



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **October 20, 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: October 14, 2020

A handwritten signature in blue ink, appearing to read "L. 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 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 20, 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 20, 2020 - 5:00 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: Air Combat USA v. Brendan O'Reilly, City of Fullerton, et al.

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

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

Significant Exposure to Litigation: One Case

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 20, 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. **PRESENTATION:** **November 3, 2020 Vote Centers and Vote By Mail Ballots**

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 - 14)

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. **OCTOBER 20, 2020 MEETING MINUTES**

Recommendation:

Approve October 20, 2020 City Council / Successor Agency Meeting Minutes.

2. **SEPTEMBER 2020 CHECK REGISTER**

Recommendation:

Receive and file.

3. **TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2020**

Recommendation:

Receive and file.

4. **CODE AMENDMENTS PERTAINING TO REGULATION OF COMMERCIAL CANNABIS ACTIVITIES CITYWIDE - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No 3289.

ORDINANCE NO. 3289 - 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

5. **JANUARY 5, 2021 CITY COUNCIL MEETING CANCELLATION**

Recommendation by the City Clerk's Office:

Cancel January 5, 2021 City Council / Successor Agency Meeting.

6. **BIENNIAL REVIEW AND UPDATE OF CITY OF FULLERTON CONFLICT OF INTEREST CODE**

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE CONFLICT OF INTEREST CODE OF THE CITY OF FULLERTON INCLUDING DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

7. **PERSONNEL MANAGEMENT SYSTEM CHANGES RELATED TO REVISING THE PRINCIPAL CIVIL ENGINEER - WATER CLASS SPECIFICATION AND SALARY RANGE REASSIGNMENT**

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REVISING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-18 (FULLERTON MANAGEMENT ASSOCIATION)

8. **CHIEF INFORMATION OFFICER POSITION SALARY RANGE**

Recommendation:

1. 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 2020-84

2. Authorize amendments to City Manager's Office personnel summary to add Chief Information Officer position and to Police Department personnel summary to remove Information Technology Manager position.
3. Authorize funding appropriation to cover prorated cost of Chief Information Officer position in Fiscal Year 2020-21.

9. GRANT FUNDING FOR YORBA LINDA BOULEVARD / WEIR CANYON ROAD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION(S) FOR FUNDS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

10. 2019 JUSTICE ASSISTANCE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING TO TRANSFER FUNDS

Recommendation:

Approve Memorandum of Understanding to accept 2019 JAG award and authorize \$21,697.20 appropriation of grant funds to the Police Department Fund 32.

11. CONTRIBUTION FROM CHEVRON FOR FIRE DEPARTMENT ALL-TERRAIN VEHICLE

Recommendation:

Authorize City Manager to accept funds from Chevron on behalf of City and appropriate receipt and uses of funds to purchase specialized rescue / utility all-terrain vehicle (ATV) required for early access to "West Coyote Hills Initial Trails".

12. ORANGE COUNTY TRANSPORTATION AUTHORITY PILOT REGIONAL SIGNAL PERFORMANCE MEASURE PROJECT - BROOKHURST ROAD

Recommendation:

1. Approve Memorandum of Understanding (MOU) No. C-0-2438 for Orange County Transportation Authority (OCTA) Pilot Regional Signal Performance Measure Project on Brookhurst Road, between OCTA and City of Fullerton, in a form approved by the City Attorney.
2. Authorize Public Works Director to sign MOU and any subsequent revisions.

13. ELECNR BELCO ELECTRIC, INC. CONTRACT AWARD FOR GILBERT STREET / IDAHO STREET PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM PROJECT

Recommendation:

1. Approve plans and specifications for Gilbert Street / Idaho Street Regional Traffic Signal Synchronization Program Project.
2. Award \$213,678 construction contract for Gilbert Street / Idaho Street Regional Traffic Signal Synchronization Program Project to Elecnor Belco Electric, Inc. in a form approved by the City Attorney.
3. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

14. AMERIGE AVENUE PARKING LOT ACCESSIBILITY IMPROVEMENTS

Recommendation:

1. Authorize new Capital Improvement Program Project Number 55051 Amerige Avenue Parking Lot Accessibility Improvements.
2. Authorize \$185,000 budget transfer from Liability Insurance Fund and appropriate funds to Project 55051 Amerige Avenue Parking Lot Accessibility Improvements.

PUBLIC HEARINGS (Item 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.

15. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION OF SHORT-TERM RENTALS

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 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. 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

REGULAR BUSINESS (Item 16)

**16. ISSUANCE AND SALE OF 2020 REFUNDING BONDS TO REFINANCE
OUTSTANDING 2013 TAXABLE JUDGMENT OBLIGATION BONDS**

Consideration of resolution to authorize issuance and sale of Refunding Bonds to refinance outstanding 2013 Taxable Judgment Obligation Bonds and approve necessary documents and authorizing certain other actions.

Recommendation:

Adopt Resolution No. 2020-XX.

RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF 2020 REFUNDING BONDS TO REFINANCE OUTSTANDING 2013 TAXABLE JUDGMENT OBLIGATION BONDS, APPROVING THE FINAL FORM OF RELATED FINANCING DOCUMENTS AND APPROVING OFFICIAL ACTIONS

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Monday, November 2, 2020

- YOUTH COMMISSION
- CANNABIS FEE RESOLUTION
- FMC NEW CHAPTER RELATING TO RECREATIONAL VEHICLES
- IRVINE COMMUNITY CHOICE ENERGY PROGRAM
- CAMPAIGN LIMITS
- SIDE LETTER TO FULLERTON FIREFIGHTERS' ASSOCIATION MOU

Tuesday, November 17, 2020

- CITY COUNCIL PERSONAL DEVICES AND ACCOUNTS POLICY
- COMMITTEE RULES OF PROCEDURE REVIEW
- FMC AMENDMENT RELATING TO TITLE 18 AIRPORT RULES AND REGULATIONS
- OCTOBER 2020 CHECK REGISTER
- RAYMOND GRADE SEPARATION – SUPPLEMENT TO BNSF 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.