



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
NOVEMBER 19, 2024 – 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:31 p.m.

CALL TO ORDER

Mayor / Chair Dunlap called the meeting to order at 4:31 p.m.

ROLL CALL

Present: Mayor / Chair Dunlap, Council / Agency Members Charles, Whitaker
Absent: Council / Agency Member Zahra, Mayor Pro Tem / Vice Chair Jung
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 Dunlap recessed to Closed Session at 4:31 p.m.

CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Thomas Barbor v. City of Fullerton, et al.
Case Number: OCSC 30-2018-01028694-CU-OE-NJC
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Setsuko Mori v. City of Fullerton
Case Number: OCSC 30-2021-01230299

5:17 p.m.

ADJOURNMENT

Mayor / Chair Dunlap adjourned the meeting at 5:17 p.m.

Nicholas Dunlap
Mayor

Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
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REGULAR SESSION MINUTES
NOVEMBER 19, 2024 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:30 p.m.

CALL TO ORDER

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

ROLL CALL

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

Absent: None

Staff Present: City Manager Eric J. Levitt, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Deputy City Manager Daisy Perez, Police Chief Jonathan Radus, Fire Chief Adam Loeser, Community and Economic Development Director Sunayana Thomas

INVOCATION given by Chaplain Fredia Travis, Friendship Baptist Church Yorba Linda.

PLEDGE OF ALLEGIANCE led by Council Member Whitaker.

CLOSED SESSION REPORT

None.

EX PARTE COMMUNICATIONS REPORT

None.

PRESENTATIONS

None.

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT *(taken out of agenda order)*

None.

PUBLIC COMMENTS - Regular Session *(taken out of agenda order)*

Council Member Charles left the meeting at 9:08 p.m.

The following addressed City Council:

- Robin Rush, CEO Recovery Road, spoke about a business coming to Fullerton.
- Maureen Milton spoke about City Hall signage and cable channel programming.
- Todd Harrison spoke about committee appointments and cable programming.
- Chuck Street spoke about dumping on Artesia Avenue.
- Naima (no last name provided) spoke about a Boy Scouts service project.
- Yolanda Harrison spoke about road conditions and Rancho La Paz.
- Z (no last name provided) asked where to find election results.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS *(taken out of agenda order)*

None.

APPOINTMENTS (Items 1 - 2)

Appointed

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Jung moved, seconded by Zahra, to ratify Youth Advisory Committee principal appointments from the following schools for terms ending August 31, 2025:

- Savannah Pruitt, Sunny Hills High School
- Tram Nguyen, Buena Park High School
- Alyssa Hernandez, La Habra High School
- Alicia Hernandez, Parks Junior High School

- Aileen Conteras, Ladera Vista Junior High School
- Riya Gupta, Beechwood Elementary School
- Kendal Choi, Fislser Elementary School.

Motion carried 5 – 0.

Appointed

2. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Zahra moved, seconded by Jung, to ratify Jeanette Reese as the Senior Advisory Committee - at-large appointment for term ending December 31, 2027.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 18) *(taken out of agenda order)*

Dunlap moved, seconded by Zahra, to approve Consent Calendar Items 1 – 18.

Motion carried 3 – 2 (Absent: Charles, Jung).

Approved

1. OCTOBER 15, 2024 MEETING MINUTES

Proposed Motion:

Approve October 15, 2024 City Council / Successor Agency Meeting Minutes.

Received and filed

2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Proposed Motion:

Receive and file.

Adopted

3. CITY OF FULLERTON CONFLICT OF INTEREST CODE BIENNIAL REVIEW AND UPDATE

Proposed Motion:

Adopt Resolution No. 2024-051.

RESOLUTION NO. 2024-051 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE CITY OF FULLERTON CONFLICT OF INTEREST CODE INCLUDING DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

Adopted

4. UPPER GOLDEN HILL NEIGHBORHOOD ZONE CHANGE - SECOND READING OF ORDINANCE

Proposed Motion:

Adopt Ordinance No. 3333.

ORDINANCE NO. 3333 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONE CLASSIFICATION CHANGE FROM "R-1-7.2" TO "R-1-7.2P" ON PROPERTIES LOCATED IN THE UPPER GOLDEN HILL NEIGHBORHOOD, GENERALLY DESCRIBED AS THE PROPERTIES BOUNDED BY WEST VALLEY VIEW DRIVE, WOODS AVENUE AND RICHMAN AVENUE AND INCLUDING PROPERTIES ON GRANDVIEW AVENUE, FERN DRIVE AND LOIS LANE

Received and filed

5. OCTOBER 2024 CHECK REGISTER

Proposed Motion:

Receive and file.

Received and filed

6. TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2024 AND 115 OPEB AND PENSION TRUSTS INVESTMENT STRATEGIES UPDATE

Proposed Motion:

Receive and file.

Approved

7. CITY INVESTMENT POLICY UPDATES

Proposed Motion:

Approve 2024 Investment Policy updates.

Approved

8. MASTER SOFTWARE SERVICES AGREEMENT WITH OPENGOV, INC. FOR E-PROCUREMENT SOFTWARE SOLUTION

Proposed Motion:

1. Approve Master Software Services Agreement with OpenGov, Inc. for an e-Procurement Software solution and electronic bidding system, in a form approved by the City Attorney.
2. Authorize City Manager, or designee, to execute and administer Master Services Agreement, order forms, purchase orders and/or related documents, in a form approved by the City Attorney.

Adopted

9. CLASSIFICATION PLAN UPDATE FOR ELECTRICAL AND HVAC LEAD WORKER AND MAINTENANCE WORKER SERIES POSITIONS

Proposed Motion:

Adopt Resolution No 2024-052.

RESOLUTION NO. 2024-052 - A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
UPDATING AND DELETING CERTAIN PERSONNEL
CLASSIFICATION PLAN CLASSIFICATION SPECIFICATIONS
AND AMENDING RESOLUTION NO. 2023-052 (FULLERTON
MUNICIPAL EMPLOYEES FEDERATION) APPENDIX A1

Approved

**10. PROFESSIONAL SERVICES AGREEMENT WITH BURNHAM
BENEFITS INSURANCE FOR BENEFITS BROKER
SERVICES**

Proposed Motion:

Approve and authorize City Manager, or designee, to execute and administer the Professional Services Agreement and related documents with Burnham Benefits Insurance Services, A BPR Company, in a form approved by City Attorney.

Approved

**11. CONTRACT WITH ADMINSURE, INC. FOR WORKERS'
COMPENSATION THIRD PARTY ADMINISTRATOR
SERVICES**

Proposed Motion:

Approve and authorize City Manager, or designee, to execute and administer a Professional Services Agreement with AdminSure, Inc., in a form approved by City Attorney, for third-party administrator services for the workers' compensation program.

Approved

**12. FULLERTON GOLF COURSE NETTING PROJECT
RATIFICATION**

Proposed Motion:

Ratify and accept completed capital Fullerton Golf Course Netting Project including:

- approve Fullerton Golf Course Netting Project and \$511,800 capital project amount
- grant City Manager appropriation authority to make budget adjustments within the Brea Dam Fund (Fund 42) for this capital project
- accept AGC's informal bid procurement process in lieu of the City capital procurement process and ratify selection of West Coast Netting as the lowest responsible bidder.

Approved

**13. AGREEMENT WITH CITY OF SANTA ANA FOR TRANSFER
OR PURCHASE OF EQUIPMENT / SERVICES OR TRAINING
COST REIMBURSEMENT FOR FISCAL YEAR 2023 URBAN
AREAS SECURITY INITIATIVE**

Proposed Motion:

1. Approve Agreement for Transfer or Purchase of Equipment /

Services or for Reimbursement of Training Costs with the City of Santa Ana for the Fiscal Year 2023 Urban Areas Security Initiative grant program.

2. Authorize City Manager, or designee, to execute the agreement and related documents necessary to participate in the grant program.
3. Authorize City Manager to accept and appropriate grant funding receipt and use.

Approved

14. LEASE AGREEMENT WITH T-MOBILE WEST LLC FOR CELLULAR TOWER OPERATION AND MAINTENANCE AT 312 EAST COMMONWEALTH AVENUE

Proposed Motion:

1. Approve lease agreement with T-Mobile West LLC for operation and maintenance of a cellular monopine tower site located at 312 East Commonwealth Avenue, Parcel No. 033-091-21.
2. Authorize City Manager to execute and administer the lease agreement on behalf of the City of Fullerton, in a form approved by the City Attorney.

Approved

15. DESIGN SERVICES CONTRACT WITH WEST YOST FOR SUPERVISORY CONTROL AND DATA ACQUISITION PLANNING AND ASSESSMENT SERVICES

Proposed Motion:

1. Approve West Yost proposal and fee for Supervisory Control and Data Acquisition (SCADA) Planning and Assessment Services.
2. Award \$405,598 Purchase Order for SCADA Planning and Assessment Services to West Yost under their existing On-Call SCADA contract and authorize City Manager, or designee, to execute and administer the contract, in a form approved by the City Attorney.
3. Authorize Public Works Director, or designee, to approve change orders for additional support services within the approved project budget.

Approved

16. CONTRACT WITH OPPENHEIMER NATIONAL FOR VALENCIA PARK IMPROVEMENTS PROJECT

Proposed Motion:

1. Approve Valencia Park Improvements Project plans and specifications.
2. Approve \$50,000 budget transfer and Park Dwelling Funds (Fund 39) fund balance appropriation to Project 54055

Valencia Park Improvements within the Capital Projects Fund (Fund 74).

3. Reject the Cali Paving, Inc. bid as non-responsive.
4. Award \$367,056 construction contract for Valencia Park Improvements Project to Oppenheimer National and authorize City Manager, or designee, to execute and administer the contract, in a form approved by the City Attorney.
5. Authorize Public Works Director, or designee, to approve construction and professional engineering construction support services change orders within the approved project budget.

Adopted

17. STATE COLLEGE BOULEVARD CORRIDOR REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM PARTICIPATION AND FUNDING

Proposed Motion:

Adopt Resolution No. 2024-053.

RESOLUTION NO. 2024-053 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING PARTICIPATION IN AN APPLICATION FOR FUNDS FOR THE STATE COLLEGE BOULEVARD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

Approved

18. LAS PALMAS AREA STREET REHABILITATION PROJECT FUNDING ADJUSTMENT

Proposed Motion:

1. Approve the following budget transfers and appropriations to obligate \$1,117,905 American Rescue Plan Act (ARPA) funding in CIP Project 44069 Las Palmas Area Street Rehabilitation Project and shift Measure M2 Local Fair Share Funds to CIP Project 44589 Annual Residential Street Programs for future street rehabilitation projects:
 - transfer and appropriate \$486,144 ARPA Funds (Fund 74) from CIP Project 44589 Annual Residential Street Program to CIP Project 44069 Las Palmas Area Street Rehabilitation Project (Fund 74)
 - transfer and appropriate \$439,279 ARPA Funds (Fund 74) from CIP Project 44070 Costa Court Area Rehabilitation Project to CIP Project 44069 Las Palmas Area Street Rehabilitation Project (Fund 74)

- transfer and appropriate \$192,482 ARPA Funds (Fund 74) from CIP Project 44055 Valencia Mesa Drive Rehabilitation Project to CIP Project 44069 Las Palmas Area Street Rehabilitation Project (Fund 74)
 - transfer and appropriate \$1,117,905 Measure M2 Funds (Fund 74) from CIP Project 44069 Las Palmas Area Street Rehabilitation Project (Fund 74) to CIP Project 44589 Annual Residential Street Program.
2. Authorize Administrative Services Director, or designee, to revise purchase orders and/or perform purchase order changes for contracts awarded to Las Palmas Area Street Rehabilitation Project.

PUBLIC HEARINGS (Items 19 - 20)

Continued

19. ZONING CODE AMENDMENTS PERTAINING TO TATTOO PARLORS - CONTINUE PUBLIC HEARING TO DECEMBER 3, 2024 CITY COUNCIL MEETING

Jung moved, seconded by Zahra, to continue public hearing to the December 3, 2024 City Council meeting at 5:30 p.m. in the Fullerton City Council Chambers.

Motion carried 5 – 0.

Continued

20. 6TH CYCLE (2021-2029) HOUSING ELEMENT, HOUSING INCENTIVE OVERLAY PROGRAM ENVIRONMENTAL IMPACT REPORT, FULLERTON GENERAL PLAN LAND USE ELEMENT PORTION AMENDMENT TO IMPLEMENT HOUSING INCENTIVE OVERLAY PROGRAM AND HOUSING INCENTIVE OVERLAY ZONE

Mayor Dunlap opened the public hearing at 5:38 p.m.

The following addressed City Council:

- Marian Gibson expressed several concerns with the proposed overlay zone.
- Maria Rivera, Fullerton, expressed concerns with the proposed density in proximity to her home.
- Robert Jansen asked Council to consider the impact of the plan on the City.
- Karen Pascoe asked for more than 10% affordable housing.
- George Stevens highlighted issues with access to some of the proposed high-density areas and proposed alternative locations.
- Mary Francis Gable asked to maintain livability along Chapman Avenue and not go beyond the state mandates.

- Jeff Koskela asked City Council to pass only the state minimum.
- Jane Rands asked City Council to remove the Commonwealth corridor from the plan.
- Elizabeth Hansburg requested the City have enough buffer to avoid no net loss.
- Elsa McCafferty asked to add property on Highland Avenue to the Housing Element.
- Mark Freeman expressed concerns with lack of public input on development in HOIZ zones and building standards.
- David Froberg favored a greater percentage of affordable housing than proposed and high density development keeping with the Fullerton housing style.
- JJ Lashley spoke about traffic impacts and developer contributions.
- Mark Neynaber asked City Council to consider the impacts of zoning on neighborhoods.
- Jay Williams supported this item.
- Matt Leslie asked to remove the Chapman and Commonwealth corridor, preserve local control to comment on projects and increase affordable housing to 15 percent.
- Mihran Toumajan, NAIOP SoCal, spoke about unintended consequences.
- Stephanie (no last name provided) spoke about the impact of the proposed plan on her business and schools.
- Todd Harrison spoke about housing for the disabled and senior community.
- Yolanda Harrison expressed concerns with the type of housing and impacts to public safety, transit and ADA issues.
- Maureen Milton expressed concerns with the style of development and parking.
- Greg Geimont asked about school impacts and failed businesses in mixed use housing.
- Christy Sims asked City Council to include fewer properties in the overlay than proposed.
- Randy Smith, Fullerton, spoke about traffic mitigation along Chapman Avenue.
- Sean Paden opposed adding beyond the state mandates.
- Albert Hensperger asked to remove a parcel at State

College and Chapman from the overlay zone.

- Bryan Hensperger asked for no R5 zoning west of State College.
- Carime (no last name provided) supported affordable housing.
- Jane Reifer, Friends for Livable Fullerton, said this project exceeds the General Plan build out and RHNA requirements.
- Andrew Lenahan supported passing the minimum requirements.
- Julie Rayburn asked City Council to consider removing parcels in the 92832 zip code.
- Z (no last name provided) spoke about state housing mandates and campaign contributions.
- Maria Manriquez, Fullerton, spoke about traffic and pedestrian impacts and supported keeping retail parcels.
- Vinnie (no last name provided), Fullerton, opposed adding more than the minimum units.

The following addressed City Council remotely:

- Scott Hess supported approving the minimum standards.
- Ian Parker supported this item.
- Larry Bennett opposed the item as presented and suggested meeting only the minimum state RHNA numbers.

Mayor Dunlap closed the public hearing at 8:53 p.m.

Dunlap moved, seconded by Jung, to continue this item to December 3, 2024 at 5:30 p.m. in the Fullerton City Council Chamber.

Mayor Pro Tem Jung left the meeting at 8:54 p.m.

REGULAR BUSINESS

None.

ITEMS REMOVED FROM CONSENT CALENDAR

None.

9:11 p.m.

ADJOURNMENT

Mayor / Chair Dunlap adjourned the meeting at 9:11 p.m.

Nicholas Dunlap
Mayor

Lucinda Williams, MMC
City Clerk