



## **NOTICE OF MEETING TIME CHANGE**

NOTICE IS HEREBY GIVEN the **August 16, 2022** 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: August 11, 2022

A handwritten signature in blue ink, appearing to read "Lucinda 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 October 5, 2021, City Council adopted Resolution No. 2021-73 which makes the legally required findings to continue to authorize remote meeting participation for legislative body members per Assembly Bill 361. City Council will continue to make this finding every 30 days. Some or all of the Fullerton City Council may 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 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. Staff posts correspondence 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, staff will make the agenda and backup materials 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.

# **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 wait for 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 - AUGUST 16, 2022

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 First Session at 4:00 p.m. and Second Session at 5:30 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. The public may request City Council remove consent items for further discussion during Public Comments. 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 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. 2022-13 to review the complete Rules of Procedure and Decorum for City Council meetings.

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**Fred Jung**  
Mayor (District 1)

**Bruce Whitaker**  
Mayor Pro Tem (District 4)

**Nick Dunlap**  
Council Member (District 2)

**Jesus Silva**  
Council Member (District 3)

**Ahmad Zahra**  
Council Member (District 5)



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION AGENDA  
AUGUST 16, 2022 - 5:00 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 LABOR NEGOTIATOR Per Government Code Section 54957.6**
- Agency Representative/s:** Eddie Manfro
- Employee Organization/s:** Fullerton Police Management Association
- Under Discussion:** Parameters of authority for negotiating salaries, benefits and working conditions

**ADJOURNMENT**

*Adjourn to the next regular City Council / Successor Agency meeting at 5:30 p.m. in Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.*

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

**AUGUST 16, 2022- 5:30 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**

**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 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.*

**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 their 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- 12)**

*City Council / Successor Agency will enact routine matters listed on the Consent Calendar with one motion. The Council / Agency will not discuss these items unless Council / Agency Members request discussion or removal of specific Consent Calendar items for separate action.*

**1. [AUGUST 2, 2022 MEETING MINUTES](#)**

Recommendation:

Approve August 2, 2022 City Council / Successor Agency Meeting Minutes.

**2. [JULY 2022 CHECK REGISTER](#)**

Recommendation:

Receive and file.

3. **AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS**

Recommendation:

Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE CONTINUED DETERMINATION OF LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

4. **MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT**

Recommendation:

Receive and file.

5. **PERSONNEL CLASSIFICATION PLAN UPDATE RELATING TO NON-REGULAR CLASSIFICATIONS WAGES**

Recommendation:

Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING RESOLUTION NO 2020-104 APPENDIX A RELATING TO PAY FOR NON-REGULAR EMPLOYEES

6. **PERSONNEL CLASSIFICATION PLAN UPDATE RELATING TO THE EMERGENCY MEDICAL SERVICES MANAGER POSITION**

Recommendation:

Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING RESOLUTION NO. 2022-031 (FULLERTON MANAGEMENT ASSOCIATION) APPENDIX A

7. **OFFICE ON AGING TITLE III-B FISCAL YEAR 2022-23 GRANT AWARD**

Recommendation:

1. Accept and appropriate receipt and use of \$78,695 Title III-B grant award and authorize City Manager, or designee, to execute and administer all grant documents.
2. Should the Office on Aging make additional grant funds available and award to the City, accept and appropriate receipt and use of additional grant award in Fiscal Year 2022-23.

8. **EXECUTIVE EVENT SERVICES PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER FOUR - HUNT LIBRARY SECURITY SERVICES**

Recommendation:

1. Ratify Amendment Number Four to the Professional Services Agreement between the City of Fullerton and Executive Event Services for unarmed professional security at various City or city-related facilities and authorize City Manager, or designee, to execute administer the agreement including options to extend, in a form approved by the City Attorney.
2. Approve \$180,000 budget appropriation and budget transfer from the General Fund (Fund 10) to Project No. 55050 Hunt Library Renovation Project (Fund 74) for unarmed professional security services at the Hunt Library.

**9. GLASS BOX TECHNOLOGY 2022 PSA AMENDMENT ONE**

Recommendation:

1. Approve and authorize City Manager, or designee, to execute and administer Glass Box Technology, Inc. Professional Services Agreement Amendment Number One, in a form approved by the City Attorney.
2. Authorize budget adjustments to transfer and appropriate \$9,350 from the General Fund (10) to the Information Technology Fund (68).

**10. DEPARTMENT-ISSUED EQUIPMENT PROCUREMENT**

Recommendation:

1. Approve \$195,096 purchase order with ProForce to purchase department-issued handguns and related accessories.
2. Approve \$195,096 appropriation of FY 2021-22 carryover funds to FY 2022-23 Police Department Budget.

**11. OBLIGATE REMAINING \$1 MILLION ARPA FUNDS TO ORANGETHORPE WATER MAIN REPLACEMENT PROJECT**

Recommendation:

1. Obligate and appropriate remaining \$1.0 million unobligated ARPA funds to Project 44062, Orangethorpe Water Main Replacement (State College Boulevard to Placentia Avenue).
2. Authorize City Manager, or designee, to make necessary budget adjustments to account for and maintain financial records to comply with US Treasury guidelines.

**12. HUNT LIBRARY PHASE IV - SITE FENCING IMPROVEMENTS**

Recommendation:

1. Approve plans and specifications for Hunt Library Phase IV - Site Fencing Improvements Project.
2. Award \$323,900 construction contract for Hunt Library Phase IV - Site Fencing Improvements Project to Araad Builders, Inc. and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
3. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within the



approved project budget.

## **PUBLIC HEARINGS - None**

### **REGULAR BUSINESS (Item 13 - 16)**

#### **13. WALK ON WILSHIRE (WOW)**

Walk on Wilshire (WOW) outdoor dining is tentatively scheduled to end on September 30, 2022. Council requested staff further explore and provide details of process, cost, standards and guidelines to potentially continue outdoor dining on WOW. This report outlines the initial deployment, public feedback and recommended next steps.

Recommendation:

Provide direction to staff related to WOW Outdoor Dining with one of the following options:

1. Ratify termination of the temporary outdoor dining program on WOW effective September 30, 2022.

OR

2. Authorize a parklet pilot program through June 30, 2024 for Walk on Wilshire by:
  - a. Approving an 18-month parklet pilot program for WOW businesses effective January 1, 2023 through June 30, 2024 which includes bike element.
  - b. Continuing Wilshire Avenue street closure (approximately 200 feet west of Harbor Boulevard).
  - c. Continuing the WOW temporary outdoor dining program to December 31, 2022 for participants applying for the parklet pilot program.
  - d. Approving Walk on Wilshire Parklet Guidelines and authorizing administrative authority for the Public Works Director to approve minor changes as necessary.

#### **14. PUBLIC RIGHT-OF-WAY RESTORATION AT HARBOR AND COMMONWEALTH, TERMINATION OF ENCROACHMENT AT 100 NORTH HARBOR BOULEVARD AND POSSIBLE CONSIDERATION OF A SETTLEMENT AGREEMENT APPROVAL**

Consideration of restoring the public right-of-way sidewalk at Harbor and Commonwealth to public use which requires adoption of a resolution, directing staff to terminate the existing Site Lease and Encroachment Agreements and notify the leaseholder and property owners of such termination and possible consideration of a draft Settlement Agreement.

Recommendation:

1. Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE NEED TO RETURN PUBLIC RIGHT-OF-WAY AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND COMMONWEALTH AVENUE TO PUBLIC USE

2. Find that the Site Lease and Encroachment Agreement is terminable and should be terminated based on default by abandonment and failure to pay required rent.

3. Find that restoration of the full width of the public sidewalk adjacent to 100 North Harbor Boulevard is necessary and appropriate.
4. Direct staff to notify the leaseholder of the termination and notify the property owner of 100 North Harbor Boulevard to remove any and all encroachments into the public right-of-way within 60 days of such notice or pursuant to the terms of any settlement agreement and to restore the right-of-way to its previous condition.
5. Approve Draft Settlement Agreement between the City of Fullerton and Mario Marovic for Commonwealth and Harbor LLC allowing the City Manager to sign final agreement, in a form approved by City Attorney's Office.

**15. JOINT USE AGREEMENT WITH THE FULLERTON SCHOOL DISTRICT FOR DISTRICT FIELDS USE**

City Council consideration of a new Joint Use Agreement between the Fullerton School District and the City of Fullerton for use and maintenance of District fields.

Recommendation:

Approve Joint-Use Agreement with the Fullerton School District and authorize City Manager, or designee, to execute and administer the Joint-Use Agreement between the City and Fullerton School District and all documents related to the agreement, including administration of automatic successive one-year terms, in a form approved by the City Attorney.

**16. ADDITIONAL FISCAL YEAR 2022-23 STREET FUNDING PROGRAMMING**

Provide direction regarding use of additional street rehabilitation funding.

Recommendation:

1. Approve the following street projects and prioritization as recommended by the Infrastructure and Natural Resources Advisory Committee:
  - Bradford Avenue (south of Quartz Lane to Yorba Linda limits)
  - Highland Avenue (Orangethorpe Avenue to south cul-de-sac)
  - Rolling Hills Drive (State College Boulevard to east cul-de-sac)
  - Morelia Avenue (Bastanchury Road to Laguna Road)
  - Knepp Avenue (Highland Avenue to Malden Avenue) and Southgate (Malden Avenue to east alley)
  - Serrano-Yermo-Callente area
  - Pomona Avenue (Orangefair Avenue to cul-de-sac).
2. Authorize corresponding budget adjustments.

**ITEMS REMOVED FROM CONSENT CALENDAR**

**AGENDA FORECAST (Tentative)**

*Tuesday, September 6, 2022*

- *MEETING CANCELLED*

*Tuesday, September 20, 2022*

- *HOUSING ELEMENT STUDY SESSION*
- *PROCLAMATION: TOMMY LASORDA DAY*
- *ON CALL REAL PROPERTY AND RIGHT OF WAY SERVICES*
- *UTILITY TRENCH CUT, LARGE VEHICLE IMPACT AND DEVELOPMENT IMPACT FEE STUDIES*
- *AUGUST 2022 CHECK REGISTER*
- *MARK III AREA WATER MAIN REPLACEMENT*
- *TELECONFERENCED MEETINGS EMERGENCY DETERMINATION*
- *COMMITTEE REPORT*
- *FLOOD ORDINANCE UPDATE*
- *CONFLICT OF INTEREST CODE UPDATE*

## **ADJOURNMENT**

*Adjourn to next regularly scheduled first session meeting at 4:00 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.*

*Adjourn to next regularly scheduled second session meeting at 5:30 p.m. in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.*