



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JULY 7, 2020 – 5:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:32 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:32 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

Fitzgerald moved, seconded by Zahra, to add the following item to the
Closed Session agenda:

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

Name of Case: Fullerton Firefighters Association v. City of
Fullerton

Motion carried 5 – 0.

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:34 p.m.

CLOSED SESSION

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

Name of Case: Lourdes Toman, et al. v. Brea Police Officer
Jerry Glomboske et al.

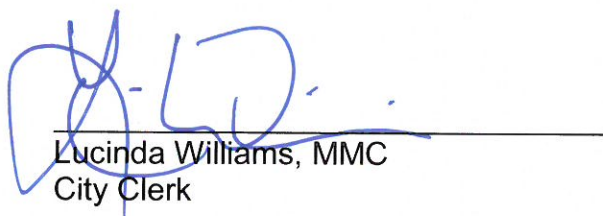
6:26 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:26 p.m.



Jennifer Fitzgerald
Mayor



Lucinda Williams, MMC
City Clerk



CITY OF FULLERTON
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REGULAR MEETING MINUTES
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Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:33 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:33 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, Police Chief Robert Dunn, Director of
Administrative Services Ellis Chang, Fire Chief
Adam Loser

INVOCATION given by Pastor Hickman, Christian Life Center
Fullerton.

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 from
the Fullerton police and fire associations.

PRESENTATIONS

Presented

- 1. CERTIFICATE: Kimberly Clark Certificate of Recognition**
- 2. CERTIFICATE: Republic Services Certificate of Recognition**

PUBLIC COMMENTS

City Clerk Williams read the following eComments:

- Adriana Graham in opposition to Item 5.
- Guest User spoke about defunding the Police Department.
- Suzanne Benet asked City Council to discuss reopening the museum.
- Lauren Orr spoke about changes at the Police Department.
- Unidentified speaker opposed cementing a relationship with the Police Department.
- Guest User suggested reallocating the Police Department budget for homeless services.
- Noa Emas suggested redirecting police budget funding to the museum and other services.
- Guest User opposed the side letters for the Police Safety Unit and Dispatcher Unit.
- Guest User commented on the Police Department budget.

The following speakers made public comments:

- Mima Bruce Mofi, Veteran's Towing, spoke about the Towing RFP process.
- Ryan Barber, Veteran's Towing, spoke about the Towing RFP process.
- Debra Pember, Fullerton, spoke about fireworks.
- Andrea Freeman spoke in support of the Fullerton Museum.
- Mary Stroll spoke about public safety.
- Michelle Minkel spoke about police funding.
- Catherine Oak spoke about homeless issues.
- Tanya McCrory, Fullerton, thanked Mayor Fitzgerald and Mayor Pro Tem Flory for their assistance with the proposed college stadium and spoke about the COVID-19 protocols for the City Council meeting.
- Emily Jackson, Fullerton, spoke about homeless services.
- Paulette Chaffee, Fullerton, spoke about the Fullerton Museum.

- Dan Lancaster, Fullerton Firefighters Association, spoke about the automatic aid agreement with the City of Placentia.
- Manny Adams, Fullerton Firefighters Association, spoke about the automatic aid agreement with the City of Placentia.
- JJ Ebbert, Fullerton Firefighters Association, spoke about the automatic aid agreement with the City of Placentia.
- Tania (no last name given), Fullerton, spoke about police funding.
- Bernard Whispers, Fullerton, spoke about conduct during the last city council meeting.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comment.

Council Member Silva thanked Staff for their COVID-19 prevention efforts, asked Staff to provide a report to City Council regarding the cahoots program and asked for an update on the Hunt Branch Library.

Council Member Zahra thanked Staff for their COVID-19 prevention efforts and the Police Department for their town hall event and reported on the Fullerton Fire Department museum fundraiser and Orange County Water District activities.

Council Member Whitaker thanked public safety for their efforts with illegal fireworks this 4th of July and spoke about public comments at City Council meetings.

