



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
CLOSED SESSION MINUTES  
June 18, 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 Silva recessed to Closed Session at 5:02.

### **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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Per Government Code Section 54957(b)(1)**

**Title:** City Manager

**3. 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

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

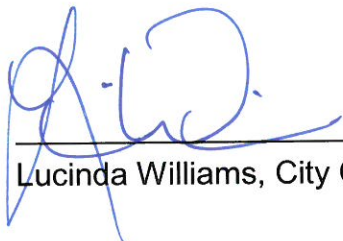
**5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**

**Significant Exposure to Litigation:** One Case

6:32 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 6:32 p.m.

  
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Jesus J. Silva, Mayor  
\_\_\_\_\_  
Lucinda Williams, City Clerk



**CITY OF FULLERTON  
CITY COUNCIL / SUCCESSOR AGENCY  
REGULAR MEETING MINUTES**

June 18, 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, Interim Police Chief Robert Dunn, Acting Director of Administrative Services Claire Moynihan, Fire Chief Adam Loser

**INVOCATION** given by Police Chaplain Jason Philips.

**PLEDGE OF ALLEGIANCE** led by Mayor Silva.

**CLOSED SESSION REPORT**

None.

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

Council Member Zahra reported that he met with the Fullerton Municipal Employees Federation President.

Mayor Silva reported that he met with the Fullerton Municipal Employees Federation President.



## **PRESENTATIONS**

- 1. PRESENTATION: Fullerton Police Department Retired Senior Volunteer Program**
- 2. PRESENTATION: Paramedic Subscription Membership**

## **PUBLIC COMMENTS**

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- June Perez spoke about Rancho La Paz.
- Peter Aziz spoke about the Arab American Service Day.
- Caterina (no last name given), Assembly Member Quirk-Silva's Office, announced upcoming events.
- Jensen Hallstrom, spoke about trees at the Hunt Branch Library and Pacific Drive Park.
- Unidentified speaker spoke about conditions along Bastanchury Road.
- Maureen Milton, Fullerton, spoke about residents that do not receive water bills.
- Jose Trinidad Castaneda, Fullerton, spoke about Tommy de la Rosa Street and community choice energy.
- Patty Tutor spoke about community choice energy.
- Lon Marteen spoke about Rancho La Paz.
- Unidentified speaker spoke about the condition of city streets, trash throughout the city, the business climate and water taxes.
- Jacob and Sonia Weatherly spoke about access to police records.
- Sean Paden spoke about first amendment rights and publishing public documents.
- Liz Savage, Fullerton, spoke about homeless issues.
- Joshua Ferguson, Fullerton, spoke about release of City documents.
- Roseanne Luicach, Fullerton, spoke about homeless issues.
- Dannie Hobson spoke about safety at intersections, gender inclusive restrooms and gender identification.
- Curtis Gamble spoke about homeless issues.
- Ryan Farsai spoke about America as a corporation.
- Robert Filippe, Fullerton, asked about a crossing signal at Southgate and Brookhurst and commented on homeless issues.

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

City Manager Domer responded to issues arising during public comments.

Council Member Zahra spoke about attendance at community events and announced upcoming activities.

Council Member Flory reported on upcoming community activities and reported on attendance at recent community events.

Council Member Whitaker spoke about recent community events and Water Agency of Orange County activities.

Mayor Pro Tem Fitzgerald spoke about current bills dealing with homelessness.

Mayor Silva reported on recent community events and invited the public to upcoming activities.

## **APPOINTMENTS**

None.

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

Zahra moved, seconded by Silva, to approve Consent Calendar Items 1, 2, 3, 4, 5, 7 and 9.

Motion carried 5 – 0.

Approved

### **1. JUNE 4, 2019 MEETING MINUTES**

Recommendation by the City Clerk's Office:

Approve June 4, 2019 City Council / Successor Agency Meeting Minutes.

Approved

### **2. MAY 2019 CHECK REGISTER**

Recommendation by the Administrative Services Department:  
Receive and file.

Resolution No.  
2019-26 adopted

### **3. CALPERS EMPLOYER PAID MEMBER CONTRIBUTIONS**

Recommendation by the Human Resources Department:

Adopt Resolution No. 2019-26.

RESOLUTION NO. 2019-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR CLASSIC



MEMBERS AND REPEALING RESOLUTION NO. 2018-26 IN ITS ENTIRETY

Approved

**4. INSURANCE PROGRAM REPORT AND RECOMMENDATIONS FOR PROPERTY AND CASUALTY INSURANCE**

Recommendation by the Human Resources Department:

1. Authorize Staff to bind excess workers' compensation insurance with maximum limit set to statutory benefit maximums and lower limit of \$750,000 for non-safety employees and \$1 million for safety employees with Safety National Insurance Company at \$188,655 premium cost.
2. Authorize Staff to bind earth movement and flood insurance with Endurance American Specialty Insurance Company, Landmark American Insurance Company and Lloyd's of London with combined limits of \$20 million for combined premium of \$480,258.
3. Receive and file report relative to City's insurance programs, ancillary insurance coverage purchases and participation in Independent Cities Risk Management Authority joint powers authority to procure excess liability insurance above \$8 million per occurrence, All Risk Property coverage, Auto Physical Damage Insurance, Crime Insurance, Cyber Liability Insurance and Terrorism Insurance.

Approved

**5. GRANT AWARD FOR WEST COYOTE HILLS OPEN SPACE ACQUISITION**

Recommendation by the Parks and Recreation Department:

1. Accept Warne grant.
2. Approve \$40,000 budget transfer of grant funds and allocate funds to the West Coyote Hills Acquisition Project 54036.

Resolution No.  
2019-28 adopted

**7. DISABLED PERSONS PARKING - 136 WEST ELM AVENUE**

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-28.

RESOLUTION NO. 2019-28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A DISABLED PERSONS PARKING ZONE IN FRONT OF 136 WEST ELM AVENUE

Approved

**9. FULLERTON GRADE SEPARATION PROJECTS - REVISED AMENDMENT NO. 7 TO COOPERATIVE AGREEMENT, AMENDMENT NO. 8 TO COOPERATIVE AGREEMENT AND SETTLEMENT AND RELEASE AGREEMENT FOR CONSTRUCTION CONTRACT**

Recommendation by the Public Works Department:

1. Rescind September 18, 2018 City Council approval for original Amendment 7 and related appropriation of \$2,500,000 due to OCTA's modifications incorporated into attached revised Amendment No. 7.
2. Approve revised Amendment No. 7 and Amendment No. 8 to Cooperative Agreement C-9-0576 between OCTA and City and authorize City Manager to execute these amendments on City's behalf.
3. Approve \$2,896,000 budget transfer for appropriation increase, distributing funding amounts among approved funding sources per Appendix D of revised Amendment No. 7 (Attachment 1) for State College Boulevard Grade Separation Project.
4. Approve \$7,762,000 budget transfer for appropriation increase distributing funding amounts among approved funding sources per Appendix C of Amendment No. 8 (Attachment 2) for Raymond Avenue Grade Separation Project.
5. Approve \$54,000,000 Settlement and Release Agreement between City of Fullerton and Flatiron West, Inc. and authorize City Manager to execute on the City's behalf.

## **ITEMS REMOVED FROM CONSENT CALENDAR**

Resolution No.  
2019-27 adopted

### **6. CHIEF OF POLICE EMPLOYMENT AGREEMENT**

- Sean Paden requested conducting an interview process for the Chief of Police position.
- Ryan O'Neil, Fullerton Police Officers Association, spoke in support of the appointment of Chief Dunn.
- Liz Savage, Fullerton, spoke in support of this item.
- Jane Rands, Fullerton, asked City Council to create a hiring process that benefits the community and to consider civilian police oversight.
- Jason Phillips noted the increase in morale in the Police Department under Chief Dunn's leadership.

Flory moved, seconded by Zahra, to:

1. Authorize Mayor to execute Employment Agreement appointing Robert Dunn II as Chief of Police commencing June 29, 2019 for initial period of five years with options for two three-year extensions.
2. Adopt Resolution No. 2019-27.

**RESOLUTION 2019-27 - A RESOLUTION OF THE CITY**



COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,  
AMENDING PAGE 39, SALARY BY CONTRACTUAL  
AGREEMENT, OF THE CITYWIDE SALARY SCHEDULE  
TO REVISE THE BASE SALARY FOR THE CHIEF OF  
POLICE CLASSIFICATION

Motion carried 4 – 1 (Opposed: Whitaker).

## **PUBLIC HEARINGS**

None.

## **REGULAR BUSINESS (Items 10 - 15)**

Direction provided

### **10. FULLERTON COLLEGE SHERBECK FIELD - DRAFT ENVIRONMENTAL IMPACT REPORT DISCUSSION**

Mayor Silva announced he would recuse himself from this item as his residence is within 500-feet of the project and exited the Council Chambers at 8:46 p.m.

- Steve Blount spoke in opposition to the proposed stadium.
- Ken Bane spoke in opposition to the proposed stadium.
- Clay Gaetje spoke in opposition to the proposed stadium.
- Gavin St. Amant spoke in opposition to the proposed stadium.
- Unidentified speaker spoke in opposition to the proposed stadium.
- Oliver Gelles, Fullerton, spoke in opposition to the proposed stadium.
- George Stevens, Fullerton, spoke in opposition to the proposed stadium.
- Jane Sylvester, Fullerton, spoke in opposition to the proposed stadium.
- Tanya McCrory, Fullerton, spoke in opposition to the proposed stadium.
- Damien Lloyd, Fullerton, spoke in opposition to the proposed stadium.
- Sean Paden encouraged City Council to challenge the draft Environmental Impact Report.
- Anne Murphy, Fullerton, asked City Council to consider the negative impacts of this project on the City.
- Kevin Arthur, Fullerton, spoke in opposition to the proposed stadium.



- Chris Gaarder, Fullerton, spoke in opposition to the proposed stadium.
- Rich Wolfenstein spoke in opposition to the proposed stadium.
- Robert Singer, Fullerton, spoke about the impact of this project on surrounding neighborhoods and discussed alternatives to the proposed stadium.
- Paulette Chaffee, Fullerton, said this project would have significant impacts on light, noise, traffic and circulation.
- Mark Gable, Fullerton, spoke in opposition to the proposed stadium.
- Vince Buck, Fullerton, noted the negative noise and bicycle safety impacts this project would have on the neighborhood.

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

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

Flory moved, seconded by Fitzgerald, to direct Staff to prepare a comment letter from the City to the District regarding the proposed DEIR and send a second letter from City Council to the North Orange County Community College District Board based on input provided by City Council.

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

Mayor Pro Tem Fitzgerald recessed the meeting at 10:18 p.m.

Mayor Silva returned to the Council Chamber at 10:28 p.m.

Mayor Silva reconvened the meeting at 10:28 p.m.

Received and filed,  
Subcommittee  
formed

**11. MONTHLY LEGISLATIVE UPDATE, ADVOCACY POSITIONS AND FORMATION OF CITY COUNCIL LEGISLATIVE SUBCOMMITTEE**

Zahra moved, seconded by Fitzgerald, to:

1. Receive and file Monthly Legislative Update report.
2. Create City Council Legislative Subcommittee and appoint the Mayor and Mayor Pro Tem as members.

Motion carried 5 – 0.

Resolution No.  
2019-31 adopted

**12. PROPOSED REVISION TO SANITATION CHARGE TO MAINTAIN CURRENT REVENUE LEVEL**

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-31.

RESOLUTION NO. 2019-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA,

## ADOPTING REVISED SANITATION CHARGE

Motion carried 5 – 0.

- Ordinance No. 3274 introduced
- 13. AMENDMENTS TO FULLERTON MUNICIPAL CODE RELATED TO CITY-OWNED PARKING FACILITIES**
- Fitzgerald moved, seconded by Silva, to introduce Ordinance No. 3274 for first reading by title only and waive further reading of the Ordinance.
- ORDINANCE NO. 3274 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTERS 8.04 AND 8.48 AND REPEALING CHAPTER 8.52 OF TITLE 8 OF THE FULLERTON MUNICIPAL CODE RELATING TO PARKING REGULATIONS
- Motion carried 5 – 0.
- City Clerk Williams read the title of the ordinance.
- Direction provided
- 14. GENERAL FUND BALANCE POLICY DISCUSSION**
- Chris Gaarder, Fullerton, encouraged City Council to commit funding to street improvements.
- Flory moved, seconded by Fitzgerald, to:
1. Provide Staff direction regarding creation of Fund Balance Assignment Policy for General Fund, Recurring Revenue Policy and One-time Revenue Policy.
  2. Direct Staff to prepare resolution to adopt policies for City Council review and approval.
- Motion carried 5 – 0.
- Approved
- 15. AMENDMENT TO REIMBURSEMENT AGREEMENT WITH CALIFORNIA HIGH-SPEED RAIL AUTHORITY**
- Flory moved, seconded by Zahra, to authorize Public Works Director to execute Amendment No. 1 to Cooperative Agreement HSR16-26 between City of Fullerton and California High-Speed Rail Authority modifying terms of original funding Agreement to extend term through January 31, 2021 and update position / salary list for reimbursement of City costs associated with technical studies of high-speed rail.
- Motion carried 5 – 0.

## ITEMS REMOVED FROM CONSENT CALENDAR

- Resolution No. 2019-29, 2019-30 adopted
- 8. CONTRACT STREET SWEEPING SERVICES**
- Fitzgerald moved, seconded by Flory, to:
1. Authorize Public Works Director to enter into Agreement with



CleanStreet, Inc. for street sweeping services in a form approved by the City Attorney.

2. Adopt Resolution No. 2019-29.

RESOLUTION NO. 2019-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING A SEVERANCE PAY PROGRAM FOR DESIGNATED CLASSIFICATIONS

3. Adopt Resolution No. 2019-30.

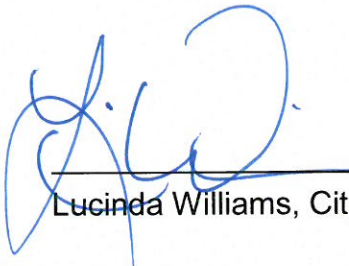
RESOLUTION NO. 2019-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REVISING AND ADOPTING APPENDIX A OF RESOLUTION NO. 2015-52 (FULLERTON MUNICIPAL EMPLOYEES FEDERATION)

Motion carried 4 – 1 (Opposed: Zahra).

11:08 p.m.

**ADJOURNMENT**

Mayor / Chair Silva adjourned the meeting at 11:08 p.m.

  
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Lucinda Williams, City Clerk  
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Jesus J. Silva, Mayor