



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
OCTOBER 16, 2018 - 4:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

4:00 p.m.

## **CALL TO ORDER**

Mayor / Chair Chaffee called the meeting to order at 4:00 p.m.

All Present

## **ROLL CALL**

Present: Mayor / Chair Chaffee, Mayor Pro Tem / Vice Chair  
Sebourn (arrived 4:04 p.m.), Council Members  
Fitzgerald, Silva, Whitaker

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 Chaffee recessed the meeting at 4:01 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, Fullerton  
Municipal Employees Federation,  
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:** Cicinelli v. City of Fullerton, et al.

**Case Number:** Orange County Superior Court Case No.  
30-2017-00923829  
and

**Name of Case:** Wolfe v. City of Fullerton City Council

**Case Number:** Orange County Superior Court Case No.  
30-2017-0091884

**3. PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE Per Government Code Section 54957.1(a)(5)**

**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

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

**Significant Exposure to Litigation:** One Case

6:24 p.m.

**ADJOURNMENT**

Mayor / Chair Chaffee adjourned the meeting at 6:24 p.m.

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Douglas B. Chaffee, Mayor

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Lucinda Williams, City Clerk



CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
OCTOBER 16, 2018 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

6:30 p.m.

## **CALL TO ORDER**

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

All Present

## **ROLL CALL**

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Human Resources Manager II Laura Giannetti-Mercer, Director of Community Development Ted White, Acting Police Chief Robert Dunn, Director of Administrative Services Michael O'Kelly, Deputy Public Works Director Dennis Quinlivan

**INVOCATION** given by Council Member Silva.

**PLEDGE OF ALLEGIANCE** led by Deputy Public Works Director Quinlivan.

## **CLOSED SESSION REPORT**

None.

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

None.

Presented

## **PRESENTATIONS**

1. PRESENTATION: Orange County Mosquito and Vector Control District - West Nile Virus

## **PUBLIC COMMENTS**

- Jane Rands, Fullerton, spoke about mosquito abatement activities.
- Diane Vena, Fullerton, spoke in support of the proposed Keystone project and about homeless issues.
- Marilyn Davisson, Fullerton, spoke about City Council District 5 candidates and elected official conduct.
- Pam Markman, Fullerton, spoke about City Council District 5 candidates.
- Ron Ochsner, Fullerton, spoke about fraternities operating in residential zones.
- Harry Middleton, Fullerton, spoke about fraternities operating in residential zones.
- Craig Richard, Fullerton, spoke about fraternities operating in residential zones.
- Unidentified speaker spoke about fraternities operating in residential zones.
- Stephanie Pierce, Fullerton, spoke about fraternities operating in residential zones.
- Brian Golden, Fullerton, spoke about fraternities operating in residential zones.
- Mary Golden, Fullerton, spoke about fraternities operating in residential zones.
- Tony Package, Fullerton, spoke about fraternities operating in residential zones.
- Robert Reid, Fullerton, spoke about road conditions.
- Nickolas Wildstar, Fullerton, spoke about road conditions in the City, Police Department personnel issues and mosquito abatement issues.
- Unidentified speaker spoke about marijuana regulations and theft of campaign signs.
- Alice Burnett promoted an upcoming Relay for Life walk-a-thon.
- Art Patino provided an update on the Fullerton Collaborative.
- Bryan (no last name given), Anaheim, spoke about his interactions with the Police Department.
- Bonnie Arasco spoke about parking issues near Fullerton College.

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

City Manager Domer responded to issues arising during public comments. Public Information Coordinator Stephen Hale demonstrated how the City will use OpenGov as a means of increasing its availability and transparency related to financial information.

Council Member Silva congratulated the Nicholas Junior High School Speech and Debate Team, the Fullerton Fire Department Pinktober event and Solidarity Church fundraising event.

Council Member Whitaker spoke about OpenGov.

Mayor Pro Tem Sebourn reported on meeting with students at Arovista School, a Boys & Girls Club fundraiser, meeting with the Friends of the Library, a Groundwater Replenishment Steering Committee meeting, a Municipal Water District of Orange County policy dinner, the Nicholas Junior High School speech and debate event, providing an infrastructure update at a block party, the Toast to Learning event and meeting with Dong Shin church members.

Council Member Fitzgerald invited the public to attend the upcoming Pumpkin Run and Annual Women's Leadership Conference.

Mayor Chaffee reported on his 50-year law school reunion, the Mayor's Prayer Breakfast, the Laguna Road Walk-A-Thon, the Boys & Girls Club Gala, the St. Philip Benizi Church Gala, the Muckenthaler Quinceanera event, the Pathways of Hope project and Klimpel Manor rents.

## **APPOINTMENTS**

None.

## **PUBLIC HEARINGS (Items 1 - 2)**

Resolution	No.	1.	<b>ABANDONMENT AB 18-01 REGARDING A PORTION OF SOUTH POMONA AVENUE NORTH OF ORANGETHORPE AVENUE</b>
2018-56 adopted			

Mayor Pro Tem Sebourn opened the public hearing at 8:21 p.m.

No members of the public addressed the City Council.

Mayor Pro Tem Sebourn closed the public hearing at 8:21 p.m.

Silva moved, seconded by Fitzgerald, to adopt Resolution No. 2018-56.

**RESOLUTION NO. 2018-56 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING VACATING AND ABANDONING AN EASEMENT**

FOR STREET RIGHT-OF-WAY AND PUBLIC UTILITY LOCATED ALONG A PORTION OF SOUTH POMONA AVENUE WITHIN THE FULLERTON TOWN CENTER AND NORTH OF ORANGETHORPE AVENUE

Motion carried 5 – 0.

Ordinance No. 3266  
adopted

**2. ORDINANCE TO AMEND FULLERTON MUNICIPAL CODE CHAPTER 11.01 OF TITLE 11 REGARDING THE ADOPTION OF ANIMAL CONTROL PROVISIONS**

Mayor Pro Tem Sebourn opened public hearing at 8:23.

No members of the public commented on this item.

Mayor Pro Tem Sebourn closed the public hearing at 8:23 p.m.

Silva moved, seconded by Chaffee, to adopt Ordinance No. 3266.

ORDINANCE NO. 3266 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 11 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF ANIMAL CONTROL PROVISIONS

Motion carried 5 – 0.

**REGULAR BUSINESS** (Items 3 - 6)

Resolution No. 2018-57  
adopted as amended

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

- Jane Rands, Fullerton, asked for clarification of the impact to residential rate payers.
- Tony Package asked for clarification of the 2019 rate increases.
- Joe Imbriano spoke against fee increases that do not improve road conditions.

Fitzgerald moved, seconded by Chaffee, to adopt Resolution No. 2018-57.

Silva made an alternative motion, seconded by Sebourn, to adopt Resolution No. 2018-57 without Section D of the Second Amendment to Agreement for Solid Waste Handling Services.

Alternative motion failed 2 – 3 (In favor: Sebourn, Silva).

Original motion to adopt Resolution No. 2018-57 failed 2 – 3 (In favor: Chaffee, Fitzgerald).

Silva moved, seconded by Sebourn, to adopt Resolution No. 2018-57 including Sections B and C but not A and D of the

Second Amendment to Agreement for Solid Waste Handling Services.

Motion failed 2 – 3 (In favor: Silva, Sebourn).

Sebourn moved, seconded by Fitzgerald, to adopt Resolution No. 2018-57 including Sections A and B but not C and D of the Second Amendment to Agreement for Solid Waste Handling Services.

RESOLUTION NO. 2018-57 - 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

Motion carried 4 – 1 (No: Whitaker).

Ordinance No. 3268 introduced

**4. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING CITY COUNCIL VACANCIES**

- Joshua Ferguson said this item is a political decision.
- Helen Higgins spoke in opposition to this item.
- Jane Rands spoke in opposition to this item.
- Tony Package spoke in opposition to this item.
- Matt Leslie spoke in opposition to this item.
- Sean Paden spoke in opposition to this item.
- Joe Imbriano spoke in opposition to this item.

Fitzgerald moved, seconded by Whitaker, to introduce Ordinance No. 3268 by title only and waive further reading of the ordinance.

ORDINANCE NO. 3268 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING SECTION 2.02.020 OF CHAPTER 2.02 OF TITLE 2 OF THE FULLERTON MUNICIPAL CODE RELATING TO COUNCIL VACANCIES

Motion carried 3 – 1 – 1 (No: Sebourn, Abstain: Chaffee).

City Clerk Williams read the title of the ordinance.

Approved

**5. UTILITY BOX MURAL PROJECT**

Tony Package spoke in support of this item.

Chaffee moved, seconded by Silva, to approve the utility box mural project and direct Staff to move forward with project.

Motion carried 5 – 0.

Resolution Nos.  
2018-58 and  
2018-59 adopted

**6. RATIFICATION OF EMPLOYMENT AGREEMENTS FOR INTERIM POLICE CAPTAINS**

Chaffee moved, seconded by Fitzgerald, to adopt the following resolutions:

RESOLUTION NO. 2018-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING MICHAEL CHLEBOWSKI AS AN INTERIM POLICE CAPTAIN AND FOR 180-DAY WAIT PERIOD EXCEPTION IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21224

RESOLUTION NO. 2018-59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT RETAINING RHONDA CLEGGETT AS AN INTERIM POLICE CAPTAIN AND FOR 180-DAY WAIT PERIOD EXCEPTION IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21224

Motion carried 5 – 0.

**CONSENT CALENDAR** (Items 7 - 18)

Sebourn moved, seconded by Silva, to approve all Consent Calendar Items except Items 9, 11, 15 and 16.

Motion carried 5 – 0.

Approved

**7. OCTOBER 2, 2018 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve October 2, 2018 City Council / Successor Agency Meeting Minutes.

Received and filed

**8. SEPTEMBER 2018 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

Ordinance No. 3267  
adopted

**10. ORDINANCE REGARDING MUNICIPAL CODE AMENDMENT TO DISBAND DESIGN REVIEW COMMITTEE - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3267.

ORDINANCE NO. 3267 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE TITLES 2, 9 AND 15 TO REMOVE REFERENCES TO THE DESIGN REVIEW COMMITTEE AND REDEVELOPMENT DESIGN REVIEW COMMITTEE AND TO SHIFT THE RESPONSIBILITIES OF



THE DESIGN REVIEW COMMITTEE AND REDEVELOPMENT DESIGN REVIEW COMMITTEE TO THE COMMUNITY DEVELOPMENT DIRECTOR, LANDMARKS COMMISSION AND PLANNING COMMISSION AS APPROPRIATE

Approved

**12. 2018-19 ALCOHOLIC BEVERAGE CONTROL - OTS GRANT AGREEMENT APPROVAL**

Recommendation by the Police Department:

Approve Department of Alcoholic Beverage control grant and authorize Acting Chief of Police to sign agreement and any amendments.

Approved

**13. FULLERTON HISTORIC THEATRE FOUNDATION'S PROPOSED ANNUAL BUDGETS FOR 2019 AND 2020**

Recommendation by the Administrative Services Department:

Approve Foundation's proposed Annual Budgets and authorize Executive Director, or designee, to disburse a portion of Firestone Building rental pursuant to Second Amendment to the Disposition and Development Agreement between Fullerton Redevelopment Agency (now Fullerton Successor Agency to former Fullerton Redevelopment Agency) and Foundation for 2019 and 2020.

Approved

**14. WATER MASTER PLAN BUDGET APPROPRIATION**

Recommendation by the Public Works Department:

1. Approve \$400,000 budget transfer of Water Funds from Project Water Main System Replacement FY 2018-19 to Project Water Master Plan Update.
2. Authorize staff to solicit request for proposals for professional engineering services for Water Master Plan update.

Approved

**17. FACILITIES CONDITION ASSESSMENT CONTRACT AWARD**

Recommendation by the Public Works Department:

1. Authorize Director of Public Works, or designee, to execute professional services agreement, in a form approved by the City Attorney, with EMG for facilities condition assessment services for an amount not to exceed \$72,210.
2. Approve \$72,210 budget transfer from Facility Capital Repair Fund Balance.

Approved

**18. STRUCTURAL REHABILITATION OF LOWER ACACIA RESERVOIR PROJECT**

Recommendation by the Public Works Department:

1. Approve plans and specifications for Structural Rehabilitation of Lower Acacia Project.

2. Approve \$1,291,341 construction contract between General Consolidated Constructors, Inc. and City of Fullerton, in a form approved by the City Attorney.

#### **ITEMS PULLED FROM THE CONSENT CALENDAR**

Received and filed  
as modified

#### **9. MONTHLY LEGISLATIVE UPDATE**

Chaffee moved, seconded by Whitaker, to receive and file the Monthly Legislative Update and modify the Legislative Platform to oppose the California High Speed Rail Project.

Motion carried 5 – 0.

Approved

#### **11. ACCEPTANCE OF EBELL CLUB DONATION**

Chaffee moved, seconded by Silva, to accept Ebell Club donation on behalf of Police Department.

Motion carried 5 – 0.

Approved

#### **15. TRANSFER OF REAL PROPERTY ASSETS FROM FULLERTON SUCCESSOR AGENCY TO CITY OF FULLERTON PER APPROVED LONG-RANGE PROPERTY PLAN**

- Joshua Ferguson spoke about the long range property management plan.
- Jane Reifer asked about the status of the properties and expressed concerns that properties could be undervalued if they remain under City ownership.
- Matt Leslie asked how conveyance of these properties to the City would affect any planned development of the properties.

Sebourn moved, seconded by Chaffee, to continue this item to the next regular meeting.

Motion carried 5 – 0.

Approved

#### **16. ON-CALL PROFESSIONAL ENGINEERING CONSULTANT SERVICES**

Mayor Pro Tem Sebourn recused himself from this item due to a conflict with his employer and left the Council Chambers at 10:00 p.m.

Silva moved, seconded by Whitaker, to:

1. Authorize Director of Public Works, or designee, to execute Consultant Agreements with engineering firms, in a form approved by the City Attorney.
2. Authorize Director of Administrative Services to issue purchase orders to firms for individual projects on an as-needed basis.

Motion carried 4 – 0 – 1 (Recused: Sebourn).

Mayor Pro Tem Sebourn returned to the Council Chambers at 10:01 p.m.

## **AGENDA FORECAST**

### ***Tuesday, November 6, 2018***

- *FIRST QUARTER FINANCIAL AND TREASURER'S REPORT FOR FY 2018 19*
- *APPROVAL OF JAIL STAFFING SERVICES AGREEMENT*

### ***Tuesday, November 20, 2018***

- *PERSONNEL MANAGEMENT SYSTEM CHANGES*
- *MONTHLY LEGISLATIVE UPDATE*
- *OCTOBER 2018 CHECK REGISTER*

10:01 p.m.

## **ADJOURNMENT**

Mayor / Chair Chaffee adjourned the meeting at 10:01 p.m.

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Douglas B. Chaffee, Mayor

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Lucinda Williams, City Clerk