



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
OCTOBER 19, 2021 – 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

4:31 p.m.

CALL TO ORDER

Mayor Pro Tem / Vice Chair Dunlap called the meeting to order at 4:31 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker (arrived 4:33 p.m.), 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.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 4:33 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro, Ellis Chang, Laura Giannetti-Mercer and Jay Trinnaman

Employee Organizations: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Management Association, Fullerton Municipal Employees Federation

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

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

Title: City Manager Recruitment

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

Significant Exposure to Litigation: One Case

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

Property: 3535 Commonwealth Avenue,
Fullerton, CA (APN: 030-040-15)

Agency Negotiator: Acting City Manager Steve Danley

Negotiating Parties: Dyer 18 LLC

Under Negotiations: Price and Terms

6:03 p.m.

ADJOURN CLOSED SESSION

Mayor / Chair Whitaker adjourned the meeting at 6:03 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
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CALL TO ORDER

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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, Police Captain Jonathan Radus, Fire Chief Adam Loeser, Community and Economic Development Director Greg Pfost

INVOCATION given by given by Elliott Chung, One Life City Church.

PLEDGE OF ALLEGIANCE led by Council Member Silva.

CLOSED SESSION REPORT

None.

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

Council Member Jung reported he met with an OCEA representative.

Council Member Silva reported he met with an OCEA representative.
Council Member Zahra reported he met with Tim Steed from OCEA.

Presented

PRESENTATIONS

1. **PRESENTATION: SB 1383 Overview and Update**
2. **PRESENTATION: Republic Services Donation**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Todd Harrison, Fullerton, spoke about Rancho La Paz and pedestrian safety.
- Eva Contreras, La Habra, spoke about Ready, Set OC.
- Maureen Milton, Fullerton, spoke about recycling.
- Bernard Oh, Fullerton, spoke about City Council and audience conduct at the last City Council meeting.

The following addressed City Council via Zoom:

- Larry Iboshi, Fullerton, spoke about civic pride.
- Damion Lloyd spoke about his conduct as a city commissioner.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Mayor Pro Tem Dunlap asked about traffic concerns near Rancho La Paz.

Council Member Zahra spoke about traffic issues, the Fullerton Museum, School District volunteer recognition, monthly meetings and requested, supported by Silva, to agendaize an update on homelessness efforts.

Council Member Jung spoke about school crossing guards, public service, child tax credits, vaccinations,

APPOINTMENTS

Appointed

1. UP PARK AD-HOC COMMITTEE APPOINTMENTS

Council Members made the following direct appointments to the UP Park Ad-Hoc Committee:

Mayor Whitaker appointed Dave Cook.

Mayor Pro Tem Dunlap appointed Andrew Grether.
Council Member Jung appointed Tony Bushala.
Council Member Silva appointed Rose Merritt.
Council Member Zahra appointed Elizabeth Bravo.
Dunlap moved, seconded by Jung, to ratify appointments.
Motion carried 5 – 0.

Appointed

2. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Mayor Pro Tem Dunlap appointed Peter Gambino to the Planning Commission for an unexpired term ending December 31, 2024.

Council Member Silva appointed David Robinson to the Transportation and Circulation Commission for an unexpired term ending December 31, 2022.

Silva moved, seconded by Jung, to ratify appointments.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 8)

Dunlap moved, seconded by Silva, to approve the Consent Calendar.

Motion carried 5 – 0.

Approved

1. OCTOBER 5, 2021 MEETING MINUTES

Recommendation:

Approve October 5, 2021 City Council / Successor Agency Meeting Minutes.

Received and filed

2. SEPTEMBER 2021 CHECK REGISTER

Recommendation:

Receive and file.

Approved

3. TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2021

Recommendation:

Receive and file.

Adopted

4. YORBA LINDA BOULEVARD / WEIR CANYON ROAD CORRIDOR REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT GRANT FUNDING

Recommendation:

Adopt Resolution No. 2021-76.

RESOLUTION NO. 2021-76 - A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
AUTHORIZING THE CITY'S PARTICIPATION IN AN
APPLICATION FOR FUNDS TO THE ORANGE COUNTY
TRANSPORTATION AUTHORITY FOR THE YORBA LINDA
BOULEVARD / WEIR CANYON ROAD CORRIDOR
REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION
PROJECT UNDER THE COMPETITIVE MEASURE M2
REGIONAL TRANSPORTATION SIGNAL
SYNCHRONIZATION PROGRAM

Adopted

**5. EUCLID STREET CORRIDOR REGIONAL TRAFFIC SIGNAL
SYNCHRONIZATION PROJECT GRANT FUNDING**

Recommendation:

Adopt Resolution No. 2021-77.

RESOLUTION NO. 2021-77 - A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
AUTHORIZING THE CITY'S PARTICIPATION IN AN
APPLICATION FOR FUNDS TO THE ORANGE COUNTY
TRANSPORTATION AUTHORITY FOR THE EUCLID
STREET CORRIDOR REGIONAL TRAFFIC SIGNAL
SYNCHRONIZATION PROJECT UNDER THE COMPETITIVE
MEASURE M2 REGIONAL TRANSPORTATION SIGNAL
SYNCHRONIZATION PROGRAM.

Approved

6. ALERT OC MEMORANDUM OF UNDERSTANDING

Recommendation:

Authorize City Manager or Chief of Police to sign and
administer updated Memorandum of Understanding between
County of Orange and Participants for Use of Countywide
Mass Notification System.

Approved

7. ACTING CITY MANAGER AGREEMENT EXTENSION

Recommendation:

Authorize Mayor to sign amendment extending the term of
Acting City Manager Steve Danley's agreement up to
December 24, 2021.

Approved

8. STORM DRAIN LINING FISCAL YEAR 2020-21 PROJECT

Recommendation:

1. Approve Storm Drain Lining FY 2020-21 Project plans and specifications.
2. Approve \$120,000 transfer from Project 52591 Annual Storm Drain Repair to Project 52719 Storm Drain Lining FY 2020-21 Project (Fund 74).

3. Award \$92,137 construction contract for Storm Drain Lining FY 2020-21 to Nor-Cal Pipeline Services, Inc. and authorize the City Manager, or designee, to execute the contract, 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 the approved project budget.

PUBLIC HEARINGS (Items 9 - 10)

Adopted, Ordinance
Introduced

9. HIGHLAND AND VALENCIA MIXED-USE DEVELOPMENT PROJECT (CASA BELLA) LOCATED AT 415 SOUTH HIGHLAND AVENUE

Mayor Whitaker opened the public hearing at 7:46 p.m.

The following made public comments:

- Tony Package, Fullerton, asked about the number of bedrooms in the units.
- Maggie Lee spoke in support of this item.
- Maureen Milton asked why the city needs more mixed-use development.
- The applicant spoke in support of this item.

The following addressed City Council via Zoom:

- Jose Trinidad Castaneda spoke in support on this item.
- Jaymes Dunsmore, People for Housing, spoke in support of this item.
- Jane Reifer, Fullerton, spoke in support of this item but asked to eliminate language that applies this zoning to the entire city.

Mayor Whitaker closed the public hearing at 7:56 p.m.

Dunlap moved, seconded by Zahra, to

1. Adopt the following resolutions:

RESOLUTION NO. 2021-78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, INCLUDING ANALYSIS OF THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT, PROJECT DESIGN FEATURES, STANDARD CONDITIONS, MITIGATION MEASURES AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A PROPOSED MIXED-USE PROJECT WITH 20 RESIDENTIAL APARTMENTS INCLUDING FIVE

PERCENT (ONE UNIT) DEED-RESTRICTED UNITS FOR VERY-LOW-INCOME WITH 1,152 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE

RESOLUTION NO. 2021-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A MIXED-USE PROJECT WITH 20 RESIDENTIAL APARTMENTS INCLUDING FIVE PERCENT (ONE UNIT) DEED-RESTRICTED UNITS FOR VERY-LOW-INCOME WITH 1,152 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE

RESOLUTION NO. 2021-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MINOR EXCEPTION ALLOWING SETBACK ENCROACHMENT ON THE VALENCIA DRIVE STREET SIDE OF THE BUILDING ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE

RESOLUTION NO. 2021-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FROM COMMERCIAL TO NEIGHBORHOOD CENTER MIXED-USE ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND AVENUE AND VALENCIA DRIVE AND ADD "C-3 WHEN USED TO IMPLEMENT DWELLING UNITS AS PART OF A MIXED-USE DEVELOPMENT PURSUANT TO FULLERTON MUNICIPAL CODE SECTION 15.30.040.E" AS A ZONING CLASSIFICATION CONSISTENT WITH THE NEIGHBORHOOD CENTER MIXED-USE COMMUNITY DEVELOPMENT TYPE

2. Introduce Ordinance 3304 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3304 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (G-C) TO CENTRAL BUSINESS DISTRICT COMMERCIAL (C-3) ON A 0.56-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF

HIGHLAND AVENUE AND VALENCIA DRIVE

Motion carried 4 – 1 (No: Whitaker).

City Clerk Williams read the title of the ordinance.

Adopted, Ordinance
introduced

10. FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 1210 BURTON STREET CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT

Mayor Whitaker opened the public hearing at 8:20 p.m.

The following made public comments:

- Andy Goodman, AGE Advertising, spoke in support of this item.

Mayor Whitaker closed the public hearing at 8:21 p.m.

