



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
DECEMBER 3, 2019 – 5:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

5:02 p.m.

## **CALL TO ORDER**

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

All Present

## **ROLL CALL**

Present: Mayor / Chair Silva, Mayor Pro Tem / Vice Chair Fitzgerald, Council / Agency Members Flory, Whitaker (arrived 5:10 p.m.), Zahra

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 Silva recessed the meeting at 5:03 p.m.

## **CLOSED SESSION**

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

**Agency Representative/s:** Kenneth Domer and Jay Trinnaman

**Employee Organization/s:** Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Police Management Association, Fullerton Firefighters' Association

**Under Discussion:** Parameters of authority for negotiating salaries, benefits and

working conditions

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

**Name of Case:** Rosa Garcia De Reyes v. City of Fullerton

**Case Number:** OCSC 30-2018-0102355

6:07 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:07 p.m.



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY /  
HOUSING AUTHORITY  
REGULAR MEETING MINUTES  
DECEMBER 3, 2019 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

6:30 p.m.

## **CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 6:30 p.m.

All Present

## **ROLL CALL**

Present: Mayor / Chair Silva, Mayor Pro Tem / Vice Chair Fitzgerald, Council / Agency / Authority Members Flory, Whitaker, Zahra

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk / Secretary Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Director of Human Resources Gretchen Beatty, City Engineer Yelena Voronel, Director of Community and Economic Development Matt Foulkes, Police Chief Robert Dunn, Director of Administrative Services Ellis Chang, Deputy Fire Chief Jamie Newton

**INVOCATION** given by Pastor Jason Phillips.

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

## **CLOSED SESSION REPORT**

None.

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

None.

## **PRESENTATIONS**

None.

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Tania McCrory spoke about City of Fullerton v. Friends for Fullerton's Future, Joshua Ferguson and David Curlee.

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

City Manager Domer responded to issues arising during public comment.

Council Member Zahra noted this meeting marks his first year of service on the City Council and reported on the Orange County Water District.

Council Member Flory reported on attendance at recent community events.

Council Member Whitaker spoke about Hillcrest Park parking.

Mayor Pro Tem Fitzgerald spoke about downtown holiday decorations and the Winter Market.

Mayor Silva spoke about downtown holiday decorations.

## **APPOINTMENTS**

None.

## **REGULAR BUSINESS (Item 1)**

Fitzgerald to serve as Mayor / Chair.  
Flory to serve as Mayor Pro Tem / Vice Chair

### **1. MAYOR / CHAIR AND MAYOR PRO TEM / VICE CHAIR SELECTION**

Mayor Silva nominated Mayor Pro Tem Fitzgerald to serve as Mayor / Chair for the ensuing term.

Zahra moved, seconded by Flory, to close nominations for Mayor / Chair.

Motion carried 5 – 0.

City Council approved the nomination of Mayor Pro Tem Fitzgerald as Mayor / Chair by 4 – 1 roll call vote (No: Whitaker).

Mayor Fitzgerald nominated Council Member Flory to serve as

Mayor Pro Tem / Vice Chair for the ensuing term.

Council Member Whitaker nominated Council Member Whitaker to serve as Mayor Pro Tem / Vice Chair for the ensuing term.

Fitzgerald moved, seconded by Silva, to close nominations for Mayor Pro Tem / Vice Chair.

Motion carried 5 – 0.

City Council approved the nomination of Council Member Flory as Mayor Pro Tem / Vice Chair by 3 – 2 roll call vote (No: Silva, Whitaker).

## **CONSENT CALENDAR (Items 2 - 4)**

Zahra moved, seconded by Flory, to approve Consent Calendar Items 2 – 4.

Motion carried 5 – 0.

Approved

### **2. NOVEMBER 19, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve November 19, 2019 City Council / Successor Agency Meeting Minutes.

Resolution  
2019-73 adopted

### **No. 3. PERSONNEL MANAGEMENT SYSTEM CHANGES RELATING TO NON-REGULAR EMPLOYEES**

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-73.

RESOLUTION NO. 2019-73 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO PAY FOR NON-REGULAR EMPLOYEES AND REPLACING RESOLUTION NO. 2018-67

Approved

### **4. METRO CITIES FIRE AUTHORITY FOURTH AMENDED JOINT POWERS AGREEMENT**

Recommendation by the Fire Department:

Approve Metro Cities Fire Authority Fourth Amended Joint Powers Agreement.

## **PUBLIC HEARINGS (Item 5)**

Resolution  
2019-74, 2019-75,  
2019-76 adopted

### **5. APPEAL OF PLANNING COMMISSION ACTION TO DENY MAJOR SITE PLAN, CONDITIONAL USE PERMIT AND VARIANCE FOR CONSTRUCTION AND OPERATION OF CARWASH FACILITY AT 3105 - 3109 YORBA LINDA BOULEVARD**

Mayor Fitzgerald opened the public hearing at 7:42 p.m.

- Deverine Mota spoke in opposition to this project.
- Sherry Friend spoke in opposition to this project.
- John Meares spoke in opposition to this project.
- Laura Corey Esienberg, Rancho Mission Diego, spoke in opposition to this project.
- Curtis Heyne, Fullerton, spoke in opposition to this project.
- Debra Garrison, Fullerton, spoke in opposition to this project.
- David Olivares, Fullerton, spoke in opposition to this project.
- John Phelps, Fullerton, spoke in support of this project.

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

Fitzgerald moved, seconded by Flory, to adopt the following resolutions to uphold the appeal, amending Condition 5 to reflect winter operation hours:

RESOLUTION NO. 2019-74 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPHOLDING AN APPEAL OF A PLANNING COMMISSION DECISION AND APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF AN AUTOMATED DRIVE-THROUGH CAR WASH FACILITY AT 3105-3109 YORBA LINDA BOULEVARD

RESOLUTION NO. 2019-75 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPHOLDING AN APPEAL OF A PLANNING COMMISSION DECISION AND APPROVING A MAJOR SITE PLAN TO CONSTRUCT AN AUTOMATED DRIVE-THROUGH CAR WASH FACILITY AT 3105-3109 YORBA LINDA BOULEVARD

RESOLUTION NO. 2019-76 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPHOLDING AN APPEAL OF A PLANNING COMMISSION DECISION AND APPROVING A VARIANCE FROM FULLERTON MUNICIPAL CODE SECTION 15.30.040.D TO CONSTRUCT AN AUTOMATED DRIVE-THROUGH CAR WASH FACILITY AT 3105-3109 YORBA LINDA BOULEVARD

Motion carried 4 – 1 (No: Whitaker)

## **REGULAR BUSINESS - Continued (Item 6)**

Reviewed

### **6. FIRST CONSIDERATION OF TENTATIVE MEMORANDUM OF AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON FIRE MANAGEMENT ASSOCIATION**

Flory moved, seconded by Silva, to review proposed Memorandum of Agreement and direct Staff to schedule for final review on December 17, 2019.

Motion carried 4 – 0 – 1 (Absent: Whitaker).

## **ITEMS REMOVED FROM CONSENT CALENDAR**

None.

9:01 p.m.

## **ADJOURNMENT**

Mayor / Chair Fitzgerald adjourned the meeting at 9:01 p.m.