



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
FEBRUARY 18, 2020 – 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

4:32 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 4:32 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, Whitaker (arrived 4:35 p.m.), Zahra

Absent: None

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

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 4:33 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

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 conditions

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

Significant Exposure to Litigation: One Case

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

Name of Case: Francisco Oliveras, et al. v. City of Fullerton, et al.

Case Number: OCSC 30-2018-00981683

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

Name of Case: Barbor v. City of Fullerton

Case Number: OCSC 30-2018-01028694

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

Name of Case: Corbin Trumbo, a minor by and through his guardian at litem, Stephanie Ortiz; and Stephanie Ortiz v. City of Fullerton

Case Number: OCSC 30-2018-00978170

6. 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

6:19 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:19 p.m.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
FEBRUARY 18, 2020 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:31 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:31 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, Director of Administrative Services Ellis Chang, Fire Chief Adam Loser

INVOCATION given by Pastor Jason Philips.

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

None.

PRESENTATIONS

Presented

1. **CERTIFICATE:** Dong Shin Church of Southern California - Parks and Recreation Department Donations
2. **CERTIFICATE:** Rolling Hills Elementary School Teacher Appreciation

PUBLIC COMMENTS

- Unidentified speaker spoke about homeless issues.
- Tony Package, Fullerton, spoke about the OLLI Program at Cal State Fullerton.
- Curtis Gamble spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comments.

Council Member Silva asked, supported by Whitaker, to agendaize a discussion to reconvene the Hunt Branch Library Ad Hoc committee to review the Hunt Branch Library RFPs at the March 3, 2020 meeting.

Council Member Zahra reported on recent activities and spoke about water issues.

Council Member Flory reported on recent community events and requested, supported by Zahra, to agendaize a discussion of the City's billboard ordinance.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 12)

Zahra moved, seconded by Flory, to approve Consent Calendar Items 1, 2, 4, 5, 6, 7, 8, 10, 11 and 12.

Motion carried 5 – 0.

Approved

1. FEBRUARY 4, 2020 MEETING MINUTES

Recommendation:

Approve February 4, 2020 City Council / Successor Agency Meeting Minutes.

Approved

2. JANUARY 2020 CHECK REGISTER

Recommendation:

Receive and file.

Resolution
2020-19 adopted

No. **4.**

**PERSONNEL MANAGEMENT SYSTEM CHANGES
RELATING TO ESTABLISHING TRAFFIC ENGINEERING
ANALYST SERIES AND RECLASSIFYING INCUMBENT
EMPLOYEE**

Recommendation:

Adopt Resolution No. 2020-19.

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

Resolution
2020-20 adopted

No. **5.**

**DISABLED PERSONS PARKING - 306 EAST VALENCIA
DRIVE**

Recommendation:

Adopt Resolution No. 2020-20.

RESOLUTION NO. 2020-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 306 EAST VALENCIA DRIVE

Resolution
2020-21 adopted

No. **6.**

**EARLY MORNING PARKING EXEMPTION - COCO PALMS
HOMEOWNERS ASSOCIATION**

Recommendation:

Adopt Resolution No. 2020-21.

RESOLUTION NO. 2020-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON THE SOUTH SIDE OF COMMONWEALTH AVENUE FROM 350 FEET EAST OF ACACIA AVENUE TO 590 FEET EAST OF ACACIA AVENUE AND THE NORTH SIDE OF WALNUT AVENUE FROM 300 FEET EAST OF ACACIA AVENUE TO 660 FEET EAST OF ACACIA AVENUE

Resolution
2020-22 adopted

No. **7.**

**AUTHORIZATION TO SUBMIT APPLICATION(S) FOR ALL
CALRECYCLE GRANTS FOR WHICH CITY OF FULLERTON
IS ELIGIBLE**

Recommendation:

Adopt Resolution No. 2020-22.

RESOLUTION NO. 2020-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF FULLERTON IS ELIGIBLE AND ACCEPTANCE OF THE FUNDS IF AWARDED

Resolution No.
2020-23 adopted

8. AUTHORIZATION TO APPLY FOR GRANT FUNDS FOR HUNT BRANCH LIBRARY REVITALIZATION PROJECT

Recommendation:

1. Adopt Resolution No. 2020-23.

RESOLUTION NO. 2020-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE HUNT BRANCH LIBRARY REVITALIZATION PROJECT

2. Approve appropriation of grant funding when awarded.

Approved

10. 2020 SAFE AND SANE FIREWORKS SALES

Recommendation:

1. Confirm 2020 fireworks sales application process timeline.
2. Approve Staff recommendations for modifications to 2020 fireworks sales process.

Approved

11. ENVIRONMENTAL CONSULTANT SERVICES FOR INDUSTRIAL DEVELOPMENT AT 2001 AND 2301 EAST ORANGETHORPE AVENUE

Recommendation:

1. Authorize City Manager, or designee, to execute a Professional Services Agreement with T&B Planning, Inc. for preparation of an Environmental Impact Report for new industrial development on property located at 2001 and 2301 East Orangethorpe Avenue and make minor modifications as necessary.
2. Authorize Director of Community and Economic Development to issue any necessary change orders.

Approved

12. CONSTRUCTION CONTRACT AWARD TO HARDY & HARPER FOR BREA BOULEVARD RECONSTRUCTION

Recommendation:

1. Approve plans and specifications for Brea Boulevard Reconstruction Project.
2. Approve \$1,019,310 budget transfers to Project 44043 Brea

Boulevard Reconstruction Project in the following amounts:

- \$991,310 of General Fund from Project 44400 Arterial Street Reconstruction Program
 - \$28,000 of Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
3. Award \$827,448 construction contract for Brea Boulevard Reconstruction Project to Hardy & Harper, Inc. in a form approved by the City Attorney.
 4. 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)

Ordinance No. 3278 introduced **13. ZONING MAP AMENDMENT TO CHANGE ZONING CLASSIFICATION FOR PROPERTY AT 751 EAST BASTANCHURY ROAD**

Mayor Fitzgerald opened the public hearing at 7:47 p.m.

No members of the public addressed the City Council.

Mayor Fitzgerald closed the public hearing at 7:47 p.m.

Flory moved, seconded by Fitzgerald, to introduce Ordinance No. 3278 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3278 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A ZONING AMENDMENT TO CHANGE THE ZONING CLASSIFICATION FROM O-G (OIL GAS) TO PRD-I (PLANNED RESIDENTIAL DEVELOPMENT - INFILL) ON A 2.4 ACRE PROPERTY AT 751 EAST BASTANCHURY ROAD

Motion carried 5 – 0.

Zahra requested, supported by Fitzgerald, to agendize a discussion of child poverty in Fullerton.

REGULAR BUSINESS (Items 14 - 17)

Resolution No. 2020-24 adopted **14. HOMELESS PLAN COMMITTEE REPORT, UPDATE AND ACTION ITEMS ON CITY'S EFFORTS REGARDING HOMELESSNESS**

- Jeff Koskela, Fullerton, expressed concern with the lack of public input required to implement the proposed plan.
- Holly Cordone spoke in support of building housing on vacant church properties.

- Debbie Stout, Fullerton Collaborative, spoke in support of this item.
- Curtis Gamble spoke in favor of by-right regulation.

Fitzgerald moved, seconded by Zahra, to:

1. Receive and file Fullerton Homeless Plan Committee's Strategic Plan for Addressing Homelessness.
2. Adopt Resolution No. 2020-24.

RESOLUTION NO. 2020-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS AND REVIEW PROCEDURES TO ALLOW PROPERTIES CONTAINING RELIGIOUS INSTITUTIONS TO ALSO BE DEVELOPED WITH PERMANENT SUPPORTIVE HOUSING AND/OR DEED RESTRICTED AFFORDABLE HOUSING TO IMPLEMENT THE CITY'S GOAL TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES AND REDUCE THE INCIDENCES OF HOMELESSNESS IN FULLERTON

Motion carried 4 – 1 (No: Whitaker).

Fitzgerald moved, seconded by Flory, to direct the City Manager to:

1. Bring back an agenda item on April 7, 2020 to consider prioritization of use of available City-owned land for housing development including Permanent Supportive Housing and / or Affordable Housing.
2. Bring back an agenda item by June 2020 for development of Permanent Supporting Housing and / or Affordable Housing to meet the City's Regional Housing Needs Assessment (RHNA) goals.

Motion carried 4 – 1 (No: Whitaker).

Flory moved, seconded by Silva, to authorize City Manager to negotiate an Operational Agreement with the Illumination Foundation for the recuperative care / navigation center at 3535 West Commonwealth Avenue for City Council consideration.

Motion carried 5 – 0.

Fitzgerald moved, seconded by Silva, to:

1. Approve Lease Guaranty with Dyer 18, LLC, for 3535 West Commonwealth Avenue, in a form approved by the City Attorney, with final authority to the City Manager on terms,

not to exceed \$450,000 under specific circumstances.

2. Direct Staff to provide responses to items included in the Homeless Plan Committee Report.

Motion carried 3 – 2 (No: Flory, Whitaker).

Mayor Fitzgerald recessed the meeting 9:08 p.m.

Mayor Fitzgerald reconvened the meeting at 9:17 p.m.

Approved

15. HILLCREST PARK - PARKING IMPROVEMENTS *(item taken out of agenda order)*

- Chris Norby, Fullerton, spoke in support of this item and encouraged more parking in Hillcrest Park.
- Julio Iniguez, Fullerton, spoke about parking and safety issues at Hillcrest Park and supported additional parking.
- Don Weigman, Fullerton, supported additional parking in Hillcrest Park.
- Vivian Hall, Fullerton, supported additional parking in Hillcrest Park.
- Joyce Capelle, Crittendon Services, suggested adding parking on north side of Valley View Drive.
- Jenny Whiteman, Fullerton, spoke in support of additional parking.

Zahra moved, seconded by Silva, to approve Staff recommendations for minor parking adjustments within Hillcrest Park to yield an increase of 21 parking spaces and direct Staff to locate areas for additional parking at Hillcrest Park.

Motion carried 5 – 0.

Approved

16. FISCAL YEAR 2019-20 SECOND QUARTER FINANCIAL REPORT AND MID-YEAR BUDGET ADJUSTMENTS

Whitaker moved, seconded by Flory, to:

1. Receive and file second quarter financial report for FY 2019-20.
2. Approve the Mid-Year Budget Amendments.

Motion carried 5 – 0.

Resolution
2020-25 adopted

No. 17. FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON POLICE MANAGEMENT ASSOCIATION

Zahra moved, seconded by Flory, to adopt Resolution No. 2020-25.

RESOLUTION NO. 2020-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON POLICE MANAGEMENT ASSOCIATION

Motion carried 4 – 1 (No: Whitaker).

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

3. CITY COUNCIL POSITION ON LEGISLATION PENDING BEFORE CONGRESS AND STATE LEGISLATURE AS RECOMMENDED BY CITY COUNCIL LEGISLATIVE SUBCOMMITTEE

Silva moved, seconded by Zahra, to:

1. Authorize Mayor to sign letter of support for federal appropriation programs.
2. Authorize Staff to work with Assemblywoman Sharon Quirk-Silva's Office on City-sponsored 2020 legislation.
3. Authorize Mayor to send follow-up letter in support of Senate Bill 667 (Hueso) - Greenhouse Gases: Recycling Infrastructure and Facilities.

Motion carried 4 – 1 (No: Whitaker).

Approved

9. HEALTHY EATING ACTIVE LIVING PROGRAM GRANT FROM ST. JUDE HOSPITAL

Fitzgerald moved, seconded by Silva, to:

1. Approve \$53,500 appropriation of revenues and expenditures for awarded grant funding.
2. Authorize Director of Parks and Recreation to sign all grant documents on behalf of the City of Fullerton.

Motion carried 5 – 0.

9:58 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 9:58 p.m.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk