



# FULLERTON CITY COUNCIL SUCCESSOR AGENCY

## AGENDA - FEBRUARY 5, 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 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](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. 2018-03 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**

**FEBRUARY 5, 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:** 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 - 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  
FEBRUARY 5, 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:**     **Soda Free Summer**

**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**

1. **COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Recommendation by the City Clerk's Office:

1. **Council Member Flory make the following direct appointments:**
  - a. Bicycle Users Subcommittee - unexpired term expiring December 31, 2020.
  - b. Community Development Citizens' Committee - unexpired term expiring December 31, 2020.

- c. Parks and Recreation Commission - unexpired term expiring December 31, 2020.
  - d. Planning Commission - unexpired term expiring December 31, 2020.
  - e. Transportation & Circulation Commission - unexpired term expiring December 31, 2020.
  - f. Infrastructure and Natural Resources Committee - term expiring December 31, 2020.
2. **Mayor Pro Tem Fitzgerald make the following direct appointment:**
- a. Community Development Citizens' Committee - unexpired term expiring December 31, 2020.
3. **Council Member Whitaker make the following direct appointments:**
- a. Community Development Citizens' Committee - unexpired term expiring December 31, 2020.
  - b. Transportation & Circulation Commission - unexpired term expiring December 31, 2020.
4. **At-Large Appointments:**
- a. Two Investment Advisory Committee at-large appointments for terms ending December 31, 2022.
  - b. Two Infrastructure and Natural Resources Committee at-large appointments for partial terms ending December 31, 2020 (initial two-year term).
  - c. Two Infrastructure and Natural Resources Committee at-large appointments for full terms ending December 31, 2022.
5. **Ratify appointments.**

## **PUBLIC HEARINGS (Item 1)**

*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. APPEAL OF PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT TO OPERATE A STUDENT HOUSING DORMITORY - 1155 WEST ORANGETHORPE AVENUE**

Appeal of Planning Commission determination, denying request for a Conditional Use Permit (CUP) to operate a student housing dormitory affiliated with California State University, Fullerton, for maximum of ten students.

Recommendation by the Community Development Department:

Adopt Resolution No. 2019-XX.

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

OF FULLERTON, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO OPERATE A STUDENT HOUSING DORMITORY AFFILIATED WITH CALIFORNIA STATE UNIVERSITY, FULLERTON, FOR A MAXIMUM OF TEN STUDENTS ON PROPERTY LOCATED AT 1155 WEST ORANGETHORPE AVENUE (NORTH SIDE OF ORANGETHORPE AVENUE, EAST OF ORCHARD AVENUE)

## **REGULAR BUSINESS (Items 2 - 7)**

### **2. LIBRARY AD HOC COMMITTEE REPORT REGARDING THE HUNT BRANCH LIBRARY**

As directed by the City Council, the Library Ad Hoc Committee has prepared a report identifying and prioritizing future uses of the Hunt Branch Library.

Recommendation by the Library:

1. Receive and File Library Ad Hoc Committee Report.
2. Direct any additional potential uses of the Hunt Branch Library for inclusion in a Request for Proposals.

### **3. INTRODUCTION TO WATER RATE STUDY - PRELIMINARY RECOMMENDATIONS**

Review draft Water Rate Study Report and Presentation, which evaluates revenue requirements for the City of Fullerton Water Utility, and recommend a multiyear water rate increase and rate structure adjustments.

Recommendation by the Public Works Department:

Provide direction to Staff and consultant regarding proposed Water Utility financial plan and Water Rate adjustments.

### **4. MAPLE COMMUNITY CENTER FEES**

Recommendation by the Parks and Recreation Department:

Receive and file report, direct Staff to conduct a fee study related to Maple Community Center rentals and include recommended fees with adoption of the next annual budget and fee study.

### **5. DESIGNATION OF DELEGATES FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

The Southern California Association of Governments (SCAG) requests that City Council designate a delegate and alternate for the SCAG Regional Conference and General Assembly in Palm Desert, CA on May 2 and 3, 2019.

Recommendation by the City Clerk's Office:

Designate Council Members to serve as the City's conference Delegate and Alternate Representative at the Southern California Association of Governments 2019 General Assembly.

### **6. SECOND QUARTER FINANCIAL AND TREASURER'S REPORT AND BUDGET ADJUSTMENTS FOR FISCAL YEAR 2018-19**

Review of City's financial position for first quarter Fiscal Year 2018-19 and Treasurer's Report for the same period. Also includes mid-year budget adjustments to ensure accurate maintenance of budget and accounting records as the fiscal year progresses.

Recommendation by the Administrative Services Department:

Receive and file.

**7. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS**

City Council review of the City's designated representation on regional advisory bodies to allow consideration of appointments for newly appointed Council Member Jan Flory to regional advisory bodies.

Recommendation by the City Clerk's Office:

Review regional advisory body appointments and consider appointing newly appointed Council Member Jan Flory to regional advisory bodies.

**CONSENT CALENDAR (Items 8 - 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.*

**8. JANUARY 15, 2019 MEETING AND JANUARY 29, 2019 SPECIAL MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve January 15, 2019 City Council / Successor Agency Meeting Minutes and January 29, 2019 Special City Council / Successor Agency Meeting Minutes.

**9. ACCEPTANCE OF DONATIONS**

Recommendation by the Fullerton Police Department:

Accept donations on behalf of Fullerton Police Department.

**10. ALTERATION OF SCHEDULE FOR CITY MANAGER ANNUAL PERFORMANCE EVALUATION AND DELETION OF NON-DISPARAGEMENT PROVISION FROM EMPLOYMENT AGREEMENT**

Recommendation by the Human Resources Department:

Authorize Mayor to sign proposed first amendment altering schedule for annual performance evaluation process and eliminating mutual non-disparagement provision.

**11. 2018-2019 COUNTY OF ORANGE OFFICE ON AGING AGREEMENT FOR FUNDING OF OLDER AMERICANS ACT TITLE III-B PROGRAMS**

Recommendation by the Parks and Recreation Department:

Approve grant and authorize Director of Parks and Recreation to sign grant agreement with County of Orange Office on Aging and any amendments to agreement for Fiscal Year 2018-19.

**12. VEHICLE PURCHASE AUTHORIZATION**

Recommendation by the Public Works Department:

Approve purchase of eight police pursuit chargers from Bravo CDJR.

**13. APPROVAL OF ENGAGEMENT TO REPRESENT WITH LAW FIRMS OF ROBINS KAPLAN, LLP AND ANDREWS & THORNTON, AAL ALC TO JOIN LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS**

Recommendation by the Administration Department:

Approve and authorize Mayor to sign Engagement to Represent with law firms of Robins Kaplan, LLP and Andrews & Thornton, AAL ALC.

**14. ADVANCEMENT OF FUNDS FROM ORANGE COUNTY TRANSPORTATION AUTHORITY FOR CLOSE OUT OF STATE COLLEGE BOULEVARD GRADE SEPARATION PROJECT**

Recommendation by the Public Works Department:

Authorize City Manager to execute Agreement, in a form approved by the City Attorney, with Orange County Transportation Authority for advancement of necessary funding in order to seek federal reimbursement to close out the State College Boulevard Grade Separation Project.

**15. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Catch Basin Connector Pipe Screen Installation project.
2. Approve \$38,500 budget transfer from Sanitation Fund balance to Project 52693 Catch Basin Connector Pipe Screen Installation Project.
3. Award \$89,450 construction contract, in a form approved by the City Attorney, for Catch Basin Connector Pipe Screen Project to G2 Construction, Inc.
4. Authorize Director of Public Works, or approved designee, to approve any future change orders for construction and professional engineering construction support services within approved project budget.

**AGENDA FORECAST (Tentative)**

*Tuesday, February 19, 2019*

- *OUTGOING COMMITTEE / COMMISSION MEMBER RECOGNITION*
- *JANUARY 2019 CHECK REGISTER*
- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *APPROVAL OF CITYWIDE SALARY SCHEDULE*
- *WILSHIRE PARKING LOT ADA ACCESSIBLE PARKING STALLS*
- *LAWRENCE / SANTA FE SEWER IMPROVEMENTS*
- *LETTERS TO STATE AND COUNTY REGARDING ELECTION MATTERS*
- *ANNUAL REVIEW OF CITY COUNCIL MEETING RULES OF PROCEDURE AND DECORUM*
- *MONTHLY LEGISLATIVE UPDATE AND DRAFT 2019 LEGISLATIVE PLATFORM*
- *FIREWORKS ANNUAL REPORT AND 2019 TIMELINE*
- *COUNCIL MEETING INTERPRETATION AND CLOSED CAPTION OPTIONS*

Tuesday, March 5, 2019

- STATE COLLEGE GRADE SEPARATION – AMENDMENT NO. 7

## **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.*