



CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
FEBRUARY 19, 2019 - 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

4:33 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 4:33 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 to Closed Session at 4:33 p.m.

CLOSED SESSION

1. **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
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
3. **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, Fullerton
Municipal Employees Federation,
Fullerton Firefighters' Association

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

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

Property: APNs 033-030-17 and 033-030-15
(Fullerton Transportation Center - Station
Building Lease)

Agency Negotiator: Seth Davenport (Voit)

Negotiating Parties: Tony Bushala, Bushala Brothers, Inc.

Under Negotiations: Price and Terms

**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 - ANTICIPATED
LITIGATION Per Government Code Section 54956.9(d)(2)**

Significant Exposure to Litigation: One Case

6:33 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 6:33 p.m.



Jesus J. Silva, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
FEBRUARY 19, 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, Deputy City Attorney Ivy Tsai, City Clerk Lucinda Williams, Director of Parks and Recreation Hugo Curiel, Human Resources Director Gretchen Beatty, Director of Community Development Ted White, Interim Police Chief Robert Dunn, Director of Administrative Services Michael O'Kelly, Fire Chief Adam Loser, Director of Public Works Meg McWade

INVOCATION given by Fire Chief Loser.

PLEDGE OF ALLEGIANCE led by Mayor Silva.

CLOSED SESSION REPORT

Deputy City Attorney Tsai noted that City Council received an email from the President of the Fullerton Firefighters Association regarding Closed Session Item 3.

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

None.

PRESENTATIONS

None.

PUBLIC COMMENTS

- Mark Shapiro spoke about the Water Rate Ad-Hoc Committee and funding mechanisms.
- Jensen Hallstrom spoke about community forests.
- Liz Savage, Fullerton, spoke about City Council conduct.
- Jane Sylvester discussed conflict of interests and asked if a traffic study for the Red Oak project exists.
- Emily France, SoCal Gas, spoke about electric power initiatives.
- Unidentified speaker asked questions about homeless issues.
- Jose Trinidad Castaneda spoke about electric power initiatives.
- Samantha Quintero spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comments.

Council Member Zahra spoke about Orangethorpe School, asked City Council to support sending a letter to the County regarding hosting a job fair and asked to agendaize, supported by Flory, a discussion to consider flying the pride flag.

Council Member Flory reported on attending the memorial for former Deputy Fire Chief Tom Schultz.

Mayor Silva reported on the Citrea ribbon cutting.

APPOINTMENTS

Appointments made

1. COMMISSION / COMMITTEE / BOARD APPOINTMENTS

Flory moved, seconded by Silva, to waive the residency requirement for committee members and appoint Kristin Jasko to the Bicycle Users Subcommittee for an unexpired term expiring December 31, 2020.

Motion carried 5 – 0.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 1 - 4)

1. VACATE PRIOR ACTION AND CONSIDERATION OF CHANGES TO CITY REPRESENTATION - ALL REGIONAL ADVISORY BODIES AND WORKGROUPS

- Helen Higgins asked why the City Attorney did not stop the proceedings at the previous meeting if City Council was violating the Brown Act and asked City Council to proceed carefully.
- Kevin Pendergraft, Fullerton, spoke about Brown Act violations and spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Jeff Koskela spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Jose Trinidad Castaneda, Fullerton, spoke in support of appointing Council Member Zahra to the Orange County Water District Board.
- Katie Bullock, Fullerton, spoke in support of appointing Council Member Zahra to the Orange County Water District Board.
- Jennifer Harris, Fullerton, spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Beverly Gunter, Fullerton, spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Susan Gapinski, Fullerton, spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Jane Sylvester spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Sean Paden spoke about potential Brown Act violations and spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Jane Rands spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Arnel Dino, Fullerton, spoke in favor of removing Council Member Whitaker from the Orange County Water District Board.
- Joshua Ferguson spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Liz Savage, Fullerton, spoke against removing Council

Member Whitaker from the Orange County Water District Board.

