



## **NOTICE OF MEETING TIME CHANGE**

NOTICE IS HEREBY GIVEN the **APRIL 6, 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: April 1, 2021

A handwritten signature in blue ink, appearing to read "L. 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](http://www.zoom.us/join)

**Closed Session Meeting ID:** 942 6743 6591 Telephone Option: 1-669-900-9128

**Regular Meeting ID:** 971 6608 7920 Telephone Option: 1-669-900-9128

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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](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" 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](mailto: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](mailto: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](https://www.zoom.us/join)

**Closed Session Meeting ID:** 942 6743 6591

**Regular Meeting ID:** 971 6608 7920

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.

**Closed Session Meeting ID:** 942 6743 6591

**Regular Meeting ID:** 971 6608 7920

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.

### **2. 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. Press star-six (\*6) to unmute.

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.

3. Staff will notify you when it is your turn to speak.

4. Please state your name and city of residence at the beginning of your remarks for the minutes.

5. Speakers will have up to three minutes to make their remarks.

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 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 - APRIL 6, 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](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.

**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**

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

**APRIL 6, 2021 - 5:00 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 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

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

**Significant Exposure to Litigation:** One Case

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

**Agency Representative/s:** Kenneth Domer and Eddie Manfro

**Employee Organization/s:** Fullerton Municipal Employees Federation and Fullerton Management Association

**Under Discussion:** 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**

**APRIL 6, 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. **PROCLAMATION:** [Arbor Day 2021](#)
2. **PRESENTATION:** [Donate Life](#)
3. **PROCLAMATION:** [Arab American Heritage 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 - None**

**CONSENT CALENDAR (Items 1 - 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.

**1. MARCH 9, 2021 SPECIAL MEETING AND MARCH 16, 2021 MEETING MINUTES**

Recommendation:

Approve March 9, 2021 Special City Council / Successor Agency Meeting and March 16, 2021 City Council / Successor Agency Meeting Minutes.

**2. CITY BOARD / COMMISSION / COMMITTEE STRUCTURE - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3297.

ORDINANCE NO. 3297 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.11 OF THE MUNICIPAL CODE SETTING FORTH CONDITIONS GOVERNING COMMISSION AND COMMITTEE APPOINTMENTS AND OFFICE

**3. MONTHLY LEGISLATIVE UPDATE**

Recommendation:

Receive and file.

**4. QUARTERLY PROFESSIONAL SERVICES AGREEMENTS REPORT**

Recommendation:

Receive and file.

**5. SEXUAL ASSAULT AWARENESS MONTH**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING APRIL 2021 AS "SEXUAL ASSAULT AWARENESS MONTH"

**6. 2020-24 COUNTY OF ORANGE COMMUNITY SERVICES OFFICE ON AGING ADDITIONAL EXCESS FUNDING FOR OLDER ADULT PROGRAMS**

Recommendation:

1. Accept and appropriate an additional \$69,620 grant awards in Fund 32 from the County of Orange Community Services Office on Aging to provide older adult services grant-funding.
2. Authorize City Manager to accept and appropriate future additional one-time-only and baseline adjustments resulting from excess funding made available from granting agency for Fiscal Year 2020-21.



**7. ORANGE COUNTY RECYCLING MARKET DEVELOPMENT ZONE AND APPROPRIATION OF GRANT FUNDS**

Recommendation:

Appropriate receipt and use of \$12,000 grant funding from Orange County Recycling Market Development Zone with Fullerton serving as zone administrator.

**8. CLASSIFICATION PLAN UPDATE RELATING TO AIRPORT SERVICE WORKER AND POLICE INVESTIGATION TECHNICIAN POSITIONS**

Recommendation:

1. Adopt Resolution No. 2021-XX.

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

2. Authorize amendment to Fiscal Year 2020-21 adopted Police Department personnel summary to include new Police Investigation Technician position.

**9. PURCHASE ORDER INCREASE AND EXTENSION OF FIRE PLAN CHECK AND INSPECTIONS CONTRACT WITH CSG CONSULTANTS**

Recommendation:

Authorize City Manager to increase current not-to-exceed open purchase order limit with CSG Consultants, Inc. from \$50,000 to \$100,000 for remainder of Fiscal Year 2020-21.

**10. BOYS AND GIRLS CLUB LEASE AMENDMENT AND SIX- MONTH EXCLUSIVE NEGOTIATION AGREEMENT**

Recommendation:

1. Approve and authorize City Manager, or designee, to execute First Amendment to Lease Agreement between City of Fullerton and Boys and Girls Club of Fullerton.
2. Approve and authorize City Manager, or designee, to execute Exclusive Negotiating Agreement By and Between City of Fullerton and Boys and Girls Club.

**PUBLIC HEARINGS - None**

**REGULAR BUSINESS (Items 11 - 16)**

**11. ADOPT-A-PARK AND TRAIL PROGRAM**

The Parks and Recreation Department seeks approval to establish an Adopt-a-Park and Trail program to provide an opportunity for community groups, civic organizations and private businesses to help maintain beautiful and clean parks and trails in the City of Fullerton. The Parks and Recreation Commission reviewed this request at its March 8, 2021 meeting and recommended City Council approval.

Recommendation:

Approve Adopt-Park and Trail program as recommended by the Parks and Recreation Commission.

**12. ROAD MAINTENANCE AND REHABILITATION (SB1) ACCOUNT FUNDS ALLOCATION**

Identification of Valencia Drive (Magnolia Avenue to Gilbert Street) and Rosecrans Avenue (City Limits to Sunny Ridge Drive) as the roadway segments planned for rehabilitation and funded by the Road Maintenance and Rehabilitation Account (RMRA), also known as Senate Bill 1 (SB 1).

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

**13. ILLEGAL CANNABIS BUSINESS ENFORCEMENT TWO-YEAR PILOT PROGRAM**

Creation of two-year pilot program to hire one part-time Code Enforcement Officer exclusively focused on Code Enforcement actions to close illegal cannabis businesses.

Recommendation:

1. Approve \$10,700 appropriation to Fiscal Year 2020-21 budget to initiate a Two-Year Pilot Program.
2. Direct Staff to recruit and hire one non-regular part-time Code Enforcement Officer dedicating 28 hours a week to closing illegal cannabis businesses.

**14. PARKS AND RECREATION MASTER PLAN CONTRACT AWARD**

Request for approval to award professional services agreement to RJM Design Group to conduct a Parks and Recreation Master Plan. Staff solicited Request for Proposals from qualified firms to create a comprehensive master plan to assess the City's Parks and Recreation facilities, programs, parks and services.

Recommendation:

1. Approve and authorize City Manager, or designee, to execute \$236,295 Professional Services Agreement with RJM Design Group to provide Parks and Recreation Master Plan, in a form approved by the City Attorney.
2. At City Council discretion, approve optional arts component for \$51,750.
3. Authorize City Manager to approve and execute Professional Services Agreement amendments within approved budget, in a form approved by the City Attorney.
4. Approve \$236,295 transfer and appropriation from Park Dwelling Fund and \$51,750 from General Fund (Parks and Recreation Department) to CIP Project Fund to establish the Parks and Recreation Master Plan.

**15. UNION PACIFIC PARK IMPROVEMENTS UPDATE - RENEWABLE FARMS PROJECT**

Update on City's progress with development of former Union Pacific (UP) Park site with non-profit aquaponic farm and event center (Renewable Farms). This update also includes information on a Specific Plan development encompassing the UP Park site and surrounding 35-acres between Harbor Boulevard (east), Liberty Walk residential development (west), rail-road right-of-way (north) and Truslow / Valencia (south).

Recommendation:

Receive and file.

**16. CONSIDERATION OF DISCONTINUING FIVE PERCENT EARNINGS REDUCTION FOR FULLERTON MANAGEMENT ASSOCIATION AND CONFIDENTIAL / NON-REPRESENTED EMPLOYEES AND AUTHORIZATION TO REINSTATE FUNDS CONTRIBUTED BY CITY EMPLOYEES UPON RECEIPT OF ELIGIBLE FUNDS**

In 2020, the Fullerton Management Association (FMA) and Confidential / Nonrepresented employee groups took 5% earnings reductions due to COVID-19 financial impacts to the City. This item would discontinue the 5% earnings reduction for these two employee groups and reinstate funds contributed by applicable employees upon receipt of federal revenue loss funding.

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 SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON MANAGEMENT ASSOCIATION AND SUPERSEDING RESOLUTION NO. 2020-79

2. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2020-78

3. Upon receipt of American Rescue Plan Act of 2021 funding, authorize City Manager to reinstate all funds contributed by FMA, Confidential / Nonrepresented and Executive / Council Appointed employees resulting from earnings reductions in response to City's budgetary challenges caused by the COVID-19 pandemic.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

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

*Tuesday, April 20, 2021*

- *PRESENTATION: Introduction of new City website*
- *PROCLAMATION: Drinking Water Week 2021*
- *VICTORIA DRIVE INFRASTRUCTURE IMPROVEMENTS – PHASE II*
- *PARKING REGULATIONS VALENCIA DRIVE (Continued from 3/2/2021)*
- *MUTUAL AID AGREEMENT BETWEEN COUNTY OF ORANGE AND CITY OF FULLERTON*
- *WELL 7 DESTRUCTION AND WELL 7A CONSTRUCTION PROJECT AMENDMENT*
- *MARCH 2021 CHECK REGISTER*

- REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 PANDEMIC
- WEST ASH AREA WATER MAIN REPLACEMENT
- STATE COLLEGE AND RAYMOND GRADE SEPARATION PROJECTS - CLOSEOUT
- WATER BILL DISPUTE - 1138 W. HOUSTON AVENUE
- WATER BILL DISPUTE PANEL APPEAL - 1138 WEST HOUSTON AVENUE
- FMC AMENDMENT RELATING TO RECREATIONAL VEHICLES
- UPDATE ON FULLERTON MUSEUM RE OPENING PLAN
- ANIMAL CARE SERVICES (Continued from March 2, 2021)
- FMC AMENDMENT RELATING TO SPECIAL EVENTS

Tuesday, May 4, 2021

- PROCLAMATION: *Public Works Week*
- FISCAL YEAR 2021-22 ONE-YEAR STRATEGY / ACTION PLAN
- SPEED HUMP POLICY

## **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.*