



NOTICE OF MEETING TIME CHANGE

NOTICE IS HEREBY GIVEN the **February 6, 2024** City Council **Closed Session Meeting** scheduled to begin at 4:00 p.m. will convene at **4:30 p.m.** in the Council Chambers, 303 West Commonwealth Avenue, Fullerton, CA.

Dated: February 1, 2024

A handwritten signature in blue ink, appearing to be "Lucinda Williams", is written over a horizontal line.

Lucinda Williams, MMC
City Clerk



FULLERTON CITY COUNCIL SUCCESSOR AGENCY

AGENDA – FEBRUARY 6, 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)

Fred Jung
Mayor Pro Tem (District 1)

Ahmad Zahra
Council Member (District 5)

Shana Charles
Council Member (District 3)



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
FEBRUARY 6, 2024 - 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 REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 3535 West Commonwealth Avenue, Fullerton, CA 92833
Agency Negotiator: City Manager Eric J. Levitt, Deputy City Manager Daisy Perez
Negotiating Parties: Dyer 18 LLC
Under Negotiations: Price and Terms

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

Property: Assessor Parcel Number 271-082-26
Agency Negotiator: City Manager Eric J. Levitt, Deputy City Manager Daisy Perez, Community and Economic Development Director Sunayana Thomas
Negotiating Parties: Calvary Chapel Open Door
Under Negotiations: Price and Terms

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

Property: Assessor Parcel Number 271-082-26
Agency Negotiator: City Manager Eric J. Levitt, Deputy City Manager Daisy Perez, Community and Economic Development Director Sunayana Thomas
Negotiating Parties: Harbor Heights Senior Living
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

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
FEBRUARY 6, 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. **PRESENTATION:** **Key to the City**
2. **PROCLAMATION:** **Fullerton Union High School Baseball Program**

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. Council Member Charles make the following direct appointment:
 - a. Active Transportation Committee - unexpired term ending December 31, 2026.

2. Ratify appointment.

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. JANUARY 16, 2024 MEETING MINUTES

Proposed Motion:

Approve January 16, 2024 City Council / Successor Agency Meeting Minutes.

2. TREASURER'S REPORT FOR QUARTER ENDED DECEMBER 31, 2023

Proposed Motion:

Receive and file.

3. FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT ACCEPTANCE

Proposed Motion:

1. Approve Memorandum of Understanding (MOU) accepting Firehouse Subs Public Safety Foundation Grant award and authorize City Manager, or designee, to execute the MOU.
2. Appropriate receipt and use of \$19,642.22 grant award to the Fire Department budget within Grant Fund (Fund 32).

4. PURCHASE ORDER TO CLEANRIVER FOR RECYCLING AND WASTE CONTAINERS PURCHASE FOR SENATE BILL 1383 COMPLIANCE

Proposed Motion:

Authorize Administrative Services Director, or designee, to issue \$102,975.87 purchase order to CleanRiver and execute related documentation necessary to procure indoor recycling and waste containers.

5. PURCHASE ORDER TO TECH LOGIC FOR LIBRARY AUTOMATED MATERIALS HANDLER SYSTEM REPLACEMENT

Proposed Motion:

1. Authorize Director of Administrative Services, or designee, to issue \$290,117.19 purchase order to Tech Logic to replace Library Automated Materials Handler system.
2. Approve the following budget appropriations and transfers:
 - Transfer \$100,000.00 from Project 55062 Library Elevator Replacement to Project 56024 Library Material Sorter Replacement in the Capital Projects Fund (Fund 74)
 - Transfer \$50,000 Library Foundation funds from Library Fund (Fund 13) to Project 56024 Library Material Sorter Replacement in the Capital Projects Fund (Fund 74).

6. BUDGET AUTHORIZATION FOR ON-CALL PROFESSIONAL ENGINEERING CONSULTANT SERVICES

Proposed Motion:

Authorize City Manager to approve budget adjustments and transfers not to exceed \$200,000 related to City Council approved capital improvement projects funded by Capital Improvement Projects Fund (Fund 74) for City-approved, on-call consultant engineering firms.

7. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL REAL ESTATE AND LAND USE FINANCIAL ADVISORY SERVICES

Proposed Motion:

1. Authorize City Manager, or designee, to execute Professional Services Agreements and future amendments, including extension options, for On-Call Real Estate and Land Use Financial Advisory Services, in a form approved by the City Attorney, with the following firms:

- Keyser Marston and Associates
- Cushman and Wakefield
- Kosmont Companies
- RSG Inc
- Housing on Merit.

2. Authorize Director of Administrative Services, or designee, to issue purchase orders to the firms, in an amount not to exceed the approved Community and Economic Development department budgets for the fiscal year on an as-needed basis.

8. SECOND AMENDMENT TO MUSEUM OPERATION AGREEMENT WITH FULLERTON MUSEUM CENTER ASSOCIATION

Proposed Motion:

Authorize City Manager, or designee, to execute the Second Amendment to the Museum Operation Agreement with the Fullerton Museum Center Association.

9. CONTRACT WITH DOMINGUEZ GENERAL ENGINEERING FOR CROWN AREA WATER MAIN REPLACEMENT PROJECT

Proposed Motion:

1. Approve plans and specifications for Crown Area Water Main Replacement Project 53030.
2. Approve \$1,024,200 budget appropriation and Water Funds (Fund 44) transfer from Project 53250 Water Main System Replacement to Project 53030 Crown Area Water Main Replacement Project.
3. Award \$770,560 construction contract to Dominguez General Engineering for Project 53030 Crown Area Water Main Replacement Project and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
4. 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. CONTRACT WITH BIG BEN, INC. FOR RANCHO-VERONA AREA WATER MAIN REPLACEMENT

Proposed Motion:

1. Approve plans and specifications for Project 53042 Rancho-Verona Area Water Main Replacement Project.
2. Approve \$2,375,000 budget appropriation and Water Funds (Fund 44) transfer from Project 53250 Water Main System Replacement to Project 53042 Rancho-Verona Area Water Main Replacement Project.
3. Award \$1,850,900 construction contract to Big Ben, Inc. for Project 53250 Water Main System Replacement and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
4. 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.

11. RAYMOND AVENUE GRADE SEPARATION - POST-CONSTRUCTION STREET RIGHT-OF-WAY RECONFIGURATION

Proposed Motion:

1. Authorize City Manager, on behalf of the City of Fullerton, to execute Easement Deeds for street right-of-way and public utility purposes in, on, under and over real property utilized for construction of East Valencia Way, new segments of East Valencia Drive, South Raymond Avenue and Truslow Avenue in the City of Fullerton.
2. Adopt the following resolutions:

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION ABANDONING 7,705 SQUARE FEET OF SURPLUS STREET RIGHT-OF-WAY OVER A PORTION OF TRUSLOW AVENUE REALIGNED AS PART OF THE RAYMOND AVENUE GRADE SEPARATION PROJECT

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION ABANDONING A 3,080-SQUARE-FOOT PORTION OF THE PUBLIC ALLEY LOCATED WEST OF SOUTH RAYMOND AVENUE AND NORTH OF TRUSLOW AVENUE REALIGNED AS PART OF THE RAYMOND AVENUE GRADE SEPARATION PROJECT

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION ABANDONING A 1,440-SQUARE-FOOT PORTION OF THE PUBLIC ALLEY LOCATED EAST OF SOUTH RAYMOND AVENUE AND NORTH OF ASH AVENUE REALIGNED AS PART OF THE RAYMOND AVENUE GRADE SEPARATION PROJECT

12. CONTRACT WITH TOWO ENTERPRISE, INC. FOR BASQUE AVENUE STREET

AND STORM DRAIN REHABILITATION

Proposed Motion:

1. Approve plans and specifications for Basque Avenue Street and Storm Drain Rehabilitation project.
2. Approve \$754,000 budget appropriation and ARPA Revenue Replacement Funds (Fund 38) transfer from Project 44589 Residential Street Program to Project 44071 Basque Avenue Street and Storm Drain Rehabilitation.
3. Award \$638,920 construction contract for Basque Avenue Street and Storm Drain Rehabilitation project to Towo Enterprise Inc. and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
4. 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 (Item 13)

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.

13. NOISE REGULATIONS AND STANDARDS MUNICIPAL CODE AMENDMENTS (Continued from December 19, 2023 Meeting)

Amendments to Fullerton Municipal Code Chapter 15.90 (Noise Standards and Regulation) and Chapter 3.08 (Entertainment) pertaining to noise standards and regulations.

Proposed Motion:

1. Find project exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(B)(3).
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, AMENDING FULLERTON MUNICIPAL CODE TITLES 3 AND 15 PERTAINING TO NOISE STANDARDS FOR PROPERTIES ZONED C-3 (CENTRAL BUSINESS DISTRICT, COMMERCIAL) AND G-C (GENERAL COMMERCIAL) AND OTHER RELATED NOISE PROVISIONS WITHIN THE CODE

REGULAR BUSINESS (Items 14 - 18)

14. CITY-HOSTED JULY SPECIAL EVENT CELEBRATION OPTIONS

Staff seeks direction whether to hold a City-hosted special event this July as a Fourth of July event on the California State University, Fullerton campus, a Fourth of July celebration in the Downtown or hold an alternate special event in July.

Proposed Motion:

Direct staff to present a budget amendment at a future City Council meeting to request increased funding for the Fourth of July Event in Downtown Fullerton.

15. 2024 SAFE AND SANE FIREWORKS SALES

Fullerton voters reinstated the sale, possession and discharge of safe and sane fireworks in Fullerton on November 6, 2012 and re-affirmed the practice on November 3, 2020. This report presents the 2023 Safe and Sane Fireworks Sales Annual Report and seeks approval of the 2024 fireworks sales timeline and direction regarding fees.

Proposed Motion:

1. Receive and file 2023 Safe and Sane Fireworks Sales Annual Report.
2. Confirm timeline for 2024 fireworks sales application process.
3. Provide direction for 2024 lottery application and sales permit fees.
4. Direct staff to recommend future lottery and sales permit fee adjustments with the annual budget process beginning with the 2024-25 budget.

16. SECOND QUARTER FINANCIAL REPORT AND MID-YEAR BUDGET AMENDMENTS FOR FISCAL YEAR 2023-24

The Second Quarter Financial Report (Q2 Report) presents City revenue performance and expenditures incurred July 1 through December 31, 2023 compared to adopted budget levels, provides an update on the City's financial position through the fiscal year midpoint and presents Fiscal Year (FY) 2023-24 Mid-Year Budget Amendments.

Proposed Motion:

1. Receive and file Second Quarter Financial Report for FY 2023-24.
2. Approve FY 2023-24 Mid-Year Budget Amendments and authorize City Manager, or designee, to make amendments to the FY 2023-24 Adopted Budget.

17. FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

Proposed amendment to City Manager Eric Levitt the employment agreement.

Proposed Motion:

1. Approve and authorize Mayor to execute the Amendment to the Employment Agreement between the City and City Manager Eric Levitt.
2. Adopt Resolution No. 2024-XXX.

RESOLUTION NO. 2024-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SALARY SCHEDULE FOR CITY COUNCIL APPOINTED POSITIONS IN ACCORDANCE WITH CALIFORNIA CODE OF REGULATIONS TITLE 2, SECTION 570.5 REQUIREMENTS AND SUPERSEDING RESOLUTION NO. 2024-002

18. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY DELEGATES

The Southern California Association of Governments (SCAG) requests City Council designate a Delegate Representative and Alternate represent to the City at the SCAG General Assembly on May 2 - 3, 2024 in Palm Desert, CA.

Proposed Motion:

Designate Council Members to serve as the Delegate Representative and Alternate at the Southern California Association of Governments 2024 General Assembly.

ITEMS REMOVED FROM CONSENT CALENDAR

AGENDA FORECAST (Tentative)

Tuesday, February 20, 2024

- *FULLERTON FLIGHT CENTER RENOVATION PROJECT LOAN FINANCING*
- *SOUTH ACACIA AVENUE AND EAST VALENCIA DRIVE STORM DRAIN REPAIR BUDGET*
- *JANUARY 2024 CHECK REGISTER*
- *RFP AGREEMENT FOR GRANT WRITING SERVICES*
- *RFP AGREEMENT FOR LEGISLATIVE SERVICES*
- *REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM COOPERATIVE AGREEMENT*
- *FLOOD ORDINANCE UPDATE*
- *AB STREAMLINING ACT ORDINANCE*
- *REVIEW OF YOUTH COMMISSION STRUCTURE*
- *SENIOR COMMISSION ESTABLISHMENT*
- *REPUBLIC SERVICES UPDATE & AMENDMENT*

Tuesday, March 5, 2024

- *SHORT TERM RENTAL UPDATE*
- *HOLLYDALE AREA WATER MAIN REPLACEMENT*
- *OVERNIGHT PARKING BAN ORDINANCE*
- *GENERAL PLAN ANNUAL REPORT*
- *COYOTE MANAGEMENT PLAN*

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.