



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - NOVEMBER 5, 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
NOVEMBER 5, 2019 - 4:00 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 Domer, Jay Trinniman
Employee Organization/s:	Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Fire Management Association, Fullerton Firefighters' Association
Under Discussion:	Parameters of authority for negotiating salaries, benefits and working conditions

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

Name of Case:	City of Fullerton v. Friends for Fullerton's Future, et al.
Case Number:	OCSC Case No.: 30-2019-01107063-CU-NP-CJ
Discussion and/or Action Items:	Ratification of unanimous decision made in closed session on September 17, 2019, to authorize the filing of litigation against Friends for Fullerton's Future, Joshua Ferguson, David Curlee, Christopher Tennyson, and Does 1-20, for violations of the Comprehensive Computer Data Access and Fraud Act, the Computer Fraud and Abuse Act, and California Government Code section 6204 et seq.; Conversion; Trespass to Chattels; and Conspiracy

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

Name of Case: Francisco Oliveros, et al. v. City of Fullerton, et al.

Case Number: OCSC Case No. 30-2018-009819683

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

Name of Case: Adriana Palomares v. City of Fullerton, et al.

Case Number: 18 CV 01843 DOC

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

Name of Case: Stephanie Stevenson v. City of Fullerton

Case Number: OCSC Case No. 30-2018-01039485

6. **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

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

Property: APNs 033-030-17 and 033-030-18 (Fullerton Transportation Center - Station Building Lease)

Agency Negotiator: City Manager Kenneth A. Domer

Negotiating Parties: Tony Bushala, Bushala Brothers, Inc.

Under Negotiations: Price and Terms

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
NOVEMBER 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:** [Arborland Montessori Children's Academy - Battle of the Brain TV Show](#)
2. **PRESENTATION:** [Assistance League Professional Humanitarian Auxiliary \(ALPHA\)](#)
3. **PRESENTATION:** [Veterans Day Parade and Ceremony](#)

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 - 13)

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

1. OCTOBER 15, 2019 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve October 15, 2019 City Council / Successor Agency Meeting Minutes.

2. FULLERTON MUNICIPAL CODE AMENDMENT TO PROVIDE FOR SIGNATURE AUTHORITY

Recommendation by the Administration 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 CHAPTER 2.09 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) TO PROVIDE FOR SIGNATURE AUTHORITY

3. PERSONNEL MANAGEMENT SYSTEM CHANGE ADDING BUDGET ANALYST POSITION TO ADMINISTRATIVE SERVICES DEPARTMENT PERSONNEL SUMMARY

Recommendation by the Administrative Services Department:

Amend Fiscal Year 2019-20 adopted budget to add Budget Analyst position to Administrative Services Department personnel summary.

4. TEMPORARY INFORMATION TECHNOLOGY STAFF AUGMENTATION AND ANALYSIS CONTRACT

Recommendation by the Police Department:

1. Approve agreement with Glass Box Technology to augment City of Fullerton IT Staff with personnel from Glass Box Technology and authorize City Manager, or designee, to execute any necessary change orders.
2. Appropriate \$500,000 (\$467,000 base agreement amount plus \$24,000 in contingency) in Information Technology Internal Service fund.

5. REFUSE FUND BALANCE TRANSFER

Recommendation by the Public Works Department:

Approve \$45,000 budget transfer from Refuse Fund balance to Refuse Fund operating budget, professional contract line item.

6. POTABLE WATER REUSE STUDY, IN PARTNERSHIP WITH ORANGE COUNTY WATER DISTRICT, FUNDED BY METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S FUTURE SUPPLY ACTIONS GRANT PROGRAM

Recommendation by the Public Works Department:

1. Approve grant funding for Future Supply Actions Funding Program funded by Metropolitan Water District of Southern California (MWD).
2. Authorize City Manager to enter into Agreement with MWD.

3. Authorize City Manager to enter into Agreement with Orange County Water District (OCWD).
4. Authorize Public Works Director to execute any future amendments / supplements with MWD or OCWD, in a form approved by the City Attorney.
5. Accept and appropriate \$150,000 in Grant Administration Fund - Fund 32.

7. KOREAN WAR MEMORIAL

Recommendation by the Parks and Recreation Department:

Authorize City Manager to sign Memorandum of Understanding with Orange County Korean War Memorial Committee.

8. UNION PACIFIC PARK - RENEWABLE FARMS EXCLUSIVE NEGOTIATION AGREEMENT

Recommendation by the Parks and Recreation Department:

Authorize City Manager to enter into six-month Exclusive Negotiation Agreement with Renewable Farms to explore options for long-term use agreement to operate sustainable urban farm and recreation space at Union Pacific Park.

9. USE OF ASSET SEIZURE FUNDS TO MODERNIZE POLICE FLEET

Recommendation by the Police Department:

Approve purchase.

10. 15-MINUTE PARKING - 345 EAST COMMONWEALTH 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, DESIGNATING 25 FEET OF GREEN CURB ON THE NORTH SIDE OF COMMONWEALTH AVENUE, IN FRONT OF 345 EAST COMMONWEALTH AVENUE, AS A PLACE WHERE PARKING OF VEHICLES IS RESTRICTED TO 15 MINUTES OF CONTINUOUS PARKING BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M., SUNDAY AND HOLIDAYS EXEMPT

11. 1-HOUR PARKING - ROOSEVELT 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 1-HOUR PARKING ON THE EAST SIDE OF ROOSEVELT AVENUE IMMEDIATELY NORTH OF COMMONWEALTH AVENUE AND ADJACENT TO 825 WEST COMMONWEALTH AVENUE

12. 2-HOUR PARKING - 649 WEST COMMONWEALTH AVENUE (EAST SIDE OF WOODS BETWEEN ALLEY AND COMMONWEALTH)

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 2-HOUR PARKING ON THE EAST SIDE OF WOODS AVENUE BETWEEN COMMONWEALTH AVENUE AND THE EAST / WEST ALLEY NORTH OF COMMONWEALTH AVENUE

13. RED CURB INSTALLATION - 2226 NORTH EUCLID STREET

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, DESIGNATING 57 FEET OF CURB ON THE EAST SIDE OF EUCLID STREET, DIRECTLY IN FRONT OF 2226 NORTH EUCLID STREET, AS A PLACE WHERE VEHICLES ARE PROHIBITED FROM STOPPING ANYTIME

PUBLIC HEARINGS (Item 14)

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.

14. 2019 TRIENNIAL EDITION OF CALIFORNIA BUILDING STANDARDS CODE AND CALIFORNIA FIRE CODE

Request to adopt 2019 Triennial Edition of California Building and Fire Codes by reference and approve findings of Building Official and Fire Marshal to substantiate local amendments in accordance with California Health and Safety Code Section 17958.7.

Recommendation by the Community and Economic Development and Fire Departments:

1. Introduce the following ordinances for first reading by title only and waive further reading of the ordinances.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 14 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES I, J, O; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES H, V, X; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE; THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 13, CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

2. Adopt the following resolutions:

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PARTS 2 AND 2.5, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, DUE TO LOCAL CLIMATIC, TOPOLOGICAL AND GEOGRAPHIC CONDITIONS

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PARTS 9, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, DUE TO LOCAL CLIMATIC, TOPOLOGICAL AND GEOGRAPHIC CONDITIONS

REGULAR BUSINESS (Items 15 - 17)

15. FINANCIAL ASSISTANCE RELATED RECUPERATIVE CARE / NAVIGATIONAL CENTER DEVELOPMENT FOR HOMELESS WITH ILLUMINATION FOUNDATION LOCATED AT 3535 WEST COMMONWEALTH AVENUE

At the October 8, 2019 Special City Council meeting, City Council voted to provide financial assistance to Illumination Foundation for proposed recuperative care / navigation center tenant improvements and directed Staff to agendize this item to include the address of proposed project location in draft Cooperative Funding Agreement.

Recommendation by the Administration Department:

Authorize Mayor to execute Cooperative Funding Agreement, in a form approved by the City Attorney, with Illumination Foundation to provide \$500,000 of City funded assistance for tenant improvements for proposed recuperative care / navigation center in Fullerton for individuals experiencing homelessness.

16. TREE MASTER PLAN UPDATE AND REQUEST FOR DIRECTION AND FUNDING TO REMOVE HAZARDOUS TREES

Request for approval to partner with West Coast Arborists, Inc. (WCA) to submit CAL FIRE Tree Master Plan and tree planting plan and direction and approval for funding related to hazardous tree removals.

Recommendation by the Public Works Department:

1. Approve partnership with WCA to develop \$300,000 California Department of Forestry and Fire Protection grant application for Tree Master Plan and tree planting.
2. Authorize City Manager or designee to submit CAL FIRE grant application and execute necessary documents related thereto.
3. If grant received, accept and appropriate funds and authorize WCA to perform work.
4. Provide direction on tree removals related to one the following:
 - a. Fund \$831,514 for all recommended tree / stump removals with performed this Fiscal Year.

- b. Fund \$837,514 to remove of 166 high priority tree (\$216,309), an inspection report to determine phasing of remaining trees (\$6,000) and perform future removals (\$615,205) (Staff's preferred alternative).
5. Approve not to exceed \$837,514 capital improvement project for removals funded by Liability Fund.
6. Authorize Public Works Director to perform necessary actions to remove trees based on direction provided.

17. ATHLETIC FIELD USE AND ALLOCATION POLICY

The Athletic Field Use and Allocation Policy manages equitable allocation of sports fields for Fullerton community's recreational uses. The community-at-large, including City's Partner groups and Parks and Recreation Commission, have reviewed revised draft policy.

Recommendation by the Parks and Recreation Department:

Approve Athletic Field Use and Allocation Policy.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, November 19, 2019

- PRESENTATION: SOUTHERN CALIFORNIA EDISON GOLD RECOGNITION AWARD
- CSUF CENTER FOR HEALTHY NEIGHBORHOODS MEMORANDUM OF UNDERSTANDING
- COMMITTEE RULES OF PROCEDURE REVIEW
- BALLOT DROP BOX LEASE AGREEMENTS
- LICENSE AGREEMENT WITH RAYTHEON COMPANY
- SPONSORSHIP TYPE SERVICES TO ENABLE TAX DEDUCTIBLE DONATIONS
- OCTOBER 2019 CHECK REGISTER
- FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT
- GROUP INSURANCE RENEWAL
- CONTRACT EXTENSION FOR INVESTMENT ADVISORY SERVICES
- MID PROGRAM REVIEW OF THE DOWNTOWN PAID PARKING PILOT PROGRAM
- SECOND READING FIRE AND BUILDING CODE ORDINANCES

Tuesday, December 3, 2019

- MEASURE M2 YEAR END EXPENDITURE REPORT
- PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO MINIMUM WAGE
- CITY COUNCIL REORGANIZATION

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.



NOTICE AND CALL OF SPECIAL MEETING OF CITY COUNCIL TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF FULLERTON AND TO THE CITY CLERK

NOTICE IS HEREBY GIVEN that a special meeting of the Council of the City of Fullerton is hereby called to be held on **November 5, 2019**, commencing at **4:00 p.m.** in the Council Chambers 303 West Commonwealth Avenue, Fullerton, CA.

Said Special Meeting shall be held for the purposes described in the November 5, 2019 Agenda.

Dated: 10/28/19



Mayor