



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
APRIL 6, 2021 – 5:00 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.*

5:00 p.m.

**CALL TO ORDER**

Mayor / Chair Whitaker called the meeting to order at 5:00 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 to Closed Session at 5:05 p.m.

**CLOSED SESSION**

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

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

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

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

**Significant Exposure to Litigation:** One Case

**3. CONFERENCE WITH LABOR NEGOTIATOR Per  
Government Code Section 54957.6**

**Agency Representative/s:** Kenneth Domer and Eddie  
Manfro

**Employee Organization/s:** Fullerton Municipal Employees  
Federation and Fullerton  
Management Association

**Under Discussion:** Salaries, Benefits and Working  
Conditions

6:33 p.m.

**ADJOURNMENT**

Mayor / Chair Whitaker adjourned the meeting at 6:33 p.m.

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Bruce Whitaker  
Mayor



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

6:37 p.m.

## **CALL TO ORDER**

Mayor / Chair Whitaker called the meeting to order at 6:37 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 Chief Robert Dunn, Fire Chief Adam Loeser, Director of Community and Economic Development Matt Foulkes

**INVOCATION** given by given by Mayor Whitaker.

**PLEDGE OF ALLEGIANCE** led by Police Chief Dunn.

## **CLOSED SESSION REPORT**

None.

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

None.

Presented

## **PRESENTATIONS**

1. **PROCLAMATION: Arbor Day 2021**

2. **PRESENTATION: Donate Life**
3. **PROCLAMATION: Arab American Heritage Month**

## **PUBLIC COMMENTS - Regular Session**

The following addressed City Council:

- Unidentified speaker spoke about RV parking enforcement.
- James (no last name given) spoke about RV parking enforcement.
- Maureen Milton asked for help with lack of elevator access in her building.
- Jean Weaver spoke about Fullerton Golf Course staffing concerns.
- Randy Weaver spoke about Fullerton Golf Course staffing concerns.
- Donna Happ, Fullerton, spoke about Fullerton Golf Course staffing concerns.
- Jenny Minardi, Fullerton, spoke about Fullerton Golf Course staffing concerns.
- Barbara Boucher, Placentia, spoke about Fullerton Golf Course staffing concerns.
- Roberto Guzman, La Habra Heights, spoke about Fullerton Golf Course staffing concerns.
- Natalie Cole, Tustin, spoke about Fullerton Golf Course staffing concerns.
- Brent Cannon, Fullerton, spoke about RV parking.
- Unidentified speaker spoke about Fullerton Golf Course staffing concerns.
- Rose Peath, Yorba Linda, spoke about Fullerton Golf Course staffing concerns.
- Madeline Pa, spoke about Fullerton Golf Course staffing concerns.
- Randy Atanay spoke about Fullerton Golf Course staffing concerns.
- Michael Plotnik, Fullerton, spoke about street conditions.
- Connor Martin spoke about Fullerton Golf Course staffing concerns.
- Ken Clark, La Habra, spoke about Fullerton Golf Course staffing concerns.
- Mr. Weaver spoke about Fullerton Golf Course staffing concerns.

- Unidentified speaker spoke about COVID-19 federal relief funds.
- Amy Stairs spoke about Fullerton Golf Course staffing concerns.
- Unidentified speaker spoke about Fullerton Golf Course staffing concerns.
- Bernard Oh, Fullerton, spoke about hate crimes.
- Jensen Hallstrom spoke about unpermitted bike trails.

The following addressed City Council via Zoom:

- Sandra Lee, Fullerton, spoke about Fullerton Golf Course staffing concerns.
- Darren J. spoke about RV parking issues.
- Jonah Breslow, LANE, spoke against whole-home short-term rentals.
- Jane Reifer, Fullerton, commented on the Legislative Update.
- Rosillo Lopez asked City Council to pay attention to the needs of residents.
- Jose Trinidad Castaneda spoke about using grant funding for tree planting.
- Elsa Montero, Fullerton, spoke in opposition to short term rentals.
- Munish Bharadwaja, Fullerton, thanked the Mayor and Mayor Pro Tem for their support of Asian Americans and spoke about federal COVID Relief Act funding.

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

City Manager Domer responded to issues arising during Public Comment.

Council Member Zahra reported on a press conference in support of the Asian American community, Myanmar issues, PFAS, vaccination sites, a community forum event and recognized those serving the community during COVID.

Mayor Pro Tem Dunlap reported on the Golden Hill Little League Opening Day Ceremony and the next City Council Study Session.

Mayor Whitaker spoke about road conditions, asked to agendize a discussion of the Fullerton Golf Course and reported on water issues.

Council Member Jung spoke about hate crimes against Asian Americans, Autism Awareness Month and water conservation.

Jung requested, supported by Zahra, to agendize a resolution on April 20, 2021 denouncing Asian American hate crimes.

Council Member Silva acknowledged Richmond Neighborhood

volunteers and announced an upcoming Walk and Talk event.

## **APPOINTMENTS**

None.

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

Dunlap moved, seconded by Zahra, to approve Consent Calendar Items 1 – 10.

Motion carried 5 – 0.

Approved

**1. MARCH 9, 2021 SPECIAL MEETING AND MARCH 16, 2021 MEETING MINUTES**

Recommendation:

Approve March 9, 2021 Special City Council / Successor Agency Meeting and March 16, 2021 City Council / Successor Agency Meeting Minutes.

Ordinance No. 3297 adopted

**2. CITY BOARD / COMMISSION / COMMITTEE STRUCTURE - SECOND READING OF ORDINANCE**

Recommendation:

Adopt Ordinance No. 3297.

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

Received and filed

**3. MONTHLY LEGISLATIVE UPDATE**

Recommendation:

Receive and file.

Received and filed

**4. QUARTERLY PROFESSIONAL SERVICES AGREEMENTS REPORT**

Recommendation:

Receive and file.

Resolution No. 2021-18 adopted

**5. SEXUAL ASSAULT AWARENESS MONTH**

Recommendation:

Adopt Resolution No. 2021-18.

RESOLUTION NO. 2021-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

DECLARING APRIL 2021 AS "SEXUAL ASSAULT AWARENESS MONTH".

Approved

**6. 2020-24 COUNTY OF ORANGE COMMUNITY SERVICES OFFICE ON AGING ADDITIONAL EXCESS FUNDING FOR OLDER ADULT PROGRAMS**

Recommendation:

1. Accept and appropriate an additional \$69,620 grant awards in Fund 32 from the County of Orange Community Services Office on Aging to provide older adult services grant-funding.
2. Authorize City Manager to accept and appropriate future additional one-time-only and baseline adjustments resulting from excess funding made available from granting agency for Fiscal Year 2020-21.

Approved

**7. ORANGE COUNTY RECYCLING MARKET DEVELOPMENT ZONE AND APPROPRIATION OF GRANT FUNDS**

Recommendation:

Appropriate receipt and use of \$12,000 grant funding from Orange County Recycling Market Development Zone with Fullerton serving as zone administrator.

Resolution  
2021-19 adopted

**No. 8. CLASSIFICATION PLAN UPDATE RELATING TO AIRPORT SERVICE WORKER AND POLICE INVESTIGATION TECHNICIAN POSITIONS**

Recommendation:

1. Adopt Resolution No. 2021-19.

RESOLUTION NO. 2021-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL CLASSIFICATION PLAN AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-17 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

2. Authorize amendment to Fiscal Year 2020-21 adopted Police Department personnel summary to include new Police Investigation Technician position.

Approved

**9. PURCHASE ORDER INCREASE AND EXTENSION OF FIRE PLAN CHECK AND INSPECTIONS CONTRACT WITH CSG CONSULTANTS**

Recommendation:

Authorize City Manager to increase current not-to-exceed open purchase order limit with CSG Consultants, Inc. from \$50,000

to \$100,000 for remainder of Fiscal Year 2020-21.

Approved

**10. BOYS AND GIRLS CLUB LEASE AMENDMENT AND SIX- MONTH EXCLUSIVE NEGOTIATION AGREEMENT**

Recommendation:

1. Approve and authorize City Manager, or designee, to execute First Amendment to Lease Agreement between City of Fullerton and Boys and Girls Club of Fullerton.
2. Approve and authorize City Manager, or designee, to execute Exclusive Negotiating Agreement By and Between City of Fullerton and Boys and Girls Club.

**PUBLIC HEARINGS**

None.

**REGULAR BUSINESS (Items 11 - 16)**

Approved

**11. ADOPT-A-PARK AND TRAIL PROGRAM**

Silva moved, seconded by Dunlap, to approve Adopt-Park and Trail program as recommended by the Parks and Recreation Commission.

Motion carried 5 – 0.

Resolution  
2021-20 adopted

**No. 12. ROAD MAINTENANCE AND REHABILITATION (SB1) ACCOUNT FUNDS ALLOCATION**

Zahra moved, seconded by Dunlap, to adopt Resolution No. 2021-20.

RESOLUTION NO. 2021-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

Motion carried 5 – 0.

Approved

**13. ILLEGAL CANNABIS BUSINESS ENFORCEMENT TWO-YEAR PILOT PROGRAM**

The following addressed City Council:

- Maria (no last name given) asked the City to do something as soon as possible about illegal dispensaries.
- Carolina Hernandez spoke against illegal dispensaries.
- Cassandra (no last name given) spoke in support of the pilot program.



- Unidentified speaker spoke in support of this item.
- Unidentified speaker spoke in support of this item.

The following addressed City Council via Zoom:

- Munish Bharadwaja, Fullerton, supported higher fines, faster processing and landlord accountability.

Dunlap moved, seconded by Silva, to:

1. Approve \$10,700 appropriation to Fiscal Year 2020-21 budget to initiate a Two-Year Pilot Program.
2. Direct Staff to recruit and hire one non-regular part-time Code Enforcement Officer dedicating 28 hours a week to closing illegal cannabis businesses.

Motion carried 5 – 0.

Approved

#### **14. PARKS AND RECREATION MASTER PLAN CONTRACT AWARD**

The following addressed City Council:

- Isle Miranda, Fullerton, suggested investing these funds into the community and programs.
- Unidentified speaker suggested working together on a solution to keep parks open and commented on the expense of this proposal.
- Curt Johnston, Fullerton, spoke about projects needed in the parks.
- Maureen Milton, Fullerton, spoke about mobility challenges in parks.
- Jose Trinidad Castaneda, Fullerton, spoke about community surveys regarding park services and suggested working on tangible park projects.

The following addressed City Council via Zoom:

- Munish Bhardawaja spoke in opposition to this item.
- Damion Lloyd, Fullerton, spoke in opposition to this item.
- Eric Wehn, Fullerton, spoke in opposition to this item.
- Rosillo Lopez spoke in opposition to this item.

Dunlap moved, seconded by Jung, to not approve this item.

Zahra made a substitute motion, seconded by Silva to:

1. Approve and authorize City Manager, or designee, to execute \$236,295 Professional Services Agreement with RJM Design Group to provide Parks and Recreation Master Plan, in a form approved by the City Attorney.

2. At City Council discretion, approve optional arts component for \$51,750.
3. Authorize City Manager to approve and execute Professional Services Agreement amendments within approved budget, in a form approved by the City Attorney.
4. Approve \$236,295 transfer and appropriation from Park Dwelling Fund and \$51,750 from General Fund (Parks and Recreation Department) to CIP Project Fund to establish the Parks and Recreation Master Plan.

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

Original motion carried 3 – 2 (No: Silva, Zahra).

Received and filed      **15.      UNION      PACIFIC      PARK      IMPROVEMENTS  
UPDATE - RENEWABLE FARMS PROJECT**

The following addressed City Council:

- Unidentified speaker spoke in support of this item.
- Curt Johnston suggested adding a skateboard park.
- Jose Trinidad Castaneda spoke in support of this program.

The following addressed City Council via Zoom:

- Tony Bushala suggested the City look at this project in a larger context, let the ENA expire and sell the property.
- Cary J. asked to make the project at this site sustainable.

Item received and filed by direction of the Mayor.

Not approved      **16.      CONSIDERATION OF DISCONTINUING FIVE PERCENT  
EARNINGS REDUCTION FOR FULLERTON MANAGEMENT  
ASSOCIATION AND CONFIDENTIAL / NON-REPRESENTED  
EMPLOYEES AND AUTHORIZATION TO REINSTATE  
FUNDS CONTRIBUTED BY CITY EMPLOYEES UPON  
RECEIPT OF ELIGIBLE FUNDS**

The following addressed City Council:

- Curt Johnston asked if this item includes back pay.

Silva moved, seconded by Zahra, to:

1. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON MANAGEMENT ASSOCIATION AND SUPERSEDING RESOLUTION NO. 2020-79

2. Adopt Resolution No. 2021-XX.

RESOLUTION NO. 2021-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2020-78

3. Upon receipt of American Rescue Plan Act of 2021 funding, authorize City Manager to reinstate all funds contributed by FMA, Confidential / Nonrepresented and Executive / Council Appointed employees resulting from earnings reductions in response to City's budgetary challenges caused by the COVID-19 pandemic.

Jung made a substitute motion, seconded by Whitaker, to continue this item until the City receives American Rescue Plan Act 2021 funding.

Substitute motion carried 3 – 2 (No: Zahra, Silva).

Original motion failed.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

None.

11:22 p.m.

## **ADJOURNMENT**

Mayor / Chair Whitaker adjourned the meeting at 11:22 p.m.

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Bruce Whitaker  
Mayor

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Lucinda Williams, MMC  
City Clerk