

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF FULLERTON**  
**AUGUST 21, 2001**

**4:00 P.M. SESSION**

Mayor Jones called the meeting to order, CONVENING also as the Redevelopment Agency.

ROLL CALL: Jones, Bankhead, Clesceri, Flory  
Councilmember Norby arrived at 4:03 p.m.

FLAG SALUTE: Councilmember Clesceri

(15) **INFRASTRUCTURE ADVISORY COMMITTEE –  
ACTION PLAN**

0202-11-02

To consider authorizing staff to implement an action plan to address current infrastructure deficiencies and maintain infrastructure in future years.

Assistant to the City Manager Phillips reviewed the following recommendations of the Advisory Committee, as set forth in the action plan:

1. Develop and implement an extensive public awareness campaign to inform residents of the current state of the City's infrastructure and need for action to be taken;
2. Conduct a survey of Fullerton residents to identify their opinions on options for financing the necessary improvements and continued maintenance of the City's infrastructure;
3. Officially establish the project priorities set forth by the Committee: 1) residential streets; 2) arterial streets; 3) sidewalks, curbs and gutters; 4) parks; 5) streetlights; and 6) alleys;
4. Proactively lobby the appropriate federal institutions, Governor and State Legislature to provide additional funding for infrastructure improvements;
5. Establish a two-phased funding approach to address the unfunded infrastructure deficiencies;

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6. Continue pursuing regional, state and federal grants to fund infrastructure improvements and maintenance;
7. Support the Orange County Transportation Authority's efforts to extend Measure M (local transportation half-cent sales tax) scheduled to expire in 2011 and encourage additional direct allocations to cities for local use;
8. Establish a Citywide Neighborhood Assessment District Program in which neighborhoods can petition the City Council for creation of an Assessment District to fund neighborhood infrastructure improvements and maintenance;
9. Develop a 10-year plan to eliminate infrastructure deficiencies in Redevelopment Project Areas;
10. Develop a 10-year plan to eliminate infrastructure deficiencies in the Community Development Block Grant Areas;
11. Establish a Citizens' Infrastructure Review Committee to ensure the Advisory Committee's recommendations are implemented;
12. Assign a staff member to manage the approved recommendations;
13. Establish a permanent annual General Fund Allocation to the Capital Improvement Project Fund to finance infrastructure improvement projects;
14. Propose new or increased special or general taxes that would provide additional General Fund revenues.

Councilmember Flory asked if Neighborhood Assessment Districts could be multi-purpose, i.e., for both alleys and undergrounding of utility lines, and whether the recommendations were prioritized.

Staff advised that separate Districts would be required if an outside entity, such as Edison, was involved; Proposition 218 requires a majority vote of potentially affected property owners before a District can be formed, and has resulted in a dramatic drop in District formation; a Community Facilities District, which is similar, will be used for the Amerige Heights Development; and the recommendation is simply to set up a formal program. It was noted that only recommendations 1 and 2 are in priority order; and there is no money for alley improvements other than in CDBG or redevelopment areas.

Councilmember Norby voiced concern regarding recommendations 1, 7 and 14. Specifically, he stated that a public awareness campaign needs further thought as the public already knows the streets are bad and feels infrastructure is a City responsibility; and an extension of Measure M requires voter approval and is thus a political issue which staff could only monitor, not promote. He added that sales taxes are the worst way to finance needed improvements; approval of Recommendation #14 would put Council on record as proposing new and general taxes; and fees should be tied to benefit.

Councilmember Flory asked if changing the language on #14 to say "consider new or increased special or general taxes" would be more acceptable. Councilmember Bankhead stated that he could support it if the words "to be placed on a ballot" were also added.

Councilmember Bankhead agreed with the need for a public awareness campaign, noting that the situation will get worse with time unless something is done; and stated that Measure M creates millions of dollars, of which the majority goes to counties and little to cities; an extension should only be supported if the distribution was changed to a more fair ratio; and Fullerton would be better off establishing a tax that came directly to the City. He voiced concern with the City's ability to fund a permanent allocation in that revenue is uncertain, adding that the City al-



ready puts all it can into infrastructure and the State diverts over \$2.5 million in funds for its use; and felt a state-wide ballot measure to establish a permanent source of funding for cities should be supported and would pass.

The matter was opened for public comment.

Ralph Baker, Fullerton, felt encouraging more citizens to register to vote would solve some of the problems.

Alan Morton, Fullerton, questioned the amount of the City's bonded indebtedness and the interest rate. Staff advised that the total City/Agency bonded debt is \$44 million, with the only City debt being for the 800 MHz radio system.

