



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
NOVEMBER 5, 2019 – 4:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:01 p.m.

**CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 4:01 p.m.

All Present

**ROLL CALL**

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams

**PUBLIC COMMENTS**

None.

Silva moved, seconded by Zahra, to add the following item to the Closed Session agenda as the need to act on the item arose following posting of the agenda and consideration cannot wait until the next regular meeting:

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

**Name of Case:** Air Combat USA, Inc. v. City of Fullerton, et al.

**Case Number:** 30-2017-00952643

Motion carried 5 – 0.

**RECESS to Closed Session**

Mayor / Chair Silva recessed the meeting at 4:03 p.m.

**CLOSED SESSION**

1. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**  
**Agency Representative/s:** Kenneth Domer, Jay Trinniman  
**Employee Organization/s:** Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Fire Management Association, Fullerton Firefighters' Association  
**Under Discussion:** Parameters of authority for negotiating salaries, benefits and working conditions
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** City of Fullerton v. Friends for Fullerton's Future, et al.  
**Case Number:** OCSC Case No.: 30-2019-01107063-CU-NP-CJ  
**Discussion and/or Action Items:** Ratification of unanimous decision made in closed session on September 17, 2019, to authorize the filing of litigation against Friends for Fullerton's Future, Joshua Ferguson, David Curlee, Christopher Tennyson, and Does 1-20, for violations of the Comprehensive Computer Data Access and Fraud Act, the Computer Fraud and Abuse Act, and California Government Code section 6204 et seq.; Conversion; Trespass to Chattels; and Conspiracy
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**  
**Name of Case:** Francisco Oliveros, et al. v. City of Fullerton, et al.  
**Case Number:** OCSC Case No. 30-2018-009819683
4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Adriana Palomares v. City of Fullerton, et al.

**Case Number:** 18 CV 01843 DOC

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

**Name of Case:** Stephanie Stevenson v. City of Fullerton

**Case Number:** OCSC Case No. 30-2018-01039485

**6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government**

**Code Section 54956.9(d)(1)**

**Name of Case:** Lucrecia Jackson, et al. v. City of Fullerton, et al.

**Case Number:** OCSC Case No. 30-2017-00939887

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

**Property:** APNs 033-030-17 and 033-030-18  
(Fullerton Transportation Center - Station Building Lease)

**Agency Negotiator:** City Manager Kenneth A. Domer

**Negotiating Parties:** Tony Bushala, Bushala Brothers, Inc.

**Under Negotiations:** Price and Terms

6:28 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:28 p.m.

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
NOVEMBER 5, 2019 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:36 p.m.

**CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 6:36 p.m.

All Present

**ROLL CALL**

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Director of Human Resources Gretchen Beatty, Director of Public Works Meg McWade, Director of Community Development Matt Foulkes, Police Chief Robert Dunn, Director of Administrative Services Ellis Chang, Division Chief / Fire Marshal Kathy Schaefer

**INVOCATION** given by Rabbi Nico Socolovsky.

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

**CLOSED SESSION REPORT**

City Attorney Jones reported on the following Closed Session actions:

Fitzgerald moved, seconded by Zahra, to settle the case of Adriana Palomares v. City of Fullerton, et al for \$85,000. Motion carried 5 – 0.

Flory moved, seconded by Silva, to settle the case of Lucrecia Jackson, et al. v. City of Fullerton, et al. for \$80,000. Motion carried 4 – 1 (No: Whitaker).

Zahra moved, seconded by Silva, to remove Christopher Tennyson as a defendant in the case of City of Fullerton v. Friends for Fullerton's

Future, et al. Motion carried 5 – 0.

On September 17, 2019, Silva moved, seconded by Zahra, to file for a temporary restraining order against named defendants in the case of City of Fullerton v. Friends for Fullerton's Future, et al. Motion carried 5 – 0.

Fitzgerald moved, seconded by Silva, to continue litigation in the case of City of Fullerton v. Friends for Fullerton's Future, et al. Motion carried 4 – 1 (No: Whitaker).

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

None.

Presented

### **PRESENTATIONS**

1. **PRESENTATION:** Arborland Montessori Children's Academy - Battle of the Brain TV Show
2. **PRESENTATION:** Assistance League Professional Humanitarian Auxiliary (ALPHA)
3. **PRESENTATION:** Veterans Day Parade and Ceremony

### **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Tanya McCrory, Fullerton, spoke about City of Fullerton v. Friends for Fullerton's Future, et al.
- Hildy Rees, Fullerton, thanked the City for fixing standing water issues near her home.
- Eddie Carmona, Assembly Member Quirk-Silva's Office, invited the public to upcoming events.
- Jose Trinidad Castaneda, Fullerton, thanked public safety officials for their efforts during recent fires.
- A. G. Kawamura, Fullerton, expressed concerns with the safe parking program.
- Paul Hiek, Anaheim, spoke about the Fullerton Armory.
- Alba (no last name given) spoke about the Fullerton Armory.
- Rosa Bravo Merrit, Fullerton, asked for sidewalk repair on Truslow Avenue.
- Unidentified speaker, Fullerton, spoke about accessibility issues

on Bastanchury Avenue.

- Maureen Milton, Fullerton, spoke about holiday decorations and the transportation center.
- Dan Lancaster, Fullerton Fire Association, thanked nearby fire agencies for their assistance with recent fires in Fullerton and asked City Council to take action to reinvest public safety funding.
- Andrew (no last name given) spoke about homeless issues in Fullerton.
- Jensen Hallstrom, Fullerton, spoke about the fire hazards of black mustard vegetation.
- Pat Davis, Housing is a Human Right, spoke about National Hunger and Homelessness Awareness Week Food Challenge.
- Joe Pak spoke in support of Consent Calendar Item 7 and acknowledged the public safety response to the Castlewood Fire.
- Marilyn Harris, Fullerton American Legion, spoke in support of Consent Calendar Item 7.
- Bernard (no last name given) thanked City Council for holding a moment silence for homeless individuals who have recently passed away.

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

Deputy City Attorney Kim Barlow reported on City of Fullerton v. Friends for Fullerton's Future, et al.

City Manager Domer responded to issues arising during Public Comments.

Council Member Flory asked Staff to look at properties at 120 West Truslow and Bastanchury Road and asked to adjourn in memory of Former Library Board of Trustees Member Ginger Britt.

Mayor Pro Tem Fitzgerald spoke about the City's response to recent fires, invited the public to the upcoming Women's Leadership Forum and reported on attendance at recent community events.

Council Member Zahra wished all a happy Veteran's Day, thanked city and public safety staff for their work suppressing recent fires, reported on attendance at recent events and announced upcoming events.

Mayor Silva thanked public safety for their efforts in recent fires and announced upcoming events.

## **APPOINTMENTS**

None.

## CONSENT CALENDAR (Items 1 - 13)

Flory moved, seconded by Zahra, to approve Consent Calendar Items 1 through 7 and 9 through 13.

Motion carried 5 – 0.

Flory moved, seconded by Fitzgerald, to reconsider Item 2.

Motion carried 5 – 0.

Flory moved, seconded by Fitzgerald, to Introduce Ordinance No. 3275 as amended for first reading by title only and waive further reading of the Ordinance

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

Approved

### 1. **OCTOBER 15, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve October 15, 2019 City Council / Successor Agency Meeting Minutes.

Ordinance  
3275 introduced

### No. 2. **FULLERTON MUNICIPAL CODE AMENDMENT TO PROVIDE FOR SIGNATURE AUTHORITY**

Recommendation by the Administration Department:

Introduce Ordinance No. 3275 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3275 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.09 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) TO PROVIDE FOR SIGNATURE AUTHORITY

Approved

### 3. **PERSONNEL MANAGEMENT SYSTEM CHANGE ADDING BUDGET ANALYST POSITION TO ADMINISTRATIVE SERVICES DEPARTMENT PERSONNEL SUMMARY**

Recommendation by the Administrative Services Department:

Amend Fiscal Year 2019-20 adopted budget to add Budget Analyst position to Administrative Services Department personnel summary.

Approved

### 4. **TEMPORARY INFORMATION TECHNOLOGY STAFF AUGMENTATION AND ANALYSIS CONTRACT**

Recommendation by the Police Department:

1. Approve agreement with Glass Box Technology to augment City of Fullerton IT Staff with personnel from Glass Box Technology and authorize City Manager, or designee, to

execute any necessary change orders.

2. Appropriate \$500,000 (\$467,000 base agreement amount plus \$24,000 in contingency) in Information Technology Internal Service fund.

Approved

**5. REFUSE FUND BALANCE TRANSFER**

Recommendation by the Public Works Department:

Approve \$45,000 budget transfer from Refuse Fund balance to Refuse Fund operating budget, professional contract line item.

Approved

**6. POTABLE WATER REUSE STUDY, IN PARTNERSHIP WITH ORANGE COUNTY WATER DISTRICT, FUNDED BY METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA'S FUTURE SUPPLY ACTIONS GRANT PROGRAM**

Recommendation by the Public Works Department:

1. Approve grant funding for Future Supply Actions Funding Program funded by Metropolitan Water District of Southern California (MWD).
2. Authorize City Manager to enter into Agreement with MWD.
3. Authorize City Manager to enter into Agreement with Orange County Water District (OCWD).
4. Authorize Public Works Director to execute any future amendments / supplements with MWD or OCWD, in a form approved by the City Attorney.
5. Accept and appropriate \$150,000 in Grant Administration Fund - Fund 32.

Approved

**7. KOREAN WAR MEMORIAL**

Recommendation by the Parks and Recreation Department:

Authorize City Manager to sign Memorandum of Understanding with Orange County Korean War Memorial Committee.

Approved

**9. USE OF ASSET SEIZURE FUNDS TO MODERNIZE POLICE FLEET**

Recommendation by the Police Department:

Approve purchase.

Resolution  
2019-66 adopted

**No. 10. 15-MINUTE PARKING - 345 EAST COMMONWEALTH AVENUE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-66.

RESOLUTION NO. 2019-66 - A RESOLUTION OF THE CITY



COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
DESIGNATING 25 FEET OF GREEN CURB ON THE NORTH  
SIDE OF COMMONWEALTH AVENUE, IN FRONT OF 345  
EAST COMMONWEALTH AVENUE, AS A PLACE WHERE  
PARKING OF VEHICLES IS RESTRICTED TO 15 MINUTES  
OF CONTINUOUS PARKING BETWEEN THE HOURS OF  
6:00 A.M. AND 6:00 P.M., SUNDAY AND HOLIDAYS  
EXEMPT

Resolution        No. 11.  
2019-67 adopted

**1-HOUR PARKING - ROOSEVELT AVENUE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-67.

RESOLUTION NO. 2019-67 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
ESTABLISHING 1-HOUR PARKING ON THE EAST SIDE OF  
ROOSEVELT AVENUE IMMEDIATELY NORTH OF  
COMMONWEALTH AVENUE AND ADJACENT TO 825 WEST  
COMMONWEALTH AVENUE

Resolution        No. 12.  
2019-68 adopted

**2-HOUR PARKING - 649 WEST COMMONWEALTH  
AVENUE (EAST SIDE OF WOODS BETWEEN ALLEY AND  
COMMONWEALTH)**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-68.

RESOLUTION NO. 2019-68 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
ESTABLISHING 2-HOUR PARKING ON THE EAST SIDE OF  
WOODS AVENUE BETWEEN COMMONWEALTH AVENUE  
AND THE EAST / WEST ALLEY NORTH OF  
COMMONWEALTH AVENUE

Resolution        No. 13.  
2019-69 adopted

**RED CURB INSTALLATION - 2226 NORTH EUCLID  
STREET**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-69.

RESOLUTION NO. 2019-69 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
DESIGNATING 57 FEET OF CURB ON THE EAST SIDE OF  
EUCLID STREET, DIRECTLY IN FRONT OF 2226 NORTH  
EUCLID STREET, AS A PLACE WHERE VEHICLES ARE  
PROHIBITED FROM STOPPING ANYTIME

**PUBLIC HEARINGS (Item 14)**

Ordinance        Nos. 14.  
3276        and        3277

**2019 TRIENNIAL EDITION OF CALIFORNIA BUILDING  
STANDARDS CODE AND CALIFORNIA FIRE CODE**

introduced,  
Resolution Nos.  
2019-70 and  
2019-71 adopted

Mayor Silva opened the public hearing at 9:52 p.m.  
No members of the public addressed the City Council.  
Mayor Silva closed the public hearing at 9:52 p.m.  
Fitzgerald moved, seconded by Zahra, to:

1. Introduce the following ordinances for first reading by title only and waive further reading of the ordinances.

ORDINANCE NO. 3276 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 14 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES I, J, O; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES H, V, X; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE; THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

ORDINANCE NO. 3277 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 13, CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

2. Adopt the following resolutions:

RESOLUTION NO. 2019-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PARTS 2 AND 2.5, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, DUE TO LOCAL CLIMATIC, TOPOLOGICAL AND GEOGRAPHIC CONDITIONS

RESOLUTION NO. 2019-71 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING FORTH LOCAL CONDITIONS JUSTIFYING AMENDMENTS TO THE 2019 EDITION OF

THE CALIFORNIA FIRE CODE, AS CODIFIED IN THE CALIFORNIA BUILDING STANDARDS CODE, PARTS 9, TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, DUE TO LOCAL CLIMATIC, TOPOLOGICAL AND GEOGRAPHIC CONDITIONS

Motion carried 5 – 0.

## **REGULAR BUSINESS (Items 15 - 17)**

Approved

**15. FINANCIAL ASSISTANCE RELATED RECUPERATIVE CARE / NAVIGATIONAL CENTER DEVELOPMENT FOR HOMELESS WITH ILLUMINATION FOUNDATION LOCATED AT 3535 WEST COMMONWEALTH AVENUE (*item taken out of agenda order*)**

- Assembly Member Sharon Quirk-Silva spoke in support of this item.
- Diana Trout, spoke in support of this item.
- Barbara Dietterle spoke in support of this item.
- Tony Mercada spoke in support of this item.
- Bob Dietterle spoke in support of this item.
- Tran Nguyen spoke in support of this item.
- Mandy Yates spoke in support of this item.
- Nico Socolovsky spoke in support of this item.
- Jay Williams spoke in support of this item.
- Gabby Garcia spoke in support of this item.
- Jose Trinidad Castaneda spoke in support of this item.
- Jason Philips spoke in support of this item.
- Phil Town spoke in support of this item.
- Mitch Fierro spoke in support of this item.
- Harry Hamilton spoke in support of this item.
- Scott and Marsha Kelly, Fullerton, spoke in support of this item.
- Rebecca Duel-Gallegos, Fullerton, spoke in support of this item.
- Karen Stranoff spoke in support of this item.
- Leslie Mahaffey, Fullerton, spoke in support of this item.
- Harry Langenbacher, Fullerton, spoke in support of this item.

- Kathryn Bullock, Fullerton, spoke in support of this item.
- Lee White, Fullerton, spoke in support of this item.
- Patty Tutor, Fullerton, spoke in support of this item.
- Linda Lehnkering spoke in support of this item.
- Ana Lety, Fullerton, spoke in support of this item.
- Anita Adriano, Fullerton, asked City Council to wait to vote on this item until providing more notice to the community.
- Barbara Johnson, Fullerton, spoke in support of this item.
- Helen Cameron, Jamboree, spoke in support of this item.
- Maureen Milton, Fullerton, asked if the facility would have a chapel.
- Curtis Gamble spoke in support of this item.

Silva moved, seconded by Flory, to authorize Mayor to execute Cooperative Funding Agreement, in a form approved by the City Attorney, with Illumination Foundation to provide \$500,000 of City funded assistance for tenant improvements for proposed recuperative care / navigation center in Fullerton for individuals experiencing homelessness.

Motion carried 4 – 1 (No: Whitaker).

Mayor Silva recessed the meeting at 9:38 p.m.

Mayor Silva reconvened the meeting at 9:51 p.m.

Approved

**16. TREE MASTER PLAN UPDATE AND REQUEST FOR DIRECTION AND FUNDING TO REMOVE HAZARDOUS TREES**

- Jensen Hallstrom spoke in support of this item.
- Jose Trinidad Castaneda spoke in support of this item.

Flory moved, seconded by Zahra, to:

1. Approve partnership with WCA to develop \$300,000 California Department of Forestry and Fire Protection grant application for Tree Master Plan and tree planting.
2. Authorize City Manager or designee to submit CAL FIRE grant application and execute necessary documents related thereto.
3. If grant received, accept and appropriate funds and authorize WCA to perform work.
4. Fund \$837,514 to remove of 166 high priority tree (\$216,309), an inspection report to determine phasing of remaining trees (\$6,000) and perform future removals

(\$615,205).

5. Approve not to exceed \$837,514 capital improvement project for removals funded by Liability Fund.
6. Authorize Public Works Director to perform necessary actions to remove trees based on direction provided.

Motion carried 5 – 0.

Approved as  
amended

**17. ATHLETIC FIELD USE AND ALLOCATION POLICY**

Whitaker moved, seconded by Fitzgerald, to approve the Athletic Field Use and Allocation Policy as amended.

Motion carried 5 – 0.

**ITEMS REMOVED FROM CONSENT CALENDAR**

Approved

**8. UNION PACIFIC PARK - RENEWABLE FARMS EXCLUSIVE NEGOTIATION AGREEMENT**

Zahra moved, seconded by Flory, to authorize City Manager to enter into six-month Exclusive Negotiation Agreement with Renewable Farms to explore options for long-term use agreement to operate sustainable urban farm and recreation space at Union Pacific Park.

Motion carried 5 – 0.

10:42 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 10:42 p.m. in memory of Ginger Britt

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk