



## **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 2, 2022

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 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.

**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 2, 2022 - 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:** Lourdes Toman, et al. V. Jerry Glomboske, et al.

**Case Number:** USDC Case No.: 8:20-CV-00046-DOC

**2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**

**Agency Representative/s:** Eddie Manfro and Jay Trinnaman

**Employee Organization/s:** Fullerton Police Management Association

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

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

**Significant Exposure to Litigation:** One Case

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

**Property:** 2701 Nutwood Avenue, Fullerton, CA 92831 (APN # 029-180-34)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** The State of California through the Trustees of the California State University, Marriott

**Under Negotiations:** Price and Terms

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

**Property:** 120 East Santa Fe Ave, Fullerton, CA 92832 (APN# 033-030-18)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** Parkwest General Contractors, and Westpark Investments, LLC

**Under Negotiations:** Price and Terms

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

**Property:** Right of Way Adjacent to 1747 Commonwealth Avenue, Fullerton, CA (APN# 030-252-01)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** Grace Ministries International

**Under Negotiations:** Price and Terms

**7. 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 5:30 p.m. in Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.*

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

**AUGUST 2, 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**

**1. PRESENTATION: SoCalGas Public Affairs Manager**

**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 - 10)**

*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. [JULY 19, 2022 MEETING MINUTES](#)**

Recommendation:

Approve July 19, 2022 City Council / Successor Agency Meeting Minutes.

**2. TREASURER'S REPORT FOR QUARTER ENDING JUNE 30, 2022**

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. BOARDS, COMMISSIONS AND COMMITTEES RULES OF PROCEDURE AND DECORUM ANNUAL REVIEW**

Recommendation:

Adopt Resolution No. 2022-XXX.

RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR BOARD, COMMISSION AND COMMITTEE MEETINGS AND REPEALING RESOLUTION NO. 2021-03

**5. FISCAL YEAR 2022-23 PUBLIC WORKS PERSONNEL SUMMARY AMENDMENT**

Recommendation:

Authorize deletion of one Civil Engineer position and addition of one Senior Civil Engineer position in the FY 22-23 Public Works Personnel Summary.

**6. ON-CALL PROFESSIONAL ARCHITECTURAL CONSULTANT SERVICES**

Recommendation:

1. Authorize City Manager, or designee, to execute Professional Service Agreements, including extensions, with the following architectural firms, in a form approved by the City Attorney:

- BOA Architecture DBA as Black O'Dowd and Associates, Inc.
- Crane Architectural Group
- Gillis + Panichapan Architects, Inc.
- Oldham Architects Inc.
- Development One, Inc.
- IS Architecture DBA as Stiegler Architects PC.

2. Authorize City Manager, or designee, to issue purchase orders to these firms for

individual projects on an as-needed basis within project or operating budget.

**7. CELL TOWER LEASE AGREEMENTS WITH DISH WIRELESS FOR 2011 NORTH ACACIA AVENUE AND 3151 NORTH EUCLID STREET**

Recommendation:

1. Approve lease agreements with Dish Wireless LLC for their operation and maintenance of cellular tower sites located at 2011 North Acacia Avenue and 3151 North Euclid Street, A.
2. Authorize City Manager to execute lease agreement on behalf of the City of Fullerton, in a form approved by the City Attorney.

**8. CONSTRUCTION DEBRIS RECYCLING**

Recommendation:

1. Approve \$47,000 appropriation from Water Fund balance to Project 53018 Construction Debris Recycling (Fund 44).
2. Award \$132,650 construction contract for Project 53018 Construction Debris Recycling (Fund 44) to HMM, 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 order for construction and professional engineering construction support services within the approved project budget.

**9. CURB / GUTTER AND SIDEWALK RECONSTRUCTION FISCAL YEAR 2021-22**

Recommendation:

1. Approve plans and specifications for Project 44793 Curb / Gutter and Sidewalk Reconstruction Fiscal Year 2021-22 (Fund 74).
2. Award \$389,330 construction contract for Project 44793 Curb / Gutter and Sidewalk Reconstruction Fiscal Year 2021-22 (Fund 74) to FS Contractors, 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.

**10. USAC GRANT AWARD AND PROJECT APPROPRIATION FOR HUNT LIBRARY SERVICES IT INFRASTRUCTURE NEEDS**

Recommendation:

1. Authorize application of and accept a subsequent grant award from Universal Services Administrative Company (USAC) and authorize City Manager, or designee, to execute and administer the grant application and related grant documents, in a form approved by the City Attorney.
2. If awarded, authorize appropriation of receipt and use of USAC grant award and Fullerton Library Foundation contributions for the Library Services Information



Technology Infrastructure project at the Hunt Library.

3. Ratify and authorize City Manager, or designee, to execute agreements with EdTechnology Funds, Inc. for grant application support and with NetXperts, Inc. to implement information technology infrastructure needs at the Hunt Library.

## **PUBLIC HEARINGS - None**

## **REGULAR BUSINESS (Items 11 - 13)**

### **11. CITY MANAGER TEMPORARY CONTRACT AWARD AUTHORITY**

Staff requests City Council grant the City Manager temporary authority between August 17, 2022 and September 19, 2022 to award public works contracts to the lowest responsible and responsive bidder not to exceed \$5,000,000 and award certain specified projects and any projects not identified in this report up to a maximum \$500,000.

Recommendation:

1. Adopt Resolution No. 2022-XXX.  
RESOLUTION NO. 2022-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, GRANTING TEMPORARY AUTHORITY TO THE CITY MANAGER TO AWARD CONSTRUCTION CONTRACTS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER
2. Direct City Manager, or designee, to provide a report of all agreements or contracts awarded for City Council ratification at the September 20, 2022 City Council meeting.

### **12. OPIOID LITIGATION UPDATE**

Staff requests City Council provide direction regarding whether to have a certain portion of the settlement funds from the national settlement with the opioid distributors McKesson, AmerisourceBergen and Cardinal (“Distributors”) and Janssen (an opioid manufacturer) come directly to the City for opioid abatement uses or to have the money default to the County of Orange for opioid abatement uses for this first of 18 yearly payments. The City may change its decision at least 60 days prior to the next payment distribution.

Recommendation:

City Council must make this selection by August 5, 2022. Staff recommends directing the first-year default to the County to evaluate how recipients expend the funds. City Council can then decide if it wants to elect to have the City receive the funds in the next distribution cycle.

### **13. CONTRACT AMENDMENT AND UPDATE TO HOUSING ELEMENT**

City Council consideration of an amendment to professional services agreement with Dudek to extend the agreement term through July 31, 2024 and to increase the scope of services for development of the City’s Housing Element, including the Incentive Overlay Zone (HIOZ), as well as California Environmental Quality Act (CEQA) services. Recommendation: Approve Amendment Number One to Agreement with Dudek and authorize City Manager,

or designee, to execute amendment and administer agreement, in a form approved by City Attorney.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

### **AGENDA FORECAST (Tentative)**

*Tuesday, August 16, 2022*

- FINDINGS FOR TELECONFERENCED MEETINGS
- COMMITTEE REPORT
- OFFICE ON AGING III B FY2022 23 GRANT AWARD
- MARK III AREA WATER MAIN REPLACEMENT
- DEPARTMENT ISSUED EQUIPMENT PROCUREMENT
- JULY 2022 CHECK REGISTER
- HUNT LIBRARY PHASE IV SITE FENCING
- STREET PROJECTS FUNDING UPDATE
- FUTURE OF WALK ON WILSHIRE DISCUSSION
- JOINT USE AGREEMENT WITH FULLERTON SCHOOL DISTRICT FOR FIELD USE

*Tuesday, September 6, 2022*

- MEETING CANCELLED

### **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.*