



NOTICE OF MEETING TIME CHANGE

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

Dated: April 30, 2020

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

Lucinda Williams, MMC
City Clerk



SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) **AND ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Fullerton City Council will participate in meetings via teleconference.

PUBLIC PARTICIPATION: Pursuant to Executive Order N-29-20 and given the current health concerns, members of the public can **access meetings streamed live online at <https://fullerton.legistar.com>, on Spectrum Cable Channel 3 and AT&T U-Verse Channel 99.** Members of the public may not attend the meeting in person.

In lieu of attendance at the City Council meeting, the public can submit public comments electronically for City Council consideration by clicking on the **eComment** link accompanying the agenda posted online at <https://fullerton.legistar.com> **until the close of the public comment period for the item.** Staff will read or summarize public comments during the meeting.

Alternatively, the public can send correspondence to the City Council regarding agenda items by emailing council@cityoffullerton.com with the subject line "CITY COUNCIL MEETING CORRESPONDENCE - ITEM #" (insert the item number relevant to your comment) or "CITY COUNCIL MEETING CORRESPONDENCE NON-AGENDA ITEM". Staff will forward correspondence received to City Council. All correspondence received becomes part of the official record of the meeting and posted online with the supplemental materials for that meeting. Contact the City Clerk's Office at cityclerksoffice@cityoffullerton.com or (714)-738-6355 with any questions.

ACCESSIBILITY: If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid or service by contacting the City Clerk's Office at cityclerksoffice@cityoffullerton.com or by telephone at (714) 738-6355 no later than 48 hours before the meeting.



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - MAY 5, 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.

PERSONS ADDRESSING CITY COUNCIL: You may state your name and city of residence for the record with your remarks. All comments 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.

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. 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.

REBROADCAST: 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.

DECORUM: Refer to City Council 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**

MAY 5, 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 LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Lillian J. Aylesworth v. City of Fullerton
Case Number: Case Number: OCSC 30-2018-01026195

2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Estate of Noah Weatherly v. City of Fullerton, et al.
Case Number: Case Number: OCSC 30-2018-01037224

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson and David Curlee
Case Number: OCSC 30-2019-01107063

4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Air Combat USA vs City of Fullerton, et al.
Case Number: OCSC Case No: 30-2017-00952643

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**

MAY 5, 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 (Items 1 - 3)

1. **PROCLAMATION: Public Works Week**
2. **PROCLAMATION: Drinking Water Week**
3. **PROCLAMATION: Municipal Clerk's Week - May 3 - 9, 2020**

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. 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 - 10)

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. **APRIL 21, 2020 MEETING MINUTES**

Recommendation:

Approve April 21, 2020 City Council / Successor Agency Meeting Minutes.

2. AUTHORIZED OFFICERS MANAGING INVESTMENT OF LOCAL AGENCY INVESTMENT FUND ACCOUNTS UPDATE

Recommendation:

Adopt the following resolutions:

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPDATING AUTHORIZED OFFICERS MANAGING INVESTMENT OF CITY OF FULLERTON MONIES IN THE STATE LOCAL AGENCY INVESTMENT FUND

RESOLUTION NO. SA 2020-XX - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, UPDATING AUTHORIZED OFFICERS MANAGING INVESTMENT OF FULLERTON SUCCESSOR AGENCY MONIES IN THE STATE LOCAL AGENCY INVESTMENT FUND

3. EMERGENCY MANAGEMENT PERFORMANCE GRANT

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING OFFICIALS TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN FINANCIAL ASSISTANCE FOR EMERGENCY SERVICES AND REPEALING RESOLUTION NO. 2017-68

2. Direct City Manager, or designee, to execute Agreement to Transfer Funds for 2019 EMPG program, in a form approved by the City Attorney.
3. Accept \$18,084 grant funds and appropriate revenue in Fiscal Year 2019-20 Grants Fund.

4. 2019 PROPOSITION 69 DNA FUNDS

Recommendation:

Accept 2019 Proposition 69 funds and increase Police Department General Fund allocations by \$12,000.

5. MUNICIPAL ADVISORY SERVICES CONTRACT AWARD

Recommendation:

1. Award contract to Urban Futures, Inc. (UFI) to provide municipal advisory, fiscal consultant and pension and Other Post-Employment Benefits (OPEB) consulting services.
2. Authorize City Manager, or designee, to execute agreement with UFI, in a form approved by the City Attorney.
3. Authorize \$15,000 appropriation for pension and OPEB consulting services.

6. UTILITY BILLING SOFTWARE UPDATES NEEDED TO IMPLEMENT CITY POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE PURSUANT TO SENATE BILL 998

Recommendation:

Authorize \$25,000 water fund appropriation for updates to utility billing software needed to implement recently adopted City Policy on Discontinuation of Residential Water Service.

7. ORANGE COUNTY TRANSPORTATION AUTHORITY COOPERATIVE AGREEMENT FOR ORANGETHORPE AVENUE / ESPERANZA ROAD CORRIDOR PROJECT REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

Recommendation:

Authorize Public Works Director, or designee, to enter into Cooperative Agreement No. 174-46000 with Orange County Transportation Authority and execute any amendments and / or supplements, in a form approved by the City Attorney.

8. SOUTHERN CALIFORNIA EDISON EASEMENT FOR BENEFIT OF VERIZON WIRELESS IN ASSOCIATION WITH TELECOMMUNICATION SITE LEASE AGREEMENT (WHITE PARK - 1550 PARKS ROAD)

Recommendation:

Authorize Public Works Director, on behalf of City of Fullerton, to execute necessary documents to effectuate conveyance of requested easement.

9. SOUTHERN CALIFORNIA EDISON EASEMENT FOR BENEFIT OF VERIZON WIRELESS IN ASSOCIATION WITH TELECOMMUNICATION SITE LEASE AGREEMENT (COYOTE RESERVOIR - 2470 WEST PIONEER AVENUE)

Recommendation:

Authorize Public Works Director, on behalf of City of Fullerton, to execute necessary documents to effectuate conveyance of requested easement.

10. REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 PANDEMIC

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAFFIRMING RESOLUTION NO. 2020-33 WHICH RATIFIED THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY

PUBLIC HEARINGS (Items 11 - 12)

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.

11. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION

OF SHORT-TERM RENTALS

Proposed amendments to Fullerton Municipal Code Titles 4 and 15 in order to regulate short-term rental uses in residential zones or applicable Specific Plans.

Recommendation:

1. Make finding that project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. 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 AMENDMENTS TO THE FULLERTON MUNICIPAL CODE TITLES 4 AND 15 TO REGULATE SHORT-TERM RENTAL USES CITYWIDE

12. TEMPORARY DEFERRAL OF COLLECTION OF SPECIFIED DEVELOPMENT IMPACT FEES FOR CERTAIN DEVELOPMENTS

Consideration of ordinance to temporarily defer collection of specified Development Impact Fees from building permit issuance until issuance of Temporary Certificate of Occupancy or Final Certificate of Occupancy.

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, TO ALLOW DEVELOPERS TO TEMPORARILY DEFER PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES FROM AT PERMIT ISSUANCE TO PRIOR TO CERTIFICATE OF OCCUPANCY

REGULAR BUSINESS (Items 13 - 15)

13. REPLACEMENT OF PLAYGROUND STRUCTURES AT HILLCREST PARK AND FULLERTON SPORTS COMPLEX

Recommendation:

Appropriate and approve \$300,000 budget transfer from Park Dwelling Fund to Park Facilities Replacement Project #54490.

14. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO POLICE INITIATED TOW OPERATIONS

Consideration of amendments to Chapter 3.74 of Title 3 of the Fullerton Municipal Code relating to police initiated tow operations.

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 CHAPTER 3.74 OF THE FULLERTON

MUNICIPAL CODE RELATING TO POLICE INITIATED TOW OPERATIONS

15. **FINANCIAL BUDGET REVIEW REPORT FOR FISCAL YEAR 2020-21 PROPOSED OPERATING BUDGET**

A Financial Budget Review Report for Fiscal Year 2020-21 to provide a review of FY 2020-21 Proposed Operating Budget and opportunity for comments, input and direction from City Council, including discussion of measures to prepare for budget impacts due to COVID-19.

Recommendation:

1. City Council provide input and direction to Staff regarding FY 2020-21 Proposed Operating Budget.
2. Receive and file Financial Budget Review report for FY 2020-21 Proposed Operating Budget.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, May 19, 2020

- RAYMOND AVENUE GRADE SEPARATION PROJECT – BNSF AGREEMENT SUPPLEMENT
- LAS PALMAS PUMP STATION (3B 4) UPGRADES PROJECT AWARD
- CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT
- FIREWORKS FEE RESOLUTION
- LOCAL HAZARD MITIGATION PLAN
- FIVE YEAR CONSOLIDATED PLAN INCLUDING 2020 ONE YEAR ACTION PLAN
- FULLERTON POLICE DEPARTMENT TOW REQUEST FOR PROPOSAL
- AGREEMENT WITH TURBO DATA SYSTEMS, INC. FOR DUI RESTITUTION PROCESSING
- SPEED HUMP POLICY
- APRIL 2020 CHECK REGISTER
- MUNICIPAL ADVISORY SERVICES
- STREET VENDING ORDINANCE

Tuesday, June 2, 2020

- CODE ENFORCEMENT POLICY AND PROCEDURES
- CONSULTANT AWARD OF CONTRACT FOR TRAFFIC ENGINEERING SERVICES
- SB 743 THRESHOLD
- PROJECT 44042 JACARANDA DRAKE AREA STREET SEWER IMPROVEMENTS
- CALL NOVEMBER 2020 ELECTION

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.