



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

### AGENDA - OCTOBER 2, 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 2, 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 LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** Francisco and Cindy Oliveros v. City of Fullerton, et al.  
**Case Number:** 30-2018-00981683
2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**  
**Significant Exposure to Litigation:** One Case
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** Miran Hong v. City of Fullerton, et al.  
**Case Number:** 30-2016-00876317-CU-PO-CJC
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, Fullerton Municipal Employees Federation, Fullerton Firefighters' Association  
**Under Discussion:** Parameters of authority for negotiating salaries, benefits and working conditions
5. **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

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

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

## **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 2, 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: Domestic Violence Awareness Month**

**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 (Item 1)**

*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. **FULLERTON MUNICIPAL CODE AMENDMENT TO DISBAND DESIGN REVIEW COMMITTEE**

Proposed Fullerton Municipal Code amendment to reflect City Council's direction to disband the Design Review Committee.

Recommendation by the Community Development 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 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

## **REGULAR BUSINESS (Items 2-3)**

### **2. APPOINTMENT PROCESS FOR LIBRARY BOARD OF TRUSTEES, TO INCLUDE INVOLVING STAKEHOLDERS, FOR FUTURE CONSIDERATION BY CITY COUNCIL**

Discussion of Library Board of Trustees appointment process and possible direction to place changes to the appointment process on a future agenda for City Council consideration.

Recommendation by the Administration Department:

Discuss and receive public input regarding the appointment process for Library Board of Trustees and direct Staff accordingly.

### **3. FINANCIAL AND TREASURER'S REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018**

Preliminary review of City's unaudited financial position for fourth quarter of Fiscal Year 2017-18 and includes the Treasurer's Report for the same period.

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 PROPOSED AMENDMENTS TO THE ANNUAL BUDGET FOR FISCAL YEAR 2017-18

2. Receive and file Financial and Treasurer's Reports.

## **CONSENT CALENDAR (Items 4 - 7)**

*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. SEPTEMBER 18, 2018 MEETING MINUTES**

Recommendation by the City Clerk's Office:

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

**5. WOODCREST PARK IMPROVEMENTS UPDATE**

Recommendation by the Parks and Recreation Department

Review, receive and file update.

**6. EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Recommendation by the Fire Department:

Accept grant and approve appropriation of funds in Fiscal Year 2017-18.

**7. COMMONWEALTH / RAYMOND AVENUE INFRASTRUCTURE REHABILITATION PROJECT - CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM**

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, AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT AN APPLICATION FOR THE CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM AND TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT FUNDING

**AGENDA FORECAST (Tentative)**

*Tuesday, October 16, 2018*

- AMEND FULLERTON MUNICIPAL CODE CHAPTER 11.01 OF TITLE 11 - ADOPTION OF ANIMAL CONTROL PROVISIONS
- SEPTEMBER 2018 CHECK REGISTER
- MONTHLY LEGISLATIVE UPDATE
- ON CALL PROFESSIONAL ENGINEERING SERVICES
- SECURITY GUARD RFP/FULLERTON COMMUNITY CENTER AND MAIN LIBRARY
- STRUCTURAL REHABILITATION OF LOWER ACACIA RESERVOIR
- AWARD OF FACILITIES CONDITION ASSESSMENT CONTRACT
- ABANDONMENT AB 18 01 SOUTH POMONA AVENUE NORTH OF ORANGETHORPE AVENUE
- SECOND AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES - MG DISPOSAL SERVICES
- FIRST QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY 2018-19

*Tuesday, November 6, 2018*

- OCTOBER 16, 2018 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.*