



**FULLERTON CITY COUNCIL
SUCCESSOR AGENCY
AGENDA - NOVEMBER 20, 2018
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 slip and submit the slip 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. 2018-03 to review the complete Rules of Procedure and Decorum for City Council meetings.

Doug Chaffee
Mayor

Greg Sebourn
Mayor Pro Tem

Bruce Whitaker
Council Member

Jennifer Fitzgerald
Council Member

Jesus Silva
Council Member



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION AGENDA
NOVEMBER 20, 2018 - 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: City Manager Kenneth Domer
Employee Organization/s: Fullerton Fire Management Association, Fullerton Police Officers' Association, Fullerton Municipal Employees Federation, Fullerton Firefighters' 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: Bradley v. City of Fullerton, et al.
Case Number: 30-2018-00934800
3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**
Significant Exposure to Litigation: One Case
4. **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
5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(4)**
Name of Case: Wagner, et al. V. City of Fullerton et al.

Case Number: 30-2018-0103122-CU-CR-CJC

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

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 20, 2018 - 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:** [Veteran's Day Event Recap](#)
2. **PRESENTATION:** [WWII Veteran - Ventura De Le Torre](#)
3. **PRESENTATION:** [Outgoing Design Review Committee Members](#)

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

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

PUBLIC HEARINGS (Items 1 - 2)

Pursuant to California Government Code Section 65009, if you challenge a City Council / Successor Agency decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Fullerton at, or prior to, the public

hearing.

1. LOCAL HISTORICAL LANDMARK DESIGNATION FOR HUNT LIBRARY (201 SOUTH BASQUE AVENUE)

Request to designate Hunt Library as a Local Historical Landmark and make corresponding revision to Table 6 and Exhibit 3 of The Fullerton Plan, Local Register of Historical Resources and Map of Local and National Landmarks, respectively.

Recommendation by the Community Development Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A LOCAL LANDMARK DESIGNATION FOR THE HUNT LIBRARY LOCATED AT 201 SOUTH BASQUE AVENUE (HISTORIC LANDMARK NO. HL-102) AND A GENERAL PLAN REVISION TO MAKE CORRESPONDING AMENDMENTS TO THE FULLERTON PLAN HISTORIC PRESERVATION ELEMENT, TABLE 6 - CITY OF FULLERTON LOCAL REGISTER OF HISTORICAL RESOURCES AND EXHIBIT 3 - MAP OF HISTORICAL RESOURCES - NATIONAL AND LOCAL

2. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO EMERGENCY SHELTERS FOR HOMELESS PERSONS AT RELIGIOUS INSTITUTIONS

Proposed amendment to Fullerton Municipal Code Title 15 (Zoning Code) to clarify provisions and institute procedures for religious institutions to establish shelter for persons experiencing homelessness as an accessory use.

Recommendation by the Community Development Department:

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTERS 15.04 AND 15.55 OF THE FULLERTON MUNICIPAL CODE TO CLARIFY AND STANDARDIZE REQUIREMENTS FOR ESTABLISHING EMERGENCY SHELTERS FOR PERSONS WHO ARE HOMELESS, AS AN ACCESSORY USE AT RELIGIOUS INSTITUTIONS

REGULAR BUSINESS (Items 3 - 6)

3. PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN CITY OF FULLERTON AND ALLEN CHRISTOPHER CORPORATION DBA PARKWEST GENERAL CONTRACTORS AND WESTPARK INVESTMENTS, LLC ON PROPERTY LOCATED AT SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND SOUTH POMONA AVENUE (APN 033-030-18)

Proposed Exclusive Negotiation Agreement by and between City of Fullerton and Allen Christopher Corporation dba 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 an upscale boutique hotel on a 2.05-acre parcel of land owned by the City located at southeast corner of East Santa Fe Avenue and South Pomona.

Recommendation by the Community Development Department:

Authorize Community Development Director to execute Exclusive Negotiation Agreement by and between the City of Fullerton and Allen Christopher Corporation dba Parkwest General Contractors and Westpark Investments, LLC for development of an upscale boutique hotel on a City-owned 2.05-acre parcel of land located on southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18).

4. SECOND AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES BETWEEN CITY OF FULLERTON AND M-G DISPOSAL SERVICES FOR ORGANIC WASTE RECYCLING MANDATES

Consideration of revised Second Amendment to Agreement for Solid Waste Handling Services between City of Fullerton and M-G Disposal Services for Organic Waste Recycling Mandates.

Recommendation by the Administrative Services Department:

1. Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES WITH M-G DISPOSAL SERVICES, LLC

2. Authorize City Manager to solicit bids and execute agreement for third-party auditing firm to perform discretionary audit per Section 28 of Agreement for Solid Waste Handling Services, to include additional services to determine if M-G Disposal has assigned, sub-contracted or otherwise transferred its obligations per Section 16.
3. Direct Staff to schedule and take necessary action, per Section 17 of current agreement, to hold hearing to review contractor's solid waste collection efforts, source reduction, processing and other diversion services and overall performance.

5. INTERIM POLICE CHIEF CONTRACT

Ratification of employment agreement with Robert Dunn II to serve as Interim Chief of Police.

Recommendation by the Human Resources Department:

1. Authorize City Manager to sign proposed interim employment agreement.
2. Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT APPOINTING ROBERT DUNN II AS INTERIM CHIEF OF POLICE

6. CITY OF FULLERTON AUDIT DISCUSSION

At the October 2, 2018 City Council meeting, staff was directed to provide follow-up discussion material regarding the various types of audits that are utilized by government agencies, particularly the City of Fullerton.

Recommendation by the Administrative Services Department:

Receive and file.

CONSENT CALENDAR (Items 7 - 16)

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.

7. NOVEMBER 1, 2018 AND NOVEMBER 6, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve November 1, 2018 Special City Council Meeting and November 6, 2018 City Council / Successor Agency Meeting Minutes.

8. OCTOBER 2018 CHECK REGISTER

Recommendation by the Administration Services Department:

Receive and file.

9. MONTHLY LEGISLATIVE UPDATE

Recommendation by the Administration Department:

Receive and file.

10. PERSONNEL MANAGEMENT SYSTEM CHANGES

Recommendation by the Human Resources Department:

Adopt the following resolutions:

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO PAY FOR NON-REGULAR EMPLOYEES AND AMENDING RESOLUTION NO. 2016-63

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

11. ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP) COOPERATIVE AGREEMENT

Recommendation by the Administration Department:

Authorize City Manager to execute Cooperative Agreement No. C-8-2015 with Orange County Transportation Authority for administration of Orange County Taxi Administration Program.

12. SECURITY SERVICES AGREEMENT FOR PARKS AND RECREATION AND THE LIBRARY

Recommendation by the Parks and Recreation Department:

Award security services contract to Executive Event Services, LLC for Parks and Recreation and Fullerton Public Library and authorize Director of Parks and Recreation and Library Director to execute agreements.

13. FULLERTON MUNICIPAL CODE 8.44.080 EARLY MORNING PARKING - CAROL DRIVE

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON CAROL DRIVE BETWEEN EDWARD AVENUE AND TURNER AVENUE AND TURNER AVENUE AND KELLOG AVENUE IN THE CITY OF FULLERTON

14. GRANT FUNDING FOR HARBOR BOULEVARD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

15. WOODCREST PARK RENOVATION - PARK IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve plans and specifications for Woodcrest Park Renovation - Park Improvements Project.
2. Approve \$1,442,325 budget transfer from Park Dwelling Fund Balance to Project 54023 Woodcrest Park Improvements.
3. Award \$1,660,000 construction contract for Woodcrest Park Renovation - Park Improvements Project, in a form approved by the City Attorney, to FS Contractors, Inc.
4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved budget.

16. VALENCIA DRIVE / BASQUE AREA INFRASTRUCTURE IMPROVEMENT PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Valencia Drive / Basque Area Infrastructure Improvement Project.
2. Approve budget transfers to Project 44033 Valencia Drive / Basque Area Infrastructure Improvement Project in the following amounts:

- \$776,000 from Gas Tax Fund Balance
 - \$1,728,000 of Sewer Enterprise Fund from Projects 51418 and 51419
 - Annual Sewer Replacement Programs FY 2017-18 and 2018-19
 - \$987,000 of Water Fund from Project 53618, Water Main Replacement FY 2017-18.
3. Award \$3,635,901 construction contract for Valencia Drive / Basque Area Infrastructure Improvement project, in a form approved by the City Attorney, to Lucas Builders, Inc.
 4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved project budget.

AGENDA FORECAST - Tentative

Tuesday, December 4, 2018

- PRESENTATION: FIRE CHIEF WOLFGANG KNABE RETIREMENT
- PERSONNEL MANAGEMENT SYSTEM CHANGES
- MEASURE M2 EXPENDITURE REPORT
- CONTRACT RENEWALS FOR GROUP INSURANCE PROGRAMS
- DECLARE RESULTS OF ELECTION / REORGANIZATION

Tuesday, December 18, 2018

- REGIONAL ADVISORY BODY APPOINTMENTS
- NOVEMBER 2018 CHECK REGISTER
- MONTHLY LEGISLATIVE UPDATE
- LAGUNA BOOSTER PUMP STATION UPGRADES
- VERIZON CELL SITE AT 2470 W. PIONEER
- LEASE EXTENSION WITH AVIATION FACILITIES INCORPORATED
- CIVIL AIR PATROL TEMPORARY USE AGREEMENT
- DESIGNATION AS A RECYCLING MARKET DEVELOPMENT ZONE
- ANNUAL REVIEW CITY COUNCIL RULES OF PROCEDURE
- COUNCIL VACANCY OPTIONS
- COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY ENDED JUNE 30, 2018
- COMMUNITY FACILITIES DISTRICT SPECIAL TAX BOND ANNUAL
- ACCOUNTABILITY REPORT

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.