



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
SEPTEMBER 21, 2021 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:03 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:03 p.m.

All Present

ROLL CALL

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

Absent: None

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

PUBLIC COMMENTS - Closed Session

None.

5:06 p.m.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 5:06 p.m.

CLOSED SESSION

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

Property: Fullerton Museum Center, 301 North Pomona Avenue, Fullerton CA (APN: 033-012-18)

Agency Negotiator: Steve Danley, Acting City Manager

Negotiating Parties: Fullerton Museum Center Association

Under Negotiations: Price and Terms

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

Significant Exposure to Litigation: One Case

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

Title: City Manager

4. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6.

Agency Representative/s: Jay Trinnaman, Eddie Manfro and Laura Giannetti-Mercer

Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Firefighter Association, Fullerton Fire Management Association

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

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

Significant Exposure to Litigation: One Case

6:20 p.m.

ADJOURN CLOSED SESSION

Mayor / Chair Whitaker adjourned the meeting at 6:20 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
SEPTEMBER 21, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:32 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:32 p.m.

All Present

ROLL CALL

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

Absent: None

Staff Present: Acting City Manager Steve Danley, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Acting Director of Community and Economic Development Greg Pfof, Police Captain Jose Arana, Fire Chief Adam Loeser

INVOCATION given by John Schaefer, EV 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

Council Member Silva reported he spoke with representatives of OCEA and the Fullerton Firefighter's Association.

Council Member Jung reported he spoke with representatives of the Police and Fire unions.

Council Member Zahra reported he spoke with representatives of the

Fullerton Firefighters' Association.

Mayor Whitaker reported he received a text message from the Fullerton Firefighters Association President.

Presented

PRESENTATIONS

- 1. PRESENTATION: Fire Personnel Distinguished Service Awards**
- 2. PROCLAMATION: Library Card Sign-Up Month**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Paulette Chaffee, Fullerton, spoke about World Kindness Day.
- Tony Package, Fullerton, spoke about the City's budget discussions.
- David Mallonee spoke about the City's budget.
- Joshua Gonzalez spoke about the City's budget.
- Ed Vargas, FMEF President, spoke about the City's budget.
- Leanna Forcucci, CF Dance Academy, spoke about a recent Academy event.
- Laura Belonax, Fullerton Alano Club, spoke about a meeting location for the club.
- Jan Blumfeld, Fullerton Alano Club, spoke about a meeting location for the club.
- Eddie Carmona spoke about upcoming events sponsored by Assembly Member Quirk-Silva.
- Jose Trinidad Castaneda spoke about Pacific Drive Park, e-mobility and JP23.
- Egleth Nuncci spoke in support of City parks and City staff.
- Mike Rodriguez spoke about Hector Hernandez and redistricting.
- Bernard Oh, Fullerton, spoke about council member communications and priorities.

The following addressed City Council via Zoom:

- Sam Andreano spoke about ADUs.
- Diane Vena, Fullerton, spoke about a proposed project at 1600 West Commonwealth.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Council Member Silva asked about California Workforce Housing, the Thursday Market, Hispanic Heritage Month and electric airplanes at the Fullerton Airport.

Council Member Jung noted the passing of Marc Hanson, recognized Chuseok (Korean Thanksgiving), Rosh Hashanah, Yom Kippur, Hispanic Heritage Month and Suicide Prevention Awareness Month and spoke about California poverty statistics, drought conditions and Covid vaccinations.

Council Member Zahra said he is home ill and participating in this meeting remotely.

Mayor Pro Tem Dunlap spoke about accessory dwelling units and short term rentals, encouraged the public to contact him about erroneous parking tickets and commented on Tommy Lasorda Day.

Mayor Whitaker spoke about the Fullerton Arboretum, water issues, new Sister City Tollo, Italy and Tommy Lasorda Day.

APPOINTMENTS

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS (Item 1)

Adopted

1. ENERGY SERVICES AGREEMENT FOR INFRASTRUCTURE MODERNIZATION AT VARIOUS CITY OWNED FACILITIES AND PROPERTIES

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

The following made public comments:

- Jose Trinidad Castaneda spoke in support of this item.
- Jenni Matti asked if this item would create jobs.

Mayor Whitaker closed the public hearing at 8:24 p.m.

Dunlap moved, seconded by Silva, to:

1. Adopt Resolution 2021-64.

RESOLUTION 2021-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN ENERGY SERVICES AGREEMENT

WITH NORESKO, LLC FOR THE DESIGN AND
CONSTRUCTION OF ENERGY EFFICIENCY
IMPROVEMENTS

2. Authorize Mayor to execute and City Manager, or designee, to administer an Energy Services Agreement with NORESKO, LLC for infrastructure modernization at various City owned facilities and properties, in a form approved by the City Attorney.
3. Authorize Director of Administrative Services to obtain project financing for approved energy savings projects.
4. Authorize Director of Public Works to approve any future change orders or purchase orders for construction and professional services within the approved project budget.

Motion carried 5 – 0.

REGULAR BUSINESS (Items 2 - 19)

Adopted

**2. REDISTRICK FULLERTON - REDISTRICKING ADVISORY
COMMISSION FORMATION**

The following made public comments:

- Jonathan Paik spoke in support of an independent redistricting commission.
- Kitty Jaramillo spoke in support of an independent redistricting commission.
- Jane Rands spoke about the proposed timeline.
- Jose Trinidad Castaneda spoke in support of an equitable map.
- Miguel Alvarez spoke in support of an equitable process.
- Ameena Qazi spoke in support of an independent redistricting commission.
- Annaleti Hernandez, Fullerton, spoke in support of an independent redistricting commission.
- Karen Alvarado spoke in support of an independent redistricting commission.
- Harry Langenbacher, Fullerton, spoke in support of an independent redistricting commission.
- Susan Chang spoke in support of an independent redistricting commission.
- Kayla Asato spoke in support of an independent redistricting commission.
- Jeremy Sanchez, Fullerton, spoke in support of an

independent redistricting commission.

- Alma Chavez spoke in support of an independent redistricting commission.
- Christopher Sanchez, Fullerton, spoke in support of an independent redistricting commission.
- Jeanette Vasquez spoke about displaced communities.
- Egleth Nuncci, Fullerton, spoke in support of an independent redistricting commission.

The following addressed City Council via Zoom:

- Tina Doung spoke in support of an independent redistricting commission.
- Christine Lim spoke in support of an independent redistricting commission.
- Matt (no last name given) spoke in support of an independent redistricting commission.
- Jenny Seon spoke in support of an independent redistricting commission.
- Munish Bharadwaja, Fullerton, spoke in support of the recommendation for this item.

Silva moved, seconded by Zahra, to direct staff to provide a comparison of the redistricting commission options at the October 5, 2021 City Council meeting.

Dunlap made a substitute motion, seconded by Whitaker, to proceed with the formation of a Redistricting Advisory Commission.

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

Original motion failed.

Jung moved, seconded by Silva, to:

1. Adopt Resolution No. 2021-65 indicating that each City Council Member will directly appoint one member to the Commission and then the five directly-appointed commission members will appoint an additional two at-large commission members. All commission members will be 18 years or older.

RESOLUTION NO. 2021-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A REDISTRICTING ADVISORY COMMISSION AND APPROVING ITS BYLAWS

2. Approve redistricting process timeline and Redistricting Advisory Commission meeting schedule

Motion carried 5 – 0.

Direction provided

3. OUTDOOR DINING PROGRAM POTENTIAL EXTENSION

The following made public comments:

- Jane Rands asked City Council to take the bike boulevard into consideration.
- Ron Kobayashi spoke in support of outdoor dining and live music.
- Steve Hommel spoke in support of outdoor dining and live music.
- Edmund Velasco spoke in support of outdoor dining.
- Jan Stevens spoke in support of outdoor dining.
- Jack Franklin spoke in support of outdoor dining.
- Simon Collier spoke in support of outdoor dining.
- Glen Sutter, Fullerton, spoke in support of outdoor dining.
- George Dufrense spoke in support of outdoor dining.
- Jinan Montecristo spoke in support of outdoor dining.
- Jake Hirsh, Irvine, spoke in support of outdoor dining.

The following addressed City Council via Zoom:

- Matt (no last name given) asked for consideration of the Wilshire bike boulevard.

Whitaker moved, seconded by Dunlap, to extend the outdoor dining program for six months, keeping the bicycle lane open and include the eight items outlined in the staff report.

Motion carried 5 – 0.

Approved

4. FOURTH AMENDMENT TO PURCHASE AND SALE AGREEMENT FOR WEST COYOTE HILLS NEIGHBORHOODS 1 AND 3

Jung moved, seconded by Dunlap, to authorize Acting City Manager to execute the Fourth amendment to the Purchase and Sale agreement with Pacific Coast Homes for the acquisition of 24.1 acres of open space on the east side of West Coyote Hills, known as Neighborhood 1 and Neighborhood 3, in a form approved by the City Attorney, reflecting non-substantial changes as recommended by State granting entities.

Motion carried 5 – 0.

Adopted

5. FISCAL YEAR 2020-21 DESIGNATION OF CONTINGENCY RESERVES ABOVE TEN PERCENT MINIMUM *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to adopt Resolution No. 2021-66.

RESOLUTION NO. 2021-66 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING THE DESIGNATION OF AVAILABLE UNASSIGNED GENERAL FUND BALANCE ABOVE THE TEN PERCENT MINIMUM CONTINGENCY RESERVE LEVEL AS ASSIGNED CONTINGENCY RESERVES FOR FISCAL YEAR 2020-21

Motion carried 5 – 0.

Approved

6. GOODMAN DEVELOPMENT AGREEMENT FUNDS ALLOCATION

Dunlap moved, seconded by Jung, to appropriate receipt and use of \$750,000 in the Vehicle Replacement Fund and approve necessary accounting and budget adjustments.

Motion carried 5 – 0.

Approved

7. VOID UNCLAIMED CHECKS UNDER \$15 PURSUANT TO GOVERNMENT CODE SECTION 50055 *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to:

1. Approve voiding checks less than fifteen dollars left unclaimed and uncashed after more than one year.
2. Authorize Administrative Services Director to transfer resulting funds to the general fund or other funds as appropriate.

Motion carried 5 – 0.

Approved

8. AUGUST 2021 CHECK REGISTER *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to receive and file.

Motion carried 5 – 0.

Approved

9. FISCAL YEAR 2021-22 ASSET SEIZURE FUNDS *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to appropriate receipt and use of Asset Seizure funds received in Fiscal Year 2021-22 and authorize necessary budget adjustments.

Motion carried 5 – 0.

Continued

10. AUTOMATIC AID AGREEMENT WITH PLACENTIA CANCELLATION *(taken out of agenda order)*

Dunlap moved, seconded by Silva, to continue this item to the October 5, 2021 City Council meeting.

Motion carried 4 – 1 (No: Zahra).

Approved

11. CURB / GUTTER AND SIDEWALK RECONSTRUCTION PROJECT FISCAL YEAR 2020-21 *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to:

1. Approve plans and specifications for Curb / Gutter and Sidewalk Reconstruction Project FY 2020-21.
2. Award \$355,980 construction contract to Martinez Concrete Inc for the Curb / Gutter and Sidewalk Reconstruction Project FY 2020-21, in a form approved by the City Attorney.
3. Appropriate receipt and use of SiFi Networks funds for cost differential between base bid costs and final bid alternative costs.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within the approved project budget.

Motion carried 5 – 0.

Approved

12. FEDERAL AVIATION ADMINISTRATION AMERICAN RESCUE PLAN ACT AND AIRPORT CORONAVIRUS RELIEF PROGRAM GRANT *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to:

1. Accept \$59,000 Federal Aviation Administration (FAA) American Rescue Plan Act - Airport Rescue Grant Program (ARGP) funds and authorize Public Works Director, or designee, to sign all documents related to the grant.
2. Accept anticipated \$57,162 FAA Coronavirus Response and Relief Supplemental Appropriation Act - Airport Coronavirus Response Grant Program (ACRGP) funds and authorize Public Works Director, or designee, to sign all documents related to the grant.
3. Appropriate receipt and use of anticipated \$59,000 Airport Rescue Grant Program funds and \$57,162 Airport Coronavirus Response Grant Program funds to the Airport Enterprise Fund.

Motion carried 5 – 0.

Received and filed

13. CAL CITIES ANNUAL CONFERENCE RESOLUTIONS

Received and filed.

Adopted

14. ORANGE COUNTY VETERANS CEMETERY IN ANAHEIM HILLS

The following made public comments:

- Nick Berardino spoke in support of this item.
- Unidentified speaker spoke in support of this item.

Jung moved, seconded by Silva, to adopt Resolution No. 2021-67.

RESOLUTION NO. 2021-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING SUPPORT OF THE ORANGE COUNTY VETERANS CEMETERY IN ANAHEIM HILLS

Motion carried 5 – 0.

Approved

15. AUGUST 17, 2021 AND SEPTEMBER 14, 2021 MEETING MINUTES *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to approve August 17, 2021 City Council / Successor Agency Meeting and September 14, 2021 City Council / Successor Agency Special Meeting Minutes.

Motion carried 5 – 0.

Adopted

16. FULLERTON MUNICIPAL CODE 12.04 AMENDMENTS - WATER RATES, RULES AND REGULATIONS - SECOND READING OF ORDINANCE *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to adopt Ordinance No. 3303.

ORDINANCE NO. 3303 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO REVISE MUNICIPAL CODE CHAPTER 12.04, "WATER REGULATIONS"

Motion carried 5 – 0.

Continued

17. PUBLIC RECORDS REQUEST PROCESS

Continued to October 5, 2021.

Adopted

18. CLASSIFICATION PLAN UPDATE TO CREATE INTERIM EXECUTIVE POSITION, SALARY SCHEDULE ASSIGNMENT AND INTERIM EXECUTIVE EMPLOYMENT AGREEMENT *(taken out of agenda order)*

Silva moved, seconded by Dunlap, to:

1. Adopt the following resolutions:

RESOLUTION NO. 2021-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A CERTAIN CLASS SPECIFICATION TO THE PERSONNEL CLASSIFICATION PLAN

RESOLUTION NO. 2021-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2020-91 AND AMENDMENTS THERETO

RESOLUTION NO. 2021-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING JEFF COLLIER AS AN INTERIM EXECUTIVE IN ACCORDANCE WITH GOVERNMENT CODES SECTIONS 7522.56 AND 21221(h)

2. Authorize Acting City Manager to execute the employment agreement with Jeff Collier, in a form approved by the City Attorney.

Motion carried 5 – 0.

Approved

19. ALLIE BRIDGE ENERGY SOLUTIONS, INC. PROFESSIONAL SERVICES AGREEMENT AMENDMENT
(taken out of agenda order)

Jung moved, seconded by Silva, to:

1. Approve amendment revising the Allie Bridge Energy Solutions, Inc. Professional Services Agreement fee structure.
2. Authorize City Manager to execute amendment by and between the City of Fullerton and Allie Bridge Energy Solutions, Inc.

Motion carried 4 – 1 (No: Dunlap).

ITEMS REMOVED FROM CONSENT CALENDAR

None.

ADJOURNMENT

Mayor Whitaker adjourned the meeting at 11:22 in memory of Jo Lasorda.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk