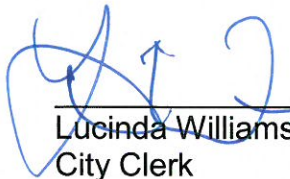




NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **January 21, 2020** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **5:00 p.m.** in the Council Chambers, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: January 16, 2020



Lucinda Williams, MMC
City Clerk



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - JANUARY 21, 2020

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.

**Jennifer Fitzgerald
Mayor (At-Large)**

**Jan Flory
Mayor Pro Tem (At-Large)**

**Jesus Silva
Council Member (District 3)**

**Bruce Whitaker
Council Member (At-Large)**

**Ahmad Zahra
Council Member (District 5)**



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION AGENDA
JANUARY 21, 2020 - 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: Kenneth Domer and Jay Trinnaman

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

Unrepresented Employees: Administrative Assistant / Human Resources, Payroll Technician, Personnel Technician, Employee Benefits Specialist, Executive Assistant, Human Resources / Risk Management Analyst, Budget Analyst, Public Information Coordinator, Human Resources Manager I, Human Resources Manager II, Fiscal Services Manager, Risk Manager, City Clerk / Clerk Services Manager, Assistant to the City Manager / Economic Development Manager

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

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

Significant Exposure to Litigation: Two Cases

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

Name of Case: Joshua Ferguson v. City of Fullerton

Case Number: OCSC 30-2019-01103679

Name of Case: City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson

and David Curlee

Case Number: OCSC 30-2019-01107063

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
JANUARY 21, 2020 - 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:** Fullerton Police Department Unmanned Aerial System (UAS) Operation

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

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

Recommendation by the City Clerk's Office:

1. Council Member Whitaker make the following direct appointment:
 - a. Community Development Citizens' Committee - unexpired term expiring December 31, 2020.
2. Council Member Zahra make the following direct appointment:

- a. Transportation and Circulation Commission - term expiring December 31, 2022.
3. Ratify appointments.

CONSENT CALENDAR

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. **JANUARY 7, 2020 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve January 7, 2020 City Council / Successor Agency Meeting Minutes.

2. **DECEMBER CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

3. **ANNUAL REVIEW OF RULES OF PROCEDURE AND DECORUM FOR CITY COUNCIL MEETINGS**

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NO. 2019-03

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

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING AN ALTERNATE AND SUBSTITUTE ALTERNATE REPRESENTATIVE TO THE GOVERNING BOARD OF THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) AND REPEALING RESOLUTION NO. 2018-04

5. **RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2020-21 AND ADMINISTRATIVE BUDGET ALLOWANCE PER ASSEMBLY BILLS 1X 26 AND 1484 AND SENATE BILL 107**

Recommendation by the Administrative Services Department:

Adopt Resolution No. SA 2020-XX.

RESOLUTION NO. SA 2020-XX - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2020-21 AND

6. TRANSFER OF FIXED ASSETS FROM FULLERTON SUCCESSOR AGENCY TO CITY OF FULLERTON

Recommendation by the Administrative Services Department:

As the Fullerton Successor Agency:

1. Authorize transfer of fixed assets from Fullerton Successor Agency to City of Fullerton.
2. Authorize Executive Director, or designee, to execute all transfer instruments and take all actions reasonably necessary to complete transaction(s).

As the City Council:

1. Accept transfer of fixed assets from Fullerton Successor Agency to City of Fullerton.
2. Authorize Mayor, or designee, to execute all transfer instruments and acceptance and take all actions reasonably necessary to complete transaction(s).

7. COMMUNITY FACILITIES DISTRICT SPECIAL TAX BOND ANNUAL ACCOUNTABILITY REPORT

Recommendation by the Administrative Services Department:

Receive and file.

8. LEGAL SERVICES AGREEMENT WITH LEWIS BRIBOIS

Recommendation by the Human Resources Department:

1. Approve agreement between Lewis Brisbois and City of Fullerton, in final form approved by the City Attorney's Office, to provide legal services with respect to specialized area of tort litigation defense.
2. Authorize City Manager to execute agreement and take any and all action necessary to implement and administer agreement.

9. POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE

Recommendation by the Administrative Services Department:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR THE FULLERTON MUNICIPAL WATER UTILITY PURSUANT TO THE WATER SHUTOFF PROTECTION ACT (SB 998)

10. EXPANSION OF SCOPE OF SERVICES WITH SP+ TO PROVIDE ADDITIONAL PARKING ENFORCEMENT

Recommendation by the Police Department:

1. Authorize City Manager to execute amendment to existing agreement with SP+ to reflect expanded enforcement needs and make minor modifications as necessary.

2. Authorize \$250,000 appropriation to increase budgeted revenue and expenditures.

11. CONSULTANT TRAFFIC ENGINEERING SERVICES CONTRACT RENEWAL

Recommendation by the Public Works Department:

1. Authorize Public Works Director or designee to execute contract extension with Albert Grover and Associates (AGA) for traffic engineering services at rate of \$205 / hour for consultant City Traffic Engineer and schedule of hourly rates for miscellaneous traffic engineering services included in the AGA Proposal dated June 30, 2018 until June 30, 2020.
2. Authorize Public Works Director to approve purchase order related to extending term of existing contract through June 2020, within the approved budget for Fiscal Year 2019-2020.

12. LOMA ALTA AREA INFRASTRUCTURE IMPROVEMENTS PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Loma Alta Area Infrastructure Improvements Project.
2. Approve the following budget transfers to Project 53009 Loma Alta Area Infrastructure Improvements Project:
 - \$1,830,850 Measure M2 Fund from Project 44589 Residential Street Program.
 - \$552,650 Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
 - \$2,054,500 Water Fund from Project 53250 Water Main System Replacement Fiscal Year 2019-20.
3. Award \$3,825,610 construction contract for Loma Alta Area Infrastructure Improvements Project to Big Ben, Inc. in a form approved by the City Attorney.
4. Authorize Public Works Director to contract with City's on-call tree service company, West Coast Arborist, for removal of trees within project limits.
5. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

PUBLIC HEARINGS

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.

13. APPEAL OF PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT FOR HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE, NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

On December 11, 2019, the Planning Commission approved a request by the Illumination

Foundation for a Conditional Use Permit to operate a Human Service Agency at 3535 West Commonwealth Avenue. Ashwill Family LP, the adjacent property owner, has appealed the Planning Commission determination.

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR A HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE, NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

REGULAR BUSINESS

14. FIRST CONSIDERATION OF TENTATIVE AGREEMENTS BETWEEN CITY OF FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES FEDERATION AND BETWEEN CITY OF FULLERTON AND FULLERTON MANAGEMENT ASSOCIATION

Proposed Memorandums of Agreement between City of Fullerton and Fullerton Municipal Employees Federation and between City of Fullerton and Fullerton Management Association.

Recommendation by the Human Resources Department:

Review proposed Memorandums of Agreement and direct staff to schedule for final review on February 4, 2020.

15. INFORMATION TECHNOLOGY UPGRADES

Request to approve emergency Information Technology upgrades including various hardware and software procurements and implementations.

Recommendation by the IT Department:

1. Accept and find that emergency information technology needs exist, requiring immediate implementation of hardware and software upgrades as identified by GlassBox Technologies.
2. Approve staff recommendations for procurement and implementation of various Information Technology hardware and software items.
3. Authorize transfer of \$2,860,000 from General Fund (Fund 10) (\$2,600,000 plus 10% contingency of \$260,000) and appropriate \$2,860,000 in Information Technology Fund (Fund 68).
4. Authorize City Manager, or designee, to execute any agreements, amendments and change orders to purchase and implement emergency upgrades in compliance with purchasing requirements.
5. Authorize City Manager to execute amendment and any change orders to existing agreement with GlassBox Technologies to provide additional, critical IT staffing augmentation.
6. Authorize additional \$500,000 transfer from General Fund to Information Technology

Fund.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, February 4, 2020

- COMMITTEE RULES OF PROCEDURE REVIEW
- AGREEMENT FOR ENVIRONMENTAL REVIEW OF 2001 E. ORANGETHORPE AVE.
- DEVELOPMENT OF RESIDENTIAL CONDOMINIUMS AT 751 E. BASTANCHURY RD.
- AMENDMENT - BUSHALA BROTHERS, INC. FOR LEASE AT FULLERTON TRANSPORTATION CENTER
- FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT
- 2020 FIREWORKS SALES

Tuesday, February 18, 2020

- LICENSE AGREEMENT WITH RAYTHEON COMPANY
- HILLCREST PARK PARKING
- SPEED HUMP POLICY
- ENVIRONMENTAL SERVICES AGREEMENT WITH SPECIFIED CONSULTANTS
- STRATEGIC PLAN FOR ADDRESSING HOMELESSNESS

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.