



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JANUARY 15, 2019 - 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:03 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 5:03 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Silva, Mayor Pro Tem / Vice Chair Fitzgerald, Council Members Whitaker, 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 to Closed Session at 5:04 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 30-2018-00990952

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

Name of Case: Corbin Trumbo, a minor by and through his guardian at litem, Stephanie Ortiz; and Stephanie Ortiz v. City of Fullerton

Case Number: OCSC Case No. 30-2018-00978170

3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Friends of Coyote Hills et al., v. City of Fullerton, et al.
Case Number: OCSC 30-2016-00834366
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. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**
Title: City Manager
6. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(4)**
Initiation of Litigation: One Case

ADJOURNMENT

6:40 p.m.

Mayor / Chair Silva adjourned the meeting at 6:40 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
JANUARY 15, 2019 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:41 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 6:41 p.m.

All Present

ROLL CALL

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

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 Director Gretchen Beatty, Director of Community Development Ted White, Interim Police Chief Robert Dunn, Director of Administrative Services Michael O'Kelly, Deputy Fire Chief James Newton

INVOCATION given by Reverend Jason Cook, Unitarian Church.

PLEDGE OF ALLEGIANCE led by Council Member Whitaker.

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: Fullerton Aquatic Swim Team (FAST)**

2. PRESENTATION: CSUF Sorority Toy Drive

PUBLIC COMMENTS

- Angela Lindstrom spoke about Measure W and litigation.
- Jeffrey Levine spoke about homeless issues.
- Tony Package spoke about term limits, the aquifer storage level and restriping main streets.
- Unidentified resident spoke about the parking structure at 130 West Santa Fe Avenue.
- Austin Mejia introduced himself as the field representative for Supervisor Chaffee.
- Dani Hobson spoke about AB 1732 and public restrooms for intersex people.
- Jensen Hallstrom, Fullerton, expressed concern for the health of Fullerton's community forest.
- Ryan Farsai spoke about a teacher strike in Los Angeles County and the national debt.
- Jose Trinidad Castaneda, Fullerton, encouraged Fullerton to use renewable energy.
- Johnny Law, La Mirada, asked for more plain clothes officers on the streets and addressed homeless issues.
- Curtis Gamble spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comment.

Council Member Zahra announced he will host monthly meetings on the last Tuesday of every month and shared concerns from residents regarding cameras installed on Chapman Avenue, streetlights on Wilshire Avenue and jaywalking on Orangethorpe.

Council Member Whitaker spoke about the aquifer storage capacity.

Mayor Pro Tem Fitzgerald, reminded residents to check for standing water on their property.

Mayor Silva thanked the Parks and Recreation Department for their work on First Night and announced he will hold monthly community forums.

APPOINTMENTS

1. DIRECT COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Silva moved, seconded by Whitaker, to ratify the following direct appointments:

Mayor Silva:

Vince Buck to Bicycle Users Subcommittee - term expiring December 31, 2022.

Gladys Hanzo to Community Development Citizens' Committee – term expiring December 31, 2022.

Enrique Macias to Parks and Recreation Commission - term expiring December 31, 2022.

Wayne Carvalho to Planning Commission - term expiring December 31, 2022.

Moramay Sanchez to Transportation & Circulation Commission - term expiring December 31, 2022.

Arnel Dino to Infrastructure and Natural Resources Committee – term expiring December 31, 2022.

Mayor Pro Tem Fitzgerald:

Thad Sandford to Infrastructure and Natural Resources Committee – term expiring December 31, 2020.

Council Member Whitaker:

Sean Paden to Library Board of Trustees - term ending December 31, 2021.

Greg Sebourn to Infrastructure and Natural Resources Committee - term expiring December 31, 2020.

Council Member Zahra:

Rafael Avila to Bicycle Users Subcommittee - term expiring December 31, 2022.

Danielle Nava-Mijares to Community Development Citizens' Committee - term expiring December 31, 2022.

Ayesha Hussaini to Parks and Recreation Commission - term expiring December 31, 2022.

Elizabeth Hansburg to Planning Commission - term expiring December 31, 2022.

Brandon Whalen-Castellanos to Transportation & Circulation Commission - term expiring December 31, 2022.

Arif Mansuri to Library Board of Trustees - term ending December 31, 2021.

Mark Shapiro to Infrastructure and Natural Resources

Committee - term expiring December 31, 2022.

Motion carried 4 – 0.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 1 - 3)

1. OPTIONS FOR FILLING CITY COUNCIL VACANCY

- Helen Higgins spoke in support of a special election to fill the City Council vacancy.
- Angela Lindstrom spoke in support of a special election to fill the City Council vacancy.
- Diane Vena spoke in support of a special election to fill the City Council vacancy.
- Monika Broome, Fullerton, spoke in support of filling the City Council vacancy by appointment.
- Moramay Sanchez spoke in support of a special election to fill the City Council vacancy.
- Shana Charles spoke in support of a special election to fill the City Council vacancy.
- Jerry Young spoke in support of filling the City Council vacancy by appointment.
- Kathleen Shanfield spoke in support of a special election to fill the City Council vacancy.
- Molly McClanahan spoke in support of filling the City Council vacancy by appointment.
- Ryan Cantor spoke in support of filling the City Council vacancy by appointment.
- Jane Rands spoke about special election regulations.
- Debra Pember spoke in support of filling the City Council vacancy by appointment.
- Gretchen Cox spoke in support of filling the City Council vacancy by appointment.
- Arnel Dino spoke in support of a special election to fill the City Council vacancy.
- Pete Baron spoke in support of a special election to fill the City Council vacancy.
- Joshua Ferguson, Fullerton, spoke in support of a special

election to fill the City Council vacancy.

- Dani Hobson spoke in support of a special election to fill the City Council vacancy.
- Curtis Gamble spoke in support of filling the City Council vacancy by appointment.
- Tony Package spoke in support of a special election to fill the City Council vacancy.

Zahra moved, supported by Fitzgerald, to discuss establishing an election fund at a future meeting.

Fitzgerald moved, seconded by Zahra, to:

- Accept applications for the City Council vacancy using the draft application in the agenda report.
- Require applicants to also submit an essay not to exceed 400 words and a Statement of Economic Interest (Form 700).
- Set the deadline for application packets on January 23, 2019 at 5:00 p.m.
- Call a special meeting for January 29, 2019 to allow each applicant to make up to a three minute presentation not to exceed three hours total.
- Support a January 28, 2019 applicant forum coordinated by the Neighbors United for Fullerton.

Motion carried 3 – 1 (No: Whitaker).

Mayor Silva recessed the meeting at 9:23 p.m.

Mayor Silva reconvened the meeting at 9:37 p.m.

2. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS

Thomas Babcock spoke about his qualifications to serve on the Metropolitan Water District Board of Directors.

Mayor Silva nominated Adan Ortega to serve on the Metropolitan Water District Board of Directors. Council Member Whitaker nominated Tom Babcock to serve on the Metropolitan Water District Board of Directors.

City Council voted 3 – 1 (Whitaker in favor of Thomas Babcock) to accept the nomination of Adan Ortega to serve on the Metropolitan Water District Board of Directors

Mayor Pro Tem Fitzgerald nominated Kristin Prior to serve on the Fullerton Arboretum Commission. Council Member Zahra nominated Jose Trinidad Castaneda to serve on the Fullerton Arboretum Commission.

City Council voted 2 – 1 – 1 (Zahra in favor of Jose Trinidad Castaneda; Whitaker abstain) to accept the nomination of Kristin

Prior to serve on the Fullerton Arboretum Commission for a term expiring March 28, 2022.

3. OPTIONS FOR LEGISLATIVE ADVOCACY PROFESSIONAL SERVICES

Arnel Dino Fullerton, spoke in support of the League of California Cities services.

Silva moved, seconded by Zahra, to finalize a professional services agreement with the top rated respondent and incumbent consultant, Townsend Public Affairs, at the existing annual expense of \$60,000 for state and federal legislative advocacy services.

Motion carried 3 – 1 (No: Whitaker).

CONSENT CALENDAR (Items 4 - 10)

Fitzgerald moved, seconded by Silva, to approve Consent Calendar Items 4 – 7, 9 and 10.

Motion carried 4 – 0.

4. DECEMBER 18, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve December 18, 2018 City Council / Successor Agency Meeting Minutes.

5. DECEMBER 2018 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

6. MONTHLY LEGISLATIVE UPDATE

Recommendation by the Administration Department:

Receive and file.

7. PERSONNEL MANAGEMENT SYSTEM CHANGES

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-01.

RESOLUTION NO. 2019-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND ADDING A CERTAIN CLASS SPECIFICATION TO THE PERSONNEL MANAGEMENT SYSTEM AND AMENDING APPENDIX A OF RESOLUTION NO. 2017-66 (EXECUTIVE RESOLUTION) AND THE APPENDIX OF RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A

CONFLICT OF INTEREST DISCLOSURE STATEMENT)

9. RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 AND ADMINISTRATIVE BUDGET ALLOWANCE PER ASSEMBLY BILLS 1X 26 AND 1484, AND SENATE BILL 107

Recommendation by the Administrative Services Department:

Adopt Resolution No. SA 2019-01.

RESOLUTION NO. SA 2019-01 - A RESOLUTION OF THE FULLERTON SUCCESSOR AGENCY OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 2019-20 AND ADMINISTRATIVE BUDGET ALLOWANCE (PERIOD COVERING JULY 1, 2019 - JUNE 30, 2020)

10. EL RANCHO VISTA AREA INFRASTRUCTURE IMPROVEMENTS PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for El Rancho Vista Area Infrastructure Improvements Project.
2. Approve budget transfers to Project 53012 El Rancho Vista Area Infrastructure Improvements Project in the following amounts:
 - \$1,370,000 from Measure M2 Fund from Project 44589, Residential Street Program
 - \$98,000 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Programs FY 2018-19
 - \$2,040,000 of Water Fund from Project 53617 Water Main Replacement FY 2016-17 and Project 53618 Water Main Replacement FY 2017-18.
3. Award \$2,999,796.50 construction contract for El Rancho Vista Area Infrastructure Improvements Project, in a form approved by the City Attorney, to Williams Pipeline Contractors, Inc.
4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved project budget.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

8. PARK DWELLING FEE ANNUAL COMPLIANCE REPORT

Matt Leslie asked if any park dwelling fees are in arrears.

Silva moved, seconded by Fitzgerald, to approve Parkland Acquisition and Park Facilities Development Impact Fee (Park

Dwelling Fee) Annual Report Fiscal Year 2017-2018.

Motion carried 4 – 0.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 10:00 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk