



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
OCTOBER 5, 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, 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 - Closed Session

None.

5:03 p.m.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 5:03 p.m.

CLOSED SESSION

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

Property: 1600 West Commonwealth Avenue, Fullerton, CA (APN: 30-290-22)

Agency Negotiator: Acting City Manager Steve Danley

Negotiating Parties: C&C Development, Jamboree Housing Corporation, Meta Housing Corporation, National CORE, Related Companies

Under Negotiations: Price and Terms

2. 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

3. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro, Steve Danley

Employee Organizations: Fullerton Fire Management Association, Fullerton Firefighters' Association

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

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

Title: City Manager Recruitment

5:54 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 5:54 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
OCTOBER 5, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

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, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Planning Manager Ellis Chang, Police Chief Robert Dunn, Deputy Fire Chief Brandon Coatney

INVOCATION given by Vanessa Stricker, One Life City Church.

PLEDGE OF ALLEGIANCE led by Police Chief Dunn.

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 met with the Fullerton Police Officers' Association President.

Council Member Zahra said he spoke with the Fullerton Fire Fighters' Association President and an OCEA representative.

Council Member Jung reported he spoke with representatives of the Fullerton Firefighters' Association and OCEA.

Presented

PRESENTATIONS

1. PROCLAMATION: Domestic Violence Awareness Month

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Council Member Jung spoke about the following: a City needs assessment, encouraging the city's congressional representative to find funding for the City, Filipino heritage month and covid vaccines.

Council Member Zahra spoke about a new Fullerton Museum exhibit and said he would resume his monthly meetings.

Mayor Pro Tem Dunlap reported on a fundraiser for Tara's Chance, Tommy Lasorda Day and vandalism on West Coyote Hills trails.

Mayor Whitaker spoke about water issues and Tommy Lasorda Day.

APPOINTMENTS

Appointments made

1. REDISTRICTING ADVISORY COMMISSION APPOINTMENTS

Council Members made the following appointments to the Redistricting Advisory Commission:

- Mayor Whitaker: John Seminara
- Mayor Pro Tem Dunlap: Greg Sebourn
- Council Member Jung: James Lira
- Council Member Silva: Jody Vallejo
- Council Member Zahra: Kitty Jaramillo.

Silva moved, seconded by Jung, to ratify appointments.

Motion carried 5 – 0.

Continued

2. UP PARK AD-HOC COMMITTEE APPOINTMENTS

Dunlap moved, seconded by Silva, to continue this item to the next regular meeting.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 9)

Dunlap moved, seconded by Zahra, to approve Consent Calendar

Items 1 – 9.

Motion carried 5 – 0 (Item 9 Opposed: Dunlap, Whitaker).

Approved

1. SEPTEMBER 21, 2021 MEETING MINUTES

Recommendation:

Approve September 21, 2021 City Council / Successor Agency Meeting Minutes.

Adopted

2. OUTDOOR EQUITY GRANTS PROGRAM APPLICATION

Recommendation:

1. Adopt Resolution No. 2021-71.

RESOLUTION NO 2021-71 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR OUTDOOR EQUITY GRANTS PROGRAM GRANT FUNDS

2. Authorize City Manager to execute all grant-related documents.
3. Accept and appropriate Outdoor Equity Grants Program funds as awarded.

Approved

3. 2021-22 OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT

Recommendation:

1. Accept grant award.
2. Authorize Chief of Police to execute \$280,000 2021-22 Office of Traffic Safety "Selective Traffic Enforcement Program" (STEP) agreement.
3. Appropriate receipt and use of the grant award.

Adopted

4. CLASSIFICATION PLAN UPDATE - ASSOCIATE ENGINEER - TRAFFIC

Recommendation:

Adopt Resolution No. 2021-72.

RESOLUTION NO. 2021-72 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING RESOLUTION NO. 2020-17 APPENDIX A (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

- Approved 5. **PUBLIC WORKS EMERGENCY PURCHASES FY 2020-21 AND FIRST QUARTER FY 2021-22**
- Recommendation:
- Receive and file report.
- Approved 6. **LEGAL SERVICES AGREEMENTS WITH LIEBERT CASSIDY WHITMORE AND ACUMEN LAW, LLP**
- Recommendation:
- Authorize Acting City Manager, or designee, to execute and administer agreements with Liebert Cassidy Whitmore and Acumen Law, LLP, in a form approved by the City Attorney.
- Approved 7. **FIRE PLAN CHECK AND INSPECTION SERVICES EXTENSION WITH CSG CONSULTANTS, INC.**
- Recommendation:
- Authorize City Manager, or designee, to increase the current not-to-exceed purchase order with CSG Consultants, Inc. from \$100,000 to \$200,000 to extend inspection services through Fiscal Year 2021-22.
- Approved 8. **800MHZ EMERGENCY COMMUNICATIONS SYSTEM JOINT AGREEMENT**
- Recommendation:
- Approve Joint Agreement for 800MHZ Emergency Communications System with Orange County and authorize City Manager to execute the Agreement.
- Approved 9. **AUTOMATIC AID AGREEMENT WITH PLACENTIA CANCELLATION (Continued from September 21, 2021 meeting)**
- Recommendation:
1. Cancel Automatic Aid Agreement and MOU between the City of Fullerton and the City of Placentia pursuant to the 60-day termination clause.
 2. Authorize City Manager and Fullerton Fire Chief to negotiate a Mutual Aid Agreement between the City of Fullerton and the City of Placentia.

PUBLIC HEARINGS

None.

REGULAR BUSINESS

No action

10. FISCAL YEAR 2021-2022 BUDGET ADJUSTMENTS AND INITIAL ARPA DESIGNATION

The following addressed City Council:

- Ed Vargas spoke in support of Scenario 4.
- Veronica Rodarte, FMEF, opposed cutting city services.
- Heather Sutherland, Fullerton, spoke against further cuts to city services.
- Unidentified Fullerton resident spoke in opposition to further cuts to city services.
- Erica Lucia, State Senator Newman's Office, spoke in opposition to further cuts to city services.
- Tim Steev, OCEA, spoke in opposition to further cuts to city services.
- Josh Gonzalez spoke in opposition to further cuts to city services.
- Ameena Qazi spoke in opposition to further cuts to city services.
- Jenny Matti, Fullerton, spoke in opposition to further cuts to city services.
- Kitty Jaramillo, Fullerton, spoke in opposition to further cuts to city services.
- David Jones spoke in opposition to further cuts to city services.
- Luis Carrillo spoke in support of Scenario 4.
- James Phethean spoke in opposition to further cuts to city services.
- Kevin Nunez, Fullerton, spoke in opposition to further cuts to city services.
- Sueling Chen, Fullerton, spoke in support of library funding.
- Harry Langenbacher, Fullerton, spoke in support of using APRA money to save city services and workforce.
- Debra Langenbacher, Fullerton, spoke in support of Scenario 4.
- Elizabeth Hansburg, Fullerton, spoke in support of City staff.

- Tony Package, Fullerton, spoke in support of Scenario 4.
- Judy (no last name given) spoke about the Robert E. Ward trail.
- Bernard Oh, Fullerton, spoke in support of using federal funds to preserve city services.
- Tania McCrory asked City Council to consider the budget needs of all citizens not just unions.

The following addressed City Council via Zoom:

- Jane Reifer spoke about funding to repair city trees.
- Jensen Hallstrom asked City Council to consider funding for urban forest maintenance.

Zahra moved to approve Scenario 4. Motion failed for lack of a second.

Dunlap moved, seconded by Whitaker, to keep the current vacancy savings, cut the budget by 4% and use APRA funding for infrastructure.

Silva made a substitute motion, seconded by Zahra, to adopt Scenario 1 and use \$1 million to restore vacancies.

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

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

Jung moved, seconded by Whitaker, to adopt Scenario 2 and cut the budget by 2% without any further staffing reductions. Motion failed 2 – 3 (In favor: Jung, Whitaker).

Silva moved, seconded by Zahra, to adopt Scenario 1 without \$1 million to replenish vacancies. Motion failed 2 – 3 (In favor: Silva, Zahra).

Dunlap moved, seconded by Whitaker, to adopt Scenario 6 with a 3.5% cut and maintain a 10% reserve level.

Jung made a substitute motion to adopt Scenario 2 with a 1.5% reduction. Motion failed for lack of a second.

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

Whitaker moved, seconded by Dunlap, to adopt Scenario 6 with a 3% budget cut. Motion failed 2 – 3 (In favor: Dunlap, Whitaker).

Jung made a substitute motion to adopt Scenario 2 with a 1% reduction. Motion failed for lack of a second.

Whitaker moved, seconded by Dunlap, to adopt Scenario 2 with a 2% budget cut. Motion failed 2 – 3 (In favor: Dunlap, Whitaker).

Adopted

11. REMOTE LEGISLATIVE BODY MEETINGS

The following addressed City Council:

- Elizabeth Hansburg, Fullerton, spoke in support of continuing remote public comment.
- Unidentified speaker spoke in support of remote public access to meetings.
- Curtis Gamble supported remote public access to meetings.

The following addressed City Council via Zoom:

- Munish Bharadwaja spoke in support of remote public comment but use remote access for legislative body members sparingly.
- Jane Reifer spoke in support of remote public comments and committee meeting broadcasts.
- Maureen Milton spoke in support of remote public access to meetings.
- Greg Sebourn, INRAC Chair, supported allowing remote legislative body member participation until members have had an opportunity to receive a COVID-19 booster shot and supported remote public comments.
- Larry (no last name given) supported remote public comments.

Dunlap moved, seconded by Jung, to:

1. Adopt Resolution No. 2021-73.

RESOLUTION NO. 2021-73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

2. Continue remote access for public comments, staff and consultants and broadcast purposes.

Motion carried 5 – 0.

Adopted

12. CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

The following addressed City Council via Zoom:

- Jose Trinidad Castaneda spoke in support of this item

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

RESOLUTION NO. 2021-74 - RESOLUTION OF INTENTION

OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT - CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

RESOLUTION NO. 2021-75 - RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS - CITY OF FULLERTON COMMUNITY FACILITIES DISTRICT NO. 3 (THE PINES AT SUNRISE VILLAGE)

Motion carried 3 – 2 (No: Dunlap, Whitaker).

Approved

13. ENTERPRISE RESOURCE PLANNING CONSULTING SERVICES

Silva moved, seconded by Zahra, to:

1. Approve \$482,275 Professional Services Agreement with KOA and authorize City Manager, or designee, to execute and administer the agreement, in a form approved by the City Attorney.
2. Approve additional \$96,455 Enterprise Resource Planning software implementation contingency, which equals 20 percent of total proposed cost.
3. Authorize necessary Fiscal Year 2021-22 budget transfers and appropriations for Year 1 costs from the following funds: \$83,916 Water Fund, \$43,405 Sewer Fund, \$43,405 Sanitation Fund, \$43,405 Refuse Fund and \$8,681 Airport Fund.
4. Authorize Director of Administrative Services to issue change orders within budget.

Motion carried 5 – 0.

Approved

14. CLOSED-CIRCUIT TELEVISION NETWORK AND SECURITY INTEGRATION

The following addressed City Council:

- Unidentified speaker spoke in support of this item.
- Curtis Gamble spoke in support of this item.
- Todd Harrison spoke in support of this item.
- Unidentified speaker spoke in support of this item.

The following addressed City Council via Zoom:

- Munish Bharadwaja, Fullerton, spoke in support of this

item.

- Maureen Milton asked if the cameras would cover the entire City.
- Jordan Sanders spoke in support of this item.

Dunlap moved, seconded by Zahra, to:

1. Approve \$1,467,334.23 Professional Services Agreement with Wachter, Inc. effective October 5, 2021 and authorize City Manager, or designee, to execute and administer the agreement, in a form approved by the City Attorney.
2. Authorize Fiscal Year 2021-22 appropriation and budget adjustments from the General Fund to the Information Technology Fund.
3. Authorize City Manager, or designee, to approve purchase or change orders for the CCTV network upgrades within the approved project budget.

Motion carried 5 – 0.

15. MIDDLE INCOME / WORKFORCE HOUSING REQUEST FOR THE ASPECT APARTMENT PROJECT

The following addressed City Council:

- Damion Lloyd spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Jon Penkower, CSCDA, spoke in support of this item.
- Chris Cruz, Standard Companies, spoke in support of this item.
- Armond Gray, Glendale, spoke in support of this item.
- Edith Mejia spoke in support of this item.
- Betsey Martin spoke in support of this item.
- Elizabeth Hansburg spoke in support of this item.
- Curtis Gamble spoke in support of this item.
- Todd Harrison spoke in support of this item.

The following addressed City Council via Zoom:

- Greg Sebourn said this project has too many unknowns to approve at this time.
- Joshua Ferguson spoke in opposition to this item.
- Jane Reifer said she did not support this project at this

time.

Dunlap moved, seconded by Whitaker, to reject this item and not bring the item back in the future.

Silva made a substitute motion, seconded by Zahra, to approve this item.

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

Original motion passed 3 – 2 (Opposed: Silva, Zahra).

16. PUBLIC RECORDS REQUEST PROCESS (Continued from September 21, 2021 meeting)

The following addressed City Council:

- Todd Harrison asked about video camera access.
- Mike Rodriguez asked about the time to receive a response on his request from the City of Fullerton
- Unidentified speaker spoke in support of access to public records.

The following addressed City Council via Zoom:

- Munish Bharadwaja, Fullerton, spoke in support of the current request process.

Jung moved, seconded by Whitaker, to table this item.

Silva moved, seconded by Jung, to receive and file this item.

Substitute motion passed 3 – 2 (Opposed: Zahra, Whitaker).

ITEMS REMOVED FROM CONSENT CALENDAR

None.

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison spoke about Rancho La Paz.
- Unidentified speaker opposed anonymous public comments over Zoom, anonymous public records requests and supported public comments at beginning of meetings.
- Josse Embry spoke about JP23 restaurant.
- Unidentified speaker spoke about JP23 restaurant.
- Ryan Farsai spoke about freedom.

- Unidentified speaker spoke about parking issues.
- Julie (no last name given) spoke about the Robert E. Ward Nature Preserve.
- Curtis Gamble spoke about homeless issues.

The following addressed City Council via Zoom:

- Sam Adrel spoke about Accessory Dwelling Unit laws.
- Jane Reifer spoke about upcoming housing projects and committee staff reports.
- Bernard Oh spoke about the public comments process.
- Arnel Dino spoke about the public comments process.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 12:02 a.m.