



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
AUGUST 21, 2018 - 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:00 p.m.

CALL TO ORDER

Mayor / Chair Chaffee called the meeting to order at 5:00 p.m.

All present

ROLL CALL

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

Absent: None

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

PUBLIC COMMENTS

- Phillip Bromley shared a proposal for use of the property at 1600 West Commonwealth Avenue.
- Anita Adriano, Fullerton, supported a manufacturing use of the property at 1600 West Commonwealth Avenue.

RECESS to Closed Session

Mayor / Chair Chaffee recessed the meeting at 5:04 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: City Manager Kenneth Domer

Employee Organization/s: Fullerton Fire Management Association, Fullerton Police Officers' Association

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

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8

Property: 1600 West Commonwealth Avenue,
Fullerton, CA
(APN: 030-290-22)

Agency Negotiator: City Manager Kenneth A. Domer

Under Negotiations: Price and Terms

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per
Government Code Section 54956.8**

Property: 3001 Pearl Drive, Fullerton, CA
(APN: 339-231-12)

Agency Negotiator: Hugo Curiel, Director of Parks and
Recreation

Negotiating Parties: Gem Property Owners

Under Negotiations: Price and Terms

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

Name of Case: Orange County Catholic Worker et al v. Orange
County et al, United States District Court,
Central District of California

Case Number: 8:18-cv-00155-DOC-JDE

ADJOURNMENT

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

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
AUGUST 21, 2018 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:31 p.m.

CALL TO ORDER

Mayor / Chair Chaffee called the meeting to order at 6:31 p.m.

All Present

ROLL CALL

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

Absent: None

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

INVOCATION given by Rob Burke, Wilshire Avenue Church.

PLEDGE OF ALLEGIANCE led by Miss Senior California Pauline Abbott.

CLOSED SESSION REPORT

None.

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

None.

PRESENTATIONS

1. PRESENTATION: Ms. Senior California

PUBLIC COMMENTS

- Brian Yannity, Fullerton, spoke in support of supportive housing.
- Mike Robbins, Peoples Homeless Task Force, spoke in support of housing first.
- Joe Mardi, Viron, spoke in support of Viron services.
- Dylan Chrismer, Viron, spoke in support his company.
- Nurruzana Rahim, Viron, spoke about opportunities provided to her at Viron.
- Helena Moreno, Viron, spoke about the assets Viron could provide in Fullerton.
- Rebecca Park, Good Hands for One, reported on their annual awards ceremony.
- Sean Rojas, Viron, spoke about his experience working for Viron.
- Kristin Anderson spoke about alternate locations for the Pathways of Hope project.
- Unidentified speaker supported locations other than 1600 West Commonwealth Avenue for supportive housing.
- Elizabeth Hansburg, Fullerton, spoke in support of the Pathways of Hope project.
- Nina Parker, Fullerton, spoke in opposition to permanent supportive housing at 1600 West Commonwealth Avenue.
- Martha Dickey, Fullerton, spoke in opposition to permanent supportive housing at 1600 West Commonwealth Avenue.
- Joe Imbriano, Fullerton, spoke about providing public property for development, city parks, high density development and street conditions.
- Rachael French, Fullerton, spoke in opposition to supportive housing at 1600 West Commonwealth Avenue.
- Lara Akl, Fullerton, spoke in opposition to supportive housing at 1600 West Commonwealth Avenue.
- Peter Hoosier, Viron, asked the City to allow Viron to purchase the property at 1600 West Commonwealth.

- Nick Huang, Viron, spoke about the growth of Viron and hopes to expand the company to Fullerton.
- Mireya Figuera, Fullerton, asked about the status of Woodcrest Park.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comments.

Council Member Silva reported on an upcoming Coffee and Conversation event.

Mayor Pro Tem Sebourn reported on the Good Hands for One awards ceremony and wished Happy Birthday to his daughter.

Mayor Chaffee reported on the Fullerton School District welcome back event, Pop Warner Kickoff, graduate student visit, Blues, Brews and BBQ fundraiser and Sister City Taco Festival and spoke about grant funding for acquisition of property at West Coyote Hills.

APPOINTMENTS

None.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 1 - 4)

Approved

1. DOWNTOWN PARKING - NIGHTTIME PAID PARKING PILOT PROGRAM

Deputy City Attorney Tsai announced that the City Attorney's Office has a conflict regarding this item and left the Council Chambers.

- Owner of the Atomic Ballroom said paid parking deters visitors and suggested generating revenue through enforcement.
- Alicia Samuel, Matador Cantina, asked City Council to consider a later start time for this pilot program.
- Jonathan Marzluf, CF Dance Academy, noted the impact this program would have on Academy clients.
- Nicole Rodriguez, CF Dance Academy Board Member, spoke about the impact this program would have on Academy clients and parents picking up children.

- Carmela Toth, Anaheim, spoke in opposition to this program.
- Jessica Anderson spoke about the negative impact this program would have on employees who work later hours in the downtown area.
- Charmane DePape, Corona, spoke about the impact of this program on picking up her child from dance classes in the downtown.
- Suzy Sells, Atomic Ballroom, spoke about the impact of this program on her use of downtown businesses.
- David Arnold, Salon Lujon, expressed concerns with the proposed program.
- Paul Berkman, Fullerton, opposed applying this program to the Pomona Lot.
- Rob Hallstrom, Matador Cantina, opposed the pilot program.
- Cynthia Peck, Angelo and Vinci's, expressed concerns that paid parking would impact available parking for her customers and asked how the construction of the Fox Block parking structure would affect this plan
- Lena Williams, Fullerton, asked if downtown residents would have parking passes.
- Sean Paden, Fullerton, spoke in opposition to this program.
- Carlo Terranova, downtown property owner, asked City Council to oppose or postpone this item.
- Leanna Forcucci, CF Dance Academy, spoke in opposition to this item.
- David Curlee, Fullerton, spoke in opposition to this item.
- Joshua Ferguson, Fullerton, said this program should target the businesses that create the problems in the downtown area and not charge for parking before 10 p.m.
- Elizabeth Hansburg, Fullerton, asked City Council to implement this pilot program and start paid parking at 10 p.m., if necessary.
- Mike Wallace, Fullerton, suggested eliminating the area north of Chapman from this project
- Jane Rands, Fullerton, expressed concern that this program would push parking problems into surrounding neighborhoods and suggested adding public restrooms in the downtown area.

Fitzgerald moved, seconded by Silva, to:

1. Approve 90-day Downtown nighttime paid parking pilot program with a start time between 9 p.m. and 10 p.m.
2. Authorize staff to release Request for Qualifications (RFQ) to

procure parking management professional services, including implementation of pilot program and bring agreement with successful RFQ respondent to City Council for review and approval.

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

Deputy City Attorney Tsai returned to the Council Chambers.

No action taken

2. SECOND AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES BETWEEN THE CITY OF FULLERTON AND M-G DISPOSAL SERVICES

Jane Rands, Fullerton, asked how the amendment would affect properties that have a great deal of yard waste and suggested more education regarding trash hauling services for residents.

Fitzgerald moved, seconded by Sebourn, to approve the Transfer of the Franchise from M-G Disposal Services, LLC, a Delaware Limited Liability Company to Republic Waste Services of Southern California LLC, a Delaware Limited Liability Company.

Fitzgerald made a substitute motion, seconded by Chaffee, to adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO, AND THE TRANSFER OF ITS FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES FROM M-G DISPOSAL SERVICES, LLC, TO REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC

Substitute motion failed 2 – 3 (Ayes: Fitzgerald, Chaffee).

Original motion carried 5 – 0.

Fitzgerald moved, seconded by Chaffee, to approve service changes as noted in Attachment 1, Service Change Summary, to the staff report.

Motion failed 2 – 3 (Ayes: Fitzgerald, Chaffee).

Fitzgerald moved, seconded by Chaffee, to approve implementation of an organic material collection program as required by State Law and accompanying adjustments to the maximum rates which may be charged for commercial services.

Motion failed 2 – 3 (Ayes: Fitzgerald, Chaffee).

Fitzgerald moved, seconded by Chaffee, to approve implementation of an adjustment to maximum rates to address changes in world markets related to the sale of recyclable materials.

Motion failed 2 – 3 (Ayes: Fitzgerald, Chaffee).

Chaffee moved, seconded by Fitzgerald, to reconsider the

motion to approve the Transfer of the Franchise from M-G Disposal Services, LLC, a Delaware Limited Liability Company to Republic Waste Services of Southern California LLC, a Delaware Limited Liability Company.

Motion carried 5 – 0.

City Council will agendaize this item for Closed Session on September 18, 2018.

Received and filed

3. WATER QUALITY REPORT UPDATE

Sebourn moved, seconded by Chaffee, to receive and file.

Motion carried 5 – 0.

Ordinance
introduced

4. FULLERTON MUNICIPAL CODE AMENDMENT TO REPEAL SECTION 9.12.545 PROHIBITING CARNIVALS AT AMERIGE PARK AND AMEND THE DEFINITION OF PARK IN SECTION 9.12.020

Jane Rands asked about the inclusion of the Library and City Hall under the definition of a park.

Silva moved, seconded by Fitzgerald, to introduce Ordinance No. 3265 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3265 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING SECTION 9.12.545 AND AMENDING SECTION 9.12.020 OF CHAPTER 9.12 OF TITLE 9 OF THE FULLERTON MUNICIPAL CODE, RELATING TO PARK REGULATIONS

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

CONSENT CALENDAR (Items 5 - 15)

Sebourn moved, seconded by Fitzgerald, to approve Consent Calendar Items 5 through 11 and 13 through 15.

Motion carried 5 – 0.

Approved

5. AUGUST 7, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve August 7, 2018 City Council / Successor Agency Meeting Minutes.

Received and filed

6. JULY 2018 CHECK REGISTER

Recommendation by the Administrative Services Department:
Receive and file.

- | | |
|--------------------|---|
| Cancelled | 7. JANUARY 1, 2019 CITY COUNCIL MEETING CANCELLATION
Recommendation by the City Clerk's Office:
Cancel January 1, 2019 City Council / Successor Agency Meeting. |
| Received and filed | 8. MONTHLY LEGISLATIVE UPDATE
Recommendation by the Administration Department:
Receive and file. |
| Approved | 9. CALIFORNIA STATE LIBRARY INITIATIVES BOOK PROJECT GRANT FUNDED BY LIBRARY SERVICES AND TECHNOLOGY ACT
Recommendation by the Library:
Approve grant funding for California State Library Initiatives Book Project Grant funded by the federal Library Services and Technology Act. |
| Resolution adopted | 10. AMENDING THE POLICY FOR USE OF PLUMMER PARKING STRUCTURE REGARDING PARKING BY FULLERTON COLLEGE AND INCREASING PARKING RATE TO \$3.00 PER DAY
Recommendation by the Administration Department:
Adopt Resolution No. 2018-48.

RESOLUTION NO. 2018-48 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING POLICY FOR THE USE OF THE PLUMMER PARKING STRUCTURE AND DESIGNATING IT AS A PLACE FOR PUBLIC PARKING EVERYDAY |
| Approved | 11. STREETLIGHT ENERGY CONSERVATION LOAN PAYMENT APPROPRIATION
Recommendation by the Public Works Department:
Approve \$220,998 appropriation and payment from CIP Project 47002 for September 2018 scheduled loan payment for streetlight LED conversion project. |
| Approved | 13. CITYWIDE BICYCLE AND PEDESTRIAN IMPROVEMENT PROJECT
Recommendation by the Public Works Department:
<ol style="list-style-type: none">1. Approve plans and specifications for Citywide Bicycle and Pedestrian Improvement Project.2. Award \$549,895 construction contract for Citywide Bicycle and Pedestrian Improvement Project to Cal Stripe, Inc. |

Approved

14. DOROTHY LANE STORM DRAIN REHABILITATION PHASE II

Recommendation by the Public Works Department:

1. Approve plans and specifications for Dorothy Lane Storm Drain Rehabilitation, Phase II Project.
2. Award \$325,922 construction contract for Dorothy Lane Storm Drain Rehabilitation, Phase II Project to Sancon Technologies, Inc.

Approved

15. VALENCIA DRIVE INFRASTRUCTURE IMPROVEMENTS FROM GILBERT TO BROOKHURST CHANGE ORDER REQUEST

Recommendation by the Public Works Department:

1. Approve \$157,300 budget transfer from Project 53618 Water Main System Replacement 17-18 to Project 44032 Valencia Drive Infrastructure Improvements from Gilbert to Brookhurst Project.
2. Approve \$143,000 contract change order between GRFCO, Inc. and City of Fullerton for Valencia Drive Infrastructure Improvements from Gilbert to Brookhurst Project.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

12. BREA DAM - ST. JUDE JOINT PARKING LOT AGREEMENT AMENDMENT #1

David Curlee noted that the lease with Army Corp of Engineers does not allow subleasing of this property without their approval.

Fitzgerald moved, seconded by Chaffee, to approve Amendment #1 to agreement with St. Jude Medical Center for joint use and operation of shared parking lot located on St. Jude property and Brea Dam in a form approved by the City Attorney and authorize Director of Parks and Recreation to sign amendment.

Sebourn made a substitute motion, seconded by Whitaker, to continue this item.

Substitute motion failed 2 – 3 (Ayes: Sebourn, Whitaker).

Original motion passed 3 – 2 (Noes: Sebourn, Whitaker).

Adjourned

ADJOURNMENT

Mayor / Chair Chaffee adjourned the meeting at 10:34 p.m. in memory of Dory Madrid.

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk