



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - JUNE 18, 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 removal of Consent Calendar 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**

JUNE 18, 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 A. Domer, Jay Trinnaman
Employee Organization/s: Fullerton Fire Management Association, Fullerton Municipal Employees Federation, Fullerton Police Officers' Association, Fullerton Firefighters' Association, Fullerton Police Management Association
Under Discussion: Parameters of authority for negotiating salaries, benefits and working conditions
2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**
Title: City Manager
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Orange County Catholic Worker et al v. Orange County et al United States District Court, Central District of California
Case Number: 8:18-cv-0155-DOC-JDE
4. **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE Per Government Code Section 54957.1(a)(5)**
5. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**
Significant Exposure to 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**

JUNE 18, 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 Police Department Retired Senior Volunteer Program
2. **PRESENTATION:** Paramedic Subscription Membership

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.

**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. **JUNE 4, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

2. MAY 2019 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

3. CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS

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, CONCERNING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CLASSIC MEMBERS AND REPEALING RESOLUTION NO. 2018-26 IN ITS ENTIRETY

4. INSURANCE PROGRAM REPORT AND RECOMMENDATIONS FOR PROPERTY AND CASUALTY INSURANCE

Recommendation by the Human Resources Department:

1. Authorize Staff to bind excess workers' compensation insurance with maximum limit set to statutory benefit maximums and lower limit of \$750,000 for non-safety employees and \$1 million for safety employees with Safety National Insurance Company at \$188,655 premium cost.
2. Authorize Staff to bind earth movement and flood insurance with Endurance American Specialty Insurance Company, Landmark American Insurance Company and Lloyd's of London with combined limits of \$20 million for combined premium of \$480,258.
3. Receive and file report relative to City's insurance programs, ancillary insurance coverage purchases and participation in Independent Cities Risk Management Authority joint powers authority to procure excess liability insurance above \$8 million per occurrence, All Risk Property coverage, Auto Physical Damage Insurance, Crime Insurance, Cyber Liability Insurance and Terrorism Insurance.

5. GRANT AWARD FOR WEST COYOTE HILLS OPEN SPACE ACQUISITION

Recommendation by the Parks and Recreation Department:

1. Accept Warne grant.
2. Approve \$40,000 budget transfer of grant funds and allocate funds to the West Coyote Hills Acquisition Project 54036.

6. CHIEF OF POLICE EMPLOYMENT AGREEMENT

Recommendation by the Human Resources Department:

1. Authorize Mayor to execute Employment Agreement appointing Robert Dunn II as Chief of Police commencing June 29, 2019 for initial period of five years with options for two three-year extensions.
2. Adopt Resolution No. 2019-XX.

RESOLUTION 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING RESOLUTION NO. 2019-XX AMENDING PAGE 39, SALARY BY CONTRACTUAL AGREEMENT, OF THE CITYWIDE SALARY SCHEDULE TO REVISE THE BASE SALARY FOR THE CHIEF OF POLICE CLASSIFICATION

7. DISABLED PERSONS PARKING - 136 WEST ELM 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, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 136 WEST ELM AVENUE

8. CONTRACT STREET SWEEPING SERVICES

Recommendation by the Public Works Department:

1. Authorize Public Works Director to enter into Agreement with CleanStreet, Inc. for street sweeping services in a form approved by the City Attorney.
2. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A SEVERANCE PAY PROGRAM FOR DESIGNATED CLASSIFICATIONS

3. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REVISING AND ADOPTING APPENDIX A OF RESOLUTION NO. 2015-52 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

9. FULLERTON GRADE SEPARATION PROJECTS - REVISED AMENDMENT NO. 7 TO COOPERATIVE AGREEMENT, AMENDMENT NO. 8 TO COOPERATIVE AGREEMENT AND SETTLEMENT AND RELEASE AGREEMENT FOR CONSTRUCTION CONTRACT

Recommendation by the Public Works Department:

1. Rescind September 18, 2018 City Council approval for original Amendment 7 and related appropriation of \$2,500,000 due to OCTA's modifications incorporated into attached revised Amendment No. 7.
2. Approve revised Amendment No. 7 and Amendment No. 8 to Cooperative Agreement C-9-0576 between OCTA and City and authorize City Manager to execute these amendments on City's behalf.
3. Approve \$2,896,000 budget transfer for appropriation increase, distributing funding amounts among approved funding sources per Appendix D of revised Amendment No. 7 (Attachment 1) for State College Boulevard Grade Separation Project.
4. Approve \$7,762,000 budget transfer for appropriation increase distributing funding

amounts among approved funding sources per Appendix C of Amendment No. 8 (Attachment 2) for Raymond Avenue Grade Separation Project.

5. Approve \$54,000,000 Settlement and Release Agreement between City of Fullerton and Flatiron West, Inc. and authorize City Manager to execute on the City's behalf.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 10 - 15)

10. FULLERTON COLLEGE SHERBECK FIELD - DRAFT ENVIRONMENTAL IMPACT REPORT DISCUSSION

The North Orange County Community College District (District) recently released a Draft Environmental Impact Report (DEIR) evaluating potential impacts of additions to existing Sherbeck Athletic Field at Fullerton College.

Recommendation by the Community Development Department:

1. Receive and file report.
2. Provide input on preparation of comment letter from City to District regarding proposed DEIR.

11. MONTHLY LEGISLATIVE UPDATE, ADVOCACY POSITIONS AND FORMATION OF CITY COUNCIL LEGISLATIVE SUBCOMMITTEE

Summary of May 2019 legislative activity, consideration of advocacy positions pertaining to specific proposed legislation and formation of City Council legislative subcommittee.

Recommendation by the Administration Department:

1. Receive and file Monthly Legislative Update report.
2. Provide direction pertaining to advocacy positions for specific proposed legislation.
3. Create City Council Legislative Subcommittee, approve meeting schedule and appoint subcommittee members.

12. PROPOSED REVISION TO SANITATION CHARGE TO MAINTAIN CURRENT REVENUE LEVEL

Consideration of reduction of percentage used to calculate Sanitation Charge for Fiscal Year 2019-20 to maintain current revenue levels rather than increase revenue levels as consequence of approved water rate increase while cost of service study performed to ensure adequate funding for these programs.

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 REVISED SANITATION CHARGE

13. AMENDMENTS TO FULLERTON MUNICIPAL CODE RELATED TO CITY-OWNED PARKING FACILITIES

Consideration of amendments to Fullerton Municipal Code relating to regulation of City parking lots and structures.

Recommendation by the Police 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 8.04 AND 8.48 AND REPEALING CHAPTER 8.52 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO PARKING REGULATIONS

14. GENERAL FUND BALANCE POLICY DISCUSSION

At the May 21, 2019 City Council meeting, City Council directed Staff to agendize discussion of current policy for use and designation of monies contained within General Fund balance. This item provides a framework for City Council discussion of additional policies including Fund Balance Assignment Policy for General Fund, Recurring Revenue Policy and One-time Revenue Policy.

Recommendation by the Administrative Services Department:

1. Provide Staff direction regarding creation of Fund Balance Assignment Policy for General Fund, Recurring Revenue Policy and One-time Revenue Policy.
2. Direct Staff to prepare resolution to adopt policies for City Council review and approval.

15. AMENDMENT TO REIMBURSEMENT AGREEMENT WITH CALIFORNIA HIGH-SPEED RAIL AUTHORITY

This amendment would modify terms of original funding Agreement extending term to January 31, 2021 and including updated position / cost list. **Execution of the Amendment does not indicate support for the project** but enables City to obtain reimbursement of costs associated with review of technical studies of high-speed rail.

Recommendation by the Public Works Department:

Authorize Public Works Director to execute Amendment No. 1 to Cooperative Agreement HSR16-26 between City of Fullerton and California High-Speed Rail Authority modifying terms of original funding Agreement to extend term through January 31, 2021 and update position / salary list for reimbursement of City costs associated with technical studies of high-speed rail.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, July 2, 2019

- STATEWIDE PARK DEVELOPMENT GRANT APPLICATION FOR CONSTRUCTION OF PEARL PARK
- COMMUNITY CENTER WAIVERS
- LEGAL SERVICES AGREEMENT WITH FILARSKY & WATT
- COMMITTEE RULES OF PROCEDURE REVIEW
- MUNICIPAL CODE AMENDMENT - EMERGENCY PROCUREMENT OF GOODS AND / OR SERVICES
- JAIL STAFFING SERVICES AGREEMENT
- RANCHO LA PAZ MOBILE HOME PARK

Tuesday, July 16, 2019

- VERIZON CELL TOWER
- MONTHLY LEGISLATIVE UPDATE
- ATHLETIC FIELD USE AND ALLOCATION 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.