



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
DECEMBER 21, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:02 p.m.

CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 5:02 p.m.

All Present

ROLL CALL

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

Absent: None

Staff Present: Acting City Manager Steve Danley, Deputy City Attorney Harold Potter, City Clerk Lucinda Williams

PUBLIC COMMENTS – Closed Session

None.

5:03 p.m.

RECESS to Closed Session

Mayor / Chair Jung recessed to Closed Session at 5:03 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro and Jay Trinnaman

Employee Organizations: Fullerton Fire Management Association, Fullerton Firefighters' Association, Fullerton Management Association, Fullerton Municipal Employees Federation

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

2. PUBLIC EMPLOYMENT Per Government Code Section 54957(b)(1)

Title Acting City Manager

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(4)

Initiation of Litigation: One Case

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 801 West Valencia Drive,
Fullerton, CA 92832 (APN: 031-150-42, 031-150-44, 031-150-45)

Agency Negotiator: Steve Danley, Acting City Manager

Negotiating Parties: Jim Auriello, Boys & Girls Club

Under Negotiations: Price and Terms

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 6:11 p.m.



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
DECEMBER 21, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 6:30 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Dunlap, Silva, Zahra (arrived 6:31 p.m.)

Absent: None

Staff Present: Acting City Manager Steve Danley, Deputy City Attorney Harold Potter, City Clerk Lucinda Williams, Police Captain Jose Arana, Fire Chief Adam Loeser, Interim Director of Community and Economic Development Greg Pfost

INVOCATION given by given by Jason Phillips.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

Deputy City Attorney Potter reported on the December 16, 2021 appeals hearing.

EX PARTE COMMUNICATIONS REPORT PURSUANT TO FMC 2.33.040 - TRANSPARENCY AND ACCOUNTABILITY IN LABOR NEGOTIATIONS

Council Member Zahra reported he had conversations with the Fullerton Firefighters' Association, Fullerton Police Officers' Association and OCEA.

Council Member Silva reported he spoke with the Fullerton Firefighters' Association.

Mayor Jung reported he spoke with Fire Captain Dan Lancaster.

PRESENTATIONS

None.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison spoke about City services and housing.
- Bernard Oh expressed disappointment in City Council.
- Curtis Gamble spoke about ARPA funding.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Acting City Manager Danley responded to issues arising during public comments.

Council Member Silva thanked staff for their work this year, thanked outgoing Acting City Manager Danley and wished all a Merry Christmas.

Council Member Zahra thanked staff for their work during COVID-19, recognized outgoing Acting City Manager Danley and looked forward to prosperity for the city in the new year

Mayor Pro Tem Dunlap wished all a Merry Christmas and spoke about the Golden Hill Little League Challenger Division.

Mayor Pro Tem Whitaker wished all a Merry Christmas and a safe and enjoyable New Year.

Mayor Jung acknowledged the state's new mask mandate, spoke about an earlier meeting start time and wished all a Merry Christmas.

City Clerk Williams announced upcoming Redistrict Fullerton events and committee recruitment deadlines.

APPOINTMENTS

1. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS

Zahra nominated himself for the Orange County Vector Control Board Primary Member seat.

Dunlap nominated Mayor Jung for the Orange County Vector Control Board Primary Member seat.

City Council appointed Mayor Jung as the Orange County Vector Control Board Primary Member for a two-year term by majority vote (In favor of Jung: Dunlap, Whitaker, Jung; In favor of Zahra: Silva, Zahra).

Council Member Silva nominated Mayor Jung to serve as the Investment Advisory Committee Primary Member, term ending December 31, 2022. City Council accepted this nomination by acclamation.

Council Member Silva nominated Mayor Pro Tem Whitaker to serve as the Investment Advisory Committee Alternate Member, term ending December 31, 2022. City Council accepted this nomination by acclamation.

Council Member Zahra removed himself as alternate on the North Orange County Cities Joint Powers Authority.

