



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
JANUARY 21, 2020 – 5:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

5:01 p.m.

### CALL TO ORDER

Mayor Pro Tem Flory called the meeting to order at 5:01 p.m.

All Present

### ROLL CALL

Present: Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, Whitaker (arrived 5:02 p.m.), Zahra

Absent: Mayor / Chair Fitzgerald

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

### PUBLIC COMMENTS

None.

### RECESS to Closed Session

Mayor Pro Tem Flory recessed the meeting at 5:02 p.m.

### CLOSED SESSION

#### 1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

**Agency Representative/s:** Kenneth Domer and Jay Trinnaman

**Employee Organization/s:** Fullerton Firefighters' Association, Fullerton Police Management Association

**Unrepresented Employees:** Administrative Assistant / Human Resources, Payroll Technician, Personnel Technician, Employee Benefits Specialist, Executive Assistant, Human Resources

/ Risk Management Analyst,  
Budget Analyst, Public  
Information Coordinator,  
Human Resources Manager I,  
Human Resources Manager  
II, Fiscal Services Manager,  
Risk Manager, City Clerk /  
Clerk Services Manager,  
Assistant to the City Manager  
/ Economic Development  
Manager

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

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

**Significant Exposure to Litigation:**Two Cases

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

**Name of Case:** Joshua Ferguson v. City of Fullerton

**Case Number:** OCSC 30-2019-01103679

**Name of Case:** City of Fullerton v. Friends of Fullerton’s Future, Joshua Ferguson and David Curlee

**Case Number:** OCSC 30-2019-01107063

6:29 p.m.

**RECESS**

Mayor Pro Tem / Vice-Chair Flory recessed the meeting at 6:29 p.m.

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Jennifer Fitzgerald, Mayor

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Lucinda Williams, City Clerk



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
JANUARY 21, 2020 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

6:32 p.m.

**CALL TO ORDER**

Mayor / Chair Fitzgerald called the meeting to order at 6:32 p.m.

All Present

**ROLL CALL**

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Deputy City Manager Antonia Graham, Director of Parks and Recreation Hugo Curiel, Director of Human Resources Gretchen Beatty, Director of Public Works Meg McWade, Director of Community and Economic Development Matt Foulkes, Police Chief Robert Dunn, Fire Chief Adam Loser

**INVOCATION** given by Pastor Fernando Villicaña.

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

**CLOSED SESSION REPORT**

City Attorney Jones reported that his firm has recused from legal issues regarding Florentines Restaurant request for a Conditional Use Permit.

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

None.

Presented

## **PRESENTATIONS**

- 1. PRESENTATION: Fullerton Police Department Unmanned Aerial System (UAS) Operation**

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Tony Package, Fullerton, spoke about the Mayor Pro Tem rotation.
- Maureen Milton, Fullerton, spoke about Channel 3 information.
- Bernard (no last name given), Fullerton, thanked City Council for listening to constituents and for the myFullerton app.

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

City Manager Domer responded to issues arising during public comments.

Council Member Silva spoke about PFAS and sanitation issues.

Council Member Zahra asked City Council to close the meeting in honor of Dr. Martin Luther King, Jr., spoke about the legislative process, reported on upcoming events and asked, supported by Flory, to agendaize a discussion of a public arts master plan.

Mayor Pro Tem Flory reported on attendance at recent events.

## **APPOINTMENTS**

- 1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Council Member Whitaker appointed Michael Pascual to serve on the Community Development Citizens' Committee for an unexpired term expiring December 31, 2020.

Council Member Zahra appointed Brian Yanity to serve on the Transportation and Circulation Commission for an unexpired term expiring December 31, 2022.

Fitzgerald moved, seconded by Flory, to ratify the direct appointments.

Motion carried 5 – 0.

## **CONSENT CALENDAR (Items 1 - 12)**

Zahra moved, seconded by Flory, to approve Consent Calendar Items

1 – 9 and 11 – 12.

Motion carried 5 – 0 (Fitzgerald recused Item 12.)

Approved

**1. JANUARY 7, 2020 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve January 7, 2020 City Council / Successor Agency Meeting Minutes.

Received and filed

**2. DECEMBER CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

Resolution No. 2020-04 adopted

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

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2020-04.

RESOLUTION NO. 2020-04 - 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. 2019-03

Resolution No. 2020-05 adopted

**4. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS**

Recommendation by the City Clerk's Office:

Adopt Resolution No. 2020-05.

RESOLUTION NO. 2020-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING AN ALTERNATE AND SUBSTITUTE ALTERNATE REPRESENTATIVE TO THE GOVERNING BOARD OF THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) AND REPEALING RESOLUTION NO. 2018-04

Resolution No. SA 2020-01 adopted

**5. RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2020-21 AND ADMINISTRATIVE BUDGET ALLOWANCE PER ASSEMBLY BILLS 1X 26 AND 1484 AND SENATE BILL 107**

Recommendation by the Administrative Services Department:

Adopt Resolution No. SA 2020-01.

RESOLUTION NO. SA 2020-01 - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Approved

**6. TRANSFER OF FIXED ASSETS FROM FULLERTON SUCCESSOR AGENCY TO CITY OF FULLERTON**

Recommendation by the Administrative Services Department:

As the Fullerton Successor Agency:

1. Authorize transfer of fixed assets from Fullerton Successor Agency to City of Fullerton.
2. Authorize Executive Director, or designee, to execute all transfer instruments and take all actions reasonably necessary to complete transaction(s).

As the City Council:

1. Accept transfer of fixed assets from Fullerton Successor Agency to City of Fullerton.
2. Authorize Mayor, or designee, to execute all transfer instruments and acceptance and take all actions reasonably necessary to complete transaction(s).

Received and filed

**7. COMMUNITY FACILITIES DISTRICT SPECIAL TAX BOND ANNUAL ACCOUNTABILITY REPORT**

Recommendation by the Administrative Services Department:

Receive and file.

Approved

**8. LEGAL SERVICES AGREEMENT WITH LEWIS BRIBOIS**

Recommendation by the Human Resources Department:

1. Approve agreement between Lewis Brisbois and City of Fullerton, in final form approved by the City Attorney's Office, to provide legal services with respect to specialized area of tort litigation defense.
2. Authorize City Manager to execute agreement and take any and all action necessary to implement and administer agreement.

Resolution  
2020-06 adopted

No. **9. POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE**

Recommendation by the Administrative Services Department:

Adopt Resolution No. 2020-06.

RESOLUTION NO. 2020-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE FOR THE FULLERTON MUNICIPAL WATER UTILITY PURSUANT TO THE WATER

SHUTOFF PROTECTION ACT (SB 998)

Approved

**11. CONSULTANT TRAFFIC ENGINEERING SERVICES CONTRACT RENEWAL**

Recommendation by the Public Works Department:

1. Authorize Public Works Director or designee to execute contract extension with Albert Grover and Associates (AGA) for traffic engineering services at rate of \$205 / hour for consultant City Traffic Engineer and schedule of hourly rates for miscellaneous traffic engineering services included in the AGA Proposal dated June 30, 2018 until June 30, 2020.
2. Authorize Public Works Director to approve purchase order related to extending term of existing contract through June 2020, within the approved budget for Fiscal Year 2019-2020.

Approved

**12. LOMA ALTA AREA INFRASTRUCTURE IMPROVEMENTS PROJECT**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Loma Alta Area Infrastructure Improvements Project.
2. Approve the following budget transfers to Project 53009 Loma Alta Area Infrastructure Improvements Project:
  - \$1,830,850 Measure M2 Fund from Project 44589 Residential Street Program.
  - \$552,650 Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
  - \$2,054,500 Water Fund from Project 53250 Water Main System Replacement Fiscal Year 2019-20.
3. Award \$3,825,610 construction contract for Loma Alta Area Infrastructure Improvements Project to Big Ben, Inc. in a form approved by the City Attorney.
4. Authorize Public Works Director to contract with City's on-call tree service company, West Coast Arborist, for removal of trees within project limits.
5. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

**PUBLIC HEARINGS (Item 13)**

Resolution

**No. 13. APPEAL OF PLANNING COMMISSION APPROVAL OF**

**CONDITIONAL USE PERMIT FOR HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE, NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE**

Mayor Fitzgerald opened the public hearing at 7:16 p.m.

- Mitch Ashwill opposed placing a shelter at the 3535 West Commonwealth location.
- Illumination Foundation representative spoke in support of the project.
- Paul Hiek spoke in support of the project.
- Bob Dietterle, Fullerton, supported denial of the petition.
- David Gillanders, Pathways of Hope, spoke in support of the project.
- Rusty Kennedy asked City Council to deny the appeal.
- Diane Vena spoke in support of the project.
- Debbie Langenbacher spoke in support of the project.
- Harry Langenbacher spoke in support of the project.
- Barry Ross, St. Jude Hospital, spoke in support of the project.
- Greg Walgenbach spoke in support of the project.
- Marsha Judd, Fullerton, questioned outreach to the community by the applicant, suggested creating a community council for oversight of facility operations and asked for more conditions to accommodate the neighborhood
- Scott Kelly, Fullerton, spoke in support of the project.
- Maureen Milton, Fullerton, asked about handicap accommodations at the facility.
- Jay Williams and Gabby Garcia, OC United, spoke in support of the project.
- Sylvia Garcia, Fullerton, spoke in support of the project.
- Blanca Platez spoke in support of the project.
- Agatha Chay, Fullerton, spoke in support of the project.
- Dennis Kris, St. Philip Anisi, spoke in support of the project.
- Jason Phillips, Sojourner Church, spoke in support of the project.
- Holly Cardone, Fullerton, spoke in support of the project.
- Rebecca Kobeksty, Buena Park, spoke in support of the



project.

- Curtis Gamble spoke in support of the project.
- Joe Hary, Fullerton, spoke in support of the project.
- Miguel Lopez spoke in support of the project.
- Bernard (no last name given) spoke in support of the project.

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

Silva moved, seconded by Flory, to:

1. Adopt Resolution No. 2020-07.

RESOLUTION NO. 2020-07 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR A HUMAN SERVICE AGENCY INCLUDING RECUPERATIVE CARE, NAVIGATION CENTER WITH WRAP-AROUND SERVICES AT 3535 WEST COMMONWEALTH AVENUE

2. Add conditions for an 8-foot fence on the property, require the operator to hold monthly meetings with residents for the first six months of operation and establish a community advisory board that meets twice a year.

Motion carried 4 – 1 (No: Whitaker).

Mayor Fitzgerald recessed the meeting at 8:30 p.m.

Mayor Fitzgerald reconvened the meeting at 8:35 p.m.

## **REGULAR BUSINESS (Items 14 – 15)**

Direction provided

- 14. FIRST CONSIDERATION OF TENTATIVE AGREEMENTS BETWEEN CITY OF FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES FEDERATION AND BETWEEN CITY OF FULLERTON AND FULLERTON MANAGEMENT ASSOCIATION**

Flory moved, seconded by Fitzgerald, to review proposed Memorandums of Agreement and direct Staff to schedule for final review on February 4, 2020.

Motion carried 4 – 1 (No: Whitaker).

Approved

- 15. INFORMATION TECHNOLOGY UPGRADES**

Flory moved, seconded by Silva, to:

1. Accept and find that emergency information technology needs exist, requiring immediate implementation of hardware and software upgrades.

2. Approve Staff recommendations for procurement and implementation of various information technology hardware and software items.
3. Authorize transfer of \$2,565,200 from General Fund (Fund 10) (\$2,322,000 plus 10% contingency of \$233,200 from unassigned fund balance) and appropriate the \$2,565,200 in Information Technology Fund (Fund 68).
4. Authorize City Manager or designee to execute any agreements, amendments and change orders to purchase and implement emergency upgrades and provide additional, critical IT staffing augmentation in compliance with purchasing requirements.

Motion carried 4 – 1 (No: Whitaker).

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

Approved

#### **10. EXPANSION OF SCOPE OF SERVICES WITH SP+ TO PROVIDE ADDITIONAL PARKING ENFORCEMENT**

- Tony Package, Fullerton, spoke in support of this item.
- Maureen Milton, Fullerton, asked about daytime parking enforcement.

Zahra moved, seconded by Fitzgerald, to:

1. Authorize City Manager to execute amendment to existing agreement with SP+ to reflect expanded enforcement needs and make minor modifications as necessary.
2. Authorize \$250,000 appropriation to increase budgeted revenue and expenditures.

Motion carried 4 – 1 (No: Whitaker).

8:58 p.m.

### **ADJOURN REGULAR MEETING**

Mayor / Chair Fitzgerald adjourned the regular meeting at 8:58 p.m. in memory of Dr. Martin Luther King, Jr.

8:58 p.m.

### **RECONVENE CLOSED SESSION MEETING**

Mayor / Chair Fitzgerald reconvened the closed session meeting at 8:58 p.m.

9:11 p.m.

### **ADJOURN CLOSED SESSION**

Mayor / Chair Fitzgerald adjourned the closed session meeting at 9:11

p.m.

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Jennifer Fitzgerald, Mayor

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Lucinda Williams, City Clerk