



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **February 18, 2020** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **4:30 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: February 11, 2020

A handwritten signature in blue ink, appearing to read "Lucinda Williams", is written over a horizontal line.

Lucinda Williams, MMC
City Clerk



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - FEBRUARY 18, 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. 2020-04 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**

FEBRUARY 18, 2020 - 4:30 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

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 conditions

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

Significant Exposure to Litigation: One Case

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

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

Case Number: OCSC 30-2018-00981683

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

Name of Case: Barbor v. City of Fullerton

Case Number: OCSC 30-2018-01028694

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

Name of Case: Corbin Trumbo, a minor by and through his guardian at litem, Stephanie Ortiz; and Stephanie Ortiz v. City of Fullerton

Case Number: OCSC 30-2018-00978170

6. 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
FEBRUARY 18, 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. **CERTIFICATE: Dong Shin Church of Southern California - Parks and Recreation Department Donations**
2. **CERTIFICATE: Rolling Hills Elementary School Teacher Appreciation**

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 - 12)

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. **FEBRUARY 4, 2020 MEETING MINUTES**

Recommendation:

Approve February 4, 2020 City Council / Successor Agency Meeting Minutes.

2. JANUARY 2020 CHECK REGISTER

Recommendation:

Receive and file.

3. CITY COUNCIL POSITION ON LEGISLATION PENDING BEFORE CONGRESS AND STATE LEGISLATURE AS RECOMMENDED BY CITY COUNCIL LEGISLATIVE SUBCOMMITTEE

Recommendation:

1. Authorize Mayor to sign letter of support for federal appropriation programs.
2. Authorize Staff to work with Assemblywoman Sharon Quirk-Silva's Office on City-sponsored 2020 legislation.
3. Authorize Mayor to send follow-up letter in support of Senate Bill 667 (Hueso) - Greenhouse Gases: Recycling Infrastructure and Facilities.

4. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHING TRAFFIC ENGINEERING ANALYST SERIES AND RECLASSIFYING INCUMBENT EMPLOYEE

Recommendation:

Adopt Resolution No. 2020-XX

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS FROM THE PERSONNEL SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-17 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

5. DISABLED PERSONS PARKING - 306 EAST VALENCIA DRIVE

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 306 EAST VALENCIA DRIVE

6. EARLY MORNING PARKING EXEMPTION - COCO PALMS HOMEOWNERS ASSOCIATION

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON THE SOUTH SIDE OF COMMONWEALTH AVENUE FROM 350

FEET EAST OF ACACIA AVENUE TO 590 FEET EAST OF ACACIA AVENUE AND THE NORTH SIDE OF WALNUT AVENUE FROM 300 FEET EAST OF ACACIA AVENUE TO 660 FEET EAST OF ACACIA AVENUE

7. AUTHORIZATION TO SUBMIT APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH CITY OF FULLERTON IS ELIGIBLE

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF FULLERTON IS ELIGIBLE AND ACCEPTANCE OF THE FUNDS IF AWARDED

8. AUTHORIZATION TO APPLY FOR GRANT FUNDS FOR HUNT BRANCH LIBRARY REVITALIZATION PROJECT

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE HUNT BRANCH LIBRARY REVITALIZATION PROJECT

2. Approve appropriation of grant funding when awarded.

9. HEALTHY EATING ACTIVE LIVING PROGRAM GRANT FROM ST. JUDE HOSPITAL

Recommendation:

1. Approve \$53,500 appropriation of revenues and expenditures for awarded grant funding.

2. Authorize Director of Parks and Recreation to sign all grant documents on behalf of the City of Fullerton.

10. 2020 SAFE AND SANE FIREWORKS SALES

Recommendation:

1. Confirm 2020 fireworks sales application process timeline.

2. Approve Staff recommendations for modifications to 2020 fireworks sales process.

11. ENVIRONMENTAL CONSULTANT SERVICES FOR INDUSTRIAL DEVELOPMENT AT 2001 AND 2301 EAST ORANGETHORPE AVENUE

Recommendation:

1. Authorize City Manager, or designee, to execute a Professional Services Agreement with T&B Planning, Inc. for preparation of an Environmental Impact Report for new industrial development on property located at 2001 and 2301 East Orangethorpe Avenue and make minor modifications as necessary.

2. Authorize Director of Community and Economic Development to issue any necessary change orders.

12. CONSTRUCTION CONTRACT AWARD TO HARDY & HARPER FOR BREA BOULEVARD RECONSTRUCTION

Recommendation:

1. Approve plans and specifications for Brea Boulevard Reconstruction Project.
2. Approve \$1,019,310 budget transfers to Project 44043 Brea Boulevard Reconstruction Project in the following amounts:
 - \$991,310 of General Fund from Project 44400 Arterial Street Reconstruction Program
 - \$28,000 of Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
3. Award \$827,448 construction contract for Brea Boulevard Reconstruction Project to Hardy & Harper, Inc. in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

PUBLIC HEARINGS (Item 13)

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. ZONING MAP AMENDMENT TO CHANGE ZONING CLASSIFICATION FOR PROPERTY AT 751 EAST BASTANCHURY ROAD

Fullerton Municipal Code requires City Council to hold a public hearing to introduce an ordinance to amend the Zoning Map for a given property. City Council approved the other entitlements associated with the subject project and certified the Environmental Document on February 4, 2020. The Ordinance to effectuate the zoning classification change is a procedural action for compliance with the Fullerton Municipal Code.

Recommendation:

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, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM O-G (OIL GAS) TO PRD-I (PLANNED RESIDENTIAL DEVELOPMENT - INFILL) ON A 2.4 ACRE PROPERTY AT 751 EAST BASTANCHURY ROAD

REGULAR BUSINESS (Items 14 - 17)

14. HOMELESS PLAN COMMITTEE REPORT, UPDATE AND ACTION ITEMS ON CITY'S EFFORTS REGARDING HOMELESSNESS

On July 2, 2019, the City Council directed the City Manager to establish an Ad Hoc Homelessness Task Force to develop a coordinated and collaborative response to homelessness in Fullerton. The Task Force (renamed the Fullerton Homeless Plan Committee) consisted of residents, service providers, faith leaders, the business community, hospitals and colleges and developed a Strategic Plan for Addressing Homelessness in Fullerton.

Recommendation:

1. Receive and file Fullerton Homeless Plan Committee's Strategic Plan for Addressing Homelessness.
2. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-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 PERTAINING TO DEVELOPMENT STANDARDS AND REVIEW PROCEDURES TO ALLOW PROPERTIES CONTAINING RELIGIOUS INSTITUTIONS TO ALSO BE DEVELOPED WITH PERMANENT SUPPORTIVE HOUSING AND/OR DEED RESTRICTED AFFORDABLE HOUSING TO IMPLEMENT THE CITY'S GOAL TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES AND REDUCE THE INCIDENCES OF HOMELESSNESS IN FULLERTON

3. Direct City Manager to commence implementation of the following recommendations from the Strategic Plan for Addressing Homelessness:
 - a. Prioritize use of available City-owned land for development of Permanent Supportive Housing and / or Affordable Housing, and fast track the planning and approval process and bring back for consideration by April 7, 2020.
 - b. Prepare Resolution of Intention for development of an affordable housing overlay zone by June 2020 to facilitate "by-right" development of Permanent Supporting Housing and / or Affordable Housing to meet the City's Regional Housing Needs Assessment (RHNA) goals.
 - c. Authorize City Manager to negotiate an Operational Agreement with the Illumination Foundation for the recuperative care / navigation center at 3535 West Commonwealth Avenue for City Council consideration.
 - d. Approve Lease Guaranty with Dyer 18, LLC, for 3535 West Commonwealth Avenue, in a form approved by the City Attorney, with final authority to the City Manager on terms, not to exceed \$450,000 under specific circumstances.
 - e. Provide other direction as appropriate.

15. **HILLCREST PARK - PARKING IMPROVEMENTS**

Per City Council direction, Staff proposes making minor parking improvements throughout Hillcrest Park to increase the number of parking spaces. With recent park improvements and an increase in park users, the demand for parking has increased.

Recommendation:

Approve Staff recommendations for minor parking adjustments within Hillcrest Park to

yield an increase of 21 parking spaces.

16. FISCAL YEAR 2019-20 SECOND QUARTER FINANCIAL REPORT AND MID-YEAR BUDGET ADJUSTMENTS

The second quarter financial report provides an overview of the City's financial position for the second quarter of Fiscal Year 2019-20 and a request for mid-year budget adjustments to ensure that budget and accounting records are accurately maintained as the fiscal year progresses.

Recommendation:

1. Receive and file second quarter financial report for FY 2019-20.
2. Approve the Mid-Year Budget Amendments.

17. FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON POLICE MANAGEMENT ASSOCIATION

Final consideration of a proposed Side Letter Agreement between the City of Fullerton and the Fullerton Police Management Association by the City Council.

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-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 MANAGEMENT ASSOCIATION

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, March 3, 2020

- *CODE ENFORCEMENT POLICY AND PROCEDURES*
- *MAIN LIBRARY CHILLER REPAIRS*
- *NEW FLOORING FOR FIRE STATIONS 2, 3 AND 4*
- *NEW HARDWARE - CITY HALL FIRST FLOOR STAIRWELLS AND SECURITY ENTRY DEVICES*
- *CITYWIDE SPEED SURVEY REPORT*
- *COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES*
- *SETTLEMENT AUTHORITY*
- *ADOPTION OF STREET VENDING ORDINANCE*
- *AMENDMENT - BUSHALA BROTHERS, INC. FOR LEASE AT FULLERTON TRANSPORTATION CENTER*
- *ICRMA APPOINTMENT*
- *ESTABLISHMENT OF PROGRAM CRITERIA FOR IMPLEMENTATION OF A MILLS ACT PROGRAM*
- *FULLERTON MUNICIPAL CODE UPDATE FLOOD ZONE DEVELOPMENT*
- *ADOPTION OF SPEED HUMP POLICY*

Tuesday, March 17, 2020

- *2019 ANNUAL HOUSING ELEMENT PROGRESS REPORT*
- *FEBRUARY 2020 CHECK REGISTER*
- *UPDATE TO THE CITYWIDE SALARY SCHEDULE*
- *SHORT TERM RENTAL ORDINANCE STUDY SESSION*

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.