



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
MARCH 16, 2021 – 4:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:35 p.m.

### **CALL TO ORDER**

Mayor / Chair Whitaker called the meeting to order at 4:35 p.m.

All Present

### **ROLL CALL**

Present: Mayor / Chair Whitaker, Mayor Pro Tem / Vice Chair Dunlap, Council / Agency Members Jung (arrived 4:40 p.m.), 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 to Closed Session at 4:39 p.m.

### **CLOSED SESSION**

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

**Name of Case:** Michael Destiche v. City of Fullerton

**Case Number:** OCSC 30-2019-01044575

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

**Name of Case:** Estate of Noah Weatherly by His Heirs Sonia and Mark Weatherly v. City of Fullerton, et al.

**Case Number:** OCSC 30-2018-01037224

**3. CONFERENCE WITH LABOR NEGOTIATOR Per**

**Government Code Section 54957.6**

**Agency Representative/s:** Kenneth A. Domer, Ellis Chang, Laura Giannetti-Mercer, and Eddie Manfro

**Employee Organization/s:** Fullerton Municipal Employees Federation

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

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

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

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

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

**Significant Exposure to Litigation:** One Case

5:43 p.m.

**ADJOURNMENT**

Mayor / Chair Whitaker adjourned the meeting at 5:43 p.m.

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Bruce Whitaker  
Mayor

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Lucinda Williams, MMC  
City Clerk



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
MARCH 16, 2021 – 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:30 p.m.

**CALL TO ORDER**

Mayor / Chair Whitaker called the meeting to order at 6:30 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, Police Captain Eric Carter, Fire Chief Adam Loeser, Community and Economic Development Director Matt Foulkes

**INVOCATION** given by given by Jason Phillips, Fullerton Police Chaplain.

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

**CLOSED SESSION REPORT**

None.

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

Council Member Silva reported that he spoke to an OCEA representative.

Council Member Zahra reported that he spoke to an OCEA representative.

Council Member Jung reported that he had text and email communications with an OCEA representative.

## **PRESENTATIONS**

None.

## **PUBLIC COMMENTS - Regular Session**

The following addressed City Council:

- Craig Sheets spoke about freight trains and chemicals.
- Unidentified speaker spoke about safe parking.
- Harry Lagenbacher spoke about the Homeless Plan Committee Update.
- Jacqueline Murillo, Buena Park, expressed gratitude from Buena Park High School parents.
- Kitty Jaramillo, Fullerton, spoke about repairs on Orangethorpe Avenue, campaign donations and cannabis dispensaries.
- Maureen Milton, Fullerton, spoke about the Korean War Memorial.
- Joe Pak spoke about the Korean War Memorial.
- Unidentified speaker spoke about work the police have done for the citizens of Fullerton.
- Veronica (no last name given), Fullerton, expressed support for the Police Department.
- Blanca Garcia spoke in support of the Fullerton Police Department.
- Unidentified Speaker spoke in support of the Fullerton Police Department.
- Egleth Nuncci, Fullerton, spoke in support of the Fullerton Police Department.
- Lucia Matrino, Fullerton, spoke about the importance of the Police Department.
- Unidentified speaker spoke about illegal cannabis dispensaries.
- Unidentified speaker spoke about illegal cannabis dispensaries.
- Ilse Miranda, Fullerton, spoke about illegal cannabis dispensaries.
- Mirya (no last name given) spoke about illegal cannabis dispensaries.
- Pilar Maldonado spoke about illegal cannabis dispensaries.
- Alma Chavez spoke about illegal cannabis dispensaries.

- Natividad Avila thanked public safety and city leaders for their work.

The following addressed City Council via Zoom:

- Diane Vena, Fullerton, spoke about safe parking.

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

City Manager Domer responded to issues arising during public comment.

Council Member Jung spoke about Women's History Month.

Mayor Pro Tem Dunlap spoke about Fullerton road conditions.

Council Member Silva acknowledged Women's History Month and announced an upcoming meeting.

Council Member Zahra acknowledged Women's History Month, the ten-year anniversary of the Syrian civil war, public safety and announced an upcoming meeting.

Mayor Whitaker announced he would end the meeting in memory of six year-old Daniel Harland Bussell, announced Ladera Vista Holocaust art and writing contest winners, provided a water report and wished all a Happy St. Patrick's Day.

## **APPOINTMENTS**

None.

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

The following addressed City Council:

- Harry Lagenbacher spoke about availability of low income housing stock.

The following addressed City Council via Zoom:

- Jane Reifer spoke about eviction moratoriums.

Zahra moved, seconded by Dunlap, to approve Consent Calendar Items 1 - 12.

Motion carried 5 – 0.

Approved

### **1. MARCH 2, 2021 MEETING MINUTES**

Recommendation:

Approve March 2, 2021 City Council / Successor Agency Meeting Minutes.

- Received and filed      **2.      FEBRUARY 2021 CHECK REGISTER**
- Recommendation:
- Receive and file.
- Received and filed      **3.      HOMELESS PLAN COMMITTEE REPORT UPDATE**
- Recommendation:
- Receive and file Update on Fullerton Homeless Plan Committee's Strategic Plan for Addressing Homelessness.
- Approved      **4.      2020 ANNUAL HOUSING ELEMENT PROGRESS REPORT**
- California Government Code Section 65400 requires that all local planning agencies prepare an Annual Housing Element Progress Report ("Annual Report") on the status of the General Plan Housing Element, identifying progress made in its implementation.
- Recommendation:
1. Authorize submittal of General Plan Housing Element Annual Progress Report for 2020 to Governor's Office of Planning and Research and State Department of Housing and Community Development.
  2. Authorize Community and Economic Development Director, or designee, to make technical modifications to Annual Report as required.
- Resolution      No. **5.      CLASSIFICATION PLAN UPDATE TO REVISE POLICE**  
2021-15 adopted      **SERGEANT CLASS SPECIFICATION**
- Recommendation:
- Adopt Resolution No. 2021-15.
- RESOLUTION NO. 2021-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING A CERTAIN CLASS SPECIFICATION IN THE CLASSIFICATION PLAN
- Approved      **6.      2020 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**  
**MEMORANDUM OF UNDERSTANDING TO TRANSFER**  
**FUNDS**
- Recommendation:
1. Approve the Memorandum of Understanding to transfer 2020 JAG funds and authorize City Manager, or designee, to execute Memorandum of Understanding.
  2. Appropriate receipt and use of \$18,099.04 2020 JAG allocation to Police Department in Fund 32 grant budget.

Approved

**7. 2021-2024 TOBACCO GRANT MEMORANDUM OF UNDERSTANDING**

Recommendation:

Authorize Chief of Police to sign grant MOU and appropriate receipt and use of \$536,780 Tobacco Grant allocation to Police Department Fund 32.

Ordinance No. 3297  
Introduced,  
Resolution No.  
2021-16 adopted

**8. CITY BOARD / COMMISSION / COMMITTEE STRUCTURE**

Recommendation:

1. Introduce Ordinance No. 3297 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3297 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.11 OF THE MUNICIPAL CODE SETTING FORTH CONDITIONS GOVERNING COMMISSION AND COMMITTEE APPOINTMENTS AND OFFICE

2. Adopt Resolution No. 2021-16.

RESOLUTION NO. 2021-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE MEMBERSHIP FOR THE INVESTMENT ADVISORY COMMITTEE, PARKS AND RECREATION COMMISSION, TRANSPORTATION AND CIRCULATION COMMISSION AND ACTIVE TRANSPORTATION COMMITTEE AND ESTABLISHING THE PARKS AND RECREATION COMMISSION CULTURAL ARTS SUBCOMMITTEE

3. Approve initial appointment process for new at-large members.

Approved

**9. PROFESSIONAL SERVICES AGREEMENT WITH THIRTIETH STREET ARCHITECTS TO PROVIDE HISTORICAL ARCHITECTURAL SERVICES FOR HUNT LIBRARY REVITALIZATION PROJECT**

Recommendation:

1. Approve and authorize Public Works Director to execute \$198,040 Professional Services Agreement with Thirtieth Street Architects, at the hourly prices bid, to provide historic architectural services for Hunt Library Revitalization Project, in a form approved by the City Attorney.
2. Authorize Public Works Director to approve and execute PSA amendments within approved budget, in a form approved by the City Attorney.

Approved

**10. CONSULTANT SERVICES FOR HARBOR BOULEVARD**

## **REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT**

Recommendation:

1. Authorize Public Works Director to execute \$592,327 agreement, in a form approved by the City Attorney, with AGA Engineers, Inc. for traffic engineering consultant services for design, system integration, construction management and ongoing monitoring and maintenance for the Harbor Boulevard Project P Regional Traffic Signal Synchronization Program.
2. Authorize Public Works Director to approve and award additional work, not to exceed \$203,293, to AGA Engineers, Inc. for work described as "additional proposed tasks" within this letter and determined necessary by Public Works Director.

Approved

### **11. AS-NEEDED HOMELESS ENCAMPMENT CLEANUP SERVICES AGREEMENT**

Recommendation:

1. Approve as-needed agreement with Patriot Environmental Services.
2. Authorize City Manager to execute agreement and optional renewals with Patriot Environmental Services, in a form approved by the City Attorney.

Approved

### **12. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT - FISCAL YEAR 2020-21**

Recommendation:

1. Approve and authorize Public Works Director to enter into \$107,150 agreement with G2 Construction, Inc. of Garden Grove (utilizing Orange County's Master Purchase Agreement - contract MA-080-20011478) for installation of full capture trash inserts in existing catch basins, in a form approved by the City Attorney.
2. Authorize Public Works Director, or designee, to approve any future change orders within approved project budget.

## **PUBLIC HEARINGS (Item 13)**

Resolution  
2021-17 adopted

### **No. 13. GENERAL PLAN REVISION TO ADD FOUR LOCAL LANDMARKS TO THE FULLERTON PLAN HISTORIC PRESERVATION ELEMENT AND MAP OF HISTORICAL RESOURCES**

Mayor Whitaker opened the public hearing at 8:06 p.m.



The following made public comments:

- Ernie Kelsey, Fullerton Heritage President, spoke in support of this item.
- Bob Linlee, Fullerton Heritage, spoke in support of this item.

The following addressed City Council via Zoom:

- Jensen Hallstrom spoke in support of this item.

Mayor Whitaker closed the public hearing at 8:11 p.m.

Silva moved, seconded by Zahra, to adopt Resolution No. 2021-17.

RESOLUTION NO. 2021-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A GENERAL PLAN REVISION TO ADD THE YMCA NEON SIGN AT 2000 YOUTH WAY (HL-104), THE "PASTORAL CALIFORNIA" MURAL AT 201 EAST CHAPMAN AVENUE (HL-105), THE PROPERTY LOCATED AT 1203 LUANNE AVENUE (HL-106) AND THE PROPERTY LOCATED AT 865 NORTH RICHMAN AVENUE (HL-107) TO THE FULLERTON PLAN HISTORIC PRESERVATION ELEMENT, TABLE 6 - CITY OF FULLERTON LOCAL REGISTER OF HISTORICAL RESOURCES AND EXHIBIT 3 & 4 - MAPS OF HISTORICAL RESOURCES - NATIONAL AND LOCAL

Motion carried 5 – 0.

## **REGULAR BUSINESS (Items 14 - 20)**

Received and filed

### **14. WATER RATE PROGRESS REPORT 2020**

Zahra moved, seconded by Silva, to receive and file 2020 Water Rate Progress Report, as accepted by the Infrastructure and Natural Resources Advisory Committee, providing information on successful implementation of water improvement projects funded with revenue from water rates approved in 2019.

Motion carried 5 – 0.

Not Approved

### **15. PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER DE LLAMAS & ASSOCIATES (HDL) TO OUTSOURCE BUSINESS REGISTRATION SERVICES**

The following addressed City Council:

- Maureen Milton spoke against outsourcing.

The following addressed City Council via Zoom:

- Munish Bharadwaja spoke in opposition to outsourcing.

- Ian Timmons, FMEF, spoke in opposition to this item.

Dunlap moved, seconded by Whitaker, to:

1. Authorize outsourcing business registration services for administration of new business registration applications, annual renewals, account closures and sidewalk vendor permits.
2. Approve Professional Services Agreement between City of Fullerton and HdL for business registration administration, discovery and compliance services and sidewalk vendor permit administration and authorize City Manager, or designee, to execute agreement and options to renew with HdL, in a form approved by the City Attorney.

Motion failed 2 – 3 (In Favor: Dunlap, Whitaker).

Approved

**16. 1600 WEST COMMONWEALTH AVENUE - AFFORDABLE HOUSING DEVELOPMENT REQUEST FOR PROPOSALS**

The following addressed City Council:

- Maureen Milton asked if this RFP includes space for the mobility challenged.

Silva moved, seconded by Dunlap, to authorize release of Request for Proposals for affordable housing development on city-owned property at 1600 West Commonwealth Avenue.

Motion carried 5 – 0.

Continued to April 20, 2021

**17. FULLERTON MUSEUM CENTER UPDATE**

The following addressed City Council via Zoom:

- Matthew Leslie asked if the City has plans to fund the Museum in the future.

Zahra moved, seconded by Dunlap, to continue this item to April 20, 2021.

Motion carried 5 – 0.

Approved

**18. OUTDOOR DINING AND RETAIL REGULATIONS EXTENSION AND AMENDMENTS TO PROVIDE FOR HEALTH AND SAFETY**

The following addressed City Council:

- Maureen Milton asked about ride share and taxi pickup in the area.

The following addressed City Council via Zoom:

- Matt Leslie asked about consideration of bicycles, the bike master plan grant and to ban smoking in outdoor dining areas.

Silva moved, seconded by Dunlap, to:

1. Approve extension of outdoor dining and retail program until September 30, 2021, including the waiving of fees.
2. Authorize City Manager to make administrative adjustments to outdoor dining regulations and on-site parking requirements as needed to assist local businesses.
3. Provide direction regarding potential for permanently allowing increased outdoor dining experiences.

Motion carried 5 – 0.

Appointments Made     **19.     SOUTHERN     CALIFORNIA     ASSOCIATION     OF  
GOVERNMENTS GENERAL ASSEMBLY DELEGATES**

The following addressed City Council via Zoom:

- Matt Leslie asked delegates to provide a report following the conference.

Silva moved, seconded by Jung, to appoint Council Member Silva as the Delegate Representative and Council Member Jung as the Alternate for remote participation in the SCAG General Assembly on May 6, 2021.

Motion carried 5 – 0.

Received and filed.     **20.     AMERICAN RESCUE PLAN ACT UPDATE**

The following addressed City Council via Zoom:

- Matt Leslie suggested using funds for the museum.

Silva moved, seconded by Zahra, to receive and file

Motion carried 5 – 0.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

None.

9:55 p.m.

## **ADJOURNMENT**

Mayor / Chair Whitaker adjourned the meeting at 9:55 p.m. in memory Daniel Harlan Bussell.

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Bruce Whitaker  
Mayor

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Lucinda Williams, MMC  
City Clerk