



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA - DECEMBER 7, 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 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.

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**

DECEMBER 7, 2021 - 5:30 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 LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro and Jay Trinnaman

Employee Organizations: Fullerton Fire Management Association, Fullerton Firefighters' Association, Fullerton Management Association, Fullerton Municipal Employees Federation

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

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

Title: Acting City Manager and 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 / HOUSING AUTHORITY /
PUBLIC FINANCING AUTHORITY
REGULAR MEETING AGENDA
DECEMBER 7, 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

PRESENTATIONS

1. **PRESENTATION:** [Fullerton Bears Super Bowl Championship](#)

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.

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

REGULAR BUSINESS (Item 1)

1. **MAYOR / CHAIR AND MAYOR PRO TEM / VICE CHAIR APPOINTMENT**

The City Council / Successor Agency / Housing Authority / Public Financing Authority selects a new Mayor / Chair and Mayor Pro Tem / Vice Chair on an annual basis.

Recommendation:

1. City Attorney conduct nomination and selection for Mayor / Chair.

2. Mayor conduct nomination and selection for Mayor Pro Tem / Vice Chair.

CONSENT CALENDAR (Items 2 - 10)

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.

2. NOVEMBER 16, 2021 MEETING MINUTES

Recommendation:

Approve November 16, 2021 City Council / Successor Agency Meeting Minutes.

3. AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS

Recommendation:

Adopt Resolution No. 2021-XX.

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

4. JANUARY 4, 2022 CITY COUNCIL MEETING CANCELLATION

Recommendation:

Cancel January 4, 2022 City Council / Successor Agency Meeting.

5. MEASURE M2 EXPENDITURE REPORT

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF FULLERTON FOR THE FISCAL YEAR ENDING JUNE 30, 2021

6. TENANT BASED RENTAL ASSISTANCE PROGRAM EXTENSION

Recommendation:

1. Approve up to \$300,000 of Fiscal Year 2021-2022 HOME funds to implement an additional two years of the TBRA program.
2. Authorize City Manager, or designee, to make any budget appropriations needed to FY 2021-22 HUD-HOME budget.

7. MILLS ACT CONTRACT BETWEEN CITY OF FULLERTON AND PROPERTY OWNER OF HISTORIC PROPERTY AT 241 JACARANDA PLACE

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MILLS ACT CONTRACT BETWEEN THE CITY AND THE OWNER OF HISTORIC PROPERTY LOCATED AT 241 JACARANDA PLACE IN THE FORM OF AN HISTORIC PROPERTY PRESERVATION AGREEMENT

2. Authorize Director of the Community and Economic Development Department to review subsequent updated schedules of improvements and maintenance items provided by the property owner pursuant to the Historic Property Preservation Agreement prior to the tenth anniversary of the Agreement and every tenth anniversary thereafter.

8. RAILROAD GRADE SEPARATION PROJECTS - COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY AMENDMENT NO. 9

Recommendation:

Approve Cooperative Agreement C-9-0576 Amendment No. 9 between Orange County Transportation Authority and the City of Fullerton and authorize City Manager to execute amendment, in a form approved by the City Attorney.

9. PRELIMINARY ENGINEERING SERVICE AGREEMENT WITH BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILWAY COMPANY AND COST SHARING AGREEMENT WITH GLC FULLERTON LLC FOR VARIOUS TRAFFIC IMPROVEMENTS RELATED TO THE INDUSTRIAL LOGISTICS CENTER AT 2001 EAST ORANGETHORPE AVENUE (GOODMAN LOGISTICS CENTER FULLERTON)

Recommendation:

1. Authorize City Manager, or designee, to execute the Preliminary Engineering Service Agreement (PSA) with Burlington Northern Santa Fe Railway Company (BNSF) for various traffic improvements related to the Goodman Logistics Center Project located at 2001 East Orangethorpe Avenue.
2. Authorize City Manager, or designee, to approve and execute amendments to the PSA with BNSF, in a form approved by the City Attorney.
3. Approve Cost Sharing Agreement with GLC Fullerton LLC for reimbursement of costs and expenses that the City incurs from BNSF in performance of the work outlined in the PSA.

10 GILBERT STREET / IRIS COURT WATER MAIN REPLACEMENT

Recommendation:

1. Approve Gilbert Street / Iris Court Water Main Replacement Project plans and specifications.
2. Approve \$634,000 Water Fund transfer from Project 53250 Water Main System Replacement to Project 53033 Gilbert Street / Iris Court Water Main Replacement Project (Fund 44).
3. Award \$496,363 construction contract for the Gilbert Street / Iris Court Water Main

Replacement Project to Gutierrez Pipeline Inc. and authorize City Manager, or designee, to execute 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.

PUBLIC HEARINGS (Item 11)

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.

11. THE PINES AT SUNRISE VILLAGE REDEVELOPMENT - ROSECRANS AVENUE AND EUCLID STREET

The Planning Commission voted 4 - 1 to recommend City Council approval of this project, including demolition of the existing on-site uses and construction of a residential community with detached and attached single-family residential homes.

Recommendation:

1. Adopt the following resolutions:

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, INCLUDING ANALYSIS OF THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT, PROJECT DESIGN FEATURES, STANDARD CONDITIONS, MITIGATION MEASURES AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PINES AT SUNRISE VILLAGE PROJECT ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A 164-DWELLING UNIT RESIDENTIAL COMMUNITY, INCLUDING 49 DETACHED SINGLE-FAMILY RESIDENTIAL HOMES AND 115 TOWNHOMES ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING TENTATIVE TRACT MAP TTM 19148 TO CREATE A RESIDENTIAL SUBDIVISION WITH TWO LOTS FOR CONDOMINIUM PURPOSES ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FROM COMMERCIAL TO LOW / MEDIUM DENSITY RESIDENTIAL ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE

2. Introduce the following ordinances for first reading by title only and waive further

reading of the ordinances:

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (G-C) TO PLANNED RESIDENTIAL DEVELOPMENT - INFILL (PRD-I) ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE AND PROVIDE CLARIFYING AMENDMENTS TO TABLE 15.20.130.B AND 15.20.140.A FOR CERTAIN STANDARDS INTERNAL TO A DEVELOPMENT

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR THE PINES AT SUNRISE VILLAGE ON A 12.52-ACRE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF EUCLID STREET AND ROSECRANS AVENUE

REGULAR BUSINESS - Continued (Items 12 - 14)

12. SHORT-TERM LODGING WITHIN ACCESSORY DWELLING UNITS

Mayor Pro Tem Dunlap, with approval of the Mayor, has requested agendaing this item for City Council to consider whether to amend the Municipal Code to allow Short-Term Lodging in an Accessory Dwelling Unit permitted prior to January 1, 2020.

Recommendation:

1. Determine whether to initiate a municipal code amendment to modify the Accessory Dwelling Unit Ordinance to allow Short-Term Lodging in an Accessory Dwelling Unit permitted prior to January 1, 2020.
2. If determined to initiate said request, adopt Resolution No. 2021-XX and direct staff to prepare an analysis of the matter and draft Ordinance for Planning Commission and City Council consideration.

RESOLUTION NO. 2021-XX - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 (SECTION 15.17.100 AND RELATED CHAPTERS OR SECTIONS, IF APPLICABLE) OF THE FULLERTON MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS WITH A FOCUS ON SHORT-TERM LODGING REQUIREMENTS WITHIN ACCESSORY DWELLING UNITS

13. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO EMERGENCY PURCHASES

Proposed amendment to Fullerton Municipal Code (FMC) Section 2.64.090 (Emergency purchases) reporting requirement for emergency purchases in excess of \$5,000.

Recommendation:

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

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

Continuation of City Council efforts to select a budget adjustment scenario for the current FY 2021-22 General Fund budget and formalize direction to initially obligate American Rescue Plan Act (ARPA) monies as revenue replacement for budgeted government operations.

Recommendation:

1. Adopt Package A including designation of a budget adjustment scenario.

Package A:

- A1. Choose one of the budget adjustment directives included in the Agenda Report.
- A2. Affirm consensus rank order of Strategic Priorities (i.e., Public Safety, Infrastructure, Community and Economic Development, Workforce, Parks and Recreation, Library, Arts, Other).
- A3. Authorize City Manager to develop and recommend specific budget adjustments pursuant to City Council direction and rank order of Strategic Priorities and return to City Council for approval.
- A4. Direct City Manager to agendize an item to receive City Council direction on the use of remaining ARPA monies not obligated for Revenue Replacement within allowable US Treasury categories.

OR

2. Adopt Package B if City Council cannot reach majority consensus on a budget adjustment option to formally obligate the use of initial ARPA monies.

Package B:

- B1. Approve initial use of ARPA monies as revenue replacement for budgeted government operations thereby allowing for maintenance of at least a minimum ten percent Contingency Reserve level at fiscal year-end for the next five fiscal years.
- B2. Direct staff to return to City Council within thirty days for City Council to allocate a portion (up to \$8 million) of the remaining ARPA funds for non-budgeted projects / programs.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, December 21, 2021

- PROJECT 53014 SAN JUAN AREA WATER MAIN REPLACEMENT
- DEVELOPER IMPACT FEE ANNUAL COMPLIANCE REPORT
- FOR GRANT FUNDING FOR WELL REHABILITATION PROJECTS
- PUBLIC WORKS FEE STUDY
- LEASE AGREEMENTS FOR NEIGHBORHOOD CENTERS

- *ROPS*
- *REGIONAL ADVISORY BODY APPOINTMENTS*
- *CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE MEETINGS*

Tuesday, January 4, 2022

- *NO ITEMS SCHEDULED*

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.