



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
NOVEMBER 19, 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 / Agency 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 LABOR NEGOTIATOR Per Government Code Section 54957.6

Agency Representative/s: Kenneth Domer, Jay Trinniman

Employee Organization/s: Fullerton Municipal Employees Federation, Fullerton Management Association, Fullerton Fire Management Association, Fullerton Firefighters' Association

Under Discussion: Parameters of authority for negotiating salaries, benefits

and working conditions

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

Name of Case: Joshua Ferguson v. City of Fullerton

Case Number: 30-2019-01103679

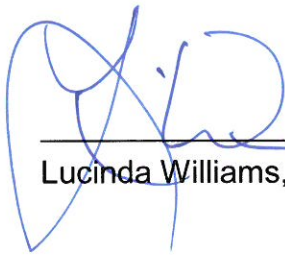
Name of Case: City of Fullerton v. Friends for Fullerton's Future, Joshua Ferguson and David Curlee

Case Number: 30-2019-01107063

6:27 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 6:27 p.m.



Lucinda Williams, City Clerk



Jesus J. Silva, Mayor



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
NOVEMBER 19, 2019 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:35 p.m.

CALL TO ORDER

Mayor / Chair Silva called the meeting to order at 6:35 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Silva, Mayor Pro Tem / Vice Chair Fitzgerald, Council / Agency 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 and Economic Development Matt Foulkes, Police Chief Robert Dunn, Director of Administrative Services Ellis Chang, Fire Chief Adam Loser

INVOCATION given by Pastor Mitch Fierro.

PLEDGE OF ALLEGIANCE led by Council Member Whitaker.

CLOSED SESSION REPORT

City Attorney Jones reported that the Fullerton Municipal Employees' Federation rejected the City's proposal to their association dated October 2, 2019 and the Fullerton Fire Management Association rejected the City's proposal to their association dated October 2, 2019.

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

None.

Presented

PRESENTATIONS

1. **PRESENTATION: Southern California Edison Gold Recognition Award - Energy-Saving Projects and Activities**
2. **PRESENTATION: Utility Services Billing Information**
PRESENTATION: Veterans Day Parade and Ceremony Recap

PUBLIC COMMENTS

- Fire Chief Adam Loeser announced an upcoming emergency disaster program for Spanish speakers and a Holiday Toy Drive.
- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Diane Vena, Fullerton, read the names of homeless persons who died in Orange County in October 2019.
- Maureen Milton asked City Council to not hold meetings on election days.
- Kathryn Bullock, Fullerton, spoke about Sherbeck Field.
- Ed Deitman, Fullerton, spoke about road conditions near Laguna Lake.
- Egleth Nuncci, Fullerton, spoke about air quality and construction projects.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer responded to issues arising during public comment.

Council Member Zahra asked the Legislative Subcommittee, supported by Silva, to consider sending a letter to the Manufactured Homes Committee to explain the Rancho La Paz situation, wished all a Happy Thanksgiving, acknowledged the winners of the Orange County Board of Supervisors kindness award and reported on recent and upcoming events.

Council Member Flory reported on the Women's Leadership Forum.

Council Member Whitaker spoke about road conditions, reported on the GWRS Groundbreaking event and spoke about City Council meeting broadcasts.

Mayor Pro Tem Fitzgerald reported on recent events.

Mayor Silva wished all a Happy thanksgiving.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 9)

Flory moved, seconded by Zahra, to approve Consent Calendar Items 1 – 9.

Motion carried 5 – 0.

- | | |
|----------------------------|---|
| Approved | 1. NOVEMBER 5, 2019 MEETING MINUTES
Recommendation by the City Clerk's Office:
Approve November 5, 2019 City Council / Successor Agency Meeting Minutes. |
| Received and filed | 2. OCTOBER 2019 CHECK REGISTER
Recommendation by the Administrative Services Department:
Receive and file. |
| Received and filed | 3. FINANCIAL AND TREASURER'S REPORT FOR QUARTER ENDED SEPTEMBER 30, 2019
Recommendation by the Administrative Services Department:
Receive and file. |
| Received and filed | 4. MONTHLY LEGISLATIVE UPDATE
Recommendation by the City Manager's Office:
Receive and file. |
| Ordinance No. 3275 adopted | 5. FULLERTON MUNICIPAL CODE AMENDMENT TO PROVIDE FOR SIGNATURE AUTHORITY - SECOND READING OF ORDINANCE
Recommendation by the City Clerk's Office:
Adopt Ordinance No. 3275.

ORDINANCE NO. 3275 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.09 (CITY MANAGER) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) TO PROVIDE FOR SIGNATURE AUTHORITY |
| Ordinance Nos. | 6. 2019 TRIENNIAL EDITION OF CALIFORNIA BUILDING |

3276 and 3277
adopted

STANDARDS CODE AND CALIFORNIA FIRE CODE- SECOND READING OF ORDINANCES

Recommendation by the City Clerk's Office:

Adopt the following ordinances:

ORDINANCE NO. 3276 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 14 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES I, J, O; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE WITH LOCAL AMENDMENTS, INCLUDING APPENDICES H, V, X; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ENERGY CODE; THE 2019 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE; THE 2019 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

ORDINANCE NO. 3277 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 13, CHAPTER 13.20 OF THE FULLERTON MUNICIPAL CODE TO ADOPT THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

Approved

7. BALLOT DROP BOX LICENSE AGREEMENT

Recommendation by the City Clerk's Office:

Approve request and authorize City Clerk to sign agreement.

Approved

8. INVESTMENT ADVISORY SERVICES CONTRACT EXTENSION

Recommendation by the Administrative Services Department:

Approve second amendment to agreement between City of Fullerton and Public Trust Advisors for investment advisory services for a period of no more than two renewal years and authorize Director of Administrative Services / City Treasurer to execute any contract amendments.

Received and filed

9. EMERGENCY WATER MAIN REPAIR ON PASEO DORADO

Recommendation by the Public Works Department:

Receive and file notification of emergency repair.

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 10 - 14)

Approved

10. DOWNTOWN PAID PARKING PILOT PROGRAM - MID-PROGRAM REVIEW

- Sean Paden spoke about program signage, asked about spillover to residential streets and questioned the amount of capital expenditure for a pilot program.
- Leanna Forcucci, Fullerton, thanked the City for this program and suggested the City provide more parking enforcement.

Fitzgerald moved, seconded by Flory, to:

1. Receive and file progress report.
2. Direct Staff to work with SP+ on preparation of scope of services and cost proposal for development and implementation of parking program for daytime long-term parkers (replacing existing employee permit parking program) and return to City Council for program consideration.

Motion carried 4 – 1 (No: Whitaker).

Approved

11. EUCLID STREET INFRASTRUCTURE PROJECT FROM WILLIAMSON AVENUE TO FERN DRIVE DESIGN PROPOSAL AWARD AND BUDGET TRANSFER

Flory moved, seconded by Zahra, to:

1. Approve budget transfers to Project 44045 Euclid Street Infrastructure Project from Williamson Avenue to Fern Drive for the following amounts:
 - \$100,000 of RMRA / SB1 Fund from Project 44400, Arterial Street Reconstruction, Rehabilitation and Repair
 - \$100,000 of Sewer Enterprise Fund from Project 51419, Sewer Replacement Project.
2. Authorize Public Works Director to execute \$137,060 purchase order with Onward Engineering for Professional Engineering Design Services for Euclid Street Infrastructure Project from Williamson Avenue to Fern Drive Project.

Motion carried 5 – 0.

Approved

12. MAPLE AVENUE STREET IMPROVEMENTS PROJECT

Kathryn Bullock, Fullerton, asked about improvements on nearby residential streets.

Flory moved, seconded by Zahra, to:

1. Approve plans and specifications for Maple Avenue Street

Improvements Project.

2. Approve budget transfers to Project 44041 Maple Avenue Street Improvements Project in the following amounts:
 - \$682,500 from Project 44589 Residential Street Program
 - \$13,000 from Project 51419 Annual Sewer Replacement Program.
3. Award \$527,000 construction contract for Maple Avenue Street Improvements Project to Onyx Paving Company, Inc., in a form approved by the City Attorney.
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 5 – 0.

Approved

13. EXTENSION TO EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN CITY OF FULLERTON AND PARKWEST GENERAL CONTRACTORS AND WESTPARK INVESTMENTS, LLC ON PROPERTY LOCATED AT SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND SOUTH POMONA AVENUE (*item taken out of agenda order*)

- Danielle Wilson, Hospitality Workers Union, suggested the City consider a ground lease for this project.
- Karen Stoyanoff, Unitarian Church, asked the City to not sell the property.
- Bob Blair, Fullerton, said the City should not sell the property and opposed a hotel at that location.
- Maureen Milton, Fullerton, spoke in support of this item.
- Harry Langenbacher, Fullerton, suggested building housing at this location rather than a hotel.
- Adam Overton suggested using this site to build affordable housing.
- Rosa Lopez, Accord, asked the City Council to lease the property.
- Cynthia Moreno, Fullerton, asked City Council to not sell the land.
- Mario Carmona, asked City Council to not sell the land.
- Leonard De La Rosa, Carpenters Union, asked if the developer would use union workers.
- Ubaldo Vasquez, Fullerton, spoke about local hiring for this development.

- Juan Enriquez encouraged local hiring and opposed selling the property.
- Craig Hostert, applicant, spoke in support of this project.

Zahra moved, seconded by Fitzgerald, to approve a 12-month extension to the Exclusive Negotiation Agreement by and between the City of Fullerton and Allen Christopher Corporation, DBA Parkwest General Contractors and Westpark Investments, LLC on property located at the southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18) and authorize City Manager to execute corresponding First Amendment to the agreement.

Motion carried 4 – 1 (No: Whitaker).

Resolution No.
2019-72 adopted

14. EVENT TICKET DISTRIBUTION POLICY

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-72.

RESOLUTION NO. 2019-72 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING AND ADOPTING AN EVENT TICKET DISTRIBUTION POLICY FOR FAIR POLITICAL PRACTICES COMMISSION COMPLIANCE

Motion carried 5 – 0.

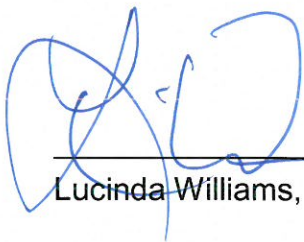
ITEMS REMOVED FROM CONSENT CALENDAR

None.


9:29 p.m.

ADJOURNMENT

Mayor / Chair Silva adjourned the meeting at 9:29 p.m.



Lucinda Williams, City Clerk



Jesus J. Silva, Mayor