



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
FEBRUARY 2, 2021 – 4:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

City Council conducted this meeting in accordance with California Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

4:04 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 4:04 p.m.

All Present

ROLL CALL

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

Absent: None

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

PUBLIC COMMENTS – Closed Session

None.

RECESS to Closed Session

Mayor / Chair Whitaker recessed the meeting at 4:08 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 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: Wagner, et al. v. City of Fullerton, et al.

Case Number: OCSC 30-2018-0103122-CU-CR-CJC

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)

Title: City Manager

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

Property: APNs: 032-152-31, 032-152-26, 032-154-43, 032-233-25, 032-233-16, 032-233-17, 032-233-24, 033-233-26

Agency Negotiator: Kenneth A. Domer, City Manager

Negotiating Parties: Tanya Development, TWA Communities, City Ventures

Under Negotiations: Price and Terms

6. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer

Employee Organization/s: Fullerton Fire Management Association, Fullerton Firefighters' Association, Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Police Management Association, Fullerton Police Officers' Association - Safety and Dispatch

Unrepresented Employees: Administrative Assistant / Human Resources, Human Resources Technician I, Human Resources Technician II, Payroll Technician I, Payroll Technician II, 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

Under Discussion:

Parameters of authority for negotiating salaries, benefits and working conditions

6:35 p.m.

RECESS CLOSED SESSION

Mayor / Chair Whitaker recessed the Closed Session meeting at 6:35 p.m.



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
FEBRUARY 2, 2021 – 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:44 p.m.

CALL TO ORDER

Mayor / Chair Whitaker called the meeting to order at 6:44 p.m.

All Present

ROLL CALL

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

Absent: None

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

INVOCATION given by Pastor Israel Gomez, Branches Fullerton Church.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT (*taken out of agenda order*)

None.

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

All Council Members reported they had individual conversations with the Fullerton Firefighters Association President.

PRESENTATIONS

Presented

1. PROCLAMATION: Career Technical Education Month

PUBLIC COMMENTS - Regular Session

City Clerk Williams read the following eComments:

- Guest User regarding opening the Library.
- Guest User regarding conduct of Council Member Zahra.
- H-Jae Paek in support of Council Member Zahra.
- Guest User regarding conduct of the Mayor and Mayor Pro Tem.
- Guntherson M. regarding the Police Department budget.
- Guest User regarding conduct of Council Member Zahra.
- Guest User regarding conduct of Council Member Zahra.
- Guest User regarding conduct of Council Member Zahra.
- Guest User regarding conduct of Council Member Zahra.
- Guest User in support of Council Member Zarha
- Guest User in support of Council Member Zahra.
- Gretchen M. in support of Council Member Zahra.
- Guest User regarding conduct of the Mayor and Mayor Pro Tem.
- Guest User regarding the Fullerton Fire Department.
- Guest User regarding the Fullerton Fire Department.
- Chris Heusser thanking Parks and Recreation Director Curiel.
- Guest User regarding conduct of the Mayor Pro Tem.
- Manny Feek regarding conduct of the Mayor.
- Maria Garcia Feek supporting Council Member Zarha.
- Consuelo Montenegro Garcia Feek regarding moving from Fullerton.
- Flaviano Montenegro Garcia Feek regarding conduct of the Mayor.
- Constantino Garcia Feek regarding conduct of the Mayor.
- Madeline S. regarding conduct of the Mayor and Mayor Pro Tem.
- Sean Michael F. regarding the Fullerton Fire Department.
- Fidelio G. regarding the Fullerton Fire Department.
- Manriquez P. regarding the Fullerton Fire Department.
- Tomasenelia T regarding the Fullerton Fire Department.
- M. Chachee regarding the Mayor and Mayor Pro Tem Dunlap.
- Donovan P. regarding conduct of the City Council.
- Jared Cohen regarding road conditions.

- Guest user regarding conduct of the Mayor.
- Kris C regarding conduct of the Mayor.
- Todd M. regarding conduct of the Mayor.
- C. Bronwyn M. regarding road conditions.
- Kadima Tahathek regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of Council Member Jung.
- Cera J in support of Council Member Zahra.
- laone Gazma regarding conduct of the Mayor.
- Guest User in support of Council Member Zahra.
- Sea Kay regarding lawsuits against the City.
- Guest User regarding conduct of Council Member Jung.
- KJ Min regarding conduct of Council Member Jung.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User asking to postpone the hearing on cannabis dispensaries to 2024.
- Beatrice Whiting regarding road conditions.
- Manuel Fassid in support of Council Member Zahra.
- Guest User regarding pensions.
- Guest User regarding illegal cannabis dispensaries.
- Guest User regarding illegal cannabis dispensaries.
- Guest User regarding economic development.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor.
- Guest User regarding conduct of the Mayor and Mayor Pro Tem.
- Jesse Ommac in support of Council Member Zahra.
- Bruce Kolkara regarding conduct of Council Member Jung.

- JaeMin Cho regarding conduct of the Mayor and Joshua Ferguson.
- Guest User regarding cannabis dispensaries.

The following addressed City Council via Zoom:

- Jensen Hallstrom spoke about an orchard on the former Kimberly Clark property.
- Jane Reifer spoke about the sale of city properties.
- Rosillo Lopez regarding conduct of Council Member Zahra.
- Ilse (no last name given) regarding conduct of Council Member Zahra.
- Tania McCrory regarding the City Manager performance review.
- Tom Texter regarding the SiFi project.
- Cassandra (no last name given) in opposition to cannabis dispensaries.
- Curt Johnston regarding ballot drop boxes.
- Carolina Hernandez regarding conduct of Council Member Zahra.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comments.

Council Member Silva spoke about selling City assets.

Mayor Pro Tem Dunlap spoke about girl scout cookie sales, a recent Vector Control District Board meeting, bicycle trail safety, the SiFi project and the youth academy.

Council Member Jung reported on the Orange County Power Authority and acknowledged Black History Month.

Council Member Zahra acknowledged Black History Month.

Mayor Whitaker acknowledged Groundhog Day, reported on the Orange County Water District and spoke about lifting the level of dialog with the City Council and public.

APPOINTMENTS

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

1. Mayor Whitaker made the following direct appointment:

- a. Chris Norby appointed to the Transportation and Circulation Commission for a term expiring December 31, 2024.

Jung moved, seconded by Dunlap to ratify the Transportation and Circulation Commission appointment.

Motion carried 5 – 0

2. **At-Large Appointments:**

Jung moved, seconded by Dunlap, to ratify the following at-large appointments.

- a. Luis Bernal appointed to the Investment Advisory Committee at-large vacancy for term ending December 31, 2024.
- b. Arnel Dino and Ryan Alcantara appointed to the Infrastructure and Natural Resources Committee for at-large vacancies for full terms ending December 31, 2024.

Motion carried 5 – 0.

2. **CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS - METROPOLITAN WATER DISTRICT BOARD OF DIRECTORS, INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY AND SANTA ANA RIVER FLOOD PROTECTION AGENCY**

The following addressed City Council via Zoom:

- Adan Ortega regarding his service on the Metropolitan Water Board.
- Roy Wolfe, Fullerton, in support of Adan Ortega.
- Jeff Cable in support of Adan Ortega.
- Laura Garcia, AFSCME 1902, in support of Adan Ortega.
- Sylvia Ballan in support of Adan Ortega.
- Jeffrey Frolic, Anaheim, in support of Adan Ortega.
- Joshua (No last name given) spoke about a conflict of interest with Mr. Ortega's employer and this appointment.
- Ellen Mackie, AFSCME Womens Caucus, in support of Adam Ortega.
- Christopher Duarte, Fullerton, in support of Adan Ortega.
- Jolene Ditmar, Fullerton, in support of Adan Ortega.

City Clerk Williams read the following eComments:

- Guest User regarding city representation.
- Guest User regarding the conduct of the City's representative on the Metropolitan Water District.
- Guest User supporting removal of the current Metropolitan

Water District representative.

- Guest User supporting replacement of the current Metropolitan Water District representative.
- Guest User regarding the conduct of the City's representative on the Metropolitan Water District.
- Guest User regarding conflict of interest with the current appointee.
- Guest User regarding diversity on the Metropolitan Water District Board.
- Guest User supporting Adan Ortega.

1. Current Metropolitan Water District Board of Directors appointment

Zahra moved, seconded by Silva, to reaffirm Adan Ortega's appointment to the Metropolitan Water District Board of Directors.

Motion failed 2 – 3 (In favor: Silva, Zahra).

Dunlap moved, seconded by Whitaker, to remove Adan Ortega from the Metropolitan Water District Board and appoint Council Member Jung to complete the term ending December 31, 2022. Motion carried 4 – 1 (No: Zahra).

2. Independent Cities Risk Management Authority primary alternate member for no specific term

Dunlap moved, seconded by Zahra, to appoint Olga Vellanoweth as the Independent Cities Risk Management Authority primary alternate representative and City Manager Ken Domer and the substitute alternate representative for no specific term.

Motion carried 5 – 0.

3. Santa Ana River Flood Protection Agency alternate member for no specific term

Jung moved, seconded by Silva, to nominate Mayor Pro tem Dunlap as the Santa Ana River Flood Protection Agency alternate member for no specific term.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 - 8)

City Clerk Williams read the following eComments:

- Jose Trinidad Castaneda in support of Item 4.

Zahra requested, supported by Dunlap, that Staff prepare a summary of the CAFR.

Zahra moved, seconded by Dunlap, to approve all Consent Calendar items.

Motion carried 5 – 0.

Approved

1. JANUARY 19, 2021 MEETING MINUTES

Recommendation:

Approve January 19, 2021 City Council / Successor Agency Meeting Minutes.

Received and filed

2. TREASURER'S REPORT FOR QUARTER ENDED DECEMBER 31, 2020

Recommendation:

Receive and file.

Received and filed

3. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2020

Recommendation:

Receive and file.

Approved

4. SUSTAINABLE BUSINESS CERTIFICATION PROGRAM AND APPROPRIATION OF GRANT FUNDS

Recommendation:

1. Appropriate receipt and use of \$15,000 grant funding for establishment of a Sustainable Business Certification Program.
2. Authorize creation of a new subprogram (429 - Sustainable Business Certification) under Fund 46 (Refuse Fund) to carry-over received funding.

Approved

5. 2020-21 AND 2021-22 COUNTY OF ORANGE COMMUNITY SERVICES OFFICE ON AGING AGREEMENT FOR FUNDING OF OLDER ADULT PROGRAMS

Recommendation:

1. Authorize City Manager, or designee, to sign documents pertaining to grant awards from County of Orange Community Services Office on Aging to provide older adult services grant-funding.
2. Accept grant awards for both Fiscal Years 2020-21 and 2021-22 and appropriate receipt and uses of FY 2020-21 grant award for \$34,120.

Resolution
2021-03 adopted

No. **6. RULES OF PROCEDURE AND DECORUM FOR BOARDS, COMMISSIONS AND COMMITTEES REVIEW**

Recommendation:

Adopt Resolution No. 2021-03.

RESOLUTION NO. 2021-03 - 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. 2017-41

Approved

7. REQUEST FOR QUALIFICATIONS - ON-CALL INDEPENDENT INVESTIGATIVE SERVICES

Recommendation:

Authorize City Manager, or designee, to execute three-year professional service agreements as well as future options to extend for a maximum of three, one-year options, in a form approved by the City Attorney, for on-call investigative services with the following firms:

- Atkinson, Andelson, Loya, Ruud & Romo
- Batza & Associates
- Chuck Thomas
- CPS HR Consulting
- Norman A. Traub & Associates
- RJN Investigations, Inc.
- Woodruff, Spradlin & Smart, APC

Resolution
2021-04 adopted

No. 8. FINAL MAP FOR TRACT NO. 19008 - 751 EAST BASTANCHURY ROAD

Recommendation:

1. Find that Final Map for Tract No. 19008 conforms to all applicable requirements.
2. Approve Final Map.
3. Accept easements for public service, sewer, water, police patrol, emergency vehicle access, fire protection and refuse collection, as dedicated.
4. Adopt Resolution No. 2021-04.

RESOLUTION NO. 2021-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY ABANDONMENT VACATING AN EASEMENT FOR PUBLIC SEWER AND INCIDENTAL PURPOSES WITHIN THE BOUNDARY OF THE MAP OF TRACT NO. 19008

5. Authorize Mayor and City Clerk to enter into a subdivision

agreement with subdivider in a form approved by the City Attorney.

PUBLIC HEARINGS – None

REGULAR BUSINESS (Items 9 - 12)

Direction provided

9. FULLERTON MUSEUM UPDATE AND DISCUSSION

City Clerk Williams read the following eComments:

- Guest user regarding submitting comments.
- Carol Henke in support of the Museum.
- Guest User in support of the Museum.
- Guest User in support of the Museum.
- Guest User in support of the Museum.
- Marcia Tabora in support of the Museum.
- Guest User in support of the Museum.
- Guest User in support of the Museum.
- Julie Vandergrift in support of the Museum.
- Guest User in support of the Museum.
- Guest User in support of the Museum.
- Christina Garner in support of the Museum.
- Guest User in support of the Museum.
- John Orr in support of the Museum.
- Rhonda Gawthrop in support of the Museum.
- Linda Saslow in support of the Museum.
- Guest User in support of the Museum.
- Kathy Campanelli in support of the Museum.
- Guest user in support of the Museum.
- Guest user in support of the Museum.

The following addressed City Council via Zoom:

- Janet Buzan, Fullerton Museum Center Board Member, spoke in support of the Museum.
- Christine Buzan spoke in support of the Museum.
- Jane Rands spoke in support of Museum.
- Harmeet Chana, Fullerton Museum Center Board Member, spoke in support of the Museum.

- Paulette Chaffee, Fullerton, made suggestions for reopening the Museum.

City Council directed Staff to set an April 15, 2021 target to reopen the Museum on Thursdays, Fridays and Saturdays.

Zahra moved, seconded by Silva, to receive and file.

Motion carried 5 – 0.

Received and filed

10. UPDATE ON HOMELESS INITIATIVES

Jung moved, seconded by Dunlap, to receive and file report.

Motion carried 5 – 0.

Approved

11. 2021 SAFE AND SANE FIREWORKS SALES

Jung moved, seconded by Dunlap, to:

1. Receive and file 2020 Safe and Sane Fireworks Sales Annual Report.
2. Confirm timeline for 2021 fireworks sales application process.

Motion carried 5 – 0.

Direction provided

12. CITY BOARD / COMMISSION / COMMITTEE STRUCTURE

The following addressed City Council via Zoom:

- Jane Reifer spoke about committee agendas.

City Council provided direction to Staff to return with an agenda item to restructure the committee membership at the March 2, 2021 meeting.

ITEMS REMOVED FROM CONSENT CALENDAR

None.

ADJOURN REGULAR SESSION AND RECONVENE CLOSED SESSION

Mayor / Chair Whitaker adjourned the meeting at 10:47 p.m. in memory of Thomas Sebourn and reconvened Closed Session.

11:47 p.m.

ADJOURN CLOSED SESSION

Mayor / Chair Whitaker adjourned the Closed Session at 11:47 p.m.

Bruce Whitaker
Mayor

Lucinda Williams, MMC
City Clerk