



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
APRIL 20, 2021 – 4:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

City Council conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

4:06 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 4:06 p.m.

All Present

ROLL CALL

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS – Closed Session

None.

Conducted

**RANDOM LOTTERY DRAWING FOR FIREWORKS
STAND PERMITS**

Applicants drawn.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 4:15 p.m.

CLOSED SESSION

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION Per Government**

Code Section 54956.9(a)

Name of Case: Michael Destiche v. City of Fullerton

Case Number: OCSC Case No.: 30-2019-010144575

2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer, Ellis Chang, Adam Loeser, Laura Giannetti-Mercer, Eddie Manfro and Jay Trinnaman

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

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

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)

Name of Case: City of Fullerton v. Friends for Fullerton's Future, Joshua Ferguson, David Curlee

Case Number: OCSC: 30-2019-01107063

Name of Case: Joshua Ferguson v. City of Fullerton

Case Number: OCSC: 30-2019-01103679-CU-WM-CJC

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

Title: City Manager

6:15 p.m.

RECESS TO REGULAR SESSION

Mayor / Chair Whitaker recessed the Closed Session meeting at 6:15 p.m.



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES**

APRIL 20, 2021 – 6:30 P.M.

**Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

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

All Present

ROLL CALL

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

Absent: None

Staff Present: City Manager Kenneth Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Police Chief Robert Dunn, Deputy Fire Chief Brandon Coatney, Community and Economic Development Director Matt Foulkes

INVOCATION given by given by Darren McWater, Fullerton Free Church.

PLEDGE OF ALLEGIANCE led by Council Member Jung.

CLOSED SESSION REPORT

None.

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

None.

PRESENTATIONS

All Presented but
Drinking Water week

1. **PROCLAMATION: Drinking Water Week 2021**
2. **PRESENTATION: Korean War Memorial**
3. **PROCLAMATION: National Therapy Animal Day**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Craig Sheets spoke about weapons and civil pensions.
- Maureen Milton, Fullerton, spoke about the Korean War Memorial.
- Bill Brown, Fullerton, spoke about an incident involving Hector Hernandez.
- Ameena Qazi spoke about an incident involving Hector Hernandez.
- Vern Nelson, Anaheim, spoke about an incident involving Hector Hernandez.
- Erika Cervantes, Fullerton, spoke about an incident involving Hector Hernandez.
- Mike Rodriguez, Fullerton, spoke about an incident involving Hector Hernandez.
- Kitty Jaramillo, Fullerton, spoke about reinstating the 5% employee cuts.
- Donna Nelson, Anaheim, Fullerton, spoke about an incident involving Hector Hernandez.
- Kelly Williams, Fullerton, Fullerton, spoke about an incident involving Hector Hernandez.
- Bernard Oh, Fullerton, spoke about road conditions.
- Jenny Matti, Fullerton, spoke about police department budgets.

The following addressed City Council via Zoom:

- Jensen Hallstom spoke about historic landscape at the Hunt Branch Library.
- Jennifer Rojas, ACLU Southern California, spoke about an incident involving Hector Hernandez.
- Urmado Vincente, Chicano Alliance, spoke about an incident involving Hector Hernandez.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public

comment.

Council Member Jung spoke about Love Fullerton and Jazz Appreciation Month.

Council Member Silva noted he has rescheduled his Walk and Talk event.

Council Member Zahra spoke about the budget process and invited all to his monthly meetings.

Mayor Whitaker said he appreciated public the input during this meeting and spoke about the Hunt Library brainstorming session and GWRs expansion.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 13)

Zahra moved, seconded by Silva, to approve Consent Calendar Items 1 through 6 and 8 through 13.

Motion carried 5 – 0.

Approved	1.	APRIL 6, 2021 AND APRIL 13, 2021 MEETING MINUTES Recommendation: Approve April 6, 2021 and April 13, 2021 City Council / Successor Agency Meeting Minutes.
Received and filed	2.	MARCH 2021 CHECK REGISTER Recommendation: Receive and file.
Received and filed	3.	TREASURER'S REPORT FOR QUARTER ENDED MARCH 31, 2021 Recommendation: Receive and file.
Resolution 2021-21 adopted	No. 4.	REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 PANDEMIC Recommendation: Adopt Resolution No. 2021-21. RESOLUTION NO. 2021-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAFFIRMING RESOLUTION NO. 2020-33 WHICH

RATIFIED THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY

Received and filed **5. UPDATED SECOND QUARTER FINANCIAL REPORT FY 2020-21**

Recommendation:

Receive and file.

Resolution No. **6. CLASSIFICATION PLAN UPDATE RELATING TO 2021-22 adopted SANITATION SPECIALIST POSITION**

Recommendation:

1. Adopt Resolution No. 2021-22.

RESOLUTION NO. 2021-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-17 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

2. Authorize amendment to Public Works personnel summary to replace Sanitation Specialist with Sewer Lead Worker.

Approved **8. INSURANCE PROGRAM REPORT AND RECOMMENDATIONS**

Recommendation:

Authorize City Manager, or designee, to bind earth movement and flood insurance with Endurance American Specialty Insurance Company, Landmark American Insurance Company and Lloyd's of London with combined limits of \$20 million for a combined premium of \$608,509.

Approved **9. NOISE ORDINANCE WAIVER - CALTRANS STREET IMPROVEMENT PROJECT**

Recommendation:

Temporarily waive requirements of Fullerton Municipal Code Section 15.90.030 Noise Standards for Caltrans street pavement rehabilitation project on Imperial Highway between Harbor Boulevard and Puente Street.

Approved **10. AMENDMENT NO. 1 TO AGREEMENT WITH HF&H CONSULTANTS FOR PROFESSIONAL SERVICES RELATED TO SB 1383 ANALYSIS AND CORRESPONDING NEGOTIATIONS WITH CITY'S TRASH HAULER REPUBLIC SERVICES**

Recommendation:

1. Authorize City Manager to sign Amendment No. 1 to Agreement for Professional Services with HF&H Consultants, LLC related to SB 1383 analysis and corresponding negotiations with City's trash hauler, Republic Services.
2. Authorize \$75,000 appropriation from unappropriated Refuse Fund balance (Fund 46).

Approved

11. WEST ASH AREA WATER MAIN REPLACEMENT

Recommendation:

1. Approve plans and specifications for West Ash Area Water Main Replacement Project.
2. Approve the following Project 53020 West Ash Area Water Main Replacement Project appropriations:
 - Transfer \$130,000 from Project 53002 Miscellaneous Distribution System Improvements to Project 53020 West Ash Area Water Main Replacement Project within the Water Fund (Fund 44)
 - Transfer \$1,220,000 from Project 53250 Water Main System Replacement to Project 53020 West Ash Area Water Main Replacement Project within the Water Fund (Fund 44).
3. Award \$1,219,200 construction contract for West Ash Area Water Main Replacement Project to Big Ben, Inc. in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Approved

12. WELL 7 DESTRUCTION AND WELL 7A CONSTRUCTION PROJECT - PROFESSIONAL SERVICES AGREEMENT

Recommendation:

1. Authorize Public Works Director to execute professional services agreement with Hazen and Sawyer in a form approved by the City Attorney.
2. Authorize Public Works Director, or designee, to amend current purchase order with Hazen and Sawyer increasing by \$16,057.50 for revised total purchase order of \$254,892.50 for design and construction support services.
3. Authorize Public Works Director to approve any future change orders for professional engineering design and construction support services (to include but not be limited to scope and compensation changes) within approved

project budget.

Approved

13. VICTORIA DRIVE INFRASTRUCTURE IMPROVEMENTS - PHASE II

Recommendation:

1. Approve plans and specifications for Victoria Drive Infrastructure Improvements Project - Phase II.
2. Approve the following appropriations to Project 44049 Victoria Drive Infrastructure Improvements Project - Phase II:
 - \$526,000 transfer from Measure M2 Fund (Fund 25) Project 44589 Residential Street Program to CIP Fund (Fund 74) - Project 44049 Victoria Drive Infrastructure Improvements Project - Phase II
 - \$503,000 transfer from Project 53250 Water Main System Replacement Program to Water Fund (Fund 44) Project 44049 Victoria Drive Infrastructure Improvements Project - Phase II
 - \$211,000 transfer from Project 51419 Annual Sewer Replacement Program to Sewer Enterprise Fund (Fund 47) Project 44049 Victoria Drive Infrastructure Improvements Project - Phase II.
3. Award \$952,730 construction contract for Victoria Drive Infrastructure Improvements Project - Phase II to Bonadiman Water Inc. in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering / construction support services within approved project budget.

PUBLIC HEARINGS (Item 14)

Ordinance No. 3298 introduced

14. SHORT-TERM RENTAL REGULATIONS AMENDMENTS

Mayor Whitaker opened the public hearing at 7:54 p.m.

The following made public comments:

- Jenny Matti, Fullerton, asked for more background regarding this item.

The following addressed City Council via Zoom:

- Jonah Breslow, LANE, supported a ban on whole house rentals.
- George M., Fullerton, opposed short-term rentals.
- Jordan S., United Here Local 11, spoke in support of this

item

- Lupe (no last name provided), Fullerton, supported stopping short-term rentals.
- Adam Overton spoke in support of this item.
- Hector Rodriguez spoke in support of this item.
- Tania McCrory, Fullerton, spoke in support of Airbnb rentals.
- Austin Lynch, Unite Here Local 11, believed a City Council majority supported unions' right to speak about housing.

Mayor Whitaker closed the public hearing at 8:19 p.m.

Jung moved, seconded by Silva, to:

1. Make finding that project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Introduce Ordinance No. 3298 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3298 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AMENDMENTS TO THE FULLERTON MUNICIPAL CODE TITLE 15 TO REGULATE SHORT-TERM RENTAL USES CITYWIDE

Motion carried 3 – 2 (No: Dunlap, Whitaker).

REGULAR BUSINESS (Items 15 - 16)

Resolution No. 15. **PARKING REGULATIONS - VALENCIA DRIVE (Continued from 3/2/2021)**
2021-24 adopted

The following addressed City Council:

- James stump spoke in support of RV parking.
- Curt Johnston asked for solutions for the needs of those living in RVs.
- Cary Johnson, Fullerton, spoke in support of this item.
- Unidentified speaker urged consideration of the businesses that use parking in the area in addition to the RVs

Jung moved, seconded by Dunlap, to adopt Resolution No. 2021-24.

RESOLUTION NO. 2021-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING VARIOUS PARKING REGULATIONS ON VALENCIA DRIVE BETWEEN RAYMOND AVENUE AND

STATE COLLEGE BOULEVARD

Motion carried 5 – 0.

Not approved

16. EXCLUSIVE NEGOTIATING AGREEMENT WITH RENEWABLE FARMS AT UNION PACIFIC PARK

The following addressed City Council:

- Unidentified speaker spoke in support of this item.
- Aaron Flora, Renewable Farms, spoke in support of this item.
- Lynn Wagner spoke in support of this item.
- Len Souther spoke in support of this item.
- Ed Nunez, Fullerton, spoke about potential parking impacts of large events at the park.
- Joseph Pfifer, Fullerton, spoke about potential parking impacts of large events at the park.
- Tony Bushala, Fullerton, supported terminating this ENA.
- Priscilla Bravo Coleman, Fullerton, supported the ENA if it serves the residents of South Fullerton.
- Elizabeth Roskos spoke in support of the ENA.
- Unidentified speaker asked why this project must include event space.

The following addressed City Council via Zoom:

- Matt Leslie asked if the City provided outreach to the neighborhood regarding this project.
- Elsa Miranda spoke in support of this project.

Silva moved, seconded by Zahra, to authorize City Manager to enter into Exclusive Negotiating Agreement with Renewable Farms for six-month term expiring October 20, 2021.

Whitaker made a substitute motion, seconded by Dunlap, to not extend the ENA.

Substitute motion carried 3 – 2 (No: Silva, Zahra).

Original motion failed.

Silva requested, supported by Zahra, to discuss options for the UP Park site at the May 18, 2021 meeting.

ITEMS REMOVED FROM CONSENT CALENDAR

Resolution
2021-23 adopted

No. 7. CONDEMNATION OF HATE CRIMES AGAINST ASIAN AMERICANS

Jung moved, seconded by Silva, to adopt Resolution No.

2021-23.

RESOLUTION NO. 2021-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO STAND IN SOLIDARITY WITH FULLERTON'S ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES TO DENOUNCE DISCRIMINATION AND CONDEMN HATE, VIOLENCE, RACISM, XENOPHOBIA AND INTOLERANCE

Motion carried 5 – 0.

ADJOURN REGULAR MEETING AND RECONVENE CLOSED SESSION

Mayor Whitaker adjourned the regular meeting and reconvened Closed Session at 10:12 p.m.

11:09 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 11:09 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk