



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MAY 18, 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, Council / Agency Members Jung, Silva (arrived 4:04 p.m.), Zahra

Absent: None

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

PUBLIC COMMENTS – Closed Session

None.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 4:03 p.m.

CLOSED SESSION

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

Name of Case: Michael Destiche v. City of Fullerton

Case Number: OCSC 30-2019-01044575

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: Two Cases

5:06 p.m.

**ADJOURN CLOSED SESSION AND RECONVENE STUDY
SESSION**

Mayor / Chair Whitaker adjourned the meeting at 5:06 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION MINUTES
MAY 18, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:11 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:11 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Mayor Pro Tem / Vice Chair Dunlap (arrived 5:16 p.m.), Council / Agency Members Jung, Silva, Zahra

Absent: None

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

PUBLIC COMMENTS – Study Session

None

STUDY SESSION

1. FISCAL YEAR 2021-22 BUDGET STUDY SESSION #2

The following addressed City Council:

- Unidentified speaker asked City Council to not rush the budget process.
- Maureen Milton spoke about preparation for future shutdowns and pensions.
- Isle Miranda supported funding for roads and community services.
- Egleth Nuncci opposed staff cuts.
- Carolina (no last name given) opposed personnel cuts.
- Bernard Oh, supported fixing city roads and no further cuts to services.

Silva moved, seconded by Zahra, prepare a balanced budget using contingency funds.

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

City Council directed staff to prepare a budget utilizing \$3M in vacancy savings and use of contingency funds for City Council consideration and direct the City Manager to evaluate 2% - 5% cuts over the course of 2021-22.

6:36 p.m.

ADJOURN STUDY SESSION

Mayor / Chair Whitaker adjourned the meeting at 6:36 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
MAY 18, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:45 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:45 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, Community and Economic Development Manager Matt Foulkes, Deputy Fire Chief Brandon Coatney, Police Captain Jonathan Radus

INVOCATION given by given by Shepherd Mark Speeter.

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

Presented

1. **PROCLAMATION: Public Works Week**

2. **PROCLAMATION: Asian Pacific American Heritage Month**
3. **PROCLAMATION: National Bike Month**
4. **CERTIFICATE: Fullerton Bears Junior All American Cheer** *(added item)*

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Egleth Nuncci spoke in support of the Hunt Branch Library.
- Unidentified speaker spoke about Hector Hernandez.
- Julia Brown spoke about Hector Hernandez.
- Maureen Milton spoke about public comments.
- Tammy Salazar spoke about Hector Hernandez.
- Tiffany Tavares spoke about the death of her son and police shootings.
- Leticia Baron spoke about Hector Hernandez.
- Deanna Sullivan spoke about a police incident involving her son.
- Bill Brown spoke about Hector Hernandez.
- Mike Rodriguez, Fullerton, spoke about Hector Hernandez.
- Kelly Williams spoke about Hector Hernandez.
- Victor Espinoza spoke about Hector Hernandez.
- Andrew Foss, Fullerton, spoke about Hector Hernandez.
- Erica Cervantes spoke about Hector Hernandez.
- Jennifer Rojas, ACLU, spoke about Hector Hernandez.
- Pablo Gomez, Fullerton, spoke about Hector Hernandez.
- Unidentified speaker, Fullerton, asked about closing illegal dispensaries.
- Unidentified speaker, Fullerton, asked about closing illegal dispensaries.
- Rosilio Lopez spoke about City staffing and Council Member objectives.
- Alma Chavez spoke about accidents at Orangethorpe and Highland Avenues and the City Manager salary.
- Isle Miranda spoke about directing funding to social service programs.
- Jeff LeTourneau spoke about Hector Hernandez.
- Jane Rands, Fullerton, spoke about police oversight.

- Richard Ramirez, Fullerton, spoke about Hector Hernandez.
- Amina Mierzacazi spoke about police department policies.
- Tanya McCrory spoke about police and City Council corruption.
- Bernard Oh spoke about City leadership.
- Charles Lindahl, Fullerton, spoke about the Fullerton Tennis Center.
- Paul Hike spoke about homeless shelter issues.

The following addressed City Council via Zoom:

- Samantha Jacobsen spoke about the lease at 3815 Commonwealth Avenue.
- Adam Overton spoke about Hector Hernandez.
- Matt Leslie spoke about police oversight.
- Umaldo Vincente, Anaheim, spoke about Hector Hernandez.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Acting City Manager Danley reported on issues arising during public comment.

