



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - NOVEMBER 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 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**

NOVEMBER 19, 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 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 Firefighters' Association, Fullerton Police Management Association

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

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

Name of Case: Joshua Ferguson v. City of Fullerton

Case Number: 30-2019-01103679

Name of Case: City of Fullerton v. Friends for Fullerton's Future, Joshua Ferguson and David Curlee

Case Number: 30-2019-01107063

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
NOVEMBER 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

1. **PRESENTATION:** [Southern California Edison Gold Recognition Award -
Energy-Saving Projects and Activities](#)
2. **PRESENTATION:** [Utility Services Billing Information](#)

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. **[NOVEMBER 5, 2019 MEETING MINUTES](#)**

Recommendation by the City Clerk's Office:

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

2. OCTOBER 2019 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

3. FINANCIAL AND TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2019

Recommendation by the Administrative Services Department:

Receive and file.

4. MONTHLY LEGISLATIVE UPDATE

Recommendation by the City Manager's Office:

Receive and file.

5. FULLERTON MUNICIPAL CODE AMENDMENT TO PROVIDE FOR SIGNATURE AUTHORITY - SECOND READING OF ORDINANCE

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3275.

ORDINANCE NO. 3275 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.09 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) TO PROVIDE FOR SIGNATURE AUTHORITY

6. 2019 TRIENNIAL EDITION OF CALIFORNIA BUILDING STANDARDS CODE AND CALIFORNIA FIRE CODE- SECOND READING OF ORDINANCES

Recommendation by the City Clerk's Office:

Adopt the following ordinances:

ORDINANCE NO. 3276 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 14 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES I, J, O; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES H, V, X; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE; THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

ORDINANCE NO. 3277 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 13, CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

7. BALLOT DROP BOX LICENSE AGREEMENT

Recommendation by the City Clerk's Office:

Approve request and authorize City Clerk to sign agreement.

8. INVESTMENT ADVISORY SERVICES CONTRACT EXTENSION

Recommendation by the Administrative Services Department:

Approve second amendment to agreement between City of Fullerton and Public Trust Advisors for investment advisory services for a period of no more than two renewal years and authorize Director of Administrative Services / City Treasurer to execute any contract amendments.

9. EMERGENCY WATER MAIN REPAIR ON PASEO DORADO

Recommendation by the Public Works Department:

Receive and file notification of emergency repair.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 10 - 14)

10. DOWNTOWN PAID PARKING PILOT PROGRAM - MID-PROGRAM REVIEW

Progress report on first 90-days of downtown paid parking pilot program and request for authorization for certain next steps. Staff is working with SP+ on options for nighttime paid parking operations following conclusion of pilot program and will provide recommendations to City Council on December 17, 2019.

Recommendation by the Community and Economic Development Department:

1. Receive and file progress report.
2. Direct Staff to work with SP+ on preparation of scope of services and cost proposal for development and implementation of parking program for daytime long-term parkers (replacing existing employee permit parking program) and return to City Council for program consideration.

11. EUCLID STREET INFRASTRUCTURE PROJECT FROM WILLIAMSON AVENUE TO FERN DRIVE DESIGN PROPOSAL AWARD AND BUDGET TRANSFER

Request to approve \$137,060.00 purchase order for professional engineering design services to Onward Engineering, Inc. for Euclid Street Infrastructure Project.

Recommendation by the Public Works Department:

1. Approve budget transfers to Project 44045 Euclid Street Infrastructure Project from Williamson Avenue to Fern Drive for the following amounts:
 - \$100,000 of RMRA / SB1 Fund from Project 44400, Arterial Street Reconstruction, Rehabilitation and Repair
 - \$100,000 of Sewer Enterprise Fund from Project 51419, Sewer Replacement Project.

2. Authorize Public Works Director to execute \$137,060 purchase order with Onward Engineering for Professional Engineering Design Services for Euclid Street Infrastructure Project from Williamson Avenue to Fern Drive Project.

12. MAPLE AVENUE STREET IMPROVEMENTS PROJECT

Request to award \$527,000 construction contract to Onyx Paving Company, Inc. for Maple Avenue Street Improvements Project.

Recommendation by the Public Works Department:

1. Approve plans and specifications for Maple Avenue Street Improvements Project.
2. Approve budget transfers to Project 44041 Maple Avenue Street Improvements Project in the following amounts:
 - \$682,500 from Project 44589 Residential Street Program
 - \$13,000 from Project 51419 Annual Sewer Replacement Program.
3. Award \$527,000 construction contract for Maple Avenue Street Improvements Project to Onyx Paving Company, Inc., in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

13. EXTENSION TO EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN CITY OF FULLERTON AND PARKWEST GENERAL CONTRACTORS AND WESTPARK INVESTMENTS, LLC ON PROPERTY LOCATED AT SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND SOUTH POMONA AVENUE

Consideration of extension to Exclusive Negotiation Agreement between City of Fullerton and Parkwest General Contractors and Westpark Investments, LLC to provide for a period of exclusive negotiations during which City and Developer will develop a plan for development of upscale boutique hotel on portion of approximately 2.05-acre parcel of City-owned land.

Recommendation by the Community Development Department:

Approve a 12-month extension to the Exclusive Negotiation Agreement by and between the City of Fullerton and Allen Christopher Corporation, DBA Parkwest General Contractors and Westpark Investments, LLC on property located at the southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18) and authorize City Manager to execute corresponding First Amendment to the agreement.

14. EVENT TICKET DISTRIBUTION POLICY

Consideration of updated Event Ticket Distribution Policy to comply with current Fair Political Practices Commission regulations regarding the distribution of event tickets and passes.

Recommendation by the City Manager's Office:

Adopt Resolution No. 2019-XX.

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

OF FULLERTON, CALIFORNIA, AMENDING AND ADOPTING AN EVENT TICKET
DISTRIBUTION POLICY FOR FAIR POLITICAL PRACTICES COMMISSION
COMPLIANCE

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, December 3, 2019

- GROUP INSURANCE RENEWAL
- PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO MINIMUM WAGE
- MEASURE M2 YEAR END EXPENDITURE REPORT
- APPEAL OF PLANNING COMMISSION ACTION TO DENY A CARWASH FACILITY
- TENTATIVE AGREEMENT BETWEEN CITY AND FULLERTON FIRE MANAGEMENT ASSOCIATION
- CITY COUNCIL REORGANIZATION
- FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT

Tuesday, December 17, 2019

- PRESENTATION: California State University, Fullerton: "State of CSUF"
- NOVEMBER CHECK REGISTER
- CSUF CENTER FOR HEALTHY NEIGHBORHOODS MEMORANDUM OF UNDERSTANDING
- LICENSE AGREEMENT WITH RAYTHEON COMPANY
- SPEED HUMP 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.