CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
DECEMBER 17, 2019 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:02 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:02 p.m.

All Present

ROLL CALL

Present:	Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council Members Silva, Whitaker, Zahra
Absent:	None
Staff Present:	City Manager Kenneth A. Domer, City Attorney Richard D. Jones, City Clerk Lucinda Williams

PUBLIC COMMENTS

None.

Fitzgerald moved, seconded by Zahra, to add the following item to the Closed Session agenda as the need to act on this item arose after posting of the agenda and requires action before the next regular meeting:

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

Case Number: OCSC 30-2018-0102355

Motion carried 5 – 0.

RECESS to Closed Session

Mayor / Chair Fitzgerald recessed the meeting at 5:03 p.m.

CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATOR Per Government Code Section 54957.6**

   Agency Representative/s: Kenneth A. Domer and Jay Trinnaman

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. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government**

   Code Section 54956.9(d)(1)

   Name of Case: Air Combat USA v. City of Fullerton, et al.

   Case Number: OCSC 30-2017-00952643

3. **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: OCSC 30-2019-01103679

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

   Case Number: OCSC 30-2019-01107063

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

   Name of Case: Kelly McIlravy v. City of Fullerton, et al.

   Case Number: 30-2018-01020650

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

   Name of Case: Francisco Oliveros, et al. v. City of Fullerton, et al.

   Case Number: 30-2018-00981683

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

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

Case Number: OCSC 30-2018-0102355

6:17 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:17 p.m.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk

CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
DECEMBER 17, 2019 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:31 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:31 p.m.

All Present

ROLL CALL

Present: Mayor / Chair Fitzgerald, Mayor Pro Tem / Vice Chair Flory, Council / Agency Members Silva, 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, Deputy Fire Chief Jamie Newton, Deputy City Manager Antonia Graham

INVOCATION given by Pastor Jay Williams.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Flory.

CLOSED SESSION REPORT

None.

Flory moved, seconded by Zahra, to add the following item to the agenda as the need to act on the item arose after posting of the agenda and requires action before the next regular meeting.

BALLOT DROP BOX LICENSE AGREEMENT

Motion carried 5 – 0.

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

None.

PRESENTATIONS

Presented

1. **PRESENTATION: California State University, Fullerton: "State of CSUF"**
2. **PRESENTATION: Orange County Vote Center Elections**
3. **CERTIFICATE: Sunny Hills High School Football Team**

PUBLIC COMMENTS

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Ryan Farsi spoke about gas station upgrades and a divided nation.
- Jose Trinidad Castaneda thanked the City for work on Woodcrest Park.
- Diane Vena spoke about National Homeless Persons Memorial Day.
- Jensen Hallstrom. Fullerton, spoke about urban forests.
- Maureen Milton, Fullerton, requested that City Council not meet on election days.
- Lindsey Gallarza spoke in support of the Center for Healthy Neighborhoods.
- Asul Gallarza spoke in support of the Center for Healthy Neighborhoods.
- Carmen Quiroz spoke in support of the Center for Healthy Neighborhoods.
- Mitzi Gallarza spoke in support of the Center for Healthy Neighborhoods.
- Carime Calixto spoke in support of the Center for Healthy Neighborhoods.
- Andrea (no last name given) spoke in support of the Center for Healthy Neighborhoods.
- Egleth Nuncci spoke in support of the Center for Healthy Neighborhoods.
- Veronica Moran spoke in support of the Center for Healthy Neighborhoods.

- Alama Chavez spoke in support of the Center for Healthy Neighborhoods.
- Amy Sanchos spoke in support of the Center for Healthy Neighborhoods.
- Lionel Talavera, Fullerton, thanked the City for Woodcrest Park renovations.
- Curtis Gamble spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer introduced new employees.

Council Member Silva thanked the Woodcrest group for their assistance with park renovations, inquired about a grand opening at St. Jude Hospital, asked for clarification of the Valencia / Basque Infrastructure Improvement Project and wished happy holidays to all.

Council Member Zahra asked for a report on community choice, noted the importance of the Richman Center to the community and spoke about attendance at recent community events.

Mayor Pro Tem Flory wished all a happy holidays.

Mayor Fitzgerald congratulated the Woodcrest community, thanked the Phelps family for their holiday decorations donation and reported on attendance at recent community events.

APPOINTMENTS

None.

CONSENT CALENDAR (Items 1 - 13)

Flory moved, seconded by Zahra, to approve Consent Calendar Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 12 and 13.

Motion carried 5 – 0.

Approved

1. DECEMBER 3, 2019 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve December 3, 2019 City Council / Successor Agency Meeting Minutes.

Received and filed

2. NOVEMBER 2019 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

Approved

4. DEVELOPER IMPACT FEE ANNUAL COMPLIANCE REPORT

Recommendation by the Parks and Recreation Department:

Review and approval of compliance reports titled "Parkland Acquisition and Park Facilities Development Impact Fee (Park Dwelling Fee) Annual Report Fiscal Year 2018-19" and "Public Works Traffic Impact Mitigation Fees Annual Report Fiscal Year 2018-19".

Resolution No. 2019-78 adopted

5. MEASURE M2 EXPENDITURE REPORT

Recommendation by the Public Works Department:

Adopt Resolution No. 2019-78.

RESOLUTION NO. 2019-78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF FULLERTON FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Approved

6. GRANT APPROPRIATION FOR DOWNTOWN HOLIDAY LIGHTING - FACILITY CAPITAL REPAIR

Recommendation by the Public Works Department:

Approve $3,200 budget transfer from Facility Capital Repair Fund balance to Facility Capital Repair operating budget for decorative lighting on Harbor Boulevard.

Approved

7. GROUP INSURANCE RENEWALS

Recommendation by the Human Resources Department:

1. Accept renewal proposals of Cigna Open Access Plan, Cigna Full HMO, Cigna Select HMO and Kaiser HMO for medical coverage for represented employees for 2020 calendar year.
2. Accept Cigna Minimum Value HMO renewal proposal for 2020.
3. Accept renewal proposal of Delta Dental of California for dental insurance for 2020.
4. Accept renewal proposal of The Standard Insurance Company for Life and Accidental Death and Dismemberment coverage and Long-Term Disability insurance for 2020.
5. Accept renewal proposal of Vision Services Plan for vision coverage for 2020.
6. Accept renewal proposal of Cigna to provide an EAP for

2020.

7. Authorize City Manager or designee to execute agreements as required.

Approved

8. CALIFORNIA STATE UNIVERSITY, FULLERTON - CENTER FOR HEALTHY NEIGHBORHOODS MEMORANDUM OF UNDERSTANDING

Recommendation by the Parks and Recreation Department:

1. Approve Memorandum of Understanding with California State University, Fullerton for use of Richman Neighborhood Center and Don Castro Center for the California State University, Fullerton Center for Healthy Neighborhoods.
2. Direct Staff to add Richman Neighborhood Center and Don Castro Center to City's facilities improvement plan and seek available grant funding for future expansion / enhancement opportunities.

Resolution No. 2019-79 adopted

9. UPDATED EMERGENCY OPERATIONS PLAN

Recommendation by the Fire Department:

1. Adopt Resolution No. 2019-79.

   RESOLUTION NO. 2019-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING THE FULLERTON EMERGENCY OPERATIONS PLAN

2. Authorize Mayor to sign Letter of Promulgation indicating approval of Emergency Operations Plan for the City of Fullerton.

Approved

10. CONSOLIDATED FIRE COMMAND STAFF AGREEMENT

Recommendation by the Fire Department:

Approve Consolidated Fire Command Agreement with City of Brea.

Approved

12. WEST CHAPMAN AVENUE INFRASTRUCTURE IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve plans and specifications for West Chapman Avenue Infrastructure Improvements Project.
2. Approve the following budget transfers to Project 44039 West Chapman Avenue Infrastructure Improvements Project:
   - $514,000 from Project 44589 Residential Street Program

- $777,000 from Project 51419 Annual Sewer Replacement Program
- $86,000 from Project 53250 Water Main System Replacement Fiscal Year 2019-20.

3. Award $1,183,154 construction contract for West Chapman Avenue Infrastructure Improvements Project to Lucas Builders, Inc., in a form approved by the City Attorney.
4. Authorize Public Works Director to approve any future change order for construction and professional engineering construction support services within approved project budget.

Approved

13. RAYMOND AVENUE AT STATE ROUTE 91 STREET IMPROVEMENTS

Recommendation by the Public Works Department:

1. Approve $250,000 budget transfer to Project 44047 Raymond Avenue at SR-91 Street Improvement Project from Project 44400 Arterial Street Reconstruction, Rehabilitation and Repair.
2. Authorize Public Works Director to enter into Joint Participation Agreement with City of Anaheim.

PUBLIC HEARINGS (Item 14)

Resolution No. 2019-80 adopted

14. LOCAL LANDMARK DESIGNATION FOR PROPERTY AT 200 NORTH CORNELL AVENUE

Mayor Fitzgerald opened the public hearing at 8:12 p.m.

Kate Dalton, Fullerton, spoke in support of this item.

Mayor Fitzgerald closed the public hearing at 8:15 p.m.

Silva moved, seconded by Zahra, to adopt Resolution No. 2019-80.

RESOLUTION NO. 2019-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A LOCAL LANDMARK DESIGNATION FOR PROPERTY LOCATED AT 200 NORTH CORNELL AVENUE (HISTORIC LANDMARK NO. HL-103) AND A GENERAL PLAN REVISION TO MAKE CORRESPONDING AMENDMENTS TO THE FULLERTON PLAN HISTORIC PRESERVATION ELEMENT, TABLE 6 - CITY OF FULLERTON LOCAL REGISTER OF HISTORICAL RESOURCES AND EXHIBIT 3 - MAP OF HISTORICAL RESOURCES - NATIONAL AND LOCAL

Motion carried 5 – 0.

REGULAR BUSINESS (Items 15 - 18)

Approved

15. PURCHASE AND SALE AGREEMENT FOR WEST COYOTE HILLS NEIGHBORHOODS 1 AND 3

- Angela Lindstrom, Fullerton, spoke in support of preserving land for endangered species and thanked those who worked to make this acquisition possible.
- Diane Vena spoke in support of this item and supported further preservation.
- Bob Hayden, Open Coyote Hills, spoke in support of this item.
- Molly McClanahan, Fullerton, spoke in support of this item.

Fitzgerald moved, seconded by Flory, to:

1. Authorize the Mayor to execute a purchase and sale agreement for the acquisition of a 24.1 acres of open space on the east side of West Coyote Hills, known as Neighborhood 1 and Neighborhood 3 in a final form approved by the City Attorney reflecting non-substantial changes as recommended by State granting entities.
2. Approve an escrow deposit of $100,000 from the West Coyote Hills Acquisition Project #54036.
3. Direct Staff to return to City Council for receipt and appropriation of State grant funds upon disbursement from the State prior to the close of escrow.

Motion carried 5 – 0.

Resolution No. 2019-81 adopted

16. DOWNTOWN NIGHTTIME PAID PARKING PROGRAM OPERATING PARAMETERS

- Leanna Forcucci spoke about the impact of paid parking on her business.
- Curtis Gamble spoke in opposition to this program.

Flory moved, seconded by Fitzgerald, to adopt Resolution No. 2019-81 for a two-year period.

RESOLUTION NO. 2019-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING THE DOWNTOWN NIGHTTIME PAID PARKING PROGRAM OPERATING PARAMETERS

Motion carried 4 – 1 (No: Whitaker).

Received and filed

17. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019

Silva moved, seconded by Zahra, receive and file the Comprehensive Annual Financial Report.

Motion carried 5 – 0.

Resolution Nos. 2019-82 and 2019-83 adopted

18. FINAL CONSIDERATION OF TENTATIVE AGREEMENT BETWEEN CITY OF FULLERTON AND FULLERTON FIRE MANAGEMENT ASSOCIATION

Flory moved, seconded by Zahra, to adopt the following resolutions:

RESOLUTION NO. 2019-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE FULLERTON FIRE MANAGEMENT ASSOCIATION

RESOLUTION NO. 2019-83 - 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. 2019-26 IN ITS ENTIRETY

Motion carried 5 – 0.

19. BALLOT DROP BOX LICENSE AGREEMENT *(added agenda item)*

Flory moved, seconded by Fitzgerald, to approve two Licensing Agreements with the County of Orange for placement of a ballot drop box at Fullerton Fire Station #6 and the Fullerton Airport.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

None.

Resolution No. 2019-77 adopted

3. CITY COUNCIL REGULAR CLOSED SESSION MEETING START TIME CHANGE

Fitzgerald moved, seconded by Flory to adopt Resolution No. 2019-77.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE TIME OF REGULAR MEETINGS OF THE CITY COUNCIL

Motion carried 4 – 1 (No: Whitaker)

Approved

11. VALENCIA DRIVE / BASQUE AREA INFRASTRUCTURE IMPROVEMENT PROJECT - ADDITIONAL FUNDING

Flory moved, seconded by Fitzgerald, to approve $100,000 budget transfer from Project 52591, Miscellaneous Storm Drain Repair Fiscal Year 2019-20 to 44033 Valencia Drive / Basque Area Infrastructure Improvement Project.

Motion carried 5 – 0.

9:50 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 9:50 p.m.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk