



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **October 6, 2020** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **4:30 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: October 1, 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 - OCTOBER 6, 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
OCTOBER 6, 2020 - 4:30 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 - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

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

Agency Representatives: Kenneth Domer, Ellis Chang and Jay Trinnaman

Employee Organization: Fullerton Firefighters' Association, Fullerton Municipal Employees Federation

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

3. **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

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
OCTOBER 6, 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. **PROCLAMATION: National Domestic Violence Awareness Month**

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. **SEPTEMBER 15, 2020 MEETING MINUTES**

Recommendation:

Approve September 15, 2020 City Council / Successor Agency Meeting Minutes.

2. **MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MANAGEMENT ASSOCIATION APPENDIX A AMENDMENT**

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING APPENDIX A OF THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON MANAGEMENT ASSOCIATION

3. **OUTDOOR DINING AND RETAIL REGULATIONS EXTENSION AND AMENDMENTS TO PROVIDE FOR HEALTH AND SAFETY**

Recommendation:

1. Approve extension of outdoor dining and retail program until April 5, 2021.
2. Waive encroachment permit fees for utilization of public space for outdoor dining and retail use until April 5, 2021.
3. Authorize City Manager to make administrative adjustments to outdoor dining regulations and on-site parking requirements as needed to assist local businesses.

4. **FULLERTON SCHOOL DISTRICT CITY FACILITIES USE**

Recommendation:

Authorize City Manager to enter into agreement, in a form approved by the City Attorney, with Fullerton School District for temporary use of specified City facilities.

5. **ASSET SEIZURE FUNDS TO PURCHASE LEICA LASER SCANNER FOR ACCIDENT RECONSTRUCTION**

Recommendation:

Approve use of estimated \$86,482.78 Asset Seizure Funds (Fund 34) to purchase Leica Laser Scanner, software and training for Traffic Division and increase Police Department appropriations in same amount.

6. **ASSET SEIZURE FUNDS FOR PRISONER TRANSPORT VEHICLE**

Recommendation:

Approve use of estimated \$70,841.52 Asset Seizure Funds (Fund 34) to purchase and equip prisoner transport vehicle and increase Police Department appropriations in same amount.

7. **LICENSE AGREEMENT WITH RAYTHEON COMPANY FOR WATER SYSTEM WELL 9**

Recommendation:

1. Authorize City Manager or designee to enter into License Agreement with Raytheon Company, effectively replacing December 15, 2017 License Agreement, in a form approved by the City Attorney.

2. Authorize Public Works Director to execute any future amendments / supplements with Raytheon Company for this project, in a form approved by the City Attorney.

PUBLIC HEARINGS (Item 8)

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 COMMERCIAL CANNABIS ACTIVITIES CITYWIDE

Proposed amendments to Fullerton Municipal Code Titles 3 and 15 to regulate commercial cannabis activities including retail (store front and non-store front), cultivation (indoor), manufacturing (non-volatile solvents), distribution/transportation and testing facilities citywide.

Recommendation:

1. Make finding that project is 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, AMENDING TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE REGULATING COMMERCIAL CANNABIS BUSINESSES CITYWIDE

3. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SOLICIT COMMUNITY MEMBERS TO FORM THE CANNABIS YOUTH EDUCATION, PREVENTION AND OUTREACH COMMITTEE AND ESTABLISH THE GOALS AND OBJECTIVES OF THIS COMMITTEE AS IT RELATES TO PUBLIC HEALTH, EDUCATION, YOUTH DRUG PREVENTION AND PUBLIC SAFETY

REGULAR BUSINESS (Items 9 - 11)

9. FEE AND CHARGE WAIVERS, PARKING ENFORCEMENT AND RELATED ACTIONS DUE TO COVID-19 PANDEMIC

City Council direction is requested regarding fees, charges and rents temporarily waived for residents and businesses in response to the novel coronavirus (COVID-19) pandemic, parking enforcement and an update on City event and closures.

Recommendation:

1. Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020- XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RATIFYING TEMPORARILY WAIVED FEES, CHARGES AND RENTS GRANTED TO RESIDENTS AND BUSINESSES DURING THE COVID-19 PANDEMIC

2. Approve end of waiving fees and charges by January 2021.
3. Approve end of waiving delinquency fees on utility bills, effective October 28, 2020.
4. Approve resumption of all regular parking enforcement, including overnight parking and street sweeping, effective October 26, 2020.
5. Approve resumption of rents for various City properties/concessions effective October 1, 2020.
6. Receive update on cancellation of community events due to COVID-19 and related financial and staffing considerations

10. MAYOR / MAYOR PRO TEM ROTATION POLICY

City Council review of the Mayor / Mayor Pro Tem rotation policy.

Recommendation:

Staff recommends City Council approve a policy to appoint the Mayor Pro Tem / Vice Chair based on Council Member seniority as determined by the number of years each Council Member has served consecutively on the City Council without serving as Mayor / Chair. The Mayor Pro Tem would then serve as Mayor in the following year. Staff also recommends that City Council break a tie when two or more Council Members have equal seniority by a random drawing.

11. PROFESSIONAL SERVICES AGREEMENT AMENDMENT WITH TOWNSEND PUBLIC AFFAIRS, INC. TO INCLUDE GRANT MANAGEMENT SERVICES

The City regularly seeks grant opportunities to provide necessary funding for various City projects and programs. The City's existing legislative advocacy firm, Townsend Public Affairs, was the successful respondent to a recent Request for Proposals and this Agenda Report seeks authorization to amend their existing agreement and add grant management services at a savings to the City.

Recommendation:

Approve amendment to agreement with Townsend Public Affairs, Inc. for professional grant management services, in a form approved by the City Attorney, and authorize City Manager to execute amendment.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, October 20, 2020

- RAYMOND AVENUE GRADE SEPARATION PROJECT - BNSF AGREEMENT SUPPLEMENT
- SEPTEMBER 2020 CHECK REGISTER
- YORBA LINDA BLVD PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION APPLICATION
- GILBERT/IDAHO STREET PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION AGREEMENT
- SIDE LETTER TO FULLERTON FIREFIGHTERS' ASSOCIATION MOU AGREEMENT
- BIENNIAL CONFLICT OF INTEREST UPDATE

Monday, November 2, 2020

- NPDES PROGRAM COMPLIANCE AND IMPLEMENTATION CONSULTANT SERVICES AGREEMENT

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.