



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
AUGUST 2, 2022 – 4:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:02 p.m.

**CALL TO ORDER**

Mayor / Chair Jung called the meeting to order at 4:02 p.m.

All present

**ROLL CALL**

**Present:** Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker (arrived 4:05 p.m.), Council / Agency Members Dunlap, Silva, Zahra

**Absent:** None

**Staff Present:** City Manager Eric J. Levitt, 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:** Lourdes Toman, et al. V. Jerry Glomboske, et al.  
**Case Number:** USDC Case No.: 8:20-CV-00046-DOC
2. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**  
**Agency Representative/s:** Eddie Manfro and Jay Trinnaman  
**Employee Organization/s:** Fullerton Police Management Association

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

**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:** 2701 Nutwood Avenue, Fullerton, CA 92831 (APN # 029-180-34)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** The State of California through the Trustees of the California State University, Marriott

**Under Negotiations:** Price and Terms

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

**Property:** 120 East Santa Fe Ave, Fullerton, CA 92832 (APN# 033-030-18)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** Parkwest General Contractors, and Westpark Investments, LLC

**Under Negotiations:** Price and Terms

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

**Property:** Right of Way Adjacent to 1747 Commonwealth Avenue, Fullerton, CA (APN# 030-252-01)

**Agency Negotiator:** City Manager Eric J. Levitt

**Negotiating Parties:** Grace Ministries International

**Under Negotiations:** Price and Terms

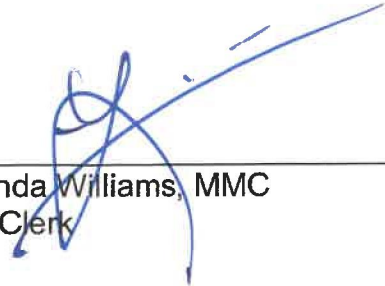
**7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

5:19 p.m.

**ADJOURNMENT**

Mayor / Chair Jung adjourned the meeting at 5:19 p.m.



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Lucinda Williams, MMC  
City Clerk



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Fred Jung  
Mayor



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
AUGUST 2, 2022 – 5:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

5:30 p.m.

## CALL TO ORDER

Mayor / Chair Jung called the meeting to order at 5:30 p.m.

All present

## ROLL CALL

Present: Mayor / Chair Jung, Mayor Pro Tem / Vice Chair Whitaker, Council / Agency Members Dunlap, Silva, Zahra (arrived 5:47 p.m.)

Absent: None

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

**INVOCATION** given by Joya Scholars Executive Director Christian Estevan.

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

## CLOSED SESSION REPORT

None.

## EX PARTE COMMUNICATIONS REPORT

Mayor Jung reported he met with the Dan Lancaster of the Fullerton Firefighters Association.

Council Member Silva reported he met with the Dan Lancaster of the Fullerton Firefighters Association.

## PRESENTATIONS

Presented

1. **PRESENTATION: SoCalGas Public Affairs Manager**

## **PUBLIC COMMENTS - Regular Session**

The following addressed City Council:

- Yolanda Harrison, Fullerton, spoke about Rancho La Paz.
- Curtis Gamble spoke about homeless issues.
- Tanya McCrory spoke about City Council meeting start times and public comments.
- Dan Lancaster, Fullerton Firefighters Association, spoke about firefighter issues in Fullerton.
- Manny Adams, Fullerton Firefighters Association, spoke about firefighter issues in Fullerton.
- Maureen Milton spoke about public comments.

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

City Manager Levitt responded to issues arising during public comment.

Council Member Zahra asked about the OCFA proposal and acknowledged National Night Out.

Council Member Whitaker spoke about communications with fire department representatives.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 10)**

Dunlap moved, seconded by Silva, to approve all Consent Calendar Items.

Motion carried 5 – 0.

Approved

### **1. JULY 19, 2022 MEETING MINUTES**

Recommendation:

Approve July 19, 2022 City Council / Successor Agency Meeting Minutes.

Received and filed

### **2. TREASURER'S REPORT FOR QUARTER ENDING JUNE 30, 2022**

Recommendation:

Receive and file.

Adopted

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

Recommendation:

Adopt Resolution No. 2022-068.

RESOLUTION NO. 2022-068 – 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

Adopted

**4. BOARDS, COMMISSIONS AND COMMITTEES RULES OF PROCEDURE AND DECORUM ANNUAL REVIEW**

Recommendation:

Adopt Resolution No. 2022-069.

RESOLUTION NO. 2022-069 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING RULES OF PROCEDURE AND DECORUM FOR BOARD, COMMISSION AND COMMITTEE MEETINGS AND REPEALING RESOLUTION NO. 2021-03

Approved

**5. FISCAL YEAR 2022-23 PUBLIC WORKS PERSONNEL SUMMARY AMENDMENT**

Recommendation:

Authorize deletion of one Civil Engineer position and addition of one Senior Civil Engineer position in the FY 22-23 Public Works Personnel Summary.

Approved

**6. ON-CALL PROFESSIONAL ARCHITECTURAL CONSULTANT SERVICES**

Recommendation:

1. Authorize City Manager, or designee, to execute Professional Service Agreements, including extensions, with the following architectural firms, in a form approved by the City Attorney:

- BOA Architecture DBA as Black O’Dowd and Associates, Inc.
- Crane Architectural Group
- Gillis + Panichapan Architects, Inc.
- Oldham Architects Inc.
- Development One, Inc.
- IS Architecture DBA as Stiegler Architects PC.

2. Authorize City Manager, or designee, to issue purchase orders to these firms for individual projects on an as-needed basis within project or operating budget.

Approved

**7. CELL TOWER LEASE AGREEMENTS WITH DISH WIRELESS FOR 2011 NORTH ACACIA AVENUE AND 3151 NORTH EUCLID STREET**

Recommendation:

1. Approve lease agreements with Dish Wireless LLC for their operation and maintenance of cellular tower sites located at 2011 North Acacia Avenue and 3151 North Euclid Street, A.
2. Authorize City Manager to execute lease agreement on behalf of the City of Fullerton, in a form approved by the City Attorney.

Approved

**8. CONSTRUCTION DEBRIS RECYCLING**

Recommendation:

1. Approve \$47,000 appropriation from Water Fund balance to Project 53018 Construction Debris Recycling (Fund 44).
2. Award \$132,650 construction contract for Project 53018 Construction Debris Recycling (Fund 44) to HMM, 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 order for construction and professional engineering construction support services within the approved project budget.

Approved

**9. CURB / GUTTER AND SIDEWALK RECONSTRUCTION FISCAL YEAR 2021-22**

Recommendation:

1. Approve plans and specifications for Project 44793 Curb / Gutter and Sidewalk Reconstruction Fiscal Year 2021-22 (Fund 74).
2. Award \$389,330 construction contract for Project 44793 Curb / Gutter and Sidewalk Reconstruction Fiscal Year 2021-22 (Fund 74) to FS Contractors, 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.

Approved

**10. USAC GRANT AWARD AND PROJECT APPROPRIATION FOR HUNT LIBRARY SERVICES IT INFRASTRUCTURE**

## **NEEDS**

### **Recommendation:**

1. Authorize application of and accept a subsequent grant award from Universal Services Administrative Company (USAC) and authorize City Manager, or designee, to execute and administer the grant application and related grant documents, in a form approved by the City Attorney.
2. If awarded, authorize appropriation of receipt and use of USAC grant award and Fullerton Library Foundation contributions for the Library Services Information Technology Infrastructure project at the Hunt Library.
3. Ratify and authorize City Manager, or designee, to execute agreements with EdTechnology Funds, Inc. for grant application support and with NetXperts, Inc. to implement information technology infrastructure needs at the Hunt Library.

## **PUBLIC HEARINGS**

None.

## **REGULAR BUSINESS (Items 11 - 13)**

Adopted

### **11. CITY MANAGER TEMPORARY CONTRACT AWARD AUTHORITY**

Dunlap moved, seconded by Whitaker, to:

1. Adopt Resolution No. 2022-070.

RESOLUTION NO. 2022-070 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, GRANTING TEMPORARY AUTHORITY TO THE CITY MANAGER TO AWARD CONSTRUCTION CONTRACTS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER

2. Direct City Manager, or designee, to provide a report of all agreements or contracts awarded for City Council ratification at the September 20, 2022 City Council meeting.

Motion carried 5 – 0.

Direction provided

### **12. OPIOID LITIGATION UPDATE**

Zahra moved, seconded by Silva, to direct the first-year default to the County to evaluate how recipients expend the funds. City Council can then decide if it wants to elect to have the City receive the funds in the next distribution cycle.



Dunlap made a substitute motion, seconded by Jung, to direct the first-year default to the County and return funds to the City starting in the second year.

Substitute motion failed 2 – 3 (In favor: Dunlap, Jung).

Original motion carried 4 – 1 (Opposed: Dunlap).

Approved

**13. CONTRACT AMENDMENT AND UPDATE TO HOUSING ELEMENT**

The following addressed City Council via Zoom:

- Jane Reifer spoke about grant funding for staffing needs, housing numbers, historic properties, inclusionary housing and existing contracts for this work.

Zahra moved, seconded by Whitaker, to approve Amendment Number One to Agreement with Dudek and authorize City Manager, or designee, to execute amendment and administer agreement, in a form approved by City Attorney.


Motion carried 5 – 0.

**ITEMS REMOVED FROM CONSENT CALENDAR**

None.

**ADJOURNMENT**

Mayor / Chair Jung adjourned the meeting at 6:22 p.m.

  
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Lucinda Williams, MMC  
City Clerk  
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Fred Jung  
Mayor

