



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JULY 6, 2021 – 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:32 p.m.

CALL TO ORDER

Mayor Pro Tem / Vice Chair Dunlap called the meeting to order at 4:32 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker (arrived 4:35 p.m.), Mayor Pro Tem / Vice Chair Dunlap, Council / Agency Members Jung, Silva, Zahra (arrived 4:44 p.m.)

Absent: None

Staff Present: Acting City Manager Steve Danley, Deputy City Attorney Tarquin Preziosi, City Clerk Lucinda Williams

PUBLIC COMMENTS – Closed Session

The following addressed City Council via Zoom:

- Jane Reifer spoke about Closed Session Item 3 and stated opposition to Exclusive Negotiating Agreements.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 4:37 p.m.

CLOSED SESSION

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

Name of Case: City of Fullerton, et al v. Purdue Pharma L.P.

Case Number: USDC, Northern District of California, Case No. 19-cv-02321-JST, transferred to USDC, Northern District of Ohio, MDL NO.

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

Name of Case: Air Combat USA v. City of Fullerton, et al.

Case Number: OCSC 30-2017-00952643

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

Property: Southeast Corner Pomona Avenue and East Santa Fe Avenue in the Fullerton Transportation Center (APN: 033-030-17, 033-030-18)

Agency Negotiator: Acting City Manager Steve Danley

Negotiating Parties: Allen Christopher Corporation, dba Parkwest General Contractors and Westpark Investments, LLC.

Under Negotiations: Price and Terms

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

Significant Exposure to Litigation: One Case

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

Significant Exposure to Litigation: One Case

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

Significant Exposure to Litigation: One Case

6:17 p.m.

ADJOURNMENT

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

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
JULY 6, 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, Mayor Pro Tem / Vice Chair Dunlap, Council / Agency Members Jung, Silva, Zahra

Absent: None

Staff Present: Acting City Manager Steve Danley, Deputy City Attorney Tarquin Preziosi, 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 Dwayne Evans, Christian Life Center.

PLEDGE OF ALLEGIANCE led by City Manager Danley.

CLOSED SESSION REPORT

Deputy City Attorney Preziosi reported the following Closed Session actions:

- City Council unanimously voted to approve the Purdue Pharma bankruptcy plan in the case of City of Fullerton, et al v. Purdue Pharma L.P.
- City Council unanimously voted to add a request for plaintiff award of attorney's fees and ruling on attorney fees to the existing appeal of rulings in the case of Air Combat USA v. City of Fullerton, et al.
- City Council voted 3 – 2 (No: Jung, Dunlap) to authorize the City Manager to execute a non-binding letter of intent for the Disposition

and Development Agreement framework for property located at the Southeast Corner of Pomona Avenue and East Santa Fe Avenue in the Fullerton Transportation Center (APN: 033-030-17, 033-030-18).

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

Council Member Zahra reported he met with the Orange County Employees' Association.

Council Member Silva reported he met with the Orange County Employees' Association.

PRESENTATIONS

None.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Craig Sheets spoke about Geiger counters and hot shot freight trains.
- Jacqui Danis spoke about parking enforcement.
- Maureen Flynn Becerra, Fullerton, spoke about special interest flags.
- Jesse Jerren, Fullerton, spoke about vehicle impoundment.
- Bernard Oh, Fullerton, spoke in support of Consent Calendar Item 6.
- Egleth Nuncci thanked public safety for the reduction in illegal fireworks this 4th of July, announced an upcoming march with the Police Department and asked questions about Consent Calendar Item 3.

The following addressed City Council via Zoom:

- Jane Reifer, Fullerton, spoke about the Closed Session report, a survey about walking conditions in Fullerton and asked City Council to pull Consent Calendar Items 2 and 3.
- Tanya McCrory, Fullerton, spoke about City Council meetings in Phoenix, Arizona.
- Munish Bharadwaja, Fullerton, said the role of government is to unite people.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Danley responded to issues arising during public comments.

Council Member Jung spoke about the 4th of July, Cal tax credit, West Coyote Hills, fiscal challenges, water conservation and the federal infrastructure plan.

Mayor Pro Tem Dunlap spoke about infrastructure funding and short-term rentals and congratulated Fullerton's Little League All-Stars.

Council Member Silva acknowledged Fullerton's girls softball leagues, thanked public safety for their work on the 4th of July and said the City will have a fireworks event next year.

Council Member Zahra thanked public safety for their 4th of July efforts and spoke about a Woodcrest Park cleanup event.

Mayor Whitaker thanked public safety and staff for a safe 4th of July, spoke about the City's new PFAS and PFOS water filtering facility and agendized a presentation from OCWD to report on the new facility.

Appointment made

APPOINTMENTS

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Council Member Jung appointed Arnel Dino to fill an unscheduled vacancy on the Planning Commission for unexpired term ending December 31, 2024.

Silva moved, seconded by Dunlap, to ratify the appointment.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 8)

Silva moved, seconded by Dunlap, to approve Consent Calendar Items 1 and 4 through 8.

Motion carried 5 – 0.

Approved

1. JUNE 15, 2021 MEETING MINUTES

Recommendation:

Approve June 15, 2021 City Council / Successor Agency Meeting Minutes.

Resolution No.
2021-47 adopted

4. CLASSIFICATION PLAN UPDATE FOR ADMINISTRATIVE ASSISTANT I / II, ADMINISTRATIVE ASSISTANT / HUMAN RESOURCES AND SOURCE CONTROL INSPECTOR POSITIONS

Recommendation:

Adopt Resolution No. 2021-47.

RESOLUTION NO. 2021-47 - 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 RESOLUTION NO. 2021-39 APPENDIX A

Approved

5. ASSET SEIZURE FUNDS TO MODERNIZE POLICE FLEET

Recommendation:

Appropriate receipt and use of \$121,036.02 Asset Seizure Funds (Fund 34) and authorize necessary budget adjustments.

Approve use of available Asset Seizure Fund balance to purchase three unmarked police vehicles.

Approved

6. INFORMATION TECHNOLOGY UPGRADES

Recommendation:

Approve \$161,879.10 per month Professional Services Agreement with Glass Box Technology effective July 1, 2021 and authorize City Manager or designee to execute and administer agreement, in a form approved by the City Attorney.

Authorize City Manager or designee to procure software and professional services to continually identify cyber security needs and implement security and governance software on the City's IT network, in a form approved by the City Attorney.

Authorize necessary budget transfers and adjustments to support Public Works network upgrade project costs in the following amounts: \$173,454.95 Water Fund, \$86,727.48 Sewer Fund and \$86,727.47 Building / Facility Internal Service Fund.

Approved

7. JACARANDA-DRAKE AREA INFRASTRUCTURE IMPROVEMENTS PROJECT - GRFCO, INC. DEBARMENT

Recommendation:

Authorize \$127,820.09 retention payment for work completed prior to May 21, 2021 on Jacaranda-Drake Area Infrastructure Improvements Project (CIP Project 44042) upon satisfactory completion of all remaining punchlist items.

Approved

8. MISCELLANEOUS STORM DRAIN IMPROVEMENTS PROJECT FY 2020-21 - GRFCO, INC. DEBARMENT

Recommendation:

Authorize \$70,131 payment for work completed prior to May 21, 2021 on Miscellaneous Storm Drain Improvements Project (City

CIP Project 52015).

Authorize \$3,691 retention payment for work completed prior to May 21, 2021 on Miscellaneous Storm Drain Improvements Project (City CIP Project 52015) thirty-days after filing of project Notice of Completion.

PUBLIC HEARINGS (Items 9 - 10)

Ordinance No. 3300 introduced,
Resolution No. 2021-48 adopted

9. CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 303 NORTH PLACENTIA AVENUE

Mayor Whitaker opened the public hearing at 7:41 p.m.

The following made public comments:

- Tim Lynch, Outdoor Advertising, spoke in support of this item.
- The property owner said he supported the color scheme.

Mayor Whitaker closed the public hearing at 7:48 p.m.

Silva moved, seconded by Zahra to:

1. Adopt Resolution No. 2021-48.

RESOLUTION NO. 2021-48 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT 303 NORTH PLACENTIA AVENUE

2. Introduce Ordinance No. 3300 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3300 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT 303 NORTH PLACENTIA AVENUE

Motion carried 5 – 0.

City Clerk Williams read the ordinance title.

Resolution No. 2021-49 adopted

10. PROGRAM EXTENSION TO TEMPORARILY DEFER COLLECTION OF SPECIFIED DEVELOPMENT IMPACT FEES FOR CERTAIN DEVELOPMENTS

Mayor Whitaker opened the public hearing at 7:53 p.m.

No public comments.

Mayor Whitaker closed the public hearing at 7:53 p.m.

Zahra moved, seconded by Dunlap, to adopt Resolution No. 2021-49.

RESOLUTION NO. 2021-49 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAUTHORIZING THE FEE DEFERRAL PROGRAM ESTABLISHED BY ORDINANCE NO. 3281 FOR AN ADDITIONAL TWELVE MONTHS

Motion carried 5 – 0.

REGULAR BUSINESS (Items 11 - 12)

Ordinance No. 3301
introduced

11. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO RECREATIONAL VEHICLE PARKING, STOPPING AND STANDING

The following made public comments:

- Curt Johnston spoke in support of homeless services.
- Curtis Gamble spoke in support of homeless services.
- Jenny Matti opposed criminalizing homelessness.
- Jesse Jerren spoke about safe parking programs.

Jung moved, seconded by Dunlap, to introduce Ordinance No. 3301 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3301 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 8.46 RELATING TO RECREATIONAL VEHICLE PARKING, STOPPING AND STANDING

Motion carried 5 – 0.

City Clerk Williams read the ordinance title.

Approved

12. DEVELOPER SELECTION TO NEGOTIATE EXCLUSIVE NEGOTIATION AGREEMENT FOR 1600 WEST COMMONWEALTH AVENUE AFFORDABLE HOUSING DEVELOPMENT

The following made public comments:

- Jenny Matti spoke in favor of affordable housing.
- Garret (no last name provided) asked how this development will help the community and about parking impacts.
- Egleth Nuncci spoke in support of Jamboree Housing.

- Curtis Gamble supported a competitive process for this item.
- Patricia Whitaker, National CORE, explained the need for a range of affordability in this development.
- Todd Cottle, C & C Development, provided information on the C & C Development proposal.
- Kacey Burk, Meta Housing Corporation, provided information on the Meta Housing proposal.
- Scott Riordan, Jamboree Housing, provided information about the Jamboree Housing proposal.
- Colby Northridge, Related Company, provided information about the Related Company proposal.
- Tim Mustard, Related Company, provided information about the Related Company proposal.

The following addressed City Council via Zoom:

- Jane Reifer supported a competitive process to award an ENA and supported meeting the state mandated number of affordable units.
- Maureen Milton, Fullerton, asked how this development will assist the mobility challenged.

Silva moved, seconded by Whitaker, to direct staff to negotiate an Exclusive Negotiation Agreement with National Core.

Jung made a substitute motion, seconded by Dunlap, to direct staff to negotiate an Exclusive Negotiation Agreement with Meta Housing.

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

Original motion carried 3 – 2 (Opposed: Jung, Dunlap).

ITEMS REMOVED FROM CONSENT CALENDAR *(taken out of agenda order)*

Approved

2. 2021 LEGISLATIVE PLATFORM

The following addressed City Council via Zoom:

- Jane Reifer supported opposing SB 9 and SB 10.

Dunlap moved, seconded by Silva, to:

1. Adopt 2021 Legislative Platform.
2. Authorize Mayor (or Mayor Pro Tem in Mayor's absence) to sign policy and position letters within platform guidelines.

Motion carried 4 – 0 – 1 (Abstain: Zahra).

Resolution No.
2021-46 adopted

3. LOCAL EMERGENCY TERMINATION

The following addressed City Council via Zoom:

- Jane Reifer asked whether City Council would still accept public comment over Zoom.
- Tanya McCrory supported ending the state of emergency.

Silva moved, seconded by Dunlap, to adopt Resolution No. 2021-46.

RESOLUTION NO. 2021-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA PROCLAIMING TERMINATION OF LOCAL EMERGENCY.

Motion carried 5 – 0.

9:11 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 9:11 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk