



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - JULY 16, 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 and Consent Calendar items during Public Comments at the Regular Session meeting. Prior to public comments, the public may request the removal of consent items for further discussion. 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**

JULY 16, 2019 - 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: Air Combat USA, Inc. v. City of Fullerton, et al.

Case Number: 30-2017-00952643

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

3. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer, Jay Trinnaman

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

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

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(4)

Initiation of 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**

JULY 16, 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:** **Fullerton Hills Softball 8U Gold All Star Team**

PUBLIC COMMENTS

The City Council / Successor Agency will hear public comments on matters not appearing on the agenda but within City Council / Agency jurisdiction and Consent Calendar items not pulled from the Consent Calendar at this time. Speakers will have three minutes to make their remarks. 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. 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. **JULY 2, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve July 2, 2019 City Council / Successor Agency Meeting Minutes.

2. **JUNE 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

3. **MONTHLY LEGISLATIVE UPDATE**

Recommendation by the Administration Department:

Receive and file Monthly Legislative Update report and provide positions of support or oppose to various legislation, if warranted.

4. **FINDINGS, DETERMINATION AND ORDER IN APPEAL OF ADMINISTRATIVE LAW JUDGE DECISION PERTAINING TO A PERSONNEL MATTER**

Recommendation by the Human Resources Department:

Adopt Findings, Determination and Order reviewed in Closed Session on July 16, 2019.

5. **AUTHORIZED AGENTS FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLIC ASSISTANCE GRANTS**

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, ADOPTING CAL OES FORM 130, DESIGNATION OF SUBRECIPIENT'S AGENT RESOLUTION FOR NON-STATE AGENCIES, DESIGNATING AUTHORIZED AGENTS OF THE CITY OF FULLERTON FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLIC ASSISTANCE GRANTS

6. **ONE-YEAR AFTER SCHOOL EDUCATION AND SAFETY PROGRAM GRANT (FULLERTON UNIFIED SCHOOL DISTRICT) RENEWAL**

Recommendation by the Parks and Recreation Department:

Approve 2019-20 Independent Contractor Agreement between Fullerton School District and City of Fullerton and authorize Director of Parks and Recreation to sign agreement and subsequent amendments.

7. **ONE-YEAR AFTER SCHOOL EDUCATION AND SAFETY PROGRAM GRANT (PLACENTIA - YORBA LINDA UNIFIED SCHOOL DISTRICT) RENEWAL**

Recommendation by the Parks and Recreation Department:

Approve 2019-20 Independent Contractor Agreement between Placentia-Yorba Linda School District and City of Fullerton and authorize Director of Parks and Recreation to sign agreement and subsequent amendments.

8. **GRANT FUNDING FOR DEVELOPMENT OF PEARL PARK**

Recommendation by the Parks and Recreation Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE PEARL LOT PARK DEVELOPMENT PROJECT

9. FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FUNDS ACCEPTANCE

Recommendation by the Fire Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING OFFICIALS TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN COMPLEX COORDINATED TERRORIST ATTACKS PROGRAM (CCTA) GRANT FUNDING

2. Direct City Manager, or designee, to execute grant funds award letter and CCTA subaward agreement, approved as to form by the City Attorney.
3. Accept \$10,245 grant funds and appropriate revenue in Grants Fund (Fund 32) in previous Fiscal Year 2018-19.

10. CALIFORNIA STATE UNIVERSITY, FULLERTON - FEDERAL WORK STUDY PROGRAM AGREEMENT RENEWAL

Recommendation by the Parks and Recreation Department:

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

11. LEGAL SERVICES AGREEMENT WITH FILARSKY & WATT LLP

Recommendation by the Human Resources Department:

1. Approve agreement for legal services between Filarsky & Watt LLP and City of Fullerton, in a form approved by the City Attorney.
2. Authorize City Manager to sign agreement with Filarsky & Watt LLP.

12. FIBER OPTIC CONNECTION FROM CITY HALL TO BASQUE YARD - ADDITIONAL FUNDING

Recommendation by the Public Works Department:

Approve \$14,000 budget transfer from Information Technology Fund Balance to Project 56019 Fiber Optic Connection from Basque Yard to City Hall.

13. GLEN VIEW DRIVE STORM DRAIN RECONSTRUCTION

Recommendation by the Public Works Department:

1. Approve plans and specification for Glen View Drive Storm Drain Reconstruction Project.
2. Approve \$90,000 Drainage Capital Fund from Project 52012 Dorothy Lane Storm Drain Rehabilitation and \$67,000 Drainage Capital Fund from Project 52002 Basque

Storm Drain Improvements budget transfers to Project 52590 Misc. & Storm Drain Repair 18-19.

3. Award construction contract for Glen View Drive Storm Drain Reconstruction Project to Lucas Builders, Inc.
4. Authorize Director of Public Works to approve any future change order for construction and professional engineering construction support services within approved project budget.

14. BASQUE STORM DRAIN IMPROVEMENT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Basque Storm Drain Improvement Project.
2. Award \$636,835 construction contract for Basque Storm Drain Improvement Project to All Cities Engineering, Inc.
3. Approve budget transfers to Project 52002 Basque Storm Drain Improvement in the following amounts:
 - \$129,000 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Program.
 - \$114,000 of Gas Tax Fund from Project 44589 Residential Street Program.
 - \$20,000 of Water Fund from Project 53618 Water System Replacement.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 15 - 18)

15. MOBILE HOME PARK RENT STABILIZATION DISCUSSION

Update on status of negotiations between Rancho La Paz Mobile Home Park ownership and residents related to space rental rate increases proposed by new ownership and overview of potential tools available to the City to stabilize space rental rate increases at mobile home parks.

Recommendation by the Community Development Department:

1. Receive and file report regarding mobile home park rent stabilization options.
2. Provide direction to Staff regarding implementation of potential rent stabilization tools.
3. Provide direction to Staff regarding establishment of Tenant-Based Rental Assistance Program.

16. ROADWAY INFRASTRUCTURE NEEDS

Presentation detailing status of roadway infrastructure conditions, current funding sources, historical funding levels, use of the funds, roadway needs, plus improvement and

maintenance activities.

Recommendation by the Public Works Department:

Receive and file.

17. ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN M-G DISPOSAL SERVICES, LLC AND REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC RELATED TO SOLID WASTE HANDLING SERVICES

City Council consideration to grant consent to approve transfer and assignment of Franchise Agreement from M-G Disposal Services, LLC to Republic Waste Services of Southern California LLC, subject to terms and contingencies.

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, APPROVING 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

18. PROPOSED AMENDED AND RESTATED MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND FULLERTON FIREFIGHTERS' ASSOCIATION - FINAL CONSIDERATION

Amended and Restated Memorandum of Agreement between City of Fullerton and Fullerton Firefighters' Association for final consideration by City Council.

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY AND THE FULLERTON FIREFIGHTERS' ASSOCIATION DATED JUNE 26, 2019

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, August 6, 2019

- *PRESENTATION: Outgoing Planning Commissioner Recognition*
- *PLANNING COMMISSIONER APPOINTMENT*
- *FULLERTON CERTIFIED FARMER'S MARKET*
- *EMERGENCY PROCUREMENT OF GOODS AND / OR SERVICES AMENDMENT*
- *PERSONNEL MANAGEMENT SYSTEM CHANGE*
- *SKYLINE DRIVE EASEMENT SEWER RECONSTRUCTION*
- *FORM ACTIVE TRANSPORTATION COMMITTEE*
- *LOCC 2019 ANNUAL CONFERENCE DELEGATES*

Tuesday, August 20, 2019

- *COMMITTEE RULES OF PROCEDURE REVIEW*

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.