



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
OCTOBER 15, 2019 – 5:00 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

5:01 p.m.

**CALL TO ORDER**

Mayor / Chair Silva called the meeting to order at 5:01 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 the meeting at 5:01 p.m.

**CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** City of Fullerton, et al v. Purdue Pharma, L.P., et al

**Case Number:** San Francisco Superior Court, Case No. CGC-19-574867

USDC, Northern District of California, Case No. 19-cv-02321-JST

USDC, Northern District of Ohio, MDL No. 1:17-md-02804-DAP

**2. CONFERENCE WITH LEGAL COUNSEL - EXISTING**

**LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Air Combat USA, Inc. v. Brendan O'Reilly,  
City of Fullerton, and DOES 1-10

**Case Number:** 30-2017-00952643-CU-CO-CJC

**3. CONFERENCE WITH LEGAL COUNSEL - EXISTING  
LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** David Bonnabel v. City of Fullerton, et al.

**Case Number:** 30-2017-00950040

**4. CONFERENCE WITH LEGAL COUNSEL - EXISTING  
LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Marisella Macias v. City of Fullerton, et al.

**Case Number:** 8:19 CV 01082 DOC

**5. CONFERENCE WITH LEGAL COUNSEL - EXISTING  
LITIGATION Per Government Code Section 54956.9(d)(1)**

**Name of Case:** Rosa Garcia De Reyes v. City of Fullerton

**Case Number:** 30-2018-0102355

**6. 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

6:30 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:30 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  
OCTOBER 15, 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, Director of Parks and Recreation Hugo Curiel, Director of Human Resources Gretchen Beatty, Director of Public Works Meg McWade, Director of Community Development Matt Foulkes, Police Chief Robert Dunn, Director of Administrative Services Ellis Chang

**INVOCATION** given by Pastor Fernando Villicaña.

**PLEDGE OF ALLEGIANCE** led by Council Member Zahra.

**CLOSED SESSION REPORT**

City Attorney Jones reported that City Council unanimously voted to settle the case of Marisella Macias v. City of Fullerton, et al. for \$30,000.

City Council rejected labor proposals from Fullerton Fire Management Association dated August 21, 2019, Fullerton Municipal Employees Federation dated September 9, 2019 and Fullerton Management Association dated September 5, 2019.

**EX PARTE COMMUNICATIONS REPORT PURSUANT TO  
FMC 2.33.040 - TRANSPARENCY AND**

## **ACCOUNTABILITY IN LABOR NEGOTIATIONS**

Council Member Zahra reported that he met with Fullerton Fire Association President Dan Lancaster.

Council Member Flory reported that she received a text message from Fullerton Fire Association President Dan Lancaster.

Mayor Silva reported that he received a text message from Fullerton Fire Association President Dan Lancaster.

## **PRESENTATIONS**

None.

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Jenny Jaramillo and Isaac Gonzalez spoke about the CSUF Community Engagement program.
- Paul Hiek, Anaheim, spoke about the Fullerton Armory and Rancho La Paz.
- Diane Vena, Fullerton, spoke about homeless who have died in Orange County in September 2019, safe parking and rent control.
- Jim Warner spoke about Rancho La Paz.
- Alvin Griffis, Fullerton, spoke about Rancho La Paz.
- Egleth Nuncci, Fullerton, invited the community to the Richman Park grand opening.
- Jensen Hallstrom spoke about Hillcrest Park trees.
- Scott Hess spoke about due process and transparency regarding the October 8, 2019 Special Meeting.
- Sally (no last name given) spoke about the impact of homeless on Gilbert Street.
- Kitty Jaramillo spoke about portable sign and banner regulations.

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

City Manager Domer responded to issues arising during public comments.

Mayor Silva spoke about the purpose of the October 8, 2019 Special Meeting.

Council Member Zahra reported on Rancho La Paz, commented on homelessness, asked, supported by Fitzgerald, to direct Staff to review surplus properties including commercial uses of the vacant strip of land on Santa Fe, asked to agendize a report on programs available to residents and businesses and reported on recent activities.

Council Member Flory spoke about the Urban Forest Plan and homelessness.

Council Member Whitaker spoke about homeless encampments on Valencia Avenue and street conditions.

Mayor Silva reported on attendance at recent events, asked to agendize a discussion of ADUs by next spring and asked to hear a report on a proposed Korean War Memorial.

## **APPOINTMENTS**

None.

## **CONSENT CALENDAR (Items 1 - 9)**

Fitzgerald moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 3, 4, 5 and 8.

Motion carried 5 – 0 for Items 1, 2, 3 and 8.

Motion carried 4 – 1 (No: Whitaker) for Items 4 and 5.

Approved

### **1. OCTOBER 1, 2019 MEETING MINUTES AND OCTOBER 8, 2019 SPECIAL MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve October 1, 2019 City Council / Successor Agency Meeting Minutes and October 8, 2019 City Council / Successor Agency Special Meeting Minutes.

Received and filed

### **2. SEPTEMBER 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:  
Receive and file.

Received and filed

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

Recommendation by the Administration Department:  
Receive and file.

Resolution No.  
2019-63 adopted

### **4. CITYWIDE SALARY SCHEDULE UPDATE**

Recommendation by the Human Resources Department:  
Adopt Resolution No. 2019-63.

RESOLUTION NO. 2019-63 - A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
APPROVING A CITYWIDE SALARY SCHEDULE IN  
ACCORDANCE WITH THE REQUIREMENTS OF TITLE 2,  
SECTION 570.5 OF THE CALIFORNIA CODE OF  
REGULATIONS

Resolution No.  
2019-64 adopted

**5. APPLICATION AND RECEIPT OF SB 2 PLANNING GRANTS  
PROGRAM FUNDS**

Recommendation by the Community and Economic  
Development Department:

Adopt Resolution No. 2019-64.

RESOLUTION NO. 2019-64 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
AUTHORIZING APPLICATION FOR AND RECEIPT OF SB 2  
PLANNING GRANTS PROGRAM FUNDS

Approved

**8. CONSTRUCTION DEBRIS RECYCLING**

Recommendation by the Public Works Department:

1. Approve Construction Debris Recycling Project specifications.
2. Approve \$75,000 budget transfer to Project 53018 Construction Debris Recycling Project from Water Transmission and Distribution Division operational budget.
3. Award \$58,500 Construction Debris Recycling Project contract to GRFCO, Inc.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

**PUBLIC HEARINGS**

None.

**REGULAR BUSINESS (Items 10 - 13)**

Approved

**10. VARIOUS DONATION PROGRAMS TO ENHANCE CITY  
PROJECTS, PROGRAMS AND SERVICES**

Flory moved, seconded by Zahra, to proceed with the City managed program option and bring back further information regarding fiscal sponsorship options by the second City Council meeting in November 2019.

Motion carried 5 – 0.

Approved

**11. AIRPORT ADMINISTRATION BUILDING - PHASE II FINAL DESIGN PROCESS** *(Item taken out of agenda order)*

Fitzgerald moved, seconded by Flory, to:

1. Approve design concept for new Administration Building and authorize preparation of final design documents.
2. Authorize Staff to utilize design build process to deliver Airport Administration Building Phase II project.
3. Authorize Public Works Director to execute \$78,391 Professional Services Agreement with C&S Companies, Inc. for preparation of California Environmental Quality Act (CEQA) documents, in a form approved by the City Attorney.
4. Authorize Public Works Director to execute \$98,350 Professional Services Agreement with C&S Companies, Inc. for preparation of project bridging document plans and specifications and assist Staff with design build process, in a form approved by the City Attorney.
5. Authorize Public Works Director to submit application to California Department of Transportation (Caltrans) Division of Aeronautics to secure loan funding not to exceed \$8.5M

Motion carried 5 – 0.

