



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
SEPTEMBER 18, 2018 - 4:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

4:31 p.m.

**CALL TO ORDER**

Mayor / Chair Chaffee called the meeting to order at 4:31 p.m.

All Present

**ROLL CALL**

Present: Mayor / Chair Chaffee, Mayor Pro Tem / Vice Chair  
Sebourn, Council Members Fitzgerald, Silva, Whitaker  
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 Chaffee recessed to Closed Session at 4:32 p.m.

**CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED  
LITIGATION Per Government Code Section 54956.9(d)(2)**  
Significant Exposure to Litigation: One Case
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING  
LITIGATION Per Government Code Section 54956.9(d)(1)**  
Name of Case: David Bradley v. City of Fullerton  
Case Number: 30-2017-00934800
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING  
LITIGATION Per Government Code Section 54956.9(d)(1)**  
Name of Case: Eduardo Anaya v. City of Fullerton  
Case Number: 30-2017-00933590
4. **CONFERENCE WITH LABOR NEGOTIATOR Per Government**

**Code Section 54957.6**

**Agency Representative/s:** City Manager Kenneth Domer

**Employee Organization/s:** Fullerton Fire Management Association, Fullerton Police Officers' Association

**Under Discussion:** Parameters of authority for negotiating salaries, benefits and working conditions

**5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

**6. 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-00155-DOC-JDE

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

**8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Per Government Code Section 54956.8**

**Property:** Southeast corner of Pomona Avenue and East Santa Fe Avenue in the Fullerton Transportation Center (APN: 033-030-18)

**Agency Negotiator:** Kenneth A. Domer / Westpark Investments LLC / Parkwest General Contractors

**Under Negotiations:** Price and Terms

6:31 p.m.

**ADJOURNMENT**

Mayor / Chair Chaffee adjourned the Closed Session meeting at 6:31 p.m.

  
\_\_\_\_\_  
Lucinda Williams, City Clerk

  
\_\_\_\_\_  
Douglas B. Chaffee, Mayor





**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES  
SEPTEMBER 18, 2018 - 6:30 P.M.  
Council Chamber  
303 West Commonwealth Avenue  
Fullerton, California**

6:34 p.m.

**CALL TO ORDER**

Mayor / Chair Chaffee called the meeting to order at 6:34 p.m.

All Present

**ROLL CALL**

Present: Mayor / Chair Chaffee, Mayor Pro Tem / Vice Chair Sebourn, Council Members Fitzgerald, Silva, Whitaker

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 Community Development Ted White, Director of Public Works Don Hoppe, Acting Police Chief Robert Dunn, Director of Administrative Services Michael O'Kelly

**INVOCATION** given by Council Member Fitzgerald.

**PLEDGE OF ALLEGIANCE** led by Jean Shank.

**CLOSED SESSION REPORT**

City Attorney Jones reported that City Council unanimously voted to settle a case with Frank Crist in the amount of \$75,000 and noted that Westpark Investments LLC / Parkwest General Contractors was a negotiating party to Closed Session Item 8.

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

None.

## **PRESENTATIONS**

- 1. PROCLAMATION: Constitution Week**
- 2. PRESENTATION: November 2018 District Elections**

## **PUBLIC COMMENTS**

- Paulette Marshall Chaffee reported on recent events at the Muckenthaler Center.
- Erlinda Nevarez, Fullerton, spoke in opposition to the proposed permanent supportive housing project at 1600 West Commonwealth Avenue.
- S. Emily Evans, Fullerton, spoke about roundabouts recently installed by the City on Wilshire Avenue.
- Ryan Farsai, Fullerton, spoke about food sales at Arco of Fullerton.
- Anita Andriano, Fullerton, spoke in opposition to the proposed permanent supportive housing project at 1600 West Commonwealth Avenue.
- Diane Seville, Fullerton, spoke about public safety issues related to a marijuana dispensary in her neighborhood.
- Nina Parker, Fullerton, spoke in opposition to the proposed permanent supportive housing project at 1600 West Commonwealth Avenue.
- Christianne Lange, Fullerton, spoke in opposition to the proposed permanent supportive housing project at 1600 West Commonwealth Avenue.
- Chris Regan, Fullerton, spoke about poor road conditions in the City.
- Nickolas Wildstar, Fullerton, expressed concerns with paid public parking in the downtown area.
- Jane Reifer, Save the Hunt, spoke about an upcoming tour of the Hunt Branch Library.
- Unidentified speaker spoke about poor road conditions in West Fullerton and opposed the proposed permanent supportive housing project at 1600 West Commonwealth Avenue.
- Jane Sylvester spoke about recent development projects in the City, poor road conditions and recently installed roundabouts.
- Roberta Reid, Fullerton, spoke about poor road conditions in the City and homeless issues.
- Joe Imbriano, Fullerton, spoke about police services, City finances, permanent supportive housing and the Hunt Branch Library.



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

City Manager Domer responded to issues arising during public comments.

Mayor Pro Tem Sebourn wished a happy birthday to his sister, son and Council Member Whitaker and asked adjourn the meeting in memory of his brother-in-law Steven Paul Boyajian.

Council Member Fitzgerald spoke about the proposed Pathways of Hope project at 1600 West Commonwealth Avenue and the Wilshire Avenue bikeway project.

Mayor Chaffee reported on attending a recent police department briefing, the Firehouse Church firefighter and police officer of the year event, a Grace Ministries parsonage dedication and an event at the Richman School hockey rink.

## **APPOINTMENTS**

None.

## **PUBLIC HEARINGS**

None.

## **REGULAR BUSINESS (Items 1 – 4)**

Direction provided

### **1. CITY OF FULLERTON BOARD / COMMISSION / COMMITTEE REORGANIZATION**

- Arnel Dino, Fullerton, expressed concern with the reorganization process.
- Joe Imbriano, Fullerton, spoke about the Hunt Library and the Library Board of Trustees.
- Kathy Dasney, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.
- Kristine Percy, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.
- Manuel Bass, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.
- Virginia Britt spoke in support of maintaining the current Library Board of Trustees structure.
- Diane Vena spoke in support of maintaining the current Library Board of Trustees structure.
- Fern Richardson, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.

- Sylvia Poareo, Fullerton spoke in support of maintaining the current Library Board of Trustees structure.
- Glenn Georgieff, Fullerton, spoke in support of no action regarding the Library and Board of Trustees.
- Natalia Valdez spoke in support of maintaining the current Library Board of Trustees structure.
- Matt Leslie, Fullerton, spoke in support of taking no action on this item.
- Elizabeth Oates, Library Foundation Board, asked City Council to postpone consideration of the ordinance pertaining the Library Board of Trustees.
- Babette Carlson, Fullerton, spoke in support of the Library.
- Sean Paden, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.
- Ryan Cantor, Fullerton, suggested holding a joint meeting between the Board of Trustees and City Council.
- Jane Reifer, Fullerton, asked for clarification regarding proposed changes to the Municipal Code.
- Ellen Ballard spoke in support of an independent Library Board of Trustees.
- Jane Rands, Fullerton, spoke in support of an independent Library Board of Trustees and suggested allowing the Bicycle User Subcommittee to consider becoming an active transportation committee.
- Sean Davidson, Fullerton, spoke in support of maintaining the current Library Board of Trustees structure.

Chaffee moved, seconded by Sebourm, to direct staff to prepare a new ordinance for City Council consideration to not change the composition of the Library Board of Trustees and only bring the municipal code into conformance with current state laws.

Motion carried 5 – 0.

Chaffee moved, seconded by Silva, to not eliminate Planning Commissioner stipends.

Motion carried 4 – 0 – 1 (Absent: Fitzgerald).

Sebourm moved, seconded by Chaffee, to continue the formation of an active transportation commission to a future meeting.

Motion carried 5 – 0.

Ordinance No. 3266  
introduced

## **2. FULLERTON MUNICIPAL CODE AMENDMENT REGARDING ANIMAL CONTROL PROVISIONS**

Sebourm moved, seconded by Silva, to introduce Ordinance No. 3266 for first reading by title only and waive further reading



of the ordinance.

**ORDINANCE NO. 3266 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 11 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF ANIMAL CONTROL PROVISIONS**

Motion carried 5 – 0.

City Clerk Williams read the title of the ordinance.

Approved

**3. HILLCREST PARK DUCK POND - DESIGN CONTRACT APPROVAL**

- Jane Rands asked the City to prioritize funds for completion of the Woodcrest Park project.
- Kate Dalton spoke in support of this item.

Sebourn moved, seconded by Chaffee, to authorize Director of Parks and Recreation to execute agreement for professional services with STUDIO-MLA for development of construction documents for Hillcrest Park Duck Pond Improvements, in a form approved by the City Attorney.

Motion carried 5 – 0.

Rusty Kennedy  
appointed

**4. APPOINTMENT OF COMMUNITY ADVISORY BOARD MEMBER FOR BRIDGES AT KRAEMER PLACE COUNTY HOMELESS SHELTER**

- Jane Rands suggested appointing Pam Keller.
- Curtis Gamble volunteered to serve on the advisory board.

Chaffee moved, seconded by Silva, to designate Rusty Kennedy to serve as the voting representative on the Community Advisory Board for the Bridges at Kraemer Place County Homeless Shelter.

Motion carried 5 – 0.

**CONSENT CALENDAR (Items 5 – 24)**

Fitzgerald moved, seconded by Sebourn, to approve Consent Calendar Items 5 through 11, 13 through 16 and 18 through 24.

Motion carried 5 – 0.

Approved

**5. AUGUST 21, 2018 MEETING AND SEPTEMBER 4, 2018 SPECIAL MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve August 21, 2018 City Council / Successor Agency Meeting and September 4, 2018 Special City Council / Successor Agency Meeting Minutes.

- Received and filed      6.      **AUGUST 2018 CHECK REGISTER**  
Recommendation by the Administrative Services Department:  
Receive and file.
- Received and filed      7.      **MONTHLY LEGISLATIVE UPDATE**  
Recommendation by the Administration Department:  
Receive and file.
- Ordinance No. 3265      8.      **ORDINANCE REGARDING CARNIVALS AT AMERIGE  
adopted                      PARK AND DEFINITION OF PARK - SECOND READING  
   OF ORDINANCE**  
Recommendation by the City Clerk's Office:  
Adopt Ordinance No. 3265.  
ORDINANCE NO. 3265 - AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
REPEALING SECTION 9.12.545 OF CHAPTER 9.12 OF  
TITLE 9 OF THE FULLERTON MUNICIPAL CODE,  
RELATING TO PARK REGULATIONS
- Resolution No. 2018-      9.      **PERSONNEL MANAGEMENT SYSTEM CHANGES**  
49 adopted                      Recommendation by the Human Resources Department:  
Adopt Resolution No. 2018-49.  
RESOLUTION NO. 2018-49 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
ADOPTING AND DELETING CERTAIN CLASS  
SPECIFICATIONS FROM THE PERSONNEL  
MANAGEMENT SYSTEM AND AMENDING APPENDIX A  
OF RESOLUTION NO. 2016-23 (FULLERTON  
MANAGEMENT ASSOCIATION) AND THE APPENDIX OF  
RESOLUTION NO. 2016-66 (DESIGNATED CITY OF  
FULLERTON EMPLOYEES REQUIRED TO FILE A  
CONFLICT OF INTEREST DISCLOSURE STATEMENT)
- Resolution No. 2018-      10.      **BIENNIAL REVIEW AND UPDATE OF CITY OF FULLERTON  
50 adopted                      CONFLICT OF INTEREST CODE**  
Recommendation by the City Clerk's Office:  
Adopt Resolution No. 2018-50.  
RESOLUTION NO. 2018-50 - A RESOLUTION OF THE CITY  
COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
MODIFYING THE CONFLICT OF INTEREST CODE OF THE  
CITY OF FULLERTON INCLUDING DESIGNATED  
POSITIONS AS REQUIRED BY THE POLITICAL REFORM  
ACT AND REGULATIONS OF THE FAIR POLITICAL  
PRACTICES COMMISSION



Approved

**11. OFFICE OF TRAFFIC SAFETY AGREEMENT APPROVAL**

Recommendation by the Police Department:

Authorize Acting Chief of Police to execute \$446,116 agreement for 2018-19 Office of Traffic Safety "Selective Traffic Enforcement Program" in a form approved by City Attorney as well as any amendments and increase Police Department appropriations by the same amount in Grants Fund 32.

Approved

**13. PROFESSIONAL SERVICES AGREEMENT WITH COMPREHENSIVE HOUSING SERVICES, INC. TO PROVIDE HOUSING PROGRAMS ADMINISTRATIVE SUPPORT SERVICES AND OVERSIGHT OF THE HOME IMPROVEMENT PROGRAM**

Recommendation by the Community Development Department:

Authorize City Manager to enter into professional services agreement with Comprehensive Housing Services, Inc. to provide administrative support for Community Development Block Grant and HOME Investment Partnerships Programs and oversight of Home Improvement Program in a form approved by the City Attorney.

Resolution No. 2018-51 adopted

**14. SUMMARY VACATION AB 18-02 ABANDONING WATERLINE EASEMENT OVER PORTION OF 4100 AND 4030 NORTH HARBOR BOULEVARD**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-51.

RESOLUTION NO. 2018-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A SUMMARY VACATION TO ABANDON A CITY OF FULLERTON WATER LINE EASEMENT OVER A PORTION OF 4100 NORTH HARBOR BOULEVARD AND 4030 NORTH HARBOR BOULEVARD

Resolution No. 2018-52 adopted

**15. PERMANENT APP BASED RIDESHARE LOADING / UNLOADING ZONES IN DOWNTOWN FULLERTON**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-52.

RESOLUTION NO. 2018-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DESIGNATING SELECT LOCATIONS AS PLACES WHERE PARKING IS RESTRICTED TO "APP BASED RIDESHARE LOADING / UNLOADING ONLY" BETWEEN THE HOURS OF 6:00 P.M. AND 2:00 A.M.

Approved

**16. SALE OF SOUTHERN CALIFORNIA EDISON RULE 20A ALLOCATIONS TO THE CITY OF LAGUNA BEACH FOR UNDERGROUNDING UTILITIES**

Recommendation by the Public Works Department:

1. Authorize City Manager to negotiate and enter into an agreement, in a form approved by the City Attorney, with City of Laguna Beach to sell the current balance in Rule 20A Underground Utility credits.
2. Direct Staff to appropriate revenues received in the same amount in Capital Projects Fund (Fund 74) for Project #44400 "Arterial Street Reconstruction, Rehab & Repair".

Resolution No. 2018-53 adopted

**18. ABANDONMENT AB 18-01 REGARDING PORTION OF SOUTH POMONA AVENUE NORTH OF ORANGETHORPE AVENUE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2018-53.

RESOLUTION NO. 2018-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DECLARING ITS INTENTION TO ABANDON AN EASEMENT FOR STREET RIGHT-OF-WAY AND PUBLIC UTILITY LOCATED ALONG A PORTION OF SOUTH POMONA AVENUE WITHIN THE FULLERTON TOWN CENTER AND NORTH OF ORANGETHORPE AVENUE

Approved

**19. ORANGE COUNTY TRANSPORTATION AUTHORITY COOPERATIVE AGREEMENT NO. 174-46022 FOR THE GILBERT STREET / IDAHO STREET REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM**

Recommendation by the Public Works Department:

Authorize Director of Public Works, or designee, to enter into Cooperative Agreement No. 174-46022 with Orange County Transportation Authority and execute any amendments / supplements, in a form approved by the City Attorney.

Approved

**20. TRENCHLESS PIPE TECHNOLOGY INVESTIGATION AND DESIGN PROJECT**

Recommendation by the Public Works Department:

1. Approve \$99,709 consultant contract between Michael Baker International, Inc. and City of Fullerton, in a form approved by the City Attorney.
2. Approve \$120,000 budget transfer from Project 53618 Water Main System Replacement Fiscal Year 2017-18 to Project 53015 Trenchless Pipe Technology.



3. Authorize Director of Public Works, or designee, to execute contract and take any and all action necessary to implement and administer contract.

Approved

**21. ENGINEERING / HYDROGEOLOGIST CONSULTANT SERVICES AWARD FOR NEW WELL 7A CONSTRUCTION, WELL 7 DESTRUCTION AND PIPELINE ASSESSMENT**

Recommendation by the Public Works Department:

Authorize Director of Public Works to execute \$224,015 agreement, in a form approved by the City Attorney, with Hazen and Sawyer for professional hydrogeological / engineering services for the installation of new Main Plant Well 7A, destruction of Well 7 and on-site pipeline replacement and upgrades.

Approved

**22. STATE COLLEGE BOULEVARD GRADE SEPARATION PROJECT - AMENDMENT NO. 7 TO COOPERATIVE AGREEMENT C-9-0576**

Recommendation by the Public Works Department:

1. Approve Amendment No. 7 to Cooperative Agreement C-9-0576 between OCTA and City of Fullerton and authorize the City Manager to execute on City's behalf.
2. Approve \$2,500,000 budget transfer from Renewed Measure M (M2) funds to the State College Boulevard Grade Separation Project.

Approved

**23. HARBOR BOULEVARD REHABILITATION PROJECT, NORTH OF IMPERIAL TO BECKMAN SITE - CONSTRUCTION CONTRACT AWARD**

Recommendation by the Public Works Department:

1. Approve plans and specification for Harbor Boulevard Rehabilitation Project, North of Imperial to Beckman Site.
2. Award \$174,230 construction contract for Harbor Boulevard Rehabilitation Project, North of Imperial to Beckman Site, to Vido Samartzich, Inc.

Approved

**24. RECEIPT AND EXPENDITURE OF STATE FUNDS FOR THE BOYS AND GIRLS CLUB OF FULLERTON**

Recommendation by the Administrative Services Department:

Authorize receipt and appropriation of \$45,000 in Grants Fund (Fund 32) from State of California and authorize payment of same amount to the Boys and Girls Club of Fullerton.

## ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

**12. CALIFORNIA STATE UNIVERSITY,  
FULLERTON - FEDERAL WORK STUDY PROGRAM  
CONTRACT RENEWAL**

Sebourn moved, seconded by Fitzgerald, to approve Independent Contractor Agreement with California State University, Fullerton and authorize Parks and Recreation Director to sign agreement and subsequent amendments to current agreement, not to exceed 12 months.

Motion carried 5 – 0.

Approved

**17. PROPERTY TRANSFER TO ORANGE COUNTY TRANSIT  
DISTRICT OF A PARCEL WITHIN THE FULLERTON  
TRANSPORTATION CENTER CURRENTLY UTILIZED AS  
THE ORANGE COUNTY TRANSPORTATION AUTHORITY  
BUS FACILITY**

Jane Reifer asked about the proposed move of the bus station and the locations of the APNs.

Sebourn moved, seconded by Chaffee, to approve Property Conveyance and Use Agreement between City of Fullerton and Orange County Transit District transferring the identified parcel(s) for continued use as governmental / public purpose as a bus transit center, subject to the restrictions contained within the Agreement.

Motion carried 5 – 0.

## AGENDA FORECAST

*Tuesday, October 2, 2018*

- *ON CALL PROFESSIONAL ENGINEERING SERVICES*
- *EMERGENCY MANAGEMENT PERFORMANCE GRANT*
- *CONSIDERATION OF A LEASE EXTENSION WITH AVIATION FACILITIES, INC.*
- *COMMONWEALTH / RAYMOND AVENUE INFRASTRUCTURE REHABILITATION PROJECT*
- *FINANCIAL AND TREASURER'S REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018*
- *DESIGN REVIEW COMMITTEE ELIMINATION*
- *AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES - MG DISPOSAL*

*Tuesday, October 16, 2018*

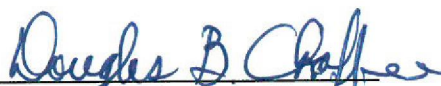
- *MONTHLY LEGISLATIVE UPDATE*

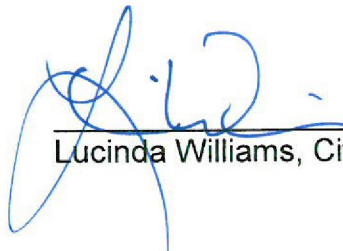


- SEPTEMBER 2018 CHECK REGISTER
- SECURITY GUARD RFP / FULLERTON COMMUNITY CENTER AND MAIN LIBRARY
- FIRST QUARTER FINANCIAL AND TREASURER'S REPORT - FISCAL YEAR 2018-19
- DESIGNATION AS A RECYCLING MARKET DEVELOPMENT ZONE

#### **ADJOURNMENT**

Mayor / Chair Chaffee adjourned the meeting in memory of Steven Boyajian at 9:45 p.m.

  
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Douglas B. Chaffee, Mayor

  
\_\_\_\_\_  
Lucinda Williams, City Clerk