



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JUNE 1, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:01 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:01 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Council / Agency Members
Jung, Silva, Zahra

Absent: Mayor Pro Tem Dunlap

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 5:04 p.m.

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Lawrence Yoo v. City of Fullerton
Case Number: OCSC 30-2019-01110914
2. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**
Agency Representative/s: Ellis Chang, Eddie Manfro and Jay Trinnaman
Employee Organization/s: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Management

Association, Fullerton Municipal
Employees Federation, Fullerton
Police Management Association

Unrepresented Employees: Administrative Assistant Human
Resources, Budget, Analyst I and
II, Budget and Purchasing
Manager, City Clerk / Clerk
Services Manager, Employee
Benefits Specialist, Executive
Assistant, Fiscal Services
Manager, Human Resources
Manager I and II, Human
Resources / Risk Management
Analyst, Human Resources
Technician I and II, Payroll
Technician I and II, Public
Information Coordinator, Risk
Manager, Senior Budget Analyst

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

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

Significant Exposure to Litigation: One Case

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 6:17 p.m.



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
JUNE 1, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:31 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:31 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Council / Agency Members
Jung, Silva, Zahra

Absent: Mayor Pro Tem / Vice Chair Dunlap

Staff Present: Acting City Manager Steve Danley, City Attorney
Richard D. Jones, City Clerk Lucinda Williams,
Acting Director of Community and Economic
Development Kellee Fritzal, Police Chief Robert
Dunn, Deputy Fire Chief Brandon Coatney

INVOCATION given by Pastor Max Copley.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

None.

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

None.

PRESENTATIONS

Presented

1. **PRESENTATION: New City Website**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Faisal Qazi spoke about the City's infrastructure.
- Donovan Rinker Morris spoke about decorum.
- Stephanie Wade spoke about the City's flag policy.
- Kathy Plate, Fullerton, spoke about the City's flag policy.
- Maureen Milton, Fullerton, spoke about cannabis code enforcement and City Council meeting staffing.
- Miguel Alvarez, Fullerton, spoke about the City's flag policy.
- Unidentified Fullerton resident spoke about an incident she recently reported to the Police Department.
- Unidentified speaker spoke against hate.
- Juan Espinosa spoke against hate.
- Unidentified speaker spoke against intolerance.
- Alma Chavez spoke about safety on Orangethorpe Avenue and racism.
- Unidentified speaker spoke about illegal dispensaries, a traffic accident on Orangethorpe Avenue and the City's flag policy.
- Unidentified speaker spoke about rent increases and rental assistance.
- Carolina Hernandez spoke about the City's flag policy.
- Egleth Nuncci spoke about the City's flag policy.
- Jensen Hallstrom spoke about illegal bike trails.
- Unidentified speaker spoke about illegal dispensaries.
- Unidentified Fullerton resident spoke about illegal dispensaries.
- Carolina (no last name given) spoke about a traffic accident on Orangethorpe Avenue.
- Curt Johnston spoke about trails and the City's flag policy.
- Bernard Oh spoke about the City's flag policy.

The following addressed City Council via Zoom:

- Jeff Letourneau spoke about the City's flag policy.
- Pete Cruz spoke about the City's flag policy.
- Tania McCrory spoke about the City's flag policy.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

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

Council Member Jung spoke about the COVID-19 hate crimes act, vaccination statistics, Cancer Survivor's Day and Pride Month.

Council Member Zahra spoke about hate crimes and Pride Month.

Council Member Silva spoke about the City's flag policy and a vaccine clinic at Topaz Elementary School.

Mayor Whitaker asked for a Woodcrest Park traffic study, asked staff to consider installing barriers to protect Woodcrest Park from vehicles and spoke about the City's flag policy.

APPOINTMENTS

Continued to June 15, 2021

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Continued to June 15, 2021.

CONSENT CALENDAR (Items 1 - 6)

Jung moved, seconded by Zahra, to approve all Consent Calendar items.

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

Approved

1. MAY 18, 2021 MEETING MINUTES

Recommendation:

Approve May 18, 2021 City Council / Successor Agency Meeting Minutes.

Adopted

2. WATER CONSERVATION PLANNING – SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3299.

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

Received and filed

3. QUARTERLY PROFESSIONAL SERVICES AGREEMENTS REPORT

Recommendation:

Receive and file.

Approved

4. INSURANCE PROGRAM REPORT AND

RECOMMENDATIONS

Recommendation:

1. Authorize City Manager, or designee, to bind excess workers' compensation insurance with maximum limit set to statutory benefit maximums and \$750,000 lower limit for non-safety employees and \$1 million for safety employees with Safety National Insurance Company at a \$214,412 premium cost.
2. Authorize City Manager, or designee, to bind excess liability insurance with \$4 million to \$8 million limit per occurrence with Princeton Excess & Surplus Lines Insurance Company and Gemini Insurance Company at a \$2,234,809 premium cost.
3. Authorize City Manager, or designee, to bind airport liability insurance with \$75 million per loss limit with Ace Insurance Company and a three-year rate guarantee at a \$19,842 premium per year, billed annually.
4. Authorize City Manager, or designee, to bind underground storage tank liability with \$1 million per storage tank incident limit with Ace Insurance Company at \$7,026 premium cost.
5. Authorize City Manager, or designee, to bind CNG general liability with \$3 million aggregate limit with Nautilus Insurance Company at \$2,186 premium cost.
6. Receive and file City's insurance programs report including information regarding insurance coverage purchased through City's participation in Independent Cities Risk Management Authority including purchase of excess liability insurance above \$8 million per occurrence, All Risk Property coverage, Auto Physical Damage Insurance, Crime Insurance, Cyber Liability Insurance and Terrorism Insurance.

Approved

5. **HILLCREST PARK KOREAN WAR MEMORIAL AGREEMENT**

Recommendation:

Authorize City Manager to execute Hillcrest Park Korean War Memorial Agreement for construction and maintenance obligations relating to the Korean War Memorial, in a form approved by the City Attorney.

Approved

6. **RUNWAY 06/24 SHOULDER ENHANCEMENT PROJECT FAA GRANT**

Recommendation:

Accept \$2.6M Federal Aviation Administration Airport Improvement Program Grant and authorize Public Works Director, or designee, to sign all related documents.

PUBLIC HEARINGS (Item 7)

Adopted

7. FISCAL YEAR 2021-22 ANNUAL OPERATING BUDGET, SCHEDULE OF FEES AND ANNUAL APPROPRIATIONS LIMIT

Mayor Whitaker opened the public hearing at 9:13 p.m.

The following addressed City Council:

- Bernard Oh spoke about road repairs.
- Unidentified speaker asked for no public safety budget cuts.
- Egleth Nuncci asked City Council to not cut staffing.
- Unidentified speaker opposed spending on advisors.
- Jane Reifer spoke about public comments.
- Tania McCrory spoke about litigation costs and the museum opening.

Mayor Whitaker closed the public hearing at 9:23 p.m.

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

RESOLUTION 2021-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021-22 AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN

RESOLUTION 2021-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021-22 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

RESOLUTION 2021-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE CITY'S SCHEDULE OF FEES AND CHARGES FOR MUNICIPAL SERVICES FOR FISCAL YEAR 2021-22 AND REPEALING RESOLUTION NO. 2020-48.

Silva made a substitute motion to transfer \$3.2 million of ARPA funding to the General Fund to replace lost sales tax and transit occupancy tax and use less reserve funding to balance the budget.

Substitute motion failed for lack of a second.

Original motion carried 3 – 1 – 1 (Opposed: Zahra; Absent: Dunlap).

REGULAR BUSINESS (Items 8 - 11)

- Direction provided **8. OUTDOOR DINING PROGRAM - USE OF CITY ALLEYS**
Direction provided.
- Adopted **9. PROPOSED SANITATION CHARGE REDUCTION**
Silva moved, seconded by Zahra, to adopt Resolution No. 2021-37.

RESOLUTION NO. 2021-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A REVISED SANITATION CHARGE REDUCING THE PERCENTAGE USED TO CALCULATE THE CHARGE FROM 19% TO 17% FOR FISCAL YEAR 2021-22 AND TO 16% EFFECTIVE FISCAL YEAR 2022-23

Motion carried 4 – 0 – 1 (Absent: Dunlap).
- No action taken **10. HERO PAY**
The following addressed City Council:
 - Unidentified speaker asked who would pay for the increase.The following addressed City Council via Zoom:
 - Kevin Sanchez spoke in opposition to this item.
 - Munish Bharadwaja, Fullerton, spoke in opposition to this item.No action taken.
- Adopted **11. CONSIDERATION OF DISCONTINUING 5% EARNINGS REDUCTION FOR FULLERTON MANAGEMENT ASSOCIATION AND CONFIDENTIAL / NON-REPRESENTED EMPLOYEES AND AUTHORIZATION TO REINSTATE FUNDS CONTRIBUTED BY CITY EMPLOYEES**
The following addressed City Council via Zoom:
 - Munish Bharadwaja spoke in support of this item.Silva moved, seconded by Zahra, to:
 1. Adopt the following resolutions:

RESOLUTION NO. 2021-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON MANAGEMENT ASSOCIATION AND SUPERSEDING RESOLUTION NO. 2020-79

RESOLUTION NO. 2021-39 - A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
RELATING TO COMPENSATION FOR CONFIDENTIAL /
NONREPRESENTED EMPLOYEES AND SUPERSEDING
RESOLUTION NO. 2020-78

2. Authorize City Manager to implement full reinstatement of all funds contributed by Fullerton Management Association, Confidential / Nonrepresented and Executive / Council Appointed employees because of implemented earnings reductions in response to the City's budgetary challenges, primarily due to the COVID-19 pandemic.

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

ITEMS REMOVED FROM CONSENT CALENDAR

None.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting to order at 10:23 p.m.