



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MARCH 19, 2024 – 4:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:00 p.m.

CALL TO ORDER

Council Member Zahra called the meeting to order at 4:00 p.m.

ROLL CALL

Present: Mayor / Chair Dunlap (arrived 4:04 p.m.), Council / Agency Members Charles, Whitaker, Zahra

Absent: 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

The following addressed City Council:

- Karen Loreda spoke about Brown Act provisions for Closed Session items.

RECESS TO CLOSED SESSION

Mayor / Chair Dunlap recessed to Closed Session at 4:06 p.m.

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

Mayor / Chair Dunlap adjourned to Closed Session reconvened in Study Session at 4:19 p.m.



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION MINUTES
MARCH 19, 2024 – 4:15 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:19 p.m.

CALL TO ORDER

Mayor / Chair Dunlap called the Study Session to order at 4:19 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

PUBLIC COMMENTS - Study Session

None.

STUDY SESSION

Direction provided

1. EARLY MORNING PARKING PROGRAM REVIEW AND ALTERNATIVES

The following addressed City Council:

- Sam (no last name provided) spoke about the impact of ADUs on parking and supported a pilot program.

Council Members provided direction.

5:08 p.m.

ADJOURNMENT

Mayor / Chair Dunlap adjourned the meeting at 5:08 p.m.

Nicholas Dunlap
Mayor

Lucinda Williams, MMC
City Clerk



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

5:32 p.m.

CALL TO ORDER

Mayor / Chair Dunlap called the meeting to order at 5:32 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

INVOCATION given by Deacon Tony Mercado, St. Mary's Catholic Church.

PLEDGE OF ALLEGIANCE led by Council Member Jung.

CLOSED SESSION REPORT

None.

EX PARTE COMMUNICATIONS REPORT

None.

PRESENTATIONS

Presented

1. **PROCLAMATION: Arbor Day 2024**

ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT

City Council pulled Item 7 for further discussion and removed Item 8 from the Consent Calendar.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison, Fullerton, spoke about the Valencia / Lemon intersection.
- Bulmaro Vicente spoke about an in-custody death.
- Wouldarek (no last name provided) spoke about the Fullerton Police Department.
- Z (no last name provided) spoke about the UP Trail and City tax base.
- Andrew Lennon, Fullerton, spoke about streetlights.
- Curtis Gamble spoke about homeless issues.
- Unidentified speaker spoke about the UP Trail.
- Unidentified speaker talked about graffiti at the Transportation Center.
- Yolanda Harrison, spoke about the Valencia / Lemon intersection and UP Trail.

The following addressed City Council remotely:

- Ryan Farsai thanked those attending the Extra Mile grand opening.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Council Member Zahra wished all a Happy Ramadan and Nowruz, reported on recent events and asked for an update on streetlights.

Council Member Charles wished all a Happy Ramadan, Nowruz and Easter, reported on recent activities, spoke about police response and reported on upcoming events.

Mayor Dunlap asked staff to provide a report on series lighting.

APPOINTMENTS (Item 1)

Appointed

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Mayor Pro Tem Jung appointed David DeLeon to the Transportation and Circulation Commission for an unexpired term ending December 31, 2024.

Dunlap moved, seconded by Charles, to ratify appointment.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 14)

Approved

1. MARCH 5, 2024 MEETING MINUTES

Proposed Motion:

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

Received and filed.

2. MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT

Proposed Motion:

Receive and file.

Received and filed.

3. FEBRUARY 2024 CHECK REGISTER

Proposed Motion:

Receive and file.

Adopted

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

Proposed Motion:

Adopt the following resolutions:

RESOLUTION NO. 2024-012 - 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. 2024-013 - 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. 2024-014 - 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. 2024-015 - 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. 2024-016 - 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. 2024-017 - 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. 2024-018 - 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. 2024-019 - 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. 2024-020 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTION VALUE FOR THE EXECUTIVE UNIT

Approved

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.

Approved

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.

- Removed **8. SENATE BILL 1383 COMPLIANCE ACTION PLAN FOR SERVICES AND PROGRAMS RELATED TO SOLID WASTE, RECYCLING AND ORGANICS COLLECTION**
- Removed from Consent Calendar.
- Approved **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.
- Approved **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.
- Approved **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.
- Approved **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.

Approved

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.

Approved

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)

Introduced

15. SHORT-TERM RENTALS LAND USE APPEAL PROCESS AMENDMENT

Mayor Dunlap opened the public hearing at 6:18 p.m.

No members of the public addressed City Council.

Mayor Dunlap closed the public hearing at 6:18 p.m.

Zahra moved, seconded by Dunlap, to introduce Ordinance 3331 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3331 - 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

City Clerk Williams read the ordinance title.

Motion carried 5 – 0.

Adopted

16. MILLS ACT PROGRAM GUIDELINES REVISIONS

Mayor Dunlap opened the public hearing at 6:24 p.m.

The following addressed City Council:

- Karen Lloreda proposed changes to the proposed revisions.

Mayor Dunlap closed the public hearing at 6:32 p.m.

Jung moved, seconded by Zahra, to adopt Resolution No. 2024-022.

RESOLUTION NO. 2024-022 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING MILLS ACT PROGRAM GUIDELINES REVISIONS

Motion carried 5 – 0.

REGULAR BUSINESS

None.

ITEMS REMOVED FROM CONSENT CALENDAR

Adopted

7. EARLY MORNING PARKING PILOT PROGRAM

The following addressed City Council:

- Sam (no last name provided) supported this item.
- Unidentified speaker spoke about the presentation for this item.
- Z (no last name provided), Fullerton, spoke about other permit parking programs.

The following addressed City Council remotely:

- Munish (no last name provided) spoke about fairness for both homeowners and renters and supported a permit program.

Dunlap moved, seconded by Zahra, to adopt Resolution No. 2024-021 implementing Option 3b for an 18 month pilot program and allowing a one-block radius for enforcement.

RESOLUTION NO. 2024-021 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A PILOT STREET PARKING PROGRAM

Motion carried 4 – 1 (Opposed: Whitaker).

6:52 p.m.

ADJOURNMENT

Mayor / Chair Dunlap adjourned the meeting at 6:52 p.m.

Nicholas Dunlap
Mayor

Lucinda Williams, MMC
City Clerk