project, North of Imperial to Beckman Site.
2. Award \$174,230 construction contract for Harbor Boulevard Rehabilitation Project, North of Imperial to Beckman Site, to Vido Samarzich, Inc.

**24. RECEIPT AND EXPENDITURE OF STATE FUNDS FOR THE BOYS AND GIRLS CLUB OF FULLERTON**

Recommendation by the Administrative Services Department:

Authorize receipt and appropriation of \$45,000 in Grants Fund (Fund 32) from State of California and authorize payment of same amount to the Boys and Girls Club of Fullerton.

## **AGENDA FORECAST**

*Tuesday, October 2, 2018*

- *ON CALL PROFESSIONAL ENGINEERING SERVICES*
- *EMERGENCY MANAGEMENT PERFORMANCE GRANT*
- *CONSIDERATION OF A LEASE EXTENSION WITH AVIATION FACILITIES, INC.*
- *COMMONWEALTH / RAYMOND AVENUE INFRASTRUCTURE REHABILITATION PROJECT*
- *FINANCIAL AND TREASURER'S REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018*
- *DESIGN REVIEW COMMITTEE ELIMINATION*
- *AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES - MG DISPOSAL*

*Tuesday, October 16, 2018*

- *MONTHLY LEGISLATIVE UPDATE*
- *SEPTEMBER 2018 CHECK REGISTER*
- *SECURITY GUARD RFP/FULLERTON COMMUNITY CENTER AND MAIN LIBRARY*
- *FIRST QUARTER FINANCIAL AND TREASURER'S REPORT - FISCAL YEAR 2018-19*
- *DESIGNATION AS A RECYCLING MARKET DEVELOPMENT ZONE*

## **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.*