



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - MARCH 19, 2024

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.

Nick 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)



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

MARCH 19, 2024 - 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 - ANTICIPATED LITIGATION Per
Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

ADJOURN CLOSED SESSION AND RECONVENE STUDY SESSION

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION AGENDA
MARCH 19, 2024 - 4:15 P.M.**

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS - Study Session

STUDY SESSION

1. **EARLY MORNING PARKING PROGRAM REVIEW AND ALTERNATIVES**

Review alternatives to modify the early morning parking restriction ordinance.

Recommendation:

Receive and file.

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
MARCH 19, 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: Arbor Day 2024**

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:

1. Mayor Pro Tem Jung make the following direct appointment:
 - a. Transportation and Circulation Commission - term ending December 31, 2024.
2. Ratify appointments.

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 discuss these items unless Council / Agency Members request discussion or removal of specific Consent Calendar items for separate action.

1. **MARCH 5, 2024 MEETING MINUTES**

Proposed Motion:

Approve March 5, 2024 City Council / Successor Agency Meeting Minutes.

2. **MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT**

Proposed Motion:

Receive and file.

3. **FEBRUARY 2024 CHECK REGISTER**

Proposed Motion:

Receive and file.

4. **EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM CHANGES**

Proposed Motion:

Adopt the following resolutions:

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON MUNICIPAL EMPLOYEE FEDERATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE CONFIDENTIAL / NON-REPRESENTED UNIT

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE OFFICERS ASSOCIATION - SAFETY

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE OFFICERS ASSOCIATION - DISPATCHER

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON FIRE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON FIREFIGHTERS' ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE EXECUTIVE UNIT

5. ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR CALENDAR YEAR 2023

Proposed Motion:

1. Receive and file.
2. Authorize Director of Community and Economic Development to submit Report to the California Department of Housing and Community Development and Office of Planning Research.

6. HUNT LIBRARY SECURITY GUARD FUNDING

Proposed Motion:

1. Approve \$57,129.82 budget transfer and appropriation from General Fund (Fund 10) unassigned fund balance to Project No. 55050 Hunt Library Renovation Project (Fund 74) for unarmed professional security services at the Hunt Library incurred through mid-March 2023 through July 2023.
2. Approve \$140,000 budget transfer and appropriation from General Fund (Fund 10) from unassigned fund balance to Hunt Library Program in Library Fund (Fund 13) for Hunt Library unarmed professional security services from March 2024 to June 2024.

7. EARLY MORNING PARKING PILOT PROGRAM

Proposed Motion:

Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A PILOT STREET PARKING PROGRAM

8. SENATE BILL 1383 COMPLIANCE ACTION PLAN FOR SERVICES AND PROGRAMS RELATED TO SOLID WASTE, RECYCLING AND ORGANICS COLLECTION

Proposed Motion:

1. Authorize City Manager, or designee, to submit revised Senate Bill 1383 Compliance

Action Plan extension request extending deadline to December 31, 2027.

2. Authorize City Manager, or designee, to maintain current solid waste handling services contract until June 30, 2027 term end date and suspend ongoing contract negotiations.
3. Authorize City Manager, or designee, to execute RFP for new contract commencing July 1, 2027 following Republic contract expiration.

9. LEGAL SERVICES AGREEMENT WITH ACUMEN LAW, LLP FOR WORKERS' COMPENSATION LITIGATION

Proposed Motion:

Approve and authorize City Manager to execute and administer Agreement for Provision of Legal Services with Acumen Law, LLP, in a form approved by the City Attorney.

10. PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER THREE WITH DUDEK FOR CONTINUED HOUSING INCENTIVE OVERLAY ZONE WORK

Proposed Motion:

Approve \$97,900 Amendment Number Three to Professional Services Agreement with Dudek and authorize City Manager, or designee, to execute and administer agreement, in a form approved by the City Attorney.

11. DESIGN SERVICES CONTRACT WITH JIG CONSULTANTS FOR SKYLINE-RAYMOND AREA WATER MAIN REPLACEMENT PROJECT

Proposed Motion:

1. Approve \$515,000 budget transfer and Water Funds (Fund 44) appropriation from CIP Project 53250 (Water Main System Replacement) to CIP Project 53050 (Skyline-Raymond Area Water Main Replacement Project) within the Water Fund (Fund 44).
2. Approve JIG Consultants design proposal scope and fee and authorize Director of Administrative Services, or designee, to issue \$393,150 purchase order.
3. Authorize Public Works Director, or designee, to approve change orders for professional design and construction support services within the approved project budget.

12. CONTRACT WITH INSITUFORM TECHNOLOGIES, INC. FOR MISCELLANEOUS SEWER LINING FISCAL YEAR 2023-24

Proposed Motion:

1. Approve plans and specifications for Miscellaneous Sewer Lining Fiscal Year (FY) 2023-24 Project.
2. Approve \$395,000 budget transfer and appropriation from Project 51419 Annual Sewer Replacement Program to Project 51357 Miscellaneous Sewer Lining FY 2023-24 within Sewer Enterprise Fund (Fund 47).
3. Award \$287,135 construction contract for Miscellaneous Sewer Lining FY 2023-24 Project to Insituform Technologies, Inc. and authorize City Manager, or designee, to execute and administer contract, in a form approved by the City Attorney.

4. Authorize Public Works Director, or designee, to approve change orders for construction and professional engineering construction support services within the approved project budget.

13. CONTRACT WITH HARDY & HARPER, INC. FOR RESIDENTIAL STREET REHABILITATION - VARIOUS LOCATIONS FISCAL YEAR 2023-24

Proposed Motion:

1. Approve Residential Street Rehabilitation - Various Locations Fiscal Year (FY) 2023-24 Project plans and specifications.
2. Approve \$1,173,000 ARPA Revenue Replacement Funds (Fund 38) appropriation and transfer from Project 44589 Residential Street Program to Project 44067 Residential Street Rehabilitation - Various Locations in Capital Projects Fund (Fund 74).
3. Award \$980,000 construction contract to Hardy & Harper, Inc. for Residential Street Rehabilitation - Various Locations FY 2023-24 Project and authorize City Manager, or designee, to execute and administer contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve change orders for construction and professional engineering construction support services within approved project budget.

14. CONTRACT WITH ALL AMERICAN ASPHALT FOR VALENCIA MESA DRIVE STREET REHABILITATION

Proposed Motion:

1. Approve plans and specifications for Valencia Mesa Drive Street Rehabilitation Project.
2. Approve the following budget transfers and appropriations in CIP Project 44055 Valencia Mesa Drive Rehabilitation:
 - \$899,000 ARPA Revenue Replacement Funds (Fund 38) transfer and appropriation from CIP Project 44589 Residential Street Program to CIP Project 44055 Valencia Mesa Drive Rehabilitation within the Capital Projects (Fund 74).
 - \$68,000 CIP Project 51419 Annual Sewer Replacement Program transfer and appropriation from CIP Project 44055 Valencia Mesa Drive Rehabilitation within the Sewer Enterprise Fund (Fund 47).
3. Award \$799,799 construction contract to All American Asphalt for Valencia Mesa Drive Street Rehabilitation Project 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 change orders for construction and professional engineering construction support services within the approved project budget.

PUBLIC HEARINGS (Items 15 - 16)

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. SHORT-TERM RENTALS LAND USE APPEAL PROCESS AMENDMENT

City Council directed staff to include an appeal process in the Fullerton Municipal Code for any action taken by the Planning Commission / Appeals Board regarding Short-Term Rentals.

Proposed Motion:

Introduce Ordinance 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 FULLERTON MUNICIPAL CODE TITLE 15, SECTION 15.55.020.F.6.D REGULATING SHORT-TERM RENTALS TO MODIFY THE APPEAL PROCESS

16. MILLS ACT PROGRAM GUIDELINES REVISIONS

The City received only two Mills Act applications since establishing Program Guidelines in April 2020 as some applicants find the guidelines burdensome. The program capped applications at ten per year. Fullerton Heritage and staff propose program guideline revisions to encourage more applications.

Proposed Motion:

Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING MILLS ACT PROGRAM GUIDELINES REVISIONS

REGULAR BUSINESS - None

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, April 2, 2024

- DIRECT SENIOR ADVISORY COMMITTEE APPOINTMENTS
- YOUTH COMMITTEE STRUCTURE
- SEWER MANHOLE COVERS
- COYOTE MANAGEMENT PLAN

Tuesday, April 16, 2024

- FIREWORKS LOTTERY DRAWING
- BUDGET STUDY SESSION
- AT LARGE SENIOR ADVISORY COMMITTEE APPOINTMENT
- MARCH 2024 CHECK REGISTER
- MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT
- FULLERTON POLICE DEPARTMENT POLICY 708
- AB STREAMLINING ACT ORDINANCE

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.