



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

**AGENDA - OCTOBER 15, 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  
OCTOBER 15, 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:** City of Fullerton, et al v. Purdue Pharma, L.P., et al  
**Case Number:** San Francisco Superior Court, Case No. CGC-19-574867  
USDC, Northern District of California, Case No. 19-cv-02321-JST  
USDC, Northern District of Ohio, MDL No. 1:17-md-02804-DAP
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** Air Combat USA, Inc. v. Brendan O'Reilly, City of Fullerton, and DOES 1-10  
**Case Number:** 30-2017-00952643-CU-CO-CJC
3. **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
4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** Marisella Macias v. City of Fullerton, et al.  
**Case Number:** 8:19 CV 01082 DOC
5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Rosa Garcia De Reyes v. City of Fullerton

**Case Number:** 30-2018-0102355

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

**Agency Representative/s:** Kenneth Domer, Jay Trinniman

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

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

## **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 15, 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 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 - 9)**

*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. OCTOBER 1, 2019 MEETING MINUTES AND OCTOBER 8, 2019 SPECIAL MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve October 1, 2019 City Council / Successor Agency Meeting Minutes and October 8, 2019 City Council / Successor Agency Special Meeting Minutes.

**2. SEPTEMBER 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. CITYWIDE SALARY SCHEDULE UPDATE**

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 A CITYWIDE SALARY SCHEDULE IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 2, SECTION 570.5 OF THE CALIFORNIA CODE OF REGULATIONS

**5. APPLICATION AND RECEIPT OF SB 2 PLANNING GRANTS PROGRAM FUNDS**

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION FOR AND RECEIPT OF SB 2 PLANNING GRANTS PROGRAM FUNDS

**6. GRAFFITI REMOVAL SERVICES CONTRACT**

Recommendation by the Public Works Department:

1. Award \$162,500 per year agreement to Graffiti Protective Coatings, Inc.
2. Authorize City Manager to sign agreement including two optional extensions, in a form approved by the City Attorney.
3. Approve \$6,000 budget transfer from General Fund balance to Street Maintenance program contractual services account.

**7. GENERAL AVIATION MINIMUM STANDARDS FOR FULLERTON MUNICIPAL AIRPORT**

Recommendation by the Public Works Department:

Adopt proposed General Aviation Minimum Standards and associated documents for commercial aeronautical activities at Fullerton Municipal Airport.

**8. CONSTRUCTION DEBRIS RECYCLING**

Recommendation by the Public Works Department:

1. Approve Construction Debris Recycling Project specifications.

2. Approve \$75,000 budget transfer to Project 53018 Construction Debris Recycling Project from Water Transmission and Distribution Division operational budget.
3. Award \$58,500 Construction Debris Recycling Project contract to GRFCO, Inc.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

**9. WATER SYSTEM VALVE REPLACEMENTS**

Recommendation by the Public Works Department:

1. Approve plans and specification for Water System Valve Replacements Project.
2. Approve \$520,000 budget transfer to Project 53016 Water System Valve Replacements from Water Fund reserves.
3. Award \$378,245 Water System Valve Replacements Project contract to Stephen Doreck Equipment Rentals, Inc.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

**PUBLIC HEARINGS - None**

**REGULAR BUSINESS (Items 10 - 13)**

**10. VARIOUS DONATION PROGRAMS TO ENHANCE CITY PROJECTS, PROGRAMS AND SERVICES**

Consideration of donation program to expand City's eligibility for certain grants and ability to solicit tax-deductible donations for City projects such as Lemon Park Murals and Holiday Décor for Downtown and Civic Center areas.

Recommendation by the City Manager's Office:

Direct Staff to augment current donation solicitation and management efforts and provide direction on potential donation programs to bring back to City Council for consideration at a future date.

**11. AIRPORT ADMINISTRATION BUILDING - PHASE II FINAL DESIGN PROCESS**

Request to commence with final design documents for Airport Administration building, including preparation of CEQA documents and use of design-build process to complete final design and construction of project.

Recommendation by the Public Works Department:

1. Approve design concept for new Administration Building and authorize preparation of final design documents.
2. Authorize Staff to utilize design-build process to deliver Airport Administration Building - Phase II project.
3. Authorize Public Works Director to execute \$78,391 Professional Services Agreement

with C&S Companies, Inc. for preparation of California Environmental Quality Act (CEQA) documents, in a form approved by the City Attorney.

4. Authorize Public Works Director to execute \$98,350 Professional Services Agreement with C&S Companies, Inc. for preparation of project bridging document plans and specifications and assist Staff with design-build process, in a form approved by the City Attorney.
5. Authorize Public Works Director to submit application to California Department of Transportation (Caltrans) Division of Aeronautics to secure loan funding not to exceed \$8.5M.

## **12. CITY MANAGER AMENDED AND RESTATED EMPLOYMENT AGREEMENT**

City Manager Amended and Restated Employment Agreement implements two deferred compensation lump sum payments, slight increase to employee cost sharing of CalPERS benefits, eligibility for dental and vision insurance contributions, increase to severance benefit, incorporation of approved amendments to agreement dated February 5, 2019 and other minor changes.

Recommendation by the Human Resources Department:

Authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and City Manager Kenneth Domer.

## **13. RESOLUTION OF INTENTION TO AMEND FULLERTON MUNICIPAL CODE PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS AND PROFESSIONAL SERVICES CONTRACT WITH HDL FOR IMPLEMENTATION OF NEXT STEPS**

Resolution of Intention to amend Fullerton Municipal Code to allow commercial cannabis businesses and agreement with HdL not to exceed \$45,000 to prepare final draft regulatory ordinance and policy and process components.

Recommendation by the Community and Economic Development Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE TO AMEND PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS

2. Authorize City Manager to enter into professional services agreement not to exceed \$45,000 with HdL, in a form approved by the City Attorney.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

### **AGENDA FORECAST (Tentative)**

*Tuesday, November 5, 2019*

- *PRESENTATION: Arborland Montessori Children's Academy Battle of the Brain TV Show*
- *FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT*
- *ROLLING HILLS DRIVE NO STOPPING ANYTIME*
- *345 E. COMMONWEALTH AVENUE 15 MINUTE PARKING*
- *649 WEST COMMONWEALTH AVENUE 1 HOUR PARKING*
- *2226 NORTH EUCLID STREET ADDITION OF 57 FEET OF RED CURB*

- COMMITTEE RULES OF PROCEDURE REVIEW
- FUTURE SUPPLY ACTIONS FUNDING PROGRAM GRANT
- LICENSE AGREEMENT WITH RAYTHEON COMPANY
- SPONSORSHIP TYPE SERVICES TO ENABLE TAX DEDUCTIBLE DONATIONS
- REFUSE FUND BALANCE TRANSFER
- BALLOT DROP BOX LEASE AGREEMENTS
- ADOPTION OF 2019 CALIFORNIA BUILDING STANDARDS CODE AND CALIFORNIA FIRE CODE
- MID PROGRAM REVIEW OF THE DOWNTOWN PAID PARKING PILOT PROGRAM
- SPEED HUMP POLICY
- CSUF CENTER FOR HEALTHY NEIGHBORHOODS MEMORANDUM OF UNDERSTANDING

*Tuesday, November 19, 2019*

- GROUP INSURANCE RENEWAL
- OCTOBER 2019 CHECK REGISTER

## **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.*