Ed Ginter, Advisory Committee member, stated that public awareness is needed regarding the lack of funding, otherwise any future taxation efforts would fail.

Councilmember Norby stated that if the overt purpose of the public awareness campaign is to eventually get the voters to approve a tax increase, the City cannot spend money on it; people may react against it as a political campaign; and it may be better to simply place something on the ballot.

Councilmember Flory stated that many people are unaware that infrastructure has a useful life span; some roads have exceeded their useful life; the State puts 10% of an infrastructure's value into maintenance every year; costs continually go up; and the public needs to be made aware. She supported an extension of Measure M in that much revenue for projects is derived from those funds; and agreed that a larger share to cities is needed. She supported all the recommendations, with the addition of the word "consider" regarding new/increased taxes and placement on the ballot.

MOTION: Flory

That the recommendations be ADOPTED as amended.

The motion failed for lack of a second.

Councilmember Norby agreed that Measure M money is put to good use, but noted that the question is the legality of how the recommendation is phrased regarding staff lobbying for an extension which, as a ballot measure, they cannot do. Councilmember Flory responded that any support should come from Council, not staff; and while the recommendation is not binding, it's going in the right direction. Councilmember Norby then reiterated his opposition.

MOTION: Norby  
2ND: Flory

That Council APPROVE recommendations 2 through 6 and 8 through 13. (motion subsequently withdrawn).

Further discussion was requested.

Councilmember Clesceri supported the public awareness campaign, noting that education is important; agreed that Measure M is a ballot measure and cities should receive a larger share, but did not support including it as a recommendation; opposed #8, stating that if people have issues they will sign a petition for an Assessment District and bring it forward; and opposed #14.

Councilmember Flory responded that #8 is not Council driven. Councilmember Clesceri felt that this can be discussed in the future if it becomes an issue.

At that point, Councilmembers Norby and Flory withdrew their respective motion and second.

MOTION: Norby  
2ND: Flory  
AYES: Jones, Bankhead, Clesceri, Flory, Norby

That Council APPROVE recommendations 2 through 6 and 9 through 13.

The remaining recommendations were then discussed and acted upon individually as noted below.

#### Recommendation #1

MOTION: Flory  
2ND: Bankhead

That Recommendation #1 be APPROVED. (motion subsequently amended)

Prior to voting, Mayor Jones stated that he would support the motion with the inclusion of the word "consider" regarding both issuance of a Request for Proposals and selection of a consultant.

MOTION: Flory  
2ND: Bankhead

That the motion be AMENDED to include the word "consider".

The amended motion was then voted upon.

AYES: Jones, Bankhead, Clesceri, Flory, Norby

#### Recommendation #8

MOTION: Flory  
2ND: Norby

That Recommendation #8 be APPROVED.

Prior to voting, Councilmember Norby clarified that provisions for an Assessment District already exist in law, thus it can be done now; and City Manager Armstrong advised that a flyer would be prepared on the process.



AYES: Jones, Bankhead, Flory, Norby  
NOES: Clesceri

Recommendation #14

MOTION: Flory  
2ND: Bankhead

That Recommendation #14 be APPROVED AS AMENDED by the inclusion of the word "consider" regarding new and increased taxes and placement on the ballot.

Councilmember Bankhead clarified that his second was provisioned on it being clear that any tax proposal would go on the ballot for a vote of the people.

Councilmember Norby opposed the motion, stating that Council can place a tax measure on the ballot now; and approval of this recommendation would undercut the credibility of Recommendation #1 and indicate that its purpose is to promote a tax increase.

The motion was then voted upon.

AYES: Bankhead, Flory  
NOES: Jones, Clesceri, Norby

The motion failed, and the recommendation was deleted.

At a later point in the meeting, Councilmember Flory questioned who would take responsibility for dealing with the infrastructure if taxes cannot be considered.

Mayor Jones noted that Council can always propose a tax.

MOTION: Norby  
2ND: Bankhead

That Council CONSIDER all revenues available under State law and TAKE ACTIONS as appropriate.

Councilmember Clesceri felt the motion to be transparent and opposed it.

AYES: Jones, Bankhead, Flory, Norby  
NOES: Clesceri

Recommendation #7

Mayor Jones noted that many roads have been improved with Measure M funds and an extension should be supported until something better comes along.

Councilmember Flory felt this Council should support Measure M and cannot direct future Councils to do so.

MOTION: Norby  
2ND: Clesceri  
AYES: Jones, Bankhead, Clesceri, Flory, Norby

That the recommendation be AMENDED to read "monitor the future status of Measure M and take actions as appropriate".

AYES – 5-0

Reconsideration of Recommendation #14, as outlined above, took place at this point in the meeting.