City Council reviewed and reaffirmed all other advisory body appointments with unexpired terms or no specific term end date.

CONSENT CALENDAR (Items 1 - 12)

Dunlap moved, seconded by Silva, to approve Consent Calendar Items 1 through 12.

Motion carried 5 – 0.

Approved

1. DECEMBER 7, 2021 MEETING MINUTES

Recommendation:

Approve December 7, 2021 City Council / Successor Agency / Housing Authority / Public Financing Authority Meeting Minutes.

Approved

2. NOVEMBER 2021 CHECK REGISTER

Recommendation:

Receive and file.

Approved

3. FISCAL YEAR 2021-22 FIRST QUARTER FINANCIAL REPORT

Recommendation:

1. Receive and file First Quarter Financial Report for FY 2021-22.
2. Authorize budget amendments to the FY 2021-22 Adopted Budget.

Adopted

4. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO EMERGENCY PURCHASES - SECOND

READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3306.

ORDINANCE NO. 3306 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 2.64 (PURCHASING), SECTION 2.64.090 (EMERGENCY PURCHASES)

Adopted

5. **AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS**

Recommendation:

Adopt Resolution No. 2021-101.

RESOLUTION NO. 2021-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE CONTINUED DETERMINATION OF LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

Approved

6. **FISCAL YEAR 2020-21 DONATIONS - RECEIPTS AND USES**

Recommendation:

Receive and file report.

Adopted

7. **CLASSIFICATION PLAN UPDATE RELATING TO ECONOMIC DEVELOPMENT MANAGER / PRINCIPAL PLANNER POSITION**

Recommendation:

Adopt Resolution No. 2021-102.

RESOLUTION NO. 2021-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-79 (FULLERTON MANAGEMENT ASSOCIATION)

Adopted

8. **EMPLOYMENT AGREEMENT FOR ACTING CITY MANAGER**

Recommendation:

Adopt Resolution No. 2021-103.

RESOLUTION NO. 2021-103 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

APPROVING AN AGREEMENT RETAINING JEFF COLLIER AS ACTING CITY MANAGER IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)

Approved

9. FISCAL YEAR 2020-2021 DEVELOPER IMPACT FEE ANNUAL COMPLIANCE REPORT

Recommendation:

Review and file compliance reports.

Adopted

10. WELL REHABILITATION PROJECTS GRANT FUNDING

Recommendation:

1. Adopt Resolution No. 2021-104.

RESOLUTION NO. 2021-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE AND EXECUTION FOR WELLS 1A, 3A, 6, 15A REHABILITATION

2. Authorize appropriation of receipt and use of grant awards for well rehabilitation.

Approved

11. HUNT BRANCH LIBRARY WATER AND SEWER IMPROVEMENTS

Recommendation:

1. Approve plans and specifications for the Hunt Branch Library Water and Sewer Improvements Project.
2. Award \$197,805 construction contract for the Hunt Branch Library Water and Sewer Improvements Project to Bunker Construction Inc. and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
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

12. SAN JUAN AREA INFRASTRUCTURE IMPROVEMENTS

Recommendation:

1. Approve San Juan Area Infrastructure Project plans and specifications.
2. Approve inclusion of project bid alternates A1 through A5 as shown on the project bid schedule.
3. Approve the following appropriations in Project 53014 San Juan Infrastructure Project:

- Transfer \$923,000 Measure M2 Funds from Project 44589 Residential Street Program
 - Transfer \$352,000 General Funds from Project 44589 Residential Street Program
 - Transfer \$204,100 Sewer Enterprise Funds from Project 51419 Annual Sewer Replacement Program
 - Appropriate \$1,067,785 Water Funds from Water Fund balance (Fund 44).
4. Award \$2,125,257 construction contract for San Juan Infrastructure Project to Sully-Miller Contracting Company and authorize City Manager, or designee, to execute the 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.

PUBLIC HEARINGS (Items 13 - 14)

Adopted

13. STREETLIGHTS RESIDENTIAL LOCATED AT 215-229 EAST ORANGETHORPE AVENUE AND 1101 AND 1111 SOUTH LEMON STREET

Mayor Jung opened the public hearing at 7:17 p.m.

The following addressed City Council:

- Curt Johnston spoke about project lighting.
- Alex Zamora, LIUNA, spoke in support of this project.
- Bill Quisenbery, LIUNA, spoke in support of this project.
- Curtis Gamble spoke in support of this project.

The following addressed City Council via Zoom:

- Jane Reifer spoke in support of this project.
- Maureen Milton spoke about handicap and mobility issues.
- Jane Rands asked City Council to honor the work of the Planning Commission and the role of the Active Transportation Committee.

Mayor Jung closed the public hearing at 7:56 p.m.

Silva moved, seconded by Zahra, to:

1. Adopt the following resolutions:

RESOLUTION NO. 2021-105 - A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION, INCLUDING ANALYSIS OF THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT, PROJECT DESIGN FEATURES AND STANDARD CONDITIONS FOR A PROPOSED MIXED-USE PROJECT WITH 329 RESIDENTIAL APARTMENTS WITH A MINIMUM 5% (17 UNITS; 19 PROPOSED) DEED-RESTRICTED UNITS FOR VERY-LOW-INCOME WITH UP TO 6,500 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

RESOLUTION NO. 2021-106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A MIXED-USE PROJECT WITH 329 RESIDENTIAL APARTMENTS WITH A MINIMUM 5% (17 UNITS; 19 PROPOSED) DEED-RESTRICTED UNITS FOR VERY-LOW-INCOME WITH UP TO 6,500 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

RESOLUTION NO. 2021-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM 2020-152 FOR PROPERTY LOCATED IN THE FULLERTON TOWN CENTER SHOPPING CENTER ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

RESOLUTION NO. 2021-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FROM COMMERCIAL TO HIGH-DENSITY RESIDENTIAL ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

2. Introduce the following Ordinances for first reading by title only and waive further reading of the Ordinances.

ORDINANCE NO. 3307 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (G-C) TO SPECIFIC PLAN

DISTRICT (SPD) ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

ORDINANCE NO. 3308 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ORANGETHORPE AND LEMON SPECIFIC PLAN TO IMPLEMENT THE LAND USE REGULATIONS ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

Motion carried 5 – 0.

City Clerk Williams read the ordinance titles.

No action

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

Received and filed.

REGULAR BUSINESS (Items 15 - 16)

Not adopted

15. OBJECTIVE STANDARDS FOR THE IMPLEMENTATION OF SB 9 URGENCY ORDINANCE

The following addressed City Council:

- Curtis Gamble spoke about “by right”.

The following addressed City Council via Zoom:

- Christy Sims spoke in support of this item
- Jane Rands spoke in support of this item.
- Matthew Leslie spoke in support of this item.
- Ernie Kelsey, Fullerton Heritage, spoke in support of preserving all the city’s preservation zones.
- Jane Reifer suggested several additions to the ordinance.
- Maureen Milton asked how this ordinance would impact speculators.
- Gregory Sebourn spoke in support of this item.
- Mark Neynaber asked about the legality of the state’s actions.

Dunlap moved, seconded by Jung to introduce and adopt Ordinance No. XXXX.

ORDINANCE NO. XXXX - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA RELATING TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS PURSUANT TO SENATE BILL 9

Motion failed 3 – 2 (Opposed: Silva, Zahra) as this item required a 4/5 majority vote to pass.

Introduced

16. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING SOLID WASTE REGULATION INCLUDING ORGANIC WASTE

The following addressed City Council via Zoom:

- Jane Rands asked the City to renegotiate the contract to provide residents with a remedy when trash pick-up does not occur.
- Maureen Milton asked about a recycling video on the City's cable channel.

Silva moved, seconded by Jung, to introduce Ordinance No. 3309 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3309 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE TITLE 5, CHAPTER 5.14 7 F PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 9:32 p.m.