



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MAY 4, 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.

4:01 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 4:01 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Mayor Pro Tem / Vice Chair Dunlap (arrived 4:22 p.m.), Council / Agency Members Jung, Silva

Absent: Zahra

Staff Present: Acting City Manager Steve Danley, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS – Closed Session

The following addressed City Council via Zoom:

- Jordan Sisson, Unite Here Local 11, spoke about short term rentals.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 4:04 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

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

Title City Manager

**3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Per Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

5:03 p.m.

**ADJOURN CLOSED SESSION AND RECONVENE STUDY
SESSION**

Mayor / Chair Whitaker adjourned the meeting at 5:03 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION MINUTES
MAY 4, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:10 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:10 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: Acting City Manager Steve Danley, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS – Study Session

None

STUDY SESSION

Direction provided

1. FISCAL YEAR 2021-22 BUDGET STUDY SESSION

City Council provided direction to staff.

6:33 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 6:33 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



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

**MAY 4, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:44 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:44 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: Acting City Manager Steve Danley, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Police Chief Robert Dunn, Fire Chief Adam Loeser, Director of Community and Economic Development Matt Foulkes

INVOCATION given by given by Shepherd Steve Hernandez.

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**

Council Member Zahra reported he met with representatives of the Fullerton Firefighters Association and Fullerton Police Officers Association.

Council Member Jung reported he met with representatives of Unite Here Local 11 and the Fullerton Firefighters Association.

Presented

PRESENTATIONS

1. **PROCLAMATION: Drinking Water Week**
2. **PRESENTATION: Bridges Shelter**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Unidentified speaker spoke about RV parking.
- Jason Phillips spoke about former City Manager Domer.
- Barry Ross, Community Health Investment, supported completion of the UP Park trail.
- Vern Nelson, Anaheim, spoke about campaign contributions and police records.
- Brianna Stickney, Fullerton, spoke about former City Manager Domer.
- Jesse Jones, Center for Healthy Neighborhoods, supported completion of the UP Park trail.
- Kroger Company employees asked City Council to adopt a hero pay ordinance.
- Jesus Negrette, Ralph's store employee, asked City Council to adopt a hazard pay ordinance.
- Veronica Moran supported completion of the UP Park Trail.
- Unidentified speaker supported completion of the UP Park Trail.
- Gabriella Coronado supported completion of the UP Park Trail.
- Dallany Garcia supported completion of the UP Park Trail.
- Lorena Rodriguez supported completion of the UP Park Trail.
- Odelia Reyes supported completion of the UP Park Trail.
- Andrea Rios supported completion of the UP Park Trail.
- Monica Hernandez supported completion of the UP Park Trail.
- Sonia Garcia supported completion of the UP Park Trail.
- Maria Cordova supported completion of the UP Park Trail.
- Carime (no last name given) supported completion of the UP Park Trail.
- Rosalia (no last name given) supported completion of the UP Park Trail.
- Laura (no last name given) supported completion of the UP Park Trail.

- Gabriella Rodriguez supported completion of the UP Park Trail.
- Pilar Maldonado supported completion of the UP Park Trail.
- Martin Madrigal supported completion of the UP Park Trail.
- Janet Guillen supported completion of the UP Park Trail.
- Juana Suaste supported completion of the UP Park Trail.
- Miguel Armenta supported completion of the UP Park Trail.
- Blanca Garcia supported completion of the UP Park Trail.
- Egleth Nuncci supported completion of the UP Park Trail.
- Jensen Hallstrom, Fullerton, spoke about unpermitted bike trails.
- Ryan Farsi, Arco, spoke about improvements at his gas station and elections.
- Curtis Gamble spoke about homeless issues.

The following addressed City Council via Zoom:

- Diane Vena, Fullerton, spoke about the budget.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Council Member Silva thanked the Korean Resource Center for community efforts and thanked Ryan Farsi for gas card donations to the community.

Council Member Jung spoke about upcoming committee appointments, commented on transparency and recognized the following: National Teacher Day, Cinco de Mayo, Mother's Day, the anniversary of the Los Angeles riots and May the 4th.

Council Member Zahra thanked community leaders that came to speak this evening and requested, supported by Silva, to place a discussion of hero pay on the June 1, 2021 agenda.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 6)

Silva moved, seconded by Dunlap, to approve Consent Calendar Items 1 and 2.

Motion carried 5 – 0.

Approved

1. APRIL 20, 2021 MEETING AND APRIL 27, 2021 SPECIAL

MEETING MINUTES

Recommendation:

Approve April 20, 2021 City Council / Successor Agency Meeting Minutes and April 27, 2021 Special City Council / Successor Agency Meeting Minutes.

Resolution No. 2.
2021-25 adopted

CLASSIFICATION PLAN UPDATE RELATING TO MAINTENANCE WORKER POSITION

Recommendation:

Adopt Resolution No. 2021-25.

RESOLUTION NO. 2021-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING APPENDIX A OF RESOLUTION NO. 2020-17 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

PUBLIC HEARINGS (Item 7)

Approved

7. FISCAL YEAR 2021-22 ANNUAL ACTION PLAN

Mayor Whitaker recessed the meeting at 9:55 p.m.

Mayor Whitaker reconvened the meeting at 10:02 p.m.

Mayor Whitaker opened the public hearing at 10:07 p.m.

The following made public comments:

- CARE Housing asked City Council to reconsider their application.

Mayor Whitaker closed the public hearing at 10:22 p.m.

Silva moved, seconded by Dunlap, to:

1. Approve 2021-22 Annual Action Plan and authorize staff to submit documents to HUD for approval by May 15, 2021.
2. Authorize Director of Community and Economic Development, or designee, to execute 2021-22 CDBG agreements and any amendments in the dollar amounts adjusted by City Council.

Motion carried 5 – 0.

REGULAR BUSINESS (Items 8 - 11)

Approved

8. BROOKHURST ROAD STREET IMPROVEMENTS

Silva moved, seconded by Zahra, to:

1. Approve plans and specifications for Brookhurst Road Street Improvements Project.

2. Approve the following appropriations:

- Transfer \$1,250,000 from General Fund (Fund 10) Project 44400 Annual Arterial Street Program to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$70,000 from General Fund (Fund 10) Project 44043 Brea Boulevard Reconstruction Project to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$65,750 from Capital Drainage Fund (Fund 36) Project 52591 Annual Miscellaneous Storm Drain Repair to CIP Fund (Fund 74) Project 44044 Brookhurst Road Street Improvements.
 - Transfer \$188,000 from Project 51419 Annual Sewer Replacement Program to Project 44044 Brookhurst Road Street Improvements within Sewer Enterprise Fund (Fund 47).
 - Transfer \$18,000 from Project 53250 Water Main System Replacement and Upgrade to 44044 Brookhurst Road Street Improvements within Water Fund (Fund 44).
3. Award \$1,337,668.50 construction contract for Brookhurst Road Street Improvements Project to Palp Inc DBA Excel Paving 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.

Motion carried 5 – 0.

Resolution No. 9.
2021-26 adopted

PROPOSED SPEED LUMP POLICY

The following addressed City Council via Zoom:

- Jane Rands asked that the City include the Active Transportation Committee in the implementation of this program.
- Munish Bharadwaja asked questions about speed lump design and expressed concern with the installation cost on longer streets.

Silva moved, seconded by Jung, to adopt Resolution No. 2021-26.

RESOLUTION NO. 2021-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING POLICY, PROCEDURES AND STANDARDS

FOR THE INSTALLATION OF SPEED LUMPS

Motion carried 5 – 0.

City Council directed staff to include the Active Transportation Committee in the implementation of this program.

Direction provided **10. SAFE AND SANE FIREWORKS SALES LOTTERY PROCESS**

City Council directed staff to modify the fireworks sales resolution to conduct a lottery drawing to select six civic organizations (including elementary schools), three high school or college groups and six youth sports groups. Staff will ring the resolution back to City Council along with the 2021 Annual Report for adoption in February 2022.

Continued **11. ACTING CITY MANAGER AGREEMENT**

Item continued.

ITEMS REMOVED FROM CONSENT CALENDAR

Continued **3. SURPLUS PROPERTY DECLARATION FOR ASSESSORS PARCEL NUMBER 029-032-21 - TRIANGULAR LOT LOCATED ON NORTH SIDE OF ELLIS PLACE, EAST OF HARBOR BOULEVARD (*item taken out of order*)**

The following addressed City Council:

- Jensen Hallstrom supported continuing this item.

Dunlap moved, seconded by Jung, to continue this item to the May 18, 2021 City Council meeting.

Motion carried 5 – 0.

Not adopted **4. SHORT-TERM RENTAL REGULATIONS AMENDMENTS - SECOND READING OF ORDINANCE (*item taken out of order*)**

The following addressed City Council:

- Drew Duncan asked City Council to reconsider adopting this ordinance.
- Unidentified speaker spoke in opposition to this item.
- Curtis Gamble spoke in opposition to this item.
- Marilyn Chataram, Fullerton, spoke in support of short-term rentals.
- Unidentified speaker, Fullerton, spoke in support of short-term rentals.
- Ada Tomayo, Unite Here 11, spoke in support of this item.

- George McGann, Fullerton, spoke in support of this item.
- Jonah Breslow, LANE, spoke in support of this item.
- Veronica (no last name given) spoke in support of this item.
- Jimmy Hong spoke in support of short-term rentals.
- Ro Gatsi, Fullerton, spoke in support of short-term rentals.
- Arista (no last name given) spoke in support of short-term rentals.
- Alex Fung spoke in support of short-term rentals.
- Iselle Guzman spoke in support of short-term rentals.
- Ken (no last name given) spoke in support of short-term rentals.

The following addressed City Council via Zoom:

- Fred Gaines spoke in support of short-term rentals.
- Laurie S. spoke in support of short-term rentals.
- Ken Weeks spoke in support of short-term rentals.
- Rosa Merit asked to keep short-term rentals under control.
- Danielle Wilson, Unite Local 11, spoke in support of this item.
- Carlos Castaneda, Fullerton, spoke in support of short-term rentals.

Silva moved, seconded by Zahra, to adopt Ordinance No. 3298.

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

Dunlap made a substitute motion, seconded by Whitaker, to not adopt Ordinance No. 3298.

Substitute motion failed 2 – 3 (In favor: Whitaker, Dunlap).

Original motion failed 2 – 3 (In favor: Silva, Zahra).

Jung requested, supported by Dunlap, to bring back a resolution modifying the original number of units from 300 to 100.

Approved

5. UNION PACIFIC TRAIL PHASE II GRANT AWARD (*item taken out of order*)

The following addressed City Council:

- Tony Bushala asked why he was not notified about this project.

The following addressed City Council via Zoom:

- Jane Reifer expressed confusion about projects in this area.

Silva moved, seconded by Zahra, to approve receipt of Urban Greening Program grant for Union Pacific Trail Phase II.

Motion carried 5 – 0.

Mayor Whitaker directed staff to present details of the trail project at a future meeting.

Received and filed **6. BUSINESS REGISTRATION CHARGES (*item taken out of order*)**

Received and filed.

11:03 p.m.

ADJOURNMENT

Jung requested, supported by Dunlap, to agendize a report on outdoor dining and police department access to alleyways as well as a report on RV towing.

Mayor / Chair Whitaker adjourned the meeting at 11:03 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk