



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

### AGENDA - SEPTEMBER 17, 2019

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 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](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. 2019-10 to review the complete Rules of Procedure and Decorum for City Council meetings.

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**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**

**September 17, 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:** 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

2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Lucrecia Jackson, et al. v. City of Fullerton, et al.

**Case Number:** OCSC Case No. 30-2017-00939887

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Antonio Fernandez v. City of Fullerton

**Case Number:** USDC Case No.: 8:19-cv-00592 JVS-ADS

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

**Significant Exposure to Litigation:** One Case

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

**Significant Exposure to Litigation:** One Case

6. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**

**Agency Representative/s:** Ken Domer and Jay Trinnaman

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

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

7. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

**Title:** City Manager

**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**

**September 17, 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 Host Lions - Chess Activities Coordinator](#)
2. **PRESENTATION:** [Fullerton Police Department Chief's Advisory Council](#)

**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 - 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.*

1. [AUGUST 20, 2019 MEETING MINUTES](#)

Recommendation by the City Clerk's Office:

Approve August 20, 2019 City Council / Successor Agency Meeting Minutes.

**2. AUGUST 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. ALL THE ARTS FOR ALL THE KIDS HEART PROJECT**

Recommendation by the Parks and Recreation Department:

1. Approve placement of two All the Arts for All the Kids Foundation heart sculptures on City property in downtown area, based on Foundation meeting required conditions, and receiving all required permits from appropriate City Departments.
2. Authorize City Manager to waive permit fees as appropriate.

**5. 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 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDING

2. Direct City Manager, or designee, to execute grant funds award letter and UASI subaward agreement, approved as to form by the City Attorney.
3. Accept \$25,160 grant funds and appropriate revenue in Grants Fund (Fund 32) in Fiscal Year 2019-20.

**6. AMERICANS WITH DISABILITIES ACT SELF-EVALUATION AND TRANSITION PLAN UPDATE: PHASE I - CITY BUILDINGS AND PHASE II - STANDALONE PARKING LOTS AND PARKING STRUCTURES**

Recommendation by the Public Works Department:

1. Authorize Public Works Director to execute \$73,335 agreement with Disability Access Consultants, LLC for professional services for ADA Self-Evaluation and Transition Plan Update for Phase I and II, in a form approved by the City Attorney.
2. Authorize Director of Public Works, or designee, to negotiate and execute Consultant Agreement with Disability Access Consultants, LLC to prepare ADA Self-Evaluation and Transition Plan Update for Phases III and IV, in a form approved by the City Attorney.

7. **SOUTHERN CALIFORNIA EDISON EASEMENT REQUEST FOR UTILITY PURPOSES AT FULLERTON TRANSPORTATION CENTER**

Recommendation by the Public Works Department:

Authorize Public Works Director, on behalf of City of Fullerton, to execute necessary documents to effectuate conveyance of requested easement.

8. **ABANDONMENT AB 19-01 SUMMARY VACATION OF FORMER ANAHEIM UNION WATER COMPANY EASEMENT LOTS 31 THROUGH 44 OF TRACT 1063 IN 600 BLOCK OF WEST WILSHIRE 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, APPROVING THE VACATION OF A FORMER AUWC EASEMENT FOR WATER AND RIGHTS INCIDENTAL THERETO LOCATED ALONG THE NORTHERLY 5' OF PARCEL 31 THROUGH 44 OF TRACT 1063 RECORDED IN BOOK 34, PAGES 29 AND 30 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY CALIFORNIA

9. **ADDITIONAL FUNDING FOR WILSHIRE PARKING LOT (VICINITY OF 100 BLOCK OF EAST AMERIGE AVENUE) - ADA ACCESSIBLE PARKING STALLS PROJECT**

Recommendation by the Public Works Department:

Approve \$80,000 budget transfer of Measure M2 Funds from Project 44589 Residential Street Program to Project 55039 Wilshire Parking Lot - Accessible Parking Stalls Project.

10. **15 MINUTE PARKING - 3012 GARNET LANE**

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, DESIGNATING 44-FEET OF GREEN CURB ON THE SOUTH SIDE OF GARNET LANE, IN FRONT OF 3012 GARNET LANE, AS A PLACE WHERE PARKING OF VEHICLES IS RESTRICTED TO 15-MINUTES OF CONTINUOUS PARKING BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M., SUNDAY AND HOLIDAYS EXEMPT

11. **NO PARKING-STREET SWEEPING SELECT CITY STREETS AND AUTHORIZATION TO POST CITYWIDE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING SELECT STREETS AS PLACES WHERE PARKING IS PROHIBITED DURING SPECIFIC DAYS AND TIMES TO FACILITATE STREET SWEEPING AND AUTHORIZATION FOR PUBLIC WORKS DIRECTOR TO POST CITYWIDE

**12. RESIDENTIAL SLURRY SEAL AND MISCELLANEOUS REHABILITATION**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Residential Slurry Seal and Miscellaneous Rehabilitation Project.
2. Approve \$89,000 budget transfer of gas tax from Project 44589 Residential Street Program to Project 44695 Residential Street Slurry Seal and Miscellaneous Rehabilitation.
3. Award construction contract for Residential Slurry Seal and Miscellaneous Rehabilitation to Sequel Contractors, Inc.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

**13. CITY HALL BOILER REPLACEMENTS**

Recommendation by the Public Works Department:

1. Approve scope of work and proposal for installation of two new boilers in City Hall basement.
2. Approve \$67,242 budget transfer from Facility Capital Repair Fund balance to Capital Improvement Project Number 55046.
3. Award \$56,035 construction contract to Automatic Boiler Company, in a form approved by the City Attorney.

**14. JACARANDA-DRAKE AREA RECONSTRUCTION DESIGN PROPOSAL AWARD AND BUDGET TRANSFER**

Recommendation by the Public Works Department:

1. Approve budget transfers to Project 44042 Jacaranda-Drake Area Reconstruction Project in the following amounts:
  - \$66,225 of Measure M2 Fund from Project 44589, Residential Street Program.
  - \$66,225 of Sewer Enterprise Fund from Project 51419, Sewer Replacement Project.
2. Authorize Public Works Director to execute \$132,499 purchase order with Tait & Associates for Professional Engineering Services for Jacaranda-Drake Area Reconstruction Project.

**15. LAWRENCE / SANTA FE AREA SEWER IMPROVEMENTS EMERGENCY REPAIR**

Recommendation by the Public Works Department:

Receive and file notification of emergency repair per City Ordinance Number 2483 Section 2.64.090 Emergency Purchases.

**16. WHITING ALLEY EMERGENCY SEWER REPAIR**

Recommendation by the Public Works Department:

Receive and file notification of emergency repair per City Ordinance Number 2483 Section 2.64.090 Emergency Purchases.

**17. MISCELLANEOUS STORM DRAIN REPAIR - 335 SOUTH HALE AVENUE - CONTRACT AWARD UPDATE**

Recommendation by the Public Works Department:

1. Receive and file notification of \$158,662 contract award to Vido Samarzich, Inc.
2. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

**18. MISCELLANEOUS STORM DRAIN IMPROVEMENTS: WEST KNEPP AVENUE, NORTH RICHMAN AVENUE, FLINTRIDGE DRIVE AND HASTINGS AVENUE**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Miscellaneous Storm Drain Improvements: West Knepp Avenue, North Richman Avenue, Flintridge Drive and Hastings Avenue Project.
2. Award \$304,190 construction contract for Miscellaneous Storm Drain Improvements: West Knepp Avenue, North Richman Avenue, Flintridge Drive and Hastings Avenue Project to Vido Samarzich, Inc.
3. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

**19. AMENDED CONDITION OF APPROVAL FOR OAKMONT SENIOR CARE FACILITY AT 433-459 WEST BASTANCHURY ROAD FOR JUANITA COOKE TRAIL IMPROVEMENTS**

Amend condition number two of Abandonment 17-05 to require \$367,345 in-lieu fee payment to replace original condition number two for construction of partial trail improvements on specified portion of the Juanita Cooke Trail.

Recommendation by the Community Development and Parks and Recreation Departments:

1. Adopt Resolution No. 2019-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CONDITION NO. 2 OF RESOLUTION 2017-90 APPROVING AN ABANDONMENT OF A PORTION OF AN EASEMENT FOR EQUESTRIAN AND STORM DRAIN PURPOSES, SPECIFICALLY AN AREA AT THE TOP OF THE SLOPE ON PROPERTY LOCATED AT 433 AND 455 - 459 WEST BASTANCHURY ROAD

2. Approve and adopt CIP No. 54029, Juanita Cooke Trail Improvements.
3. Approve \$800,000 budget transfer from Fund 39 (Park Dwelling Fund) to Project No. 7454029.



4. Accept \$367,345 in-lieu fee from Oakmont for deposit into Project No. 7454029.

**20. WATER QUALITY REPORT ON PUBLIC HEALTH GOALS AND MAXIMUM CONTAMINANT LEVEL GOALS**

Public Hearing to receive comments on 2019 Report on City's Water Quality Relative to Public Health Goals and Maximum Contaminant Level Goals.

Recommendation by the Public Works Department:

Hold Public Hearing on City of Fullerton's 2019 report on City's Water Quality Relative to Public Health Goals and Maximum Contaminant Level Goals.

**REGULAR BUSINESS (Items 21 - 24)**

**21. FIRST CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT**

A proposed Side Letter of Agreement between City of Fullerton and Fullerton Police Officers' Association - Police Safety Unit presented for first consideration by City Council.

Recommendation by the Human Resources Department:

1. Review and consider proposed side letter.
2. Direct staff to return for final review on October 1, 2019.

**22. 2019 FIREWORKS SAFETY REPORT AND BALLOT MEASURE DISCUSSION**

Presentation of 2019 Safe and Sane Fireworks Sales Annual Report, including complaints and enforcement, and preliminary information regarding a possible ballot measure to repeal the sale of safe and sane fireworks.

Recommendation by the City Clerk's Office:

Receive and file the 2019 Annual Report and provide further direction regarding permit fees and / or placing a measure to repeal the sale of safe and sane fireworks on the ballot in 2020.

**23. PERSONNEL MANAGEMENT SYSTEM CHANGES TO SUPPORT COMMUNITY DEVELOPMENT DEPARTMENT AND CITY MANAGER'S OFFICE REORGANIZATION AND REVISION TO RESOLUTION RELATING TO EXECUTIVE EMPLOYEE COMPENSATION**

Proposed changes to personnel classification plan to support organizational changes within Community Development Department and City Manager's Office for the following new classifications: Director of Community and Economic Development, Deputy Director of Community and Economic Development, Housing Manager, Code Enforcement Manager and Deputy City Manager and proposed revision to Resolution Relating to Compensation for Executive Employees to including proposed Deputy City Manager position and update provisions of Retiree Health Savings Plan upon separation.

Recommendation by the City Manager's Office:

1. Adopt Resolution No. 2019-XX

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE

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

2. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR THE EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2019-45 AND AMENDMENTS THERETO

3. Amend Fiscal Year 2019-20 adopted budget to add, remove and replace budgeted positions within the Community and Economic Development Department and the City Manager's Office as specified.

#### **24. PFAS AND IMPORT WATER MWD CONNECTION F-01 REPAIR PROJECT**

Award \$128,416 construction contract to Doty Bros Equipment for the MWD Connection F-01 Repair Project, located at Raymond Avenue and Wilshire Avenue, to reactivate an import water connection related to Per- and Polyfluoroalkyl Substances.

Recommendation by the Public Works Department:

1. Approve plans and specification for Metropolitan Water District of Southern California (MWD) Connection F-01 Repair Project.
2. Approve \$250,000 budget transfer from Water Fund from Project 53627 Upgrade & Rehabilitation City Reservoirs Fiscal Year 2018-19 to Project 53017 MWD Connection F-01 Repair Project.
3. Award \$128,416 construction contract for MWD Connection F-01 Repair Project to Doty Bros Equipment Company.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.
5. Authorize City Manager to approve any agreements necessary, in a form approved by the City Attorney, with MWD related to reactivation of the MWD Connection F-01.

#### **ITEMS REMOVED FROM CONSENT CALENDAR**

## **AGENDA FORECAST (Tentative)**

**Tuesday, October 1, 2019**

- **PRESENTATION: Census Partnership and Engagement Program**
- **PROCLAMATION: WTLC Domestic Violence Awareness Month**
- **CHAPMAN NEIGHBORHOOD IMPROVEMENTS**
- **APPROVAL OF LICENSE AGREEMENT WITH RAYTHEON COMPANY**
- **FUTURE SUPPLY ACTIONS FUNDING PROGRAM GRANT**

**Tuesday, October 15, 2019**

- **COMMITTEE RULES OF PROCEDURE REVIEW**
- **STANDARDS FOR COMMERCIAL AERONAUTICAL OPERATIONS**

### **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.*