



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
SEPTEMBER 15, 2020 – 4:00 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.

4:01 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 4:01 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, Whitaker (arrived 4:21 p.m.), 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 Fitzgerald recessed the meeting at 4:02 p. m.

CLOSED SESSION

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

Name of Case: Rock Wagner, et al. v. City of Fullerton, et al.

Case Number: OCSC Case No. 30-2018-01031122

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

Name of Case: Air Combat USA v. Brendan O'Reilly, City of Fullerton, et al.

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

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(b)

Significant Exposure to Litigation: One Case

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

Title: City Manager

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

Title: Chief of Police

6. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6 (item not discussed)

Agency Representative/s: Jay Trinnaman

Employee Organization/s: Fullerton Firefighters' Association, Fullerton Fire Management Association, Fullerton Management Association, Fullerton Municipal Employees Federation, Fullerton Police Management Association, Fullerton Police Association - Safety, Fullerton Police Association - Dispatch

Unrepresented Employees: Confidential / Non-represented Employees

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

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

Significant Exposure to Litigation: One Case

5:04 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 5:04 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
STUDY SESSION MINUTES
SEPTEMBER 15, 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.

5:10 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:10 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, Deputy City Manager Antonia Graham, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Director of Public Works Meg McWade, Director of Community and Economic Development Matt Foulkes, Police Chief Robert Dunn, Director of Administrative Services Ellis Chang

PUBLIC COMMENTS

None.

STUDY SESSION

Presented

1. STUDY SESSION FOR CITY FINANCIAL UPDATE

City Manager Domer presented an update on the City's financial condition, with emphasis on the process to be followed if the proposed revenue measure placed on the November ballot (Measure S) is either approved or not approved by the voters. The process as outlined includes conducting an extensive strategic planning session in both cases in the first quarter of the new year in order to prioritize services and funding. If the measure is not approved, it was recommended that the City hire an external consultant to provide a fiscal sustainability review of the City to include review of all budget and financial issues in order to provide the City Council recommendations. Presentation

material was provided as a supplemental to the City Council agenda reports.

No action taken by Council.

6:35 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:35 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
SEPTEMBER 15, 2020 - 6:30 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.

6:35 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:35 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, Deputy City Manager Antonia Graham, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, 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 Caleb Beller.

PLEDGE OF ALLEGIANCE led by Council Member Whitaker.

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: 2020 Census Ambassadors

PUBLIC COMMENTS - Regular Session

City Clerk Williams read the following eComment:

- Angela Lindstrom regarding the Bastanchury Tree Farm property.
- Tony Package regarding roadwork on East Commonwealth.

The following made public comments:

- Jose Trinidad Castaneda spoke about economic recovery.
- Paulette Chaffee spoke about the Fullerton Museum Center.
- Unidentified speaker spoke about a notice to move her RV.
- Maureen Flynn Becerra, Fullerton, spoke about cannabis dispensaries.
- Lucia Matrino spoke about cannabis dispensaries.
- Maureen Milton thanked City Council for the Citizens Academy and spoke about the District 2 City Council election.
- Adrianna Graham spoke about the Bastanchury Tree Farm and defunding the police department.
- Jensen Hallstrom spoke about affordable housing.
- Jane Reifer spoke about the Bastanchury Tree Farm.
- Lorena Camarillo thanked the City for food vouchers.
- Juanita Suastegui thanked the City for food vouchers.
- Lilia Albaran thanked the City for assistance during the COVID pandemic.
- Maria Lopez thanked the City for assistance during the COVID pandemic.
- Urania Torres thanked the City for assistance during the COVID pandemic.
- Egleth Nuncci thanked the City for assistance during the COVID pandemic.
- Vivian Kelly, Fullerton, spoke about Community Choice Energy.
- Joshua Ferguson, Fullerton, spoke about public records and SB 1421.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF

COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comments.

Council Member Silva thanked census workers and the residents that spoke about COVID-19 services.

Council Member Zahra thanked CSUF Center for Healthy Neighborhoods, acknowledged National Spanish Heritage Month, reported on the following events: United Across Borders charity drive, rental assistance event, superfund sites, upcoming virtual meeting on water, upcoming community meeting and acknowledged the passing of Roy Kobayashi.

Council Member Whitaker spoke about COVID-19 impacts.

Mayor Pro Tem Flory spoke about the Illumination Foundation Recuperative Care Center and Rodeo 39 development.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 7)

Fitzgerald moved, seconded by Zahra, to approve Consent Calendar Items 1 – 7.

Motion carried 5 – 0 (Council Member Whitaker voted no on Items 4 and 6).

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| Approved | 1. AUGUST 18, 2020 MEETING MINUTES Recommendation: Approve August 18, 2020 City Council / Successor Agency Meeting Minutes. |
| Received and filed | 2. AUGUST 2020 CHECK REGISTER Recommendation: Receive and file. |
| Approved | 3. 2019-20 GRAND JURY REPORT: “PROTECTING THOSE WHO PROTECT AND SERVE” Recommendation: Approve response to 2019-20 Grand Jury Report “Protecting Those Who Protect and Serve” and authorize City Manager to send response to Presiding Judge. |
| Resolution No. 2020-79 adopted | 4. FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO MEMORANDUM OF AGREEMENT BETWEEN CITY OF |

**FULLERTON AND FULLERTON MANAGEMENT
ASSOCIATION IMPLEMENTING A 5% EARNINGS
REDUCTION**

Recommendation:

Adopt Resolution No. 2020-79.

RESOLUTION NO. 2020-79 - 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

Resolution No. 5.
2020-80 adopted

**FINAL CONSIDERATION OF PROPOSED SIDE LETTER TO
MEMORANDUM OF AGREEMENT BETWEEN CITY OF
FULLERTON AND FULLERTON MUNICIPAL EMPLOYEES
FEDERATION**

Recommendation:

Adopt Resolution No. 2020-80.

RESOLUTION NO. 2020-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON MUNICIPAL EMPLOYEES FEDERATION

Approved

**6. EXTENSION TO EXCLUSIVE NEGOTIATION AGREEMENT
BY AND BETWEEN THE CITY OF FULLERTON AND ALLEN
CHRISTOPHER CORPORATION DBA PARKWEST
GENERAL CONTRACTORS AND WESTPARK
INVESTMENTS, LLC ON PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND
SOUTH POMONA AVENUE (APN 033-030-18)**

Recommendation:

Approve 12-month extension until December 1, 2021 to Exclusive Negotiation Agreement (ENA) by and between City of Fullerton and Allen Christopher Corporation, DBA Parkwest General Contractors and Westpark Investments, LLC on property located at southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18) and authorize City Manager to execute corresponding 2nd Amendment to ENA in a form approved by the City Attorney.

Approved

**7. COOPERATIVE AGREEMENT WITH ORANGE COUNTY
TRANSPORTATION AUTHORITY FOR STAIR
REPLACEMENT AT TRANSPORTATION CENTER**

Recommendation:

Authorize Mayor to execute cooperative agreement with OCTA

in a form approved by the City Attorney.

PUBLIC HEARINGS (Items 8 - 9)

Continued to a date
uncertain

8. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION OF SHORT-TERM RENTALS (CONTINUED FROM JULY 21, 2020)

Mayor Fitzgerald opened the public hearing at 8:07 p.m.

City Clerk Williams read the following eComments:

- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in support of whole house rentals.
- Christina Guzman going for information.
- Guest User in opposition to regulations pertaining to citizen freedom.
- Guest User in opposition to whole house rentals and the 500 unit limit.
- Guest User asking about public noticing.
- Guest User in opposition to whole house rentals.
- Guest User in opposition to the 500 unit limit.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Ken Bane in support of this item.
- Harry Langenbacher in opposition to this item.
- Tony Package in opposition to this item.
- William McClung in support of this item.
- Jimmy Hong in support of this item.
- Guest User in opposition to this item.
- Dale Botts in opposition to this item.
- Guest user in support of this item.
- Guest user opposed to government regulations of residential property use.
- Guest User in support of Airbnb use.
- Susan Petrella in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.

- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Diane Vena in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Matthew Leslie in opposition to this item.
- Guest User opposed the tax amount.
- Guest User in opposition to this item.
- Gene Walters in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Sarah Bernal in opposition to this item.
- Mathalene White Bear in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.

The following spoke on this item:

- Bonnie Corwin spoke in opposition to this item.
- Mike Neiswender spoke in opposition to this item.
- Jonah Breslau spoke in support of only home sharing.
- Elsa Montero spoke in opposition to this item.
- Teresa Silva, Fullerton, spoke in opposition to this item.
- Ada Tamayo spoke in opposition to this item.
- Austin Lynch, Unite Here, spoke in opposition to this item.
- Rafael Arregoitra spoke in opposition to this item.
- Fullerton resident spoke in support of this item.
- Michelle Davenport, Fullerton, spoke in opposition to this item.
- Jimmy Hong spoke in support of this item.

- Ken Bane spoke in support of this item.
 - Jose Trinidad Castaneda spoke about limits on bad actors.
- Mayor Fitzgerald closed the public hearing at 8:52 p.m.

Silva moved to ban all short term rentals. Motion died for lack of a second.

Whitaker moved to table this item. Motion died for lack of a second.

Flory moved, seconded by Fitzgerald, to support Ordinance Option 2 as amended.

Whitaker made a substitute motion, seconded by Fitzgerald, to support Ordinance Option 2 as amended with a cap of 700 units.

Silva made a second substitute motion, seconded by Whitaker, to continue this item to a date uncertain and collect more information. Second substitute motion carried 3 – 2 (No: Flory, Fitzgerald).

Ordinance No. 3288, 9.
Resolution Nos.
2020-81 and 2020-
82 adopted

FULLERTON MUNICIPAL CODE AMENDMENT TO CHAPTER 8.75 REGULATING SIDEWALK VENDORS

Mayor Fitzgerald opened the Public Hearing at 9:30 p.m.

Jane Reifer spoke about affordable insurance.

City Clerk Williams read following eComment:

- Guest User in opposition to this item.

Mayor Fitzgerald closed the Public Hearing at 9:37 p.m.

Flory moved, seconded by Fitzgerald, to:

1. Adopt Ordinance No. 3288.

ORDINANCE NO. 3288 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 8.75 OF THE FULLERTON MUNICIPAL CODE REGULATING SIDEWALK VENDORS

2. Adopt Resolution No. 2020-81.

RESOLUTION NO. 2020-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING INSURANCE REQUIREMENTS FOR SIDEWALK VENDING

3. Adopt Resolution No. 2020-82-82.

RESOLUTION NO. 2020-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING AND ADOPTING THE SIDEWALK VENDING PERMIT APPLICATION FEE

Motion carried 5 – 0.

REGULAR BUSINESS (Items 10 - 14)

Delegates
appointed

10. DESIGNATION OF DELEGATES AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND CONFERENCE RESOLUTIONS

Zahra nominated Council Member Silva to serve as the City's Delegate at the League of California Cities 2020 Annual Conference.

Silva nominated Mayor Pro Tem Flory to serve as the City's Alternate Representative at the League of California Cities 2020 Annual Conference.

Silva nominated Council Member Zahra to serve as the City's Second Alternate Representative at the League of California Cities 2020 Annual Conference.

City Council unanimously ratified the nominations.

City Council did not take a position on the League conference resolutions.

Resolution
2020-83 adopted

No. 11. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHING AND REVISING MANAGEMENT CLASSIFICATIONS, RECLASSIFYING TWO EMPLOYEES AND REVISING THE PERSONNEL SUMMARIES FOR PARKS AND RECREATION AND PUBLIC WORKS DEPARTMENTS

Fitzgerald moved, seconded by Flory, to:

1. Adopt Resolution No. 2020-83.

RESOLUTION NO. 2020-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS FROM THE PERSONNEL SYSTEM AND AMENDING THE APPENDIX A OF RESOLUTION NO. 2020-18 (FULLERTON MANAGEMENT ASSOCIATION) AND AMENDING THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

2. Authorize amendment to Fiscal Year 2020-21 adopted budget to replace Parks Project Specialist with Administrative Analyst on Parks and Recreation personnel summary.

3. Authorize amendment to Fiscal Year 2020-21 adopted budget to add Sewer Program Specialist to Public Works Department personnel summary.

4. Authorize \$67,200 appropriation allocated across General (20%), Water (20%), Sewer (20%), Sanitation (20%) and Refuse (20%) Funds.

Motion carried 4 – 1 (No: Whitaker).

Resolution Nos. 12.
2020-84 and 2020-
85 adopted

**PERSONNEL MANAGEMENT SYSTEM CHANGES
RELATING TO ESTABLISHING CLASSIFICATION AND
REVISION TO RESOLUTION RELATING TO
COMPENSATION FOR EXECUTIVE EMPLOYEES**

Fitzgerald moved, seconded by Silva, to:

1. Adopt Resolution No. 2020-84.

RESOLUTION NO. 2020-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND ADDING A CLASS SPECIFICATION TO THE PERSONNEL SYSTEM AND AMENDING THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

2. Adopt Resolution No. 2020-85.

RESOLUTION NO. 2020-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION 2020-02 AND AMENDMENTS THERETO

Motion carried 5 – 0.

Approved

**13. CHIEF OF POLICE AMENDED AND RESTATED
EMPLOYMENT AGREEMENT**

City Clerk Williams read the following eComment:

- Bernard Whispers in support of this item.

Zahra moved, seconded by Fitzgerald, to authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and Chief of Police Robert Dunn II.

Motion carried 4 – 1 (No: Whitaker).

Approved

**14. CITY MANAGER AMENDED AND RESTATED
EMPLOYMENT AGREEMENT**

Flory moved, seconded by Fitzgerald, to authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and City Manager Kenneth A. Domer.

Motion carried 4 – 1 (No: Whitaker).

ITEMS REMOVED FROM CONSENT CALENDAR

None.

10:00 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting in memory of Roy Kobayashi at 10:00 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk