



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MAY 5, 2020 – 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 Fitzgerald called the meeting to order at 5:00 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald (via teleconference), Mayor Pro Tem / Vice Chair Flory (arrived 5:03 p.m. via teleconference), Council / Agency Members Silva (via teleconference), Whitaker (arrived 5:12 p.m. via teleconference), Zahra (via teleconference)

Absent: None

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

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:02 p.m.

CLOSED SESSION

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

Name of Case: Lillian J. Aylesworth v. City of Fullerton

Case Number: Case Number: OCSC 30-2018-01026195

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

Name of Case: Estate of Noah Weatherly v. City of Fullerton,

et al.

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

3. 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

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

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

Case Number: OCSC Case No: 30-2017-00952643

6:18 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:18 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES**

MAY 5, 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 (via teleconference), Mayor Pro Tem / Vice Chair Flory (via teleconference), Council / Agency Members Silva (via teleconference), Whitaker (via teleconference), Zahra (via teleconference)

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones (via teleconference), City Clerk Lucinda Williams, Director of Community and Economic Development Matt Foulkes (via teleconference), Police Chief Robert Dunn (via teleconference), Director of Parks and Recreation Hugo Curiel (via teleconference), Director of Administrative Services Ellis Chang (via teleconference)

INVOCATION given by Kevin Mo-Wong, Solidarity Church.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Flory.

CLOSED SESSION REPORT

None.

Fitzgerald moved, seconded by Silva, to add the following item to the agenda as the need to act on this item arose after posting of the agenda and cannot wait until the next regular meeting:

**OUTDOOR DINING REGULATIONS AND ON-SITE PARKING
REQUIREMENTS RELATED TO COVID-19**

Motion carried 5 – 0.

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

Council Member Zahra reported that he met with representatives of the Fullerton Municipal Employees Federation and Fullerton Police Officers Association.

Council Member Silva reported that he met with representatives of the Fullerton Municipal Employees Federation.

PRESENTATIONS

Presented

1. **PROCLAMATION: Public Works Week**
2. **PROCLAMATION: Drinking Water Week**
3. **PROCLAMATION: Municipal Clerk's Week - May 3 - 9, 2020**

PUBLIC COMMENTS

City Clerk Williams summarized the following eComments for the record:

Bernard (no last name given) asked the public to state their name when submitting eComments.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS APPOINTMENTS

City Manager Domer provided a COVID-19 update and responded to issues arising during public comments.

Council Member Silva reported on recent food drive events.

Council Member Whitaker spoke about ending the COVID-19 lockdown.

Council Member Zahra congratulated the community for COVID-19 efforts, recognized community COVID-19 events and reported on Orange County Water District activities.

Mayor Pro Tem Flory thanked citizens for observing social distancing protocols and thanked City staff for their work.

Mayor Fitzgerald thanked community groups for their contributions to the COVID-19 effort and spoke about ending the COVID-19 lockdown.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 10)

Flory moved, seconded by Silva, to approve Consent Calendar Items 1 through 4 and 6 through 10.

Motion carried 5 – 0 (Fitzgerald recused Items 8 and 9 due to a conflict with a business client).

Approved

1. **APRIL 21, 2020 MEETING MINUTES**

Recommendation:

Approve April 21, 2020 City Council / Successor Agency Meeting Minutes.

Resolution Nos.
2020-39 and SA
2020-02 adopted

2. **AUTHORIZED OFFICERS MANAGING INVESTMENT OF LOCAL AGENCY INVESTMENT FUND ACCOUNTS UPDATE**

Recommendation:

Adopt the following resolutions:

RESOLUTION NO. 2020-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPDATING AUTHORIZED OFFICERS MANAGING INVESTMENT OF CITY OF FULLERTON MONIES IN THE STATE LOCAL AGENCY INVESTMENT FUND

RESOLUTION NO. SA 2020-02 - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, UPDATING AUTHORIZED OFFICERS MANAGING INVESTMENT OF FULLERTON SUCCESSOR AGENCY MONIES IN THE STATE LOCAL AGENCY INVESTMENT FUND

Resolution No.
2020-40 adopted

3. **EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Recommendation:

1. Adopt Resolution No. 2020-40.

RESOLUTION NO. 2020-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING OFFICIALS TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN FINANCIAL ASSISTANCE FOR EMERGENCY SERVICES AND REPEALING RESOLUTION NO. 2017-68

2. Direct City Manager, or designee, to execute Agreement to Transfer Funds for 2019 EMPG program, in a form approved by the City Attorney.

3. Accept \$18,084 grant funds and appropriate revenue in Fiscal Year 2019-20 Grants Fund.

Approved

4. 2019 PROPOSITION 69 DNA FUNDS

Recommendation:

Accept 2019 Proposition 69 funds and increase Police Department General Fund allocations by \$12,000.

Approved

6. UTILITY BILLING SOFTWARE UPDATES NEEDED TO IMPLEMENT CITY POLICY ON DISCONTINUATION OF RESIDENTIAL WATER SERVICE PURSUANT TO SENATE BILL 998

Recommendation:

Authorize \$25,000 water fund appropriation for updates to utility billing software needed to implement recently adopted City Policy on Discontinuation of Residential Water Service.

Approved

7. ORANGE COUNTY TRANSPORTATION AUTHORITY COOPERATIVE AGREEMENT FOR ORANGETHORPE AVENUE / ESPERANZA ROAD CORRIDOR PROJECT REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

Recommendation:

Authorize Public Works Director, or designee, to enter into Cooperative Agreement No. 174-46000 with Orange County Transportation Authority and execute any amendments and / or supplements, in a form approved by the City Attorney.

Approved
Fitzgerald recused

8. SOUTHERN CALIFORNIA EDISON EASEMENT FOR BENEFIT OF VERIZON WIRELESS IN ASSOCIATION WITH TELECOMMUNICATION SITE LEASE AGREEMENT (WHITE PARK - 1550 PARKS ROAD)

Recommendation:

Authorize Public Works Director, on behalf of City of Fullerton, to execute necessary documents to effectuate conveyance of requested easement.

Approved
Fitzgerald recused

9. SOUTHERN CALIFORNIA EDISON EASEMENT FOR BENEFIT OF VERIZON WIRELESS IN ASSOCIATION WITH TELECOMMUNICATION SITE LEASE AGREEMENT (COYOTE RESERVOIR - 2470 WEST PIONEER AVENUE)

Recommendation:

Authorize Public Works Director, on behalf of City of Fullerton, to execute necessary documents to effectuate conveyance of requested easement.

Resolution No. 10. **REAFFIRMATION OF DECLARATION OF LOCAL
2020-41 adopted EMERGENCY DUE TO COVID-19 PANDEMIC**

Recommendation:

Adopt Resolution No. 2020-41.

RESOLUTION NO. 2020-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REAFFIRMING RESOLUTION NO. 2020-33 WHICH RATIFIED THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY

PUBLIC HEARINGS (Items 11 - 12)

Continued to June 2, 2020 at 6:30 p.m. 11. **FULLERTON MUNICIPAL CODE AMENDMENTS
PERTAINING TO REGULATION OF SHORT-TERM
RENTALS**

Zahra moved, seconded by Silva, to continue this item to June 2, 2020 at 6:30 p.m. in the City Council Chambers.

Motion carried 5 – 0.

Ordinance No. 3281 introduced 12. **TEMPORARY DEFERRAL OF COLLECTION OF SPECIFIED
DEVELOPMENT IMPACT FEES FOR CERTAIN
DEVELOPMENTS**

Mayor Fitzgerald opened the public hearing at 7:25 p.m.

City Clerk Williams summarized the following eComments for the record:

Jose Trinidad Castaneda in support of the item.

Mayor Fitzgerald closed the public hearing at 7:26 p.m.

Fitzgerald moved, seconded by Silva, to introduce Ordinance No. 3281 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3281 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO ALLOW DEVELOPERS TO TEMPORARILY DEFER PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES FROM AT PERMIT ISSUANCE TO PRIOR TO CERTIFICATE OF OCCUPANCY

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

REGULAR BUSINESS (Items 13 - 15)

Approved

13. REPLACEMENT OF PLAYGROUND STRUCTURES AT HILLCREST PARK AND FULLERTON SPORTS COMPLEX

City Clerk Williams summarized the following eComments for the record:

Carol Thackery in support of the item.

Silva moved, seconded by Zahra, to appropriate and approve \$300,000 budget transfer from Park Dwelling Fund to Park Facilities Replacement Project #54490.

Motion carried 5 – 0.

Ordinance No. 3282 introduced

14. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO POLICE INITIATED TOW OPERATIONS

City Clerk Williams summarized the following eComments for the record:

Jose Trinidad Castaneda in support of the item.

Flory moved, seconded by Silva, to introduce Ordinance No. 3282 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3282 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 3.74 OF THE FULLERTON MUNICIPAL CODE RELATING TO POLICE INITIATED TOW OPERATIONS

Motion carried 4 – 1 (Opposed: Whitaker).

City Clerk Williams read the title of the ordinance.

Received and filed

15. FINANCIAL BUDGET REVIEW REPORT FOR FISCAL YEAR 2020-21 PROPOSED OPERATING BUDGET

City Clerk Williams summarized the following eComments for the record:

Jose Trinidad Castaneda in support of the item.

Fitzgerald moved, seconded by Flory, to receive and file.

Motion carried 5 – 0.

Approved

OUTDOOR DINING REGULATIONS AND ON-SITE PARKING REQUIREMENTS RELATED TO COVID-19 *(Added agenda item)*

Fitzgerald moved, seconded by Flory, to:

- 1) Waive encroachment permit fees for utilization of public space for outdoor dining until November 2, 2020.
- 2) Allow a reduction in on-site parking on private property for increased outdoor dining space with a property owner's

permission.

- 3) Authorize City Manager to make administrative adjustments to outdoor dining regulations and on-site parking requirements as needed to assist local businesses.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approved with
amendments to Staff
Recommendation

5. MUNICIPAL ADVISORY SERVICES CONTRACT AWARD

Flory moved, seconded by Fitzgerald, to:

1. Award contract to Urban Futures, Inc. (UFI) to provide municipal advisory and fiscal consultant consulting services.
2. Authorize City Manager, or designee, to execute agreement with UFI, in a form approved by the City Attorney.

Motion carried 5 – 0.

9:29 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 9:29 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk