



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
SEPTEMBER 19, 2023 – 4:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

4:00 p.m.

CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 4:00 p.m.

ROLL CALL

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker (arrived 4:07 p.m.), Council / Agency Members Dunlap (arrived 4:02 p.m.), Charles, Zahra

Absent: None

Staff Present: City Manager Eric J. Levitt, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS - Closed Session

None

RECESS TO CLOSED SESSION

Mayor / Chair Jung recessed the meeting to order at 4:02 p.m.

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Orange County Water District, et al. v. 3M Company, et al.
Case Number: OCSC 30-2020-01172419-CU-PL-CXC
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Orange County Catholic Worker, et al. v. Orange County, et al.
Case Number: United States District Court, Central District of California: 8:18:cv-00155-DOC-JDE

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

Name of Case: Anna Mercantonio v. City of Fullerton

Case Number: OCSC 30-2022-01284566

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

Agency Representatives: Eddie Manfro, Jay Trinnaman

Employee Organizations: Police Officers' Association - Dispatchers, Police Officers' Association - Police Safety

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

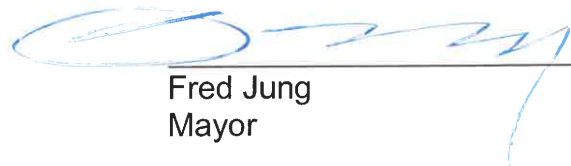
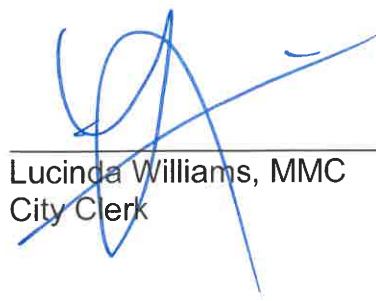
5. **PUBLIC EMPLOYEE APPOINTMENT Per Government Code Section 54957(b)(1)**

Title: Chief of Police

5:10 p.m.

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 5:10 p.m.


Fred Jung
Mayor
Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR SESSION MINUTES
SEPTEMBER 19, 2023 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:31 p.m.

CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 5:31 p.m.

ROLL CALL

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Dunlap, Charles, Zahra

Absent: None

Staff Present: City Manager Eric J. Levitt, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Fire Chief Adam, Loeser, Police Captain Jonathan Radus

INVOCATION given by Pastor Dwayne Evans from Christian Life Center.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

None.

EX PARTE COMMUNICATIONS REPORT

Mayor Jung reported he met with the Fullerton Police Officers Association.

Presented

PRESENTATIONS

1. **CERTIFICATE:** Dr. James Young Arts Legacy Award
2. **PROCLAMATION:** Constitution Week
3. **PROCLAMATION:** Hispanic Heritage Month

4. **PROCLAMATION:** **Hunger Action Month**
5. **PROCLAMATION:** **World Alzheimer's Month**
6. **PRESENTATION:** **CalOptima Medi-Cal Renewal Efforts and Redetermination**
7. **PRESENTATION:** **Orange County Power Authority Residential Launch Anniversary**

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT

City Council pulled Consent Calendar Items 12 and 15.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Michael Fiore spoke about fentanyl awareness.
- Michelle Cisneros introduced herself as a new staff member in Assembly Member Quirk Silva's Office.
- Bernard (no last name provided) spoke about bicycle infrastructure and arts and education.
- Woudarek spoke about police records.
- Todd Harrison spoke about the political power of money.
- James Frazier spoke about the Fullerton Police Department and Fullerton School District.
- Samarie Frazier spoke about an incident at her school.
- Veronica Moran spoke about UP Park.
- Rosario (no last name provided) asked City Council to keep the UP Park grant.
- Juana Suastegui asked City Council to keep the UP Park grant.
- Paula Robles asked City Council to keep the UP Park grant.
- Carla (no last name provided) asked City Council to keep the UP Park grant.
- Carime Calixto, Fullerton, spoke about Mayor Jung.
- Diane Garcia spoke in support of the UP Park Trail grant.
- Anjali Tapadia spoke in support of the UP Park Trail.
- Saskia (no last name provided) asked City Council to continue discussion of the UP Park Trail.
- Francisco Mata spoke about the passing of his wife.

- Egleth Nuncci spoke in support of the UP Park Trail.
- Elle (no last name provided) spoke about public and traffic safety.
- Diane Vena spoke in support of the UP Park Trail.
- Amelia (no last name provided) asked for more signage in town and spoke about car shows and ebikes.
- Kevin Keristen, Fullerton, spoke in support of the UP Park Trail.
- Unidentified speaker spoke about homeless issues.
- Laurie Williams spoke about homeless issues.
- Curtis Gamble spoke about homeless issues.

The following addressed City Council remotely:

- ZJ (no last name provided) spoke about public notices, the Santa Fe Trail, public comments and auto malls.
- Maureen Milton spoke about EV charging and handicap parking.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Levitt responded to issues arising during public comments.

Council Member Charles spoke about Jewish holidays and reported on activities in District 3.

Council Member Dunlap spoke about exhibits at the Fullerton Museum and Tommy LaSorda Day.

Council Member Zahra spoke about Fullerton Museum activities and attendance at recent events.

Mayor Pro Tem Whitaker reported on the Orange County Water District, cloud seeding and Stanford Street.

APPOINTMENTS

Appointment made

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

The Interview Panel recommended Susan Rhie to fill an unscheduled vacancy on the Parks and Recreation Commission with term ending December 31, 2025.

Dunlap moved, seconded by Whitaker, to ratify appointment.

Motion carried 4 – 1 (No: Charles).

CONSENT CALENDAR (Items 1 - 16)

Dunlap moved, seconded by Zahra, to approve Consent Calendar

Items 1 through 11 and 13, 14 and 16.

Motion carried 5 – 0 (Whitaker voting no on Item 4).

Approved

1. AUGUST 15, 2023 MEETING MINUTES AND SEPTEMBER 5, 2023 SPECIAL MEETING MINUTES

Recommendation:

Approve August 15, 2023 City Council / Successor Agency Meeting Minutes and September 5, 2023 City Council / Successor Agency Meeting Special Minutes.

Received and filed

2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Recommendation:

Receive and file.

Received and filed

3. AUGUST 2023 CHECK REGISTER

Recommendation:

Receive and file.

Adopted

4. CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE) TAX LEVY - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3324.

ORDINANCE NO. 3324 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

Approved

5. 2024 GROUP INSURANCE PLAN RENEWAL AND PROPOSED AMENDMENT TO BURNHAM BENEFITS INSURANCE SERVICES AGREEMENT

Recommendation:

1. Receive and file 2024 Group Insurance Plan Renewal.
2. Approve and authorize City Manager, or designee, to execute and administer Amendment No. Two to the Burnham Benefits Insurance Services Agreement as well as take any actions necessary to implement and administer the agreements.

Approved

6. FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT
Recommendation:

1. Ratify Federal Emergency Management Agency, Assistance to Firefighters Grant application.

2. Accept \$138,488.95 grant award and appropriate receipt and use in the Grant Fund (Fund 32).
3. Authorize City Manager, or designee, to execute and administer all documents related to the grant.

Approved

7. FISCAL YEAR 2022 URBAN AREAS SECURITY INITIATIVE GRANT AGREEMENT

Recommendation:

1. Accept Fiscal Year 2022 Urban Areas Search Initiative grant award and authorize Chief of Police to execute and administer the grant agreement.
2. Appropriate receipt and use of grant award in Grant Fund (Fund 32).

Approved

8. 2023-24 OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT

Recommendation:

1. Authorize the Chief of Police to accept and execute \$285,000 2023-24 Office of Traffic Safety Selective Traffic Enforcement Program agreement.
2. Authorize appropriation of receipt and use of grant award in Grant Fund (Fund 32).

Approved

9. LEGAL SERVICES AGREEMENTS WITH LIEBERT CASSIDY WHITMORE, LAW OFFICES OF RICHARD T. FORT AND WALL, MCCORMICK, BAROLDI & DUGAN

Recommendation:

Authorize City Manager to execute agreements with Liebert Cassidy Whitmore, Law Offices of Richard T. Fort and Wall, McCormick, Baroldi & Dugan, in a final form approved by the City Attorney.

Approved

10. PROFESSIONAL SERVICES AGREEMENT WITH LOCALITY MEDIA, INC AND GLASS BOX TECHNOLOGY, INC. AMENDMENT NO. 7 FOR FIRE DEPARTMENT RECORDS MANAGEMENT SOFTWARE

Recommendation:

1. Approve professional services agreement with Locality Media, Inc. for a three-year term with option to annually renew Agreement for an additional two years and authorize City Manager, or designee, to execute and administer agreement, options to renew and related documents, pending Risk Management insurance requirements approval and in a form approved by the City Attorney.
2. Approve Amendment No. 7 to Professional Services Agreement with Glass Box Technology, Inc. dated July 1,

2022 for services to integrate software with the City of Fullerton network infrastructure and Fire Department applications.

3. Authorize Administrative Services Director, or designee, to issue \$57,500 purchase order with Locality Media, Inc. (dba First Due) for records management services and software.
4. Authorize \$98,640 budget appropriation for Fiscal Year 2023-24 from the General Fund (Fund 10) to the IT Fund (Fund 68).

Approved

11. ON-CALL PROFESSIONAL ENGINEERING CONSULTANT SERVICES

Recommendation:

1. Authorize City Manager, or designee, to execute the following Professional Services Agreements and future amendments, including extension options, in a form approved by the City Attorney:

Civil Engineering Design

- Cannon
- DMS Consultants, Inc.
- Harris & Associates
- IDS Group
- Stantec
- Tait & Associates, Inc.
- TKE Engineering, Inc.

Water Engineering Design

- Ardurra Group
- Cannon
- JIG Consultants
- Psomas
- Stantec
- Tetra Tech
- XV Solutions

Geotechnical Engineering and Material Testing

- GMU Geotechnical, Inc
- Smith Emery Laboratories
- S2 Engineering, Inc.

- Twining, Inc.

Survey and Mapping

- Hunsaker & Associates
- KDM Meridian
- Joseph C. Truxaw & Associates, Inc.
- Towill, Inc.
- Stantec

Private Development Plan Check

- Ardurra Group
- Bureau Veritas North America, Inc.
- Cannon
- HR Green Pacific, Inc.
- NV5

Staff Augmentation

- Annealta Group
- Ardurra Group, Inc.
- Bucknam Infrastructure Group, Inc.
- Cannon
- HR Green Pacific, Inc.
- MARRS Services, Inc.
- Project Partners
- SA Associates

2. Authorize Director of Administrative Services, or designee, to issue individual project purchase orders to the firms in an amount not to exceed \$200,000, on an as-needed basis.
3. Authorize Director of Administrative Services, or designee, to issue annual purchase orders to the firms under Geotechnical Engineering and Material Testing, Survey and Mapping and Plan Check and Private Development Plan Check in an amount not to exceed \$300,000 to support various Capital Improvement Program and review of private development projects on an as-needed basis.

Adopted

13. EARLY MORNING PARKING EXEMPTION FOR BOTH SIDES OF WHITING AVENUE BETWEEN FORD AVENUE AND HIGHLAND AVENUE

Recommendation:

Adopt Resolution No. 2023-067.

RESOLUTION NO. 2023-067 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE EARLY MORNING PARKING RESTRICTION ON BOTH SIDES OF WHITING AVENUE BETWEEN FORD AVENUE AND HIGHLAND AVENUE

Approved

14. BROOKDALE PLACE STREET IMPROVEMENTS

Recommendation:

1. Approve plans and specifications for Project 44064 Brookdale Place Street Improvement Project.
2. Approve the following appropriations in Project 44064 Brookdale Place Street Improvement Project:
 - \$390,395 Community Development Block Grant Funds budget transfer (Fund 35) from Project 44589 Residential Street Program to Project 44064 Brookdale Place Street Improvement (Fund 74).
 - \$50,000 American Rescue Plan Act Revenue Replacement Funds budget transfer (Fund 74) from Project 44589 Residential Street Program to Project 44064 Brookdale Place Street Improvement (Fund 74).
3. Award \$377,909 construction contract for the Brookdale Place Street Improvement Project to Towo Enterprise Inc. 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 any future change orders for construction and professional engineering construction support services within the approved project budget.

Approved

16. FISCAL YEAR 2022-23 CURB AND GUTTER AND SIDEWALK PROJECT

Recommendation:

Reject all construction bids and issue a new invitation to bid.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 17 - 21)

Received and filed

17. URBAN FOREST PRUNING MANAGEMENT

The following addressed City Council via Zoom:

- Jane Reifer made requests regarding trees in the City.
- Zeejay (no last name provided) spoke about watering trees and Jacaranda trimming.

Received and filed by order of the Mayor.

Approved

18. SENIOR ADVISORY COMMISSION STRUCTURE AND PLAN

Zahra moved, seconded by Jung to direct staff to create a seven-member Senior Advisory Commission comprised of five members appointed by City Council, one Fullerton Senior Club representative and one at-large member 60 years old or older.

Motion carried 5 – 0.

Adopted

19. NEW EXECUTIVE EMPLOYEE CLASSIFICATIONS

Jung moved, seconded by Dunlap, to adopt Resolution No. 2023-068.

RESOLUTION NO. 2023-068 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2023-065

Motion carried 5 – 0.

Adopted

20. CLASSIFICATION PLAN UPDATE TO THE POSITION OF ASSISTANT DIRECTOR OF PUBLIC WORKS – MAINTENANCE (*item taken out of agenda order*)

Jung moved, seconded by Charles, to adopt Resolution No. 2023-069.

RESOLUTION NO. 2023-069 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN

Motion carried 5 – 0.

Adopted

21. INTERIM CHIEF OF POLICE EMPLOYMENT AGREEMENT

The following addressed City Council:

- Egleth Nuncci spoke in support of this item.
- Curtis Gamble spoke in support of this item

The following addressed City Council via Zoom:

- Zeejay (no last name provided) spoke about Police Chief salary increases.

Dunlap moved, seconded by Zahra, to adopt Resolution No. 2023-070.

RESOLUTION NO. 2023-070 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING JONATHAN RADUS AS INTERIM CHIEF OF POLICE

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

12. INFORMATION TECHNOLOGY SERVER REPLACEMENT

Zahra moved, seconded by Dunlap, to:

1. Approve \$1,890,433 interfund loan from the General Fund (Fund 10) to Information Technology Fund (Fund 68) and authorize City Manager to determine repayment terms.
2. Approve \$1,890,433 interfund loan transfer and budget appropriation from the General Fund (Fund 10) to Information Technology Fund (Fund 68).
3. Approve Amendment No. 8 to Professional Services Agreement with Glass Box Technology, Inc. dated July 1, 2022 for services to deploy the replacement servers.
4. Authorize Administrative Services Director, or designee, to issue \$117,618 and \$838,193 purchase orders with Glass Box Technology, Inc. for server replacement hardware and related software and licenses.
5. Authorize Administrative Services Director, or designee, to issue \$741,022 purchase order with Dell, Inc. for Microsoft software licenses.

Motion carried 5 – 0.

Approved

15. RUNWAY 06 PRECISION APPROACH PATH INDICATOR PROJECT

Dunlap moved, seconded by Zahra, to:

1. Approve plans and specifications for Runway 06 Precision Approach Path Indicator Project.
2. Approve the following budget transfers and appropriations in Project 49015 Runway 06 Precision Approach Path Indicator Project in the Airport Fund (Fund 40):
 - Federal Aviation Administration Airport Improvement Program Grant award to CIP Fund (Fund 74). The preliminary grant authorization totals \$925,598 with additional monies available based on final eligible project costs.

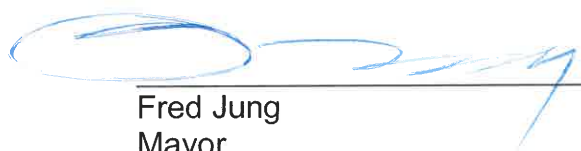
- Caltrans Division of Aeronautics Grant award to CIP Fund (Fund 74). The preliminary grant authorization totals \$46,280 with additional monies available based on final eligible project costs.
 - \$34,000 budget transfer and appropriation from Airport Enterprise Fund Balance (Fund 40).
3. Reject Guy Construction bid due to non-responsiveness.
 4. Award \$899,899 construction contract to Vellutini Corporation dba Royal Electric Company for Project 49015 Runway 06 Precision Approach Path Indicator Project and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
 5. Authorize Administrative Services Director, or designee, to enter \$42,153 purchase order with C & S Companies, Inc. for professional engineering construction support services for the Runway 6 Precision Approach Path Indicator Project.
 6. 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.

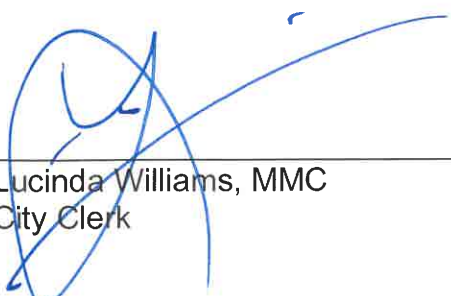
Motion carried 5 – 0.

8:54 p.m.

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 8:54 p.m.



Fred Jung
Mayor

Lucinda Williams, MMC
City Clerk