Council Member Silva spoke about an event at the Hunt Library and homeless issues.

Council Member Jung spoke about the City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson and David Curlee settlement and spoke about Memorial Day.

Mayor Pro Tem Dunlap acknowledged the passing of Fullerton resident and former major league baseball player Del Crandall.

Council Member Zahra, supported by Mayor Whitaker, asked for an update on the Hector Hernandez investigation, spoke about the City of Fullerton v. Friends of Fullerton's Future, Joshua Ferguson and David Curlee settlement, provided an update on the Fullerton museum and asked, supported by Jung, to agendaize a discussion of City Council offices at the next City Council meeting.

Mayor Whitaker spoke about the Hunt Library event, Meals on Wheels, awards of distinction, the Association of California Water Agencies conference, the budget process and Hector Hernandez.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 9)

Dunlap moved, seconded by Silva, to approve Consent Calendar Items 1 – 5, 7 and 9.

Motion carried 5 – 0 (Silva recused from Item 9.)

Approved

1. MAY 4, 2021 MEETING MINUTES AND MAY 12, 2021 SPECIAL MEETING MINUTES

Recommendation:

Approve May 4, 2021 City Council / Successor Agency Meeting Minutes and May 12, 2021 Special City Council / Successor Agency Meeting Minutes.

Received and filed

2. APRIL 2021 CHECK REGISTER

Recommendation:

Receive and file.

Resolution
2021-27 adopted

No. 3. CLASSIFICATION PLAN UPDATE FOR BUDGET ANALYST AND BUDGET AND PURCHASING MANAGER AND BUDGET AND PURCHASING OPERATIONS CONSOLIDATION

Recommendation:

1. Adopt Resolution No. 2021-27.

RESOLUTION NO. 2021-27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-78 A RESOLUTION RELATING TO THE COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES

2. Authorize Administrative Services personnel summary amendment to replace Budget Analyst with Senior Budget Analyst and add one Budget and Purchasing Manager, replacing the vacant Purchasing Manager position.

Resolution
2021-28 adopted

No. 4. FEDERAL EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AUTHORIZED AGENTS

Recommendation:

Adopt Resolution No. 2021-28.

RESOLUTION NO. 2021-28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE CITY MANAGER, FIRE CHIEF AND DEPUTY FIRE CHIEF TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FUNDING

Approved

5. LICENSE AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON FREE CHURCH / SOLIDARITY TO PROVIDE NEIGHBORHOOD SERVICES AT 3012 GARNET LANE

Recommendation:

Approve License Agreement between City of Fullerton and Fullerton Free Church to provide neighborhood services at 3012 Garnet Lane.

Resolution
2021-29 adopted

No. 7.

SURPLUS PROPERTY DECLARATION FOR ASSESSORS PARCEL NUMBER 029-032-21 - TRIANGULAR LOT LOCATED ON NORTH SIDE OF ELLIS PLACE, EAST OF HARBOR BOULEVARD (Continued from May 4, 2021)

Recommendation:

Adopt Resolution No. 2021-29.

RESOLUTION NO. 2021-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE ASSESSORS PARCEL NUMBER 029-032-21 AS SURPLUS PROPERTY PURSUANT THE SURPLUS LAND ACT (CALIFORNIA GOVERNMENT CODE SECTIONS 54220-54234)

Approved

9. NUTWOOD / YALE AREA INFRASTRUCTURE IMPROVEMENTS PROJECT

Recommendation:

1. Approve plans and specifications for the Nutwood / Yale Area Infrastructure Improvements Project.
2. Approve the following appropriations to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project:
 - \$1,223,000 transfer from Water Fund (Fund 44) balance to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project.
 - \$1,013,000 transfer from Project 51419 Annual Sewer Replacement Program (Sewer Enterprise Fund 47) to Project 53013 Nutwood / Yale Area Infrastructure Improvements Project.
3. Award \$2,146,620 construction contract for Nutwood / Yale Area Infrastructure Improvements Project to Dominguez General Engineering, 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 10)

Ordinance No. 3299 adopted,
Resolution No. 2021-31 and
2021-32 adopted

10. CITY OF FULLERTON 2020 URBAN WATER MANAGEMENT PLAN, 2020 WATER SHORTAGE CONTINGENCY PLAN AND ADDENDUM TO 2015 URBAN WATER MANAGEMENT PLAN

Mayor Whitaker opened the public hearing at 10:40 p.m.

The following addressed City Council via Zoom:

- Dan Shoemak spoke about collecting more water in channels.

Mayor Whitaker closed the public hearing at 10:42 p.m.

Silva moved, seconded by Zahra, to:

1. Introduce Ordinance No. 3299 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3299 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 12.06 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO WATER CONSERVATION PLANNING

2. Adopt Resolution No. 2021-31.

RESOLUTION NO. 2021-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ADDENDUM TO THE 2015 URBAN WATER MANAGEMENT PLAN

3. Adopt 2020 Water Shortage Contingency Plan.

4. Adopt Resolution No. 2021-32.

RESOLUTION NO. 2021-32 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

REGULAR BUSINESS (Item 11 - 12)

Direction provided

11. DEVELOPMENT FEE STUDY COST RECOVERY STUDY FINDINGS

City Council provided direction for options to present at a future City Council meeting.

Resolution No. 12.
2021-33 adopted

ACTING CITY MANAGER AGREEMENT

The following addressed City Council:

- Curt Johnston asked about a vetting period.
- Curtis gamble spoke about working on homeless issues.

Jung moved, seconded by Dunlap, to adopt Resolution No. 2021-33.

RESOLUTION NO. 2021-33 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING STEVEN DANLEY AS ACTING CITY MANAGER

Motion carried 4 – 1 (No: Zahra).

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

6. RAYTHEON COMPANY ENCROACHMENT LICENSE AGREEMENT

The following addressed City Council via Zoom:

- Jane Reifer asked for history on this project and information on the agreement.

Silva moved, seconded by Zahra, to:

1. Authorize City Manager, or designee, to enter into Encroachment License Agreement with Raytheon Company, amending and restating November 19, 2018 Encroachment License Agreement, in a form approved by the City Attorney.
2. Authorize Public Works Director to execute any future amendments / supplements with Raytheon Company within project scope and budget, in a form approved by the City Attorney.

Motion carried 5 – 0.

Resolution No. 8.
2021-30 adopted

ESTABLISHMENT OF NUMBER OF WHOLE-HOUSE SHORT-TERM RENTAL PERMITS PERMITTED IN THE CITY

The following addressed City Council:

- George Lupe spoke in opposition to short-term rentals.
- Antonia De Los Reyes spoke in opposition to short-term rentals.
- Lupita Ortiz spoke in opposition to short-term rentals.
- Alma Tamayo spoke in opposition to short-term rentals.
- Veronica Chavez spoke in opposition to short-term rentals.

- Julio (no last name given), Fullerton, spoke in opposition to short-term rentals.
- Anna Baum spoke in opposition to short-term rentals.
- Maria Marta Lopez spoke in opposition to short-term rentals.
- Carmen (no last name given), Fullerton, spoke in support of short-term rentals.
- Ken Bane, Fullerton, spoke in support of short-term rentals.
- Ro Gaits, Fullerton, spoke in support of short-term rentals.
- Unidentified speaker spoke in support of short-term rentals.
- Irhad Zara spoke in support of short-term rentals.
- Suzie (no last name given) spoke in support of short-term rentals.
- Jonah Breslow, LANE, spoke in opposition to short-term rentals.
- Jimmy Hong spoke in support of short-term rentals.
- Curtis Gamble spoke in support of short-term rentals.

The following addressed City Council via Zoom:

- Michelle Davenport spoke in opposition to short-term rentals.
- Adam Overton spoke in opposition to this item.
- Joshua (no last name given) spoke in support of no limits on the number of short-term rentals.
- Arisbeth Diaz spoke in support of short-term rentals.
- Alicia (no last name given) spoke in opposition to short-term rentals.
- Maria Sanchez spoke in opposition to short-term rentals.
- Lorene Standring spoke in support of short-term rentals.
- Rafa (no last name given) spoke in support of short-term rentals.

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. Adopt Resolution No. 2021-30.

RESOLUTION NO 2020-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON,

CALIFORNIA, SETTING THE MAXIMUM NUMBER OF
WHOLE-HOUSE SHORT-TERM RENTAL PERMITS
ISSUED CITYWIDE

Motion carried 4 – 1 (No: Dunlap).

11:16 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 11:16 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk