



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JUNE 19, 2018 - 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:00 p.m.

CALL TO ORDER

Mayor Pro Tem / Vice Chair Sebourn called the meeting to order at 5:00 p.m.

ROLL CALL

Absent: Chaffee,
Fitzgerald

Present: Mayor Pro Tem / Vice Chair Sebourn, Council Members Silva, Whitaker

Absent: Mayor / Chair Chaffee, Council Member Fitzgerald

Staff Present: City Manager Kenneth A. Domer, Deputy City Attorney Ivy Tsai, City Clerk Lucinda Williams

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor Pro Tem / Vice Chair Sebourn recessed to Closed Session at 5:00 p.m.

CLOSED SESSION

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

Name of Case: Cody Carter v. City of Fullerton, et al.

Case Number: OCSC Case No.: 30-2018-00990952

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

Name of Case: Orange County Catholic Worker v. Orange County, City of Anaheim, City of Costa Mesa, City of Orange, City of Santa Ana

Case Number: SA CV 18-0155-DOC

6:06 p.m.

ADJOURNMENT

Mayor Pro Tem / Vice Chair Sebourn adjourned the Closed Session meeting at 6:06 p.m.

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
JUNE 19, 2018 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

Mayor Pro Tem / Vice Chair Sebourn called the meeting to order at 6:30 p.m.

ROLL CALL

Absent: Chaffee,
Fitzgerald

Present: Mayor Pro Tem / Vice Chair Sebourn, Council Members Silva, Whitaker

Absent: Mayor / Chair Chaffee, Council Member Fitzgerald

Staff Present: City Manager Kenneth A. Domer, Deputy City Attorney Ivy Tsai, City Clerk Lucinda Williams, Director of Human Resources Gretchen Beatty, Director of Parks and Recreation Hugo Curiel, Director of Community Development Ted White, Director of Public Works Don Hoppe, Police Chief David Hendricks, Director of Administrative Services Michael O'Kelly, Fire Battalion Chief Jamie Newton

INVOCATION given by Mayor Pro Tem Sebourn.

PLEDGE OF ALLEGIANCE led by Council Member Silva.

CLOSED SESSION REPORT

Deputy City Attorney Tsai reported the City Council entered into a \$39,316.41 settlement agreement in the case of Cody Carter v. City of Fullerton, et al. for release of claims against the City.

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

None.

PRESENTATIONS

All presented except
Item 1

1. PRESENTATION: OC Animal Care Pet of the Month
2. PRESENTATION: Troy High School Science Olympiad Winners
3. PRESENTATION: Fullerton Host Lions - Chess Tournament Champions
4. PROCLAMATION: National Alzheimer's and Brain Awareness Month

PUBLIC COMMENTS

- Tony Package, Fullerton, spoke about new businesses in the City, plastic recycling and federal immigration.
- Sheri Carter, Fullerton, asked about the Catholic Worker lawsuit and emergency shelter overlay and spoke about alleged contamination at 1600 West Commonwealth.
- Katie Bullock, Fullerton, asked about the status of the armory shelter and the City's plan for homelessness.
- Anne Murphy, Fullerton, spoke about illegal fireworks.
- Corky Nepomuceno spoke about the June 21st Day of Music event.
- Nathaniel Jones thanked the City for resolving parking issues at his residence.
- Curtis Gamble spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comments.

Council Member Silva asked for an update on the City's Fourth of July event.

Council Member Whitaker spoke about enforcement against illegal dispensaries operating in the City and road conditions at northbound Euclid and Malvern.

Mayor Pro Tem Sebourn reported on a meeting with the Little Chapman neighborhood.

Appointment made

APPOINTMENTS (Item 1)

1. LIBRARY AD-HOC COMMITTEE APPOINTMENTS

Council Member Whitaker appointed Barbara Kilponen to the Library Ad-Hoc Committee.

Sebourn moved, seconded by Silva, to ratify the direct

appointment.

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

PUBLIC HEARINGS (Item 2)

Approved

2. AMENDMENT TO FISCAL YEAR 2015-2019 CONSOLIDATED SUBMISSION FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS (CONSOLIDATED PLAN), PROGRAM YEAR 2018 ANNUAL ACTION PLAN AND CITIZEN PARTICIPATION PLAN – UPDATE

Mayor Pro Tem Sebourn opened the public hearing at 7:39 p.m.

- David Gillanders, Pathways to Hope, spoke in support of this item.
- Irene Dressen, Mercy House, asked City Council to reconsider the decision to not grant Mercy House's request for CDBG funds.
- Curtis Gamble spoke about homeless services.

Mayor Pro Tem Sebourn closed the public hearing at 7:48 p.m.

Whitaker moved, seconded by Silva, to authorize staff to update and submit the Draft Substantial Amendment to FY 2015-19 Consolidated Plan, Draft PY 2018 Annual Action Plan and Citizen Participation Plan to HUD for approval by June 26, 2018.

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

REGULAR BUSINESS (Items 3 - 4)

Resolution Nos.
2018-38 and
2018-39 adopted

3. RESOLUTIONS TO REQUEST GOOD FAITH EFFORT FROM NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT PERTAINING TO STADIUM FACILITIES

- Ken Bane, Fullerton, spoke in support of this item.
- Unidentified speaker spoke against the proposed stadium.
- Unidentified speaker spoke in support of the resolutions and asked the City to send a representative to the negotiations.
- Laura Barasch spoke in support of the resolutions.
- Unidentified speaker spoke in support of this item.
- Mary Francis Gable spoke in support of this item and asked that a Council Member attend the negotiations.
- Unidentified speaker spoke in support of this item and asked that a Council Member attend the negotiations.
- Bill Burbank, Fullerton, opposed the stadium proposal.
- Kathryn Bullock, Fullerton, spoke in support of this item.

- Rich Wolfenstein, Fullerton, spoke in support of this item.
- Joe Dikeman, Fullerton, asked what authority the City would have in regards to the stadium proposal.
- Jennifer Stern, Fullerton, encouraged use of the Cal State Fullerton stadium.
- Desi St. Amant, Fullerton, spoke in support of the resolutions.
- Phyllis Cobb, Fullerton, spoke in opposition to the proposed stadium.
- Steven Beers, Fullerton, spoke about attendance at football games and traffic safety issues.

Silva moved, seconded by Whitaker, to adopt the following resolutions:

RESOLUTION NO. 2018-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO REQUEST A GOOD FAITH EFFORT FROM THE NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT TO NEGOTIATE A SHARED USE AGREEMENT WITH THE FULLERTON JOINT UNION HIGH SCHOOL DISTRICT PERTAINING TO STADIUM FACILITIES

RESOLUTION NO. 2018-39 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, TO REQUEST A GOOD FAITH EFFORT FROM THE NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT TO NEGOTIATE A SHARED USE AGREEMENT WITH CALIFORNIA STATE UNIVERSITY FULLERTON PERTAINING TO STADIUM FACILITIES

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

Approved

4. **INSURANCE PROGRAM REPORT AND RECOMMENDATIONS**

Silva moved, seconded by Whitaker, to:

1. Authorize staff to bind excess workers' compensation insurance with maximum limit set to statutory benefit maximums and lower limit of \$750,000 for non-safety employees and \$1 million for safety employees with Safety National Insurance Company at \$200,467 premium cost.
2. Authorize staff to bind airport liability insurance with \$75 million per loss limit with Ace Insurance Company and three-year rate guarantee at \$18,182 premium per year, billed annually.
3. Authorize staff to bind earth movement and flood insurance with AXIS Surplus Lines Insurance, Landmark American Specialty Insurance Company and Catalytic (Lloyd's and

Starstone Insurance) with combined limits of \$20 million for a combined \$465,226 premium.

4. Authorize staff to bind excess liability insurance with limits of \$1 million to \$8 million per occurrence with Allied World Assurance Company / Allied Public Risk at a \$247,418 premium cost.
5. Receive and file report relative to City's insurance programs, ancillary insurance coverage purchases and participation in Independent Cities Risk Management Authority joint powers authority to procure excess liability insurance above \$8 million per occurrence, All Risk Property coverage, Auto Physical Damage Insurance, Crime Insurance and Cyber Liability Insurance.

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

CONSENT CALENDAR (Items 5 - 15)

Whitaker moved, seconded by Silva, to approve all Consent Calendar Items except Items 8 and 11.

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

Approved

5. JUNE 5, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve June 5, 2018 City Council / Successor Agency Meeting Minutes.

Approved

6. MAY 2018 CHECK REGISTER

Recommendation by the Administrative Services Department:
Receive and file.

Approved

7. MONTHLY LEGISLATIVE UPDATE

Recommendation by the Administration Department:
Receive and file.

Approved

9. POLICE MOBILE DATA COMPUTERS (RUGGED LAPTOPS) PURCHASE

Recommendation by the Administrative Services Department:

1. Appropriate \$306,233.92 from Information Technology Fund.
2. Authorize City Manager to approve \$306,233.92 Purchase Order for purchase of Police Department mobile data computers.

Approved

10. FIBER OPTIC CONNECTION BUDGET TRANSFER

Recommendation by the Administrative Services Department:

Approve \$113,600 budget transfer from Information Technology Fund to Capital Improvement Program Fund for CIP Project Number 56-019.

Resolution No.
2018-41 adopted

12. THREE-MINUTE PARKING RESTRICTION ON THE SOUTH SIDE OF EAST SANTA FE AVENUE IN FRONT OF 336 EAST SANTA FE AVENUE

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-41.

RESOLUTION NO. 2018-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING THE SOUTH SIDE OF EAST SANTA FE AVENUE, IN FRONT OF 336 EAST SANTA FE AVENUE, AS A PLACE WHERE PARKING OF VEHICLES IS RESTRICTED TO 3-MINUTES OF CONTINUOUS PARKING BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M., SUNDAYS AND HOLIDAYS EXEMPT

Resolution No.
2018-42 adopted

13. TWO-HOUR PARKING RESTRICTION ON THE NORTH SIDE OF WEST SANTA FE AVENUE IN FRONT OF 221 - 237 WEST SANTA FE AVENUE

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-42.

RESOLUTION NO. 2018-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING THE NORTH SIDE OF WEST SANTA FE AVENUE, FROM 160-FEET EAST OF HIGHLAND AVENUE TO 440-FEET EAST OF HIGHLAND AVENUE, AS A PLACE WHERE PARKING OF VEHICLES IS RESTRICTED TO 2-HOURS OF CONTINUOUS PARKING BETWEEN THE HOURS OF 7:00 A.M. AND 6:00 P.M., SUNDAYS AND HOLIDAYS EXEMPT

Resolution No.
2018-43 adopted

14. NO STOPPING ON EAST SIDE OF BASQUE AVENUE IMMEDIATELY SOUTH OF VALENCIA DRIVE

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-43.

RESOLUTION NO. 2018-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING THE EAST SIDE OF BASQUE AVENUE, FROM VALENCIA DRIVE TO THE EAST / WEST ALLEY SOUTH OF VALENCIA DRIVE, AS A PLACE WHERE VEHICLES ARE PROHIBITED FROM STOPPING BETWEEN THE HOURS OF 7:30 A.M. TO 8:30 A.M. AND 2:30 P.M. TO 3:30 P.M., NON-SCHOOL DAYS EXEMPT

Approved

15. CHAPMAN AVENUE REHABILITATION FROM ACACIA AVENUE TO 57 FREEWAY

Recommendation by the Public Works Department:

1. Approve plans and specifications for Chapman Avenue Rehabilitation from Acacia Avenue to 57 Freeway Project.
2. Approve the following budget transfers to Project 44035 Chapman Avenue Rehabilitation from Acacia Avenue to 57 Freeway:
 - \$20,000 Sewer Enterprise Fund from Project 51419 Annual Sewer Replacement Program Fiscal Year 2017-18
 - \$50,000 Sanitation Fund Balance
 - \$242,105 Surplus Gas Tax from Project 44028 State College Reconstruction - Phase II.
3. Approve \$950,546 construction contract between R.J. Noble Company and City of Fullerton, in a form approved by the City Attorney.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

8. FINAL FISCAL YEAR 2017-18 BUDGET ACTION ITEMS UPDATE

Jane Rands asked to remove the Hunt Branch Library from the list of properties for potential sale.

Sebourn moved, seconded by Silva, to receive and file and strike the Hunt Branch Library from the list of properties for potential sale.

Motion carried 2 – 1 – 2 (No: Whitaker; Absent: Chaffee, Fitzgerald).

Resolution No.
2018-40 adopted

11. DISABLED PERSONS PARKING - 154 SOUTH YALE AVENUE

Joyce Witcher spoke in support of this item.

Whitaker moved, seconded by Silva, to adopt Resolution No. 2018-40.

RESOLUTION NO. 2018-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 154 SOUTH YALE AVENUE

Motion carried 3 – 0 – 2 (Absent: Chaffee, Fitzgerald).

ADJOURNMENT

Mayor Pro Tem / Vice Chair Sebourn adjourned the meeting at 9:01 p.m.

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk