



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **JUNE 1, 2021** 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 27, 2021

A handwritten signature in blue ink, appearing to read "L. Williams", is written above a horizontal line.

Lucinda Williams, MMC
City Clerk



SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) **AND CITY COUNCIL MEETING PARTICIPATION**

Zoom Meeting Details: www.zoom.us/join

Closed Session Meeting ID: 992 7789 5986 Telephone Option: 1-669-900-9128

Regular Meeting ID: 957 9050 8608 Telephone Option: 1-669-900-9128

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 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that some or all of the Fullerton City Council will participate in meetings via teleconference.

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 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.

PUBLIC COMMENTS: **In lieu of attendance at the City Council meeting, the public may make oral public comments via computer, smart device or telephone by following the instructions on the next page.**

CORRESPONDENCE: The public can send correspondence to the City Council regarding agenda items by emailing CouncilMembers@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" or by clicking on the eComment link accompanying the agenda posted online at <https://fullerton.legistar.com>. Staff will forward correspondence received to City Council. **Correspondence is not read during public comment portion of the meeting.** However, all correspondence received becomes part of the official record of the meeting and is 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 before the meeting.

ZOOM COMPUTER / SMART DEVICE / TELEPHONE PARTICIPATION

The public may remotely participate in the meeting to make oral public comment via computer, smart device or telephone by following these instructions:

The public should log on or call in as early as possible to be address any technical issues that may occur and ensure they do not miss the time to speak on the desired item.

1. To access Zoom:

Log into Zoom from your computer or smart device at the following link: www.zoom.us/join

Closed Session Meeting ID: 992 7789 5986

Regular Meeting ID: 957 9050 8608

Your device must have audio capability to participate.

or

Call into Zoom from your telephone: 1-669-900-9128 and then press pound (#). When prompted, enter the meeting ID number and press pound (#) again.

Closed Session Meeting ID: 992 7789 5986

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Optional: You may enter your name when prompted, but this is not required to participate. Staff will remove anyone entering names that violate community standards.

2. Use the “raise hand” function to join the queue to speak on the current agenda item. (Do not raise your hand until the Mayor has called the item for discussion).

You can find the raise hand option under your participant name on your computer or smart device or press star-nine (*9) on your phone to raise your hand. Press star-six (*6) to unmute.

You can lower your hand if you chose not to speak or after you have made your comments by unchecking the raise hand option online.

3. Staff will notify you when it is your turn to speak.

4. Please state your name and city of residence at the beginning of your remarks for the minutes.

5. Speakers will have up to three minutes to make their remarks.

6. You may log off or hang up after making your comments.

DISCLAIMER: Participant names and/or phone numbers will be visible to all participants. The City records all public meetings.

NOTE: The Council Meeting video will not stream through the Zoom meeting. To view the meeting, please go to <https://fullerton.legistar.com>, **Spectrum Cable Channel 3** or **AT&T U-Verse Channel 99**. However, please listen to the audio of the meeting though Zoom as you await your turn to speak. The video stream has up to a 30 second delay and you may miss your turn to speak if you are not listening through the Zoom app.



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA - JUNE 1, 2021

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 4:00 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: See special notice regarding Coronavirus (COVID-19) and City Council meeting participation for instructions to participate in the meeting. 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. 2021-02 to review the complete Rules of Procedure and Decorum for City Council meetings.

Bruce Whitaker
Mayor (District 4)

Nick Dunlap
Mayor Pro Tem (District 2)

Fred Jung
Council Member (District 1)

Jesus Silva
Council Member (District 3)

Ahmad Zahra
Council Member (District 5)





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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.

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Refer to Resolution No. 2020-04 to review the complete Rules of Procedure and Decorum for City Council meetings.

Bruce Whitaker
Mayor (District 4)

Nick Dunlap
Mayor Pro Tem (District 2)

Fred Jung
Council Member (District 1)

Jesus Silva
Council Member (District 3)

Ahmad Zahra
Council Member (District 5)



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

JUNE 1, 2021 - 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: Lawrence Yoo v. City of Fullerton

Case Number: OCSC 30-2019-01110914

2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Ellis Chang, Eddie Manfro and Jay Trinnaman

Employee Organization/s: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Management Association, Fullerton Municipal Employees Federation, Fullerton Police Management Association

Unrepresented Employees: Administrative Assistant Human Resources, Budget Analyst I and II, Budget and Purchasing Manager, City Clerk / Clerk Services Manager, Employee Benefits Specialist, Executive Assistant, Fiscal Services Manager, Human Resources Manager I and II, Human Resources / Risk Management Analyst, Human Resources Technician I and II, Payroll Technician I and II, Public Information Coordinator, Risk Manager, Senior Budget Analyst

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

3. 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**

JUNE 1, 2021 - 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:** [New City Website](#)

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

1. **COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Recommendation:

City Council make the following appointments:

- a. Two at-large appointments to Active Transportation Committee - initial terms expiring December 31, 2025.
- b. Two at-large appointments to Investment Advisory Committee - initial terms

expiring December 31, 2025.

- c. Two at-large appointments to Parks and Recreation Commission - initial terms expiring December 31, 2025.
- d. Two at-large appointments to Transportation and Circulation Commission - initial terms expiring December 31, 2025.

CONSENT CALENDAR (Items 1 - 6)

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 18, 2021 MEETING MINUTES

Recommendation:

Approve May 18, 2021 City Council / Successor Agency Meeting Minutes.

2. WATER CONSERVATION PLANNING - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3299.

ORDINANCE NO. 3299 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 12.06 PERTAINING TO WATER CONSERVATION PLANNING

3. QUARTERLY PROFESSIONAL SERVICES AGREEMENTS REPORT

Recommendation:

Receive and file.

4. INSURANCE PROGRAM REPORT AND RECOMMENDATIONS

Recommendation:

1. Authorize City Manager, or designee, to bind excess workers' compensation insurance with maximum limit set to statutory benefit maximums and \$750,000 lower limit for non-safety employees and \$1 million for safety employees with Safety National Insurance Company at a \$214,412 premium cost.
2. Authorize City Manager, or designee, to bind excess liability insurance with \$4 million to \$8 million limit per occurrence with Princeton Excess & Surplus Lines Insurance Company and Gemini Insurance Company at a \$2,234,809 premium cost.
3. Authorize City Manager, or designee, to bind airport liability insurance with \$75 million per loss limit with Ace Insurance Company and a three-year rate guarantee at a \$19,842 premium per year, billed annually.
4. Authorize City Manager, or designee, to bind underground storage tank liability with \$1 million per storage tank incident limit with Ace Insurance Company at \$7,026 premium cost.
5. Authorize City Manager, or designee, to bind CNG general liability with \$3 million

aggregate limit with Nautilus Insurance Company at \$2,186 premium cost.

6. Receive and file City's insurance programs report including information regarding insurance coverage purchased through City's participation in Independent Cities Risk Management Authority including purchase of excess liability insurance above \$8 million per occurrence, All Risk Property coverage, Auto Physical Damage Insurance, Crime Insurance, Cyber Liability Insurance and Terrorism Insurance.

5. HILLCREST PARK KOREAN WAR MEMORIAL AGREEMENT

Recommendation:

Authorize City Manager to execute Hillcrest Park Korean War Memorial Agreement for construction and maintenance obligations relating to the Korean War Memorial, in a form approved by the City Attorney.

6. RUNWAY 06/24 SHOULDER ENHANCEMENT PROJECT FAA GRANT

Recommendation:

Accept \$2.6M Federal Aviation Administration Airport Improvement Program Grant and authorize Public Works Director, or designee, to sign all related documents.

PUBLIC HEARINGS (Item 7)

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.

7. FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET, SCHEDULE OF FEES AND ANNUAL APPROPRIATIONS LIMIT

Presentation of Fiscal Year (FY) 2021-22 Annual Operating Budget including General Fund, Capital Improvement Program and all other City Funds, FY 2021-22 Schedule of Fees and Charges and FY 2021-22 Appropriations Limit.

Recommendation:

Adopt the following resolutions:

RESOLUTION 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-22 AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN

RESOLUTION 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-22 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

RESOLUTION 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE CITY'S SCHEDULE OF FEES AND CHARGES FOR MUNICIPAL SERVICES FOR FISCAL YEAR 2021-22 AND REPEALING RESOLUTION NO. 2020-48

REGULAR BUSINESS (Items 8 - 11)

8. **OUTDOOR DINING PROGRAM - USE OF CITY ALLEYS**

Request for City Council recommendations regarding City's outdoor dining program, specifically use of City alleyways for outdoor dining in the Downtown area.

Recommendation:

Provide direction regarding continued use of Downtown City alleyways for outdoor dining.

9. **PROPOSED SANITATION CHARGE REDUCTION**

This action reduces Sanitation Charge calculation percentage (street sweeping, storm drain maintenance / improvements, tree trimming, concrete curb / gutter repairs, etc.) from current 19% level to 17% in Fiscal Year 2021- 22 and to 16% in Fiscal Year 2022-23.

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A REVISED SANITATION CHARGE REDUCING THE PERCENTAGE USED TO CALCULATE THE CHARGE FROM 19% TO 17% FOR FISCAL YEAR 2021-22 AND TO 16% EFFECTIVE FISCAL YEAR 2022-23

10. **HERO PAY**

During the May 4, 2021 City Council meeting, Council Members Zahra and Jung directed staff to research the concept of "Hero Pay", including actions taken by other cities.

Recommendation:

Discuss Hero Pay ordinance concept and provide direction on next steps.

11. **CONSIDERATION OF DISCONTINUING 5% EARNINGS REDUCTION FOR FULLERTON MANAGEMENT ASSOCIATION AND CONFIDENTIAL / NON-REPRESENTED EMPLOYEES AND AUTHORIZATION TO REINSTATE FUNDS CONTRIBUTED BY CITY EMPLOYEES**

Consideration of discontinuing the 5% earnings reduction for the Fullerton Management Association and Confidential / Nonrepresented employee groups and reinstating funds contributed by applicable employees.

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-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 AND SUPERSEDING RESOLUTION NO. 2020-79

2. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR

CONFIDENTIAL / NONREPRESENTED EMPLOYEES AND SUPERSEDING
RESOLUTION NO. 2020-78

3. As the City of Fullerton received its first tranche of American Rescue Plan Act allocation in the amount of \$16,332,650.50 on May 17, 2021, authorize the City Manager to implement full reinstatement of all funds contributed by Fullerton Management Association, Confidential / Nonrepresented and Executive / Council Appointed employees as a result of implemented earnings reductions in response to the City's budgetary challenges, primarily due to the COVID-19 pandemic.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, June 15, 2021

- FIREWORKS SAFETY PRESENTATION
- REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID 19 PANDEMIC
- MUTUAL AID AGREEMENT BETWEEN COUNTY OF ORANGE AND CITY OF FULLERTON
- AGREEMENT FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES
- FIRE INVESTIGATOR SERVICES
- MEASURE M2 FUNDING ELIGIBILITY RENEWAL
- AUTHORIZATION TO ACCEPT FUNDS FROM THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
- INSURANCE PROGRAM REPORT AND RECOMMENDATIONS
- FARMERS MARKET AGREEMENT
- POLICE RECORDS CLERK AND POLICE RECORDS SPECIALIST CLASSIFICATION PLAN UPDATE
- FMC AMENDMENT RELATING TO PARKING, STOPPING AND STANDING OF RECREATIONAL VEHICLES
- CITY COUNCIL OFFICES UPDATE
- FULLERTON MUSEUM CENTER BOARD FUNDING PROPOSAL
- SELECTION OF DEVELOPER FOR 1600 WEST COMMONWEALTH AVENUE

Tuesday, July 6, 2021

- STATE COLLEGE AND RAYMOND GRADE SEPARATION PROJECTS CLOSEOUT - AMENDMENT 9

ADJOURNMENT

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