



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - MARCH 17, 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
MARCH 17, 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 REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 2255 North Euclid Street, Fullerton, CA 92835 (APN: 287-081-27)

Agency Negotiator: City Manager Kenneth A. Domer

Negotiating Parties: Sunny Hills Church of Christ - James Pinheiro

Under Negotiations: Price and Terms

2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer

Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association

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

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

Name of Case: Air Combat USA v. City of Fullerton, et al.

Case Number: OCSC 30-2017-00952643

4. 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

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

Name of Case: Michael Ramos v. Near Cal Corporation, et al.

Case Number: 30-2017-00954201-CU-PA-CJC

ADJOURNMENT

Adjourn to 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**

MARCH 17, 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 - None

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 - 11)

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. MARCH 3, 2020 MEETING MINUTES

Recommendation:

Approve March 3, 2020 City Council / Successor Agency Meeting Minutes.

2. **FEBRUARY 2020 CHECK REGISTER**

Recommendation:

Receive and file.

3. **PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHMENT OF A BUYER SERIES**

Recommendation:

1. 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) AND AMENDING THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

2. Authorize amendment to Administrative Services Department personnel summary to add Buyer II position.
3. Authorize funding appropriation to cover prorated cost of Buyer position in Fiscal Year 2019-20.

4. **PORAC RETIREE MEDICAL TRUST JOINDER APPLICATION AND AGREEMENT BETWEEN CITY OF FULLERTON, FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT AND PORAC RETIREE MEDICAL TRUST**

Recommendation:

Authorize City Manager, or his designee, to execute Agreement on behalf of the City, in a form approved by the City Attorney.

5. **GENERAL FUND UNASSIGNED FUND BALANCE TO SUPPORT EMERGENCY PREPAREDNESS EFFORTS AND INCREASE IN CUSTODIAL CONTRACT**

Recommendation:

1. Appropriate \$100,000 of General Fund unassigned fund balance to support citywide emergency preparedness efforts.
2. Authorize City Manager to increase the not to exceed amount by 15% for increased sanitization of public facilities by the City's custodial contractor.

6. **DISADVANTAGED COMMUNITY INVOLVEMENT PROGRAM TECHNICAL ASSISTANCE SUB-GRANT AGREEMENT FROM SANTA ANA WATERSHED PROJECT AUTHORITY (SAWPA) - \$100,000 GRANT**

Recommendation:

1. Accept \$100,000 grant award for Integrated Regional Water Management Program Disadvantaged Community Involvement - Technical Assistance Program.

2. Authorize City Manager to enter into Sub-Grant Agreement with Santa Ana Watershed Project Authority.
3. Authorize Public Works Director to execute any future amendments / supplements with SAWPA, in a form approved by the City Attorney.
4. Appropriate \$100,000 grant funds (Grant Administration Fund - Fund 32).

7. 2019 ANNUAL HOUSING ELEMENT PROGRESS REPORT

Recommendation:

1. Authorize submittal of 2019 General Plan Housing Element Annual Report to Governor's Office of Planning and Research and State Department of Housing and Community Development (HCD).
2. Authorize Community and Economic Development Director, or designee, to make minor modifications to Annual Report as required by HCD.

8. AUTHORIZATION FOR PUBLIC WORKS DIRECTOR TO EXECUTE MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR FEDERAL AND STATE-FUNDED PROJECTS

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING PUBLIC WORKS DIRECTOR TO EXECUTE MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR FEDERAL AND STATE-FUNDED TRANSPORTATION AND TRANSIT PROJECTS

9. CALIFORNIA WATER / WASTEWATER AGENCY RESPONSE NETWORK MUTUAL ASSISTANCE AGREEMENT

Recommendation:

Authorize the City Manager, or designee, to execute mutual aid agreement with CalWARN.

10. MUNICIPAL CODE AMENDMENT PERTAINING TO AMENDING STATE SPEED LIMITS

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, AMENDING SECTION 8.56.020 OF CHAPTER 8.56 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO SPEED ZONES

11. NON-DISCLOSURE AGREEMENT WITH ORANGE COUNTY WATER DISTRICT RELATED TO POTENTIAL PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) LITIGATION

Recommendation:

Authorize City Manager, or designee, to execute Non-Disclosure Agreement.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 12 - 14)

12. TENANT BASED RENTAL ASSISTANCE GUIDELINES TO EXPAND ELIGIBLE PARTICIPANTS TO INCLUDE SENIOR VETERANS AND CLARIFY OTHER PROGRAM GUIDELINES

Consideration of amendments to Tenant Based Rental Assistance Program (TBRA) expanding eligible participants to include qualifying senior veterans citywide and qualifying disabled residents living in Rancho La Paz or Rancho Fullerton mobile home parks under 55 years old and clarification of program guidelines regarding minimum income and asset requirements.

Recommendation:

Approve up to \$200,000 of Fiscal Year 2020-21 HOME funds to implement second year of TBRA program including proposed amendment to program guidelines.

13. ROAD MAINTENANCE AND REHABILITATION (SB 1) ACCOUNT FUNDS ALLOCATION FISCAL YEAR 2020-21 - EUCLID (FERN TO BASTANCHURY) AND ORANGETHORPE (WOODS TO HIGHLAND)

This action would identify Euclid Street (Fern Drive to Bastanchury Road) and Orangethorpe Avenue (Woods Avenue to Highland Avenue) as the roadway segments planned for rehabilitation and funded by Road Maintenance and Rehabilitation Account, also known as Senate Bill 1 (SB 1).

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

14. REVISION TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES

Proposed revision to Resolution Relating to Compensation for Confidential / Nonrepresented Employees: Administrative Assistant / Human Resources, Human Resources Technician I, Human Resources Technician II, Payroll Technician I, Payroll Technician II, 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 and Assistant to the City Manager / Economic Development Manager.

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR
CONFIDENTIAL / NONREPRESENTED EMPLOYEES AND SUPERSEDING
RESOLUTION NO. 2018-11

2. Authorize \$30,822 appropriation to cover the cost of implementing resolution.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, April 7, 2020

- *CODE ENFORCEMENT POLICY AND PROCEDURES*
- *FIREWORKS FEE RESOLUTION*
- *AMENDMENT TO FMC TITLE 15 PERTAINING TO REGULATIONS FOR BILLBOARDS*

Tuesday, April 21, 2020

- *FIREWORKS LOTTERY DRAWING*
- *PROGRAM CRITERIA FOR IMPLEMENTATION OF A MILLS ACT PROGRAM*
- *ADOPTION OF STREET VENDING ORDINANCE*

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.