



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

**AGENDA - OCTOBER 16, 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  
OCTOBER 16, 2018 - 4:00 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, Fullerton Municipal Employees Federation, 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:** Cicinelli v. City of Fullerton, et al.

**Case Number:** Orange County Superior Court Case No. 30-2017-00923829

and

**Name of Case:** Wolfe v. City of Fullerton City Council

**Case Number:** Orange County Superior Court Case No. 30-2017-0091884

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

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

**Significant Exposure to 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  
OCTOBER 16, 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:**    **Orange County Mosquito and Vector Control District - West Nile Virus**

**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 (Items 1 - 2)**

*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.*

1. **ABANDONMENT    AB    18-01 REGARDING    A    PORTION    OF    SOUTH    POMONA**

## **AVENUE NORTH OF ORANGETHORPE AVENUE**

Consider abandonment of a portion of South Pomona Avenue located within Fullerton Town Center commercial development, 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, APPROVING VACATING AND ABANDONING 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

## **2. ORDINANCE TO AMEND FULLERTON MUNICIPAL CODE CHAPTER 11.01 OF TITLE 11 REGARDING THE ADOPTION OF ANIMAL CONTROL PROVISIONS**

On September 18th, the City Council introduced Ordinance 3266 to amend Chapter 11.01 of Title 11 of the Fullerton Municipal Code and adopt by reference provisions in the County's animal control ordinances regarding the adoption of animal care provisions. The next step in the process is to adopt Ordinance No. 3266 to amend Chapter 11.01 of Title 11 of the Fullerton Municipal Code.

Recommendation by the Administration Department:

Adopt Ordinance No. 3266.

ORDINANCE NO. 3266 - 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

## **REGULAR BUSINESS (Items 3 - 6)**

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

Proposed Revised Second Amendment to Agreement for Solid Waste Handling Services between City of Fullerton and MG Disposal.

Recommendation by the Administrative Services Department:

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

## **4. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING CITY COUNCIL VACANCIES**

Consideration of an ordinance to repeal Fullerton Municipal Code Section 2.02.020 and follow procedure for filling City Council vacancies as set forth in Government Code Section 36512.

Recommendation by the City Clerk's Office:

Introduce Ordinance No. XXXX 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 2.02.020 OF CHAPTER 2.02 OF TITLE 2 OF THE FULLERTON MUNICIPAL CODE RELATING TO COUNCIL VACANCIES

**5. UTILITY BOX MURAL PROJECT**

City Council directed Staff to follow up with a public art project utilizing utility boxes as art canvases at the May 15, 2018 meeting. The Public Art Committee has selected four artists to paint four electrical boxes located throughout downtown Fullerton.

Recommendation by the Parks and Recreation Department:

Review and approve the utility box mural project and direct Staff to move forward with project.

**6. RATIFICATION OF EMPLOYMENT AGREEMENTS FOR INTERIM POLICE CAPTAINS**

Ratification of employment agreements with Michael Chlebowski and Rhonda Cleggett to serve as interim Police Captains to address temporary staffing shortage among the Fullerton Police Department command staff.

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, APPROVING AN AGREEMENT RETAINING MICHAEL CHLEBOWSKI AS AN INTERIM POLICE CAPTAIN AND FOR 180-DAY WAIT PERIOD EXCEPTION IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 & 21224

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING RHONDA CLEGGETT AS AN INTERIM POLICE CAPTAIN AND FOR 180-DAY WAIT PERIOD EXCEPTION IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 & 21224

**CONSENT CALENDAR (Items 7 - 18)**

*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.*

**7. OCTOBER 2, 2018 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve October 2, 2018 City Council / Successor Agency Meeting Minutes.

**8. SEPTEMBER 2018 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

**9. MONTHLY LEGISLATIVE UPDATE**

Recommendation by the Administration Department:

Receive and file.

**10. ORDINANCE REGARDING MUNICIPAL CODE AMENDMENT TO DISBAND DESIGN REVIEW COMMITTEE - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3267.

ORDINANCE NO. 3267 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE TITLES 2, 9 AND 15 TO REMOVE REFERENCES TO THE DESIGN REVIEW COMMITTEE AND REDEVELOPMENT DESIGN REVIEW COMMITTEE AND TO SHIFT THE RESPONSIBILITIES OF THE DESIGN REVIEW COMMITTEE AND REDEVELOPMENT DESIGN REVIEW COMMITTEE TO THE COMMUNITY DEVELOPMENT DIRECTOR, LANDMARKS COMMISSION AND PLANNING COMMISSION AS APPROPRIATE

**11. ACCEPTANCE OF EBELL CLUB DONATION**

Recommendation by the Fullerton Police Department:

Accept Ebell Club donation on behalf of Police Department.

**12. 2018-19 ALCOHOLIC BEVERAGE CONTROL - OTS GRANT AGREEMENT APPROVAL**

Recommendation by the Police Department:

Approve Department of Alcoholic Beverage control grant and authorize Acting Chief of Police to sign agreement and any amendments.

**13. FULLERTON HISTORIC THEATRE FOUNDATION'S PROPOSED ANNUAL BUDGETS FOR 2019 AND 2020**

Recommendation by the Administrative Services Department:

Approve Foundation's proposed Annual Budgets and authorize Executive Director, or designee, to disburse a portion of Firestone Building rental pursuant to Second Amendment to the Disposition and Development Agreement between Fullerton Redevelopment Agency (now Fullerton Successor Agency to former Fullerton Redevelopment Agency) and Foundation for 2019 and 2020.

**14. WATER MASTER PLAN BUDGET APPROPRIATION**

Recommendation by the Public Works Department:

1. Approve \$400,000 budget transfer of Water Funds from Project Water Main System

Replacement FY 2018-19 to Project Water Master Plan Update.

2. Authorize staff to solicit request for proposals for professional engineering services for Water Master Plan update.

**15. TRANSFER OF REAL PROPERTY ASSETS FROM FULLERTON SUCCESSOR AGENCY TO CITY OF FULLERTON PER APPROVED LONG-RANGE PROPERTY PLAN**

Recommendation by the Administrative Services Department:

As the Fullerton Successor Agency:

1. Authorize transfer of real property assets from Fullerton Successor Agency to City of Fullerton per Long-Range Property Management Plan.
2. Authorize Executive Director, or designee, to execute all transfer instruments and take all actions reasonably necessary to complete transaction.

As the City Council of the City of Fullerton:

1. Accept transfer of real property assets from Fullerton Successor Agency to City of Fullerton.
2. Authorize Mayor, or designee, to execute all transfer instruments and acceptances and take all actions reasonably necessary to complete transaction.

**16. ON-CALL PROFESSIONAL ENGINEERING CONSULTANT SERVICES**

Recommendation by the Public Works Department:

1. Authorize Director of Public Works, or designee, to execute Consultant Agreements with engineering firms, in a form approved by the City Attorney.
2. Authorize Director of Administrative Services to issue purchase orders to firms for individual projects on an as-needed basis.

**17. FACILITIES CONDITION ASSESSMENT CONTRACT AWARD**

Recommendation by the Public Works Department:

1. Authorize Director of Public Works, or designee, to execute professional services agreement, in a form approved by the City Attorney, with EMG for facilities condition assessment services for an amount not to exceed \$72,210.
2. Approve \$72,210 budget transfer from Facility Capital Repair Fund Balance.

**18. STRUCTURAL REHABILITATION OF LOWER ACACIA RESERVOIR PROJECT**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Structural Rehabilitation of Lower Acacia Project.
2. Approve \$1,291,341 construction contract between General Consolidated Constructors, Inc. and City of Fullerton, in a form approved by the City Attorney.

## **AGENDA FORECAST**



*Tuesday, November 6, 2018*

- *FIRST QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY 2018 19*
- *APPROVAL OF JAIL STAFFING SERVICES AGREEMENT*

*Tuesday, November 20, 2018*

- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *MONTHLY LEGISLATIVE UPDATE*
- *OCTOBER 2018 CHECK REGISTER*

## **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.*