



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **October 5, 2021** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **5:00 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: September 30, 2021

A handwritten signature in blue ink, appearing to read "Lucinda Williams", is written over a horizontal line.

Lucinda Williams, MMC
City Clerk



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

Zoom Meeting Details: www.zoom.us/join

Meeting ID: 978 4219 1797 Telephone Option: 1-669-900-9128

PUBLIC PARTICIPATION: 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 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 observe health and safety 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.

PLEASE NOTE, CITY COUNCIL WILL HEAR PUBLIC COMMENTS ON NON-AGENDA ITEMS AS THE END OF THE MEETING

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 the public comment portion of the meeting.** However, all correspondence received becomes part of the official record of the meeting. Staff posts correspondence online with the meeting's supplemental materials. Contact the City Clerk's Office at cityclerksoffice@cityoffullerton.com or (714)-738-6350 with any questions.

ACCESSIBILITY: If requested, staff will make the agenda and backup materials available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) Section 202 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.

INSTRUCTIONS FOR PUBLIC COMMENTS USING ZOOM

The public may remotely participate in the meeting to make oral 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.

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

Go To: www.zoom.us/join

Enter Meeting ID: 978 4219 1797

To call into Zoom from your telephone, follow these steps:

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 chose 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. Please 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 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 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.



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - OCTOBER 5, 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 during Public Comments at the Regular Session meeting. The public may request to pull Consent Calendar items for further discussion prior to City Council voting on the Consent Calendar. 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 items shall have three minutes to make their remarks. Those speaking on consent calendar items, 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 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
OCTOBER 5, 2021 - 5:00 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 REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 1600 West Commonwealth Avenue, Fullerton, CA (APN: 30-290-22)

Agency Negotiator: Acting City Manager Steve Danley

Negotiating Parties: C&C Development, Jamboree Housing Corporation, Meta Housing Corporation, National CORE, Related Companies

Under Negotiations: Price and Terms

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

Name of Case: Michael Destiche v. City of Fullerton

Case Number: O.C.S.C. 30-2019-01044575

3. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro, Steve Danley

Employee Organizations: Fullerton Fire Management Association, Fullerton Firefighters' Association

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

4. PUBLIC EMPLOYMENT Per Government Code Section 54957(b)(1)

Title City Manager Recruitment

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**

OCTOBER 5, 2021 - 6:30 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 PURSUANT TO FMC 2.33.040 -
TRANSPARENCY AND ACCOUNTABILITY IN LABOR NEGOTIATIONS**

PRESENTATIONS

1. **PROCLAMATION: Domestic Violence Awareness Month**

**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. **REDISTRICTING ADVISORY COMMISSION APPOINTMENTS**

Recommendation:

1. Make the following direct appointments:
 - a. Each Council Member make one direct appointment to the Redistricting Advisory Commission.
2. Ratify appointments.

2. **UP PARK AD-HOC COMMITTEE APPOINTMENTS**

Recommendation:

1. Make the following direct appointments:
 - a. Each Council Member make one direct appointment to the UP Park Ad-Hoc Committee.

2. Ratify appointments.

CONSENT CALENDAR (Items 1 - 9)

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. The Mayor will call for requests to pull Consent Calendar items before City Council votes on the balance of the Consent Calendar.

1. SEPTEMBER 21, 2021 MEETING MINUTES

Recommendation:

Approve September 21, 2021 City Council / Successor Agency Meeting Minutes.

2. OUTDOOR EQUITY GRANTS PROGRAM APPLICATION

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR OUTDOOR EQUITY GRANTS PROGRAM GRANT FUNDS

2. Authorize City Manager to execute all grant-related documents.
3. Accept and appropriate Outdoor Equity Grants Program funds as awarded.

3. 2021-22 OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT

Recommendation:

1. Accept grant award.
2. Authorize Chief of Police to execute \$280,000 2021-22 Office of Traffic Safety "Selective Traffic Enforcement Program" (STEP) agreement.
3. Appropriate receipt and use of the grant award.

4. CLASSIFICATION PLAN UPDATE - ASSOCIATE ENGINEER - TRAFFIC

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING RESOLUTION NO. 2020-17 APPENDIX A (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

5. PUBLIC WORKS EMERGENCY PURCHASES FY 2020-21 AND FIRST QUARTER FY 2021-22

Recommendation:

Receive and file report.

6. LEGAL SERVICES AGREEMENTS WITH LIEBERT CASSIDY WHITMORE AND

ACUMEN LAW, LLP

Recommendation:

Authorize Acting City Manager, or designee, to execute and administer agreements with Liebert Cassidy Whitmore and Acumen Law, LLP, in a form approved by the City Attorney.

7. FIRE PLAN CHECK AND INSPECTION SERVICES EXTENSION WITH CSG CONSULTANTS, INC.

Recommendation:

Authorize City Manager, or designee, to increase the current not-to-exceed purchase order with CSG Consultants, Inc. from \$100,000 to \$200,000 to extend inspection services through Fiscal Year 2021-22.

8. 800MHZ EMERGENCY COMMUNICATIONS SYSTEM JOINT AGREEMENT

Recommendation:

Approve Joint Agreement for 800MHZ Emergency Communications System with Orange County and authorize City Manager to execute the Agreement.

9. AUTOMATIC AID AGREEMENT WITH PLACENTIA CANCELLATION (Continued from September 21, 2021 meeting)

Recommendation:

1. Cancel Automatic Aid Agreement and MOU between the City of Fullerton and the City of Placentia pursuant to the 60-day termination clause.
2. Authorize City Manager and Fullerton Fire Chief to negotiate a Mutual Aid Agreement between the City of Fullerton and the City of Placentia.

PUBLIC HEARINGS - None REGULAR

BUSINESS (Items 10 - 16)

10. FISCAL YEAR 2021-2022 BUDGET ADJUSTMENTS AND INITIAL ARPA DESIGNATION

At the direction of City Council, present Fiscal Year 2021-22 General Fund budget adjustment action items and formalize direction to initially obligate American Rescue Plan Act (ARPA) to budgeted government operations.

Recommendation:

1. City Council choose one of the budget adjustment directives included in the Agenda Report.
2. Affirm consensus rank order of Strategic Priorities.
3. Authorize City Manager to pursue specific budget adjustments pursuant to City Council direction and rank order of Strategic Priorities.
4. Direct City Manager agendaize an item to receive City Council direction on the use of remaining ARPA monies not obligated for Revenue Replacement within allowable US Treasury categories for the October 19, 2021 City Council meeting.

11. REMOTE LEGISLATIVE BODY MEETINGS

Consideration to allow continued remote legislative body meeting access, including remote legislative body member participation under the rules of Assembly Bill 361.

Recommendation:

1. If allowing remote legislative body member participation, adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

2. Provide direction whether to continue remote access for public comments, staff and consultants and/or broadcast purposes.

12. CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

Sunrise Village Owner, LLC (the "Applicant") owns a 12.52-acre commercial retail property located on the southwest corner of Euclid Street and Rosecrans Avenue. The Applicant proposes redeveloping the property into a 164-dwelling unit residential community called The Pines at Sunrise Village and has petitioned the City to form a Community Facilities District in accordance with the Mello-Roos Community Facilities Act of 1982.

Recommendation:

Adopt the following resolutions:

RESOLUTION NO. 2021-XX - RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT - CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

RESOLUTION NO. 2021-XX - RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS - CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

13. ENTERPRISE RESOURCE PLANNING CONSULTING SERVICES

Consideration of Professional Services Agreement with KOA Hills Consulting Services, LLC (KOA Hills) to support cashiering, utility billing and general billing software applications implementation to Tyler Technologies Software as a Service, as well as support interfacing Tyler Technologies with the general ledger within Central Square's Finance Enterprise system.

Recommendation:

1. Approve \$482,275 Professional Services Agreement with KOA and authorize City Manager, or designee, to execute and administer the agreement, in a form approved by the City Attorney.

2. Approve additional \$96,455 Enterprise Resource Planning software implementation contingency, which equals 20 percent of total proposed cost.
3. Authorize necessary Fiscal Year 2021-22 budget transfers and appropriations for Year 1 costs from the following funds: \$83,916 Water Fund, \$43,405 Sewer Fund, \$43,405 Sanitation Fund, \$43,405 Refuse Fund and \$8,681 Airport Fund.
4. Authorize Director of Administrative Services to issue change orders within budget.

14. CLOSED-CIRCUIT TELEVISION NETWORK AND SECURITY INTEGRATION

Staff requests City Council approval to award a Professional Services Agreement with Wachter, Inc. for critical closed-circuit television (CCTV) network upgrades and appropriate Fiscal Year 2021-22 General Fund balance for the CCTV network upgrades.

Recommendation:

1. Approve \$1,467,334.23 Professional Services Agreement with Wachter, Inc. effective October 5, 2021 and authorize City Manager, or designee, to execute and administer the agreement, in a form approved by the City Attorney.
2. Authorize Fiscal Year 2021-22 appropriation and budget adjustments from the General Fund to the Information Technology Fund.
3. Authorize City Manager, or designee, to approve purchase or change orders for the CCTV network upgrades within the approved project budget.

15. MIDDLE INCOME / WORKFORCE HOUSING REQUEST FOR THE ASPECT APARTMENT PROJECT

Council Member Zahra, supported by Council Member Silva, requested that City Council consider a Middle Income / Workforce Housing project for those who earn between 80% to 120% of the Area Median Income. A development group and the California Statewide Communities Development Authority present a project for Aspect Apartments located at 251 Orangefair Avenue for consideration.

Recommendation:

City Council consider the Aspect Middle Income / Workforce Housing project and direct staff to either:

1. Not authorize the proposed request.
2. Authorize the request and:
 - A. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CSCDA COMMUNITY IMPROVEMENT AUTHORITY, AND THE FORM OF A PUBLIC BENEFIT AGREEMENT, AND APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION OR IMPROVEMENT OF THE ASPECT PROJECT

- B. Direct City Manager to enter into Public Benefit Agreements with the Agency which

may result in the City receiving surplus revenue from future sale of the Project.

- C. Direct City Manager to execute related documents and take any additional actions required to implement the Middle-Income Housing Program.
- D. Determine that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project" pursuant to Section 15378(b)(5) of the State CEQA Guidelines.

Or

- 3. Continue this agenda item if City Council requires additional information before making a determination.

16. PUBLIC RECORDS REQUEST PROCESS (Continued from September 21, 2021 meeting)

Council Member Zahra requested, supported by Council Member Silva, that Council Members discuss the City's public records request process.

Recommendation:

Provide direction to staff.

ITEMS REMOVED FROM CONSENT CALENDAR

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 at this time. Speakers will have three minutes to make their remarks. Those wishing to speak on items 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.

AGENDA FORECAST (Tentative)

Tuesday, October 19, 2021

- HUNT LIBRARY RENOVATIONS
- AWARD OF CONSULTANTS
- SEPTEMBER 2021 CHECK REGISTER
- ALERT OC MEMORANDUM OF UNDERSTANDING UPDATE
- STATE COLLEGE/RAYMOND GRADE SEPARATION PROJECT CLOSEOUT
- SANITATION COST OF SERVICE PSA

Tuesday, November 2, 2021

- PUBLIC WORKS FEE STUDY

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.