



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - FEBRUARY 6, 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**

February 6, 2018 - 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: Jay Cicinelli v. City of Fullerton, et al.

Case Number: OCSC Case No.: 30-2017-00923829

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

Name of Case: Joseph Wolfe v. City of Fullerton, et al.

Case Number: OCSC Case No.: 30-2017-00918847

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

Agency Representative/s: Steve Berliner, Kenneth Domer

Employee Organization/s: Fullerton Firefighters' Association, Fullerton Management Association, Fullerton Police Management Association

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

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

Property: APN 073-060-16, APN 073-060-25

Agency Negotiator: City Manager Kenneth A. Domer

Negotiating Parties: RED Development, LLC

Under Negotiations: Price and Terms

5. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

Property: Portions of APN 033-031-23, APN 033-031-37, APN 033-031-23-40

Agency Negotiator: City Manager Kenneth A. Domer

Negotiating Parties: Orange County Transportation Authority

Under Negotiations: Price and Terms

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

Name of Case: People of the State of California v. JP23 Hospitality Company and Jacob Poozhikala

Case Number: 17NM08465

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**

February 6, 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. **PROCLAMATION: North Orange County Regional Occupational Program**
2. **PROCLAMATION: Olympic and Paralympic Winter Games in South Korea**

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 a 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 - None

REGULAR BUSINESS (Items 1 - 6)

1. **MID-YEAR BUDGET REVIEW FOR FISCAL YEAR 2017-18**

This report provides a review of the City's financial position for the second quarter of Fiscal Year 2017-18 and includes the Treasurer's Report for the same period.

Recommendation by the Administrative Services Department:

Receive and file.

2. DISCUSSION OF ENHANCED SECURITY AND SAFETY SYSTEMS AT FULLERTON PUBLIC LIBRARY

The Library, Police Department and Public Works Department have implemented several approaches to enhance the security of the Library for the benefit of the public, visitors and staff.

Recommendation by the Library:

Provide direction to staff for additional approaches to enhance the security of the Library for the benefit of the public, visitors and staff.

3. 2018 SAFE AND SANE FIREWORKS SALES

On November 6, 2012, Fullerton voters reinstated the sale, possession and discharge of safe and sane fireworks within city limits. 2017 marked the fifth year of sales, possession and discharge of safe and sane fireworks under the newly adopted rules and regulations. Staff has compiled a 2017 Safe and Sane Fireworks Sales Annual Report and drafted a timeline for the 2018 sales process.

Recommendation by the City Clerk's Office:

1. Receive and file 2017 Safe and Sane Fireworks Sales Annual Report.
2. Confirm timeline for 2018 fireworks sales application process.

4. DRAFT 2018 LEGISLATIVE PLATFORM

The draft 2018 City of Fullerton Legislative Platform confirms the City Council's position on legislative issues that have the potential to directly or indirectly impact the City of Fullerton.

Recommendation by the Administration Department:

Provide direction regarding the draft 2018 Legislative Platform.

5. FINAL CONSIDERATION OF SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES FEDERATION

Side Letter to the Memorandum of Agreement between the City of Fullerton and Fullerton Municipal Employees Federation related to changes in City contributions to medical insurance and related provisions.

Recommendation by the Human Resources Department:

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON MUNICIPAL EMPLOYEES FEDERATION

6. FIRST REVIEW OF SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON MANAGEMENT ASSOCIATION

Side Letter to Memorandum of Agreement between the City of Fullerton and the Fullerton Management Association related to changes in City contributions to medical insurance and related provisions.

Recommendation by the Human Resources Department:

Review proposed Side Letter agreement and direct staff to schedule for final review on February 20, 2018.

CONSENT CALENDAR (Items 7 - 15)

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. JANUARY 16, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve January 16, 2018 City Council / Successor Agency / Public Financing Authority Meeting Minutes.

8. MECHANICAL PARKING DEVICES ZONING ORDINANCE AMENDMENT - SECOND READING OF ORDINANCE

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3254.

ORDINANCE NO. 3254 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTERS 15.04, 15.17, 15.30 AND 15.40 TO ADD PROVISIONS ALLOWING FOR THE USE OF MECHANICAL AND AUTOMATED PARKING DEVICES AND TANDEM PARKING IN MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONES WHERE A COMPACT AND EFFICIENT PARKING CONFIGURATION IS REQUIRED

9. REQUEST FOR QUALIFICATIONS - DEVELOPMENT OPPORTUNITIES NEAR WALNUT / TRUSLOW AVENUES

Recommendation by the Community Development Department:

Continue to February 20, 2018 City Council Meeting.

10. REVISIONS TO INVESTMENT POLICY

Recommendation by the Administrative Services Department:

Approve recommended changes.

11. ALL THE ARTS FOR ALL THE KIDS HEART PROJECT

Recommendation by the Parks and Recreation Department:

1. Approve Fullerton School District All the Arts for All the Kids Foundation request to

place two heart sculptures and one totem pole sculpture on City property in the downtown area, based on the Foundation meeting required conditions and receiving all required City permits.

2. Authorize City Manager to waive permit fees, as appropriate.

12. SUMMARY VACATION ABANDONING PUBLIC UTILITY EASEMENT OVER PORTION OF 336 EAST SANTA FE AVENUE

Recommendation by the Public Works Department:

Adopt Resolution No. 2017-XX.

RESOLUTION NO. 2017-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION TO ABANDON A PORTION OF CITY OF FULLERTON PUBLIC UTILITY EASEMENTS OVER A PORTION OF 336 EAST SANTA FE AVENUE

13. STATE COLLEGE BOULEVARD RECONSTRUCTION CONTRACT CHANGE ORDERS FOR FENDER AVENUE AND ADDITIONAL WATER MAIN MAINTENANCE WORK

Recommendation by the Public Works Department:

1. Approve budget transfers of \$248,000 Measure M2 from Project 53007 Madonna Area Street, Sewer & Water Reconstruction and \$41,256 from Project 53618 Water Main System Replacement to Project 44028 State College Reconstruction.
2. Authorize Director of Public Works to process the following construction contract change orders for State College Reconstruction Project to R.J. Noble Company: \$185,840 for Fender Avenue pavement work and \$38,199.35 for installation of two new water system valves on State College Boulevard.

14. WOODCREST PARK IMPROVEMENTS - DESIGN CONTRACT APPROVAL

Recommendation by the Parks and Recreation Department:

Authorize Director of Parks and Recreation to execute professional services agreement with BGB Design Group for development of construction documents for the Woodcrest Park Improvements in a form approved by the City Attorney.

15. CONTRACT AWARD FOR CONSULTANT SERVICES FOR THE GILBERT STREET / IDAHO STREET REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

Recommendation by the Public Works Department:

1. Authorize Director of Public Works to execute \$425,331 agreement, in a form approved by the City Attorney, with Albert Grover & Associates for traffic engineering consultant services for design, system integration, construction management and ongoing monitoring and maintenance for the Gilbert Street / Idaho Street Project P Regional Traffic Signal Synchronization Program.
2. Authorize Director of Public Works to approve and award additional work not to exceed \$57,860 to Albert Grover and Associates for work described as "additional purposed tasks" within this letter and as determined necessary by the Director of Public Works.

AGENDA FORECAST (Tentative)

Tuesday, February 20, 2018

- *RECOGNITION OF TERRY BRICK FULLERTON MUSEUM BOARD*
- *GRANT AWARDS FOR PARKS AND RECREATION CAPITAL PROJECTS*
- *REQUEST FOR QUALIFICATIONS DEVELOPMENT OPPORTUNITIES NEAR WALNUT / TRUSLOW AVENUES*
- *JANUARY 2018 CHECK REGISTER*
- *HARBOR BOULEVARD STORM DRAIN REPAIR*
- *APPEAL OF PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT AT 101 SOUTH HARBOR BOULEVARD (JP23 BBQ AND SMOKEHOUSE)*
- *RESIDENTIAL BEEKEEPING*
- *BOARD, COMMISSION, COMMITTEE STRUCTURE REVIEW*
- *MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON FIREFIGHTERS' ASSOCIATION*
- *EARLY MORNING PARKING AD HOC COMMITTEE RECOMMENDATION*

Tuesday, March 6, 2018

- *PROCLAMATION: Arbor Day 2018*

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.