



## **NOTICE OF MEETING TIME CHANGE**

NOTICE IS HEREBY GIVEN the **July 6, 2021** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **4:30 p.m.** in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: July 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)

**Meeting ID:** 978 4219 1797 **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:** 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 current 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](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 staff posts online with the meeting's supplemental materials. 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 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](mailto: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](https://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 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 - JULY 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**

**JULY 6, 2021 - 4:30 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 LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** City of Fullerton, et al v. Purdue Pharma L.P.

**Case Number:** USDC, Northern District of California, Case No. 19-cv-02321-JST, transferred to USDC, Northern District of Ohio, MDL NO. 2804

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

**Name of Case:** Air Combat USA v. City of Fullerton, et al.

**Case Number:** OCSC 30-2017-00952643

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

**Property:** Southeast Corner Pomona Avenue and East Santa Fe Avenue in the Fullerton Transportation Center (APN: 033-030-17, 033-030-18)

**Agency Negotiator:** Acting City Manager Steve Danley

**Negotiating Parties:** Allen Christopher Corporation, dba Parkwest General Contractors, and Westpark Investments, LLC.

**Under Negotiations:** Price and Terms

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

**Significant Exposure to Litigation:** One Case

5. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per**

**Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

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

**Significant Exposure to Litigation:** One Case

**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**

**JULY 6, 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 - None**

**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**

Recommendation:

1. Council Member Jung make a direct appointment for an unscheduled vacancy on the Planning Commission for unexpired term ending December 31, 2024.
2. City Council ratify the appointment.

**CONSENT CALENDAR (Items 1 - 8)**

*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*

**1. JUNE 15, 2021 MEETING MINUTES**

Recommendation:

Approve June 15, 2021 City Council / Successor Agency Meeting Minutes.

**2. 2021 LEGISLATIVE PLATFORM**

Recommendation:

1. Adopt 2021 Legislative Platform.
2. Authorize Mayor (or Mayor Pro Tem in Mayor's absence) to sign policy and position letters within platform guidelines.

**3. LOCAL EMERGENCY TERMINATION**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA PROCLAIMING TERMINATION OF LOCAL EMERGENCY.

**4. CLASSIFICATION PLAN UPDATE FOR ADMINISTRATIVE ASSISTANT I / II, ADMINISTRATIVE ASSISTANT / HUMAN RESOURCES AND SOURCE CONTROL INSPECTOR POSITIONS**

Recommendation:

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 RESOLUTION NO. 2021-39 APPENDIX A

**5. ASSET SEIZURE FUNDS TO MODERNIZE POLICE FLEET**

Recommendation:

1. Appropriate receipt and use of \$121,036.02 Asset Seizure Funds (Fund 34) and authorize necessary budget adjustments.
2. Approve use of available Asset Seizure Fund balance to purchase three unmarked police vehicles.

**6. INFORMATION TECHNOLOGY UPGRADES**

Recommendation:

1. Approve \$161,879.10 per month Professional Services Agreement with Glass Box Technology effective July 1, 2021 and authorize City Manager or designee to execute and administer agreement, in a form approved by the City Attorney.
2. Authorize City Manager or designee to procure software and professional services to



continually identify cyber security needs and implement security and governance software on the City's IT network, in a form approved by the City Attorney.

3. Authorize necessary budget transfers and adjustments to support Public Works network upgrade project costs in the following amounts: \$173,454.95 Water Fund, \$86,727.48 Sewer Fund and \$86,727.47 Building / Facility Internal Service Fund.

**7. JACARANDA-DRAKE AREA INFRASTRUCTURE IMPROVEMENTS PROJECT - GRFCO, INC. DEBARMENT**

Recommendation:

Authorize \$127,820.09 retention payment for work completed prior to May 21, 2021 on Jacaranda-Drake Area Infrastructure Improvements Project (CIP Project 44042) upon satisfactory completion of all remaining punchlist items.

**8. MISCELLANEOUS STORM DRAIN IMPROVEMENTS PROJECT FY 2020-21 - GRFCO, INC. DEBARMENT**

Recommendation:

1. Authorize \$70,131 payment for work completed prior to May 21, 2021 on Miscellaneous Storm Drain Improvements Project (City CIP Project 52015).
2. Authorize \$3,691 retention payment for work completed prior to May 21, 2021 on Miscellaneous Storm Drain Improvements Project (City CIP Project 52015) thirty-days after filing of project Notice of Completion.

**PUBLIC HEARINGS (Items 9 - 10)**

*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.*

**9. CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 303 NORTH PLACENTIA AVENUE**

The Planning Commission recommended City Council approval of this the project, including a Conditional Use Permit and Development Agreement for a freeway-oriented electronic billboard facing the 57 Freeway, located at 303 North Placentia Avenue.

Recommendation by the Community and Economic Development Department:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT 303 NORTH PLACENTIA AVENUE

2. 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 FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT

FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT 303 NORTH PLACENTIA AVENUE

**10. PROGRAM EXTENSION TO TEMPORARILY DEFER COLLECTION OF SPECIFIED DEVELOPMENT IMPACT FEES FOR CERTAIN DEVELOPMENTS**

Consideration of a 12-month extension to the existing program to temporarily defer collection of specified Development Impact Fees from building permit issuance until the issuance of Temporary Certificate of Occupancy or Final Certificate of Occupancy (“Fee Deferral Program”).

Recommendation by the Community and Economic Development Department:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAUTHORIZING THE FEE DEFERALL PROGRAM ESTABLISHED BY ORDINANCE NO. 3281 FOR AN ADDITIONAL TWELVE MONTHS

**REGULAR BUSINESS (Items 11 - 12)**

**11. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO RECREATIONAL VEHICLE PARKING, STOPPING AND STANDING**

Consideration of an ordinance amending Fullerton Municipal Code Chapter 8.46 relating to recreational vehicle parking, stopping and standing.

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 FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 8.46 RELATING TO RECREATIONAL VEHICLE PARKING, STOPPING AND STANDING

**12. DEVELOPER SELECTION TO NEGOTIATE EXCLUSIVE NEGOTIATION AGREEMENT FOR 1600 WEST COMMONWEALTH AVENUE AFFORDABLE HOUSING DEVELOPMENT**

City Council authorized a Request for Proposals for development of affordable housing on city-owned property located at 1600 West Commonwealth Avenue (APN: 030-290-22) on March 6, 2021. The City received five proposals.

Recommendation:

City Council consider the five proposals for affordable housing and select a developer for staff to negotiate an Exclusive Negotiation Agreement.

**ITEMS REMOVED FROM CONSENT CALENDAR**

**AGENDA FORECAST (Tentative)**

*Tuesday, July 20, 2021*

- MUTUAL AID AGREEMENT BETWEEN ORANGE COUNTY AND FULLERTON
- RUNWAY 06/24 SHOULDER ENHANCEMENT – AWARD CONTRACT
- EARLY MORNING PARKING ON WHITING AVENUE AND MALDEN AVENUE
- FERN DRIVE RESCIND EARLY MORNING PARKING FULLERTON
- RESIDENT ONLY PERMIT PARKING ON OLD RIVER ROAD

- JUNE 2021 CHECK REGISTER
- SANITATION COST OF SERVICE PSA
- HAZARDOUS MATERIALS DISCLOSURE/BUSINESS EMERGENCY PLAN PROGRAM TRANSFER
- ADD HOUSING AUTHORITY AS MEMBER OF PUBLIC FINANCING AUTHORITY
- WEST ASH AREA STREET IMPROVEMENTS
- RETAIN GREG PFOST AS INTERIM COMM AND ECONOMIC DEVELOPMENT DIR
- MARSHALL B. KETCHUM UNIVERSITY PFA REVENUE OBLIGATIONS

*Tuesday, August 3, 2021*

- STATE COLLEGE / RAYMOND GRADE SEPARATION PROJECTS CLOSEOUT
- CITY STREET CONDITIONS NEEDS AND OPTIONS

## **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.*