Approved

**12. CITY MANAGER AMENDED AND RESTATED EMPLOYMENT AGREEMENT**

Flory moved, seconded by Zahra, to authorize Mayor to execute Amended and Restated Employment Agreement between City of Fullerton and City Manager Kenneth Domer.

Motion carried 5 – 0.

Resolution No.  
2019-65 adopted

**13. RESOLUTION OF INTENTION TO AMEND FULLERTON MUNICIPAL CODE PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS AND PROFESSIONAL SERVICES CONTRACT WITH HDL FOR IMPLEMENTATION OF NEXT STEPS** *(Item taken out of agenda order)*

- Nick Berardino spoke in support of this item.
- Jeff Letourneau spoke in support of this item.
- Alma Chavez spoke in opposition to this item.
- Unidentified resident spoke in opposition to this item.
- Jackie Miranda spoke in opposition to this item.
- Erik Chan, Cannabis Regulation Impact Study Program, spoke about services provided by his organization.
- Gretchen Cox, Fullerton, spoke in opposition to this



item.

- Pamela Levine, Fullerton, spoke in support of this item.
- Pat Schuff, Fullerton, spoke in opposition to this item.
- Conrad DeWitte spoke in opposition to this item.
- Dan Perez spoke in support of this item.
- Tony Bushala spoke in support of this item with a 1000 foot buffer from residential areas.
- George Stephens, Fullerton, spoke in support of cannabis sales handled in the right manner.
- Gabriel Saldana, Fullerton, spoke in support of this item.
- Carla Duran, Fullerton, spoke in support of this item.
- Adam Spiker, Southern California Coalition, spoke in support of this item.
- Billie Holt spoke in opposition to this item.
- Kitty Jaramillo, Fullerton, spoke in support of this item.
- Barbara Cooner, Fullerton, spoke in opposition to this item.

Mayor Silva recessed the meeting at 9:18 p.m.

Mayor Silva reconvened the meeting at 9:28 p.m.

Silva moved, seconded by Flory, to:

1. Adopt Resolution No. 2019-65.

RESOLUTION NO. 2019-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO CONSIDER AMENDMENTS TO TITLE 15 OF THE FULLERTON MUNICIPAL CODE TO AMEND PROVISIONS APPLICABLE TO COMMERCIAL CANNABIS

2. Authorize City Manager to enter into professional services agreement not to exceed \$45,000 with HdL, in a form approved by the City Attorney.

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

## **ITEMS REMOVED FROM CONSENT CALENDAR**

Approved

### **6. GRAFFITI REMOVAL SERVICES CONTRACT**

Fitzgerald moved, seconded by Flory, to:

1. Award \$162,500 per year agreement to Graffiti Protective Coatings, Inc.

2. Authorize City Manager to sign agreement.
3. Approve \$6,000 budget transfer from General Fund balance to Street Maintenance program contractual services account.

Motion carried 5 – 0.

Approved

**7. GENERAL AVIATION MINIMUM STANDARDS FOR FULLERTON MUNICIPAL AIRPORT**

Zahra moved, seconded by Fitzgerald, to adopt proposed General Aviation Minimum Standards and associated documents for commercial aeronautical activities at Fullerton Municipal Airport.

Motion carried 5 – 0.

Approved

**9. WATER SYSTEM VALVE REPLACEMENTS**

Zahra moved, seconded by Silva, to:

1. Approve plans and specification for Water System Valve Replacements Project.
2. Approve \$520,000 budget transfer to Project 53016 Water System Valve Replacements from Water Fund reserves.
3. Award \$378,245 Water System Valve Replacements Project contract to Stephen Doreck Equipment Rentals, Inc.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

Motion carried 5 – 0.

11:05 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 11:05 p.m. in memory of homeless individuals who passed away in September.

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Jesus J. Silva, Mayor

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Lucinda Williams, City Clerk