



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
APRIL 16, 2019 - 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

5:00 p.m.

CALL TO ORDER

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

All Present

ROLL CALL

Present: Mayor / Chair Silva, Mayor Pro Tem / Vice Chair Fitzgerald (arrived 5:01 p.m.), 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.

RANDOM LOTTERY DRAWING FOR FIREWORKS STAND PERMITS

2019 Safe and Sane Fireworks Sales Lottery winners drawn.

RECESS TO CLOSED SESSION

Mayor / Chair Silva recessed the meeting at 5:08 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth A. Domer

Employee Organization/s: Fullerton Municipal Employees Federation;
Fullerton Police Officers' Association; Fullerton

Firefighters' Association;
Fullerton Fire Management
Association; Fullerton Police
Management 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: Orange County Catholic Worker et al v.
Orange County et al United States District
Court, Central District of California

Case Number: 8:18-cv-0155-DOC-JDE

6:38 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 6:38 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
APRIL 16, 2019 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:42 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 6:42 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, Director of Parks and Recreation Hugo Curiel, Human Resources Director Gretchen Beatty, Director of Public Works Meg McWade, Director of Community Development Ted White, Interim Police Chief Robert Dunn, Director of Administrative Services Michael O'Kelly, Fire Chief Adam Loser

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: Mayor's Cyber Cup - Troy High School**

2. **PRESENTATION: Woman's Club of Fullerton**
3. **PRESENTATION: CSUF Center for Healthy Neighborhoods**

PUBLIC COMMENTS

- Shelly Youngbauer spoke about overnight parking.
- Unidentified speaker spoke about oversize vehicle parking.
- Todd Harrison, Fullerton, spoke about the Rancho La Paz mobile home park.
- Jensen Hallstrom spoke about urban forests.
- John Murray, Fullerton, spoke about Klimpel Manor.
- Tony Briggs, Fullerton, spoke about Kilmpel Manor.
- Bryan Kane, Anaheim, spoke about the Fullerton Police Department, RoundUp and mobile home parks.
- Pamela Coryell spoke about parking on Commonwealth Avenue.
- Maureen Milton, Fullerton, spoke about agendas, Christmas wreaths and City Hall signage.
- Andie Kim invited City Council to Easter Sunday events.
- Liz Savage, Fullerton, spoke about RoundUp and Police Department retention.
- Jose Trinidad Castaneda, Fullerton, spoke about SB 50.
- Unidentified resident spoke about overnight parking.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comments.

Council Member Whitaker reported on attending recent community events.

Council Member Zahra spoke about a police ride along, recapped attendance at recent community events and reported on the Orange County Water District Board.

Mayor Pro Tem Fitzgerald spoke about SB 50, announced the upcoming LoveFullerton event, requested, supported by Silva, updates on Pearl Park and West Coyote Hills at the next City Council meeting and asked about the sports field users agreement.

Mayor Silva reported on recent community events

Council Member Flory requested, supported by Zahra, a discussion on

the Fullerton Arboretum over the summer.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 6)

Flory moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 4 and 5.

Motion carried 5 – 0.

- | | |
|----------|---|
| Approved | <p>1. APRIL 2, 2019 MEETING MINUTES</p> <p>Recommendation by the City Clerk's Office:</p> <p>Approve April 2, 2019 City Council / Successor Agency Meeting Minutes.</p> |
| Approved | <p>2. MARCH 2019 CHECK REGISTER</p> <p>Recommendation by the Administrative Services Department:</p> <p>Receive and file.</p> |
| Approved | <p>4. REQUEST TO CARRY OVER 2017 PROPOSITION 69 DNA APPROPRIATIONS</p> <p>Recommendation by the Police Department:</p> <p>Approve carryover of \$18,214.97 2017 Proposition 69 appropriations from Police Department Fiscal Year 2017-18 budget into Fiscal Year 2018-19 budget.</p> |
| Approved | <p>5. AUTHORITY TO BIND EXCESS LIABILITY INSURANCE COVERAGE WITH ALLIED WORLD INSURANCE COMPANY AND ALLIED WORLD ASSURANCE COMPANY</p> <p>Recommendation by the Human Resources Department:</p> <p>Authorize Staff to bind excess liability insurance with limits of \$1 million to \$8 million per occurrence with Allied World Insurance Company and Allied World Assurance Company via Allied Public Risk at a premium cost of \$263,051.</p> |

PUBLIC HEARINGS (Items 7 - 8)

- | | |
|--|---|
| Ordinance No.
3270 introduced,
Resolution No.
2019-13 adopted | <p>7. AMENDMENTS TO CITYWIDE REGULATIONS FOR BUSINESSES SELLING ALCOHOL AND OFFERING ENTERTAINMENT</p> <p>Mayor Silva opened the public hearing at 9:12 p.m.</p> <ul style="list-style-type: none">• Damion Planchon spoke in opposition to this item. |
|--|---|

- Joshua Ferguson spoke in opposition to this item at this time.
- Liz Savage spoke about code enforcement staffing and cover charges.
- Jose Trinidad Castaneda spoke in support of this item.
- Jane Rands, Fullerton, suggested implementing only a part of the plan and not changing the ordinance at this time.

Mayor Silva closed the public hearing at 9:26 p.m.

Flory moved, seconded by Fitzgerald, to Introduce Ordinance No. 3270 for first reading by title only and waive further reading of the Ordinance as amended.

ORDINANCE NO. 3270 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLES 15 AND 3 OF THE FULLERTON MUNICIPAL CODE TO UPDATE DEVELOPMENT AND OPERATIONAL STANDARDS, PROCESSES AND ENFORCEMENT TOOLS FOR BUSINESSES SELLING ALCOHOL FOR ON-SITE CONSUMPTION AND FOR BUSINESSES WITH ENTERTAINMENT

Zahra made a substitute motion to have more time to consider this item. Substitute motion failed for lack of a second.

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

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-13.

RESOLUTION NO. 2019-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, WAIVING COMMUNITY DEVELOPMENT APPLICATION FEES FOR A PERIOD OF 12-MONTHS FROM THE EFFECTIVE DATE OF ORDINANCE 3270 FOR EXISTING BUSINESSES WHICH HAVE AN ACTIVE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE TO OBTAIN OR AMEND EITHER A CONDITIONAL USE PERMIT (CUP) OR ADMINISTRATIVE RESTAURANT USE PERMIT (ARUP) RELATED TO ALCOHOL SALES AND / OR ENTERTAINMENT

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

Ordinance No. 3271 introduced,
Resolution No. 2019-14 adopted

8.

DOWNTOWN PARKING - NIGHTTIME PAID PARKING PILOT PROGRAM

Mayor Silva opened the public hearing at 10:56 p.m.

- Joshua Ferguson opposed the purchase of license readers.

- Jane Rands expressed concerns with costs and said the data collection will be a disincentive.
- Leanna Forcuci, CF Dance Academy, expressed concern with consistency of these rules.
- Judith Kaluzny, Fullerton, expressed concerns with the plan.
- Liz Savage expressed concerns with the plan.
- Cynthia Peck, Fullerton, did not oppose paid parking but expressed concerns with the plan as presented.

Mayor Silva closed the public hearing at 11:12 p.m.

Flory moved, seconded by Silva, to:

1. Authorize City Manager to execute Professional Services Agreement with SP+ for parking management services.
2. Approve scope and costs for management and implementation of Downtown nighttime paid parking pilot program.
3. Appropriate \$55,050 from General Fund and recognize \$28,500 additional revenue for Fiscal Year 2018-19.
4. Approve use of \$58,000 in asset seizure funds and corresponding budget adjustment 19-0069 from Asset Seizure Fund Balance for purchase of two license plate readers.
5. Approve \$21,000 budget adjustment 19-0058 from Building Maintenance Fund Balance for reinstatement of warranty and maintenance on previously purchased kiosk pay stations in SOCO parking structure.

Zahra made a substitute motion to bring back this item with revisions based on discussion this evening. Motion failed for lack of a second.

Original motion carried 3 – 2 (No: Whitaker, Zahra).

Flory moved, seconded by Silva, to adopt Resolution No. 2019-14.

RESOLUTION NO. 2019-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE DOWNTOWN NIGHTTIME PAID PARKING PILOT PROGRAM

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

Flory moved, seconded by Silva, to introduce Ordinance No. 3271 for first reading by title only and waive further reading of the Ordinance.

ORDINANCE NO. 3271 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

AMENDING SECTION 8.48.040 OF THE FULLERTON
MUNICIPAL CODE PERTAINING TO CITATION AUTHORITY

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

Fitzgerald requested, supported by Silva, to agendaize a discussion to direct SP+ to conduct a study of daytime, long term parking in the downtown area.

REGULAR BUSINESS

None.

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

3. MONTHLY LEGISLATIVE UPDATE

Fitzgerald moved, seconded by Zahra, to add support for AB 669 to the Legislative Platform and receive and file the Monthly Legislative Update.

Motion carried 5 – 0.

Resolution No.
2019-12 adopted

6. GRANT FUNDING FOR NEW WELL 7A CONSTRUCTION

Flory moved, seconded by Silva, to adopt Resolution No. 2019-12.

RESOLUTION NO. 2019-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, SUPPORTING AN APPLICATION TO THE DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION FOR THE WATERSMART GRANTS: DROUGHT RESILIENCY PROJECTS FOR FISCAL YEAR 2019 FOR WELL 7A CONSTRUCTION

Motion carried 5 – 0.

12:28 a.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 12:28 a.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk