



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
June 4, 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 called the meeting to order at 5:03 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. 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

6:33 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:33 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**

June 4, 2019 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California

6:37 p.m.

**CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 6:37 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, Police Captain Rhonda Cleggett, Administrative Services Manager Claire Moynahan, Fire Division Chief Kathy Schaeffer

**INVOCATION** given by Pastor Paula Ferris.

**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.

## **PRESENTATIONS**

Presented

1. **PRESENTATION: Orange County Transportation Authority**
2. **PRESENTATION: Memorial Day Ceremony Recap**
3. **PRESENTATION: Sunny Hills High School AP Physics Paper Boat Team**

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- June Perez, Fullerton, spoke about Rancho La Paz.
- Debbie Parks, Fullerton, spoke about Rancho La Paz.
- Rosemary McLeod, Fullerton, spoke about Rancho La Paz.
- Damien Lloyd spoke about the Fullerton College stadium project.
- David Barber, Fullerton, spoke about positive interactions with the Fullerton Police Department.
- Valdonna Longrake, Fullerton, spoke about Rancho La Paz.
- Unidentified speaker, Fullerton, spoke about Rancho La Paz.

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

City Manager Domer responded to issues arising during Public Comments.

Council Member Zahra spoke about Rancho La Paz, recognized the end of Ramadan, Jewish Heritage and Pride months and Harvey Milk Day and spoke about Orange County Water District activities.

Council Member Flory spoke about Rancho La Paz, the proposed Fullerton College stadium and a human trafficking seminar.

Council Member Whitaker reported on the recent Orange County Water Summit.

Mayor Silva spoke about human trafficking.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 4)**

Zahra moved, seconded by Flory, to approve all Consent Calendar Items.

Motion carried 5 – 0.

Approved

**1. MAY 21, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve May 21, 2019 City Council / Successor Agency Meeting Minutes.

Approved

**2. THIRD QUARTER TREASURER'S REPORT FOR FISCAL YEAR 2018-19 AND REVISIONS TO INVESTMENT POLICY**

Recommendation by the Administrative Services Department:

1. Receive and file third quarter Treasurer's Report for Fiscal Year 2018-19.
2. Approve recommended changes to City's Investment Policy.

Resolution No.  
2019-21 adopted

**3. MEASURE M2 ELIGIBILITY RENEWAL**

Recommendation by the Public Works Department:

1. Approve and authorize Staff to submit Measure M2 seven-year Capital Improvement Program for Fiscal Years 2019-20 through 2025-26 to Orange County Transportation Authority (OCTA).
2. Adopt Resolution No. 2019-21.

RESOLUTION NO. 2019-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT AND MITIGATION FEE PROGRAM FOR THE MEASURE M (M2) PROGRAM

3. Authorize Public Works Director to make administrative changes, as advised by OCTA, if necessary.

Approved

**4. CONTRACT FOR FINANCIAL AUDIT SERVICES**

Recommendation by the Administrative Services Department:

1. Authorize Administrative Services Director to execute a five-year agreement with Lance, Soll & Lunghard, LLP for audit services in a form approved by the City Attorney.
2. Authorize Administrative Services Director, based on direction from City Manager or City Council, to enter into agreements with Lance, Soll & Lunghard, LLP, White Nelson Diehl Evans, LLP or Davis Farr, LLP for optional services on an as-needed basis based on the submitted hourly cost proposals.

## **PUBLIC HEARINGS (Items 5 - 7)**

Resolution No.  
2019-22 adopted

### **5. PROPOSED WATER RATE INCREASE**

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

- Fritz von Coelin, Fullerton, protested the proposed water rate increase.
- Unidentified speaker, Fullerton, spoke about water rate impacts on her property and asked who determines the water meter size.
- James Tiedt asked City Council to consider rate increases that will allow the City of Fullerton to thrive.
- Robert Frasier, asked why the City took so long to repair the water infrastructure, suggested postponing this hearing until further noticing occurs and did not oppose bond funding.
- Adan Ortega, Fullerton, spoke in support of the proposed rate increases.
- Peggy Sanroman, Fullerton, asked City Council to delay passage of this proposal until further notification to residents.
- Arlene Aungst, Fullerton, said she is willing to pay her share and encouraged City Council to put safeguards in place to ensure funds are properly spent.
- Sam Maxwell, Fullerton, opposed the proposed water rate increase.
- Morris Strausberg, opposed the proposed water rate increase.
- Helen Higgins, Fullerton, expressed concerns with the water rate increase as proposed.
- Marilyn Bates, Fullerton, spoke about water contamination, fracking and infrastructure.
- Jim Medici, Fullerton, spoke in opposition to the water rate increase.
- Thad Sandford, Fullerton, spoke in support of this item.
- Joshua Ferguson spoke about the protest process, asked about factors that could impact water rates and spoke about the City's fiscal practices.
- Mark Shapiro, Fullerton, spoke in support of the proposed water rate increases.
- Pat Shuff, Fullerton, spoke in opposition to the proposed water rate increases.
- Arnel Dino, Fullerton, spoke in support of the proposed

water rate increases.

- Don Boyles did not oppose the rate increase but suggested changing the line item billing structure.
- Sandy Marshall, Fullerton, spoke in opposition to the proposed water rate increase.
- Elizabeth McCaffrey, Fullerton, asked if the water bill indicates the water meter size.

Mayor Silva closed the public hearing at 9:16 p.m.

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-22 and direct Staff to agendize a discussion of sanitation fees for the June 18, 2019 City Council meeting.

RESOLUTION NO. 2019-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING REVISED WATER RATES TO BE CHARGED TO USERS OF THE FULLERTON WATER SYSTEM BASED ON COST OF SERVICES

Motion carried 4 – 1 (Opposed: Whitaker).

Mayor Silva recessed the meeting at 9:58 p.m.

Mayor Silva reconvened the meeting at 10:07 p.m.

Approved

**6. PROPOSED 2019-20 ANNUAL ACTION PLAN FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS**

Mayor Silva opened the public hearing at 10:15 p.m.

No members of the public addressed the City Council.

Mayor Silva closed the public hearing at 10:15 p.m.

Flory moved, seconded by Fitzgerald, to:

1. Approve Draft Program Year 2019-20 Annual Action Plan.
2. Approve PY 2019-20 Community Development Block Grant budget.
3. Approve proposed PY 2019-20 HOME Investment Partnerships Program budget.
4. Authorize Staff to submit PY 2019-20 Annual Action Plan to U.S. Department of Housing and Urban Development requesting \$1,385,159 Community Development Block Grant funds and \$522,322 HOME Investment Partnerships funding by June 14, 2019.
5. Authorize Community Development Director, or designee, to execute PY 2019-20 Community Development Block Grant agreements with approved non-profit agencies and Memorandum of Understanding with Public Works

Motion carried 5 – 0.

Resolution No.  
2019-23, 2019-24,  
2019-25 adopted

**7. PROPOSED ANNUAL BUDGET, FEES AND APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-20**

Mayor Silva opened the public hearing at 10:40 p.m.

- Chris Gaarder, Fullerton, made suggestions for road repair funding.
- Diane Vena, Fullerton, opposed raising dog license fees and objected to spending any money on surveys.

Mayor Silva closed the public hearing at 10:45 p.m.

Fitzgerald moved, seconded by Zahra, to adopt the following resolutions and direct Staff to use one half of the Fiscal Year 2018-19 surplus for additional road funding:

RESOLUTION 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED BUDGET FOR FISCAL YEAR 2019-20 AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN

RESOLUTION 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-20 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

RESOLUTION 2019-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING FEES AND CHARGES FOR MUNICIPAL SERVICES FOR FISCAL YEAR 2019-20 AND REPEALING RESOLUTION NO. 2018-29 as amended

Flory made a substitute motion, seconded by Silva, to adopt the following resolutions:

RESOLUTION 2019-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AND ADOPTING THE PROPOSED BUDGET FOR FISCAL YEAR 2019-20 AND APPROPRIATING THE FUNDS NECESSARY TO MEET THE EXPENDITURES SET FORTH THEREIN

RESOLUTION 2019-24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019-20 PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

RESOLUTION 2019-25 - A RESOLUTION OF THE CITY



COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
ESTABLISHING FEES AND CHARGES FOR MUNICIPAL  
SERVICES FOR FISCAL YEAR 2019-20 AND REPEALING  
RESOLUTION NO. 2018-29 as amended

Substitute motion carried 4 – 1 (Opposed: Whitaker).

Original motion failed.

**REGULAR BUSINESS**

None.

**ITEMS REMOVED FROM CONSENT CALENDAR**

None.

10:55 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 10:55 p.m.

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk