



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
AUGUST 15, 2023 – 4:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:30 p.m.

**CALL TO ORDER**

Mayor / Chair Jung called the meeting to order at 4:30 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

**PUBLIC COMMENTS - Closed Session**

None.

**RECESS TO CLOSED SESSION**

Mayor / Chair Jung recessed to Closed Session at 4:32 p.m.

**CLOSED SESSION**

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

Title: City Manager

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

Title: Chief of Police

5:25 p.m.

**ADJOURNMENT**

Mayor / Chair Jung adjourned the meeting at 5:25 p.m.

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Fred Jung  
Mayor

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Lucinda Williams, MMC  
City Clerk



**CITY OF FULLERTON  
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REGULAR SESSION MINUTES  
AUGUST 15, 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, Deputy City Manager Daisy Perez

**INVOCATION** given by Father Steve Correz, St. Mary's Church.

**PLEDGE OF ALLEGIANCE** led by Council Member Zahra.

## **CLOSED SESSION REPORT**

City Attorney Jones reported that Jung moved, seconded by Dunlap, to settle the case of Hector Hernandez, et al. v. City of Fullerton, et al. for \$8.650 million, of which City will pay \$567,556.09 from the General Fund and the balance from insurance.

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

## **EX PARTE COMMUNICATIONS REPORT**

Council Member Zahra reported he spoke with representatives of the Fullerton Police Officers Association, Fullerton Firefighters Association and the Orange County Employees Association.

Presented

## **PRESENTATIONS**

1. **CERTIFICATE:** Fullerton Union High School CIF Southern California Softball Regional Champions 2023
2. **CERTIFICATE:** Golden Hill Little League 10U California State Champions
3. **PROCLAMATION:** American Muslim Appreciation and Awareness Month
4. **PRESENTATION:** Orange County Water District Briefing
5. **PRESENTATION:** Groundswell Annual Report  
(Rescheduled to October 2023)

## **ITEMS REMOVED FROM CONSENT CALENDAR ANNOUNCEMENT**

City Council pulled Item 13 from the Consent Calendar.

## **PUBLIC COMMENTS - Regular Session**

The following addressed City Council:

- Bernard (no last name provided) spoke about the mayor rotation process and invocation.
- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Z (no last name provided) spoke about auto malls and pedestrian safety on Page Avenue.
- Woudarek (no last name provided) spoke about police conduct.
- Anjali Tapadia spoke about bicycle lanes on Associated Road and safety issues near Maple Elementary School.
- Curtis Gamble spoke about homeless issues.
- Curt Johnston spoke about safety on Lemon Street, tree replacement and sidewalks.
- Joel Maus spoke about bicycle infrastructure.

The following addressed City Council remotely:

- Maureen Milton spoke about bus benches, thanked the police department for helping her get to City Hall and spoke about the mobility access on Associated Road.
- Hannah Charkatz spoke about Associated Road.
- Munish (no last name provided) spoke about construction on Associated Road and opposed an bicycle lane on Associated

Road.

- Brandon H. spoke in support of an enhanced bicycle lane on Associated Road.
- Kayla Asato spoke about the Orange County Water District presentation.
- Marcia Brown spoke about Council Member Zahra.

## **CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS**

City Manager Levitt responded to items arising during public comment.

Council Member Charles spoke about safe parking programs, office hours and an upcoming community meeting.

Council Member Dunlap congratulated the Fullerton Museum Leo Fender Day and announced upcoming Tommy LaSorda Day.

Council Member Zahra spoke about the Hernandez settlement, email and issues arising during public comments.

Mayor Pro Tem Whitaker congratulated championship sports teams and spoke about Tommy LaSorda Day.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 16)**

Dunlap moved, seconded by Zahra, to approve Consent Calendar items 1, 2, 3, 4, 6, 7, 8, 11, 12, 14, 15 and 16.

Motion carried 5 – 0.

Approved

### **1. AUGUST 1, 2023 MEETING MINUTES**

Recommendation:

Approve August 1, 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. JULY 2023 CHECK REGISTER**

Recommendation:

Receive and file.

Received and filed

**4. TREASURER'S REPORT FOR QUARTER ENDED JUNE 30, 2023**

Recommendation:

Receive and file.

Approved

**6. CITY OF FULLERTON RESPONSE TO ORANGE COUNTY GRAND JURY REPORT - "WELCOME TO THE NEIGHBORHOOD ARE CITIES RESPONSIBLY MANAGING THE INTEGRATION OF GROUP HOMES?"**

Recommendation:

1. Review 2022-223 Orange County Grand Jury report titled, *"Welcome to the Neighborhood" Are Cities Responsibly Managing the Integration of Group Homes?"*
2. Approve response letter to the Superior Court Presiding Judge.

Approved

**7. 2022 DNA FINGERPRINT, UNSOLVED CRIME AND INNOCENCE PROTECTION ACT OF 2004 FUNDS AWARD**

Recommendation:

Accept and appropriate receipt and use of \$27,700 2022 Proposition 69 allocation to Police Department budget within the Grant Fund (Fund 32).

Adopted

**8. 2023-24 CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT AWARD**

Recommendation:

1. Adopt Resolution No. 2023-057.

RESOLUTION NO. 2023-057 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT ALCOHOLIC BEVERAGE CONTROL GRANT FUNDS

2. Authorize Chief of Police to execute \$90,000 2023-24 Alcoholic Beverage Control grant agreement.
3. Appropriate receipt and use of grant funds in Grants Fund (Fund 32).

Approved

**11. LEASE AGREEMENT WITH DELL FINANCIAL SERVICES TECHNOLOGY FOR TECHNOLOGY REPLACEMENTS**

Recommendation:

1. Approve Dell Technologies quote to amend the Dell Financial

Services Agreement to add 75 computers to the technology lease and authorize City Manager, or designee, to issue a change order and execute and administer the amendment and related documents, in a form approved by the City Attorney.

2. Approve Amendment Number Six to the Professional Services Agreement with Glass Box Technology, Inc. dated July 1, 2022 for services to manage and deploy the additional 75 personal computers.
3. Approve \$119,134 budget appropriation from IT Fund balance to IT Fund operating budget (Fund 68).

Approved

**12. CONTRACT EXTENSION WITH BANK OF MONTREAL HARRIS BANK FOR FINANCIAL BANKING SERVICES**

Recommendation:

1. Approve Amendment Number Two to the Professional Services Agreement with Bank of Montreal Harris Bank N.A. for a five-year extension, with two one-year options to renew.
2. Authorize City Treasurer to execute and administer Amendment Number Two and additional options to renew, in a form approved by the City Attorney.

Approved

**14. PROFESSIONAL SERVICES AGREEMENTS WITH AVIDEX INDUSTRIES, LLC AND GLASS BOX TECHNOLOGY FOR LIBRARY CONFERENCE CENTER TECHNOLOGY UPGRADES PROJECT AMENDMENT AND FUNDING**

Recommendation:

1. Authorize Administrative Services Director, or designee, to issue \$139,208 purchase order with Avidex Industries, LLC for Library Conference Center audio-visual system equipment upgrades and installation.
2. Authorize Administrative Services Director, or designee, to issue \$26,250 purchase order with Glass Box Technology, Inc. for IT services relating to Library Conference Center upgrade project.
3. Authorize a \$55,458 budget appropriation and budget transfer of Library Foundation funds (Fund 13) to Project 56023 Library's Conference Center Technology Upgrades Project (Fund 74).
4. Authorize City Manager, or designee, to approve purchase or change orders within the approved project budget.

Approved

**15. FIRE STATION 1 REPLACEMENT EMERGENCY GENERATOR PURCHASE**

Recommendation:

Authorize Administrative Services Director, or designee, to purchase a new Emergency Generator for \$141,701 from Collicutt Energy Service Inc.

Approved

**16. FISCAL YEAR 2022-23 VEHICLE REPLACEMENTS - TWO ULTRA LOW EMISSION VEHICLES**

Recommendation:

1. Authorize Administrative Services Director, or designee, to issue Purchase Order(s) through an informal bidding process to purchase two eligible Ultra Low Emission Vehicles.
2. Approve \$112,200 budget transfer and appropriation to the Fiscal Year 2023-24 Budget from the Air Quality Improvement Fund (Fund 22) fund balance to the Vehicle Replacement Fund (Fund 64).

**PUBLIC HEARINGS**

None.

**REGULAR BUSINESS (Items 17 - 20)**

Adopted

**17. CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE) FORMATION**

Zahra moved, seconded by Dunlap, to adopt the following resolutions:

RESOLUTION NO. 2023-059 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, FORMING COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

RESOLUTION NO. 2023-060 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DETERMINING NECESSITY TO INCUR BONDED INDEBTEDNESS CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

RESOLUTION NO. 2023-061 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CALLING SPECIAL ELECTION CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

Motion carried 4 – 1 (Opposed: Whitaker).

City Council conducted Special Election.

City Clerk Williams announced the results in favor of the measure.



Dunlap moved, seconded by Zahra, to:

1. Adopt the following resolutions:

RESOLUTION NO. 2023-062 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

RESOLUTION NO. 2023-063 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN IMPROVEMENT AND REIMBURSEMENT AGREEMENT AND AUTHORIZING AND DIRECTING ACTIONS WITH RESPECT THERETO CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

2. Introduce Ordinance No. 3324 for first reading by title only and waive further reading of the ordinance.

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)

Motion carried 4 – 1 (Opposed: Whitaker).

City Clerk Williams read the Ordinance title.

Approved

**18. CITY OF FULLERTON RESPONSE TO ORANGE COUNTY GRAND JURY REPORT “GIMMIE SHELTER AND A POUND OF ADVICE, THE STATE OF ANIMAL WELFARE OVERSEEN BY THE COUNTY OF ORANGE” *(Continued from August 15, 2023)***

The following addressed City Council:

- Jane Rands made suggestions for responses to findings in the report.

The following addressed City Council remotely:

- Angela Lindstrom thanked City Council for a more thoughtful response letter, asked for regular reports from OC Animal Care and recommended the City set performance metrics for services.
- Diane (no last name provided) thanked City Council for the responses provided in the letter.

Jung moved, seconded by Dunlap, to:

1. Review 2022-23 Orange County Grand Jury report titled, *"Gimmie Shelter and a Pound of Advice, the State of Animal Welfare Overseen by the County of Orange."*
2. Approve response letter to the Superior Court Presiding Judge.

Motion carried 5 – 0.

Option 3 approved

## **19. UNION PACIFIC TRAIL PHASE TWO DESIGN**

The following addressed City Council:

- Anjali Tapadia spoke in support of this project without automobile access.
- Curtis Gamble spoke in support of this item.
- Jane Rands asked for a more comprehensive plan for the full trail and expressed concern with landscape maintenance.
- Egleth Nuncci spoke in support of Option 1.
- Carla Aguayo spoke in support of Option 1.
- Veronica Moran spoke in support of Option 1.
- Adrian Meza spoke in support of Option 1.
- Karime (no last name provided) spoke in support of Option 1.
- Z (no last name provided) spoke in support of Option 1.
- Joel Maus spoke in support of Option 1.
- Curt Johnston spoke in support of a modified Option 1.

The following addressed City Council remotely:

- Diane (no last name provided) spoke in support of Option 1.
- Maureen Milton asked if the trail would accommodate those with accessibility issues.

Zahra moved, seconded by Charles, to approve Option 1 and direct the City Manager to proceed with the original Union Pacific Trail Phase Two project design, as recommended by the Parks and Recreation Commission, and direct staff to bring back an appropriate budget request for approval on the Consent Calendar.

Motion failed 2 – 3 (In favor: Charles, Zahra).

Jung moved, seconded by Dunlap, to approve Option 3 and direct the City Manager to terminate the grant agreement with the State of California Natural Resources Agency, direct staff to reapproach the Agency to consider reallocating grant funding to another project in the City and direct staff to open Union Pacific Park with

haste.

Mayor Jung closed discussion on the item.

Charles moved, seconded by Zahra, to reopen discussion.

Motion to reopen failed 2 – 3 (In favor: Charles, Zahra).

Original motion carried 3 – 2. (Opposed: Charles, Zahra).

Adopted

**20. COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED AND EXECUTIVE EMPLOYEES AND PROPOSED AMENDMENT TO THE CHIEF OF POLICE EMPLOYMENT AGREEMENT**

The following addressed City Council:

- Woudarek (no last name provided) spoke in opposition to this item.
- Munish Bharadwaja spoke in support of this item.

Jung moved, seconded by Charles, to adopt the following resolutions:

RESOLUTION NO. 2023-064 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2022-039

RESOLUTION NO. 2023-065 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2021-69 AND RESOLUTION NO. 2022-038

Motion carried 3 – 1 – 1 (Opposed: Whitaker, Abstain: Dunlap).

Jung moved, seconded by Charles, to:

1. Adopt the following resolutions:

RESOLUTION NO. 2023-066 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SALARY SCHEDULE FOR CITY COUNCIL APPOINTED POSITIONS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 2, SECTION 570.5 AND SUPERSEDING RESOLUTION NO. 2023-029

2. Approve and authorize Mayor to execute the Amendment to the Employment Agreement between the City and Chief of Police Robert Dunn II.

Motion carried 4 – 1 (Opposed: Whitaker).

## **ITEMS REMOVED FROM CONSENT CALENDAR**

Adopted

### **5. FULLERTON MUNICIPAL CODE AMENDMENTS TO REVISE RECREATIONAL VEHICLE PARKING PROVISIONS - SECOND READING OF ORDINANCE**

The following addressed City Council:

- Curtis Gamble supported RV parking.
- Woudarek supported RV parking for the homeless.
- Z (no last name provided) spoke about RV solid waste disposal.

Dunlap moved, seconded by Zahra, to adopt Ordinance No. 3323.

ORDINANCE NO. 3323 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 8.46 RELATING TO RECREATIONAL VEHICLE PARKING, STOPPING AND STANDING

Motion carried 5 – 0.

Approved

### **9. HUNT LIBRARY REVITALIZATION PROJECT PHASE FIVE SITE IMPROVEMENTS FUNDING**

The following addressed City Council:

- Curtis Gamble suggested using the Hunt Library for the homeless and safe parking.
- Curt Johnston would like to see the area lightened up and trees removed.

Jung moved, seconded by Dunlap, to authorize a budget transfer and re-allocation of up to \$150,000 of American Rescue Plan Act Funds from Project 55056 HOPE Center Building Improvement Project to Project 55050 Hunt Library Revitalization Project in the Capital Improvement Fund (Fund 74).

Motion carried 5 – 0.

Adopted

### **10. HUNT LIBRARY PRIVATE RENTAL FEES**

The following addressed City Council:

- Curtis Gamble spoke in support of this item.
- Jane Rands asked about the amplified music fees.

Whitaker moved, seconded by Dunlap, to adopt Resolution No. 2023-058.

RESOLUTION NO. 2023-058 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING THE PARKS AND RECREATION FEE SCHEDULE

TO ESTABLISH RENTAL FEES FOR THE HUNT LIBRARY

Motion carried 5 – 0.

Approved

**13. CONTRACT WITH SWEEPING CORP OF AMERICA FOR STREET SWEEPING AMENDMENT NUMBER ONE**

Dunlap moved, seconded by Whitaker, to:

1. Approve Amendment Number One to Maintenance Services Agreement with Sweeping Corp of America (SCA) to continue street sweeping services and authorize City Manager, or designee, to execute and administer the amendment, in a form approved by the City Attorney.
2. Approve \$50,000 budget appropriation from Sanitation Fund Balance (Fund 23) to Street Cleaning Program (Program 2421).
3. Authorize City Manager, or designee, to approve future contract increases in an amount not to exceed the Consumer Price Index for All Urban Consumers for Los Angeles-Long Beach-Anaheim area.
4. Authorize City Manager to extend the term of the Maintenance Services Agreement with SCA for up to two additional one-year periods per Section 4.1.

Motion carried 4 – 1 (No: Zahra).

9:52 p.m.

**ADJOURNMENT**

Mayor / Chair Jung adjourned the meeting in Memory of Rob Saslo at 9:52 p.m.

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Fred Jung  
Mayor

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Lucinda Williams, MMC  
City Clerk