



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

Zoom Meeting Details: www.zoom.us/join

Closed Session Meeting ID: 991 9861 0598 Passcode: 92832; Telephone Option: 1-669-900-9128

Regular Meeting ID: 937 9518 8024 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

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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. Speakers will have up to three minutes to make their remarks.
7. 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 - FEBRUARY 16, 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)



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

FEBRUARY 16, 2021 - 4:00 P.M.

**Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA
The public and Council Members may participate remotely. Limited
seating will be available for the public. The public may make public
comment in person or via Zoom.**

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 REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 1600 West Commonwealth Avenue, Fullerton, CA (APN: 030-290-22)

Agency Negotiator: City Manager Kenneth A. Domer

Under Negotiations: Price and Terms

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

Name of Case: Cicinelli v. City of Fullerton, et al.

Case Number: OCSC 30-2017-0091884

and

Name of Case: Wolfe v. City of Fullerton City Council

Case Number: OCSC 30-2017-0091884

3. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer, Ellis Chang and Jay Trinnaman

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

Association, Fullerton Police Officers' Association - Safety and Dispatch, Fullerton Municipal Employees Federation

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

4. **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

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

Significant Exposure to Litigation: One Case

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

Name of Case: City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson and David Curlee

Case Number: OCSC 30-2019-01107063

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

Property: 340 West Commonwealth Avenue, Fullerton, CA 92832
(APN: 032-160-204, 032-160-205)

Agency Negotiator: Kenneth A. Domer, City Manager

Negotiating Parties: Boys & Girls Club

Under Negotiations: Terms

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

Significant Exposure to Litigation: One Case

9. **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
FEBRUARY 16, 2021 - 6:30 P.M.**

**Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA
The public and Council Members may participate remotely. Limited
seating will be available for the public. The public may make public
comment in person or via Zoom.**

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: Outgoing Board, Commission and Committee Member Recognition**

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 - None

CONSENT CALENDAR (Items 1 - 4)

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. **FEBRUARY 2, 2021 MEETING AND FEBRUARY 9, 2021 SPECIAL MEETING MINUTES**

Recommendation:

Approve February 2, 2021 City Council / Successor Agency Meeting Minutes and February 9, 2021 City Council / Successor Agency Special Meeting Minutes.

2. **JANUARY 2021 CHECK REGISTER**

Recommendation:

Receive and file.

3. **REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 PANDEMIC**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAFFIRMING RESOLUTION NO. 2020-33 WHICH RATIFIED THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY

4. **CITY REPRESENTATION - INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING A REPRESENTATIVE AND SUBSTITUTE ALTERNATE REPRESENTATIVE TO THE GOVERNING BOARD OF THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) AND REPEALING RESOLUTION NO. 2020-26

PUBLIC HEARINGS (Item 5)

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.

5. **REPEAL OF ORDINANCE NO. 3289 PERTAINING TO COMMERCIAL CANNABIS REGULATIONS CITYWIDE**

On December 17, 2020, Ordinance No. 3289 became effective related to the regulation of commercial cannabis businesses citywide. On December 15, 2020 City Council continued an item setting fees related to cannabis activities, effectively deferring the implementation of the ordinance to March 16, 2021. On January 19, 2021, City Council directed staff to agendize an item to consider repealing Ordinance No. 3289 in its entirety as well as options to amend the ordinance.

Recommendation:

1. Make finding that project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Introduce Ordinance No. 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, REPEALING ORDINANCE NO. 3289 THAT AMENDED TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE REGULATING COMMERCIAL CANNABIS BUSINESSES CITYWIDE

REGULAR BUSINESS (Items 6 - 8)

6. DIRECTION RELATED TO POTENTIAL AMENDMENT OF COMMERCIAL CANNABIS ORDINANCE (Continued from January 19, 2021)

On December 17, 2020, Ordinance No. 3289 became effective related to the regulation of commercial cannabis businesses citywide. Based on the change in members of the City Council, on December 15, 2020 the City Council continued an item setting fees related to cannabis activities, thus effectively deferring the production and release of any applications related to cannabis activities to March 16, 2021. This item seeks direction from City Council related to any potential amendments Fullerton Municipal Code Title 3 related to commercial cannabis businesses.

Recommendation:

Provide Staff direction related to Fullerton Municipal Code Chapter 3.88 related to commercial cannabis operations including, but not limited to, location of cannabis businesses by type, buffer distances, zones and other location restrictions.

7. FY 2020-21 SECOND QUARTER FINANCIAL REPORT AND MID-YEAR BUDGET AMENDMENTS

This report provides an overview of the City's financial position through the second quarter of Fiscal Year 2020-21, comparing the City's revenue performance and expenditures incurred from July 1, 2020 through December 31, 2020 to the same period in the prior fiscal year and presents FY 2020-21 Mid-Year Budget Amendments for City Council consideration.

Recommendation:

1. Receive and file Fiscal Year 2020-21 Second Quarter Financial Report.
2. Approve Fiscal Year 2020-21 Mid-Year Budget Amendments.

8. ORANGE COUNTY POWER AUTHORITY UPDATE AND DISCUSSION OF CONTINUED MEMBERSHIP

On November 2, 2020, City Council adopted the Ordinance and Resolution and approved the Joint Powers Authority Agreement required for the City to join the Orange County Power Authority. This report provides an update on Power Authority activities and provides City Council an opportunity to discuss whether to continue membership in the Power Authority as directed by City Council on November 2, 2020.

1. That the City maintain membership in the Orange County Power Authority.

or

2. As an alternative, City Council may withdraw from the Orange County Power Authority and direct staff to complete all required documents necessary to terminate participation in the Joint Powers Authority by April 1, 2021.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, March 2, 2021

- *INRAC VACANCY - DISTRICT 3*
- *REPLACEMENT OF POLICE DEPARTMENT PATROL VEHICLES*
- *316 NORTH WOODS AVENUE - DISABLED PERSONS PARKING*
- *1209 SUDENE AVENUE - DISABLED PERSONS PARKING*
- *HOUSTON AVENUE - 2 HOUR PARKING*
- *BURNING TREE ROAD - NO STOPPING ANYTIME*
- *HALE AVENUE ALLEY - NO PARKING ANYTIME*
- *VALENCIA DRIVE - PARKING ENHANCEMENTS*
- *ORANGETHORPE AVENUE STREET IMPROVEMENTS*
- *QUARTERLY PSA REPORT*
- *JACARANDA DRAKE AREA INFRASTRUCTURE IMPROVEMENTS ADDITIONAL FUNDING*
- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO SPECIAL EVENTS*
- *MONTHLY LEGISLATIVE UPDATE*
- *NORESCO TO PROVIDE AN INVESTMENT GRADE AUDIT RELATED TO ENERGY EFFICIENCY*
- *AMENDMENTS FULLERTON MUNICIPAL CODE 12.04 - RATES, RULES, AND REGULATIONS*

Tuesday, March 16, 2021

- *2020 ANNUAL HOUSING ELEMENT PROGRESS REPORT*
- *WATER RATE PROGRESS REPORT*
- *CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT*
- *FEBRUARY 2021 CHECK REGISTER*
- *ADOPT-A-TRAIL*

ADJOURNMENT

Adjourn to next regularly scheduled closed session meeting at 4:00 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.