



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
OCTOBER 20, 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.*

5:01 p.m.

**CALL TO ORDER**

Mayor / Chair Fitzgerald called the meeting to order at 5:01 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

**PUBLIC COMMENTS – Closed Session**

None.

**RECESS to Closed Session**

Mayor / Chair Fitzgerald recessed the meeting at 5:02 p.m.

**CLOSED SESSION**

**1. 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

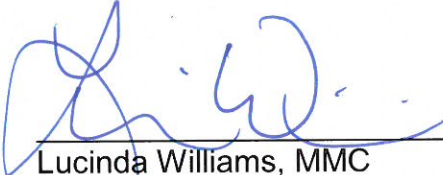
**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

6:19 p.m.

## ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:19 p.m.

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



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
OCTOBER 20, 2020 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:31 p.m.

**CALL TO ORDER**

Mayor / Chair Fitzgerald called the meeting to order at 6:31 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 Captain Eric Carter, Fire Chief Adam Loser

**INVOCATION** given by Pastor Louie Gutierrez.

**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**

None.

**PRESENTATIONS**

Presented

- 1. PRESENTATION: November 3, 2020 Vote Centers and Vote By Mail Ballots**



## **PUBLIC COMMENTS - Regular Session**

City Clerk Williams read the following eComments:

- Diane Vena in support of Measure S.
- Guest User regarding electronic harassment.
- Jeffrey Koskela regarding addressing City Council.
- Marlene Halvorsen regarding the Bastanchury Tree Farm.

The following made public comments:

- James (no last name provided) spoke about homeless issues.
- Unidentified speaker spoke about the Bastanchury Tree Farm.
- Maureen Milton spoke about the November 2, 2020 City Council meeting.
- Bruce Bingham spoke about the Bastanchury Tree Farm.
- Jessica (no last name given), Fullerton, spoke about the Bastanchury Tree Farm.
- Jose Trinidad Castaneda spoke about community choice energy.
- Joseph Roman spoke about the Bastanchury Tree Farm.
- Robert Hui spoke about the Bastanchury Tree Farm.
- District 1 resident spoke about the Bastanchury Tree Farm.
- Christy Sims spoke about public notification and outreach.
- Unidentified speaker thanked City Council for their service to the city.
- District 1 resident spoke about the Bastanchury Tree Farm.
- Unidentified speaker spoke about homeless issues.
- Jane Reifer spoke about public participation during public meetings.
- Egleth Nuncci spoke about the financial impacts of COVID 19.
- Bernard Oh, Fullerton, spoke about road repairs.

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

City Manager Domer responded to issues arising during public comment.

Council Member Silva spoke about committee meetings under COVID-19 protocols and thanked students and parents for their patience with remote learning.

Council Member Zahra provided a water district update.

Council Member Whitaker spoke about parking at Hillcrest Park, an unsafe condition on Flood Control District property, the consent calendar process and city sales tax revenues.

Mayor Pro Tem Flory spoke about public participation and COVID-19.

Mayor Fitzgerald spoke about the City Council Rules of Procedure and Decorum.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 14)**

Fitzgerald moved, seconded by Flory, to approve Consent Calendar Items 1, 2, 3, 5, 6, 9, 10, 11, 12, 13 and 14.

Motion carried 5 – 0.

- |                                |  |
|--------------------------------|--|
| Approved                       | <b>1. OCTOBER 6, 2020 MEETING MINUTES</b><br>Recommendation:<br>Approve October 6, 2020 City Council / Successor Agency Meeting Minutes.                                     |
| Received and filed             | <b>2. SEPTEMBER 2020 CHECK REGISTER</b><br>Recommendation:<br>Receive and file.  |
| Received and filed             | <b>3. TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2020</b><br>Recommendation:<br>Receive and file.  |
| Approved                       | <b>5. JANUARY 5, 2021 CITY COUNCIL MEETING CANCELLATION</b><br>Recommendation by the City Clerk's Office:<br>Cancel January 5, 2021 City Council / Successor Agency Meeting. |
| Resolution No. 2020-89 adopted | <b>6. BIENNIAL REVIEW AND UPDATE OF CITY OF FULLERTON CONFLICT OF INTEREST CODE</b><br>Recommendation:<br>Adopt Resolution No. 2020-89.                                      |



RESOLUTION NO. 2020-89 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE CONFLICT OF INTEREST CODE OF THE CITY OF FULLERTON INCLUDING DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

Resolution No. 2020- 9.  
92 adopted

**GRANT FUNDING FOR YORBA LINDA BOULEVARD / WEIR CANYON ROAD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM**

Recommendation:

Adopt Resolution No. 2020-92.

RESOLUTION NO. 2020-92 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION(S) FOR FUNDS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM

Approved

**10. 2019 JUSTICE ASSISTANCE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING TO TRANSFER FUNDS**

Recommendation:

Approve Memorandum of Understanding to accept 2019 JAG award and authorize \$21,697.20 appropriation of grant funds to the Police Department Fund 32.

Approved

**11. CONTRIBUTION FROM CHEVRON FOR FIRE DEPARTMENT ALL-TERRAIN VEHICLE**

Recommendation:

Authorize City Manager to accept funds from Chevron on behalf of City and appropriate receipt and uses of funds to purchase specialized rescue / utility all-terrain vehicle (ATV) required for early access to "West Coyote Hills Initial Trails".

Approved

**12. ORANGE COUNTY TRANSPORTATION AUTHORITY PILOT REGIONAL SIGNAL PERFORMANCE MEASURE PROJECT - BROOKHURST ROAD**

Recommendation:

1. Approve Memorandum of Understanding (MOU) No. C-0-2438 for Orange County Transportation Authority (OCTA) Pilot Regional Signal Performance Measure Project on Brookhurst Road, between OCTA and City of Fullerton, in a form approved by the City Attorney.

2. Authorize Public Works Director to sign MOU and any subsequent revisions.

Approved

**13. ELECNOR BELCO ELECTRIC, INC. CONTRACT AWARD FOR GILBERT STREET / IDAHO STREET PROJECT P REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM PROJECT**

Recommendation:

1. Approve plans and specifications for Gilbert Street / Idaho Street Regional Traffic Signal Synchronization Program Project.
2. Award \$213,678 construction contract for Gilbert Street / Idaho Street Regional Traffic Signal Synchronization Program Project to Elecnor Belco Electric, Inc. in a form approved by the City Attorney.
3. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Approved

**14. AMERIGE AVENUE PARKING LOT ACCESSIBILITY IMPROVEMENTS**

Recommendation:

1. Authorize new Capital Improvement Program Project Number 55051 Amerige Avenue Parking Lot Accessibility Improvements.
2. Authorize \$185,000 budget transfer from Liability Insurance Fund and appropriate funds to Project 55051 Amerige Avenue Parking Lot Accessibility Improvements.

**PUBLIC HEARINGS (Item 15)**

Ordinance No. 3290 introduced,  
Resolution No. 2020-93 adopted

**15. FULLERTON MUNICIPAL CODE AMENDMENTS PERTAINING TO REGULATION OF SHORT-TERM RENTALS**

Mayor Fitzgerald opened the public hearing at 8:02 p.m.

City Clerk Williams read the following eComments:

- Jane Rands in opposition to this item.
- Jeremy Talcott in opposition to this item.
- Guest User in opposition to this item.
- Matthew Leslie in opposition to this item.
- Guest User in opposition to this item.
- Jose Trinidad Castaneda in opposition to this item.



- Guest User in support of this item with a reasonable cap.
- Jordan Sisson, Local 11, in opposition to this item.
- Dion Collins 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.
- Guest User in opposition to this item.
- Bonnie Corwin in opposition to this item.
- Guest User in support of this item.
- Guest User in opposition to this item.
- Danielle Wilson in opposition to this item.
- Lois Schmitt in opposition to this item.
- Guest User in opposition to short-term rental regulations.
- Guest User in opposition to this item.
- Guest User in support of on-site parking.
- Michael Schmitt in opposition to this item.
- Fred Jung in opposition to this item.
- Jonah Breslau, LAANE, in opposition to this item.
- Marlene Halvorsen in opposition to this item.
- Tony Package in opposition to this item.
- Susan Petrella in opposition to this item.

The following made public comments:

- Jonah Breslow spoke in opposition to this item.
- Aldopho Reta spoke in opposition to this item.
- Jimmy Hong spoke in support of this item.
- Ken Bane spoke in support of this item.
- Unidentified speaker spoke in support of this item.
- Unidentified speaker spoke in support of more licenses.

Mayor Fitzgerald closed the public hearing at 8:27 p. m.

Fitzgerald moved, seconded by Flory, to

1. Make finding that project statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15061(B)(3).
2. Introduce Ordinance No. 3290 for first reading by title only



and waive further reading of the Ordinance.

ORDINANCE NO. 3290 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AMENDMENTS TO THE FULLERTON MUNICIPAL CODE TITLES 4 AND 15 TO REGULATE SHORT-TERM RENTAL USES CITYWIDE

3. Adopt Resolution No. 2020-93.

RESOLUTION NO. 2020-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SETTING THE MAXIMUM NUMBER OF WHOLE-HOUSE SHORT-TERM RENTAL PERMITS WHICH MAY BE ISSUED CITYWIDE

Motion carried 4 – 1 (No: Whitaker).

### **REGULAR BUSINESS (Item 16)**

Resolution No. 2020-94 adopted

#### **16. ISSUANCE AND SALE OF 2020 REFUNDING BONDS TO REFINANCE OUTSTANDING 2013 TAXABLE JUDGMENT OBLIGATION BONDS**

Zahra moved, seconded by Flory, to adopt Resolution No. 2020-94.

RESOLUTION NO. 2020-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF 2020 REFUNDING BONDS TO REFINANCE OUTSTANDING 2013 TAXABLE JUDGMENT OBLIGATION BONDS, APPROVING THE FINAL FORM OF RELATED FINANCING DOCUMENTS AND APPROVING OFFICIAL ACTIONS

Motion carried 5 – 0.

### **ITEMS REMOVED FROM CONSENT CALENDAR**

Tabled

#### **4. CODE AMENDMENTS PERTAINING TO REGULATION OF COMMERCIAL CANNABIS ACTIVITIES CITYWIDE - SECOND READING OF ORDINANCE**

City Clerk Williams read the following eComments:

- Guest User in support of this item.
- Jacqueline Hernandez in support this item.
- Martha Salcedo in opposition to this item.
- Ruth Ann Graybill in opposition to this item.
- Jim Holt in opposition to this item.
- Mitzi Ouderkerken in opposition to this item.

- Guest User in opposition to this item.
- Dr. Bedell 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.
- Jeffrey Koskela in opposition to this item.
- Guest User in opposition to this item.
- Teresa Denker in opposition to this item.
- Guest User in opposition to 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.
- Dan Komaromi in opposition to this item.
- Guest User in opposition to this item.
- David Wilde in opposition to this item.
- Margie Tuccillo in opposition to this item.
- Guest User in opposition to this item.
- Laura Austin 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.
- Bonnie Stead 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.
- Eric and Tina Hedin 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.
- Fullerton resident 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.
- Ilse (no last name given) 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.
- Sean Lawrence in opposition to this item.

The following made public comments:

- Dana Cisceneros in support of cannabis sales.
- Samantha Harmony in support of this item.
- Gabrielle Barnes in support of this item.
- Marilyn Harris, Fullerton, in opposition to this item.
- Jeff Harris, Fullerton, in opposition to this item.
- Daniel Yi, Rancho Palos Verdes, in support of this item.
- Dolores Kimball spoke in opposition to this item.
- Maureen Milton suggested City Council specify specific sites for dispensaries.
- Nick DeSimone, La Habra, opposed the 100-foot buffer.
- Unidentified speaker spoke in opposition to this item.
- Chuck Bishop, Fullerton, spoke in opposition to this item.
- Angela Andradi, Fullerton, spoke in opposition to this item.
- Elizabeth Swift, Buena Park City Council Member, expressed concern relating to due process and notification to Buena Park residents.



- Sunny Park, Buena Park City Council Member, asked City Council to include community input in their decision and expressed concerns with notification to Buena Park residents.
- Jay Williams spoke in opposition to this item.
- John Donahue spoke in support of this item.
- Charles Henke spoke in support of this item.
- Joanna Sanchez spoke in support of this item.
- Emily O'Neal, Fullerton, expressed concern with the proposed locations.
- John Schaeffer, Fullerton, spoke in opposition to this item.
- Unidentified Buena Park resident spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Rosia Lopez spoke in opposition to this item.
- Francisco Gomez spoke in opposition to this item.
- Sandra (no last name given) spoke in opposition to this item.
- Cassandra (no last name given) spoke in opposition to this item.
- Magdelina (no last name given) spoke in opposition to this item.
- Guillermina (no last name given) spoke in opposition to this item.
- Unidentified Fullerton resident spoke in opposition to this item.
- Unidentified speaker spoke in opposition to this item.
- Calen Parker spoke in opposition to this item.
- Pilar (no last name given) spoke in opposition to this item.
- Christy Sims, Fullerton, spoke in opposition to this item.
- Mark Nynabor, Fullerton, spoke in opposition to this item.
- Leonel Talvera, Fullerton, spoke in opposition to this item.
- Christian Nitu spoke in support of this item.
- Javier Montez spoke in support of this item.
- Kurt Johnston spoke in opposite to this item.
- Rich Gary spoke about enforcement against illegal dispensaries.

- Egleth Nuncci spoke in opposition to this item.
- Brian (no last name given) spoke about the effects of alcohol and marijuana on the brain.

Mayor Fitzgerald recessed the meeting at 10:39 p.m.

Mayor Fitzgerald reconvened the meeting at 10:44 p.m.

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

Silva made an alternate motion, seconded by Zahra, to adopt Ordinance No. 3289.

Original motion to table item passed 4 – 1 (No: Silva).

Resolution No. 2020- 7.  
90 adopted

**PERSONNEL MANAGEMENT SYSTEM CHANGES  
RELATED TO REVISING THE PRINCIPAL CIVIL  
ENGINEER - WATER CLASS SPECIFICATION AND SALARY  
RANGE REASSIGNMENT**

Flory moved, seconded by Zahra to adopt Resolution No. 2020-90.

RESOLUTION NO. 2020-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REVISING A CERTAIN CLASS SPECIFICATION IN THE PERSONNEL SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2020-18 (FULLERTON MANAGEMENT ASSOCIATION)

Motion carried 4 – 1 (No: Whitaker).

Resolution No. 2020- 8.  
91 adopted

**CHIEF INFORMATION OFFICER POSITION SALARY RANGE**

Fitzgerald moved, seconded by Flory to:

1. Adopt Resolution No. 2020-91.

RESOLUTION NO. 2020-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION 2020-84

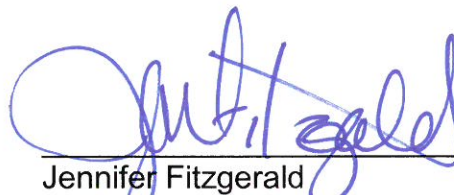
2. Authorize amendments to City Manager's Office personnel summary to add Chief Information Officer position and to Police Department personnel summary to remove Information Technology Manager position.
3. Authorize funding appropriation to cover prorated cost of Chief Information Officer position in Fiscal Year 2020-21.

Motion carried 4 – 1 (No: Whitaker).

11:34 p.m.

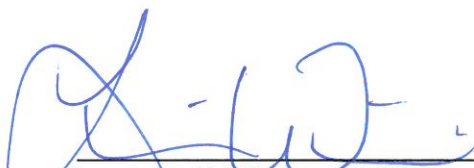
**ADJOURNMENT**

Mayor / Chair Fitzgerald adjourned the meeting at 11:34 p.m.



---

Jennifer Fitzgerald  
Mayor



---

Lucinda Williams, MMC  
City Clerk