



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - FEBRUARY 19, 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 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. 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. 2018-03 to review the complete Rules of Procedure and Decorum for City Council meetings.

Jesus Silva
Mayor (District 3)

Jennifer Fitzgerald
Mayor Pro Tem (At-Large)

Jan Flory
Council Member
(At-Large)

Bruce Whitaker
Council Member (At-Large)

Ahmad Zahra
Council Member (District 5)



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

February 19, 2019 - 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 - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: David Bonnabel v. City of Fullerton, et. al.

Case Number: 30-2017-00950040

2. **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-0155-DOC-JDE

3. **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

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

Property: APNs 033-030-17 and 033-030-15 (Fullerton Transportation Center - Station Building Lease)

Agency Negotiator: Seth Davenport (Voit)

Negotiating Parties: Tony Bushala, Bushala Brothers, Inc.

Under Negotiations: Price and Terms

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 - 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**

February 19, 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 - NONE

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

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Recommendation by the City Clerk's Office:

Approve exemption, per FMC 2.22.020 by majority vote of the City Council, to residency requirements for City commission / committee members and ratify Kristen Jasko as Council Member Flory's direct appointment to the Bicycle Users Subcommittee for an unexpired term expiring December 31, 2020.

or

Ratify Council Member Flory's direct appointment to the Bicycle Users Subcommittee for

an unexpired term expiring December 31, 2020.

PUBLIC HEARINGS - NONE

REGULAR BUSINESS (Items 1- 4)

1. VACATE PRIOR ACTION AND CONSIDERATION OF CHANGES TO CITY REPRESENTATION - ALL REGIONAL ADVISORY BODIES AND WORKGROUPS

City Council review and consideration of changes to appointments to regional advisory bodies and workgroups.

Recommendation by the City Clerk's Office:

1. Vacate action taken on February 5, 2019.
2. Review and consider changes to the following regional advisory bodies and workgroups:
 - Orange County Sanitation District
 - Orange County Water District
 - Orange County Vector Control
 - Santa Ana River Flood Protection Agency
 - Independent Cities Risk Management Authority
 - Water Advisory Committee of Orange County / Municipal Water District of Orange County (MWDOC)
 - Fullerton Investment Advisory Committee
 - Fullerton Sports Field Users' Committee
 - Fullerton Sister City Association
 - Metropolitan Water District Board of Directors
 - North Orange County Cities Joint Powers Authority
 - Fullerton Arboretum Commission
 - Bridges at Kraemer Place Advisory Board.

2. SECOND QUARTER FINANCIAL AND TREASURER'S REPORT AND BUDGET ADJUSTMENTS FOR FISCAL YEAR 2018-19

Review of the City's financial position for the first quarter of FY 2018-19, including Treasurer's Report for the same period. Mid-year budget adjustments are included to ensure accurate maintenance of budget and accounting records.

Recommendation by the Administrative Services Department:

Receive and file financial reports and approve mid-year budget adjustments.

3. 2019 SAFE AND SANE FIREWORKS SALES

On November 6, 2012, Fullerton voters reinstated the sale, possession and discharge of safe and sane fireworks within city limits. 2018 marked the sixth year of sales,

possession and discharge of safe and sane fireworks under the newly adopted rules and regulations. Staff has compiled a 2018 Safe and Sane Fireworks Sales Annual Report and drafted a timeline for the 2019 sales process.

Recommendation by the City Clerk's Office:

1. Receive and file 2018 Safe and Sane Fireworks Sales Annual Report.
2. Confirm timeline for 2019 fireworks sales application process.

4. **CONSIDERATION OF LETTER RECOMMENDING INTERIM PRESIDENT, FRAM VIRJEE, APPOINTED AS PERMANENT PRESIDENT FOR CALIFORNIA STATE UNIVERSITY, FULLERTON (CSUF)**

City Council consideration to send a letter to the California State University Chancellor supporting appointment of Framroze "Fram" Virjee as the permanent CSUF President.

Recommendation by the City Council:

Approve and authorize sending letter to California State University Chancellor in strong support of appointment of Framroze "Fram" Virjee as the permanent CSUF President and send a copy to all North Orange County cities requesting the same from respective City Councils.

CONSENT CALENDAR (Items 5 - 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.

5. **FEBRUARY 5, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve February 5, 2019 City Council / Successor Agency Meeting Minutes.

