



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 - SEPTEMBER 15, 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
SEPTEMBER 15, 2020 - 4:00 P.M.**

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS - Closed Session

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: Rock Wagner, et al. v. City of Fullerton, et al.

Case Number: OCSC Case No. 30-2018-01031122

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

Name of Case: Air Combat USA v. Brendan O'Reilly, City of Fullerton, et al.

Case Number: OCSC Case No.: 30-2017-00952643

3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(b)**

Significant Exposure to Litigation: One Case

4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

Title: City Manager

5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

Title: Chief of Police

6. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**

Agency Representative/s: Jay Trinnaman

Employee Organization/s: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Management

Association, Fullerton Municipal Employees Federation, Fullerton Police Management Association, Fullerton Police Association - Safety, Fullerton Police Association - Dispatch

Unrepresented Employees: Confidential / Non-represented Employees

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

7. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

ADJOURNMENT

Adjourn to Study Session at 5:00 p.m. in Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION AGENDA**

SEPTEMBER 15, 2020 - 5:00 P.M.

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS - Study Session

City Council will hear public comments on items on the Study Session agenda.

STUDY SESSION

1. STUDY SESSION FOR CITY FINANCIAL UPDATE

At the August 18, 2020 City Council Meeting, Council Member Zahra requested, supported by Mayor Fitzgerald, to have an update on the City's finances at the September 15, 2020 City Council Meeting. The update includes the current fiscal condition of the City with an emphasis on assessing the City's long-term financial sustainability based on current revenue and expenditure projections and no new, substantial revenue source.

Recommendation:

Receive and file presentation and direct Staff accordingly.

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
SEPTEMBER 15, 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: 2020 Census Ambassadors**

PUBLIC COMMENTS - Regular Session

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 - 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. **AUGUST 18, 2020 MEETING MINUTES**

Recommendation:

Approve August 18, 2020 City Council / Successor Agency Meeting Minutes.

2. **AUGUST 2020 CHECK REGISTER**

Recommendation:

Receive and file.

3. **2019-20 GRAND JURY REPORT: "PROTECTING THOSE WHO PROTECT AND SERVE"**

Recommendation:

Approve response to 2019-20 Grand Jury Report "Protecting Those Who Protect and Serve" and authorize City Manager to send response to Presiding Judge.

4. **FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MANAGEMENT ASSOCIATION IMPLEMENTING A 5% EARNINGS REDUCTION**

Recommendation:

Adopt Resolution No. 2020-XX.

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 MANAGEMENT ASSOCIATION

5. **FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES FEDERATION**

Recommendation:

Adopt Resolution No. 2020-XX.

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 MUNICIPAL EMPLOYEES FEDERATION

6. **EXTENSION TO EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN THE CITY OF FULLERTON AND ALLEN CHRISTOPHER CORPORATION DBA PARKWEST GENERAL CONTRACTORS AND WESTPARK INVESTMENTS, LLC ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND SOUTH POMONA AVENUE (APN 033-030-18)**

Recommendation:

Approve 12-month extension until December 1, 2021 to Exclusive Negotiation Agreement (ENA) by and between City of Fullerton and Allen Christopher Corporation, DBA Parkwest General Contractors and Westpark Investments, LLC on property located at southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18) and authorize City Manager to execute corresponding 2nd Amendment to ENA in a form approved by the City Attorney.

7. **COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY FOR STAIR REPLACEMENT AT TRANSPORTATION CENTER**

Recommendation:

Authorize Mayor to execute cooperative agreement with OCTA in a form approved by the City Attorney.

PUBLIC HEARINGS (Items 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 JULY 21, 2020)

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

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

3. If City Council introduces Ordinance Option 2:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING THE MAXIMUM NUMBER OF WHOLE-HOUSE SHORT-TERM RENTAL PERMITS WHICH MAY BE ISSUED CITYWIDE

9. FULLERTON MUNICIPAL CODE AMENDMENT TO CHAPTER 8.75 REGULATING SIDEWALK VENDORS

City Council introduced the first reading of an ordinance to amend Fullerton Municipal Code Chapter 8.75 regulating sidewalk vendors at the July 21, 2020 City Council meeting.

Recommendation:

1. Adopt Ordinance No. 3288.

ORDINANCE NO. 3288 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 8.75 OF THE FULLERTON MUNICIPAL CODE REGULATING SIDEWALK VENDORS

2. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING INSURANCE

REQUIREMENTS FOR SIDEWALK VENDING

3. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING AND ADOPTING THE SIDEWALK VENDING PERMIT APPLICATION FEE

REGULAR BUSINESS (Items 10 - 14)

10. DESIGNATION OF DELEGATES AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND CONFERENCE RESOLUTIONS

The League of California Cities requests that City Council designate a voting delegate and up to two alternates for the League of California Cities Annual Conference held virtually this year from October 7 - 9, 2020 and consider a position on conference resolutions.

Recommendation:

1. Designate Council Members to serve as the City's Delegate and Alternate Representatives at the League of California Cities 2020 Annual Conference.
2. Consider City Council positions on League conference resolutions.

11. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHING AND REVISING MANAGEMENT CLASSIFICATIONS, RECLASSIFYING TWO EMPLOYEES AND REVISING THE PERSONNEL SUMMARIES FOR PARKS AND RECREATION AND PUBLIC WORKS DEPARTMENTS

Proposed amendment to City of Fullerton personnel classification plan to establish Manager - Landscape and Street Divisions and Manager - Building and Facilities and Sewer Divisions, revise Landscape Supervisor and revise personnel summaries for Parks and Recreation and Public Works Departments. Budget appropriation request to retain services of retired annuitant with human resources-specific experience to provide project / program support through end of current fiscal year.

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 THE APPENDIX A OF RESOLUTION NO. 2020-18 (FULLERTON MANAGEMENT ASSOCIATION) 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 Fiscal Year 2020-21 adopted budget to replace Parks Project Specialist with Administrative Analyst on Parks and Recreation personnel summary.
3. Authorize amendment to Fiscal Year 2020-21 adopted budget to add Sewer Program Specialist to Public Works Department personnel summary.

4. Authorize \$67,200 appropriation allocated across General (20%), Water (20%), Sewer (20%), Sanitation (20%) and Refuse (20%) Funds.

12. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHING CLASSIFICATION AND REVISION TO RESOLUTION RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES

Proposed amendment to City of Fullerton personnel classification plan to establish position of Chief Information Officer. Proposed revision to Resolution Relating to Compensation for Executive Employees for purpose of updating language pertaining to holiday leave and vacation accrual limits.

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

2. 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 EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION 2020-02 AND AMENDMENTS THERETO

13. CHIEF OF POLICE AMENDED AND RESTATED EMPLOYMENT AGREEMENT

Approval of Amended and Restated Employment Agreement between City of Fullerton and Police Chief Robert Dunn II related to employment conditions related to termination, holidays and vacation accrual. No compensation changes are included.

Recommendation:

Authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and Chief of Police Robert Dunn II.

14. CITY MANAGER AMENDED AND RESTATED EMPLOYMENT AGREEMENT

Amended and Restated Employment Agreement between the City of Fullerton and City Manager Kenneth A. Domer extending his contract two additional years and eligibility for same holiday program as members of the Executive group.

Recommendation:

Authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and City Manager Kenneth A. Domer.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, October 6, 2020

- RAYMOND AVENUE GRADE SEPARATION PROJECT AGREEMENT SUPPLEMENT
- FMC AMENDMENTS PERTAINING TO REGULATION OF COMMERCIAL CANNABIS ACTIVITIES
- COVID 19 FEE WAIVER UPDATES AND DIRECTION
- MAYOR / MAYOR PRO TEM ROTATION POLICY
- ADOPTION OF SPEED HUMP POLICY
- SIDE LETTER TO FULLERTON FIREFIGHTERS' ASSOCIATION MOU AGREEMENT

Tuesday, October 20, 2020

- SEPTEMBER 2020 CHECK REGISTER

ADJOURNMENT

Adjourn to next regularly scheduled closed session meeting at 4:00 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.