



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA – MARCH 19, 2024

303 West Commonwealth Avenue, Fullerton, California

Zoom Meeting Details: www.zoom.us/join

Meeting ID: 978 4219 1797 Telephone Option: 1-669-900-9128

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. Council Members may participate in meetings via teleconference in accordance with California Brown Act (Government Code Section 54950 et seq) provisions.

PUBLIC PARTICIPATION: 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 has seating available on a first-come, first-served basis for those attending the meeting in person. All persons visiting City facilities shall observe health, safety and decorum protocols.

ADDRESSING CITY COUNCIL: To address City Council remotely, please follow the *Instructions for Public Comment Using Zoom*. To address City Council in Chambers, please register for each agenda item in the City Manager's Office. You do not need to provide your name to register. Staff will call you to the microphone when it is your turn to speak. You may 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 City Council during the meeting shall become public record and subject to applicable disclosure laws.

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. City Council will pull Consent Calendar items at its discretion. 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.

Please contact the City Clerk's Office no later than 48 hours before the meeting to request interpreter assistance.

CORRESPONDENCE: The public can send correspondence to 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". Staff will forward correspondence received to City Council. All correspondence received becomes part of the official record of the meeting and posted online with the supplemental materials for that meeting. Contact the City Clerk's Office at cityclerksoffice@cityoffullerton.com or (714)-738-6350 with any questions.

Nicholas Dunlap
Mayor (District 2)

Fred Jung
Mayor Pro Tem (District 1)

Shana Charles
Council Member (District 3)

Bruce Whitaker
Council Member (District 4)

Ahmad Zahra
Council Member (District 5)



AGENDA ITEMS: This agenda contains a 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 acting on non-agenda items except as provided by law. Visit www.cityoffullerton.com or call (714) 738-6350 for more information.

REMINDER: Please silence all electronic devices while City Council is in session.

REBROADCAST: The City will rebroadcast this City Council / Successor Agency meeting on local government access channels. The public can find cable channel rebroadcast times as well as view the meeting video on-demand at www.cityoffullerton.com.

ACCESSIBILITY: Staff will make the agenda and backup materials available in appropriate alternative formats upon request 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 requiring a disability-related modification or accommodation 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) 738-6355 no later than 48 hours before the meeting.

Refer to Resolution No. 2023-020 to review the complete Rules of Procedure and Decorum for City Council meetings.

Nicholas Dunlap
Mayor (District 2)

Bruce Whitaker
Council Member (District 4)

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INSTRUCTIONS FOR PUBLIC COMMENTS USING ZOOM

The public may remotely participate in the meeting to make 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.

Follow these steps to log into Zoom from your computer or smart device (Your device must have audio capability to participate):

Go To: www.zoom.us/join
Enter Meeting ID: 978 4219 1797

Follow these steps to call into Zoom from your telephone:

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 choose 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. You may 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 may be visible to other 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.

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

MARCH 19, 2024 - 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 - ANTICIPATED LITIGATION Per
Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

ADJOURN CLOSED SESSION AND RECONVENE STUDY SESSION

**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION AGENDA
MARCH 19, 2024 - 4:15 P.M.**

Council Chamber - 303 West Commonwealth Avenue, Fullerton, CA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS - Study Session

STUDY SESSION

1. **EARLY MORNING PARKING PROGRAM REVIEW AND ALTERNATIVES**

Review alternatives to modify the early morning parking restriction ordinance.

Recommendation:

Receive and file.

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
MARCH 19, 2024 - 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. **PROCLAMATION: Arbor Day 2024**

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT

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 (Item 1)

1. **COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Proposed Motion:

1. Mayor Pro Tem Jung make the following direct appointment:
 - a. Transportation and Circulation Commission - term ending December 31, 2024.
2. Ratify appointments.

CONSENT CALENDAR (Items 1 - 14)

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. **MARCH 5, 2024 MEETING MINUTES**

Proposed Motion:

Approve March 5, 2024 City Council / Successor Agency Meeting Minutes.

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

Proposed Motion:

Receive and file.

3. **FEBRUARY 2024 CHECK REGISTER**

Proposed Motion:

Receive and file.

4. **EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM CHANGES**

Proposed Motion:

Adopt the following resolutions:

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON MUNICIPAL EMPLOYEE FEDERATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE CONFIDENTIAL / NON-REPRESENTED UNIT

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE OFFICERS ASSOCIATION - SAFETY

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON POLICE OFFICERS ASSOCIATION - DISPATCHER

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON FIRE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE FULLERTON FIREFIGHTERS' ASSOCIATION

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE EXECUTIVE UNIT

5. ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR CALENDAR YEAR 2023

Proposed Motion:

1. Receive and file.
2. Authorize Director of Community and Economic Development to submit Report to the California Department of Housing and Community Development and Office of Planning Research.

6. HUNT LIBRARY SECURITY GUARD FUNDING

Proposed Motion:

1. Approve \$57,129.82 budget transfer and appropriation from General Fund (Fund 10) unassigned fund balance to Project No. 55050 Hunt Library Renovation Project (Fund 74) for unarmed professional security services at the Hunt Library incurred through mid-March 2023 through July 2023.
2. Approve \$140,000 budget transfer and appropriation from General Fund (Fund 10) from unassigned fund balance to Hunt Library Program in Library Fund (Fund 13) for Hunt Library unarmed professional security services from March 2024 to June 2024.

7. EARLY MORNING PARKING PILOT PROGRAM

Proposed Motion:

Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A PILOT STREET PARKING PROGRAM

8. SENATE BILL 1383 COMPLIANCE ACTION PLAN FOR SERVICES AND PROGRAMS RELATED TO SOLID WASTE, RECYCLING AND ORGANICS COLLECTION

Proposed Motion:

1. Authorize City Manager, or designee, to submit revised Senate Bill 1383 Compliance

Action Plan extension request extending deadline to December 31, 2027.

2. Authorize City Manager, or designee, to maintain current solid waste handling services contract until June 30, 2027 term end date and suspend ongoing contract negotiations.
3. Authorize City Manager, or designee, to execute RFP for new contract commencing July 1, 2027 following Republic contract expiration.

9. LEGAL SERVICES AGREEMENT WITH ACUMEN LAW, LLP FOR WORKERS' COMPENSATION LITIGATION

Proposed Motion:

Approve and authorize City Manager to execute and administer Agreement for Provision of Legal Services with Acumen Law, LLP, in a form approved by the City Attorney.

10. PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER THREE WITH DUDEK FOR CONTINUED HOUSING INCENTIVE OVERLAY ZONE WORK

Proposed Motion:

Approve \$97,900 Amendment Number Three to Professional Services Agreement with Dudek and authorize City Manager, or designee, to execute and administer agreement, in a form approved by the City Attorney.

11. DESIGN SERVICES CONTRACT WITH JIG CONSULTANTS FOR SKYLINE-RAYMOND AREA WATER MAIN REPLACEMENT PROJECT

Proposed Motion:

1. Approve \$515,000 budget transfer and Water Funds (Fund 44) appropriation from CIP Project 53250 (Water Main System Replacement) to CIP Project 53050 (Skyline-Raymond Area Water Main Replacement Project) within the Water Fund (Fund 44).
2. Approve JIG Consultants design proposal scope and fee and authorize Director of Administrative Services, or designee, to issue \$393,150 purchase order.
3. Authorize Public Works Director, or designee, to approve change orders for professional design and construction support services within the approved project budget.

12. CONTRACT WITH INSITUFORM TECHNOLOGIES, INC. FOR MISCELLANEOUS SEWER LINING FISCAL YEAR 2023-24

Proposed Motion:

1. Approve plans and specifications for Miscellaneous Sewer Lining Fiscal Year (FY) 2023-24 Project.
2. Approve \$395,000 budget transfer and appropriation from Project 51419 Annual Sewer Replacement Program to Project 51357 Miscellaneous Sewer Lining FY 2023-24 within Sewer Enterprise Fund (Fund 47).
3. Award \$287,135 construction contract for Miscellaneous Sewer Lining FY 2023-24 Project to Insituform Technologies, Inc. and authorize City Manager, or designee, to execute and administer contract, in a form approved by the City Attorney.

4. Authorize Public Works Director, or designee, to approve change orders for construction and professional engineering construction support services within the approved project budget.

13. CONTRACT WITH HARDY & HARPER, INC. FOR RESIDENTIAL STREET REHABILITATION - VARIOUS LOCATIONS FISCAL YEAR 2023-24

Proposed Motion:

1. Approve Residential Street Rehabilitation - Various Locations Fiscal Year (FY) 2023-24 Project plans and specifications.
2. Approve \$1,173,000 ARPA Revenue Replacement Funds (Fund 38) appropriation and transfer from Project 44589 Residential Street Program to Project 44067 Residential Street Rehabilitation - Various Locations in Capital Projects Fund (Fund 74).
3. Award \$980,000 construction contract to Hardy & Harper, Inc. for Residential Street Rehabilitation - Various Locations FY 2023-24 Project and authorize City Manager, or designee, to execute and administer contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve change orders for construction and professional engineering construction support services within approved project budget.

14. CONTRACT WITH ALL AMERICAN ASPHALT FOR VALENCIA MESA DRIVE STREET REHABILITATION

Proposed Motion:

1. Approve plans and specifications for Valencia Mesa Drive Street Rehabilitation Project.
2. Approve the following budget transfers and appropriations in CIP Project 44055 Valencia Mesa Drive Rehabilitation:
 - \$899,000 ARPA Revenue Replacement Funds (Fund 38) transfer and appropriation from CIP Project 44589 Residential Street Program to CIP Project 44055 Valencia Mesa Drive Rehabilitation within the Capital Projects (Fund 74).
 - \$68,000 CIP Project 51419 Annual Sewer Replacement Program transfer and appropriation from CIP Project 44055 Valencia Mesa Drive Rehabilitation within the Sewer Enterprise Fund (Fund 47).
3. Award \$799,799 construction contract to All American Asphalt for Valencia Mesa Drive Street Rehabilitation Project and authorize City Manager, or designee, to execute and administer the contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve change orders for construction and professional engineering construction support services within the approved project budget.

PUBLIC HEARINGS (Items 15 - 16)

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.

15. SHORT-TERM RENTALS LAND USE APPEAL PROCESS AMENDMENT

City Council directed staff to include an appeal process in the Fullerton Municipal Code for any action taken by the Planning Commission / Appeals Board regarding Short-Term Rentals.

Proposed Motion:

Introduce Ordinance 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 TITLE 15, SECTION 15.55.020.F.6.D REGULATING SHORT-TERM RENTALS TO MODIFY THE APPEAL PROCESS

16. MILLS ACT PROGRAM GUIDELINES REVISIONS

The City received only two Mills Act applications since establishing Program Guidelines in April 2020 as some applicants find the guidelines burdensome. The program capped applications at ten per year. Fullerton Heritage and staff propose program guideline revisions to encourage more applications.

Proposed Motion:

Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING MILLS ACT PROGRAM GUIDELINES REVISIONS

REGULAR BUSINESS - None

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, April 2, 2024

- DIRECT SENIOR ADVISORY COMMITTEE APPOINTMENTS
- YOUTH COMMITTEE STRUCTURE
- SEWER MANHOLE COVERS
- COYOTE MANAGEMENT PLAN

Tuesday, April 16, 2024

- FIREWORKS LOTTERY DRAWING
- BUDGET STUDY SESSION
- AT LARGE SENIOR ADVISORY COMMITTEE APPOINTMENT
- MARCH 2024 CHECK REGISTER
- MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT
- FULLERTON POLICE DEPARTMENT POLICY 708
- AB STREAMLINING ACT ORDINANCE

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.