



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
AUGUST 18, 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, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva Whitaker (arrived 5:19 p.m.), Zahra

Absent: None

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

Fitzgerald moved, seconded by Zahra, to add the following item to the Closed Session agenda as the need to act on the item arose after posting of the agenda and requires action before the next regular meeting:

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

Significant Exposure to Litigation: One Case

Motion carried 5 – 0.

PUBLIC COMMENTS – CLOSED SESSION

- Jensen Hallstrom expressed concerns with the Korean War Memorial.
- Jane Reifer expressed concerns with the Korean War Memorial location.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:07 p.m.

CLOSED SESSION

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

Initiation of Litigation: One Case

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

Title: City Manager

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

Title: Chief of Police

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

Agency Representative/s: Kenneth Domer, Jay Trinnaman and Ellis Chang

Employee Organization/s: Fullerton Firefighters' Association, Fullerton Management Association, Fullerton Municipal Employees Federation

Unrepresented Employees: Confidential / Non-Represented Employees

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

Added Item

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

Significant Exposure to Litigation: One Case

6:24 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:24 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk



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

6:03 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:03 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, Director of Community and Economic Development Matt Foulkes, Acting Police Captain Carter, Division Chief Christopher Nigg

INVOCATION given by Omar Rodriguez, Maple Evangelical Church.

PLEDGE OF ALLEGIANCE led by Council Member Silva.

CLOSED SESSION REPORT

None.

Fitzgerald moved, seconded by Silva, to add the following item to the agenda as the need to act on the item arose after posting of the agenda and requires action before the next regular meeting.

**SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF FULLERTON AND THE FULLERTON MANAGEMENT
ASSOCIATION IMPLEMENTING A 5% EARNINGS REDUCTION**

Motion carried 5 – 0.

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

None.

PRESENTATIONS

Presented

1. CERTIFICATE: Citizens Academy Graduate Recognition

PUBLIC COMMENTS – REGULAR SESSION

City Clerk Williams read the following eComments:

- Anthony Package regarding short term rentals.
- Jason Phillips in support of Item 24.
- Rusty Kennedy in support of Item 24.
- Guest user asking police and fire personnel to wear masks.

The following speakers made public comments:

- Jensen Hallstrom requested to pull Consent Item 12.
- Kevin W. spoke about homeless issues.
- Maureen Milton spoke about cannabis shops.
- Paulette Chaffee thanked the Fullerton Museum Center Foundation Board.
- Egleth Nuncci thanked City Council and Staff for support of the community.
- Curt Johnston spoke about the paid parking program and the Union Pacific Park.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comment and provided an update on COVID-19 activities.

Council Member Silva spoke about cooling centers, outdoor dining and school re-openings.

Council Member Zahra reported on a recent food drive, Census outreach, firefighter fundraiser for the Museum, Korean War Memorial groundbreaking and Habitat for Humanity virtual dedication, provided an update on water issues and requested, supported by Mayor Fitzgerald, an update on City finances at the next regular meeting.

Council Member Whitaker spoke about outdoor dining.

Mayor Pro Tem Flory spoke about the Korean War Memorial groundbreaking.

Mayor Fitzgerald spoke about the Korean War Memorial groundbreaking.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 29)

Zahra moved, seconded by Flory, to approve Consent Calendar Items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 23, 24, 25, 26, 27, 28 and 29.

Motion carried 5 – 0. (Council Member Whitaker voted no on Item 24).

Approved

1. JULY 21, 2020 MEETING MINUTES AND AUGUST 4, 2020 CLOSED SESSION MEETING MINUTES

Recommendation:

Approve July 21, 2020 City Council / Successor Agency Meeting Minutes and August 4, 2020 City Council / Successor Agency Closed Session Meeting Minutes as corrected.

Received and filed

2. JULY 2020 CHECK REGISTER

Recommendation:

Receive and file.

Ordinance No. 3286 adopted

3. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO PERMANENT COSMETICS - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3286.

ORDINANCE NO. 3286 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AMENDMENT TO THE FULLERTON MUNICIPAL CODE, CHAPTER 15.04 PERTAINING TO PERMANENT COSMETICS

Ordinance No. 3287 adopted

4. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO THE REGULATION AND PERMITTING OF FREEWAY-ORIENTED ELECTRONIC BILLBOARDS - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3287.

ORDINANCE NO. 3287 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AMENDMENT TO THE FULLERTON MUNICIPAL CODE CHAPTER 15.49 PERTAINING TO THE REGULATION AND PERMITTING OF FREEWAY-ORIENTED ELECTRONIC BILLBOARDS

Resolution No. 5.
2020-69 adopted

REAFFIRMATION OF DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19 PANDEMIC

Recommendation:

Adopt Resolution No. 2020-69.

RESOLUTION NO. 2020-69 - 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

Approved

7. MODIFICATION OF STATEMENT OF FINANCIAL POLICIES RELATED TO CAPITAL IMPROVEMENT PROJECTS UNDER \$200,000

Recommendation:

Approve amending Statement of Financial Polices, Section 9(f), to clarify approval of Public Works Capital Improvement Projects to authorize City Manager, or designee, to execute public project contracts bid by informal procedures to conform with California Public Contract Code, Section 22032 informal procedure limits (currently up to \$200,000) and Municipal Code Section 2.64.075.

Resolution No. 8.
2020-70 adopted

REFUNDING AND APPROVING SELECTION OF PRIMARY FINANCING TEAM IN CONNECTION WITH THE 2020 JUDGMENT OBLIGATION REFUNDING BONDS

Recommendation:

1. Direct Staff to initiate process to issue 2020 Taxable Judgment Obligation Refunding Bonds ("2020 Bonds") for refunding City of Fullerton 2013 Taxable Judgment Obligation Bonds.
2. Authorize Staff to engage services with primary financing team: Jones Hall to serve as Bond Counsel, Quint & Thimmig as Disclosure Counsel and Hilltop Securities as Underwriter / Placement Agent.
3. Adopt Resolution No. 2020-70.

RESOLUTION NO. 2020-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING INSTITUTION OF

PROCEEDINGS TO REFINANCE OUTSTANDING 2013
JUDGMENT OBLIGATION BONDS AND ENGAGING
PROFESSIONAL SERVICES RELATING THERETO

Resolution No. SA 9.
2020-06 adopted

**PROPOSED AMENDMENT TO RECOGNIZED OBLIGATION
PAYMENT SCHEDULE 2020-21**

Recommendation:

Adopt Resolution No. SA 2020-06

RESOLUTION NO. SA 2020-06 - A RESOLUTION OF THE
FULLERTON SUCCESSOR AGENCY OF THE CITY OF
FULLERTON, CALIFORNIA, AUTHORIZING AN
AMENDMENT TO THE RECOGNIZED OBLIGATION
PAYMENT SCHEDULE 2020-21

Resolution No. 10.
2020-71 adopted

**UPDATED CALPERS EMPLOYER PAID MEMBER
CONTRIBUTIONS**

Recommendation:

Adopt Resolution No. 2020-71.

RESOLUTION 2020-71 - A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
CONCERNING PAYING AND REPORTING THE VALUE OF
EMPLOYER PAID MEMBER CONTRIBUTIONS FOR
CLASSIC MEMBERS AND REPEALING RESOLUTION NO.
2020-59

Resolution No. 11.
2020-72 adopted

**PERSONNEL MANAGEMENT SYSTEM CHANGES
RELATED TO REVISING THE COMMUNITY LIAISON
OFFICER CLASS SPECIFICATION AND
RECLASSIFICATION OF AN INCUMBENT EMPLOYEE**

Recommendation:

1. Adopt Resolution No. 2020-72.

RESOLUTION NO. 2020-72 - A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF FULLERTON,
CALIFORNIA, ADOPTING AND DELETING A CERTAIN
CLASS SPECIFICATION

2. Authorize amendment to Police Department Personnel
Summary to replace one Police Community Services
Officer with Community Liaison Officer.

Resolution No. 13.
2020-74 adopted

**ORANGE COUNTY TRANSPORTATION AUTHORITY
MEASURE M2 ENVIRONMENTAL CLEANUP TIER 1 GRANT
PROGRAM FISCAL YEAR 2020-21**

Recommendation:

Adopt Resolution No. 2020-74.

RESOLUTION NO. 2020-74 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ENVIRONMENTAL CLEANUP PROGRAM PROJECT

Resolution No. 14.
2020-75 adopted

DESIGNATION OF AREAS ELIGIBLE FOR BLOCK IMPROVEMENT GRANT PROGRAM

Recommendation:

Adopt Resolution No. 2020-75.

RESOLUTION NO. 2020-75 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING SELECTED CENSUS TRACTS AS "DETERIORATED AND DECLINING" AREAS IN WHICH BLOCK IMPROVEMENT GRANT MONEY IS APPROVED FOR IMPROVEMENTS AND REPAIRS, AND AUTHORIZING A PROACTIVE SPECIAL CODE ENFORCEMENT PROGRAM IN THESE DESIGNATED AREAS

Approved

16. RATIFY ONE-YEAR SCHOOL EDUCATION AND SAFETY AGREEMENT - PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT

Recommendation:

1. Ratify 2020-21 Independent Contractor Agreement between Placentia-Yorba Linda Unified School District and City of Fullerton as signed by City Manager.
2. Authorize City Manager to sign future one-year agreements related to ASSES Program with no cost impact to the City.

Approved

17. 2020-21 OFFICE OF TRAFFIC SAFETY AGREEMENTS

Recommendation:

1. Accept grant and authorize City Manager, or designee, to execute 2020-21 Office of Traffic Safety "Selective Traffic Enforcement Program" (STEP) agreement and appropriate \$493,500 grant award.
2. Accept grant and authorize City Manager, or designee, to execute 2020-21 Office of Traffic Safety "Traffic Records Improvement Project" (TRIP) agreement and appropriate \$26,936 grant award.

Approved

18. CONSULTANT POOL TO PROVIDE PROFESSIONAL SERVICES FOR ON-CALL CEQA SERVICES AND STANDARD PROFESSIONAL SERVICES AGREEMENT

Recommendation:

1. Authorize City Manager, or his designee, to execute Standard Professional Services Agreements with recommended firms in a form approved by the City Attorney.
2. Authorize Community and Economic Development Director to issue purchase orders for individual projects on as-needed basis.

Approved

23. BREA DAM VERIZON CELL TOWER EXTENSION

Recommendation:

Authorize City Manager, or designee, to execute Third Amendment to Ground License Lease Agreement by and between the City of Fullerton and Los Angeles SMSA Limited Partnership, dba Verizon Wireless for cell tower in Brea Dam Recreational Area, in a form approved by the City Attorney.

Approved

24. SAFE PARKING PROGRAM EXTENSION

Recommendation:

1. Authorize City Manager, or designee, to execute Professional Services Agreement with Pathways of Hope, in a form approved by the City Attorney, and take all necessary actions to continue Safe Parking Program funded through CARES Act.
2. Authorize Staff to work with Supervisor Chaffee's Office for funding and future expansion of program county-wide.

Approved

25. NORTH ACACIA AVENUE EMERGENCY WATER MAIN REPAIR

Recommendation:

Receive and file notification of emergency repair per City Ordinance Number 2483, Section 2.64.090 Emergency Purchases.

Approved

26. CURB / GUTTER AND SIDEWALK RECONSTRUCTION FISCAL YEAR 2019-20

Recommendation:

1. Approve plans and specifications for the Curb / Gutter and Sidewalk Reconstruction Project FY 2019-20.
2. Award \$217,747 construction contract for Curb / Gutter and Sidewalk Reconstruction Project FY 2019-20 to Horizons Construction Co. Int'l Inc. and authorize City Manager, or designee, to execute agreement in a form approved by the City Attorney.

3. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Approved

27. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT - FISCAL YEAR 2019-20

Recommendation:

Appropriate an \$82,782 Orange County Transportation Authority (OCTA) Measure M2 Environmental Cleanup Tier 1 Grant to Project 52694 Catch Basin Connector Pipe Screen Installation Project - Fiscal Year 2019-20.

Approved

28. RUNWAY SHOULDER ENHANCEMENT PROJECT - DESIGN SERVICES AWARD

Recommendation:

1. Approve \$65,000 budget transfer from Airport Enterprise Fund Balance to Project 49013 Runway Shoulder Enhancement Project.
2. Authorize Public Works Director to execute \$182,867 purchase order with C&S Companies for Professional Engineering Design Services for Runway Shoulder Enhancement Project.

Approved

29. VICTORIA DRIVE INFRASTRUCTURE IMPROVEMENTS - PHASE I

Recommendation:

1. Approve plans and specifications for Victoria Drive Infrastructure Improvements Project - Phase I.
2. Approve budget transfers to Project 44038 Victoria Drive Infrastructure Improvements Project - Phase I in the following amounts:
 - \$827,000 of Measure M2 Fund from Project 44589 Residential Street Program
 - \$1,191,000 of Water Fund from Project 53250 Water Main System Replacement Program
 - \$709,000 of Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
3. Award \$2,315,000 construction contract for Victoria Drive Infrastructure Improvements Project - Phase I to Sully-Miller Contracting Company and authorize the City Manager, or designee, to execute agreement 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

None.

REGULAR BUSINESS (Items 30 - 37)

Received and filed,
Direction provided

30. COMMUNITY CHOICE AGGREGATION OVERVIEW

- Jose Trinidad Castaneda spoke in support of this item.
- Patty Tutor spoke in support of this item.
- Wayne Taylor, Fullerton, spoke in support of this item.
- Unidentified speaker spoke in support of this item.
- Maureen Milton asked questions about the program.

Zahra moved, seconded by Flory, to:

1. Receive and file Agenda Report on Community Choice Energy.
2. Authorize Staff to begin discussions with the City of Irvine on partnership opportunities.

Motion carried 3 – 1 – 1 (No: Fitzgerald, Abstain: Whitaker).

Approved

31. BUY IN FULLERTON VEHICLE INCENTIVE PROGRAM

The following speakers made public comments:

- Sean Paden proposed rescinding the action to place the sales tax measure on the November 2020 ballot.
- Jose Trinidad Castaneda spoke in support of additional incentives for hybrid vehicles and electric bicycles.
- Peter Whittingham, Orange County Auto Dealers, spoke in support of this item.

City Clerk Williams read the following eComment:

- Adriana Graham in support of this item.

Flory moved, seconded by Fitzgerald, to:

Authorize Staff to implement Buy in Fullerton Vehicle Incentive Program in collaboration with Fullerton Car Dealers, Harley Davidson Motorcycle Dealership and Orange County Auto Dealers Association effective April 1, 2020, for a five year period with option to extend for an additional five years upon City Council approval, a minimum purchase price of \$15,000 for preowned vehicles and motorcycles and reimbursements

not to exceed more than \$400,000 annually.

Motion carried 4 – 1 (No: Whitaker).

Zahra requested, supported by Flory, bring an active transportation discussion back to a future City Council meeting.

Approved

32. MONTHLY LEGISLATIVE UPDATE (CONTINUED FROM JULY 21, 2020)

City Clerk Williams read the following eComment:

- Rachita Rawal in support of Proposition 15.

Zahra moved, seconded by Flory, to:

1. Receive and file Monthly Legislative Update report and direct Staff accordingly.
2. Authorize Mayor to sign following position letters:
 - a. Letter of Support for SB 795 (Beall) - Economic Development: Housing: Workforce Development
 - b. Letter of Support for AB 2275 (Nazarian) - State Armories: Homeless Shelters
 - c. Letter of Opposition AB 3269 (Chiu, Santiago, Bloom, Bonta, and Quirk-Silva) - State and Local Agencies Homeless Plans
 - d. Letter recommending “Watch” with desired support of SB 776 (Skinner) - Peace Officers: Release of Records.

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

Approved

33. COMMONWEALTH AVENUE INFRASTRUCTURE IMPROVEMENTS

City Clerk Williams read the following eComments:

- Jose Trinidad Castaneda in support of this item.
- Anthony Package in support of this item.

The following speakers made public comments:

- Jane Reifer asked if the project includes sidewalks and commented on noticing for busses and bicyclists.

Flory moved, seconded by Zahra, to:

1. Approve plans and specifications for Commonwealth Avenue Infrastructure Improvements Project.
2. Approve budget transfers to Project 44037 Commonwealth Avenue Infrastructure Improvements Project in the following amounts:
 - \$2,361,950 of Road Maintenance and Rehabilitation Account (RMRA) / SB1 Fund from Project 44400 Arterial

Street Reconstruction Program

- \$1,690,750 of Water Fund from Project 53250 Water Main System Replacement Program
 - \$1,224,500 of Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program.
3. Award \$4,517,360 construction contract for Commonwealth Avenue Infrastructure Improvements Project to Big Ben, Inc. and authorize City Manager, or designee, to execute agreement 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.

Motion carried 5 – 0.

Resolution No. 34.
2020-77 adopted

VARIOUS GRANT AWARDS FROM THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT) AND OTHER GRANTS AND PROPOSED SPENDING PLANS TO ADDRESS PUBLIC HEALTH CRISIS AND NATIONAL PANDEMIC COVID-19

Zahra moved, seconded by Flory, to:

1. Adopt Resolution No. 2020-77.

RESOLUTION NO. 2020-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING ACCEPTANCE OF PROPOSED CARES ACT AND OTHER GRANTS FUNDING AND ADOPTING THE SPENDING PLANS HERETO ATTACHED AS EXHIBIT A, AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN TO ADDRESS THE PUBLIC HEALTH CRISIS AND NATIONAL PANDEMIC COVID-19

2. Approve and ratify all subrecipient agreements executed in advance by City Manager in order to receive and use all awarded CARES Act funds and other financial assistance programs in accordance with Federal legislation and grant guidance requirements.
3. Accept and authorize appropriation of any new grant awards derived from CARES Act, any new Federal or State legislation that may be passed, or other funding sources to address COVID-19 impacts and authorize City Manager, or designee, to execute related documents and agreements.

Motion carried 5 – 0.

Approved

35. AGREEMENT WITH TRIPEPI SMITH FOR MEDIA AND BROADCASTING SERVICES

City Clerk Williams read the following eComments:

- Jose Trinidad Castaneda in support of this item.

The following speakers made public comments:

- Ryder Todd Smith spoke in support of this item.
- Mike Castillo thanked the City Council for allowing him the time he worked for the City.

Flory moved, seconded by Fitzgerald, to approve and authorize City Manager to execute three-year contract with Tripepi Smith for cablecasting services in an amount not to exceed \$110,517.

Motion carried 4 – 1 (No: Whitaker).

Direction provided

36. FIRST CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES FEDERATION REGARDING PAY FOR CANINE CARE

Zahra moved, seconded by Fitzgerald, to:

1. Review and consider proposed side letter.
2. Direct Staff to return for final review on September 15, 2020.

Motion carried 5 – 0.

Resolution
2020-78 adopted

No. 37. RESOLUTION FOR CONFIDENTIAL / NONREPRESENTED COMPENSATION AND IMPLEMENTING A 5% EARNINGS REDUCTION

City Clerk Williams read the following eComment:

- Jose Trinidad Castaneda in support of this item.

Flory moved, seconded by Zahra, to adopt Resolution No. 2020-78.

RESOLUTION NO. 2020-78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR CONFIDENTIAL / NONREPRESENTED EMPLOYEES, AND SUPERSEDING RESOLUTION 2020-32

Motion carried 5 – 0.

SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON MANAGEMENT ASSOCIATION IMPLEMENTING A 5% EARNINGS REDUCTION (*Added item*)

Fitzgerald moved, seconded by Flory, to review Side Letter

Agreement and direct Staff to schedule for final review on September 15, 2020.

Motion carried 5 – 0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

6. RESCHEDULE NOVEMBER 3, 2020 CITY COUNCIL MEETING TO MONDAY, NOVEMBER 2, 2020

Flory moved, seconded by Silva, to reschedule Tuesday, November 3, 2020 City Council / Successor Agency Meeting to Monday, November 2, 2020 with Closed Session at 4:00 p.m. and Regular Session at 6:30 p.m.

Motion carried 4 – 1 (No: Whitaker).

Resolution
2020-73 adopted

No. 12. GRANT FUNDING FOR PHASE II OF THE UNION PACIFIC TRAIL

City Clerk Williams read the following eComments:

- Anthony Package in support of this item.

The following speakers made public comments:

- Jensen Hallstrom commented on the trees, ground cover and other materials selected for this project.

Flory moved, seconded by Fitzgerald to:

1. Adopt Resolution No. 2020-73.

RESOLUTION NO. 2020-73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION TO THE STATE OF CALIFORNIA, CALIFORNIA NATURAL RESOURCES AGENCY FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING PROGRAM FOR FISCAL FOR THE UNION PACIFIC TRAIL PHASE II PROJECT AND IF AWARDED, AUTHORIZING THE ACCEPTANCE OF SUCH GRANT ON BEHALF OF THE CITY AND AMENDING THE BUDGET ACCORDINGLY

2. Authorize City Manager, or designee, to execute all documents related to grant.
3. Authorize acceptance and appropriation of grant funds should grant be awarded.
4. Authorize transfer of available unappropriated cash in Park Dwelling Fund to Union Pacific Trail Project and appropriate such funds to cover City's grant match.

Motion carried 5 – 0.

Approved

15. ONE-YEAR AFTER SCHOOL EDUCATION AND SAFETY AGREEMENT - FULLERTON SCHOOL DISTRICT

City Clerk Williams read the following eComments:

- Adriana Graham in support of this item.

Flory moved, seconded by Fitzgerald, to approve 2020-2021 Independent Contractor Agreement between Fullerton School District and City of Fullerton and authorize City Manager, or designee, to sign agreement and subsequent amendments, in a form approved by the City Attorney.

Motion carried 5 – 0.

Approved

19. CONSULTANT SELECTION TO PROFESSIONAL SERVICES CONSULTANT SELECTION FOR DEVELOPMENT OF HOUSING INCENTIVE OVERLAY ZONE AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT

City Clerk Williams read the following eComments:

- Jeffrey Koskela in opposition to this item.
- Jason Philips in support of this item.
- Rusty Kennedy in support of this item.

The following speakers made public comments:

- Jose Trinidad Castaneda spoke in support of this item.

Zahra moved, seconded by Fitzgerald, to:

1. Authorize City Manager, or designee, to execute Professional Services Agreement with Dudek, in a form approved by the City Attorney.
2. Authorize Community and Economic Development Director to approve corresponding purchase order and subsequent amendments as may be agreed upon pursuant to Professional Services Agreement.
3. Appropriate \$310,000 SB2 grant funds pursuant to Resolution No. 2019-64.

Motion carried 4 – 1 (No: Whitaker).

Approved

20. CONSULTANT SELECTION TO PROVIDE PROFESSIONAL SERVICES TO UPDATE GENERAL PLAN (2021-2029) HOUSING ELEMENT AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT

City Clerk Williams read the following eComment:

- Barry Ross regarding a Citizen's Oversight Committee.

The following speakers made public comments:

- Jose Trinidad Castaneda spoke about rezoning along with this item.

Zahra moved, seconded by Silva, to:

1. Authorize City Manager, or designee, to execute Professional Services Agreement with JHD Planning LLC in a form approved by the City Attorney.
2. Authorize Community and Economic Development Director to approve corresponding purchase order and subsequent amendments as agreed upon pursuant to Professional Services Agreement.
3. Appropriate \$500,000 LEAP grant funds pursuant to Resolution No. 2020-44.

Motion carried 4 – 1 (No: Whitaker).

Resolution No. 21.
2020-76 adopted

SURPLUS PROPERTY DECLARATION FOR 799 ROLLING HILLS DRIVE AND 1151 WEST BASTANCHURY ROAD (BASTANCHURY TREE FARM)

City Clerk Williams read the following eComments:

- Guest User regarding traffic impacts of selling the property.
- C. Thackery in opposition to this item.
- John Gallegos in opposition to this item.
- Anthony Package in support of this item.
- Augustine Vallejo in opposition to this item.
- Guest User in opposition to this item.
- Daryl Johnson in opposition to this item.
- Guest User in opposition to this item.
- Larry Reddel supported using the property as a park.
- Simon Lin supported using the property as a park or recreation area.
- Guest User in opposition to this item.
- Matthew Lankenau in opposition to this item.
- Rusty Kennedy in support of this item.
- Jason Phillips in support of this item.
- Fred Jung regarding the condition of the property.
- Guest User supported using the property as a park or recreation area.
- Pavan and Rohita Gudapati in opposition to this item.
- Adriana Graham in support of this item.

- Guest User in opposition to this item.

The following speakers made public comments:

- Larry Sedillo, Fullerton, spoke in support of making the Bastanchury property a bicycle park.
- Chad Cuthers, Fullerton, opposed housing on the Bastanchury site.
- Jensen Hallstrom supported conservation at the Bastanchury property.
- Unidentified speaker supported preserving these properties.
- Unidentified speaker spoke in support of affordable housing.
- Jose Trinidad Castaneda spoke in support of this item.
- Jane Reifer asked for more study on this item before taking action.

Silva moved, seconded by Fitzgerald, to adopt Resolution No. 2020-76.

RESOLUTION NO. 2020-76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING THE PROPERTIES AT 799 ROLLING HILLS DRIVE AND 1151 WEST BASTANCHURY ROAD (BASTANCHURY TREE FARM) TO BE SURPLUS PROPERTY PURSUANT TO THE SURPLUS LAND ACT (GOVERNMENT CODE SECTIONS 54220-54234)

Motion carried 4 – 1 (No: Whitaker).

Approved

22. USE OF ASSET SEIZURE FUNDS TO EQUIP POLICE INTERVIEW ROOM

City Clerk Williams read the following eComment:

- Adriana Graham in support of this item.

The following speakers made public comments:

Unidentified speaker asked about the timing of this item.

Unidentified speaker suggested using these funds for children and the homeless.

Whitaker moved, seconded by Flory, to approve use of Asset Seizure Funds (Fund 34) estimated at \$24,047.25 to purchase equipment and installation for the interview room and increase Police Department appropriations in the same amount.

Motion carried 5 – 0.

10:41 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 10:41 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk