



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **May 19, 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: May 14, 2020

A handwritten signature in blue ink, appearing to read "Lucinda 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 addressing the conduct of public meeting and superseding the Brown Act-related provisions of Executive Order N-25-20.

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.** The City Council Chamber will have limited seating available on a first-come, first-served basis for members of the public to attend the meeting in person. All persons visiting City facilities shall wear face masks and observe social distancing protocols.

In lieu of public attendance, members of the public can submit 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.**

Alternatively, the public can send correspondence to the City Council regarding agenda items by emailing {council email address} 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)-738-6350 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) 738-6350 no later than 48 hours in advance of the meeting.



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - MAY 19, 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**

MAY 19, 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 A. Domer, Ellis Chang and Jay Trinnaman

Employee Organization/s: Fullerton Fire Management Association, Fullerton Municipal Employees Federation, Fullerton Police Officers' Association - Safety and Dispatch, Fullerton Firefighters' Association, Fullerton Police Management Association, Fullerton Management Association

Under Discussion: Negotiating cost savings measures

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 19, 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 - 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. [MAY 5, 2020 MEETING MINUTES](#)

Recommendation:

Approve May 5, 2020 City Council / Successor Agency Meeting Minutes.

2. **TEMPORARY DEFERRAL OF COLLECTION SPECIFIED DEVELOPMENT IMPACT FEES FOR CERTAIN DEVELOPMENTS - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3281.

ORDINANCE NO. 3281 - 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

3. **FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO POLICE INITIATED TOW OPERATIONS - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3282.

ORDINANCE NO. 3282 - 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 OPERATION

4. **APRIL 2020 CHECK REGISTER**

Recommendation:

Receive and file.

5. **DESIGNATION OF DELEGATES FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

Recommendation:

Designate Council Member Jesus Silva to serve as City's conference Delegate and Council Member Ahmad Zahra as Alternate Representative at the Southern California Association of Governments 2020 Virtual General Assembly.

6. **2020 TAX ALLOCATION REFUNDING BONDS PRIMARY FINANCING TEAM SELECTION**

Recommendation:

1. Direct Staff to initiate issuing 2020 Bonds for the purpose of refunding City of Fullerton Public Financing Authority 2005 TARBs.
2. Authorize Staff to engage services with additional primary financing team: Stradling Yocca Carlson & Rauth to serve as Bond Counsel, Jones Hall as Disclosure Counsel, Urban Futures Inc. as Fiscal Consultant and Stifel as Underwriter (or, in the event of a private placement, Placement Agent).
3. Adopt Resolution No. SA 2020-XX.

RESOLUTION NO. SA 2020-XX - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN

CONNECTION THEREWITH

7. SAFE PARKING PROGRAM EXTENSION

Recommendation:

1. Authorize City Manager, or designee, to execute Lease Agreement or other appropriate document and Professional Services Agreement with Pathways of Hope or other qualified service provider, in forms approved by the City Attorney, and take all necessary actions to continue Safe Parking Program.
2. Appropriate use of not to exceed \$45,000 (Non-General Fund) Low-Mod Income funds in the Housing Fund (Fund 26) to implement three-month Safe Parking Program.

8. LAS PALMAS PUMP STATION UPGRADES PROJECT - ENGINEERING DESIGN SERVICES AWARD

Recommendation:

1. Approve \$160,000 budget transfer to Project 53019 Las Palmas Pump Station Upgrades from Project 53603 Water Production Equipment Upgrade and Rehabilitation (MCC Upgrades).
2. Authorize Public Works Director, or designee, to execute \$147,395 purchase order with Psomas for design services.
3. Authorize Public Works Director, or designee, to approve any future change orders for professional engineering services within approved project budget.

9. AGREEMENT WITH TRIPEPI SMITH FOR CABLECASTING SERVICES

Recommendation:

Approve and authorize City Manager to execute a three-year contract with Tripepi Smith, in a form approved by the City Attorney, for cablecasting services in an amount not to exceed \$109,517.

10. AGREEMENT WITH TURBO DATA SYSTEMS, INC. FOR DUI RESTITUTION PROCESSING

Recommendation:

Approve agreement for services with Turbo Data Systems, Inc. and authorize appropriations of revenues and expenditures to Police Department General Fund.

11. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT

Recommendation:

1. Approve and authorize Public Works Director to enter into \$93,130 agreement with G2 Construction, Inc. of Garden Grove for installation of full capture trash inserts in existing catch basins under Orange County Transportation Authority Environmental Cleanup, Tier 1 Grant Program, in a form approved by the City Attorney.
2. Approve \$30,837 budget transfer and appropriation from Sanitation Fund Balance to Project 52694 Catch Basin Connector Pipe Screen Installation Project.

3. Authorize Director of Public Works, or approved designee, to approve any future change orders within approved project budget.

12. PARK LIGHTING REPLACEMENT - INDEPENDENCE PARK

Recommendation:

Approve \$10,000 budget transfer and appropriation from Park Dwelling Fund balance and \$10,000 from Facility Capital Repair Fund balance to Project 54042 Park Lighting Replacement.

PUBLIC HEARINGS (Items 13 - 15)

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. SUBSTANTIAL AMENDMENT TO CITIZEN PARTICIPATION PLAN AND FISCAL YEAR 2019-20 ANNUAL ACTION PLAN

President Trump signed the Coronavirus Aid, Relief and Economic Security (CARES) Act making available \$5 billion in supplemental CDBG funding on March 27, 2020 to be used to prevent, prepare for and respond to COVID-19. The City of Fullerton will receive \$819,487 in CDBG-CV funds and must amend the Citizen Participation Plan and the FY 2019-20 Annual Action Plan as a condition of receipt of CARES funds.

