



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MAY 16, 2023 – 4:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:00 p.m.

CALL TO ORDER

Mayor Pro Tem Whitaker called the meeting to order at 4:00 p.m.

ROLL CALL

Present: Mayor / Chair Jung (arrived 4:01 p.m.), Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Dunlap, Charles

Absent: Zahra

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 to Closed Session at 4:03 p.m.

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**
Significant Exposure to Litigation: Two Cases
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Langenbacher, et al. v. City of Fullerton, et al.
Case Number: OCSC 30-2022-01296035
- 3. CONFERENCE WITH LEGAL COUNSEL - EXISTING**

LITIGATION Per Government Code Section 54956.9(d)(1)

Name of Case: Hector Hernandez, et al. v. City of Fullerton, et al.

Case Number: USDC 8:20-CV-01 747 CJC (JDEx)

4. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Eddie Manfro, Jay Trinnaman

Employee Organization/s: Fullerton Municipal Employees Federation and Fullerton Management Association

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

5:11 p.m.

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 5:11 p.m.



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR SESSION MINUTES
MAY 16, 2023 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:30 p.m.

CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 5:30 p.m.

ROLL CALL

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

Absent: Zahra

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

INVOCATION given by Father Chris Retelas, St. John the Baptist Greek Orthodox Church.

PLEDGE OF ALLEGIANCE led by Council Member Dunlap.

CLOSED SESSION REPORT

None.

EX PARTE COMMUNICATIONS REPORT

None.

Presented

PRESENTATIONS

1. **PROCLAMATION: Apraxia Awareness Day**
2. **PROCLAMATION: Asian American and Pacific Islander Heritage Month**
3. **PROCLAMATION: Public Works Week**

4. PRESENTATION: Memorial Day Ceremony

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT

None.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Bernard (no last name provided) spoke about City Council conduct.
- Todd Harrison, Fullerton, spoke about ADA issues.
- Karen Lloreda spoke about funding for economic development.
- Maureen Milton thanked City Council and staff for customer services and ADA discussions.
- Damion Lloyd asked about City of Fullerton leadership and meeting start times.
- Tanya McCrory spoke about notification of public meetings.
- Curtis Gamble spoke about homeless issues.

The following addressed City Council remotely:

- Zeejay (no last name provided) spoke about public safety, infrastructure, transparency and budget issues.
- Camden Dunn spoke about affordable housing.
- Mindy Kordash, Fullerton, spoke about exiting OCPA.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Levitt responded to issues arising during public comment.

Council Member Charles spoke about the Southern California Association of Governments Annual Conference, meeting notifications and West Coyote Hills grand opening.

Council Member Dunlap reported on upcoming events.

Mayor Pro Tem Whitaker reported on Memorial Day, the West Coyote Hills opening and the Orange County Water District.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 12)

Dunlap moved, seconded by Whitaker, to approve all Consent Calendar items.

Motion carried 4 – 0 – 1 (Absent: Zahra).

Approved

1. MAY 2, 2023 MEETING MINUTES

Recommendation:

Approve May 2, 2023 City Council / Successor Agency Meeting Minutes.

Received and filed

2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Recommendation:

Receive and file.

Received and filed

3. APRIL 2023 CHECK REGISTER

Recommendation:

Receive and file.

Approved

4. KIWANIS CLUB LEASE AGREEMENT AMENDMENT NUMBER 3

Recommendation:

1. Approve Amendment No. 3 to Kiwanis Club Lease Agreement for the Kiwanis Youth Park at 410 South Richman Avenue, in a form approved by the City Attorney.

2. Authorize City Manager, or designee, to execute and administer Kiwanis Club Amendment No. 3 to the Lease Agreement for the Kiwanis Youth Park and all related documents, including options to extend, in a form approved by the City Attorney.

Approved

5. CITY COUNCIL CHAMBERS AUDIO-VISUAL SYSTEM UPGRADES PROJECT PROFESSIONAL SERVICES AGREEMENT AMENDMENT AND FUNDING

Recommendation:

1. Approve Amendment No. 4 to Professional Services Agreement with Glass Box Technology, Inc. dated July 1, 2022.

2. Authorize Administrative Services Director, or designee, to

issue \$596,640 purchase order with Avidex for equipment and installation of audio-visual system upgrades in the Council Chambers.