Mayor Pro Tem Flory spoke about public comments during City Council meetings and fireworks.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 12)

Fitzgerald moved, seconded by Flory, to approve Consent Calendar Items 1, 3, 4 and 6 through 12.

Motion carried 5 – 0.

Approved

1. JUNE 16, 2020 MEETING MINUTES

Recommendation:

Approve June 16, 2020 City Council / Successor Agency Meeting Minutes.

- Resolution No. 3. **REAFFIRMATION OF DECLARATION OF LOCAL
2020-58 adopted EMERGENCY DUE TO COVID-19 PANDEMIC**
- Recommendation:
- Adopt Resolution No. 2020-58.
- RESOLUTION NO. 2020-58 - 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
- Resolution No. 4. **UPDATED RESOLUTION SETTING CALPERS EMPLOYER
2020-59 adopted PAID MEMBER CONTRIBUTIONS**
- Recommendation:
- Adopt Resolution No. 2020-59.
- RESOLUTION 2020-59 - 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. 2019-83 IN ITS ENTIRETY
- Resolution Nos. 6. **DEBT MANAGEMENT POLICY FOR THE CITY OF
2020-62 and SA FULLERTON**
2020-04 adopted
- Recommendation:
- Adopt the following resolutions:
- RESOLUTION NO. 2020-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY FOR THE CITY OF FULLERTON AND CERTAIN RELATED ENTITIES AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH
- RESOLUTION NO. SA 2020-04 - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING A DEBT MANAGEMENT POLICY AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH
- Approved 7. **BUREAU OF RECLAMATION FOR WELL 7A PROJECT
GRANT AND AUTHORIZATION TO EXECUTE GRANT
AGREEMENT**
- Recommendation:
1. Accept \$300,000 grant award for Bureau of Reclamation WaterSMART Drought Response Program.

2. Authorize City Manager to enter into Agreement with Bureau of Reclamation, in a form approved by the City Attorney.
3. Authorize Public Works Director to execute any future amendments / supplements with Bureau of Reclamation, in a form approved by the City Attorney.
4. Appropriate \$300,000 revenues and expenditures in Fund 74 (Capital Projects Fund) for Project No. 53005.

Approved

8. BUREAU OF JUSTICE ASSISTANCE FY20 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM AGREEMENT AND AWARD

Recommendation:

1. Authorize acceptance of grant award and authorize City Manager to execute \$77,205 Bureau of Justice Assistance FY20 Coronavirus Emergency Supplemental Funding Program Award Agreement.
2. Authorize appropriation of receipt and use of grant funds.

Approved

9. JOINT RECIPIENT COOPERATION AGREEMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEARS 2021-22, 2022-23, 2023-24

Recommendation:

Approve Joint Recipient Cooperation Agreement for Community Development Block Grant, for Fiscal Years 2021-22, 2022-23, 2023-24 and authorize City Manager and City Clerk to sign.

Approved

10. CALIFORNIA STATE LIBRARY GRANT FOR HUNT LIBRARY REVITALIZATION PROJECT

Recommendation:

1. Approve a \$2,500,000 Construction Grant funded via the State Library from the 2019-20 State Budget for improvements to the Hunt Branch Library.
2. Authorize appropriation of receipt and use of the \$2,500,000 Construction Grant funds for Fiscal Year 2020-21 budget as necessary.

Approved

11. GM5910 RIDE-ON LAWMOWER PURCHASE

Recommendation:

Approve \$125,740.85 purchase of Toro Groundsmaster GM5910 Mower from Turf Star Western through Sourcewell cooperative purchasing.

Approved

12. REPLACEMENT BUCKET TRUCK PURCHASE

Recommendation:

Approve \$162,165 purchase of Altec AT40-G Bucket Truck from Altec through Sourcewell cooperative purchasing.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 13 - 16)

Resolution Nos. SA 2020-05 and FPFA-11 adopted

13. ISSUANCE AND SALE OF 2020 TAX ALLOCATION REFUNDING BONDS AND APPROVING NECESSARY DOCUMENTS IN CONNECTION THEREWITH

Flory moved, seconded by Zahra, to adopt the following resolutions:

RESOLUTION NO. SA 2020-05 - A RESOLUTION OF THE SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING THE ISSUANCE AND SALE OF 2020 TAX ALLOCATION REFUNDING BONDS AND APPROVING THE FORM OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, AN ESCROW AGREEMENT (2005 AND 2010 BONDS), A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE AND A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

RESOLUTION NO. FPFA-11 - A RESOLUTION OF THE CITY OF FULLERTON PUBLIC FINANCING AUTHORITY APPROVING THE EXECUTION OF AN ESCROW AGREEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

Motion carried 5 – 0.

Direction provided

14. SUMMARY OF COMMERCIAL CANNABIS COMMUNITY OUTREACH EFFORTS AND RECOMMENDATIONS REGARDING DRAFT COMMERCIAL CANNABIS ORDINANCE

City Clerk Williams read the following eComments:

- Christina Sava in support of the proposed program.
- Michael Chernis in support of the proposed ordinance.
- Jacqueline Hernandez in support of the ordinance.
- Guest User in support of the ordinance.

- Guest User in support of the ordinance.
- Guest User in support of the ordinance.
- Element 7 in support of the ordinance.
- Guest User in support of the ordinance.

The following speakers made public comments:

- Courtney Cross, UFCW, spoke in support of this item.
- Zachary (no last name given) spoke in support of this item.
- Ashley Stanley, Fullerton, spoke in support of this item.
- Tony Desimone spoke in support of this item.
- Christine Donaldson spoke in support of this item.
- Ramon Cameron spoke in support of this item.
- Christian Nitu spoke in support of this item and suggested allowing curbside pickup.
- Matthew Guerro spoke in support of this item.
- Shonte Henderson spoke in support of this item.
- Kitty Jaramillo. Fullerton, spoke in support of this item and expressed concerns with the boundaries and peace agreements.
- Ilse Miranda, Fullerton, spoke in opposition to legal dispensaries.
- Carolina (no last name given), Fullerton spoke in opposition to this item.
- Sandra Mejia Fullerton spoke in opposition to this item.
- Candace Haas spoke in support of this item.
- Mareya Figuero, Fullerton, asked to place dispensaries away from children.
- Alma Chavez, Fullerton, spoke in opposition to this item.
- Carime (no last name given), Fullerton, spoke in opposition to this item.
- Pilar Maldonado, Fullerton, spoke in opposition to this item.
- Tony Bushala supported the 2016 staff recommendation for placement of dispensaries.
- Mark Nyaber spoke in opposition to this item.
- Christy Sims spoke in opposition to this item.
- Egleth Nuncci, Fullerton, spoke in opposition to this item.
- Lucia Matrino, Fullerton, spoke in opposition to this item.

Fitzgerald moved, seconded by Whitaker, to table this item.

Motion failed 2 – 3 (In favor: Whitaker, Fitzgerald).

Silva moved, seconded by Flory, to move forward with an ordinance, taking into consideration comments from this meeting, for Planning Commission consideration.

Motion carried 3 – 2 (Opposed: Whitaker, Fitzgerald).

Mayor Fitzgerald recessed the meeting at 10:21 p.m.

Mayor Fitzgerald reconvened the meeting at 10:26 p.m.

Resolution Nos. 15.
2020-63, 2020-64,
2020-65 adopted;
Ordinance No. 3285
introduced

**BALLOT MEASURE FOR TRANSACTION AND USE
(LOCAL SALES) TAX MEASURE FOR PUBLIC
CONSIDERATION AT THE NOVEMBER 3, 2020 GENERAL
MUNICIPAL ELECTION AND PREPARATION OF
ASSOCIATED DOCUMENTS THERETO**

City Clerk Williams read the following eComments:

- Guest User in support of this item.
- Carol Thackery supporting the INRAC recommendation.
- Guest User in support of this item.
- Guest User in opposition to this item.
- Tom Hanson in opposition to this item.
- John Stedman in opposition to this item.
- Guest User in support of this item.
- Jane Rands in opposition to this item.

The following speakers made public comments:

- Sean Paden spoke in opposition to this item.
- Tanya McCrory spoke in opposition to this item.
- Thad Sandford, Fullerton, spoke in support of this item.
- Arnel Dino, Fullerton, spoke in support of a special tax.
- Kitty Jaramillo, Fullerton, spoke in support of a 1 percent tax.

Fitzgerald moved, seconded by Flory, to:

1. Direct staff to place a ballot measure on the November 3, 2020 General Municipal Election for submission to the qualified voters of a proposed ordinance regarding a general local sales tax measure, a rate approved by City Council and approve actions and other related documents accordingly.
2. Adopt the following resolutions:

RESOLUTION NO. 2020-63 - A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ORDERING THAT THE CITY OF FULLERTON COMMUNITY SERVICES, STREET REPAIR AND EMERGENCY RESPONSE MEASURE TO ADOPT A ONE AND ONE QUARTER CENT (1.25¢) LOCAL TRANSACTIONS (SALES) AND USE TAX BE SUBMITTED TO THE VOTERS OF THE CITY AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION

RESOLUTION NO. 2020-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

RESOLUTION NO. 2020-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

3. Introduce Ordinance No. 3285 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3285 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ENACTING A TRANSACTIONS AND USE TAX (SALES TAX) TO BE ADMINISTERED BY THE DEPARTMENT OF TAX AND FEE ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE

4. Authorize the City Manager and/or designee to execute all necessary documents, in a form approved by the City Attorney.

Motion carried 4 – 1 (Opposed: Whitaker).

Approved

16. PROFESSIONAL SERVICES AGREEMENT FOR COMMUNICATION AND OUTREACH EFFORTS RELATED TO SALES TAX MEASURE

City Clerk Williams read the following eComments:

- Diane Vena in opposition to this item.
- Jane Rands in opposition to this item.

The following speakers made public comments:

- Emily Jackson spoke in opposition to this item.

Fitzgerald moved, seconded by Silva, to authorize City Manager to enter into a professional services agreement, approved as to form by the City Attorney, for communication and outreach efforts with Terris Barnes Walters Boigon Heath,

Inc. (TBWBH Strategies) in an amount not to exceed \$125,000.

Motion carried 4 – 1 (Opposed: Whitaker).

ITEMS REMOVED FROM CONSENT CALENDAR

- Ordinance No. 3284 Adopted 2. **ESTABLISHMENT OF INFRASTRUCTURE FUND WITH AUTOMATIC DEPOSIT OF REVENUES, ABOVE A BASELINE, FOR DESIGNATED INFRASTRUCTURE IMPROVEMENTS - SECOND READING OF ORDINANCE**

Flory moved, seconded by Fitzgerald, to adopt Ordinance No. 3284.

ORDINANCE NO. 3284 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING CHAPTER 2.48.380 TO THE FULLERTON MUNICIPAL CODE TO ESTABLISH AN INFRASTRUCTURE FUND

Motion carried 4 – 1 (Opposed: Whitaker).

- Resolution Nos. 2020-60 and 2020-61 adopted 5. **SIDE LETTERS TO MEMORANDA OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - DISPATCHER UNIT REGARDING EXTENSION OF TERMS**

- Emily Jackson spoke in opposition to this item.
- Katie Ernst spoke in opposition to this item.

Flory moved, seconded by Fitzgerald, to adopt the following resolutions:

RESOLUTION NO. 2020-60 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - POLICE SAFETY UNIT

RESOLUTION NO. 2020-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY AND THE FULLERTON POLICE OFFICERS' ASSOCIATION - DISPATCHER UNIT

Motion carried 4 – 1 (Opposed: Whitaker).

12:31 a.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 12:31 a.m.



Lucinda Williams, MMC
City Clerk

Jennifer Fitzgerald
Mayor