



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JULY 20, 2021 – 5:15 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:15 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 5:15 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Council / Agency Members
Jung, Zahra

Absent: Mayor Pro Tem / Vice Chair Dunlap, Council /
Agency Member Silva

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

Whitaker moved, seconded by Zahra, to add the Fullerton Police Management Association as an Employee Organization listed under to Closed Session Item 1 as the need to discuss this item arose after posting of the agenda and requires action before the next regular City Council meeting.

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

PUBLIC COMMENTS - Closed Session

The following addressed City Council:

- Julianna Nuncci thanked Police Chief Dunn for attending the Pacific Drive Elementary 6th grade graduation and thanked the police department for serving the community.
- Unidentified speaker thanked Police Chief Dunn for serving the community.
- Gabrielle Reyes thanked Police Chief Dunn for serving the community.
- Carime (no last name provided) spoke in support of Police Chief Dunn.
- Diane (no last name provided) thanked Police Chief Dunn for service to the community.
- Blanca Hernandez spoke in support of Police Chief Dunn.
- Egleth Nuncci spoke in support of Police Chief Dunn.

RECESS to Closed Session

Mayor / Chair Whitaker recessed to Closed Session at 5:21 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representatives: Eddie Manfro and Laura Giannetti-Mercer

Employee Organization: Fullerton Fire Management Association

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)

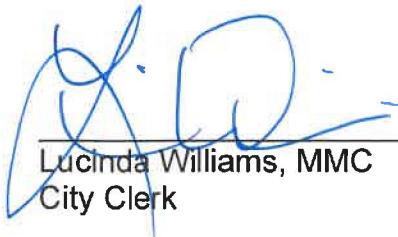
Title: Chief of Police

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 5:27 p.m.



Bruce Whitaker
Mayor



Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
PUBLIC FINANCING AUTHORITY / HOUSING AUTHORITY
REGULAR MEETING MINUTES
JULY 20, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:33 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:33 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Whitaker, Council / Agency / Authority Members Jung, Zahra

Absent: Mayor Pro Tem / Vice Chair Dunlap. Council / Agency / Authority Member Silva

Staff Present: Acting City Manager Steve Danley, City Attorney Richard D. Jones, City Clerk / Secretary Lucinda Williams, Acting Director of Community and Economic Development Kellee Fritzal, Police Captain Jon Radus, Deputy Fire Chief Chris Nigg

INVOCATION given by Pastor Robert Nixon, New Wine Church.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

City Attorney Jones reported that City Council unanimously settled the case of Teti v. City of Fullerton in the amount of \$250,000.

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

Council Member Zahra reported he had conversations with OCEA representatives and the Firefighters' Association President.

Mayor Whitaker reported he met with Dan Lancaster of the Fullerton Firefighters' Association regarding City finances.

PRESENTATIONS

- 1. PRESENTATION: PFAS Treatment Plant**
- 2. PRESENTATION: Shield 4 Kids**

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Jose Trinidad Castaneda, Buena Park, spoke about a community forest management plan and homelessness.
- Unidentified Fullerton resident spoke about homelessness at Pacific Drive park.
- Juliano Valva spoke about issues at Pacific Drive Park.
- Eva (no last name given) expressed concerns with safety at Pacific Drive Park.
- Unidentified Fullerton resident expressed concerns with Pacific Drive Park.
- David Alvarez expressed concerns with Pacific Drive Park.
- Daryl Toerck, Fullerton, spoke about the proposed development at 1600 West Commonwealth.
- Kelly Nealon spoke about homelessness.
- Candice Gayle, Fullerton, supported removal of the bike ramps near St. Jude hospital.
- Stephanie Bromley spoke about the proposed Pathways of Hope development at 1600 West Commonwealth.
- Phillip Bromley spoke about the proposed Pathways of Hope development at 1600 West Commonwealth.
- Jane Rands, Fullerton, spoke in support of Pathways of Hope and the Active Transportation Committee.
- Jesse Genera spoke about RV parking.
- Jensen Hallstrom spoke about preserving open space and tree issues.
- Curtis Gamble spoke about safe parking.
- Bernard Oh spoke about the Guinness Book of World Records.

The following addressed City Council via Zoom:

- Jane Reifer asked questions about the conduct of public hearings.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Danley responded to issues arising during public comment.

Council Member Jung spoke about the Hillcrest Park War Memorial, water conservation and National Parents Day

Council Member Zahra recognized Eid al-Adha, spoke about the Fullerton Museum reopening and commented on park maintenance.

Mayor Whitaker spoke about water issues and announced a new sister city relationship with Tolle, Italy.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 15)

City Council removed Items 10 and 12 from consideration.

Zahra moved, seconded by Jung, to approve Consent Calendar Items 1, 2, 4, 5, 7, 8, 9, 11, 13 and 15.

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

Approved

1. JULY 6, 2021 MEETING MINUTES

Recommendation:

Approve July 6, 2021 City Council / Successor Agency Meeting Minutes.

Approved

2. JUNE 2021 CHECK REGISTER

Recommendation:

Receive and file.

Ordinance No. 3300 adopted

4. FREEWAY-ORIENTED ELECTRONIC BILLBOARD LOCATED AT 303 NORTH PLACENTIA AVENUE DEVELOPMENT AGREEMENT - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3300.

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

Ordinance No. 3301 5.
adopted

**FULLERTON MUNICIPAL CODE AMENDMENT RELATING
TO RECREATIONAL VEHICLE PARKING, STOPPING AND
STANDING - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3301.

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

Resolution No. 7.
2021-52 and FHA
2021-01 adopted

**MEMBERSHIP AGREEMENT TO ADD FULLERTON
HOUSING AUTHORITY AS A FULLERTON PUBLIC
FINANCING AUTHORITY MEMBER**

Recommendation:

1. As City Council: Adopt Resolution No. 2021-52.

RESOLUTION NO. 2021-52 - A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF FULLERTON,
CALIFORNIA AUTHORIZING THE EXECUTION AND
DELIVERY OF A MEMBERSHIP AGREEMENT WITH THE
FULLERTON HOUSING AUTHORITY, APPROVING THE
FINAL FORM OF RELATED DOCUMENTS AND
APPROVING OFFICIAL ACTIONS

2. As the Fullerton Housing Authority Governing Board:
Adopt Resolution No. FHA 2021-01.

RESOLUTION NO. FHA 2021-01 - A RESOLUTION OF
THE GOVERNING BOARD OF THE HOUSING
AUTHORITY OF THE CITY OF FULLERTON,
CALIFORNIA AUTHORIZING THE EXECUTION AND
DELIVERY OF A MEMBERSHIP AGREEMENT WITH THE
CITY OF FULLERTON, APPROVING THE FINAL FORM
OF RELATED DOCUMENTS AND APPROVING OFFICIAL
ACTIONS

Approved

**8. HAZARDOUS MATERIALS DISCLOSURE / BUSINESS
EMERGENCY PLAN PROGRAM TRANSFER FROM
FULLERTON FIRE DEPARTMENT TO ORANGE COUNTY
HEALTH CARE AGENCY ENVIRONMENTAL HEALTH
DIVISION**

Recommendation:

Transfer Hazardous Materials Disclosure / Business
Emergency Plan Program from Fullerton Fire Department to
Orange County Health Care Agency Environmental Health
Division.

Approved

9. LIBRARY WI-FI HOTSPOT REPLACEMENT FEE

Recommendation:

1. Approve acceptance of 33 Wi-Fi hotspots.
2. Amend Library's Fee Schedule to add a \$100 replacement fee for the non-return of library Wi-Fi hotspots and/or accessories.

Not discussed

10. EARLY MORNING PARKING RESTRICTIONS REPEAL - FERN DRIVE

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON THE SOUTH SIDE OF FERN DRIVE BETWEEN CASA BLANCA DRIVE AND BARRIS DRIVE

Resolution No. 2021-52 adopted

11. RESIDENT ONLY PERMIT PARKING REQUEST - OLD RIVER ROAD

Recommendation:

Adopt Resolution No. 2021-52.

RESOLUTION NO. 2021-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING RESIDENT ONLY PERMIT PARKING ON THE RESIDENTIAL SIDE OF OLD RIVER ROAD BETWEEN VICTORIA DRIVE AND CONCORD AVENUE, REPEALING A PORTION OF RESOLUTION NO. 09-69 AND REPEALING RESOLUTION NO. 7008

Not discussed

12. RESCIND EARLY MORNING PARKING - WHITING AVENUE AND MALDEN AVENUE

Recommendation:

Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON BOTH SIDES OF WHITING AVENUE BETWEEN MALDEN AVENUE AND HARBOR BOULEVARD AND ON BOTH SIDES OF MALDEN AVENUE BETWEEN WILSHIRE AVENUE AND WHITING AVENUE

Approved

13. WEST ASH AREA STREET IMPROVEMENTS

Recommendation:

1. Approve plans and specifications for West Ash Area Street Improvements Project.
2. Approve the following appropriations in Project 44052 West Ash Area Street Improvements project:
 - \$515,000 transfer from General Fund (Fund 10) Project 44589 Residential Street Program to CIP Fund (Fund 74) - Project 44052 West Ash Area Street Improvements.
 - \$335,555 appropriation from Community Development Block Grant (CDBG) Fund to CIP Fund (Fund 74) - Project 44052 West Ash Area Street Improvements.
3. Award \$637,000 construction contract for West Ash Area Street Improvements project to Onyx Paving Company, Inc., 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.

Approved

15. RUNWAY 06/24 SHOULDER ENHANCEMENT PROJECT AWARD - CONSTRUCTION AND PROJECT MANAGEMENT CONTRACTS

Recommendation:

1. Approve Runway 06/24 Shoulder Enhancement Project plans and specifications.
2. Approve appropriations in Project 49013 Runway 06/24 Shoulder Enhancement Project:
 - Appropriation of awarded Federal Aviation Administration Airport Improvement Program Grant to CIP Fund (Fund 74) - Project 49013 Runway 06/24 Shoulder Enhancement - \$2.6 million preliminary grant authorization with an additional amount added based on final project costs.
 - Appropriation from the Airport Enterprise Fund for any project costs not covered by the Federal Aviation Administration Airport Improvement Program Grant.
3. Award \$2,568,760 construction contract to All American Asphalt Inc. for the Runway 06/24 Shoulder Enhancement Project, in a form approved by the City Attorney.
4. Authorize Public Works Director to execute a \$106,437 purchase order to C & S Companies, Inc. for professional engineering construction support services for the Runway 06/24 Shoulder Enhancement Project.
5. Authorize Public Works Director to approve any documents necessary related to grant funding, as well as any future

change orders for construction and professional engineering construction support services within approved project budget.

PUBLIC HEARINGS (Items 16 - 18)

Continued

16. NEW AND REVISED USER FEES FOR DEVELOPMENT RELATED SERVICES

Zahra moved, seconded by Jung, to continue this item to the August 3, 2021 City Council meeting at 6:30 p.m. in the Fullerton Council Chambers.

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

Ordinance No. 3302
Introduced

17. GOODMAN LOGISTICS CENTER - FIRST AMENDMENT TO DEVELOPMENT AGREEMENT TO REVISE WATER WELL EASEMENT PUBLIC BENEFIT

Mayor Whitaker opened the public hearing at 8:56 p.m.

The following addressed City Council:

- Jose Trinidad Castaneda spoke in support of this item.
- Curtis Gamble suggested waiting to vote on this item until the full City Council is in attendance.

The following addressed City Council via Zoom:

- Jane Reifer spoke about procedural issues and expressed concern with information contained in the agreement.

Mayor Whitaker closed the public hearing at 9:03 p.m.

Jung moved, seconded by Zahra, to introduce Ordinance 3302 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3302 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULLERTON AND GLC FULLERTON LLC CONCERNING GOODMAN LOGISTICS CENTER, FULLERTON PROJECT

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

City Clerk Williams read the title of the ordinance.

Resolution
2021-53
FPFA-11 adopted

18. ISSUANCE OF NOT TO EXCEED \$35,000,000 OF CITY OF FULLERTON PUBLIC FINANCING AUTHORITY REVENUE OBLIGATIONS FOR BENEFIT OF MARSHALL B. KETCHUM UNIVERSITY

Mayor / Chair Whitaker opened the public hearing at 9:11 p.m.

No members of the public addressed City Council.

Mayor / Chair Whitaker closed the public hearing at 9:11 p.m.

Zahra moved, seconded by Whitaker, to:

1. Acting as the City Council, adopt Resolution No. 2021-53.

RESOLUTION NO. 2021-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING THE ISSUANCE OF REVENUE OBLIGATIONS FOR THE PURPOSE OF REFINANCING THE COST OF THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION, FURNISHING AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH OBLIGATIONS AND OTHER MATTERS RELATING THERETO FOR THE BENEFIT OF MARSHALL B. KETCHUM UNIVERSITY AND/OR A RELATED OR SUCCESSOR ENTITY

2. Acting as the Fullerton Public Financing Authority, adopt Resolution No. FPFA-11.

RESOLUTION NO. FPFA-11 – A RESOLUTION OF THE FULLERTON PUBLIC FINANCING AUTHORITY AUTHORIZING AND APPROVING THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$35,000,000 FOR THE PURPOSE OF MAKING A LOAN TO MARSHALL B. KETCHUM UNIVERSITY, FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, RENOVATION, FURNISHING AND EQUIPPING OF CERTAIN PROPERTY, PROVIDING THE TERMS AND CONDITIONS FOR SUCH LOAN AND OTHER MATTERS RELATING THERETO AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS HEREIN SPECIFIED

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

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

Approved

3. FISCAL YEAR 2020-21 THIRD QUARTER FINANCIAL REPORT

The following addressed City Council:

- Dan Lancaster spoke about employee workloads.

Zahra moved, seconded by Whitaker, to:

1. Receive and file Fiscal Year 2020-21 Third Quarter Financial Report.

2. Authorize City Manager, or designee, to effectuate any budget amendments and transfers necessary to ensure budget and accounting compliance in preparing the Fiscal Year 2020-21 audit and financial statements.
3. Approve the creation of new special revenue funds, Fund 28-SB2 Permanent Local Housing Allocation (PLHA) and Fund 38-American Rescue Plan Act (ARPA), to properly account and maintain accurate grant records to ensure grant compliance and authorize related grant funds appropriations received in FY 2020-21.

Motion carried 3 – 0 – 2 (Absent Silva, Dunlap).

Resolution 2021-50 6.
adopted

INTERIM DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT AND INTERIM DIRECTOR OF HUMAN RESOURCES EMPLOYMENT AGREEMENTS

Jung moved, seconded by Whitaker, to adopt Resolution No. 2021-XX (Interim Director of Community and Economic Development).

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RATIFYING AN AGREEMENT RETAINING GREG PFOST AS THE INTERIM DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)

Motion failed 2 – 1 – 2 (No: Zahra; Absent: Silva, Dunlap).

Jung moved, seconded by Whitaker, to adopt Resolution No. 2021-50 (Interim Director of Human Resources).

RESOLUTION NO. 2021-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RATIFYING AN AGREEMENT RETAINING EDDIE MANFRO AS THE INTERIM DIRECTOR OF HUMAN RESOURCES IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)

Motion carried 3 – 0 – 2 (Absent: Silva, Dunlap).

Continued

14. PACIFIC DRIVE PARK IMPROVEMENTS

The following addressed City Council:

- Jensen Hallstrom said the project design needs many changes.
- Egleth Nuncci spoke in support of this project.
- Jose Trinidad Castaneda spoke in support of Pacific Drive Park safety.

Jung moved, seconded by Whitaker, to continue this item to

the August 3, 2021 City Council meeting.

Motion carried 2 – 1 – 2 (No: Zahra; Absent: Silva, Dunlap).

ADJOURNMENT

Mayor / Chair Whitaker adjourned the meeting at 9:14 p.m.



Bruce Whitaker
Mayor



Lucinda Williams, MMC
City Clerk