



## FULLERTON CITY COUNCIL SUCCESSOR AGENCY

### AGENDA - SEPTEMBER 19, 2023

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](http://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](http://www.cityoffullerton.com).

State regulations prohibit City Council from taking action on non-agenda items except as provided by law. Visit [www.cityoffullerton.com](http://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](mailto: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](http://www.cityoffullerton.com).

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

---

**Fred Jung**  
Mayor (District 1)

**Bruce Whitaker**  
Mayor Pro Tem (District 4)

**Nick Dunlap**  
Council Member (District 2)

**Shana Charles**  
Council Member (District 3)

**Ahmad Zahra**  
Council Member (District 5)



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION AGENDA  
SEPTEMBER 19, 2023 - 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:** Orange County Water District, et al. v. 3M Company, et al.

**Case Number:** OCSC 30-2020-01172419-CU-PL-CXC

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

**Name of Case:** Orange County Catholic Worker, et al. v. Orange County, et al.

**Case Number:** United States District Court, Central District of California: 8:18:cv-00155  
-DOC-JDE

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

**Name of Case:** Anna Mercantonio v. City of Fullerton

**Case Number:** OCSC 30-2022-01284566

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

**Agency Representatives:** Eddie Manfro, Jay Trinnaman

**Employee Organizations:** Police Officers' Association - Dispatchers, Police Officers' Association - Police Safety

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

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

**Title:** Chief of Police

## **ADJOURNMENT**

*Adjourn to the 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  
SEPTEMBER 19, 2023 - 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. **CERTIFICATE:** Dr. James Young Arts Legacy Award
2. **PROCLAMATION:** Constitution Week
3. **PROCLAMATION:** Hispanic Heritage Month
4. **PROCLAMATION:** Hunger Action Month
5. **PROCLAMATION:** World Alzheimer's Month
6. **PRESENTATION:** CalOptima Medi-Cal Renewal Efforts and Redetermination
7. **PRESENTATION:** Orange County Power Authority Residential Launch Anniversary

**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*

## APPOINTMENTS

### 1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Recommendation:

1. Interview Panel make recommendation for appointment to fill an unscheduled vacancy on the Parks and Recreation Commission with term ending December 31, 2025.
2. City Council ratify appointment.

## CONSENT CALENDAR (Items 1 - 16)

*City Council / Successor Agency will enact routine matters listed on the Consent Calendar with one motion. The Council / Agency will not discuss these items unless Council / Agency Members request discussion or removal of specific Consent Calendar items for separate action.*

### 1. AUGUST 15, 2023 MEETING MINUTES AND SEPTEMBER 5, 2023 SPECIAL MEETING MINUTES

Recommendation:

Approve August 15, 2023 City Council / Successor Agency Meeting Minutes and September 5, 2023 City Council / Successor Agency Meeting Special Minutes.

### 2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Recommendation:

Receive and file.

### 3. AUGUST 2023 CHECK REGISTER

Recommendation:

Receive and file.

### 4. CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE) TAX LEVY - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3324.

ORDINANCE NO. 3324 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

### 5. 2024 GROUP INSURANCE PLAN RENEWAL AND PROPOSED AMENDMENT TO BURNHAM BENEFITS INSURANCE SERVICES AGREEMENT

Recommendation:

1. Receive and file 2024 Group Insurance Plan Renewal.
2. Approve and authorize City Manager, or designee, to execute and administer Amendment No. Two to the Burnham Benefits Insurance Services Agreement as well

as take any actions necessary to implement and administer the agreements.

**6. FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT**

Recommendation:

1. Ratify Federal Emergency Management Agency, Assistance to Firefighters Grant application.
2. Accept \$138,488.95 grant award and appropriate receipt and use in the Grant Fund (Fund 32).
3. Authorize City Manager, or designee, to execute and administer all documents related to the grant.

**7. FISCAL YEAR 2022 URBAN AREAS SECURITY INITIATIVE GRANT AGREEMENT**

Recommendation:

1. Accept Fiscal Year 2022 Urban Areas Search Initiative grant award and authorize Chief of Police to execute and administer the grant agreement.
2. Appropriate receipt and use of grant award in Grant Fund (Fund 32).

**8. 2023-24 OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT**

Recommendation:

1. Authorize the Chief of Police to accept and execute \$285,000 2023-24 Office of Traffic Safety Selective Traffic Enforcement Program agreement.
2. Authorize appropriation of receipt and use of grant award in Grant Fund (Fund 32).

**9. LEGAL SERVICES AGREEMENTS WITH LIEBERT CASSIDY WHITMORE, LAW OFFICES OF RICHARD T. FORT AND WALL, MCCORMICK, BAROLDI & DUGAN**

Recommendation:

Authorize City Manager to execute agreements with Liebert Cassidy Whitmore, Law Offices of Richard T. Fort and Wall, McCormick, Baroldi & Dugan, in a final form approved by the City Attorney.

**10. PROFESSIONAL SERVICES AGREEMENT WITH LOCALITY MEDIA, INC AND GLASS BOX TECHNOLOGY, INC. AMENDMENT NO. 7 FOR FIRE DEPARTMENT RECORDS MANAGEMENT SOFTWARE**

Recommendation:

1. Approve professional services agreement with Locality Media, Inc. for a three-year term with option to annually renew Agreement for an additional two years and authorize City Manager, or designee, to execute and administer agreement, options to renew and related documents, pending Risk Management insurance requirements approval and in a form approved by the City Attorney.
2. Approve Amendment No. 7 to Professional Services Agreement with Glass Box Technology, Inc. dated July 1, 2022 for services to integrate software with the City of Fullerton network infrastructure and Fire Department applications.

3. Authorize Administrative Services Director, or designee, to issue \$57,500 purchase order with Locality Media, Inc. (dba First Due) for records management services and software.
4. Authorize \$98,640 budget appropriation for Fiscal Year 2023-24 from the General Fund (Fund 10) to the IT Fund (Fund 68).

**11. ON-CALL PROFESSIONAL ENGINEERING CONSULTANT SERVICES**

Recommendation:

1. Authorize City Manager, or designee, to execute the following Professional Services Agreements and future amendments, including extension options, in a form approved by the City Attorney:

Civil Engineering Design

- Cannon
- DMS Consultants, Inc.
- Harris & Associates
- IDS Group
- Stantec
- Tait & Associates, Inc.
- TKE Engineering, Inc.

Water Engineering Design

- Ardurra Group
- Cannon
- JIG Consultants
- Psomas
- Stantec
- Tetra Tech
- XV Solutions

Geotechnical Engineering and Material Testing

- GMU Geotechnical, Inc
- Smith Emery Laboratories
- S2 Engineering, Inc.
- Twining, Inc.

Survey and Mapping

- Hunsaker & Associates

- KDM Meridian
- Joseph C. Truxaw & Associates, Inc.
- Towill, Inc.
- Stantec

#### Private Development Plan Check

- Ardurra Group
- Bureau Veritas North America, Inc.
- Cannon
- HR Green Pacific, Inc.
- NV5

#### Staff Augmentation

- Annealta Group
- Ardurra Group, Inc.
- Bucknam Infrastructure Group, Inc.
- Cannon
- HR Green Pacific, Inc.
- MARRS Services, Inc.
- Project Partners

2. Authorize Director of Administrative Services, or designee, to issue individual project purchase orders to the firms in an amount not to exceed \$200,000, on an as-needed basis.
3. Authorize Director of Administrative Services, or designee, to issue annual purchase orders to the firms under Geotechnical Engineering and Material Testing, Survey and Mapping and Plan Check and Private Development Plan Check in an amount not to exceed \$300,000 to support various Capital Improvement Program and review of private development projects on an as-needed basis.

## 12. **INFORMATION TECHNOLOGY SERVER REPLACEMENT**

#### Recommendation:

1. Approve \$1,890,433 interfund loan from the General Fund (Fund 10) to Information Technology Fund (Fund 68) and authorize City Manager to determine repayment terms.
2. Approve \$1,890,433 interfund loan transfer and budget appropriation from the General Fund (Fund 10) to Information Technology Fund (Fund 68).
3. Approve Amendment No. 8 to Professional Services Agreement with Glass Box



Technology, Inc. dated July 1, 2022 for services to deploy the replacement servers.

4. Authorize Administrative Services Director, or designee, to issue \$117,618 and \$838,193 purchase orders with Glass Box Technology, Inc. for server replacement hardware and related software and licenses.
5. Authorize Administrative Services Director, or designee, to issue \$741,022 purchase order with Dell, Inc. for Microsoft software licenses.

**13. EARLY MORNING PARKING EXEMPTION FOR BOTH SIDES OF WHITING AVENUE BETWEEN FORD AVENUE AND HIGHLAND AVENUE**

Recommendation:

Adopt Resolution No. 2023-XXX.

RESOLUTION NO. 2023-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE EARLY MORNING PARKING RESTRICTION ON BOTH SIDES OF WHITING AVENUE BETWEEN FORD AVENUE AND HIGHLAND AVENUE

**14. BROOKDALE PLACE STREET IMPROVEMENTS**

Recommendation:

1. Approve plans and specifications for Project 44064 Brookdale Place Street Improvement Project.
2. Approve the following appropriations in Project 44064 Brookdale Place Street Improvement Project:
  - \$390,395 Community Development Block Grant Funds budget transfer (Fund 35) from Project 44589 Residential Street Program to Project 44064 Brookdale Place Street Improvement (Fund 74).
  - \$50,000 American Rescue Plan Act Revenue Replacement Funds budget transfer (Fund 74) from Project 44589 Residential Street Program to Project 44064 Brookdale Place Street Improvement (Fund 74).
3. Award \$377,909 construction contract for the Brookdale Place Street Improvement Project to Towo Enterprise Inc. 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.

**15. RUNWAY 06 PRECISION APPROACH PATH INDICATOR PROJECT**

Recommendation:

1. Approve plans and specifications for Runway 06 Precision Approach Path Indicator Project.
2. Approve the following budget transfers and appropriations in Project 49015 Runway 06 Precision Approach Path Indicator Project in the Airport Fund (Fund 40):

- Federal Aviation Administration Airport Improvement Program Grant award to CIP Fund (Fund 74). The preliminary grant authorization totals \$925,598 with additional monies available based on final eligible project costs.
  - Caltrans Division of Aeronautics Grant award to CIP Fund (Fund 74). The preliminary grant authorization totals \$46,280 with additional monies available based on final eligible project costs.
  - \$34,000 budget transfer and appropriation from Airport Enterprise Fund Balance (Fund 40).
3. Reject Guy Construction bid due to non-responsiveness.
  4. Award \$899,899 construction contract to Vellutini Corporation dba Royal Electric Company for Project 49015 Runway 06 Precision Approach Path Indicator Project and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
  5. Authorize Administrative Services Director, or designee, to enter \$42,153 purchase order with C & S Companies, Inc. for professional engineering construction support services for the Runway 6 Precision Approach Path Indicator Project.
  6. 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.

**16. FISCAL YEAR 2022-23 CURB AND GUTTER AND SIDEWALK PROJECT**

Recommendation:

Reject all construction bids and issue a new invitation to bid.

**PUBLIC HEARINGS - None**

**REGULAR BUSINESS (Items 17 - 21)**

**17. URBAN FOREST PRUNING MANAGEMENT**

A presentation regarding urban forest pruning management.

Recommendation:

Receive and file.

**18. SENIOR ADVISORY COMMISSION STRUCTURE AND PLAN**

Councilmember Zahra, supported by Mayor Jung, directed staff on January 17, 2023 to consider forming a Senior Advisory Commission to gather input from Fullerton seniors on Parks and Recreation programming and park improvement projects.

Recommendation:

Approve one of the following two options:

Option 1: Direct staff to draft an ordinance to require filling one Parks and Recreation Commission at-large appointment with a Fullerton resident 60 years old or older.

or

Option 2: Direct staff to create a seven-member Senior Advisory Commission comprised of five members appointed by City Council, one Fullerton Senior Club representative and one at-large member 60 years old or older.

**19. NEW EXECUTIVE EMPLOYEE CLASSIFICATIONS**

Proposed update to resolution for executive employee compensation to incorporate two new classifications.

Recommendation:

Adopt Resolution No. 2023-XXX.

RESOLUTION NO. 2023-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2023-065

**20. CLASSIFICATION PLAN UPDATE TO THE POSITION OF ASSISTANT DIRECTOR OF PUBLIC WORKS - MAINTENANCE**

Proposed amendment to the City of Fullerton personnel classification plan establishing Assistant Director of Public Works - Maintenance classification.

Recommendation:

Adopt Resolution No. 2023-XXX.

RESOLUTION NO. 2023-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN

**21. INTERIM CHIEF OF POLICE EMPLOYMENT AGREEMENT**

Ratification of an employment agreement with Jonathan Radus to serve as Interim Chief of Police.

Recommendation:

Adopt Resolution No. 2023-XXX.

RESOLUTION NO. 2023-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING JONATHAN RADUS AS INTERIM CHIEF OF POLICE

**ITEMS REMOVED FROM CONSENT CALENDAR**

**AGENDA FORECAST (Tentative)**

*Tuesday, October 3, 2023*

- ZONING CODE UPDATES
- PROVECHO GAS STATION APPEAL
- PERMIT PARKING PROGRAM UPDATE / OPTIONS
- KIMBERLY 1A SEWER MAIN IMPROVEMENTS PROJECT
- MISCELLANEOUS SEWER AND STORM DRAIN REPAIRS
- PARKS AND RECREATION PARK DWELLING FEE REVIEW
- POOCH PARK TO ACACIA PARK BUDGET TRANSFER

- *FISCAL YEAR 2023 24 PARKS AND RECREATION REORGANIZATION*

*Tuesday, October 17, 2023*

- *SEPTEMBER 2023 CHECK REGISTER*
- *GROUNDSWELL ANNUAL REPORT PRESENTATION*
- *MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT*
- *HOUSING LOAN COMMITTEE DEFERRED HOME IMPROVEMENT LOAN APPEAL*

## **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.*