



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - MAY 21, 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 form and submit the form 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. 2019-10 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**

MAY 21, 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 LABOR NEGOTIATOR Per Government Code Section 54957.6**

Agency Representative/s: Kenneth A. Domer

Employee Organization/s: Fullerton Fire Management Association, Fullerton Municipal Employees Federation, Fullerton Police Officers' Association, Fullerton Firefighters' Association, Fullerton Police Management Association, Fullerton Management Association

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

2. **PUBLIC EMPLOYMENT Per Government Code Section 54957(b)(1)**

Title: Chief of Police

3. **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

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-0155-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**

MAY 21, 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

1. **PRESENTATION:** **Act of Courage - Dog Attack**
2. **PRESENTATION:** **Memorial Day Ceremony**

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
AND REPORTS**

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

CONSENT CALENDAR (Items 1 - 14)

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.

1. **MAY 7, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve May 7, 2019 City Council / Successor Agency Meeting Minutes.

2. **APRIL 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

3. **MONTHLY LEGISLATIVE UPDATE**

Recommendation by the Administration Department:

Receive and file.

4. **FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO REGULATION OF TAXICABS - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3272.

ORDINANCE NO. 3272 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 3.44 OF TITLE 3 OF THE FULLERTON MUNICIPAL CODE RELATING TO REGULATION OF TAXICABS

5. **FULLERTON MUNICIPAL CODE AMENDMENT REGARDING ADMINISTRATIVE CITATION PROCESS - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3273.

ORDINANCE NO. 3273 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 1.10 OF TITLE 1 OF THE FULLERTON MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS

6. **ACCEPTANCE OF DONATIONS TO FIRE DEPARTMENT**

Recommendation by the Fire Department:

Accept donations on behalf of Fullerton Fire Department.

7. **APPOINTMENT OF ACTING CITY TREASURER**

Recommendation by the Administrative Services Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING THE POSITION OF ACTING CITY TREASURER OF THE CITY OF FULLERTON AND FULLERTON SUCCESSOR AGENCY

8. **EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Recommendation by the Fire Department:

Accept grant, recognize revenue and appropriate \$18,070 in Grants Fund (Fund 32) in Fiscal Year 2018-19.

**9. ORANGE COUNTY TRANSPORTATION AUTHORITY MEASURE M2
ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM FISCAL YEAR 2019-2020**

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, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ENVIRONMENTAL CLEANUP PROGRAM PROJECT

10. GRAFFITI REMOVAL SERVICES CONTRACT EXTENSION

Recommendation by the Public Works Department:

Authorize Public Works Director to extend graffiti removal services contract with Graffiti Protective Coating, Inc. through October 31, 2019, in amount of \$13,000 per month.

11. PURCHASE OF REPLACEMENT PAVER FOR STREET REPAIRS

Recommendation by the Public Works Department:

Approve purchase of replacement paver for Public Works Department in an amount not-to-exceed \$200,000.

12. TRENCHLESS PIPE TECHNOLOGY INVESTIGATION AND DESIGN CHANGE ORDER

Recommendation by the Public Works Department:

1. Approve \$180,000 budget transfer from Project 53618 Water Main System Replacement Fiscal Year 2017-18 to Project 53015 Trenchless Pipe Technology.
2. Authorize Public Works Director to execute \$154,360 contract change order between Michael Baker International, Inc. and City of Fullerton.

13. CURB / GUTTER AND SIDEWALK RECONSTRUCTION FISCAL YEAR 2018-19

Recommendation by the Public Works Department:

1. Approve plans and specifications for Curb / Gutter and Sidewalk Reconstruction Project FY 2018-19.
2. Award \$285,764 construction contract for Curb / Gutter and Sidewalk Reconstruction Project FY 2018-19 to Gentry General Engineering, Inc.
3. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

14. RAYMOND AVENUE GRADE SEPARATION - SETTLEMENT AND RELEASE AGREEMENT FOR CONSTRUCTION CONTRACT (CONTINUED FROM MAY 7, 2019 CITY COUNCIL MEETING)

Recommendation by the Public Works Department:

Continue item to date uncertain.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 15 - 16)

15. FISCAL YEAR 2019-20 BUDGET STUDY SESSION

Staff will present preliminary Proposed Budget, Capital Improvement Plan and fee discussion for Fiscal Year 2019-20.

Recommendation by the Administrative Services Department:

Provide necessary direction and / or adjustments to Staff in preparation of Proposed Fiscal Year 2019-20 Budget adoption scheduled for June 4, 2019.

16. TOW CONTRACTS EXTENSION AND MODIFICATIONS TO TOW GUIDELINES

This item would extend police towing services contracts on a month-to-month basis, approve revisions to City of Fullerton Police Department Tow Policy Guidelines and Requirements and authorize a Request for Proposals for professional towing services.

Recommendation by the Police Department:

1. Approve respective amendments to towing services contracts with Anaheim Fullerton Towing and Hadley Tow to extend such contracts on a month-to-month basis, and authorize City Manager to execute amendments.

2. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING REVISIONS TO THE CITY OF FULLERTON POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS AND AUTHORIZING THE CHIEF OF POLICE TO MAKE FUTURE REVISIONS

3. Direct Staff to issue Request for Proposals for professional towing services.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, June 4, 2019

- PARAMEDIC SUBSCRIPTION MEMBERSHIP
- FISCAL YEAR 2019-20 BUDGET ADOPTION
- PRESENTATION: Memorial Day Parade Recap
- PRESENTATION: Orange County Transportation Authority
- LEGAL SERVICES AGREEMENT WITH FILARSKY & WATT
- MEASURE M2 ELIGIBILITY RENEWAL
- UPDATED RESOLUTION SETTING CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS

- AMENDMENTS TO EMERGENCY PROCUREMENT OF GOODS AND/OR SERVICES
- ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOUSING FUNDS
- PUBLIC HEARING ON WATER RATES

Tuesday, June 18, 2019

- PRESENTATION: *Fullerton Police Department Retired Senior Volunteer Program*
- PRESENTATION: *Fullerton Police Department Chief's Advisory Council*
- MONTHLY LEGISLATIVE UPDATE
- INSURANCE PROGRAM REPORT FOR PROPERTY AND CASUALTY INSURANCE
- APPROVAL OF JAIL STAFFING SERVICES AGREEMENT
- ATHLETIC FIELD USE AND ALLOCATION POLICY

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.