



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **July 16, 2024** City Council Meeting scheduled to begin at 4:00 p.m. will convene at **4:30 p.m.** in the Council Chambers, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: July 11, 2024

A handwritten signature in blue ink, consisting of a stylized 'L' and 'W' followed by a long horizontal stroke.

Lucinda Williams, MMC
City Clerk



FULLERTON CITY COUNCIL SUCCESSOR AGENCY AGENDA JULY 16, 2024

303 West Commonwealth Avenue, Fullerton, California

Zoom Meeting Details: www.zoom.us/join
Meeting ID: 978 4219 1797 Telephone Option: 1-669-900-9128

MEETINGS: The Fullerton City Council / Successor Agency meets on the first and third Tuesday of the month, convening for First Session at 4:00 p.m. and Second Session at 5:30 p.m. Council Members may participate in meetings via teleconference in accordance with California Brown Act (Government Code Section 54950 et seq) provisions.

PUBLIC PARTICIPATION: 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 has seating available on a first-come, first-served basis for those attending the meeting in person. All persons visiting City facilities shall observe health, safety and decorum protocols.

ADDRESSING CITY COUNCIL: To address City Council remotely, please follow the *Instructions for Public Comment Using Zoom*. To address City Council in Chambers, please register for each agenda item in the City Manager's Office. You do not need to provide your name to register. Staff will call you to the microphone when it is your turn to speak. You may 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 City Council during the meeting shall become public record and subject to applicable disclosure laws.

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. The public may request City Council remove consent items for further discussion during Public Comments. City Council will pull Consent Calendar items at its discretion. 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 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.

Please contact the City Clerk's Office no later than 48 hours before the meeting to request interpreter assistance.

CORRESPONDENCE: The public can send correspondence to 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". 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.

Nicholas Dunlap
Mayor (District 2)

Fred Jung
Mayor Pro Tem (District 1)

Shana Charles
Council Member (District 3)

Bruce Whitaker
Council Member (District 4)

Ahmad Zahra
Council Member (District 5)



AGENDA ITEMS: This agenda contains a 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 acting on non-agenda items except as provided by law. Visit www.cityoffullerton.com or call (714) 738-6350 for more information.

REMINDER: Please silence all electronic devices while City Council is in session.

REBROADCAST: The City will rebroadcast this City Council / Successor Agency meeting on local government access channels. The public can find cable channel rebroadcast times as well as view the meeting video on-demand at www.cityoffullerton.com.

ACCESSIBILITY: Staff will make the agenda and backup materials available in appropriate alternative formats upon request 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 requiring a disability-related modification or accommodation 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) 738-6355 no later than 48 hours before the meeting.

Refer to Resolution No. 2023-020 to review the complete Rules of Procedure and Decorum for City Council meetings.

Nicholas Dunlap
Mayor (District 2)

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Council Member (District 4)

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Council Member (District 3)



INSTRUCTIONS FOR PUBLIC COMMENTS USING ZOOM

The public may remotely participate in the meeting to make public comment via computer, smart device or telephone.

Please log on or call in as early as possible to address any technical issues that may occur and ensure you do not miss the time to speak on the desired item.

Follow these steps to log into Zoom from your computer or smart device (Your device must have audio capability to participate):

Go To: www.zoom.us/join
Enter Meeting ID: 978 4219 1797

Follow these steps to call into Zoom from your telephone:

Dial 1-669-900-9128 and press pound (#)
Enter Meeting ID: 978 4219 1797 and press pound (#)

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.

1. **Use the “raise hand” function to join the queue to speak on the current agenda item** when the Mayor calls the item for discussion.

Computer / Smart Device Users: You can find the raise hand option under your participant name.

Telephone Users: Press star-nine (*9) on your phone to raise your hand. Press star-six (*6) to unmute when it is your turn to address City Council.

Lower your hand if you choose not to speak or after you have made your comments by unchecking the raise hand option online.

2. Staff will call your name or the last four digits of your phone number when it is your time to speak.
3. You may state your name and city of residence at the beginning of your remarks for the minutes.
4. Speakers will have up to three minutes to make their remarks.
5. You may log off or hang up after making your comments.

DISCLAIMER: Participant names and/or phone numbers may be visible to other 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 through Zoom as you wait for 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.

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

JULY 16, 2024 - 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 (Amerige Heights HOA)

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

Name of Case: Langenbacher, et al. v. City of Fullerton, Fullerton P.D.

Case Number: OCSC 30-2022-01296035

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

Property: 320 West Elm Avenue, Fullerton, CA 92832

Agency Negotiator: City Manager Eric J. Levitt

Negotiating Parties: California State University Fullerton Healthy Neighborhoods

Under Negotiations: Price and Terms

ADJOURNMENT

Adjourn to next regular City Council / Successor Agency meeting at 5:30 p.m. in Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING AGENDA**

JULY 16, 2024 - 5:30 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

PRESENTATIONS

1. **PROCLAMATION: Parks and Recreation Month**

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT

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 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.

**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 their 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 - Item 1

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

Proposed Motion:

Ratify Wendy Ocepek as the Fullerton Senior Club representative to the Senior Advisory Committee.

CONSENT CALENDAR (Items 1 - 7)

City Council / Successor Agency will enact routine matters listed on the Consent Calendar with one motion. The

1. JULY 2, 2024 MEETING MINUTES

Proposed Motion:

Approve July 2, 2024 City Council / Successor Agency Meeting Minutes.

2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Proposed Motion:

Receive and file.

3. JUNE 2024 CHECK REGISTER

Proposed Motion:

Receive and file.

4. THIRD QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2023-24

Proposed Motion:

1. Receive and file Third Quarter Financial Report for Fiscal Year (FY) 2023-24.
2. Authorize City Manager, or designee, to approve budget adjustments as necessary for budgetary and accounting compliance for the FY 2023-24 audited financial statements.

5. RECOGNIZED OBLIGATION PAYMENT SCHEDULE ENFORCEABLE OBLIGATION NUMBER 62 SALE AND PURCHASE AGREEMENT FOR MILLER PROPERTY AT 127 WEST CHAPMAN AVENUE

Proposed Motion:

1. Authorize City Manager, or designated staff, to effectuate and complete purchase of certain real property located at 127 West Chapman Avenue, APN No. 032-212-15, as Successor Agency to the City of Fullerton, for a CBRE appraised fair market value in line with executed agreement, using approved RPTTF funds, fulfilling ROPS enforceable obligation No. 62.
2. Authorize City Manager to execute Quitclaim Deed or similar conveyance instrument, including a Certificate of Acceptance, to transfer real property at 127 West Chapman Avenue, APN No. 032-212-15, from the Successor Agency to the City of Fullerton pursuant to the Sale and Purchase Agreement to use as a public parking lot.

3. Adopt the following resolutions:

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING TRANSFER FROM THE FULLERTON SUCCESSOR AGENCY AND ACCEPTANCE BY THE CITY OF FULLERTON OF TITLE OWNERSHIP FOR REAL PROPERTY LOCATED AT PARCEL NUMBER 032-212-15

RESOLUTION NO. SA 2024-XXX - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA. APPROVING TRANSFER

FROM THE FULLERTON SUCCESSOR AGENCY AND ACCEPTANCE BY THE CITY OF FULLERTON OF TITLE OWNERSHIP FOR REAL PROPERTY LOCATED AT PARCEL NUMBER 032-212-15

6. FISCAL YEAR 2024-25 CALIFORNIA HIGHWAY PATROL CANNABIS TAX FUND GRANT

Proposed Motion:

1. Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING CHIEF OF POLICE TO ACCEPT CALIFORNIA HIGHWAY PATROL GRANT FUNDS

2. Appropriate receipt and use of \$499,998 California Highway Patrol Cannabis Tax Fund Grant to Police Department budget within Grant Fund (Fund 32).

7. CONTRACT WITH SULLY MILLER CONTRACTING CO. FOR ORANGETHORPE AVENUE INFRASTRUCTURE IMPROVEMENTS PROJECT

Proposed Motion:

1. Approve plans and specifications for Orangethorpe Avenue Infrastructure Improvements Project.
2. Approve the following budget transfers and appropriations in Capital Improvement Program (CIP) Project Orangethorpe Avenue Infrastructure Project:
 - \$3,100,000 Road Maintenance Rehabilitation Account / Senate Bill 1 Funds (Fund 29) from CIP Project 44400 Annual Arterial Street Program to Project 44062 Orangethorpe Avenue Infrastructure Improvements Project within the Capital Projects Fund (Fund 74)
 - \$50,000 Sewer Enterprise Funds (Fund 47) from CIP Project 51419 Annual Sewer Replacement Program to CIP Project 44062 Orangethorpe Avenue Infrastructure Improvements Project within the Sewer Enterprise Fund (Fund 47)
 - \$439,234 from American Rescue Plan Act (ARPA) Funds within CIP Project 53250 Water Main System Replacement and Upgrade Project (Fund 44) to Lemon Street to CIP Project 44062 Orangethorpe Avenue Infrastructure Improvements Project within the Water Fund (Fund 44)
 - \$60,000 ARPA Funds (Fund 44) from CIP Project 44054 Orangethorpe Avenue Infrastructure Improvements - Harbor Boulevard to Lemon Street to CIP Project 44062 Orangethorpe Avenue Infrastructure Improvements Project within the Water Fund (Fund 44).
3. Award \$3,976,752 construction contract for Orangethorpe Avenue Infrastructure Improvements Project to Sully Miller Contracting Co. and authorize City Manager, or designee, to execute and administer the contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within the

approved project budget.

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. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 2024-25 ANNUAL ACTION PLAN

All jurisdictions receiving Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding must submit a Consolidated Plan every five years to guide Housing and Community Development programs. The Annual Action Plan sets specific goals and performance benchmarks, detailing proposed CDBG projects and eligible HOME categories.

Proposed Motion:

1. Approve the 2024-25 Annual Action Plan (including any amendments to the public service allocation) and authorize Director of Community and Economic Development, or designee, to submit required documents to HUD and execute the 2024-25 CDBG agreements with nonprofits and City Departments.
2. Authorize City Manager, or designee, to make budget amendments to the Fiscal Year 2024-25 Adopted Budget to align CDBG and HOME budgets with final HUD allocation determination.

REGULAR BUSINESS (Items 9 - 11)

9. COMMUNITY FACILITIES DISTRICT NO. 2 (AMERIGE HEIGHTS) SPECIAL TAX REFUNDING BONDS ISSUANCE AND SALE AND RELATED DOCUMENTS AND ACTIONS

Consideration of 2024 Special Tax Refunding Bonds issuance to refinance outstanding 2014 Bonds for Community Facilities District No. 2 (Amerige Heights).

Proposed Motion:

1. Direct staff to refinance with a level debt structure.
2. Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL TAX REFUNDING BONDS AND APPROVING RELATED DOCUMENTS AND ACTIONS

10. EARLY MORNING PARKING ON SOUTH SIDE OF EAST / WEST ALLEY SOUTH OF WALNUT AVENUE AND EAST OF HIGHLAND AVENUE PROHIBITION

Consideration of a Traffic and Circulation Commission recommendation to prohibit Early Morning Parking on the south side of the east / west alley, south of Walnut Avenue and east of Highland Avenue, between 2:00 a.m. and 5:00 a.m. daily.

Proposed Motion:

Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING THE SOUTH SIDE OF THE EAST / WEST ALLEY, SOUTH OF WALNUT AVENUE AND EAST OF HIGHLAND AVENUE, AS A PLACE WHERE PARKING IS PROHIBITED BETWEEN 2:00 A.M. AND 5:00 A.M.

11. WALK ON WILSHIRE PARKLET PILOT PROGRAM OUTLOOK

The Walk on Wilshire (WOW) parklet pilot program expired on June 30, 2024. Staff seeks direction whether to continue or terminate the program.

Proposed Motion:

Provide direction either to continue or terminate the WOW outdoor dining program.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, August 6, 2024

- *TREASURER'S REPORT FOR QUARTER ENDED JUNE 30, 2024*
- *ECONOMIC DEVELOPMENT UPDATE*
- *STREET SWEEPING OPERATION ALTERNATIVE*
- *INSURANCE PROGRAM REPORT*
- *CLASSIFICATION PLAN UPDATE ADMINISTRATIVE ANALYST SERIES*
- *AD HOC FINANCE COMMITTEE FORMATION*

Tuesday, August 20 16, 2024

- *JULY 2024 CHECK REGISTER*
- *MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT*
- *AGREEMENT WITH GRACE MINISTRIES FOR SURPLUS LAND PURCHASE*

ADJOURNMENT

Adjourn to next regularly scheduled first session meeting at 4:00 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

Adjourn to next regularly scheduled second session meeting at 5:30 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.