



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

**Zoom Meeting Details:** [www.zoom.us/join](http://www.zoom.us/join)

**Closed Session Meeting ID:** 968 5705 2655; Passcode: 92832; Telephone Option: 1 669 900 9128

**Regular Meeting ID:** 966 1222 1911; 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. Members of the public may not attend the meeting in person.**

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.**

Alternatively, the public may submit written public 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.** Staff will read or summarize public comments during the meeting. All eComments received become part of the official record of the meeting and posted online with the supplemental materials for that meeting.

The public can send correspondence to the City Council regarding agenda items by emailing [CouncilMembers@cityoffullerton.com](mailto: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](mailto:cityclerksoffice@cityoffullerton.com) or (714)-738-6355 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](mailto:cityclerksoffice@cityoffullerton.com) or by telephone at (714) 738-6355 no later than 48 hours before the meeting.

## **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](https://www.zoom.us/join)

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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.

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2. 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.
3. **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 “\*9” (star-nine) on your phone to raise your hand.  
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.
4. Staff will notify you when it is your turn to speak.
5. Please state your name and city of residence at the beginning of your remarks for the minutes.
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 this portal. To view the meeting, please go to <https://fullerton.legistar.com>, **Spectrum Cable Channel 3 or AT&T U-Verse Channel 99.**



# FULLERTON CITY COUNCIL SUCCESSOR AGENCY

## AGENDA - FEBRUARY 2, 2021

303 West Commonwealth Avenue, Fullerton, California

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**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](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. 2021-02 to review the complete Rules of Procedure and Decorum for City Council meetings.

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**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**

**FEBRUARY 2, 2021 - 4:00 P.M.**

**Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA**

**The public and Council Members may participate remotely.**

**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:** Lourdes Toman, et al. v. Jerry Glomboske, et al.

**Case Number:** USDC Case No.: 8:20-CV-00046-DOC

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

**Significant Exposure to Litigation:** Two Cases

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

**Name of Case:** Wagner, et al. v. City of Fullerton, et al.

**Case Number:** OCSC 30-2018-0103122-CU-CR-CJC

4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

**Title:** City Manager

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

**Property:** APNs: 032-152-31, 032-152-26, 032-154-43, 032-233-25, 032-233-16, 032-233-17, 032-233-24, 033-233-26

**Agency Negotiator:** Kenneth A. Domer, City Manager

**Negotiating Parties:** Tanya Development, TWA Communities, City Ventures

**Under Negotiations:** Price and Terms

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

**Agency Representative/s:** Kenneth Domer

**Employee Organization/s:** Fullerton Fire Management Association, Fullerton Firefighters' Association, Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Police Management Association, Fullerton Police Officers' Association - Safety and Dispatch

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

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

**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  
FEBRUARY 2, 2021- 6:30 P.M.**

**Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA**  
**The public and Council Members may participate remotely.**

**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. **PROCLAMATION: Career Technical Education Month**

**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:

1. **Mayor Whitaker make the following direct appointment:**
  - a. Transportation and Circulation Commission - term expiring December 31, 2024.

2. **At-Large Appointments:**
  - a. One Investment Advisory Committee at-large appointment for term ending December 31, 2024.
  - b. Two Infrastructure and Natural Resources Committee at-large appointments for full terms ending December 31, 2024.

3. **Ratify appointments.**

2. **CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS - METROPOLITAN WATER DISTRICT BOARD OF DIRECTORS, INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY AND SANTA ANA RIVER FLOOD PROTECTION AGENCY**

1. Review current Metropolitan Water District Board of Directors appointment and either reaffirm current appointee or make a new appointment fill the remainder of the current term.
2. Appoint Independent Cities Risk Management Authority primary alternate member for no specific term.
3. Appoint Santa Ana River Flood Protection Agency alternate member for no specific term.

### **CONSENT CALENDAR (Items 1 - 8)**

*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. **JANUARY 19, 2021 MEETING MINUTES**

Recommendation:

Approve January 19, 2021 City Council / Successor Agency Meeting Minutes.

2. **TREASURER'S REPORT FOR QUARTER ENDED DECEMBER 31, 2020**

Recommendation:

Receive and file.

3. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2020**

Recommendation:

Receive and file.

4. **SUSTAINABLE BUSINESS CERTIFICATION PROGRAM AND APPROPRIATION OF GRANT FUNDS**

Recommendation:

1. Appropriate receipt and use of \$15,000 grant funding for establishment of a Sustainable Business Certification Program.
2. Authorize creation of a new subprogram (429 - Sustainable Business Certification)

under Fund 46 (Refuse Fund) to carry-over received funding.

**5. 2020-21 AND 2021-22 COUNTY OF ORANGE COMMUNITY SERVICES OFFICE ON AGING AGREEMENT FOR FUNDING OF OLDER ADULT PROGRAMS**

Recommendation:

1. Authorize City Manager, or designee, to sign documents pertaining to grant awards from County of Orange Community Services Office on Aging to provide older adult services grant-funding.
2. Accept grant awards for both Fiscal Years 2020-21 and 2021-22 and appropriate receipt and uses of FY 2020-21 grant award for \$34,120.

**6. RULES OF PROCEDURE AND DECORUM FOR BOARDS, COMMISSIONS AND COMMITTEES REVIEW**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR BOARD, COMMISSION AND COMMITTEE MEETINGS AND REPEALING RESOLUTION NO. 2017-41

**7. REQUEST FOR QUALIFICATIONS - ON-CALL INDEPENDENT INVESTIGATIVE SERVICES**

Recommendation:

Authorize City Manager, or designee, to execute three-year professional service agreements as well as future options to extend for a maximum of three, one-year options, in a form approved by the City Attorney, for on-call investigative services with the following firms:

- Atkinson, Andelson, Loya, Ruud & Romo
- Batza & Associates
- Chuck Thomas
- CPS HR Consulting
- Norman A. Traub & Associates
- RJN Investigations, Inc.
- Woodruff, Spradlin & Smart, APC

**8. FINAL MAP FOR TRACT NO. 19008 - 751 EAST BASTANCHURY ROAD**

Recommendation:

1. Find that Final Map for Tract No. 19008 conforms to all applicable requirements.
2. Approve Final Map.
3. Accept easements for public service, sewer, water, police patrol, emergency vehicle



access, fire protection and refuse collection, as dedicated.

4. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY ABANDONMENT VACATING AN EASEMENT FOR PUBLIC SEWER AND INCIDENTAL PURPOSES WITHIN THE BOUNDARY OF THE MAP OF TRACT NO. 19008

5. Authorize Mayor and City Clerk to enter into a subdivision agreement with subdivider in a form approved by the City Attorney.

## **PUBLIC HEARINGS - None**

## **REGULAR BUSINESS (Items 9 - 12)**

### **9. FULLERTON MUSEUM UPDATE AND DISCUSSION**

Mayor Whitaker has requested that City Council discuss the status of the Fullerton Museum and proposals for future museum operations.

Recommendation:

Provide Staff direction regarding current and future operations related to the Fullerton Museum.

### **10. UPDATE ON HOMELESS INITIATIVES**

The City has undertaken many actions to reduce incidences of homelessness and continues to work with our regional partners on homeless shelters, programs and outreach and engagement efforts. This is an update on the City's efforts.

Recommendation:

Receive and file report.

### **11. 2021 SAFE AND SANE FIREWORKS SALES**

On November 6, 2012, Fullerton voters reinstated the sale, possession, and discharge of safe and sane fireworks within City limits. On November 3, 2020, the voters re-affirmed the sale of safe and sane fireworks. This report presents the 2020 Safe and Sane Fireworks Sales Annual Report to City Council and seeks approval of the 2021 fireworks sales timeline.

Recommendation:

1. Receive and file 2020 Safe and Sane Fireworks Sales Annual Report.
2. Confirm timeline for 2021 fireworks sales application process.

### **12. CITY BOARD / COMMISSION / COMMITTEE STRUCTURE**

Council Member Jung, supported by Mayor Whitaker, requested a discussion of the City's board, commission and committee structure to consider increasing membership on some committees, commissions and boards.

Recommendation:

Discuss changes to the board/commission/committee structure, direct Staff to research various committee examples and return to City Council for further direction.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

### **AGENDA FORECAST (Tentative)**

*Tuesday, February 16, 2021*

- *RECOGNITION OF OUTGOING COMMISSION / COMMITTEE MEMBERS*
- *JANUARY 2021 CHECK REGISTER*
- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *PROPOSAL TO REPLACE TWO DUMP TRUCKS FOR WATER AND SEWER*
- *REPLACEMENT OF POLICE DEPARTMENT PATROL VEHICLES*
- *ORDINANCE TO REPEAL ORDINANCE PERTAINING TO COMMERCIAL CANNABIS REGULATIONS*
- *DIRECTION RELATED TO POTENTIAL AMENDMENT OF COMMERCIAL CANNABIS ORDINANCE*
- *AMENDMENTS MUNICIPAL CODE 12.04 / RATES, RULES, AND REGULATIONS*

*Tuesday, March 2, 2021*

- *FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO SPECIAL EVENTS*

### **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.*