6. **JANUARY 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

7. **MONTHLY LEGISLATIVE UPDATE AND ADOPTION OF DRAFT 2019 LEGISLATIVE PLATFORM**

Recommendation by the Administration Department:

1. Receive and file Monthly Legislative Update report.
2. Adopt 2019 Legislative Platform.

8. **LETTERS TO STATE OF CALIFORNIA AND COUNTY OF ORANGE ON ELECTION MATTERS**

Recommendation by the City Manager's Office:

1. Approve sending letter to the State of California regarding recently enacted legislation which limits cities' ability to schedule time sensitive special elections.

2. Approve sending letter to the Orange County Board of Supervisors to request the Board of Supervisors reconsider and adopt the Voters Choice Act.

9. CLASS SPECIFICATION REVISION RELATED TO HOUSING AND HOMELESS RESOURCES

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL SYSTEM AND APPENDIX A OF RESOLUTION NO. 2016-23 (FULLERTON MANAGEMENT ASSOCIATION) AND THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

10. DISABLED PERSONS PARKING - 315 NORTH HIGHLAND AVENUE

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, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 315 NORTH HIGHLAND AVENUE

11. WILSHIRE PARKING LOT - ADA ACCESSIBLE PARKING STALLS PROJECT

Recommendation by the Public Works Department:

1. Approve Wilshire Parking Lot - ADA Accessible Parking Stalls Project.
2. Award \$115,000 construction contract for Wilshire Parking Lot - ADA Accessible Parking Stalls Project, to Hardy & Harper, in a form approved by the City Attorney.
3. Approve \$20,000 budget transfer of Measure M2 Fund from Project 44589, Residential Street Program to Project 55039 Wilshire Parking Lot - ADA Accessible Parking Stalls Project.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

12. LAWRENCE / SANTA FE AREA SEWER IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve Lawrence / Santa Fe Area Sewer Improvements Project plans and specifications.
2. Approve budget transfers to Project 51024 Lawrence / Santa Fe Area Sewer Improvements Project in the following amounts:
 - \$911,500 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Programs Fiscal Year 2018-19

- \$369,000 of Measure M2 Fund from Project 44589, Residential Street Program
 - \$24,000 of Drainage Capital Fund from Project 52590, Misc. & Storm Drain Repair Fiscal Year 2018-19.
3. Award \$1,244,633.96 construction contract for Lawrence / Santa Fe Area Sewer Improvements Project to G.J. Gentry General Engineering, Inc.
 4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

13. CONTRACT AWARD FOR CONSULTANT SERVICES FOR ORANGETHORPE AVENUE / ESPERANZA ROAD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

Recommendation by the Public Works Department:

1. Authorize Public Works Director to execute agreement, in a form approved by the City Attorney, with AGA for traffic engineering consultant services for design, system integration, construction management and ongoing monitoring and maintenance for the Orangethorpe Avenue / Esperanza Road Project P Regional Traffic Signal Synchronization Program, in the revised amount of \$1,283,247.
2. Authorize Public Works Director to approve and award additional work to AGA for work described as “additional proposed tasks” and as may be determined necessary by the Public Works Director. Additional work shall not exceed \$248,134.

AGENDA FORECAST (Tentative)

Tuesday, March 5, 2019

- RECOGNIZE OUTGOING COMMITTEE/COMMISSION MEMBERS
- PROCLAMATION: ARBOR DAY 2019
- MUCKENTHALER WINDOW REPAIR AND BUILDING PAINTING
- WOODCREST ELEMENTARY SCHOOL CROSSING GUARD REQUEST
- STATE COLLEGE GRADE SEPARATION – AMENDMENT NO. 7
- APPROVAL OF AN UPDATED CITYWIDE SALARY SCHEDULE
- CLOSED CAPTIONING AND SUBTITLES
- ANNUAL REVIEW OF RULES OF PROCEDURE AND DECORUM FOR
- CITY COUNCIL MEETINGS

Tuesday, March 19, 2019

- ANNUAL HOUSING ELEMENT PROGRESS REPORT
- FEBRUARY CHECK REGISTER
- “NO PARKING STREET SWEEPING” ON SELECT STREETS CITYWIDE
- COOPERATIVE AGREEMENT FOR THE BROOKHURST STREET REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT
- APPROVAL OF JAIL STAFFING SERVICES AGREEMENT

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.