



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
JULY 16, 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 Flory, Whitaker, Zahra

Absent: None

Staff Present: Acting City Manager / Director of Community Development Ted White, Deputy City Attorney Ivy Tsai, 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 LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)

Name of Case: Air Combat USA, Inc. v. City of Fullerton, et al.

Case Number: 30-2017-00952643

2. PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE Per Government Code Section 54957.1(a)(5)

3. 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

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Per Government Code Section 54956.9(d)(4)**

Initiation of Litigation: One Case

6:28 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 6:28 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk



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

6:38 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 6:38 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: Acting City Manager / Director of Community Development Ted White, City Attorney Richard Jones, Deputy City Attorney Ivy Tsai, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Director of Human Resources Gretchen Beatty, Director of Public Works Meg McWade, Police Chief Robert Dunn, Fire Chief Adam Loser, Acting Director of Administrative Services Claire Moynihan

INVOCATION given by Pastor Willie Holmes.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Fitzgerald.

CLOSED SESSION REPORT

Deputy City Attorney Tsai reported that City Council rejected the Fullerton Municipal Employees Federation and Fullerton Management Association proposals dated May 21, 2019.

**EX PARTE COMMUNICATIONS REPORT PURSUANT TO
FMC 2.33.040 - TRANSPARENCY AND ACCOUNTABILITY
IN LABOR NEGOTIATIONS**

None.

PRESENTATIONS

1. PRESENTATION: Fullerton Hills Softball 8U Gold All Star Team

PUBLIC COMMENTS

- Mike and Melanie McCormick invited the public to Bingo for Cause.
- Warren Joseph, Fullerton, spoke about rent control.
- Jensen Hallstrom spoke about city trees.
- Bryan Kaye spoke about police issues.
- Kerry Chang and Johnathan Soloman spoke about Youth Leadership America.
- Maureen Milton, Fullerton, spoke about the U.S. Congress.
- Mark Ricketts spoke about policing.
- Brian spoke about police issues.
- Carina invited the public to attend a CSUF Healthy Start event.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

Acting City Manager White responded to issues arising during public comments.

Council Member Zahra spoke about recent and upcoming community events and discussed water issues.

Council Member Flory spoke about recent community events, asked, supported by Silva, to agendize a report from public safety on the Fourth of July and discussion of a fireworks ballot measure in August and requested, supported by Zahra, to agendize a discussion of a resolution of condemnation at the next City Council meeting.

Whitaker spoke about a recent power outage, national politics, city trees, fireworks and reported on attendance at recent community events.

Mayor Silva thanked Staff for a successful Fourth of July event and announced an upcoming City update event.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 14)

Flory moved, seconded by Silva, to approve Consent Calendar Items 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13 and 14.

Motion carried 5 – 0.

Approved

1. JULY 2, 2019 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve July 2, 2019 City Council / Successor Agency Meeting Minutes.

Approved

2. JUNE 2019 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

Approved

4. FINDINGS, DETERMINATION AND ORDER IN APPEAL OF ADMINISTRATIVE LAW JUDGE DECISION PERTAINING TO A PERSONNEL MATTER

Recommendation by the Human Resources Department:

Adopt Findings, Determination and Order reviewed in Closed Session on July 16, 2019.

Resolution No.
2019-35 adopted

5. AUTHORIZED AGENTS FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLIC ASSISTANCE GRANTS

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-35.

RESOLUTION NO. 2019-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING CAL OES FORM 130, DESIGNATION OF SUBRECIPIENT'S AGENT RESOLUTION FOR NON-STATE AGENCIES, DESIGNATING AUTHORIZED AGENTS OF THE CITY OF FULLERTON FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLIC ASSISTANCE GRANTS

Approved

6. ONE-YEAR AFTER SCHOOL EDUCATION AND SAFETY PROGRAM GRANT (FULLERTON UNIFIED SCHOOL DISTRICT) RENEWAL

Recommendation by the Parks and Recreation Department:

Approve 2019-20 Independent Contractor Agreement between Fullerton School District and City of Fullerton and authorize Director of Parks and Recreation to sign agreement and subsequent amendments.

Approved

7. ONE-YEAR AFTER SCHOOL EDUCATION AND SAFETY PROGRAM GRANT (PLACENTIA - YORBA LINDA UNIFIED SCHOOL DISTRICT) RENEWAL

Recommendation by the Parks and Recreation Department:

Approve 2019-20 Independent Contractor Agreement between Placentia-Yorba Linda School District and City of Fullerton and authorize Director of Parks and Recreation to sign agreement and subsequent amendments.

Resolution No.
2019-37 adopted

9. FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FUNDS ACCEPTANCE

Recommendation by the Fire Department:

1. Adopt Resolution No. 2019-37.

RESOLUTION NO. 2019-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING OFFICIALS TO EXECUTE STATE AND FEDERAL DOCUMENTS TO OBTAIN COMPLEX COORDINATED TERRORIST ATTACKS PROGRAM (CCTA) GRANT FUNDING

2. Direct City Manager, or designee, to execute grant funds award letter and CCTA subaward agreement, approved as to form by the City Attorney.

3. Accept \$10,245 grant funds and appropriate revenue in Grants Fund (Fund 32) in previous Fiscal Year 2018-19.

Approved

10. CALIFORNIA STATE UNIVERSITY, FULLERTON - FEDERAL WORK STUDY PROGRAM AGREEMENT RENEWAL

Recommendation by the Parks and Recreation Department:

Approve Independent Contractor Agreement between California State University, Fullerton and City of Fullerton and authorize Director of Parks and Recreation to sign agreement and subsequent amendments to current agreement not to exceed 12 months.

Approved

11. LEGAL SERVICES AGREEMENT WITH FILARSKY & WATT LLP

Recommendation by the Human Resources Department:

1. Approve agreement for legal services between Filarsky & Watt LLP and City of Fullerton, in a form approved by the City Attorney.

2. Authorize City Manager to sign agreement with Filarsky & Watt LLP.

Approved

12. FIBER OPTIC CONNECTION FROM CITY HALL TO BASQUE YARD - ADDITIONAL FUNDING

Recommendation by the Public Works Department:

Approve \$14,000 budget transfer from Information Technology Fund Balance to Project 56019 Fiber Optic Connection from Basque Yard to City Hall.

Approved

13. GLEN VIEW DRIVE STORM DRAIN RECONSTRUCTION

Recommendation by the Public Works Department:

1. Approve plans and specification for Glen View Drive Storm Drain Reconstruction Project.
2. Approve \$90,000 Drainage Capital Fund from Project 52012 Dorothy Lane Storm Drain Rehabilitation and \$67,000 Drainage Capital Fund from Project 52002 Basque Storm Drain Improvements budget transfers to Project 52590 Misc. & Storm Drain Repair 18-19.
3. Award construction contract for Glen View Drive Storm Drain Reconstruction Project to Lucas Builders, Inc.
4. Authorize Director of Public Works to approve any future change order for construction and professional engineering construction support services within approved project budget.

Approved

14. BASQUE STORM DRAIN IMPROVEMENT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Basque Storm Drain Improvement Project.
2. Award \$636,835 construction contract for Basque Storm Drain Improvement Project to All Cities Engineering, Inc.
3. Approve budget transfers to Project 52002 Basque Storm Drain Improvement in the following amounts:
 - \$129,000 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Program.
 - \$114,000 of Gas Tax Fund from Project 44589 Residential Street Program.
 - \$20,000 of Water Fund from Project 53618 Water System Replacement.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 15 - 18)

Direction provided

15. MOBILE HOME PARK RENT STABILIZATION DISCUSSION

- Todd Harrison, Fullerton, asked City Council to save the residents of Rancho La Paz.
- June Perez, Fullerton, said many residents will need subsidies to pay for Rancho La Paz rent increases.
- RoseMary McLeod, Fullerton, spoke about the hardship the proposed rent increase would create for residents.
- Don McLeod, Fullerton, spoke about the hardship the proposed rent increase would create for residents.
- Joan Banks, Fullerton, spoke about the hardship the proposed rent increase would create for residents.
- Craig McLaren, Fullerton, said free market principles do not apply to rents and negotiations at Rancho La Paz.
- Mary Jo Baretich asked City Council to support an interim moratorium on rent increases.
- Terry LaBeaux, Westminster, spoke about rent stabilization in the City of Westminster.
- Ben Eilenberg, Fullerton, discussed the legal, political and financial considerations before City Council regarding this issue.
- Ryan West spoke about the need for family homeless shelters.
- Ruthann Martinez, Fullerton, asked questions about the proposed subsidy programs and spoke about the impact on home values.
- Clay Hage spoke about the negative impacts of rent control ordinances.
- Susan James, Fullerton, spoke about rent increases at Rancho Fullerton Estates and asked City Council to implement rent control as a last resort.
- Andrea West, Rancho Fullerton, suggested reinstating the TBRA and implement solutions other than rent control.
- Julie Pauley, WMA, spoke in opposition to rent control measures.
- Peter Whittingham spoke about Rancho La Paz rent

increase negotiations.

- DaVita Almond spoke in support rent control.
- Valdonna Longbrake asked questions about the rental assistance program.
- Unidentified speaker questioned statements made by Rancho La Paz ownership.
- Jonathan Quintero spoke about homelessness.
- Curtis Gamble said the City should purchase Rancho La Paz for transitional housing or a homeless shelter for veterans to replace the Fullerton Armory.
- Young Shin, Fullerton, spoke about Rancho La Paz rent increases and homelessness.
- Bobbi Mangusen, GSMOL, spoke in support of rent stabilization.

Mayor Silva recessed the meeting at 9:34 p.m.

Mayor Silva reconvened the meeting at 9:45 p.m.

Fitzgerald moved, seconded by Whitaker, to receive and file report.

Zahra made an initial substitute motion to receive and file report, form an ad hoc committee comprised of mobile home park residents to discuss options with Staff and reinstate the Tenant Based Rental Assistance Program.

Initial substitute motion failed for lack of a second.

Flory made second substitute motion, seconded by Silva, to direct the City Attorney to bring back a draft mobile home park rent increase moratorium ordinance for City Council consideration in August 2019.

Second substitute motion carried 4 – 1 (No: Fitzgerald).

Original motion failed.

Zahra moved, seconded by Flory, to agendize a discussion regarding reinstating the Tenant Based Rental Assistance Program at the August 6, 2019 City Council meeting.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

- Received and filed **3. MONTHLY LEGISLATIVE UPDATE (*item taken out of order*)**
- Zahra moved, seconded by Silva, to receive and file Monthly Legislative Update report.
- Motion carried 5 – 0.

REGULAR BUSINESS (Items 15 - 18)

Received and filed

16. ROADWAY INFRASTRUCTURE NEEDS

- Ryan Alcantara and Arnel Dino, Infrastructure and Natural Resources Committee, spoke about strategies to address infrastructure needs.
- Jose Trinidad Castaneda spoke about mixed use overlay zones.
- Maureen Milton spoke about street conditions and opposed paving roads with asphalt.

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

Motion carried 5 – 0.

Resolution No.
2019-38 adopted

17. ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN M-G DISPOSAL SERVICES, LLC AND REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC RELATED TO SOLID WASTE HANDLING SERVICES

Mark McGee, M-G Disposal, spoke in support of this item.

Flory moved, seconded by Silva, to adopt Resolution No. 2019-38.

RESOLUTION NO. 2019-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE TRANSFER OF ITS FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES FROM M-G DISPOSAL SERVICES, LLC, TO REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC

Motion carried 5 – 0.

Resolution No.
2019-39 adopted

18. PROPOSED AMENDED AND RESTATED MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FULLERTON AND FULLERTON FIREFIGHTERS' ASSOCIATION - FINAL CONSIDERATION

Flory moved, seconded by Silva, to adopt Resolution No. 2019-39.

RESOLUTION NO. 2019-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY AND THE FULLERTON FIREFIGHTERS' ASSOCIATION DATED JUNE 26, 2019

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Resolution No.
2019-37 adopted

8. GRANT FUNDING FOR DEVELOPMENT OF PEARL PARK

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-37.

RESOLUTION NO. 2019-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE PEARL LOT PARK DEVELOPMENT PROJECT

Motion carried 5 – 0.

11:19 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 11:19 p.m.

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk