



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
FEBRUARY 5, 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 Members Flory, 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 5:03 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 – ANTICIPATED
LITIGATION Per GovernmentCode Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

6:31 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 6:31 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
FEBRUARY 5, 2019 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:34 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 6:34 p.m.

All Present

ROLL CALL

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

Absent: None

Staff Present: City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams

INVOCATION given by Fire Chief Loeser.

PLEDGE OF ALLEGIANCE led by Council Member Flory.

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:** Soda Free Summer

PUBLIC COMMENTS

- Jose Trinidad Castaneda spoke about urban forests.
- Jensen Hallstrom spoke about urban forests.
- Heather Honch spoke about the Oakmont project.
- Kathy Dasny spoke about the City Council vacancy appointment process.
- Maureen Milton spoke about agenda postings.
- Jane Sylvester spoke about the City Council vacancy appointment process.
- Chris Gaarder spoke about Lunar New Year, the City Council vacancy appointment process and asked for an update on accessory dwelling units.
- Julie Armada spoke about the International Peace Youth Group.
- Leonel Talavera, Habitat for Humanity, thanked the City for closing the cannabis dispensary on Woods Avenue.
- Curtis Gamble spoke about homeless issues and bus drivers.
- Harry Langenbacher spoke about the Fullerton Armory.
- Tony Package spoke about the City Council vacancy appointment process.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comments.

Council Member Zahra asked for an update on Woodcrest Park at the next City Council meeting and asked to agendaize a discussion of the Lemon Bridge murals, supported by Fitzgerald.

Council Member Flory thanked City Council for her appointment.

Council Member Whitaker spoke about the Oakmont project and reported on recent rain totals.

Mayor Pro Tem Fitzgerald asked to close the meeting in memory of the victims of the recent small plane crash in Yorba Linda, spoke about OC United, encouraged residents to download the MyFullerton app and reminded residents to eliminate standing water on their property to avoid attracting mosquitos.

Mayor Silva congratulated his former students for winning the Winner Cake All event on the Food Network and asked Staff to provide an update on Woodcrest Park.

APPOINTMENTS

Appointments made

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

1. Council Member Flory made the following direct appointments:

- a. Appointment continued - Bicycle Users Subcommittee - unexpired term expiring December 31, 2020.
- b. Shana Charles appointed to Community Development Citizens' Committee for unexpired term expiring December 31, 2020.
- c. Michael Savage appointed to Parks and Recreation Commission for unexpired term expiring December 31, 2020.
- d. Kathleen Shanfield appointed to Planning Commission for unexpired term expiring December 31, 2020.
- e. Kenneth Fuller appointed to Transportation & Circulation Commission for unexpired term expiring December 31, 2020.
- f. Damion Lloyd appointed to Infrastructure and Natural Resources Committee for term expiring December 31, 2020.

2. Mayor Pro Tem Fitzgerald made the following direct appointment:

- a. Cody Hall appointed to Community Development Citizens' Committee for unexpired term expiring December 31, 2020.

3. Council Member Whitaker made the following direct appointments:

- a. Douglas Cox appointed to Community Development Citizens' Committee for unexpired term expiring December 31, 2020.
- b. Susan Gapinski appointed to Transportation & Circulation Commission for unexpired term expiring December 31, 2020.

4. At-Large Appointments:

- a. Lynn Lauderdale and Maurina Lee appointed at-large to the Investment Advisory Committee for terms expiring December 31, 2022.
- b. Ryan Alcantara and Sonia Carvalho appointed at-large to the Infrastructure and Natural Resources Committee for partial terms expiring December 31, 2020 (initial two-year term).

- c. Patrick McNelly and Patricia Tutor appointed at-large to the Infrastructure and Natural Resources Committee for full terms expiring December 31, 2022.

Fitzgerald moved, seconded by Flory, to ratify appointments.

Motion carried 5 – 0.

Resolution No. 2019-02 adopted

PUBLIC HEARINGS (Item 1)

1. APPEAL OF PLANNING COMMISSION DENIAL OF CONDITIONAL USE PERMIT TO OPERATE A STUDENT HOUSING DORMITORY - 1155 WEST ORANGETHORPE AVENUE

Mayor Silva opened the public hearing at 8:30 p.m.

- Grant (no last name given), Fullerton, spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.
- Don Dische, Fullerton, spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.
- Ton Hallam, Fullerton spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.
- Kathleen Jensen, Fullerton, spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.
- Leonel Talavara, Fullerton, spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.
- Liz Savage, Fullerton, spoke in support of upholding the Planning Commission denial of a Conditional Use Permit at 1155 West Orangethorpe.

Mayor Silva closed the public hearing at 8:50 p.m.

Fitzgerald moved, seconded by Flory, to adopt Resolution No. 2019-02.

RESOLUTION NO. 2019-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT TO OPERATE A STUDENT HOUSING DORMITORY AFFILIATED WITH CALIFORNIA STATE UNIVERSITY, FULLERTON, FOR A MAXIMUM OF TEN STUDENTS ON PROPERTY LOCATED AT 1155 WEST ORANGETHORPE AVENUE (NORTH SIDE OF ORANGETHORPE AVENUE, EAST OF ORCHARD AVENUE)

Motion carried 4 – 0 – 1 (No: Silva).

REGULAR BUSINESS (Items 2 - 7)

Direction provided

2. LIBRARY AD HOC COMMITTEE REPORT REGARDING THE HUNT BRANCH LIBRARY

- Molly McClanahan supported the recommendation of the Ad-Hoc Committee and suggested the City Council hold a study session to further consider this item.
- Egleth Nuncci, Fullerton, spoke in support of creating a cultural center at the Hunt Branch site.
- Curt (no last name given) spoke in support of opening the Hunt Branch Library as a homeless resource center.
- Ellen Ballard, Library Board of Trustees, suggested City Council narrow the list of suggested uses of the site, encouraged the use of a grant writer, suggested refurbishing the bridge leading to the Hunt Branch Library and supported the Ad-Hoc Committee report.
- Curtis Gamble spoke about using the Hunt Branch Library for homeless issues.
- Jane Reifer, Save the Hunt, spoke in support of keeping the Hunt Branch Library for community use and leasing rather than selling the building.

Flory moved, seconded by Silva, to fine tune the priorities for the Request for Proposals during a study session.

Motion carried 5 – 0.

Received and filed

3. INTRODUCTION TO WATER RATE STUDY - PRELIMINARY RECOMMENDATIONS

- Fritz von Coelin spoke about transparency, using one inch meters, upcoming water rater restrictions, bonding for capital costs and water conservation.
- Jose Trinidad Castaneda suggested maintaining current rates for some customer categories and think 50 years into the future.
- Sean Paden supported a two-tier system and no 6% surcharge.
- Tony Package, Fullerton, spoke about the need to update the water system infrastructure and supports the recommendations.
- Mark Shaprio emphasized the urgency to change the rate structure.
- Jane Rands suggested completing the master plan

before changing water rates.

Silva moved, seconded by Zahra, to receive and file.

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

Mayor Silva recessed the meeting at 11:13 p.m.

Mayor Silva reconvened the meeting at 11:18 p.m.

Received and filed

4. MAPLE COMMUNITY CENTER FEES

- Jose Trinidad Castaneda said fees were too high for residents.
- Jane Rands asked City Council to consider lower fees for seniors.

Silva moved, seconded by Zahra, to receive and file.

Motion carried 5 – 0.

Representatives
selected

5. DESIGNATION OF DELEGATES FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE AND GENERAL ASSEMBLY

Flory moved, seconded by Whitaker, to designate Mayor Silva as delegate and Council Member Zahra as an alternate to serve as the City's conference Delegate and Alternate Representative at the Southern California Association of Governments 2019 General Assembly.

Motion carried 5 – 0.

Continued to next
meeting

6. SECOND QUARTER FINANCIAL AND TREASURER'S REPORT AND BUDGET ADJUSTMENTS FOR FISCAL YEAR 2018-19

Flory moved, seconded by Silva, to continue this item to the next meeting.

Motion carried 5 – 0.

Appointments made

7. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS

- Matt Leslie spoke in support of keeping Council Member Whitaker on the Orange County Water District Board.
- Jane Rands spoke in support of keeping Council Member Whitaker on the Orange County Water District Board.

Fitzgerald moved, seconded by Zahra, to appoint Council Member Zahra to serve on the Orange County Water District Board for a term expiring December 2020.

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

Silva moved, seconded by Fitzgerald, to appoint Council Member Flory as the alternate representative on the Orange

County Sanitation District Board and Mayor Pro Tem Fitzgerald as the representative to the Fullerton Sister City Association.

Motion carried 4 – 1 (No: Whitaker).

CONSENT CALENDAR (Items 8 - 15)

Silva moved, seconded by Zahra, to approve Consent Calendar Items 9 – 12 and 14 – 15.

Motion carried 5 – 0.

Approved

9. ACCEPTANCE OF DONATIONS

Recommendation by the Fullerton Police Department:

Accept donations on behalf of Fullerton Police Department.

Approved

10. ALTERATION OF SCHEDULE FOR CITY MANAGER ANNUAL PERFORMANCE EVALUATION AND DELETION OF NON-DISPARAGEMENT PROVISION FROM EMPLOYMENT AGREEMENT

Recommendation by the Human Resources Department:

Authorize Mayor to sign proposed first amendment altering schedule for annual performance evaluation process and eliminating mutual non-disparagement provision.

Approved

11. 2018-2019 COUNTY OF ORANGE OFFICE ON AGING AGREEMENT FOR FUNDING OF OLDER AMERICANS ACT TITLE III-B PROGRAMS

Recommendation by the Parks and Recreation Department:

Approve grant and authorize Director of Parks and Recreation to sign grant agreement with County of Orange Office on Aging and any amendments to agreement for Fiscal Year 2018-19.

Approved

12. VEHICLE PURCHASE AUTHORIZATION

Recommendation by the Public Works Department:

Approve purchase of eight police pursuit chargers from Bravo CDJR.

Approved

14. ADVANCEMENT OF FUNDS FROM ORANGE COUNTY TRANSPORTATION AUTHORITY FOR CLOSE OUT OF STATE COLLEGE BOULEVARD GRADE SEPARATION PROJECT

Recommendation by the Public Works Department:

Authorize City Manager to execute Agreement, in a form approved by the City Attorney, with Orange County

Transportation Authority for advancement of necessary funding in order to seek federal reimbursement to close out the State College Boulevard Grade Separation Project.

Approved

15. CATCH BASIN CONNECTOR PIPE SCREEN INSTALLATION PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Catch Basin Connector Pipe Screen Installation project.
2. Approve \$38,500 budget transfer from Sanitation Fund balance to Project 52693 Catch Basin Connector Pipe Screen Installation Project.
3. Award \$89,450 construction contract, in a form approved by the City Attorney, for Catch Basin Connector Pipe Screen Project to G2 Construction, Inc.
4. Authorize Director of Public Works, or approved designee, to approve any future change orders for construction and professional engineering construction support services within approved project budget.

ITEMS PULLED FROM THE CONSENT CALENDAR

Approved

8. JANUARY 15, 2019 MEETING AND JANUARY 29, 2019 SPECIAL MEETING MINUTES

Silva moved, seconded by Zahra, to approve January 15, 2019 City Council / Successor Agency Meeting Minutes and January 29, 2019 Special City Council / Successor Agency Meeting Minutes.

Motion carried 4 – 0 – 1 (Abstain: Flory).

Approved

13. APPROVAL OF ENGAGEMENT TO REPRESENT WITH LAW FIRMS OF ROBINS KAPLAN, LLP AND ANDREWS & THORNTON, AAL ALC TO JOIN LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS

Silva moved, seconded by Zahra, to approve and authorize Mayor to sign Engagement to Represent with law firms of Robins Kaplan, LLP and Andrews & Thornton, AAL ALC.

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

12:06 a.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 12:06 a.m. in memory of the victims of the recent Yorba Linda airplane crash.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk