



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **June 2, 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 28, 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 - JUNE 2, 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**

JUNE 2, 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**

JUNE 2, 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 (Item 1)

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Recommendation:

1. Mayor Fitzgerald make the following direct appointment:
 - a. Community Development Citizens' Committee - unexpired term expiring December 31, 2020.
2. Ratify appointments.

CONSENT CALENDAR (Items 1 - 7)

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 19, 2020 MEETING MINUTES

Recommendation:

Approve May 19, 2020 City Council / Successor Agency Meeting Minutes.

2. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO AMENDING STATE SPEED LIMITS - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3283.

ORDINANCE NO. 3283 - 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

3. TREASURER'S REPORT FOR QUARTER ENDED MARCH 31, 2020

Recommendation:

Receive and file Quarterly Investment Report.

4. MONTHLY LEGISLATIVE UPDATE

Recommendation:

1. Receive and file Monthly Legislative Update report and direct Staff accordingly.
2. Authorize Mayor to sign letter requesting CARES funding from the State.
3. Authorize Mayor to sign letter advocating for pension reform with CalPERS.
4. Authorize Mayor to sign letter of support for Assembly Bill 2959 (Calderon) Solid Waste: Byproducts from the processing of food or beverages.

5. AUTOMATIC AID AGREEMENT FOR EXCHANGE OF FIRE, RESCUE AND EMERGENCY MEDICAL SERVICES BETWEEN CITY OF PLACENTIA AND CITY OF FULLERTON

Recommendation:

Authorize City Manager to execute Automatic Aid Agreement for Exchange of Fire, Rescue and Emergency Medical Services between the City of Placentia and City of Fullerton.

6. APPLICATION AND RECEIPT OF LEAP PLANNING GRANTS PROGRAM FUNDS

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND

RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

2. Authorize appropriation of receipt and use of LEAP Planning Grant Funds.

7. HARBOR BOULEVARD CORRIDOR - PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM - AUTHORIZATION TO REQUEST DELAY OF PROJECT DUE TO FINANCIAL UNCERTAINTIES FROM COVID-19

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A REQUEST TO PURSUE A PROJECT DELAY FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE HARBOR BOULEVARD CORRIDOR PROJECT - PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

PUBLIC HEARINGS (Item 8 - 9)

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.

8. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION OF SHORT-TERM RENTALS (CONTINUED FROM MAY 5, 2020)

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

Recommendation:

1. Make a 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

9. ADOPTION OF PROPOSED ANNUAL BUDGET, PROPOSED FEES AND ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21

A public hearing to consider approval and adoption of the Proposed Annual Operating Budget, proposed changes to City's Schedule of Fees and Appropriations Limit for Fiscal Year 2020-21.

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2020-21 AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN

2. Adopt Resolution No. 2020-XX.

RESOLUTION 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

3. Adopt Resolution No. 2020-XX.

RESOLUTION 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING OR ESTABLISHING NEW FEES AND CHARGES FOR MUNICIPAL SERVICES FOR FISCAL YEAR 2020-21 AND REPEALING RESOLUTION NO. 2019-25

4. Approve creation of a new special restricted fund, entitled Franchise Fee Cable TV - Public, Educational, Governmental (PEG) Access Fund (Fund 27), to properly account and record restricted telecommunications franchise revenues.
5. Approve transfer of all budgeted PEG revenues and expenditures and fund balances from the General Fund to PEG Fund in FY 2019-20, in which the planned revenues and expenditures for FY 2020-21 will be included with budget adoption.

REGULAR BUSINESS (Items 10 - 14)

10. LITERACY AND CULTURAL INNOVATION PROGRAMMING PARTNERSHIP, HUNT BRANCH LIBRARY PROPOSAL RECOMMENDATION

During the March 3, 2020 City Council meeting, City Council directed Staff to reconvene available members of the Hunt Branch Library Ad Hoc Committee and appointed an additional member to the committee to evaluate eight proposals for future use of the Hunt Branch Library.

Recommendation:

City Council allow City Staff to engage with respondents of joint proposal Heritage Future and Arts Orange County on future use of Hunt Branch Library.

11. EVICTION MORATORIUM EXTENSION REQUEST

At the May 19, 2020 City Council meeting, Council Member Silva requested, supported by Council Member Zahra, City Council direction regarding extending the residential and commercial eviction moratorium timeline originally approved by City Council as an urgency ordinance on March 26, 2020.

Recommendation:

Provide Staff direction regarding extension of eviction moratorium to include one or more of the following, but not limited to:

1. Direct Staff to return with an urgency ordinance at either a special meeting or the June 16, 2020 City Council meeting, extending Ordinance No. 3279 for a defined period of time.

2. Direct City Manager, in his capacity as Director of Disaster Services, to extend until June 30, 2020 the temporary moratorium adopted through Ordinance No. 3279 on eviction of residential or commercial tenants unable to pay rent because of COVID-19.
3. Provide Staff direction on other matters related to tenant and landlord financial difficulties arising from the COVID-19 public health crisis after discussion by City Council.

12. REQUEST FOR SIXTY DAY RENT FREEZE DUE TO COVID-19 PUBLIC HEALTH CRISIS

At the May 19, 2020 City Council meeting, Council Member Silva requested, supported by Council Member Zahra, City Council direction regarding a sixty day rent freeze for City of Fullerton tenants due to ongoing effects of the COVID-19 pandemic.

Recommendation:

Provide Staff direction related to enacting a rent increase moratorium to include, but not limited to an urgency ordinance or regular ordinance process, financial assistance for lower-income tenants affected by rent increases or other program which addresses rental increases during the COVID-19 public health crisis.

13. AWARD OF PROFESSIONAL SERVICES FOR COMMUNICATION AND OUTREACH EFFORTS

Request to award a professional services agreement to Terris Barnes Walters Boigon Heath, Inc. (TBWBH Strategies) for communication and outreach efforts.

Recommendation:

Authorize City Manager to enter into a professional services agreement, approved as to form by the City Attorney, for communication and outreach efforts with Terris Barnes Walters Boigon Heath, Inc. (TBWBH Strategies) in an amount not to exceed \$125,000.

14. POLICIES AND PROCEDURES FOR EVALUATING TRANSPORTATION IMPACTS AND EFFECTS IN RESPONSE TO SB 743 (2013)

SB 743, signed by Governor Brown in 2013, changes the way transportation impacts are identified for environmental analysis purposes. Following the rulemaking process completed in December of 2018, the California Environmental Quality Act (CEQA) Guidelines identify that by July 1, 2020 all lead agencies must use Vehicle Miles Traveled as the new transportation metric for identifying impacts for land use projects, replacing auto delay, Level of Service (LOS) and other similar measures. SB 743 does not prevent the City from continuing to analyze delay or LOS outside of the CEQA review process for other transportation planning or analysis purposes.

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THRESHOLDS OF SIGNIFICANCE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15064(B)(2) AND 15064.7, TO ADDRESS A PROJECT'S POTENTIAL TO IMPACT

TRANSPORTATION BY THE AMOUNT AND DISTANCE OF AUTOMOBILE TRAVEL ATTRIBUTABLE TO A PROJECT, REFERRED TO AS VEHICLE MILES TRAVELED (VMT) FOR LAND USE AND TRANSPORTATION PROJECTS; ADOPTING CRITERIA, PURSUANT TO THE FULLERTON PLAN, TO DETERMINE A PROJECT'S EFFECT ON TRANSPORTATION BY THE AMOUNT OF AUTO DELAY, REFERRED TO AS LEVEL OF SERVICE (LOS) FOR LAND USE AND TRANSPORTATION PROJECTS; AND ADOPTING THE CITY OF FULLERTON TRANSPORTATION ASSESSMENT POLICIES AND PROCEDURES (TAPP) TO SET THE METHODS BY WHICH PROJECTS ARE EVALUATED AND ANY IMPACTS OR EFFECTS ARE ADDRESSED IN RESPONSE TO SB 743 (2013)

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

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, June 16, 2020

- *CONTRACT AWARD FOR TRAFFIC ENGINEERING SERVICES*
- *RAYMOND AVENUE GRADE SEPARATION PROJECT SUPPLEMENT AGREEMENT*
- *JACARANDA DRAKE AREA STREET SEWER IMPROVEMENTS*
- *MEASURE M2 FUNDING ELIGIBILITY*
- *FULLERTON TOW RFP*
- *CALL NOVEMBER 2020 ELECTION*
- *STREET VENDING ORDINANCE*
- *SPEED HUMP POLICY*
- *MAY 2020 CHECK REGISTER*

Tuesday, July 7, 2020

- *No Items scheduled yet*

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.