



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
MARCH 17, 2020 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:02 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:02 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, Whitaker (arrived 5:07 p.m.), Zahra

Absent: None

Staff Present: City Manager Kenneth A. Domer, Deputy City Attorney Scott Porter, City Clerk Lucinda Williams

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:03 p. m.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 2255 North Euclid Street, Fullerton, CA 92835 (APN: 287-081-27)

Agency Negotiator: City Manager Kenneth A. Domer

Negotiating Parties: Sunny Hills Church of Christ - James Pinheiro

Under Negotiations: Price and Terms

2. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer
Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association
Under Discussion: Parameters of authority for negotiating salaries, benefits and working conditions

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

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

Case Number: OCSC 30-2017-00952643

4. 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

Case Number: OCSC 30-2019-01107063

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government

Code Section 54956.9(d)(1)

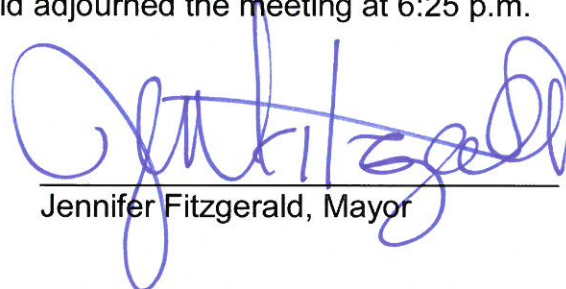
Name of Case: Michael Ramos v. Near Cal Corporation, et al.

Case Number: 30-2017-00954201-CU-PA-CJC

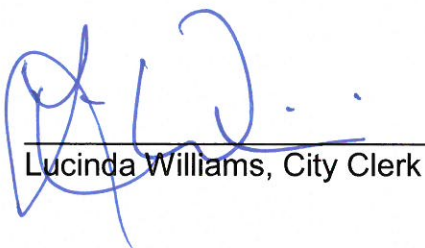
6:25 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:25 p.m.



Jennifer Fitzgerald, Mayor



Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
MARCH 17, 2020 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:30 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, Deputy City Attorney Scott Porter, City Clerk Lucinda Williams, Director of Community and Economic Development Matt Foulkes, Police Chief Robert Dunn, Fire Chief Adam Loser

INVOCATION given by Mayor Fitzgerald.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Flory.

CLOSED SESSION REPORT

No closed session report.

Fitzgerald moved, seconded by Zahra, to add an agenda item to ratify the City Manager's declaration of the existence of a local emergency as the need to act on this item arose after posting of the agenda and requires action before the next regular meeting.

Motion carried 5 – 0.

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

None.

PRESENTATIONS

None.

PUBLIC COMMENTS

- Electronic communication from James Wilson, Fullerton, regarding the COVID-19 emergency read into the record.
- Todd Harrison, Fullerton, spoke in support of AB 2895.
- Doug Cox, Fullerton, asked about parking enforcement during COVID-19 emergency closures.
- Curtis Gamble spoke about Rancho La Paz and homeless issues.
- Electronic communication from Jose Trinidad Castaneda, Fullerton, regarding the COVID-19 emergency read into the record.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comments.

Council Member Silva spoke about the temporary closure of the State Legislature, SB 589 and SB 117 and noted the school district will continue to serve lunch for students.

Council Member Zahra asked, supported by Council Member Silva, for an update on the Governor's order regarding suspension of evictions and to possibly schedule a special meeting to consider suspending evictions for residents and businesses locally.

Council Member Zahra asked the City to to clean playground equipment, encouraged the City to not cut hours of part-time employees, asked staff to consider options for small businesses, reported on water quality issues and announced cancellation of his monthly meeting.

Council Member Whitaker asked the City to find opportunities to continue infrastructure improvements and assure the public that resources are not wasted during this time.

Mayor Pro Tem Flory spoke about the impact of COVID-19 on the community and urged all to be careful.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 11)

Zahra moved, seconded by Fitzgerald, to approve Consent Calendar Items 1 – 9 and 11.

Motion carried 5 – 0.

Approved

1. MARCH 3, 2020 MEETING MINUTES

Recommendation:

Approve March 3, 2020 City Council / Successor Agency Meeting Minutes.

Received and filed

2. FEBRUARY 2020 CHECK REGISTER

Recommendation:

Receive and file.

Resolution
2020-29 adopted

No. 3. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO ESTABLISHMENT OF A BUYER SERIES

Recommendation:

1. Adopt Resolution No. 2020-29.

RESOLUTION NO. 2020-29 - 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) 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 Administrative Services Department personnel summary to add Buyer II position.

3. Authorize funding appropriation to cover prorated cost of Buyer position in Fiscal Year 2019-20.

Approved

4. PORAC RETIREE MEDICAL TRUST JOINDER APPLICATION AND AGREEMENT BETWEEN CITY OF FULLERTON, FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT AND PORAC RETIREE MEDICAL TRUST

Recommendation:

Authorize City Manager, or his designee, to execute Agreement on behalf of the City, in a form approved by the City Attorney.

Approved

5. GENERAL FUND UNASSIGNED FUND BALANCE TO SUPPORT EMERGENCY PREPAREDNESS EFFORTS AND INCREASE IN CUSTODIAL CONTRACT

Recommendation:

1. Appropriate \$100,000 of General Fund unassigned fund balance to support citywide emergency preparedness efforts.
2. Authorize City Manager to increase the not to exceed amount by 15% for increased sanitization of public facilities by the City's custodial contractor.

Approved

6. DISADVANTAGED COMMUNITY INVOLVEMENT PROGRAM TECHNICAL ASSISTANCE SUB-GRANT AGREEMENT FROM SANTA ANA WATERSHED PROJECT AUTHORITY (SAWPA) - \$100,000 GRANT

Recommendation:

1. Accept \$100,000 grant award for Integrated Regional Water Management Program Disadvantaged Community Involvement - Technical Assistance Program.
2. Authorize City Manager to enter into Sub-Grant Agreement with Santa Ana Watershed Project Authority.
3. Authorize Public Works Director to execute any future amendments / supplements with SAWPA, in a form approved by the City Attorney.
4. Appropriate \$100,000 grant funds (Grant Administration Fund - Fund 32).

Approved

7. 2019 ANNUAL HOUSING ELEMENT PROGRESS REPORT

Recommendation:

1. Authorize submittal of 2019 General Plan Housing Element Annual Report to Governor's Office of Planning and Research and State Department of Housing and Community Development (HCD).
2. Authorize Community and Economic Development Director, or designee, to make minor modifications to Annual Report as required by HCD.

Resolution
2020-30 adopted

No. 8. AUTHORIZATION FOR PUBLIC WORKS DIRECTOR TO EXECUTE MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR FEDERAL AND STATE-FUNDED PROJECTS

Recommendation:

Adopt Resolution No. 2020-30.

RESOLUTION NO. 2020-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

AUTHORIZING PUBLIC WORKS DIRECTOR TO EXECUTE
MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR
FEDERAL AND STATE-FUNDED TRANSPORTATION AND
TRANSIT PROJECTS

Approved

**9. CALIFORNIA WATER / WASTEWATER AGENCY RESPONSE
NETWORK MUTUAL ASSISTANCE AGREEMENT**

Recommendation:

Authorize the City Manager, or designee, to execute mutual aid
agreement with CalWARN.

Approved

**11. NON-DISCLOSURE AGREEMENT WITH ORANGE COUNTY
WATER DISTRICT RELATED TO POTENTIAL PER- AND
POLYFLUOROALKYL SUBSTANCES (PFAS) LITIGATION**

Recommendation:

Authorize City Manager, or designee, to execute Non-Disclosure
Agreement.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 12 - 14)

Approved

**12. TENANT BASED RENTAL ASSISTANCE GUIDELINES TO
EXPAND ELIGIBLE PARTICIPANTS TO INCLUDE SENIOR
VETERANS AND CLARIFY OTHER PROGRAM GUIDELINES**

- Todd Harrison, Fullerton, spoke in support of this item.
- Doug Cox, Fullerton, spoke about veteran caregiver programs.
- Curtis Gamble, Fullerton, spoke in support of this program.

Flory moved, seconded by Zahra, to approve up to \$200,000 of
Fiscal Year 2020-21 HOME funds to implement second year of
TBRA program including proposed amendment to program
guidelines.

Motion carried 5 – 0.

Resolution
2020-31 adopted

**No. 13. ROAD MAINTENANCE AND REHABILITATION (SB 1)
ACCOUNT FUNDS ALLOCATION FISCAL YEAR
2020-21 - EUCLID (FERN TO BASTANCHURY) AND
ORANGETHORPE (WOODS TO HIGHLAND)**

Flory moved, seconded by Zahra, to adopt Resolution No.
2020-31.

RESOLUTION NO. 2020-31 - A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR
2020-21 FUNDED BY SB 1: THE ROAD REPAIR AND
ACCOUNTABILITY ACT OF 2017

Motion carried 5 – 0.

Resolution No. 14. **REVISION TO COMPENSATION FOR CONFIDENTIAL /
2020-32 adopted NONREPRESENTED EMPLOYEES**

Fitzgerald moved, seconded by Zahra, to:

1. Adopt Resolution No. 2020-32.

RESOLUTION NO. 2020-32 - A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,
RELATING TO COMPENSATION FOR CONFIDENTIAL /
NONREPRESENTED EMPLOYEES AND SUPERSEDING
RESOLUTION NO. 2018-11

2. Authorize \$30,822 appropriation to cover the cost of
implementing resolution.

Motion carried 5 – 0.

Resolution No. **RATIFICATION OF PROCLAMATION DECLARING
2020-33 adopted EXISTENCE OF LOCAL EMERGENCY (*added agenda
item*)**

Flory moved, seconded by Zahra, to adopt Resolution No. 2020-33.

RESOLUTION NO. 2020-33 – A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RATIFYING
PROCLAMATION NO. 2020-01 DECLARING THE EXISTENCE OF
LOCAL EMERGENCY

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Continued

**10. MUNICIPAL CODE AMENDMENT PERTAINING TO
AMENDING STATE SPEED LIMITS**

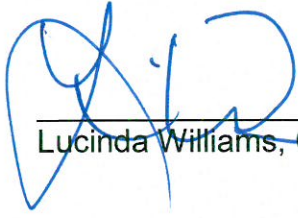
Zahra moved, seconded by Flory, to continue this item and
agendize as Regular Business at a future City Council meeting.

Motion carried 5 – 0.

7:49 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 7:49 p.m.

A handwritten signature in blue ink, appearing to read 'Lucinda Williams', written over a horizontal line.

Lucinda Williams, City Clerk

A handwritten signature in blue ink, appearing to read 'Jennifer Fitzgerald', written over a horizontal line.

Jennifer Fitzgerald, Mayor