



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **June 15, 2021** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **5:15 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: June 10, 2021

A handwritten signature in blue ink, appearing to read "L. Williams", is positioned above 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

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, 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 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.

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 staff posts 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, the City 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 Section 202 (42 U.S.C. Sec. 12132) and related federal rules and regulations. Any person requiring 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

Meeting ID: 978 4219 1797

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.

Meeting ID: 978 4219 1797

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 - JUNE 15, 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**

JUNE 15, 2021 - 5:15 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 Representative/s: Ellis Chang, Eddie Manfro and Jay Trinnaman

Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Fire Management Association, Fullerton Police Management Association

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

ADJOURN CLOSED SESSION

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING AGENDA**

JUNE 15, 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. **PRESENTATION:** **Fireworks Safety**

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

1. **COMMISSION / COMMITTEE / BOARD APPOINTMENTS (Continued from June 1, 2021)**

Recommendation:

City Council make the following appointments:

- a. Two at-large appointments to Active Transportation Committee - initial terms expiring December 31, 2025.
- b. Two at-large appointments to Investment Advisory Committee - initial terms

expiring December 31, 2025.

- c. Two at-large appointments to Parks and Recreation Commission - initial terms expiring December 31, 2025.
- d. Two at-large appointments to Transportation and Circulation Commission - initial terms expiring December 31, 2025.

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. JUNE 1, 2021 MEETING MINUTES

Recommendation:

Approve June 1, 2021 City Council / Successor Agency Meeting Minutes.

2. MAY 2021 CHECK REGISTER

Recommendation:

Receive and file.

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

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. FISCAL YEAR 2021-22 DONATIONS AND GIFTS

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS OR USE OF GIFTS DONATED TO THE CITY IN FISCAL YEAR 2021-22 FOR THEIR INTENDED PURPOSES

2. Authorize City Manager, or designee, to accept cash donations and gifts received in Fiscal Year 2021-22 for various City programs, community events and/or purchase of certain goods in keeping with community values.

5. CALIFORNIA HIGHWAY PATROL GRANT FUNDS ACCEPTANCE

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT GRANT FUNDS FROM CALIFORNIA HIGHWAY PATROL

2. Appropriate \$319,765 CHP Cannabis Tax Fund Grant Program allocation to Police Department Fund 32 grant budget.

6. **MEASURE M2 FUNDING ELIGIBILITY RENEWAL**

Recommendation:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM

2. Approve and authorize staff to submit Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2021-22 through 2027-28 to Orange County Transportation Authority (OCTA) to comply with Measure M2 eligibility criteria.
3. Authorize Public Works Director to make administrative changes, including those advised by OCTA, if necessary.

7. **WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES AGREEMENT AMENDMENT**

Recommendation by the Human Resources Department:

Authorize City Manager to execute amendment for a three-year extension to the AdminSure agreement, in a form approved by the City Attorney.

8. **CLASSIFICATION PLAN UPDATE RELATING TO POLICE RECORDS CLERK AND POLICE RECORDS SPECIALIST AND FULLERTON POLICE OFFICERS' ASSOCIATION-DISPATCHER SALARY SCHEDULE CORRECTION**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REVISING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING APPENDIX A OF RESOLUTION NO. 2015-60 (FULLERTON POLICE OFFICERS' ASSOCIATION - DISPATCHER)

9. **CONTINUED USE OF ANAHEIM FIRE INVESTIGATION SERVICES**

Recommendation:

Authorize City Manager to execute an estimated \$7,500 agreement with City of Anaheim for continued use of its fire investigation services for FY 2021-22.

10. **FULLERTON CERTIFIED FARMERS MARKET MEMORANDUM OF UNDERSTANDING**

Recommendation:

1. Approve MOU between City of Fullerton and Fullerton Certified Farmers Market, Inc. to continue operation of the Wednesday Farmers Market through June 30, 2023 at the Fullerton Community Center.
2. Authorize City Manager to sign Farmers Market MOU.

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. APPEAL OF CONDITIONAL USE PERMIT DENIAL - 1600 NORTH ACACIA AVENUE

Request to review and act on appeal of Planning Commission denial to modify an existing Conditional Use Permit to expand private school use at an existing religious institution, private school and childcare center (Temple Beth Tikvah) located at 1600 North Acacia Avenue.

Recommendation:

To approve the appeal, adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021 - XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN APPEAL AND GRANTING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT TO ADD A WEEKDAY DAYTIME PRIVATE SCHOOL USE AT AN EXISTING RELIGIOUS INSTITUTION ON PROPERTY ZONED R-1-20 LOCATED AT 1600 NORTH ACACIA AVENUE

OR

To deny the appeal, adopt Resolution No 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT TO ADD A WEEKDAY DAYTIME PRIVATE SCHOOL USE AT AN EXISTING RELIGIOUS INSTITUTION ON PROPERTY ZONED R-1-20, LOCATED AT 1600 NORTH ACACIA AVENUE

REGULAR BUSINESS (Items 12 - 13)

12. FULLERTON MUSEUM CENTER ASSOCIATION REQUEST FOR CITY SUPPORT

City Council directed staff to work with the Fullerton Museum Center Association to re-open the Fullerton Museum Center. The Fullerton Museum Center Association requests financial support from the City to open the Museum three days a week.

Recommendation:

1. Consider Fullerton Museum Center Association's request for a grant to manage and operate the Fullerton Museum Center and provide direction on the amount and funding source.

2. If City Council desires to provide a grant to the Fullerton Museum Center Association or continue to operate the Museum as a City function, approve necessary budget adjustments in the grant amount from funding sources determined by City Council.
3. Authorize \$51,771 reimbursement to the Fullerton Museum Center Association from the Parks and Recreation Department's Fiscal Year 2020-21 budget for costs incurred during COVID-19 quarantine.

13. CITY COUNCIL OFFICE SPACE PROJECT

Consideration of a project creating individual private offices for City Council members. This requires moving City Manager's Office staff to the City Hall third floor and moving Housing and Code Enforcement staff to the City Hall lower level, for a total estimated cost of \$75,000.

Recommendation:

1. Discuss and provide direction to staff regarding whether to approve the creation of private Council Member office spaces and the resulting relocation of the City Manager's Office and other departments in City Hall.
2. If City Council proceeds with the City Council Office Space Project, direct the City Manager, or designee, as follows:
 - Engage Oak Hollow Restoration, Inc., Staples Contract and Commercial, LLC to construct and furnish an additional City Council office
 - Approve necessary budget adjustments
 - Authorize carry-over of any FY 2020-21 unexpended appropriation into Fiscal Year 2021-22 to complete the City Council Office Space Project.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, July 6, 2021

- 2021 LEGISLATIVE PLATFORM
- REQUEST FOR EARLY MORNING PARKING ON WHITING AVENUE AND MALDEN AVENUE
- REQUEST FOR EARLY MORNING PARKING ON FERN DRIVE
- REQUEST FOR RESIDENT ONLY PERMIT PARKING ON OLD RIVER ROAD
- STATE COLLEGE AND RAYMOND GRADE SEPARATION PROJECTS CLOSEOUT
- MUTUAL AID AGREEMENT BETWEEN COUNTY OF ORANGE AND CITY OF FULLERTON
- FMC AMENDMENT RELATING TO RECREATIONAL VEHICLES PARKING, STOPPING AND STANDING
- 1600 WEST COMMONWEALTH AVENUE AFFORDABLE HOUSING DEVELOPER SELECTION
- CITY STREET CONDITIONS NEEDS AND OPTIONS

Tuesday, July 20, 2021

- RUNWAY 06/24 SHOULDER ENHANCEMENT – AWARD CONSTRUCTION CONTRACT
- JUNE 2021 CHECK REGISTER
- FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO SPECIAL EVENTS
- FULLERTON MUNICIPAL CODE 12.04 / RATES, RULES AND REGULATIONS AMENDMENTS
- REDISTRICTING PRESENTATION

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.