



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **July 7, 2020** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **5:30 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: July 2, 2020

A handwritten signature in blue ink, appearing to read "L. Williams", is positioned above 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 meetings 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@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)-738-6350 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 - JULY 7, 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**

JULY 7, 2020 - 5:30 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 LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)

Name of Case: Lourdes Toman, et al. v. Brea Police Officer Jerry Glomboske et al.

Case Number: 8:20-CV-00046-DOC-KES

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 /
PUBLIC FINANCING AUTHORITY
REGULAR MEETING AGENDA**

JULY 7, 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: KIMBERLY CLARK CERTIFICATE OF RECOGNITION**
2. **CERTIFICATE: REPUBLIC SERVICES CERTIFICATE OF RECOGNITION**

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. **JUNE 16, 2020 MEETING MINUTES**

Recommendation:

Approve June 16, 2020 City Council / Successor Agency Meeting Minutes.

2. **ESTABLISHMENT OF INFRASTRUCTURE FUND WITH AUTOMATIC DEPOSIT OF REVENUES, ABOVE A BASELINE, FOR DESIGNATED INFRASTRUCTURE IMPROVEMENTS - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3284.

ORDINANCE NO. 3284 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING CHAPTER 2.48.380 TO THE FULLERTON MUNICIPAL CODE TO ESTABLISH AN INFRASTRUCTURE FUND

3. **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

4. **UPDATED RESOLUTION SETTING CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS**

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CLASSIC MEMBERS AND REPEALING RESOLUTION NO. 2019-83 IN ITS ENTIRETY

5. **SIDE LETTERS TO MEMORANDA OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - DISPATCHER UNIT REGARDING EXTENSION OF TERMS**

Recommendation:

Adopt the following resolutions:

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 OFFICERS' ASSOCIATION - POLICE SAFETY UNIT

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 OFFICERS' ASSOCIATION - DISPATCHER UNIT

6. DEBT MANAGEMENT POLICY FOR THE CITY OF FULLERTON

Recommendation:

Adopt the following resolutions:

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY FOR THE CITY OF FULLERTON AND CERTAIN RELATED ENTITIES AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. SA 2020-XX - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

7. BUREAU OF RECLAMATION FOR WELL 7A PROJECT GRANT AND AUTHORIZATION TO EXECUTE GRANT AGREEMENT

Recommendation:

1. Accept \$300,000 grant award for Bureau of Reclamation WaterSMART Drought Response Program.
2. Authorize City Manager to enter into Agreement with Bureau of Reclamation, in a form approved by the City Attorney.
3. Authorize Public Works Director to execute any future amendments / supplements with Bureau of Reclamation, in a form approved by the City Attorney.
4. Appropriate \$300,000 revenues and expenditures in Fund 74 (Capital Projects Fund) for Project No. 53005.

8. BUREAU OF JUSTICE ASSISTANCE FY20 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM AGREEMENT AND AWARD

Recommendation:

1. Authorize acceptance of grant award and authorize City Manager to execute \$77,205 Bureau of Justice Assistance FY20 Coronavirus Emergency Supplemental Funding Program Award Agreement.
2. Authorize appropriation of receipt and use of grant funds.

9. JOINT RECIPIENT COOPERATION AGREEMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEARS 2021-22, 2022-23, 2023-24

Recommendation:

Approve Joint Recipient Cooperation Agreement for Community Development Block Grant, for Fiscal Years 2021-22, 2022-23, 2023-24 and authorize City Manager and City Clerk to sign.

10. CALIFORNIA STATE LIBRARY GRANT FOR HUNT LIBRARY REVITALIZATION PROJECT

Recommendation:

1. Approve a \$2,500,000 Construction Grant funded via the State Library from the 2019-20 State Budget for improvements to the Hunt Branch Library.
2. Authorize appropriation of receipt and use of the \$2,500,000 Construction Grant funds for Fiscal Year 2020-21 budget as necessary.

11. GM5910 RIDE-ON LAWNMOWER PURCHASE

Recommendation:

Approve \$125,740.85 purchase of Toro Groundsmaster GM5910 Mower from Turf Star Western through Sourcewell cooperative purchasing.

12. REPLACEMENT BUCKET TRUCK PURCHASE

Recommendation:

Approve \$162,165 purchase of Altec AT40-G Bucket Truck from Altec through Sourcewell cooperative purchasing.

PUBLIC HEARINGS - None

REGULAR BUSINESS (Items 13 - 16)

13. ISSUANCE AND SALE OF 2020 TAX ALLOCATION REFUNDING BONDS AND APPROVING NECESSARY DOCUMENTS IN CONNECTION THEREWITH

A proposed resolution of the Successor Agency to the Fullerton Redevelopment Agency to authorize the issuance and sale of Tax Allocation Refunding Bonds, Series 2020 A & B (collectively 2020 Bonds) and approve necessary documents and authorizing certain other actions in connection therewith, and a proposed resolution of the Fullerton Public Financing Authority authorizing the execution of an Escrow Agreement for City Council consideration.

Recommendation:

Adopt the following resolutions:

RESOLUTION NO. SA 2020-XX - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE ISSUANCE AND SALE OF 2020 TAX ALLOCATION REFUNDING BONDS AND APPROVING THE FORM OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, AN ESCROW AGREEMENT (2005 AND 2010 BONDS), A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE AND A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. FPFA-XX - A RESOLUTION OF THE CITY OF FULLERTON PUBLIC FINANCING AUTHORITY APPROVING THE EXECUTION OF AN ESCROW AGREEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS

IN CONNECTION THEREWITH

14. SUMMARY OF COMMERCIAL CANNABIS COMMUNITY OUTREACH EFFORTS AND RECOMMENDATIONS REGARDING DRAFT COMMERCIAL CANNABIS ORDINANCE

City Council consideration and recommendations regarding Municipal Code amendments pertaining to commercial cannabis activities within the City.

Recommendation:

Provide direction to City Staff and Planning Commission on proposed ordinance to regulate commercial cannabis activity in the City.

15. BALLOT MEASURE FOR TRANSACTION AND USE (LOCAL SALES) TAX MEASURE FOR PUBLIC CONSIDERATION AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION AND PREPARATION OF ASSOCIATED DOCUMENTS THERETO

Consideration of placement of a transaction and use (sales tax) tax measure on the November 2020 General Election ballot. If approved to move forward, City Council must adopt a Resolution to place the proposed sales tax measure on the November 3, 2020 ballot as well as introduce the Ordinance that will be before the voters.

Recommendation:

1. Direct staff to place a ballot measure on the November 3, 2020, General Municipal Election for submission to the qualified voters of a proposed ordinance regarding a general local sales tax measure, a rate approved by City Council and approve actions and other related documents accordingly.

2. Adopt Resolution No. 2020-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

3. Adopt Resolution No. 2020-XX.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ORDERING THAT THE CITY OF FULLERTON COMMUNITY SERVICES, STREET REPAIR AND EMERGENCY RESPONSE MEASURE TO ADOPT A ONE AND ONE QUARTER CENT (1.25¢) LOCAL TRANSACTIONS (SALES) AND USE TAX BE SUBMITTED TO THE VOTERS OF THE CITY AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION

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, ENACTING A TRANSACTIONS AND USE TAX (SALES TAX) TO BE ADMINISTERED BY THE DEPARTMENT OF TAX AND FEE ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE

4. Authorize the City Manager and/or his designee to execute all necessary documents, in a form approved by the City Attorney.

16. PROFESSIONAL SERVICES AGREEMENT FOR COMMUNICATION AND OUTREACH EFFORTS RELATED TO SALES TAX MEASURE

Request to award professional services agreement to Terris Barnes Walters Boigon Heath, Inc. (TBWBH Strategies) for communication and outreach efforts if City Council approves a sales tax measure for the November, 2020 General Election.

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.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, July 21, 2020

- ROLLING HILLS PARK IMPROVEMENTS
- TREASURER'S REPORT FOR QUARTER ENDED JUNE 30, 2020
- ILLUMINATION FOUNDATION RECUPERATIVE CARE/NAVIGATION CENTER AGREEMENT
- RAYMOND AVENUE GRADE SEPARATION PROJECT AGREEMENT SUPPLEMENT
- REGULATION OF SHORT TERM RENTALS (CONTINUED FROM JUNE 16, 2020)
- RETIREMENT OF POLICE CANINE
- VERIZON EXTENSION CELL TOWER
- STREET VENDING ORDINANCE
- 2020 FIREWORKS PUBLIC SAFETY AND SALES REPORT

Tuesday, August 4, 2020

- ADOPTION OF SPEED HUMP POLICY

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.