



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
AUGUST 16, 2022 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:03 p.m.

CALL TO ORDER

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

Dunlap absent

ROLL CALL

Present: Mayor / Chair Jung (arrived 5:06 via teleconference), Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Silva, Zahra

Absent: Council / Agency Member Dunlap

Staff Present: City Manager Eric J. Levitt, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS - Closed Session

None.

5:04 p.m.

RECESS to Closed Session

Mayor Pro Tem Whitaker recessed to Closed Session at 5:04 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Eddie Manfro

Employee Organization/s: Fullerton Police Management Association

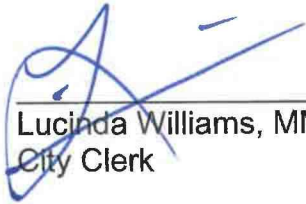
Under Discussion: Parameters of authority for negotiating salaries, benefits and working conditions

ADJOURNMENT

Mayor Pro Tem Whitaker adjourned the meeting at 5:29 p.m.



Fred Jung
Mayor



Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
AUGUST 16, 2022 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:30 p.m. **CALL TO ORDER**

Mayor Pro Tem / Vice Chair Whitaker called the meeting to order at 5:30 p.m.

Dunlap
absent **ROLL CALL**

Present: Mayor / Chair Jung (at 5:40 p.m. via teleconference), Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Silva, Zahra

Absent: Council / Agency Member Dunlap

Staff Present: City Manager Eric J. Levitt, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Fire Chief Adam Loeser

INVOCATION given by Jason Phillips, Sojourner Church.

PLEDGE OF ALLEGIANCE led by Council Member Silva.

CLOSED SESSION REPORT

None.

EX PARTE COMMUNICATIONS REPORT

Council Member Zahra reported he met with Fullerton Firefighter's Association President Dan Lancaster.

Council Member Silva reported he met with Fullerton Firefighter's Association President Dan Lancaster.

Presented **PRESENTATIONS**

1. **PROCLAMATION: Muslim Appreciation Month** (*not agendized*)

PUBLIC COMMENTS - Regular Session

The following addressed City Council:

- Yolanda Harrison spoke about Rancho La Paz.
- James Cho spoke in support of residents of Ventana Apartments.
- Maureen Milton spoke in support of Consent Calendar Item 3 and discussed closed circuit television and rent increases.
- Araceli Gonzales thanked the City on behalf of the Valencia Park Community.
- Tony Package spoke about dining in public areas.
- Curtis Gamble spoke about homeless issues.
- Jose Caldron, West Fullerton Little League, spoke about field conditions.
- John Garza, West Fullerton Little League, spoke about field conditions.
- Unidentified speaker spoke about homeless issues.

The following addressed City Council via Zoom:

- Jane Reifer spoke about the Ventana Apartments.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Levitt responded to issues arising during public comment.

Council Member Silva noted that students have returned to class.

Mayor Pro Tem Whitaker spoke about City infrastructure.

Council Member Zahra spoke about Ventana Apartments, cleanliness on City streets, traffic safety, streetlights, field conditions and thanked Kellee Fritzal for her service to the City.

Mayor Jung recognized Korea's National Liberation Day and thanked Governor Newsom, State Senator Newman and Assembly Member Quirk-Silva for the CalKids program.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1- 12)

Silva moved, seconded by Zahra, to approve Consent Calendar Items 1 through 11.

Motion carried 4 – 0 – 1 (Absent: Dunlap).

- Approved 1. **AUGUST 2, 2022 MEETING MINUTES**
Recommendation:
Approve August 2, 2022 City Council / Successor Agency Meeting Minutes.
- Received
and filed 2. **JULY 2022 CHECK REGISTER**
Recommendation:
Receive and file.
- Adopted 3. **AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS**
Recommendation:
Adopt Resolution No. 2022-071.
RESOLUTION NO. 2022-071 - 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
- Received
and filed 4. **MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT**
Recommendation:
Receive and file.
- Adopted 5. **PERSONNEL CLASSIFICATION PLAN UPDATE RELATING TO NON-REGULAR CLASSIFICATIONS WAGES**
Recommendation:
Adopt Resolution No. 2022-072.
RESOLUTION NO. 2022-072 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING RESOLUTION NO 2020-104 APPENDIX A RELATING TO PAY FOR NON-REGULAR EMPLOYEES
- Adopted 6. **PERSONNEL CLASSIFICATION PLAN UPDATE RELATING TO THE EMERGENCY MEDICAL SERVICES MANAGER POSITION**
Recommendation:
Adopt Resolution No. 2022-073.
RESOLUTION NO. 2022-073 - 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. 2022-031 (FULLERTON MANAGEMENT ASSOCIATION) APPENDIX A
- Approved 7. **OFFICE ON AGING TITLE III-B FISCAL YEAR 2022-23 GRANT AWARD**
Recommendation:

1. Accept and appropriate receipt and use of \$78,695 Title III-B grant award and authorize City Manager, or designee, to execute and administer all grant documents.
2. Should the Office on Aging make additional grant funds available and award to the City, accept and appropriate receipt and use of additional grant award in Fiscal Year 2022-23.

Approved 8. **EXECUTIVE EVENT SERVICES PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER FOUR - HUNT LIBRARY SECURITY SERVICES**

Recommendation:

1. Ratify Amendment Number Four to the Professional Services Agreement between the City of Fullerton and Executive Event Services for unarmed professional security at various City or city-related facilities and authorize City Manager, or designee, to execute administer the agreement including options to extend, in a form approved by the City Attorney.
2. Approve \$180,000 budget appropriation and budget transfer from the General Fund (Fund 10) to Project No. 55050 Hunt Library Renovation Project (Fund 74) for unarmed professional security services at the Hunt Library.

Approved 9. **GLASS BOX TECHNOLOGY 2022 PSA AMENDMENT ONE**

Recommendation:

1. Approve and authorize City Manager, or designee, to execute and administer Glass Box Technology, Inc. Professional Services Agreement Amendment Number One, in a form approved by the City Attorney.
2. Authorize budget adjustments to transfer and appropriate \$9,350 from the General Fund (10) to the Information Technology Fund (68).

Approved 10. **DEPARTMENT-ISSUED EQUIPMENT PROCUREMENT**

Recommendation:

1. Approve \$195,096 purchase order with ProForce to purchase department-issued handguns and related accessories.
2. Approve \$195,096 appropriation of FY 2021-22 carryover funds to FY 2022-23 Police Department Budget.

Approved 11. **OBLIGATE REMAINING \$1 MILLION ARPA FUNDS TO ORANGETHORPE WATER MAIN REPLACEMENT PROJECT**

Recommendation:

1. Obligate and appropriate remaining \$1.0 million unobligated ARPA funds to Project 44062, Orangethorpe Water Main Replacement (State College Boulevard to Placentia Avenue).
2. Authorize City Manager, or designee, to make necessary budget adjustments to account for and maintain financial records to comply with

PUBLIC HEARINGS – None

REGULAR BUSINESS (Item 13 - 16)

Approved **13. WALK ON WILSHIRE (WOW)**

The following addressed City Council:

- Judith Kaluzny spoke in opposition to this item.
- Maureen Milton spoke about access for the mobility challenged and spoke in support of this item.
- Curtis Gamble spoke in support of this item.

The following addressed City Council via Zoom:

- Matt Leslie spoke in opposition to this item.
- Jane Rands spoke in support of this item.
- Angjali Tapadia spoke in support of this item.

Zahra moved, seconded by Silva, to authorize a parklet pilot program through June 30, 2024 f

or Walk on Wilshire by:

- a. Approving an 18-month parklet pilot program for WOW businesses effective January 1, 2023 through June 30, 2024 which includes bike element.
- b. Continuing Wilshire Avenue street closure (approximately 200 feet west of Harbor Boulevard).
- c. Continuing the WOW temporary outdoor dining program to December 31, 2022 for participants applying for the parklet pilot program.
- d. Approving Walk on Wilshire Parklet Guidelines and authorizing administrative authority for the Public Works Director to approve minor changes as necessary.

Motion carried 3 – 1 – 1 (No: Jung, Absent: Dunlap).

Approved **14. PUBLIC RIGHT-OF-WAY RESTORATION AT HARBOR AND COMMONWEALTH, TERMINATION OF ENCROACHMENT AT 100 NORTH**

HARBOR BOULEVARD AND POSSIBLE CONSIDERATION OF A SETTLEMENT AGREEMENT APPROVAL

The following addressed City Council:

- Judith Kaluzny spoke about the non-assignability of the lease.
- Curtis Gamble spoke in support of restoring the sidewalk.
- Maureen Milton spoke in support of leaving the encroachment in its current configuration.
- Curt Johnston supported removing the encroachment.

The following addressed City Council via Zoom:

- Matt Leslie supported removing the encroachment.
- Jane Rands asked for clarity regarding the updated settlement agreement.
- Jane Reifer spoke in support of removing the encroachment.

Jung moved, seconded by Zahra, to:

1. Adopt Resolution No. 2022-074.

RESOLUTION NO. 2022-074 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE NEED TO RETURN PUBLIC RIGHT-OF-WAY AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND COMMONWEALTH AVENUE TO PUBLIC USE

2. Find that the Site Lease and Encroachment Agreement is terminable and should be terminated based on default by abandonment and failure to pay required rent.
3. Find that restoration of the full width of the public sidewalk adjacent to 100 North Harbor Boulevard is necessary and appropriate.
4. Direct staff to notify the leaseholder of the termination and notify the property owner of 100 North Harbor Boulevard to remove any and all encroachments into the public right-of-way within 60 days of such notice or pursuant to the terms of any settlement agreement and to restore the right-of-way to its previous condition.
5. Approve Draft Settlement Agreement between the City of Fullerton and Mario Marovic for Commonwealth and Harbor LLC allowing the City Manager to sign final agreement, in a form approved by City Attorney's Office.

Motion carried 4 – 0 – 1 (Absent: Dunlap).

Approved **15. JOINT USE AGREEMENT WITH THE FULLERTON SCHOOL DISTRICT FOR DISTRICT FIELDS USE**

Zahra moved, seconded by Silva, to approve Joint-Use Agreement with the Fullerton School District and authorize City Manager, or designee, to execute and administer the Joint-Use Agreement between the City and Fullerton School District and all documents related to the agreement, including administration of automatic successive one-year terms, in a form approved by the City Attorney.

Motion carried 4 – 0 – 1 (Absent: Dunlap).

Silva moved, seconded by Zahra, to agendize a discussion of West Fullerton Little League at a future meeting.

Approved **16. ADDITIONAL FISCAL YEAR 2022-23 STREET FUNDING PROGRAMMING**
(taken out of agenda order)

The following addressed City Council:

- Jeanene Donnelly, Fullerton, thanked the City for prioritizing Pomona Avenue.
- Gloria Ochoa, Fullerton, spoke about a great need for paving alleyways.
- Kathleen Dietz, Fullerton spoke about paving driveways around Meredith Manor.
- Bernard Oh, Fullerton, thanked the City for adding South Pomona Avenue to list of streets for paving.
- Beth Galente, Fullerton, spoke about safety issues created by poor street conditions.
- Rodney Lusch, Fullerton, asked if the paving projects include alleyways.
- Egleth Nuncci spoke about poor alley conditions around Meredith Manor.
- Curtis Gamble spoke about street safety.

The following addressed City Council via Zoom:

- Shannon Westbrook, Fullerton, supported paving on Pomona Avenue.
- Jane Rands spoke in support of the INRAC recommendations.

Jung moved, seconded by Zahra, to:

1. Approve the following street projects and prioritization as recommended by the Infrastructure and Natural Resources Advisory Committee:
 - Bradford Avenue (south of Quartz Lane to Yorba Linda limits)
 - Highland Avenue (Orangethorpe Avenue to south cul-de-sac)
 - Rolling Hills Drive (State College Boulevard to east cul-de-sac)
 - Morelia Avenue (Bastanchury Road to Laguna Road)

- Knepp Avenue (Highland Avenue to Malden Avenue) and Southgate (Malden Avenue to east alley)
 - Serrano-Yermo-Callente area
 - Pomona Avenue (Orangefair Avenue to cul-de-sac).
2. Authorize corresponding budget adjustments.

Motion carried 4 – 0 – 1 (Absent: Dunlap).

ITEMS REMOVED FROM CONSENT CALENDAR

Approved 12. HUNT LIBRARY PHASE IV - SITE FENCING IMPROVEMENTS

The following addressed City Council:

- Doug Cox spoke about fence height.
- Curtis Gamble spoke in support of this item.
- Curt Johnston spoke in opposition to fencing.
- Woudarek (no last name given) spoke about education and misuse of power.
- Egleth Nuncci spoke in support of this item.

Silva moved, seconded by Zahra, to:


1. Approve plans and specifications for Hunt Library Phase IV - Site Fencing Improvements Project.
2. Award \$323,900 construction contract for Hunt Library Phase IV - Site Fencing Improvements Project to Araad Builders, Inc. and authorize City Manager, or designee, to execute the contract, in a form approved by the City Attorney.
3. 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.

Motion carried 4 – 0 – 1 (Absent: Dunlap).

ADJOURNMENT

Mayor Pro Tem Whitaker adjourned the meeting at 9:21 p.m.


Lucinda Williams, MMC
City Clerk


Fred Jung
Mayor