CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES

OCTOBER 6, 2020 – 4:30 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.

4:33 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 4:33 p.m.

All Present

ROLL CALL

Present:	Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva Whitaker (arrived 4:35 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 4:33 p.m.

CLOSED SESSION

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

   Significant Exposure to Litigation: One Case

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

   Agency Representatives: Kenneth Domer, Ellis Chang and Jay Trinnaman

   Employee Organization: Fullerton Firefighters' Association, Fullerton

Municipal Employees Federation

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. Brendan O'Reilly, City of Fullerton, et al.

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

6:28 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:28 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk

CITY OF FULLERTON
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REGULAR MEETING MINUTES
OCTOBER 6, 2020 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:34 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:34 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, Director of Community and Economic Development Matt Foulkes, Police Chief Robert Dunn, Fire Chief Adam Loser

INVOCATION given by John Shaffer.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

None.

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

None.

PRESENTATIONS

Presented

1. **PROCLAMATION: National Domestic Violence Awareness Month**

PUBLIC COMMENTS - Regular Session

City Clerk Williams read the following eComments:

- Angela Lindstrom regarding the Bastanchury Tree Farm.
- D. Vena regarding the Bastanchury Tree Farm.
- Theresa Harvey regarding North Orange County Chamber "Conversations with Leaders" program.
- Larry Reddel regarding the Bastanchury Tree Farm.
- Bernard Oh support for Measure S.

The following made public comments:

- Larry Sedillo spoke about the Bastanchury Tree Farm.
- Dennis Pargono, Fullerton, spoke about the Bastanchury Tree Farm.
- Craig Lawson, Fullerton, spoke about the Bastanchury Tree Farm.
- Maureen Milton spoke about the November 2, 2020 City Council meeting.
- Bruce Mofid, Veteran's Towing, spoke about a recent towing RFP.
- Ryan Barber, Veteran's Towing, spoke about a recent towing RFP.
- Jose Trinidad Castaneda spoke about accessibility.
- Jensen Hallstrom spoke about the Bastanchury Tree Farm.
- Egleth Nuncci spoke about the 2020 Census.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comment.

Mayor Fitzgerald spoke about COVID-19 testing and prevention.

Council Member Silva thanked Staff for their efforts during COVID-19 and spoke school re-openings.

Council Member Zahra spoke about Council Member communications during COVID-19 and the Bastanchury Tree Farm property.

Council Member Whitaker spoke about the City's RFP process.

Mayor Pro Tem Flory spoke about the Bastanchury Tree Farm property

and asked to agendize, supported by Whitaker, a discussion of the history of the property and possibly reconsider rescinding the surplus property status in two weeks.

Mayor Fitzgerald spoke about the City's RFP process and said she would adjourn the meeting in memory of Bob Hathaway.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 7)

Fitzgerald moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 3, 5, 6 and 7.

Motion carried 5 – 0 (Council Member Whitaker voting no on Item 2).

Approved as amended

1. SEPTEMBER 15, 2020 MEETING MINUTES

Recommendation:

Approve September 15, 2020 City Council / Successor Agency Meeting Minutes as amended.

Resolution No. 2020-86 adopted

2. MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON MANAGEMENT ASSOCIATION APPENDIX A AMENDMENT

Recommendation:

Adopt Resolution No. 2020-86.

RESOLUTION NO. 2020-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING APPENDIX A OF THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND THE FULLERTON MANAGEMENT ASSOCIATION

Approved

3. OUTDOOR DINING AND RETAIL REGULATIONS EXTENSION AND AMENDMENTS TO PROVIDE FOR HEALTH AND SAFETY

Recommendation:

1. Approve extension of outdoor dining and retail program until April 5, 2021.
2. Waive encroachment permit fees for utilization of public space for outdoor dining and retail use until April 5, 2021.
3. Authorize City Manager to make administrative adjustments to outdoor dining regulations and on-site parking requirements as needed to assist local businesses.