Recommendation:

1. Approve amended Citizen Participation Plan.
2. Approve Draft Substantial Amendment to 2019-20 Annual Action Plan and authorize Staff to submit Plan to U.S. Department of Housing and Urban Development requesting \$819,487 in Community Development Block Grant funding under Coronavirus Aid, Relief and Economic Security Act.
3. Authorize Director of Community and Economic Development, or designee, to execute Community Development Block Grant (Coronavirus Aid, Relief and Economic Security Act) agreement with approved non-profit agencies and City Departments.
4. Authorize acceptance and appropriation for receipt and use of awarded CDBG funds.

14. 2020-24 FIVE-YEAR CONSOLIDATED PLAN, FISCAL YEAR 2020-21 ONE-YEAR STRATEGY / ACTION PLAN, 2020-24 FAIR HOUSING ANALYSIS OF IMPEDIMENTS, REVISED - CITIZEN PARTICIPATION PLAN

The U.S. Department of Housing and Urban Development (HUD) requires that every jurisdiction receiving Federal community development and housing funds submit a Five-Year Consolidated Plan, a Five-Year Analysis of Impediments to Fair Housing Choice, a Citizen Participation Plan and a One-Year Strategy/Action Plan. The Consolidated Plan meets the requirements of the Federal Community Development Block Grant (CDBG) and the HOME Investment Partnership (HOME) programs. The Consolidated Plan includes the Community Development Citizens' Committee's (CDCC) funding recommendations for the City's CDBG Program.

Recommendation:

1. Approve 2020-24 Five-Year Consolidated Plan and authorize submission of 2020-24 Five-Year Consolidated Plan to U.S. Department of Housing and Urban Development.
2. Approve Fiscal Year 2020-21 CDBG budget reducing housing rehabilitation allocation by \$145,000 (authorize HOME funds of \$145,000 to housing rehabilitation program) and include Special Code Enforcement in the CDBG budget funded at \$145,000 and authorize submission of Fiscal Year 2020-21 One-Year Strategy / Action Plan to U.S. Department of Housing and Urban Development for CDBG funds and HOME Investment Partnership funding.
3. Authorize Director of Community and Economic Development, or designee, to execute Fiscal Year 2020-21 CDBG agreements with non-profit agencies and City Departments.
4. Approve Five-Year Analysis of Impediments.
5. Approve Revised - Citizen Participation Plan.

15. LOCAL HAZARD MITIGATION PLAN AND CORRESPONDING GENERAL PLAN AMENDMENTS

The Local Hazard Mitigation Plan (LHMP) identifies threats from natural and human-caused hazards in the community and recommends specific actions to proactively decrease those threats. The Federal Emergency Management Agency approved the City's latest LHMP update. This action would formally adopt the updated LHMP Plan and corresponding updates to The Fullerton Plan.

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE CITY OF FULLERTON LOCAL HAZARD MITIGATION PLAN AS APPROVED BY FEMA ON JUNE 10, 2019 AND CORRESPONDING REVISIONS TO THE FULLERTON PLAN, INCLUDING A COMPREHENSIVE UPDATE TO APPENDIX I, THEREBY ADOPTING THE LOCAL HAZARD MITIGATION PLAN INTO THE SAFETY ELEMENT OF THE CITY'S GENERAL PLAN PURSUANT TO GOVERNMENT CODE SECTION 65302.6

2. Make a finding that the project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3).

REGULAR BUSINESS (Items 16 - 18)

16. PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN CITY OF FULLERTON AND NFRED, LLC REGARDING FOX BLOCK DEVELOPMENT POTENTIAL

Consideration of Exclusive Negotiation Agreement by and between City of Fullerton and NFRED, LLC to provide exclusive negotiation period to negotiate a development plan for public market style commercial development located on east side of North Harbor Boulevard between Chapman Avenue and Ellis Place.

Recommendation:

1. Approve proposed Exclusive Negotiation Agreement (ENA) by and between City of

Fullerton and NFRED, LLC on property located on east side of North Harbor Boulevard between Chapman Avenue and Ellis Place, including Pomona Parking Lot and Triangle Lot (APN 029-033-38 and 39/932-41-506 through 510, APN 029-033-09, 27 and 28, APN 29-033-03 through 06 and APN 029-032-21).

2. Authorize City Manager to execute ENA by and between City of Fullerton and NFRED, LLC for exclusive negotiation period for development of a public market, small format retail and restaurants with outdoor amenities on approximately 3.32 acres.

17. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO AMENDING STATE SPEED LIMITS (CONTINUED FROM 3/17/2020)

Consideration of Transportation and Circulation Commission recommendation to amend Section 8.56.020 of 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, AMENDING SECTION 8.56.020 OF CHAPTER 8.56 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO SPEED ZONES

18. SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES

Consideration of resolution establishing parking penalties for parking violations and late payment penalties.

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, June 2, 2020

- CONSULTANT AWARD OF CONTRACT FOR TRAFFIC ENGINEERING SERVICES
- RAYMOND AVENUE GRADE SEPARATION PROJECT – AGREEMENT SUPPLEMENT
- JACARANDA DRAKE AREA STREET SEWER IMPROVEMENTS
- HARBOR BOULEVARD CORRIDOR – TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM
- FIRE, RESCUE AND EMERGENCY MEDICAL SERVICES AGREEMENT
- FMC AMENDMENTS-REGULATION OF SHORT TERM RENTALS (CONTINUED FROM MAY 5, 2020)
- CALL NOVEMBER 2020 ELECTION
- STREET VENDING ORDINANCE
- SB 743 THRESHOLD

Tuesday, June 16, 2020

- SPEED HUMP POLICY
- MAY 2020 CHECK REGISTER
- FULLERTON TOW RFP

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.