



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - OCTOBER 1, 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 the removal of consent 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
OCTOBER 1, 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: Ken Domer and Jay Trinnaman

Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Police Officers' Association, Fullerton Police Management Association, Fullerton Fire Management Association and Fullerton Firefighters 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: Lucrecia Jackson, et al. v. City of Fullerton, et al.

Case Number: OCSC Case No. 30-2017-00939887

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**

OCTOBER 1, 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:** [Census Partnership and Engagement Program](#)
2. **PROCLAMATION:** [Women's Transitional Living Center Domestic Violence Awareness Month](#)

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. 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 - 8)

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. **SEPTEMBER 17, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve September 17, 2019 City Council / Successor Agency Meeting Minutes.

2. CITY TREASURER APPOINTMENT

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING THE POSITION OF CITY TREASURER OF THE CITY OF FULLERTON AND FULLERTON SUCCESSOR AGENCY

3. 2019-20 OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT

Recommendation by the Police Department:

1. Authorize Chief of Police to execute \$460,000 2019-20 Office of Traffic Safety "Selective Traffic Enforcement Program" grant agreement and any amendments, in a form approved by the City Attorney.
2. Increase Police Department appropriations by \$460,000 in Grants Fund 32.

4. CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM AUTHORIZATION FOR FIVE-YEAR SUBMITTAL PERIOD AND INITIAL GRANT SUBMITTAL FOR EUCLID STREET ROADWAY AND SEWER REHABILITATION PROJECT

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, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT AN APPLICATION FOR THE CALRECYCLE RUBBERIZED PAVEMENT GRANT PROGRAM AND TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT FUNDING

5. CERTIFICATION OF FUNDING AVAILABILITY AND COMMITMENT TO FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS

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, WHICH CERTIFIES THAT THE CITY OF FULLERTON HAS THE RESOURCES TO FUND THE PROJECTS IN THE FEDERAL FISCAL YEARS 2020-21 - 2025-26 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT ALL PROJECTS IN THE PROGRAM

6. AMERICA'S WATER INFRASTRUCTURE ACT COMPLIANCE RISK AND RESILIENCY ASSESSMENT AND EMERGENCY RESPONSE PLAN (PHASES II AND III) COST SHARING AGREEMENT

Recommendation by the Public Works Department:

Authorize City Manager to execute \$145,228 agreement with Metropolitan Water District of Orange County for professional services for Risk and Resiliency Assessment and Emergency Response Plan for Phases II and III, in a form approved by the City Attorney.

7. TRAFFIC SAFETY ENHANCEMENT STUDY - WEST CHAPMAN AVENUE NEIGHBORHOOD

Recommendation by the Public Works Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE INSTALLATION OF ADDITIONAL STOP CONTROL AT VARIOUS INTERSECTIONS WITHIN THE WEST CHAPMAN AVENUE NEIGHBORHOOD AND THE REDESIGNATION OF AN ALLEY FROM MULTI DIRECTIONAL TRAVEL TO ONE-WAY

2. Authorize Public Works Director to issue directive to install additional traffic safety enhancements as recommended in California Manual on Uniform Traffic Control Devices and outlined in Agenda Report.

8. RESIDENT ONLY PERMIT PARKING REQUEST - EAST WILSHIRE 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, APPROVING RESIDENT ONLY PERMIT PARKING ON BOTH SIDES OF THE 500 BLOCK OF EAST WILSHIRE AVENUE BETWEEN BALCOM AVENUE AND BERKELEY AVENUE

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 9 - 13)

9. TEMPORARY SAFE PARKING PROGRAM

Consideration of six-month, temporary Safe Parking Program with Illumination Foundation, or other service provider, to allow limited overnight parking for people experiencing homelessness and / or families who currently dwell in vehicles. No locations for temporary program identified at this time.

Recommendation by the Community and Economic Development Department:

1. Authorize City Manager or his designee to execute Lease Agreement, or other appropriate document, and Professional Services Agreement with Illumination Foundation, or other qualified service provider, in a form approved by the City Attorney, and take necessary actions to complete implementation of temporary Safe Parking Program.
2. Appropriate use of Low-Mod Income Housing Set Aside Fund not to exceed \$100,000 to implement six-month Safe Parking Program.

10. RESOLUTION OF INTENTION TO AMEND FULLERTON MUNICIPAL CODE TITLE

15 (ZONING) TO AMEND PROVISIONS APPLICABLE TO EMERGENCY SHELTERS AND MULTISERVICE CENTERS FOR HOMELESS AND MODIFY BOUNDARIES OF EMERGENCY SHELTER OVERLAY ZONE

Proposed amendments to Fullerton Municipal Code Title 15, updating zoning provisions pertaining to Emergency Shelters and Multiservice Centers for Homeless and modifying boundaries of Emergency Shelter Overlay Zone to reduce incidences of homelessness in the City of Fullerton.

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE TO AMEND CHAPTER 15.42 - EMERGENCY SHELTER OVERLAY ZONE, AND OTHER RELATED CHAPTERS AS NECESSARY, TO BETTER IMPLEMENT THE CITY'S GOAL TO REDUCE THE INCIDENCES OF HOMELESSNESS IN FULLERTON

11. EMPLOYMENT AGREEMENT FOR INTERIM POLICE CAPTAIN

Ratification of employment agreement with Eric Carter to serve as interim Police Captain to address temporary staffing shortage among Fullerton Police Department command staff and provide mentorship to current command staff as part of succession planning within the Fullerton Police Department.

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, APPROVING AN AGREEMENT RETAINING ERIC CARTER AS AN INTERIM POLICE CAPTAIN IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21224

12. PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT - FINAL APPROVAL

Side Letter Agreement between City of Fullerton and Fullerton Police Officers' Association - Police Safety Unit presented for final consideration and approval by City Council.

Recommendation by the Human Resources Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT

2. Approve \$487,000 budget transfer from Police Department salaries and benefits to City's IRS Section 115 Trust Fund.

13. FINANCIAL AND TREASURER'S REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019

Preliminary review of City's unaudited financial position for fourth quarter Fiscal Year 2018-19 and Treasurer's Report for same period.

Recommendation by the Administrative Services Department:

1. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING PROPOSED AMENDMENTS TO THE ANNUAL BUDGET FOR FISCAL YEAR 2018-19

2. Receive and file Financial and Treasurer's Reports.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, October 15, 2019

- MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL OPERATIONS
- FUTURE SUPPLY ACTIONS FUNDING PROGRAM GRANT
- LICENSE AGREEMENT WITH RAYTHEON COMPANY
- SEPTEMBER 2019 CHECK REGISTER
- TANK FARM STOCK PILE ROCK CRUSHING
- WATER VALVE REPLACEMENT
- GRAFFITI CONTRACT AWARD
- AIRPORT TERMINAL BUILDING EXPANSION PHASE 2 FINAL DESIGN AND CONSTRUCTION
- CITY MANAGER AMENDED AND RESTATED EMPLOYMENT AGREEMENT

Tuesday, November 5, 2019

- PRESENTATION: *Arborland Montessori Children's Academy Battle of the Brain TV Show*
- NO STOPPING ANYTIME ROLLING HILLS DRIVE
- 15 MINUTE PARKING 345 EAST COMMONWEALTH AVENUE
- 1 HOUR PARKING 649 WEST COMMONWEALTH AVENUE
- RED CURB ADDITION 2226 NORTH EUCLID STREET
- COMMITTEE RULES OF PROCEDURE REVIEW
- FISCAL SPONSORSHIP SERVICES TO ENABLE TAX DEDUCTIBLE DONATIONS TO CITY PROJECTS
- SPEED HUMP 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.