- Jack Dean spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Curtis Gamble spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Marilyn Davison, Fullerton, spoke against removing Council Member Whitaker from the Orange County Water District Board.
- Jane Reifer spoke against removing Council Member Whitaker from the Orange County Water District Board.

Flory moved, seconded by Fitzgerald, to vacate the regional advisory body appointment actions of February 5, 2019 and appoint Council Member Zahra to serve on the Orange County Water District Board for a term expiring December 2020, appoint Council Member Flory as the alternate representative on the Orange County Sanitation District Board and appoint Mayor Pro Tem Fitzgerald as the representative to the Fullerton Sister City Association.

Silva made a substitute motion, seconded by Whitaker, to vacate the regional advisory body appointment actions of February 5, 2019.

Substitute motion carried 5 – 0.

Fitzgerald moved, seconded by Zahra, to appoint Council Member Zahra to serve on the Orange County Water District Board for a term expiring December 2020, appoint Council Member Flory as the alternate representative on the Orange County Sanitation District Board and appoint Mayor Pro Tem Fitzgerald as the representative to the Fullerton Sister City Association.

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

Approved

2. SECOND QUARTER FINANCIAL AND TREASURER'S REPORT AND BUDGET ADJUSTMENTS FOR FISCAL YEAR 2018-19

Flory moved, seconded by Zahra, to receive and file financial reports and approve mid-year budget adjustments.

Motion carried 5 – 0.

Approved

3. 2019 SAFE AND SANE FIREWORKS SALES

Jane Reifer asked about a proactive fireworks safety program.

Fitzgerald moved, seconded by Zahra, to receive and file 2018 Safe and Sane Fireworks Sales Annual Report and confirm timeline for 2019 fireworks sales application process.

Motion carried 5 – 0.

Approved

4. CONSIDERATION OF LETTER RECOMMENDING INTERIM PRESIDENT, FRAM VIRJEE, APPOINTED AS PERMANENT PRESIDENT FOR CALIFORNIA STATE UNIVERSITY, FULLERTON (CSUF)

Flory moved, seconded by Fitzgerald, to approve and authorize sending a letter to the California State University Chancellor in strong support of the appointment of Framroze “Fram” Virjee as the permanent CSUF President and send a copy to all North Orange County cities requesting the same from respective City Councils.

Motion carried 4 – 0 – 1 (Abstain: Silva).

CONSENT CALENDAR (Items 5 - 13)

Flory moved, seconded by Fitzgerald, to approve Consent Calendar Items 5 – 7, 9 – 10, and 13.

Motion carried 5 – 0.

Approved

5. FEBRUARY 5, 2019 MEETING MINUTES

Recommendation by the City Clerk’s Office:

Approve February 5, 2019 City Council / Successor Agency Meeting Minutes.

Approved

6. JANUARY 2019 CHECK REGISTER

Recommendation by the Administrative Services Department:
Receive and file.

Approved

7. MONTHLY LEGISLATIVE UPDATE AND ADOPTION OF DRAFT 2019 LEGISLATIVE PLATFORM

Recommendation by the Administration Department:

1. Receive and file Monthly Legislative Update report.
2. Adopt 2019 Legislative Platform.

Approved

9. CLASS SPECIFICATION REVISION RELATED TO HOUSING AND HOMELESS RESOURCES

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-03

RESOLUTION NO. 2019-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING AND DELETING CERTAIN CLASS SPECIFICATIONS IN THE PERSONNEL SYSTEM AND APPENDIX A OF RESOLUTION NO. 2016-23 (FULLERTON MANAGEMENT ASSOCIATION) AND THE APPENDIX OF

RESOLUTION NO. 2018-50 (DESIGNATED CITY OF FULLERTON EMPLOYEES REQUIRED TO FILE A CONFLICT OF INTEREST DISCLOSURE STATEMENT)

Approved

10. DISABLED PERSONS PARKING - 315 NORTH HIGHLAND AVENUE

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-04.

RESOLUTION NO. 2019-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 315 NORTH HIGHLAND AVENUE

Approved

13. CONTRACT AWARD FOR CONSULTANT SERVICES FOR ORANGETHORPE AVENUE / ESPERANZA ROAD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

Recommendation by the Public Works Department:

1. Authorize Public Works Director to execute agreement, in a form approved by the City Attorney, with AGA for traffic engineering consultant services for design, system integration, construction management and ongoing monitoring and maintenance for the Orangethorpe Avenue / Esperanza Road Project P Regional Traffic Signal Synchronization Program, in the revised amount of \$1,283,247.
2. Authorize Public Works Director to approve and award additional work to AGA for work described as "additional proposed tasks" and as may be determined necessary by the Public Works Director. Additional work shall not exceed \$248,134.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approved

8. LETTERS TO STATE OF CALIFORNIA AND COUNTY OF ORANGE ON ELECTION MATTERS

Silva moved, seconded by Zahra, to approve sending a letter to the State of California regarding recently enacted legislation which limits cities' ability to schedule time sensitive special elections and approve sending a letter to the Orange County Board of Supervisors to request the Board of Supervisors reconsider and adopt the Voters Choice Act.

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

Approved

11. WILSHIRE PARKING LOT - ADA ACCESSIBLE PARKING STALLS PROJECT

Jane Reifer asked about the cost and background information for

this project.

Flory moved, seconded by Silva, to:

1. Approve Wilshire Parking Lot - ADA Accessible Parking Stalls Project.
2. Award \$115,000 construction contract for Wilshire Parking Lot - ADA Accessible Parking Stalls Project, to Hardy & Harper, in a form approved by the City Attorney.
3. Approve \$20,000 budget transfer of Measure M2 Fund from Project 44589, Residential Street Program to Project 55039 Wilshire Parking Lot - ADA Accessible Parking Stalls Project.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

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

Approved

12. LAWRENCE / SANTA FE AREA SEWER IMPROVEMENTS

Jane Reifer asked questions about the CEQA exemption, the project boundaries and project beneficiaries said she would like to see developers pay for infrastructure projects that benefit them.

Silva moved, seconded by Fitzgerald, to:

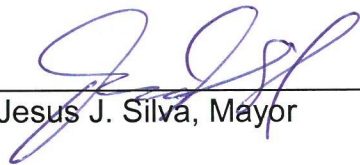
1. Approve Lawrence / Santa Fe Area Sewer Improvements Project plans and specifications.
2. Approve budget transfers to Project 51024 Lawrence / Santa Fe Area Sewer Improvements Project in the following amounts:
 - \$911,500 of Sewer Enterprise Fund from Project 51419, Annual Sewer Replacement Programs Fiscal Year 2018-19
 - \$369,000 of Measure M2 Fund from Project 44589, Residential Street Program
 - \$24,000 of Drainage Capital Fund from Project 52590, Misc. & Storm Drain Repair Fiscal Year 2018-19.
3. Award \$1,244,633.96 construction contract for Lawrence / Santa Fe Area Sewer Improvements Project to G.J. Gentry General Engineering, Inc.
4. Authorize Public Works Director to approve any future change orders for construction and professional engineering construction support services within approved project budget.

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

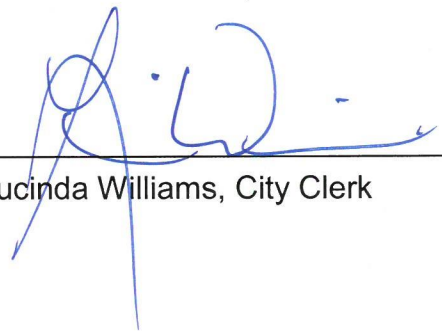
9:36 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 9:36 p.m.



Jesus J. Silva, Mayor



Lucinda Williams, City Clerk