



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
MAY 19, 2020 – 5:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

5:07 p.m.

**CALL TO ORDER**

Mayor / Chair Fitzgerald called the meeting to order at 5:07 p.m.

All Present

**ROLL CALL**

Present: Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, Whitaker (arrived 5:09 p. m.), Zahra (arrived 5:09 p.m.)

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 5:08 p.m.

**CLOSED SESSION**

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

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

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

**Under Discussion:**

Association

Negotiating  
measures

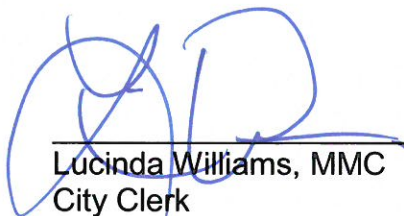
cost

savings

6:31 p.m.

**ADJOURNMENT**

Mayor / Chair Fitzgerald adjourned the meeting at 6:31 p.m.

  
Jennifer Fitzgerald  
Mayor  
Lucinda Williams, MMC  
City Clerk



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

**MAY 19, 2020 - 6:30 P.M.**

**Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:40 p.m.

**CALL TO ORDER**

Mayor / Chair Fitzgerald called the meeting to order at 6:40 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,  
Police Chief Robert Dunn, Director of Parks and  
Recreation Hugo Curiel, Director of Community and  
Economic Development Matt Foulkes, Assistant  
Director of Community and Economic Development  
Kellee Fritzel

**INVOCATION** given by Pastor Jay Wu, One Life City Church.

**PLEDGE OF ALLEGIANCE** led by Mayor Fitzgerald.

**CLOSED SESSION REPORT**

None.

**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 Firefighter's Association and OCEA.

## **PRESENTATIONS**

None.

## **PUBLIC COMMENTS**

- eComment from Jose Trinidad Castaneda opposing rent increases at Palm Garden apartments. City Clerk Williams reported Alma Chavez, David Perez, Victoria (no last name given) and nine guest users also submitted eComments opposing rent increases at Palm Garden apartments.
- Council Member Zahra read a letter from Habitat for Humanity in opposition to the Palm Garden Apartments rent increases.
- eComment from Joe Imbriano regarding road repair.
- eComment from Gary Graves requesting bicycle lane improvements.
- eComment from Diane Vena regarding homeless issues.

## **CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS**

City Manager Domer provided a report on COVID-19 activities.

Council Member Silva thanked staff and local food banks for their COVID-19 efforts and asked, supported by Zahra, to place an item on the June 2, 2020 agenda to consider extending the eviction moratorium and an item to consider a rent freeze.

Council Member Zahra echoed frustration with the proposed Palm Gardens rent increase, congratulated community groups for COVID-19 efforts, reported on OCWD activities and announced a monthly virtual meeting.

Council Member Whitaker noted he is glad to have meetings back in the City Council Chambers and supported reopening Fullerton from COVID-19 restrictions immediately.

Mayor Pro Tem Flory thanked the community for following safe COVID-19 protocols and encouraged supporting local small businesses and restaurants.

Mayor Fitzgerald reported on the Mayors Coalition activities, spoke about weekly calls with Orange County Mayors and City Managers, announced an upcoming virtual town hall meeting, reported on the economic development recovery task force, asked to agendize consideration of support for COVID funding reimbursement in the Governor's May Revise and encourage the state to give the same pension support to cities as proposed for schools and asked for an update on the fireworks sales lottery process.



## APPOINTMENTS

None.

## CONSENT CALENDAR (Items 1 through 12)

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

Motion carried 5 – 0.

Approved

### 1. MAY 5, 2020 MEETING MINUTES

Recommendation:

Approve May 5, 2020 City Council / Successor Agency Meeting Minutes.

Ordinance No. 3281 adopted

### 2. TEMPORARY DEFERRAL OF COLLECTION SPECIFIED DEVELOPMENT IMPACT FEES FOR CERTAIN DEVELOPMENTS - SECOND READING OF ORDINANCE

Recommendation:

Adopt Ordinance No. 3281.

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

Received and filed

### 4. APRIL 2020 CHECK REGISTER

Recommendation:

Receive and file.

Resolution No. SA 2020-03 adopted

### 6. 2020 TAX ALLOCATION REFUNDING BONDS PRIMARY FINANCING TEAM SELECTION

Recommendation:

1. Direct Staff to initiate issuing 2020 Bonds for the purpose of refunding City of Fullerton Public Financing Authority 2005 TARBs.
2. Authorize Staff to engage services with additional primary financing team: Stradling Yocca Carlson & Rauth to serve as Bond Counsel, Jones Hall as Disclosure Counsel, Urban Futures Inc. as Fiscal Consultant and Stifel as Underwriter (or, in the event of a private placement, Placement Agent).

3. Adopt Resolution No. SA 2020-03.

RESOLUTION NO. SA 2020-03 - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE FINANCING TEAM IN CONNECTION WITH THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Approved

**8. LAS PALMAS PUMP STATION UPGRADES PROJECT - ENGINEERING DESIGN SERVICES AWARD**

Recommendation:

1. Approve \$160,000 budget transfer to Project 53019 Las Palmas Pump Station Upgrades from Project 53603 Water Production Equipment Upgrade and Rehabilitation (MCC Upgrades).
2. Authorize Public Works Director, or designee, to execute \$147,395 purchase order with Psomas for design services.
3. Authorize Public Works Director, or designee, to approve any future change orders for professional engineering services within approved project budget.

Approved

**10. AGREEMENT WITH TURBO DATA SYSTEMS, INC. FOR DUI RESTITUTION PROCESSING**

Recommendation:

Approve agreement for services with Turbo Data Systems, Inc. and authorize appropriations of revenues and expenditures to Police Department General Fund.

Approved

**11. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT**

Recommendation:

1. Approve and authorize Public Works Director to enter into \$93,130 agreement with G2 Construction, Inc. of Garden Grove for installation of full capture trash inserts in existing catch basins under Orange County Transportation Authority Environmental Cleanup, Tier 1 Grant Program, in a form approved by the City Attorney.
2. Approve \$30,837 budget transfer and appropriation from Sanitation Fund Balance to Project 52694 Catch Basin Connector Pipe Screen Installation Project.
3. Authorize Director of Public Works, or approved designee, to approve any future change orders within approved project budget.

Approved

**12. PARK LIGHTING REPLACEMENT - INDEPENDENCE PARK**

Recommendation:

Approve \$10,000 budget transfer and appropriation from Park Dwelling Fund balance and \$10,000 from Facility Capital Repair Fund balance to Project 54042 Park Lighting Replacement.

**PUBLIC HEARINGS (Items 13 - 15)**

Approved

**13. SUBSTANTIAL AMENDMENT TO CITIZEN PARTICIPATION PLAN AND FISCAL YEAR 2019-20 ANNUAL ACTION PLAN**

Mayor Fitzgerald opened the public hearing at 7:46 p.m.

- eComment from Joe Imbriano suggesting all funds directed toward homeless services.
- eComment from Jose Castaneda in support of this item.

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

Zahra moved, seconded by Flory, to:

1. Approve amended Citizen Participation Plan.
2. Approve Draft Substantial Amendment to 2019-20 Annual Action Plan and authorize Staff to submit Plan to U.S. Department of Housing and Urban Development requesting \$819,487 in Community Development Block Grant funding under Coronavirus Aid, Relief and Economic Security Act.
3. Authorize Director of Community and Economic Development, or designee, to execute Community Development Block Grant (Coronavirus Aid, Relief and Economic Security Act) agreement with approved non-profit agencies and City Departments.
4. Authorize acceptance and appropriation for receipt and use of awarded CDBG funds.
5. Include income eligibility requirements for seniors.
6. Include amendments as recommended by the Community Development Citizens' Committee in Supplemental Communication from the City Manager dated May 19, 2020.

Motion carried 5 – 0.

Approved

**14. 2020-24 FIVE-YEAR CONSOLIDATED PLAN, FISCAL YEAR 2020-21 ONE-YEAR STRATEGY / ACTION PLAN, 2020-24 FAIR HOUSING ANALYSIS OF IMPEDIMENTS, REVISED - CITIZEN PARTICIPATION PLAN**

Mayor Fitzgerald opened the public hearing at 8:06 p.m.

eComment from Jose Trinidad Castaneda in support of this item.

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



Flory moved, seconded by Fitzgerald , to:

1. Approve 2020-24 Five-Year Consolidated Plan and authorize submission of 2020-24 Five-Year Consolidated Plan to U.S. Department of Housing and Urban Development.
2. Approve Fiscal Year 2020-21 CDBG budget reducing housing rehabilitation allocation by \$145,000 (authorize HOME funds of \$145,000 to housing rehabilitation program) and include Special Code Enforcement in the CDBG budget funded at \$145,000 and authorize submission of Fiscal Year 2020-21 One-Year Strategy / Action Plan to U.S. Department of Housing and Urban Development for CDBG funds and HOME Investment Partnership funding.
3. Authorize Director of Community and Economic Development, or designee, to execute Fiscal Year 2020-21 CDBG agreements with non-profit agencies and City Departments.
4. Approve Five-Year Analysis of Impediments.
5. Approve Revised - Citizen Participation Plan.
6. Include amendments as recommended by the Community Development Citizens' Committee in Supplemental Communication from the City Manager dated May 19, 2020.

Motion carried 5 – 0.

Resolution No. 15. **LOCAL HAZARD MITIGATION PLAN AND CORRESPONDING**  
2020-42 adopted **GENERAL PLAN AMENDMENTS**

Mayor Fitzgerald opened the public hearing at 8:17 p.m.

eComment from Jose Trinidad Castaneda in support of this item.

Mayor Fitzgerald closed the public hearing at 8:17 p.m.

Fitzgerald moved, seconded by Zahra, to:

1. Adopt Resolution No. 2020-42.

RESOLUTION NO. 2020-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE CITY OF FULLERTON LOCAL HAZARD MITIGATION PLAN AS APPROVED BY FEMA ON JUNE 10, 2019 AND CORRESPONDING REVISIONS TO THE FULLERTON PLAN, INCLUDING A COMPREHENSIVE UPDATE TO APPENDIX I, THEREBY ADOPTING THE LOCAL HAZARD MITIGATION PLAN INTO THE SAFETY ELEMENT OF THE CITY'S GENERAL PLAN PURSUANT TO GOVERNMENT CODE SECTION 65302.6

2. Make a finding that the project is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section



15061(b)(3).

Motion carried 5 – 0.

## **REGULAR BUSINESS (Items 16 - 18)**

Approved

### **16. PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN CITY OF FULLERTON AND NFRED, LLC REGARDING FOX BLOCK DEVELOPMENT POTENTIAL**

- eComment from Jose Trinidad Castaneda in support of the project.
- Dan Almquist spoke in support of the project.

Zahra moved, seconded by Flory, to:

1. Approve proposed Exclusive Negotiation Agreement (ENA) by and between City of Fullerton and NFRED, LLC on property located on east side of North Harbor Boulevard between Chapman Avenue and Ellis Place, including Pomona Parking Lot and Triangle Lot (APN 029-033-38 and 39/932-41-506 through 510, APN 029-033-09, 27 and 28, APN 29-033-03 through 06 and APN 029-032-21).
2. Authorize City Manager to execute ENA by and between City of Fullerton and NFRED, LLC for exclusive negotiation period for development of a public market, small format retail and restaurants with outdoor amenities on approximately 3.32 acres.
3. Require the developer to submit status reports to City Council at the fourth month and eighth month of the project.

Motion carried 4 – 1 (No: Whitaker).

Ordinance No. 3283 introduced

### **17. FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO AMENDING STATE SPEED LIMITS (CONTINUED FROM 3/17/2020)**

eComment from Jose Trinidad Castaneda in support of this item.

Flory moved, seconded by Fitzgerald, to introduce Ordinance No. 3283 for first reading by title only and waive further reading of the Ordinance.

**ORDINANCE NO. 3283 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING SECTION 8.56.020 OF CHAPTER 8.56 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO SPEED ZONES**

Motion carried 5 – 0.

Resolution 2020-43 adopted

### **No. 18. SCHEDULE OF PARKING PENALTIES FOR PARKING**

## **VIOLATIONS AND LATE PAYMENT PENALTIES**

eComment from Jose Trinidad Castaneda in opposition to this item.

Fitzgerald moved, seconded by Silva, to adopt Resolution No. 2020-43.

**RESOLUTION NO. 2020-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE SCHEDULE OF PARKING PENALTIES FOR PARKING VIOLATIONS AND LATE PAYMENT PENALTIES**

Motion carried 4 – 1 (No: Whitaker).

## **ITEMS REMOVED FROM CONSENT CALENDAR**

- Ordinance No. 3282 adopted      **3. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO POLICE INITIATED TOW OPERATIONS - SECOND READING OF ORDINANCE**

Fitzgerald moved, seconded by Zahra, to adopt Ordinance No. 3282.

**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 OPERATION**

Motion carried 4 – 1 (No: Whitaker).

- Approved      **5. DESIGNATION OF DELEGATES FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

eComment from Joe Imbriano in opposition to this item.

Fitzgerald moved, seconded by Flory, to designate Council Member Jesus Silva to serve as City's conference Delegate and Council Member Ahmad Zahra as Alternate Representative at the Southern California Association of Governments 2020 Virtual General Assembly.

Motion carried 4 – 1 (No: Whitaker).

- Approved      **7. SAFE PARKING PROGRAM EXTENSION**

Flory moved, seconded by Zahra, to:

1. Authorize City Manager, or designee, to execute Lease Agreement or other appropriate document and Professional Services Agreement with Pathways of Hope or other qualified service provider, in forms approved by the City Attorney, and take all necessary actions to continue Safe Parking Program.

2. Appropriate use of not to exceed \$45,000 (Non-General Fund) Low-Mod Income funds in the Housing Fund (Fund 26) to implement three-month Safe Parking Program.

Motion carried 4 – 1 (No: Whitaker).

Approved

**9. AGREEMENT WITH TRIPEPI SMITH FOR CABLECASTING SERVICES**

- Michael Castillo, MC Video, spoke in opposition to this item.
- Gaddy Castillo asked City Council to continue this item.
- eComment from Joe Imbriano in opposition to this item.

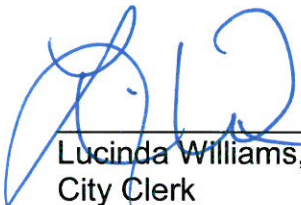
Flory moved, seconded by Silva, to reissue the Request for Proposal, following the City's standard deadlines and with more detail than the original Request for Proposal.

Motion carried 5 – 0.

9:52 p.m.

**ADJOURNMENT**

Mayor / Chair Fitzgerald adjourned the meeting at 9:52 p.m.

  
\_\_\_\_\_  
Jennifer Fitzgerald  
Mayor  
\_\_\_\_\_  
Lucinda Williams, MMC  
City Clerk