



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

Zoom Meeting Details: www.zoom.us/join

Closed Session Meeting ID: 945 4970 0417 Telephone Option: 1-669-900-9128

Study Session Meeting ID: 945 5526 0579 Telephone Option: 1-669-900-9128

Regular Meeting ID: 987 0191 0335 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

Closed Session Meeting ID: 945 4970 0417

Study Session Meeting ID: 945 5526 0579

Regular Meeting ID: 987 0191 0335

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: 945 4970 0417

Study Session Meeting ID: 945 5526 0579

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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 star-nine (*9) 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 - MAY 4, 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**

MAY 4, 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 LEGAL COUNSEL - ANTICIPATED LITIGATION Per
Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

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

Title City Manager

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

Significant Exposure to Litigation: One Case

ADJOURN CLOSED SESSION AND RECONVENE STUDY SESSION

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

MAY 4, 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 - Study Session

STUDY SESSION

1. FISCAL YEAR 2021-22 BUDGET STUDY SESSION

Presentation regarding Preliminary Fiscal Year 2021-22 Proposed Operating Budget for all City Funds and General Fund and Preliminary General Fund Financial Forecast.

Recommendation:

1. Receive and file.
2. Provide direction.

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**

MAY 4, 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:** [Drinking Water Week](#)
2. **PRESENTATION:** [Bridges Shelter](#)

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 - 6)

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. **APRIL 20, 2021 MEETING AND APRIL 27, 2021 SPECIAL MEETING MINUTES**

Recommendation:

Approve April 20, 2021 City Council / Successor Agency Meeting Minutes and April 27, 2021 Special City Council / Successor Agency Meeting Minutes.

2. **CLASSIFICATION PLAN UPDATE RELATING TO MAINTENANCE WORKER POSITION**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING APPENDIX A OF RESOLUTION NO. 2020-17 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

3. **SURPLUS PROPERTY DECLARATION FOR ASSESSORS PARCEL NUMBER 029-032-21 - TRIANGULAR LOT LOCATED ON NORTH SIDE OF ELLIS PLACE, EAST OF HARBOR BOULEVARD**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE ASSESSORS PARCEL NUMBER 029-032-21 AS SURPLUS PROPERTY PURSUANT THE SURPLUS LAND ACT (GOVERNMENT CODE SECTIONS 54220-54234)

4. **SHORT-TERM RENTAL REGULATIONS AMENDMENTS - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3298.

ORDINANCE NO. 3298 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AMENDMENTS TO FULLERTON MUNICIPAL CODE TITLE 15 TO REGULATE SHORT-TERM RENTAL USES CITYWIDE

5. **UNION PACIFIC TRAIL PHASE II GRANT AWARD**

Recommendation:

Approve receipt of Urban Greening Program grant for Union Pacific Trail Phase II.

6. **BUSINESS REGISTRATION CHARGES**

Recommendation:

Receive and file.

PUBLIC HEARINGS (Item 7)

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.

7. FISCAL YEAR 2021-22 ANNUAL ACTION PLAN

The Annual Action Plan sets goals and objectives found in the Consolidated Plan. It also sets performance benchmarks for measuring progress. The Action Plan contains proposed CDBG projects, eligible HOME categories and required narratives.

Recommendation:

1. Approve 2021-22 Annual Action Plan and authorize staff to submit documents to HUD for approval by May 15, 2021.
2. Authorize Director of Community and Economic Development, or designee, to execute 2021-22 CDBG agreements and any amendments.

REGULAR BUSINESS (Items 8 - 11)

8. BROOKHURST ROAD STREET IMPROVEMENTS

Award \$1,337,668.50 construction contract to PALP Inc DBA Excel Paving for Brookhurst Road Street Improvements (Orangethorpe Avenue to Commonwealth Avenue) Project.

Recommendation:

1. Approve plans and specifications for Brookhurst Road Street Improvements Project.
2. Approve the following appropriations:
 - Transfer \$1,250,000 from General Fund (Fund 10) Project 44400 Annual Arterial Street Program to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$70,000 from General Fund (Fund 10) Project 44043 Brea Boulevard Reconstruction Project to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$65,750 from Capital Drainage Fund (Fund 36) Project 52591 Annual Miscellaneous Storm Drain Repair to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$188,000 from Project 51419 Annual Sewer Replacement Program to Project 44044 Brookhurst Road Street Improvements within Sewer Enterprise Fund (Fund 47).
 - Transfer \$18,000 from Project 53250 Water Main System Replacement and Upgrade to 44044 Brookhurst Road Street Improvements within Water Fund (Fund 44).
3. Award \$1,337,668.50 construction contract for Brookhurst Road Street Improvements Project to Palp Inc DBA Excel Paving in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

9. PROPOSED SPEED LUMP POLICY

Consideration of a proposed City policy for the installation of speed lumps.

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING POLICY, PROCEDURES AND STANDARDS FOR THE INSTALLATION OF SPEED LUMPS

10. SAFE AND SANE FIREWORKS SALES LOTTERY PROCESS

Council Member Jung, supported by Mayor Whitaker, requested City Council review and discussion of the safe and sane fireworks sales lottery process.

Recommendation:

Provide direction.

11. ACTING CITY MANAGER AGREEMENT

City Council appointed Steven Danley as Acting City Manager at a special City Council meeting on April 27, 2021. The City Attorney’s office has prepared an agreement retaining Mr. Danley as Acting City Manager.

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING STEVEN DANLEY AS ACTING CITY MANAGER

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, May 18, 2021

- *PROCLAMATION: PUBLIC WORKS WEEK*
- *WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR AGREEMENT*
- *BUDGET ANALYST AND BUDGET AND PURCHASING MANAGER CLASSIFICATION PLAN UPDATE*
- *ENCROACHMENT LICENSE AGREEMENT WITH RAYTHEON COMPANY*
- *APRIL 2021 CHECK REGISTER*
- *STATE COLLEGE AND RAYMOND GRADE SEPARATION PROJECTS CLOSEOUT*
- *MUTUAL AID AGREEMENT BETWEEN COUNTY OF ORANGE AND CITY OF FULLERTON*
- *JUANITA COOK TRAIL IMPROVEMENTS*
- *ADOPTION OF THE CITY OF FULLERTON 2020 URBAN WATER MANAGEMENT PLAN*
- *FULLERTON MUNICIPAL CODE AMENDMENTS RELATING TO RATES, RULES AND REGULATIONS*
- *FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO SPECIAL EVENTS*

Tuesday, June 1, 2021

- *PRESENTATION: New City Website*
- *AT LARGE COMMITTEE APPOINTMENTS*
- *QUARTERLY PSA REPORT*

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.