3. Authorize \$719,517 appropriation and budget transfers from the FTV Cable PEG Access Fund Balance (Fund 27) to Information Technology Fund (Fund 68).
4. Authorize City Manager, or designee, to approve purchase or change orders within approved project budget.

Approved

6. TYLER TECHNOLOGIES ENERGOV PERMIT MANAGEMENT SOFTWARE CONTRACT AMENDMENT FOR ADDITIONAL USERS

Recommendation:

1. Authorize City Manager, or designee, to execute and administer contract amendments with Tyler Technologies, Inc. - EnerGov application to adjust licenses as needed on an ongoing basis, in a form approved by the City Attorney.
2. Authorize City Manager, or designee, to issue related change orders on an ongoing basis.
3. Authorize budget transfers from Permit Surcharges to support Tyler Technologies, Inc. - EnerGov application maintenance and operation costs on an ongoing basis.
4. Approve up to \$85,000 budget transfer and appropriation from General Fund to Information Technology Fund (Fund 68) to cover the Permit Surcharge fee revenue shortfall for cost of additional EnerGov licenses.

Approved

7. ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS BASTANCHURY ROAD TO IMPERIAL HIGHWAY CONTRACT AWARD

Recommendation:

1. Approve plans and specifications for Project 44061 Associated Infrastructure Improvements - Bastanchury Road to Imperial Highway.
2. Approve replacing bid schedule base bid item #41, Traffic Signing and Striping with Bid Alternate Item #1, Traffic Re-striping of Existing.
3. Approve the following appropriations in Project 44061 Associated Infrastructure Improvements - Bastanchury Road to Imperial Highway:
 - \$1,305,000 RMRA / SB1 Funds budget transfer from Project 44400 Annual Arterial Street Reconstruction, Rehabilitation and Repair
 - \$40,000 Measure M2 Funds budget transfer from Project

46027 Signal Operation Enhancement

- \$58,000 Measure M2 Funds budget transfer from Project 46037 Neighborhood Traffic Management
 - \$227,000 Sewer Enterprise Funds budget transfer from Project 51419 Annual Sewer Replacement Project
 - \$1,420,000 Water Funds budget transfer from Project 53250 Water Main System Replacement and Upgrade.
4. Award \$2,413,236.50 construction contract for Associated Infrastructure Improvements - Bastanchury Road to Imperial Highway Project to Big Ben, Inc. and authorize City Manager, or designee, to execute contract, in a form approved by the City Attorney.
 5. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Approved

8. ASSOCIATED ROAD STREET IMPROVEMENTS YORBA LINDA TO BASTANCHURY CONTRACT AWARD

Recommendation:

1. Approve plans and specifications for Project 44060 Associated Road Street Improvement project.
2. Authorize City Manager to award and execute a construction contract not to exceed \$650,000 with an approved contractor for Project 44060 Associated Road Street Improvement Project (Fund 74), in a form approved by the City Attorney.
3. Authorize City Manager to conduct a public hearing to hear bid protests if any protests submitted.

Approved

9. CASA BLANCA - BARRIS - FERN AREA SEWER AND STREET IMPROVEMENTS PROJECT

Recommendation:

1. Approve the following budget transfers and appropriations to Project 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project:
 - \$1,490,000 Sewer Enterprise Funds from Project 51419 Annual Sewer Replacement Project (Fund 47) to 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project (Fund 47)
 - \$950,000 Measure M2 Funds (Fund 74) from Project 44589 Annual Residential Street Program to 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project (Fund 74)

- \$175,000 Measure M2 Funds (Fund 74) from Project 44400 Annual Arterial Street Program to 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project (Fund 74)
 - \$395,000 Drainage Capital Outlay Funds (Fund 74) from Project 52591 Annual Storm Drain Repair to 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project (Fund 74).
2. Ratify \$2,533,540 construction contract awarded by the City Manager for the 51030 Casa Blanca - Barris - Fern Area Sewer and Street Improvement Project to Dominguez General Engineering, Inc.
 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.

Approved

10. GLENWOOD / FORD AREA INFRASTRUCTURE IMPROVEMENTS CONTRACT AWARD

Recommendation:

1. Approve plans and specifications for Project 53029 Glenwood / Ford Area Infrastructure Improvement Project.
2. Approve the following budget transfers to Project 53029 Glenwood / Ford Area Infrastructure Improvements:
 - \$3,900,000 Water Funds from Project 53250 Water Main System Replacement (Fund 44) to Project 53029 Glenwood / Ford Area Infrastructure Improvements (Fund 44)
 - \$310,000 Sewer Enterprise Funds from Project 51419 Annual Sewer Replacement Program (Fund 47) to Project 53029 Glenwood / Ford Area Infrastructure Improvements (Fund 47)
 - \$1,900,000 Measure M2 funds from Project 44589 Residential Street Program (Fund 74) to Project 53029 Glenwood / Ford Area Infrastructure Improvements (Fund 74)
 - \$670,000 Gas Tax Funds from Project 44589 Residential Street Program (Fund 74) to Project 53029 Glenwood / Ford Area Infrastructure Improvements (Fund 74).
3. Award \$5,983,025 construction contract to Big Ben, Inc. for Project 53029 Glenwood / Ford Area Infrastructure Improvement 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 any future change orders for construction and professional engineering construction support services within approved project budget.

Approved

11. ORANGETHORPE AVENUE / ESPERANZA ROAD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT CONSULTANT SERVICES CONTRACT EXTENSION

Recommendation:

Authorize City Manager, or designee, to execute and administer Amendment Number One to Professional Services Agreement with AGA Engineers, Inc., in a form approved by the City Attorney.

Adopted

12. SANITATION CHARGE ADJUSTMENT

Recommendation:

Adopt Resolution No. 2023-030.

RESOLUTION NO. 2023-030 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A REVISED SANITATION CHARGE REDUCING THE PERCENTAGE USED TO CALCULATE THE CHARGE FROM 16% TO 15.25% EFFECTIVE FISCAL YEAR 2023-24

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 13 - 17)

Adopted

13. DECLARATION OF CITY-OWNED PROPERTY LOCATED EAST OF 1747 WEST COMMONWEALTH AVENUE AS EXEMPT SURPLUS PROPERTY

The following addressed City Council:

- Jane Rands asked if the City could keep this property as open space.

The following addressed City Council remotely:

- Jane Reifer spoke about the tree canopy and preserving open space.
- Kayla Asato opposed selling the property for parking use.

Dunlap moved, seconded by Whitaker, to adopt Resolution No. 2023-031.

RESOLUTION NO. 2023-031 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA

PURSUANT TO GOVERNMENT CODE SECTION 54221, DECLARING REMNANT RIGHT-OF-WAY PROPERTY AS NOT NECESSARY FOR CITY USE AND DETERMINING SUCH PROPERTY AS EXEMPT SURPLUS, FINDING SUCH DECLARATION EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND TAKING RELATED ACTIONS

Motion carried 4 – 0 – 1 (Absent: Zahra).

Direction provided

14. ASSOCIATED ROAD LANE REDUCTION PROPOSAL FROM BASTANCHURY ROAD TO IMPERIAL HIGHWAY

The following addressed City Council:

- Scott Strong opposed parking on Associated Road.
- Andrew Galusha, Carlsbad, spoke in support of safe bicycle lanes.
- Natalie Day, Quail Ridge Homeowner's Association, expressed concerns with parking on Associated Road and supported improving street conditions.
- Debra Schrieder opposed parking on Associated Road, spoke about safety concerns and questioned the need for an improved bicycle lane.
- Vince Buck supported the proposed lane reduction.
- Denise Moore, Fullerton, opposed the proposed lane reduction.
- Patty Tutor, Fullerton, expressed concern with ingress and egress with the lane reduction.
- Aaron Proll, Fullerton, opposed the proposed lane reduction.
- Jane Rands, Fullerton, supported the proposed lane reduction.
- Anjali Tapadia, Fullerton, supported the proposed lane reduction.
- Curt Johnston said Associated Road could see an increase in traffic due to upcoming development and growing student populations.
- Elizabeth Bobo, Fullerton, opposed this project.
- Steve Scregg opposed this project.
- Curtis Gamble opposed this project.

The following addressed City Council remotely:

- Matthew Leslie supported the proposed lane reduction but questioned the proposed parking.

- Kimberly Wolfe, Parkridge Homeowner's Association, opposed this project.
- Tanya Lloyd asked Council Member Charles to recuse from this item and opposed this project.
- Jamie Valencia, Fullerton, opposed this project.
- Mark Hauchwitz, Fullerton, opposed this project.
- Zeejay (no last name provided), Fullerton, opposed this project.
- Munish Bharadwaja opposed this project.

Dunlap moved to table this item. Motion failed for lack of a second.

City Council provided direction to not change the existing configuration.

Approved

15. HARBOR BOULEVARD AND LA ENTRADA PLACE INTERSECTION SIGNALIZATION RECOMMENDATION

The following addressed City Council:

- Daniel Craig, Fullerton, supported this item.
- Susan Johnson, Fullerton, supported this item.
- Karen Lloreda supported this item and encouraged red light enforcement.
- Janice Wagner, Fullerton, supported this item.
- Anita Axe, Fullerton, supported this item.
- Jeff Cornelius, Fullerton, supported this item.
- Curtis Gamble supported this item.
- Maureen Milton supported this item and asked about interim measures.

The following addressed City Council remotely:

- Jane Reifer supported this item.
- Zeejay (no last name provided) spoke in support of safety.

Jung moved, seconded by Dunlap, to:

1. Approve design and construction of a new traffic signal at the Harbor Boulevard and La Entrada Place intersection.
2. Authorize new Capital Improvement Project for traffic signal design and construction at the Harbor Boulevard and La Entrada Place intersection and authorize \$35,000 budget transfer and appropriation in existing traffic signal improvement funds to begin project design.

Motion carried 4 – 0 – 1 (Absent: Zahra).

Direction provided

16. CONSULTANT SELECTION TO ANALYZE ORANGE COUNTY POWER AUTHORITY JOINT POWERS AGREEMENT WITHDRAWAL COSTS

The following addressed City Council:

- Patty Tutor supported giving the public the choice of using OCPA.
- Maureen Milton asked if the City could utilize the local colleges to conduct the study.

The following addressed City Council remotely:

- Lexi Hernandez, Climate Action Change, opposed this item.
- Camden Dunn opposed this item.
- Tanya Lloyd supported this item.
- Kayla Asato, Orange County Environmental Justice, supported remaining in OCPA.
- Matthew Leslie supported remaining in OCPA.
- Rosario (no last name provided), Cathedral City, encouraged reaching out to the people.
- Diane (no last name provided) supported remaining with OCPA.
- Elmer Diaz, Cathedral City, supported exiting OCPA.

Jung moved to table this item. Motion failed for lack of a second.

Charles moved to direct staff to ask OCPA for withdrawal costs. If OCPA does not provide costs then direct staff to work with a consultant on the withdrawal process. Motion failed for lack of a second.

City Council directed staff to ask OCPA for information regarding withdrawal.

Direction provided

17. NEW AND REVISED FEES FOR PUBLIC WORKS SERVICES - WATER UTILITY AND AIRPORT FEES

Council Members provided direction regarding proposed changes to the Water Utility and Airport fees for services provided by the Public Works Department in efforts to approach full cost recovery, beginning Fiscal Year 2023-24.

ITEMS REMOVED FROM CONSENT CALENDAR

None.

9:44 p.m.

ADJOURNMENT

Mayor Jung adjourned the meeting at 9:44 p.m. in memory of former Fullerton Fire Department Inspector Cedric Thomas Thompson.