



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
MAY 21, 2019 – 4:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:32 p.m.

### **CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 4:32 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**

Egleth Nuncci spoke in support of Interim Police Chief Dunn and his work with the Latino community.

### **RECESS to Closed Session**

Mayor / Chair Silva recessed to Closed Session at 4:35 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 Fire Management Association, Fullerton Municipal Employees Federation, Fullerton Police Officers' Association, Fullerton Firefighters' Association, Fullerton Police Management Association, Fullerton Management Association

**Under Discussion:**

Parameters of authority for negotiating salaries, benefits and working conditions

**2. PUBLIC EMPLOYMENT Per Government Code Section 54957(b)(1)**

**Title:** Chief of Police

**3. 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

**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-0155-DOC-JDE

6:29 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:29 p.m.

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
MAY 21, 2019 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:36 p.m.

**CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 6:36 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, Deputy Fire Chief James Newton

**INVOCATION** given by Shaykh Mustafa Umar.

**PLEDGE OF ALLEGIANCE** led by Mayor Pro Tem Fitzgerald.

**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: Act of Courage - Dog Attack**
2. **PRESENTATION: Memorial Day Ceremony**

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Jose Trinidad Castaneda spoke about Police Department staffing and community choice energy.
- Chris Gaarder proposed priority issues for the Planning Commission.
- June Perez spoke about Rancho La Paz.
- Jamie Newton and Dan Lancaster invited City leaders to attend a fire academy training.
- Patty Tutor spoke about community choice energy.
- Marta (no last name given) spoke about turn signals at Valencia and Lemon.
- Maria Sandoval asked for a traffic signal at Lemon and Valencia.
- Karina Tovar asked for a traffic signal at Lemon and Valencia.
- Unidentified speaker asked for a traffic signal at Lemon and Valencia.
- Alexis Cabrillo asked for a traffic signal at Lemon and Valencia.
- Wayne Taylor, Fullerton, spoke about solar energy.
- Hildy Ries, Fullerton, spoke about standing water near her home.
- Mavis Edusei, Fullerton, suggested holding free yoga classes in City parks.
- Ryan Farasai, Fullerton, spoke about water rates.

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

City Manager Domer responded to issues arising during public comments.

Council Member Flory spoke about the Lemon and Valencia intersection, asked for an update on the community choice program, reported on recent community events and spoke about Rancho La Paz.

Council Member Zahra spoke about Rancho La Paz, the Lemon and Valencia intersection, standing water and community choice, reported on recent community events and reported on water-related issues.

Council Member Whitaker reported on recent and upcoming community events and commended the City's street repair work.

Mayor Pro Tem Fitzgerald reminded residents that they can report issues through the MyFullerton app, thanked the Public Works Department for recent sidewalk work, congratulated new Fullerton business Let it Brie and spoke about the new Fire Department command vehicle.

Mayor Silva thanked all for the State of the Community event, recognized Unity Salon's 25-year anniversary and reported on recent community events.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 14)**

Fitzgerald moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 4, 6, 8, 9, 10, 11, 12 and 14.

Motion carried 5 – 0.

Approved

### **1. MAY 7, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve May 7, 2019 City Council / Successor Agency Meeting Minutes.

Approved

### **2. APRIL 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:

Receive and file.

Ordinance No. 3272  
adopted

### **4. FULLERTON MUNICIPAL CODE AMENDMENT RELATING TO REGULATION OF TAXICABS - SECOND READING OF ORDINANCE**

Recommendation by the City Clerk's Office:

Adopt Ordinance No. 3272.

ORDINANCE NO. 3272 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 3.44 OF TITLE 3 OF THE FULLERTON MUNICIPAL CODE RELATING TO REGULATION OF TAXICABS

Approved

### **6. ACCEPTANCE OF DONATIONS TO FIRE DEPARTMENT**

Recommendation by the Fire Department:

Accept donations on behalf of Fullerton Fire Department.

|                                |  |
|--------------------------------|--|
| Approved                       | <p><b>8. EMERGENCY MANAGEMENT PERFORMANCE GRANT</b></p> <p>Recommendation by the Fire Department:</p> <p>Accept grant, recognize revenue and appropriate \$18,070 in Grants Fund (Fund 32) in Fiscal Year 2018-19.</p>   |
| Resolution No. 2019-19 adopted | <p><b>9. ORANGE COUNTY TRANSPORTATION AUTHORITY MEASURE M2 ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM FISCAL YEAR 2019-2020</b></p> <p>Recommendation by the Public Works Department:</p> <p>Adopt Resolution No. 2019-19.</p> <p>RESOLUTION NO. 2019-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ENVIRONMENTAL CLEANUP PROGRAM PROJECT</p> |
| Approved                       | <p><b>10. GRAFFITI REMOVAL SERVICES CONTRACT EXTENSION</b></p> <p>Recommendation by the Public Works Department:</p> <p>Authorize Public Works Director to extend graffiti removal services contract with Graffiti Protective Coating, Inc. through October 31, 2019, in amount of \$13,000 per month.</p>   |
| Approved                       | <p><b>11. PURCHASE OF REPLACEMENT PAVER FOR STREET REPAIRS</b></p> <p>Recommendation by the Public Works Department:</p> <p>Approve purchase of replacement paver for Public Works Department in an amount not-to-exceed \$200,000.</p>  |
| Approved                       | <p><b>12. TRENCHLESS PIPE TECHNOLOGY INVESTIGATION AND DESIGN CHANGE ORDER</b></p> <p>Recommendation by the Public Works Department:</p> <ol style="list-style-type: none"> <li>1. Approve \$180,000 budget transfer from Project 53618 Water Main System Replacement Fiscal Year 2017-18 to Project 53015 Trenchless Pipe Technology.</li> <li>2. Authorize Public Works Director to execute \$154,360 contract change order between Michael Baker International, Inc. and City of Fullerton.</li> </ol>                            |
| Continued to a date uncertain  | <p><b>14. RAYMOND AVENUE GRADE SEPARATION - SETTLEMENT AND RELEASE AGREEMENT FOR CONSTRUCTION CONTRACT (CONTINUED FROM MAY 7, 2019 CITY COUNCIL MEETING)</b></p>   |

Recommendation by the Public Works Department:  
Continue item to date uncertain.

## **PUBLIC HEARINGS**

None.

## **REGULAR BUSINESS (Items 15 - 16)**

Received and filed

### **15. FISCAL YEAR 2019-20 BUDGET STUDY SESSION**

City Council provided direction including directing Staff to consider discounts for parks and recreation fees for veterans and community benefit programs.

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

Motion carried 5 – 0.

Approved,  
Resolution 2019-20  
adopted

### **16. TOW CONTRACTS EXTENSION AND MODIFICATIONS TO TOW GUIDELINES**

Flory moved, seconded by Zahra, to:

1. Approve respective amendments to towing services contracts with Anaheim Fullerton Towing and Hadley Tow to extend such contracts on a month-to-month basis, and authorize City Manager to execute amendments.
2. Adopt Resolution No. 2019-XX.

RESOLUTION NO. 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING REVISIONS TO THE CITY OF FULLERTON POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS AND AUTHORIZING THE CHIEF OF POLICE TO MAKE FUTURE REVISIONS

3. Direct Staff to issue Request for Proposals for professional towing services.

Whitaker made a substitute motion, seconded by Silva, to:

1. Approve respective amendments to towing services contracts with Anaheim Fullerton Towing and Hadley Tow to extend such contracts for one year, and authorize City Manager to execute amendments.
2. Adopt Resolution No. 2019-20.

RESOLUTION NO. 2019-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA APPROVING REVISIONS TO THE CITY OF FULLERTON POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS AND AUTHORIZING

THE CHIEF OF POLICE TO MAKE FUTURE REVISIONS

3. Direct Staff to issue Request for Proposals for professional towing services.

Substitute motion carried 3 – 2 (Opposed: Fitzgerald, Flory).

Original motion failed.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

Received and filed

### **3. MONTHLY LEGISLATIVE UPDATE**

Zahra moved, seconded by Fitzgerald, to send a letter of support for AB 143.

Motion carried 5 – 0.

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

Motion carried 5 – 0.

Ordinance No. 3273  
adopted

### **5. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING ADMINISTRATIVE CITATION PROCESS - SECOND READING OF ORDINANCE**

Fitzgerald moved, seconded by Silva, to adopt Ordinance No. 3273.

ORDINANCE NO. 3273 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 1.10 OF TITLE 1 OF THE FULLERTON MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS

Motion carried 4 – 1 (Opposed: Whitaker).

Resolution No.  
2019-18 adopted

### **7. APPOINTMENT OF ACTING CITY TREASURER**

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-18.

RESOLUTION NO. 2019-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPOINTING THE POSITION OF ACTING CITY TREASURER OF THE CITY OF FULLERTON AND FULLERTON SUCCESSOR AGENCY

Motion carried 4 – 1 (Opposed: Whitaker).

Approved

### **13. CURB / GUTTER AND SIDEWALK RECONSTRUCTION FISCAL YEAR 2018-19**

Flory moved, seconded by Silva, to:

1. Approve plans and specifications for Curb / Gutter and Sidewalk Reconstruction Project FY 2018-19.

2. Award \$285,764 construction contract for Curb / Gutter and



Sidewalk Reconstruction Project FY 2018-19 to Gentry General Engineering, Inc.

3. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

Motion carried 5 – 0.

9:49 p.m.

## **ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 9:49 p.m.

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk