



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
JANUARY 18, 2022 – 4:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:00 p.m.

**CALL TO ORDER**

Mayor / Chair Jung called the meeting to order at 4:00 p.m.

Dunlap absent

**ROLL CALL**

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Silva, Zahra

Absent: Dunlap

Staff Present: Acting City Manager Jeff Collier, City Attorney Richard D. Jones, City Clerk Lucinda Williams

**PUBLIC COMMENTS – Closed Session**

None.

4:03 p.m.

**RECESS to Closed Session**

Mayor / Chair Jung recessed to Closed Session at 4:03 p.m.

**CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Hector Hernandez, et al. v. City of Fullerton, et al.

**Case Number:** 8:20-CV-01 747 CJC (JDEX)

**2. 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

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

**Title:** City Manager Recruitment

**ADJOURN CLOSED SESSION AND RECONVENE STUDY SESSION**

Mayor / Chair Jung adjourned Closed Session and reconvened Study Session at 5:30 p.m.



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
STUDY SESSION MINUTES  
JANUARY 18, 2022 – 5:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

**PUBLIC COMMENTS – Study Session**

The following addressed City Council via Zoom:

- Jane Rands asked if the public could ask questions after the presentation.
- JJ Abrams, Fullerton Firefighters' Association, encouraged Council Members to tour the OCFA facility and spoke in support of public safety.
- Dan Lancaster, Fullerton Firefighters' Association spoke in support public safety.

**STUDY SESSION**

Received and filed

**1. ORANGE COUNTY FIRE AUTHORITY PROPOSAL**

Item received and filed by order of the Mayor.

Direction provided

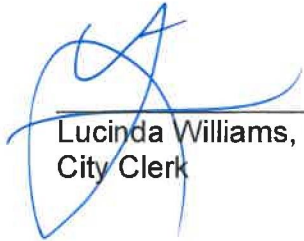
**2. PENSION OBLIGATION BONDS - OVERVIEW**

City Council directed staff to retain Urban Futures, Inc. to perform an in-depth analysis for an estimated \$15,000 and

retain validation counsel for an estimated \$40,000.

## **ADJOURNMENT**

Mayor Jung adjourned the Study Session at 6:47 p.m.

  
Fred Jung  
Mayor  
Lucinda Williams, MMC  
City Clerk



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
JANUARY 18, 2022 – 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:50 p.m.

**CALL TO ORDER**

Mayor / Chair Jung called the meeting to order at 6:50 p.m.

Dunlap absent

**ROLL CALL**

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Silva, Zahra

Absent: Dunlap

Staff Present: Acting City Manager Jeff Collier, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Police Chief Robert Dunn, Deputy Fire Chief Brandon Coatney, Interim Director of Community and Economic Development Greg Pfost

**INVOCATION** given by Mitch Fierro, Fullerton Free Church.

**PLEDGE OF ALLEGIANCE** led by Council Member Silva.

**CLOSED SESSION REPORT**

City Attorney Jones reported that City Council voted 4 – 0 – 1 (Absent: Dunlap) to sustain the City's decision regarding the JP23 permitting process.

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

Council Member Zahra reported communications with Dan Lancaster. Mayor Jung and Council Member Silva reported receiving a text message from Dan Lancaster.



Presented

## **PRESENTATIONS** *(taken out of agenda order)*

### **1. PROCLAMATION: Korean American Day**

## **PUBLIC COMMENTS - Regular Session**

The following addressed City Council via Zoom:

- Todd Harrison, Fullerton, spoke about rent control.
- Jane Rands asked for more interactive Study Sessions and spoke about redistricting.
- Tony Package spoke about community events and staffing shortages.
- Diane Vena spoke about behavior at the dais.
- Jane Reifer spoke about agenda postings, Zoom meetings and committee review of applications.
- Maureen Milton spoke about Election Day and City Council meetings.

## **CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS**

Council Member Silva wished all a Happy New Year and thanked staff for their work with the current COVID-19 surge.

Council Member Zahra wished all a Happy New Year.

Mayor Jung asked to agendaize SB 9 at the next City Council meeting, noted the passing of John Madden and reported on COVID-19 testing and mask mandates.

Appointments made

## **APPOINTMENTS**

### **1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Jung moved, seconded by Zahra, to ratify the following appointments:

1. Council Member Zahra:
  - a. Arif Mansuri appointed to Planning Commission - unexpired term ending December 31, 2022.
  - b. Isaiah Garcia appointed to Library Board of Trustees - term ending December 31, 2024.
2. At-Large Appointment
  - a. James Park appointed to the Active Transportation Committee - unexpired term ending December 31,

2025.

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

### **CONSENT CALENDAR (Items 1 - 16)**

Silva moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15 and 16.

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

Approved

**1. DECEMBER 16, 2021, DECEMBER 21, 2021 SPECIAL MEETING AND DECEMBER 21, 2021 MEETING MINUTES**

Recommendation:

Approve December 16, 2021 City Council / Successor Agency Meeting Minutes, December 21, 2021 City Council / Successor Agency Special Meeting Minutes and December 21, 2021 City Council / Successor Agency Meeting Minutes.

Adopted

**2. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO STREETLIGHTS RESIDENTIAL LOCATED AT 215 - 229 EAST ORANGETHORPE AVENUE AND 1101 AND 1111 SOUTH LEMON STREET- SECOND READING OF ORDINANCES**

Recommendation:

Adopt the following ordinances:

ORDINANCE NO. 3307 - 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 SPECIFIC PLAN DISTRICT (SPD) ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

ORDINANCE NO. 3308 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ORANGETHORPE AND LEMON SPECIFIC PLAN TO IMPLEMENT THE LAND USE REGULATIONS ON A 4.77-ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF ORANGETHORPE AVENUE AND LEMON STREET

Adopted

**3. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING SOLID WASTE REGULATION INCLUDING ORGANIC WASTE - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3309.

ORDINANCE NO. 3309 - AN ORDINANCE OF THE CITY

COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
AMENDING FULLERTON MUNICIPAL CODE TITLE 5,  
CHAPTER 5.14 7 F PERTAINING TO THE REGULATION OF  
SOLID WASTE INCLUDING ORGANIC WASTE

- |                    |    |  |
|--------------------|----|--|
| Adopted            | 4. | <b>AB 361 CONTINUING STATE OF EMERGENCY DETERMINATION TO HOLD REMOTE LEGISLATIVE BODY MEETINGS</b><br><br>Recommendation:<br><br>Adopt Resolution No. 2022-001.<br><br>RESOLUTION NO. 2022-001 - 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 | 5. | <b>DECEMBER 2021 CHECK REGISTER</b><br><br>Recommendation:<br><br>Receive and file.  |
| Received and filed | 7. | <b>MONTHLY COMMITTEE ACTIVITY AND ATTENDANCE REPORT</b><br><br>Recommendation:<br><br>Receive and file.  |
| Adopted            | 8. | <b>RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2022-23 AND ADMINISTRATIVE BUDGET ALLOWANCE</b><br><br>Recommendation:<br><br>Adopt Resolution No. SA 2022-01.<br><br>RESOLUTION NO. SA 2022-01 - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2022-2023 AND ADMINISTRATIVE BUDGET ALLOWANCE (PERIOD COVERING JULY 1, 2022 – JUNE 30, 2023)      |
| Adopted            | 9. | <b>CLASSIFICATION PLAN UPDATES TO DEPUTY DIRECTOR OF PARKS AND RECREATION, LIBRARY DIVISION MANAGER, MAINTENANCE SERVICES MANAGER, SKILLED MAINTENANCE WORKER - WATER SERIES AND FLEET MAINTENANCE TECHNICIAN POSITIONS</b><br><br>Recommendation:<br><br>Adopt the following resolutions:   |

RESOLUTION NO. 2022-002 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING, UPDATING AND DELETING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING RESOLUTION NO. 2020-18 (FULLERTON MANAGEMENT ASSOCIATION) APPENDIX A AND RESOLUTION NO. 2021-39 RELATING TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEEES

RESOLUTION NO. 2022-003 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2021-69 AND AMENDMENTS THERETO

Adopted

**10. INTERIM EXECUTIVE EMPLOYMENT AGREEMENT**

Recommendation:

1. Adopt Resolution No. 2022-004.

RESOLUTION NO. 2022-004 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING CINDY COLLINS AS AN INTERIM EXECUTIVE IN ACCORDANCE WITH GOVERNMENT CODES SECTIONS 7522.56 AND 21221(h)

2. Authorize Acting City Manager to execute employment agreement with Cindy Collins, in a form approved by the City Attorney.

Adopted

**11. IRA FUNDS DONATION FOR THE FULLERTON LIBRARY**

Recommendation:

- Adopt Resolution No. 2022-005.

RESOLUTION NO. 2022-005 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ACCEPTING DONATIONS FOR THE FULLERTON LIBRARY AND AUTHORIZING THE CITY MANAGER AND/OR ADMINISTRATIVE SERVICES DIRECTOR TO DEPOSIT AND APPLY DONATED FUNDS AS DESIGNATED

Approved

**12. FISCAL YEAR 2020 URBAN AREAS SECURITY INITIATIVE (UASI) GRANT AGREEMENT**

Recommendation:

1. Accept FY 2020 UASI grant award and authorize City Manager, or designee, to execute FY 2020 UASI agreement.
2. Appropriate receipt and use of grant award in Fund 32.

Approved

**13. VOIDING UNCLAIMED CHECKS FOR AMOUNTS FIFTEEN DOLLARS OR GREATER**

Recommendation:

1. Approve voiding unclaimed checks of fifteen dollars or greater that remain uncashed after three years from the date of issuance which remain unclaimed forty -five days after the City issued the Notice of Publication.
2. Authorize the Administrative Services Director to transfer resulting funds to the general fund or other funds as appropriate.

Approved

**15. 2022 NORTH ORANGE COUNTY PUBLIC SAFETY COLLABORATIVE**

Recommendation:

1. Authorize Chief of Police to execute agreement between the North Orange County Public Safety Collaborative and the City of Fullerton to accept \$201,181 in 2022, in a form approved by the City Attorney's Office.
2. Appropriate receipt and use of \$201,181 in Grant Fund 32.

Approved

**16. STORM DRAIN LINING FY 2020-21 - ADDITIONAL FUNDING**

Recommendation:

Approve transfer of \$97,500 Sewer Enterprise Funds from Project 51419 Annual Sewer Replacement Program to Project 52719 Storm Drain Lining FY 20-21.

**PUBLIC HEARINGS (Item 17)**

Adopted

**17. THE HUB STUDENT-ORIENTED HOUSING DEVELOPMENT PROJECT LOCATED AT 2601, 2701 AND 2751 EAST CHAPMAN AVENUE**

Mayor Jung opened the public hearing at 7:32 p.m.

The following addressed City Council via Zoom:

- Katie Savant, CSUF, spoke in support of this item.
- John Hanna, Southwest Regional Council of Carpenters, spoke in support of this item.
- Alex Zamora, LIUNA, spoke in support of this project.
- Bill Quisenberry, LIUNA, spoke in support of this project.
- Susan Petrella asked about car access to this project and pollution.
- Tony Package asked what defines student-oriented housing and asked if only students can live in this project.

- Jane Rands asked about safe transportation for active transportation users.
- Jane Reifer asked about parking credits, traffic impacts and air quality.
- Richard Licerio spoke in support of this item.

Mayor Jung closed the public hearing at 8:12 p.m.

Zahra moved, seconded by Silva, to:

1. Adopt the following resolutions:

RESOLUTION NO. 2022-006 - 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 THE HUB FULLERTON STUDENT-ORIENTED HOUSING PROJECT ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

RESOLUTION NO. 2022-007 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A MAJOR SITE PLAN FOR A STUDENT-ORIENTED HOUSING PROJECT OF UP TO 377 UNITS (1,103 BEDS) WITH 12,438 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

RESOLUTION NO. 2022-008 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM 2020-173 TO CREATE ONE LOT UNDER COMMON OWNERSHIP ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

RESOLUTION NO. 2022-009 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO CHANGE THE COMMUNITY DEVELOPMENT TYPE FROM OFFICE TO HIGH-DENSITY RESIDENTIAL ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

2. Introduce the following ordinances for first reading by title



only and waive further reading of the ordinances:

ORDINANCE NO. 3310 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM OFFICE PROFESSIONAL (O-P) TO SPECIFIC PLAN DISTRICT (SPD) ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

ORDINANCE NO. 3311 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE HUB SPECIFIC PLAN TO IMPLEMENT THE LAND USE REGULATIONS ON A 3.55-ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF CHAPMAN AND COMMONWEALTH AVENUES

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

## **REGULAR BUSINESS (Items 18 - 20)**

Approved

### **18. HOPE CENTER BUILDING IMPROVEMENTS**

The following addressed City Council via Zoom:

- Jane Reifier supported this project and asked if the program can locate in an existing building or operate remotely.

Zahra moved, seconded by Silva, to:

1. Approve plans and specifications for the HOPE Center Building Improvements Project.
2. Approve the following budget transfers and appropriations in Project 55056 HOPE Center:
  - Transfer \$650,000 in approved CDBG Funds (Fund 35) to Project 55056 HOPE Center (Fund 74).
  - Transfer \$85,000 Facility Capital Repair Funds from Project 55052 Annual Facility Maintenance Projects (Fund 70) to Project 55056 HOPE Center (Fund 74).
  - Approve and appropriate \$825,000 from one of two available funding options:
    - a) Approve use of \$825,000 ARPA funds under the 'Revenue Replacement: Provision of Government Services' allowable category to Project 55056 HOPE Center (Fund 74).
3. Award \$714,235 construction contract for the HOPE Center Building Improvements to Genesis Builders, Inc. and authorize the City Manager, or designee, to execute the contract in a form approved by the City Attorney.

4. Ratify City Manager's award of \$66,650 construction contract to Environmental Remediation Contractors, Inc. (ERC) for the abatement of asbestos and lead paint at the HOPE Center.
5. Authorize Public Works Director, or designee, to approve any future change orders for construction and professional construction support services within the approved project budget.
6. Approve reimbursement of Facility Capital Repair Funds (Fund 70) expended on the HOPE Center from any remaining project savings and non-grant funds upon conclusion of the project.

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

Approved

**19. PROPOSED ARPA SPENDING PLAN FOR CITY COUNCIL CONSIDERATION**

Silva moved, seconded by Zahra, to:

1. Ratify December 7, 2021 City Council direction and obligate and appropriate \$11.6 million of ARPA allocation for Revenue Replacement - Provision of Government Services and grant City Manager authority to designate application to support stabilization of government finances.
2. Obligate and appropriate a portion of the unobligated \$19.6 million ARPA funds for ARPA Spending Plan Items 3, 4, 5, 6, 10, 11, 12 and 15 (Information Technology items).
3. Authorize City Manager to manage and administer funds within respective ARPA eligible program areas to align programs or projects within the ARPA Spending Plan to comply with evolving Federal guidance and City Council priorities.
4. Authorize City Manager, or designee, to make necessary budget and accounting adjustments to account for and maintain financial records for ARPA funds obligated and expended to comply with US Treasury guidelines.

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

Not adopted

**20. ANNUAL REVIEW OF RULES OF PROCEDURE AND DECORUM FOR CITY COUNCIL MEETINGS**

The following addressed City Council via Zoom:

- Jane Reifier asked about speaker registration and public comment on consent items.
- Todd Harrison opposed moving public comment to the end

of the meeting.

- Diane Vena opposed changing the consent calendar process.
- Matt Leslie opposed moving public comment to the end of the meeting.

Jung moved, seconded by Silva, to adopt Resolution No. 2022-XX.

RESOLUTION NO. 2022-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR CITY COUNCIL MEETINGS AND REPEALING RESOLUTION NO. 2021-02

Motion failed 2 – 2 – 1 (Opposed: Whitaker, Zahra; Absent; Dunlap).

## **ITEMS REMOVED FROM THE CONSENT CALENDAR**

Continued

### **6. CITY COUNCIL MEETING START TIME CHANGE**

The following addressed City Council via Zoom:

- Todd Harrison opposed an earlier start time.
- Diane Vena opposed an earlier start time.

Mayor Jung continued this item to the February 1, 2022 meeting.

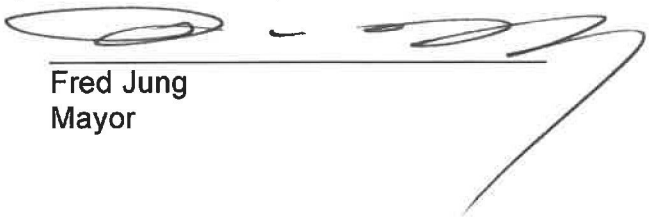
Received and filed

### **14. ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2021**

Received and filed.

## **ADJOURNMENT**

Mayor / Chair Jung adjourned the meeting at 9:36 p.m.



Fred Jung  
Mayor



Lucinda Williams, MMC  
City Clerk