Approved

5. ASSET SEIZURE FUNDS TO PURCHASE LEICA LASER SCANNER FOR ACCIDENT RECONSTRUCTION

Recommendation:

Approve use of estimated $86,482.78 Asset Seizure Funds (Fund 34) to purchase Leica Laser Scanner, software and training for Traffic Division and increase Police Department appropriations in same amount.

Approved

6. ASSET SEIZURE FUNDS FOR PRISONER TRANSPORT VEHICLE

Recommendation:

Approve use of estimated $70,841.52 Asset Seizure Funds (Fund 34) to purchase and equip prisoner transport vehicle and increase Police Department appropriations in same amount.

Approved

7. LICENSE AGREEMENT WITH RAYTHEON COMPANY FOR WATER SYSTEM WELL 9

Recommendation:

1. Authorize City Manager or designee to enter into License Agreement with Raytheon Company, effectively replacing December 15, 2017 License Agreement, in a form approved by the City Attorney.
2. Authorize Public Works Director to execute any future amendments / supplements with Raytheon Company for this project, in a form approved by the City Attorney.

PUBLIC HEARINGS (Item 8)

Ordinance No. 3289 introduced, Resolution No. 2020-87 adopted

8. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION OF COMMERCIAL CANNABIS ACTIVITIES CITYWIDE

Mayor Fitzgerald opened the public hearing at 8:34 p.m.

City Clerk Williams read the following eComment:

- Guest User requesting Spanish translation for this item.
- Guest User in opposition.
- Guest User requesting speaking translation.
- Guest User in support of this item.
- Jonatan Cvetko in support of this item.
- Guest User in support of this item.
- Jacqueline Hernandez in support of this item.
- Orange County NORML in support of this item.

- Jack Dean in support of this item.
- Guest User in support of 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 suggesting placing dispensaries near Fullerton High School.
- 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.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User in opposition to this item.
- Guest User asking Mayor Pro Tem Flory to recuse herself from this item.
- Guest User asking Mayor Pro Tem Flory to recuse herself from this item.
- Guest User in opposition to this item and asking Mayor Pro Tem Flory to recuse herself from 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.
- Bernard Oh in support of this item.

The following made public comments:

- Veronica Diaz spoke in opposition to this item.
- Jose Gonzales spoke in opposition to this item.
- Devon Wardlow spoke in support of this item.
- Jose Trinidad Castaneda spoke about decorum, funding and making a decision at this meeting.
- Francisco (no last name given) spoke in opposition to this item.
- Lucia Lopez spoke in in opposition to this item.
- Maureen Milton asked if the city would be able to control the cannabis industry.
- Litzy Galarza spoke in opposition to this item.
- Azul (no last name given) spoke in opposition to this item.
- Carmen (no last name given) spoke in opposition to this item.
- Mildred Garcia, Fullerton, spoke in opposition to this item.
- Lucia Matrino, Fullerton, spoke in opposition to this item.
- Billie Holt, Fullerton, spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Carolina Hernandez, Fullerton, spoke in opposition to this item.
- Maria Sandoval, Fullerton, spoke in opposition to this item.
- Nativa Avila in spoke opposition to this item.
- Jacqueline Barrillo, Buena Park, spoke in opposition to this item.
- Esmerelda (no last name given) spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Dominique (no last name given) spoke in support of this item.
- Courtney Cross, Fullerton, spoke in support of this item.
- Nancy Burrows spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Mireya (no last name given), Fullerton, spoke in opposition to this item.

- Sandra Mejia in spoke opposition to this item.
- Carolina (no last name given) spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Curt (no last name given) spoke in opposition to this item.
- Jay Williams spoke in opposition to this item.
- Christy Sims spoke in opposition to this item.
- Mark Neynaber, Fullerton, spoke in opposition to this item.
- Caleb Parker, Fullerton, spoke in opposition to this item.
- Carime (no last name given), Fullerton, spoke in opposition to this item.
- Pilar Madlonado spoke in opposition to this item.
- Leonel Talavera spoke in opposition to this item.
- Egleth Nuncci, Fullerton, spoke in opposition to this item.

Mayor Fitzgerald closed the public hearing at 9:51 p.m.

Mayor Fitzgerald recessed the meeting at 10:05 p.m.

Mayor Fitzgerald reconvened the meeting at 10:11 p.m.

Silva moved, seconded by Flory, to allow three storefront retail and two non-storefront retail licenses. Motion failed 2 – 3 (In support: Silva, Flory).

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

Silva moved, seconded by Flory, to:

1. Make finding that project is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Introduce Ordinance No. 3289 for first reading by title only and waive further reading of the Ordinance as amended to limit no more than two retail licenses per voting district and no more than three retail licenses south of Chapman/ Malvern Avenue.

   ORDINANCE NO. 3289 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLES 3 AND 15 OF THE FULLERTON MUNICIPAL CODE REGULATING COMMERCIAL CANNABIS BUSINESSES CITYWIDE
3. Adopt Resolution No. 2020-87.

   RESOLUTION NO. 2020-87 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON,

CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SOLICIT COMMUNITY MEMBERS TO FORM THE CANNABIS YOUTH EDUCATION, PREVENTION AND OUTREACH COMMITTEE AND ESTABLISH THE GOALS AND OBJECTIVES OF THIS COMMITTEE AS IT RELATES TO PUBLIC HEALTH, EDUCATION, YOUTH DRUG PREVENTION AND PUBLIC SAFETY

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

City Clerk Williams read the title of the ordinance.

REGULAR BUSINESS (Items 9 - 11)

Resolution No. 2020-88 adopted

9. FEE AND CHARGE WAIVERS, PARKING ENFORCEMENT AND RELATED ACTIONS DUE TO COVID-19 PANDEMIC

Sean Paden asked City Council to not include library late fees in the resolution.

Flory moved, seconded by Fitzgerald, to:

1. Adopt Resolution No. 2020-88 without Library fees.

   RESOLUTION NO. 2020-88 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RATIFYING TEMPORARILY WAIVED FEES, CHARGES AND RENTS GRANTED TO RESIDENTS AND BUSINESSES DURING THE COVID-19 PANDEMIC

2. Approve end of waiving fees and charges by January 2021.
3. Approve end of waiving delinquency fees on utility bills, effective October 28, 2020.
4. Approve resumption of all regular parking enforcement, including overnight parking and street sweeping, effective October 26, 2020.
5. Approve resumption of rents for various City properties / concessions effective October 1, 2020.
6. Receive update on cancellation of community events due to COVID-19 and related financial and staffing considerations

Motion carried 5 – 0.

Approved

10. MAYOR / MAYOR PRO TEM ROTATION POLICY

Silva moved, seconded by Flory, to approve a policy to appoint the Mayor Pro Tem / Vice Chair based on Council Member seniority as determined by the number of years each Council Member has served consecutively on the City Council without serving as Mayor / Chair. The Mayor Pro Tem would then serve as Mayor in the following year. Should the Council Member with the most seniority decline the Mayor Pro Tem position, the

Council Member would move to the bottom of Mayor Pro Tem rotation. Should two or more Council Members have equal seniority, City Council will break the tie by random drawing.

Motion carried 4 – 1 (No: Fitzgerald).

Approved

11. PROFESSIONAL SERVICES AGREEMENT AMENDMENT WITH TOWNSEND PUBLIC AFFAIRS, INC. TO INCLUDE GRANT MANAGEMENT SERVICES

City Clerk Williams read the following eComment:

Angela Lindstrom regarding comparison to return on investment from other cities.

Zahra moved, seconded by Flory, to approve amendment to agreement with Townsend Public Affairs, Inc. for professional grant management services, in a form approved by the City Attorney, and authorize City Manager to execute amendment.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

4. FULLERTON SCHOOL DISTRICT CITY FACILITIES USE

Zahra moved, seconded by Fitzgerald, to authorize City Manager to enter into agreement, in a form approved by the City Attorney, with Fullerton School District for temporary use of specified City facilities.

Motion carried 5 – 0.

11:04 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting in memory of Bob Hathaway at 11:04 p.m.

Jennifer Fitzgerald
Mayor

Lucinda Williams, MMC
City Clerk