



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
DECEMBER 7, 2021 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:31 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:31 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

PUBLIC COMMENTS – Closed Session

None.

5:33 p.m.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 5:33 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro and Jay Trinnaman

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

Under Discussion: Parameters of authority for negotiating salaries, benefits

and working conditions

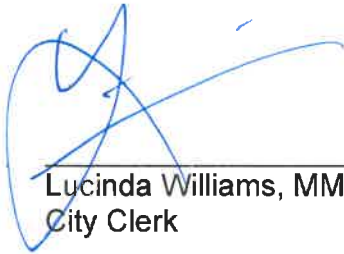
2. PUBLIC EMPLOYMENT Per Government Code Section 54957(b)(1)

Title: Acting City Manager and City Manager Recruitment

6:24 p.m.

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 6:24 p.m.



Lucinda Williams, MMC
City Clerk



Fred Jung
Mayor



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY /
HOUSING AUTHORITY /
PUBLIC FINANCING AUTHORITY
REGULAR MEETING MINUTES
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Absent: None

Staff Present: Acting City Manager Steve Danley, Deputy City Attorney Tarquin Preziosi, City Clerk Lucinda Williams, Police Chief Robert Dunn, Deputy Fire Chief Brandon Coatney, Interim Director of Community and Economic Development Greg Pfof

INVOCATION given by given by Rabbi Levi Blesofsky, Chabad Beth Mier Hacohen Synagogue.

PLEDGE OF ALLEGIANCE led by Mayor Whitaker.

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 OCEA members and the POA president.

Council Member Zahra reported he had a conversation with Tim Steed

of OCEA.

Presented

PRESENTATIONS

1. **PRESENTATION:** Fullerton Bears Super Bowl Championship

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Unidentified speaker spoke about the attack on Pearl Harbor.
- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Unidentified speaker spoke about illegal dispensaries.
- Marlena Carrillo spoke about communications from the Police Officers Association.
- Greg Sebourn, Fullerton, asked City Council to agendaize a discussion of SB 9.
- Rosio Lopez asked for more unity.
- Tony Package spoke about a recent fire department response.
- Fullerton resident spoke about an issue with the sidewalk at Bastanchury and Harbor.
- Maureen Milton spoke about an incident at the Veteran's Day celebration.
- Egleth Nuncci spoke about unity.
- Eddie Carmona, representing Assembly Member Quirk-Silva, invited the public to attend an open house.
- Curtis Gamble spoke about Kelly Thomas and the Sheriff's Department.

The following addressed City Council via Zoom:

- Diane Vena spoke about public notifications regarding trail projects and redistricting.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Acting City Manager Danley responded to items arising during Public Comments.

Jung requested, supported by Whitaker, to agendaize a discussion of SB 9.

Jung spoke about a recent apartment complex sale, the state budget

surplus and issues that have come before City Council.

Council Member Silva thanked the Museum Association for the Tree Lighting Ceremony and spoke about the state budget surplus.

Council Member Zahra thanked the Museum Association for the Tree Lighting Ceremony and wished all a wonderful holiday season.

Mayor Pro Tem Dunlap wished the community a Merry Christmas and sent well wishes to his daughter following surgery.

Mayor Whitaker asked to agendaize a resolution to support more local control, asked for a briefing on a Prop 218 lawsuit and spoke about City Council meeting deliberations.

APPOINTMENTS

None.

REGULAR BUSINESS (Item 1)

1. MAYOR / CHAIR AND MAYOR PRO TEM / VICE CHAIR APPOINTMENT

The following addressed City Council:

- Tony Package asked City Council to consider the consequences of their decisions.
- Todd Harrison asked City Council to consider their selection for Mayor and Mayor Pro Tem carefully.
- Stephanie Wade, Lavender Democrats of Orange County, spoke in support of Council Member Zahra.
- Isabella Rubio spoke in support of Council Members Zahra and Silva.
- Isle Miranda spoke in opposition to appointing Council Member Zahra as Mayor.
- Greg Sebourn thanked Mayor Whitaker for his service.
- Rosio Lopez supported a mayor that worries about the basic needs of the community.
- Veronica Moran supported a mayor from District 5.
- Blanca Hernandez asked for diversity in the selection of Mayor.
- Alma Villices, Fullerton, asked City Council to not exclude Council Member Zahra.
- Curtis Gamble thanked Mayor Whitaker for his service and supported following the Mayor Pro Tem rotation policy.

- Unidentified speaker spoke in support of Mayor Pro Tem Dunlap.
- Carime (no last name given) spoke in support of Council Member Zahra.
- Blanca Hernandez spoke in support of Council Member Zahra.
- Egleth Nuncci spoke in support of Council Member Zahra.
- Carolina (no last name given), District 5, supported a mayor with honesty.
- Mireya (no last name given) asked for an honest mayor that listens to the community.
- Sandra (no last name given), District 5, asked for someone who does not create chaos.
- Bernard Oh, Fullerton, supported Council Member Zahra.

The following addressed City Council via Zoom:

- Diane Vena spoke in support of Council Member Zahra.
- Tanya McCrory thanked Mayor Whitaker and supported selecting the best person to serve as Mayor.
- Christy Sims opposed appointing Council Member Zahra to serve as Mayor Pro Tem.
- Jacqueline Murillo supported a mayor who seeks to advance the matters of concern to Fullerton.

Council Member Silva nominated Zahra for Mayor and Silva for Mayor Pro Tem for the ensuing term.

Mayor Pro Tem Dunlap nominated Jung for Mayor and Whitaker for Mayor Pro Tem for the ensuing term.

Council Member Silva nominated himself for Mayor for the ensuing term.

Nomination of Zahra for Mayor failed 2 – 3 (In favor: Silva, Zahra).

Nomination of Jung for Mayor passed 3 – 2 (Opposed: Silva, Zahra).

Council Member Jung received the majority vote for Mayor for the ensuing term. City Council ceased all other nominations for Mayor.

Council Member Silva nominated himself as Mayor Pro Tem for the ensuing term.

Mayor Pro Tem Dunlap nominated Whitaker as Mayor Pro Tem for the ensuing term.

Nomination for Silva for Mayor Pro Tem failed 2 – 3 (In favor:

Silva, Zahra).

Nomination for Whitaker as Mayor Pro Tem passed 3 – 2
(Opposed: Silva, Zahra).

Council Member Whitaker received the majority vote for Mayor Pro Tem for the ensuing term. City Council ceased all other nominations for Mayor Pro Tem.

CONSENT CALENDAR (Items 2 - 10)

Dunlap moved, seconded by Silva, to approve Consent Calendar Items 2 through 10.

Motion carried 5 – 0.

Approved

2. NOVEMBER 16, 2021 MEETING MINUTES

Recommendation:

Approve November 16, 2021 City Council / Successor Agency Meeting Minutes.

Adopted

3. AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS

Recommendation:

Adopt Resolution No. 2021-97.

RESOLUTION NO 2021-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MAKING THE CONTINUED DETERMINATION OF LEGALLY REQUIRED FINDINGS TO CONTINUE TO AUTHORIZE THE CONDUCT OF REMOTE "TELEPHONIC" MEETINGS DURING THE STATE OF EMERGENCY

Approved

4. JANUARY 4, 2022 CITY COUNCIL MEETING CANCELLATION

Recommendation:

Cancel January 4, 2022 City Council / Successor Agency Meeting.

Adopted

5. MEASURE M2 EXPENDITURE REPORT

Recommendation:

Adopt Resolution No. 2021-98.

RESOLUTION NO. 2021-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF FULLERTON FOR THE FISCAL YEAR ENDING JUNE 30, 2021

Approved

6. TENANT BASED RENTAL ASSISTANCE PROGRAM EXTENSION

Recommendation:

1. Approve up to \$300,000 of Fiscal Year 2021-2022 HOME funds to implement an additional two years of the TBRA program.
2. Authorize City Manager, or designee, to make any budget appropriations needed to FY 2021-22 HUD-HOME budget.

Adopted

7. MILLS ACT CONTRACT BETWEEN CITY OF FULLERTON AND PROPERTY OWNER OF HISTORIC PROPERTY AT 241 JACARANDA PLACE

Recommendation:

1. Adopt Resolution No. 2021-99.
RESOLUTION NO. 2021-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MILLS ACT CONTRACT BETWEEN THE CITY AND THE OWNER OF HISTORIC PROPERTY LOCATED AT 241 JACARANDA PLACE IN THE FORM OF AN HISTORIC PROPERTY PRESERVATION AGREEMENT
2. Authorize Director of the Community and Economic Development Department to review subsequent updated schedules of improvements and maintenance items provided by the property owner pursuant to the Historic Property Preservation Agreement prior to the tenth anniversary of the Agreement and every tenth anniversary thereafter.

Approved

8. RAILROAD GRADE SEPARATION PROJECTS - COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY AMENDMENT NO. 9

Recommendation:

Approve Cooperative Agreement C-9-0576 Amendment No. 9 between Orange County Transportation Authority and the City of Fullerton and authorize City Manager to execute amendment, in a form approved by the City Attorney.

Approved

9. PRELIMINARY ENGINEERING SERVICE AGREEMENT WITH BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILWAY COMPANY AND COST SHARING AGREEMENT WITH GLC FULLERTON LLC FOR VARIOUS TRAFFIC

IMPROVEMENTS RELATED TO THE INDUSTRIAL LOGISTICS CENTER AT 2001 EAST ORANGETHORPE AVENUE (GOODMAN LOGISTICS CENTER FULLERTON)

Recommendation:

1. Authorize City Manager, or designee, to execute the Preliminary Engineering Service Agreement (PSA) with Burlington Northern Santa Fe Railway Company (BNSF) for various traffic improvements related to the Goodman Logistics Center Project located at 2001 East Orangethorpe Avenue.
2. Authorize City Manager, or designee, to approve and execute amendments to the PSA with BNSF, in a form approved by the City Attorney.
3. Approve Cost Sharing Agreement with GLC Fullerton LLC for reimbursement of costs and expenses that the City incurs from BNSF in performance of the work outlined in the PSA.

Approved

10 GILBERT STREET / IRIS COURT WATER MAIN REPLACEMENT

Recommendation:

1. Approve Gilbert Street / Iris Court Water Main Replacement Project plans and specifications.
2. Approve \$634,000 Water Fund transfer from Project 53250 Water Main System Replacement to Project 53033 Gilbert Street / Iris Court Water Main Replacement Project (Fund 44).
3. Award \$496,363 construction contract for the Gilbert Street / Iris Court Water Main Replacement Project to Gutierrez Pipeline Inc. and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
4. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional engineering construction support services within the approved project budget.

PUBLIC HEARINGS (Item 11)

Project returned to Planning Commission

11. THE PINES AT SUNRISE VILLAGE REDEVELOPMENT - ROSECRANS AVENUE AND EUCLID STREET

Mayor Jung opened the public hearing at 9:23 p.m.

The following addressed City Council:

- Kathy Yang did not think this development would bring in

more tax revenue than the existing development.

- Tawnya Michaels, Fullerton, spoke in opposition to this project.
- Craig Lawson, Fullerton, spoke in support of this project.
- Cynthia Gil Santilan, Fullerton, spoke in opposition to this project.
- Unidentified speaker spoke in support of retail businesses.
- Lila Pesner, Fullerton, spoke in opposition to this item.
- Teresa Lim, Fullerton, spoke in opposition to this item.
- Unidentified Fullerton resident spoke about zoning densities.
- Karissa DeStefano, BIA of Southern California, spoke in support of this item.
- Jay Kim spoke about chemicals used on the project site.
- Daniel Gaiman spoke in support of this project.
- Unidentified speaker spoke in opposition to this project.
- Unidentified speaker addressed the CEQA considerations of this project.
- Jennifer Ward, Orange County Business Council, spoke in support of this item.
- Margaret Dunn, Fullerton, spoke about safety issues associated with this project.
- Kathleen Shanfield, Fullerton, proposed modifications to this project.
- John Kim read a letter in opposition to this project.
- Tina Choi spoke in opposition to this item.
- Barbara Kilponen, Fullerton, spoke in opposition to this item.
- Winifred Hopkins, Fullerton, spoke in opposition to this item.
- Debra Pember, Fullerton, spoke in favor of this project.
- Omar Sidiki spoke in opposition to this project.
- Carrie Brennan, Fullerton, spoke in opposition to this project.
- Cindy (no last name given), Fullerton, spoke in opposition to this project.
- Dr. Cho spoke in opposition to this project.
- Carole Maher, Fullerton, spoke in opposition to this project.
- Curtis Gamble spoke in support of housing.
- Carol Edmonston spoke in opposition to this project.

- Lynn Frutchey spoke in opposition to this project.
- Unidentified speaker spoke about Howard Kea who built the Imperial Spa.
- Vicki Trendel, Fullerton, expressed concerns with traffic and parking associated with this project.

The following addressed City Council via Zoom:

- Diane Vena spoke in opposition to this project.

Mayor Jung closed the public hearing at 11:26 p.m.

Whitaker moved, seconded by Jung, to return this project to the Planning Commission to address concerns raised during the public hearing.

Motion carried 3 – 2 (Opposed: Silva, Zahra).

Mayor Jung recessed the meeting at 11:52 p.m.

Mayor Jung reconvened the meeting at 11:56 p.m.

REGULAR BUSINESS - Continued (Items 12 - 14)

Adopted

12. SHORT-TERM LODGING WITHIN ACCESSORY DWELLING UNITS

The following addressed City Council:

- Tony Package asked how this applies to the number of allowable units.
- Curtis Gamble spoke in support of this item.

Dunlap moved, seconded by Whitaker, to adopt Resolution No. 2021-100.

RESOLUTION NO. 2021-100 - A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 (SECTION 15.17.100 AND RELATED CHAPTERS OR SECTIONS, IF APPLICABLE) OF THE FULLERTON MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS WITH A FOCUS ON SHORT-TERM LODGING REQUIREMENTS WITHIN ACCESSORY DWELLING UNITS.

Motion carried 3 – 2 (Opposed: Silva, Jung).

Introduced

13. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO EMERGENCY PURCHASES

The following addressed City Council:

- Joshua Ferguson asked for more context regarding emergency purchases.

Silva moved, seconded by Dunlap, to introduce Ordinance No. 3306 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3306 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTER 2.64 (PURCHASING), SECTION 2.64.090 (EMERGENCY PURCHASES)

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

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

The following addressed City Council:

- Tony Package spoke in support of Package B.
- Ed Vargas, FMEF, spoke in support of city services and using ARPA funds to support the budget.
- David Jones asked City Council to not further reduce the city budget.
- Michael Nunes asked council to consider personnel aspects of infrastructure.
- Todd Harrison spoke in support of retaining city employees.
- Curtis Gamble supported using ARPA funding for the homeless and veterans.
- Eric Wehn spoke about Police Officer Association communications regarding the budget.
- Joshua Ferguson spoke about Police Department staffing.
- Bernard Oh opposed further cuts to city staffing.

The following addressed City Council via Zoom:

- Diane Vena spoke about police and fire department funding and suggested using ARPA funds to avoid staffing cuts.
- Egleth Nuncci spoke in support of no further cuts to City staffing.

Silva moved, seconded by Zahra, to adopt Package A, Scenario 8.

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

Jung moved to adopt Scenario 2. Motion failed for lack of a second.

Dunlap moved, seconded by Whitaker, to adopt Alternative 11.

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

Zahra moved, seconded by Silva, to adopt Package B.

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

Silva moved, seconded by Jung, to adopt Option 10.

Motion failed 2 – 3 (In favor: Silva, Jung).

Jung moved, seconded by Whitaker, to adopt Scenario 2.


Motion failed 2 – 3 (In favor: Whitaker, Jung).

Dunlap moved, seconded by Jung, to adopt Scenario 12.

Motion carried 3 – 2 (Opposed: Silva, Zahra).

ADJOURNMENT

Mayor / Chair Jung adjourned the meeting at 1:12 a.m.



Lucinda Williams, MMC
City Clerk



Fred Jung
Mayor