



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

**Zoom Meeting Details:** [www.zoom.us/join](https://www.zoom.us/join)

**Closed Session Meeting ID:** 973 6811 6110 Telephone Option: 1-669-900-9128

**Study Session Meeting ID:** 910 6209 3909 Telephone Option: 1-669-900-9128

**Regular Meeting ID:** 988 1768 5451 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). 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:** 973 6811 6110

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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 18, 2021**

**303 West Commonwealth Avenue, Fullerton, California**

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**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.

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**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 18, 2021 - 4:00 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:** Michael Destiche v. City of Fullerton

**Case Number:** OCSC 30-2019-01044575

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:** Two Cases

**ADJOURN CLOSED SESSION AND RECONVENE STUDY SESSION**

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

**MAY 18, 2021 - 5:00 P.M.**

**Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENT - Study Session**

**STUDY SESSION**

**1. FISCAL YEAR 2021-22 BUDGET STUDY SESSION #2**

Presentation of City Council requested financial forecasts in advance of City Council providing direction regarding the Fiscal Year 2021-22 Proposed Operating Budget for adoption consideration on June 1, 2021.

Recommendation:

1. Receive and file.
2. Provide direction.

**ADJOURN STUDY SESSION**

*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 18, 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. **PROCLAMATION:** [Public Works Week](#)
2. **PROCLAMATION:** [Asian Pacific American Heritage Month](#)
3. **PROCLAMATION:** [National Bike 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 - 9)**

*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. **MAY 4, 2021 MEETING MINUTES AND MAY 12, 2021 SPECIAL MEETING MINUTES**

Recommendation:

Approve May 4, 2021 City Council / Successor Agency Meeting Minutes and May 12, 2021 Special City Council / Successor Agency Meeting Minutes.

2. **APRIL 2021 CHECK REGISTER**

Recommendation:

Receive and file.

3. **CLASSIFICATION PLAN UPDATE FOR BUDGET ANALYST AND BUDGET AND PURCHASING MANAGER AND BUDGET AND PURCHASING OPERATIONS CONSOLIDATION**

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. 2020-78 A RESOLUTION RELATING TO THE COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES

2. Authorize Administrative Services personnel summary amendment to replace Budget Analyst with Senior Budget Analyst and add one Budget and Purchasing Manager, replacing the vacant Purchasing Manager position.

4. **FEDERAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AUTHORIZED AGENTS**

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF the CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE CITY MANAGER, FIRE CHIEF AND DEPUTY FIRE CHIEF TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FUNDING

5. **LICENSE AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON FREE CHURCH / SOLIDARITY TO PROVIDE NEIGHBORHOOD SERVICES AT 3012 GARNET LANE**

Recommendation:

Approve License Agreement between City of Fullerton and Fullerton Free Church to provide neighborhood services at 3012 Garnet Lane.

6. **RAYTHEON COMPANY ENCROACHMENT LICENSE AGREEMENT**

Recommendation:

1. Authorize City Manager, or designee, to enter into Encroachment License Agreement with Raytheon Company, amending and restating November 19, 2018 Encroachment License Agreement, in a form approved by the City Attorney.
2. Authorize Public Works Director to execute any future amendments / supplements with Raytheon Company within project scope and budget, in a form approved by the City Attorney.

**7. SURPLUS PROPERTY DECLARATION FOR ASSESSORS PARCEL NUMBER 029-032-21 - TRIANGULAR LOT LOCATED ON NORTH SIDE OF ELLIS PLACE, EAST OF HARBOR BOULEVARD (Continued from May 4, 2021)**

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 (CALIFORNIA GOVERNMENT CODE SECTIONS 54220-54234)

**8. ESTABLISHMENT OF NUMBER OF WHOLE-HOUSE SHORT-TERM RENTAL PERMITS PERMITTED IN THE CITY**

Recommendation:

1. Make finding that project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Adopt Resolution No. 2021-XX.

RESOLUTION NO 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING THE MAXIMUM NUMBER OF WHOLE-HOUSE SHORT-TERM RENTAL PERMITS ISSUED CITYWIDE

**9. NUTWOOD / YALE AREA INFRASTRUCTURE IMPROVEMENTS PROJECT**

Recommendation:

1. Approve plans and specifications for the Nutwood / Yale Area Infrastructure Improvements Project.
2. Approve the following appropriations to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project:
  - \$1,223,000 transfer from Water Fund (Fund 44) balance to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project.
  - \$1,013,000 transfer from Project 51419 Annual Sewer Replacement Program (Sewer Enterprise Fund 47) to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project.
3. Award \$2,146,620 construction contract for Nutwood / Yale Area Infrastructure Improvements Project to Dominguez General Engineering, Inc. 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.

## **PUBLIC HEARINGS (Item 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.*

### **10. CITY OF FULLERTON 2020 URBAN WATER MANAGEMENT PLAN, 2020 WATER SHORTAGE CONTINGENCY PLAN AND ADDENDUM TO 2015 URBAN WATER MANAGEMENT PLAN**

Public hearing regarding adoption of 2020 Urban Water Management Plan (UWMP), 2020 Water Shortage Contingency Plan and Addendum to 2015 UWMP.

Recommendation:

1. 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 CHAPTER 12.06 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO WATER CONSERVATION PLANNING

2. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ADDENDUM TO THE 2015 URBAN WATER MANAGEMENT PLAN

3. Adopt 2020 Water Shortage Contingency Plan.

4. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN

## **REGULAR BUSINESS (Item 11 - 12)**

### **11. DEVELOPMENT FEE STUDY COST RECOVERY STUDY FINDINGS**

This item requests City Council direction regarding the level of cost recovery the City should receive for development related services. Staff will incorporate this direction into a proposed new development fee schedule for City Council consideration and approval at a future public hearing.

Recommendation:

Provide direction regarding the desired level of cost recovery for the City to provide individual development related services.

### **12. 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, June 1, 2021*

- *PRESENTATION: New City Website*
- *AT-LARGE APPOINTMENTS*
- *WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES AGREEMENT*
- *STATE COLLEGE AND RAYMOND GRADE SEPARATION PROJECTS CLOSEOUT AMENDMENT 9*
- *FIRE INVESTIGATOR SERVICES*
- *QUARTERLY PSA REPORT*
- *JUANITA COOK TRAIL IMPROVEMENTS*
- *HERO PAY DISCUSSION*
- *FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO SPECIAL EVENTS*
- *DEVELOPER SELECTION TO ENTER NEGOTIATIONS FOR 1600 WEST COMMONWEALTH AVENUE*

*Tuesday, June 15, 2021*

- *FIREWORKS SAFETY PRESENTATION*
- *MUTUAL AID AGREEMENT BETWEEN COUNTY OF ORANGE AND CITY OF FULLERTON*
- *REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID 19 PANDEMIC*
- *AMENDMENTS FULLERTON MUNICIPAL CODE 12.04 - RATES, RULES, AND REGULATIONS*
- *MUNICIPAL CODE AMENDMENT RELATING TO RECREATIONAL VEHICLES PARKING*

### **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.*