Dunlap moved, seconded by Zahra, to:

1. Adopt Resolution No. 2021-82.

RESOLUTION NO. 2021-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 1210 BURTON STREET ON PROPERTY ZONED C-M, COMMERCIAL INDUSTRIAL

2. Introduce Ordinance 3305 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3305 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD TO PROVIDE THE PROJECT APPLICANT AND THE CITY OF FULLERTON CERTAIN ASSURANCES WITH RESPECT TO PROJECT APPROVALS AND OBLIGATIONS

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

REGULAR BUSINESS (Items 11 - 13)

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

The following made public comments:

- Tony Package, Fullerton, spoke in support of Scenario 1.
- Ed Vargas, FMEF, spoke about the impact of budget cuts on the City's workforce.

- Brian Brown, Fullerton Aquatics Sports Team, supported ARPA funding new fencing at Independence Park.
- Mardell Davidson, Fullerton, opposed further staffing cuts and suggested funding for streets and water mains.
- Nina Parker, Fullerton, supported using ARPA funding for new fencing at Independence Park.
- Jose Perez, Fullerton, opposed further cuts to staffing.
- David Jones spoke in support of funding for the sewer infrastructure and city staff.
- Josh Gonzales opposed further budget cuts.
- Rick Plethan, Fullerton, opposed further staffing cuts.
- Jennifer Plethan, Fullerton, opposed further budget cuts.
- Jamison Phethan opposed further budget cuts.
- Jenny Matti, Fullerton, spoke in support of city workers.
- Kevin Nunez, spoke in support of city workers.
- Egleth Nuncci spoke in support of city workers.
- Alma Villices, Fullerton, spoke in support of city workers.
- Bernard Oh, Fullerton, opposed further budget cuts.
- Maureen Milton, Fullerton, spoke in support of the city workforce.

Zahra moved to approve Scenario 1. Motion failed for lack of a second.

Jung moved, seconded by Silva, to approve Scenario 8 with the Acting City Manager to determine the allocation of the 1% savings at his discretion. Motion failed 2 – 3 (In favor: Jung, Silva).

Jung moved, seconded by Whitaker, to approve Scenario 10 with the Acting City Manager to determine the cuts to propose to City Council at a future meeting. Motion failed 2 – 3 (In favor Jung, Silva).

Approved

12. **1600 WEST COMMONWEALTH AVENUE AFFORDABLE HOUSING DEVELOPER SELECTION AND EXCLUSIVE NEGOTIATION AGREEMENT**

The following made public comments:

- Maureen Milton, Fullerton, asked if this project has mixed-use and how many units have handicap accessibility.
- Maggie Lee spoke in support of selecting a developer and

moving forward with this project.

- Stephanie Bromley, Fullerton, opposed permanent supportive housing at this location.
- Phillip Bromley, Fullerton, urged City Council to listen to the neighborhood and supported affordable workforce housing.
- Unidentified speaker spoke in opposition to permanent supportive housing and supported a project with adequate parking.
- Nina Parker, Fullerton, spoke in support of the Jamboree project and opposed permanent supportive housing.
- Christina Brittan supported affordable housing but opposed permanent supportive housing.
- Jason Phillips, Fullerton, supported very-low and low-income housing.
- Curtis Gamble spoke in support of this project.
- Tim Mustard, Related, spoke in support of his firm's design concept.
- Lauren Masseri, Meta Housing, spoke about allegations regarding their Santa Ana project.
- Todd Cottle, C&C Development, provided details about his proposal.

The following addressed City Council via Zoom:

- Jane Rands said the most affordability makes the best project.
- Colby Northridge, Related, spoke about the benefits of Related's proposal.
- Jaymes Dunsmore, People for Housing, spoke in support of this project.
- Jose Trinidad Castaneda spoke in support of development at this site.
- Dee Lower, Fullerton, expressed concerns with developing this site.
- Lorina Crockett, Fullerton, expressed concerns with neighborhood density.
- Diane Vena spoke in support of additional housing.
- Elsa Miranda asked about the cost of this development.

Jung moved, seconded by Dunlap, to:

1. Authorize Acting City Manager, or designee, to negotiate an Exclusive Negotiation Agreement with Meta and to

enter and administer the negotiated Exclusive Negotiation Agreement with the selected developer.

2. If negotiations with Meta are unsuccessful, authorize Acting City Manager, or designee, to negotiate with Related and enter and administer the negotiated Exclusive Negotiation Agreement.

Motion carried 5 – 0.

Adopted

13. ENERGY EFFICIENCY PROJECT FINANCING

Zahra moved, seconded by Jung, to:

1. Adopt Resolution No. 2021-83.

RESOLUTION NO 2021-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE SELECTION OF A LENDER; AUTHORIZING THE PREPARATION, NEGOTIATION, EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE AGREEMENT TO FINANCE CERTAIN ENERGY EFFICIENCY EQUIPMENT AND IMPROVEMENTS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

2. Authorize necessary appropriation and budget adjustments for debt service payments and project costs.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

None

10:49 p.m.

ADJOURNMENT

Jung requested, supported by Dunlap, to agendaize a needs assessment proposal at the next meeting.

Mayor / Chair Whitaker adjourned the meeting at 10:49 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk