



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES
NOVEMBER 20, 2018 - 4:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

4:30 p.m.

CALL TO ORDER

Mayor / Chair Chaffee called the meeting to order at 4:30 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 4:30 p.m.

CLOSED SESSION

**1. 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

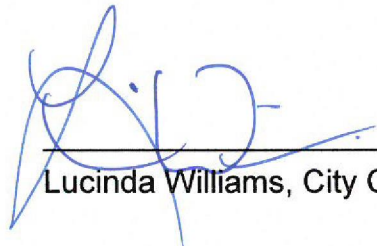
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Bradley v. City of Fullerton, et al.
Case Number: 30-2018-00934800
3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Per Government Code Section 54956.9(d)(2)**
Significant Exposure to Litigation: One Case
4. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(1)**
Name of Case: Air Combat USA, Inc. v. City of Fullerton, et al.
Case Number: 30-2017-00952643
5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Per Government Code Section 54956.9(d)(4)**
Name of Case: Wagner, et al. V. City of Fullerton et al.
Case Number: 30-2018-0103122-CU-CR-CJC
6. **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE Per Government Code Section 54957.1(a)(5)**

6:22 p.m.

ADJOURNMENT

Mayor / Chair Chaffee adjourned the Closed Session meeting at 6:22 p.m.



Jesus Silva, Mayor

Lucinda Williams, City Clerk



**CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
NOVEMBER 20, 2018 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California**

6:30 p.m.

CALL TO ORDER

Mayor / Chair Chaffee called the meeting to order at 6:30 p.m.

All Present

ROLL CALL

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

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

INVOCATION given by Pastor Jay Williams.

PLEDGE OF ALLEGIANCE given by Dede Hernandez.

CLOSED SESSION REPORT

None.

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

None.

Presented

PRESENTATIONS

1. **PRESENTATION: Veteran's Day Event Recap**
2. **PRESENTATION: WWII Veteran - Ventura De Le Torre**

3. PRESENTATION: Outgoing Design Review Committee Members

PUBLIC COMMENTS

- Randy Smith, Fullerton, spoke about accessory dwelling units.
- Thad Sanford spoke about an upcoming Water Rate Ad-Hoc Committee meeting.
- Diane Vena spoke about filling City Council vacancies.
- Eve Lucas asked for a safe spot for the homeless to park vehicles.
- Harry Lagenbacher, Fullerton, spoke about filling City Council vacancies.
- Leanna Forcucci, Fullerton Collaborative, reported on Fullerton Collaborative activities.
- Curtis Gamble spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS

City Manager Domer responded to issues arising during public comments.

Council Member Silva noted the holiday sparkle balls are going up around Fullerton College.

Mayor Pro Tem Seaborn asked, supported by Council Member Fitzgerald, to hold a water rate audit, asked to close the meeting in memory of his brother-in-law's father George Boyajian and his uncle Darrel Simmons and wished all a Happy Thanksgiving.

Council Member Fitzgerald reported on the recent Veteran's Day event and noted the passage of AB 448 and ACC-OC's efforts to secure funding to help meet the housing crisis.

Mayor Chaffee reported on the Fullerton Veteran's Day parade and Orange County Veteran's Day event and noted closing of the Kraft plant.

APPOINTMENTS

None.

PUBLIC HEARINGS (Items 1 - 2)

Resolution No.
2018-64 adopted

1. LOCAL HISTORICAL LANDMARK DESIGNATION FOR HUNT LIBRARY (201 SOUTH BASQUE AVENUE)

Mayor Chaffee opened the public hearing at 7:16 p.m.

- Bob Linell, Fullerton Heritage, spoke in support of this item.

- Matt Leslie, Fullerton, spoke in support of this item.
- Jane Reifer, Fullerton, spoke in support of this item.

Mayor Chaffee closed the public hearing at 7:20 p.m.

Sebourn moved, seconded by Silva, to adopt Resolution No. 2018-64.

RESOLUTION NO. 2018-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A LOCAL LANDMARK DESIGNATION FOR THE HUNT LIBRARY LOCATED AT 201 SOUTH BASQUE AVENUE (HISTORIC LANDMARK NO. HL-102) 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.

Ordinance No.
3269 introduced

2.

FULLERTON MUNICIPAL CODE AMENDMENT PERTAINING TO EMERGENCY SHELTERS FOR HOMELESS PERSONS AT RELIGIOUS INSTITUTIONS

Mayor Chaffee opened the public hearing at 7:29 p.m.

- Jay Williams, OC United, had no issues with filling out an application but asked the City not to complicate current operations.
- Richard Doubleddee, St Francis Anisi Church, spoke in opposition to this item.
- Mike Ritchey, Fullerton, spoke in opposition to this item.
- Diana Trout, Fullerton, spoke in opposition to this item.
- Jordan Hoiberg, Sana Ana, expressed concern that this item would prohibit a safe parking program.
- David Gillanders, Pathways of Hope, expressed concerns with the scale of this proposal.
- Brook Weitman spoke in opposition to this item.
- Cynthia Sanchez spoke in opposition to this item.
- Dennis Kriz, Fullerton, spoke in opposition to this item.
- Jessica Concho, Fullerton, spoke in support of the safe parking proposal.
- Unidentified speaker spoke in opposition to this item.
- Enequina Clements spoke in opposition to this item.
- Mike Clements spoke in opposition to this item.
- Laura Caraccio, Fullerton, spoke in opposition to this item.

- Kenneth Batiste spoke about helping the homeless.
- Jane Rands, Fullerton, spoke in opposition to this item.
- Anita Adriano, Fullerton, spoke in support of this item.
- JoAnn Campanella, Brea, spoke in opposition to this item.
- Diane Vena, Fullerton, spoke in support of the Planning Commission recommendation.
- Harry Lagenbacher, Fullerton, spoke in opposition to this item.
- Barbara Johnson, Fullerton, spoke in opposition to this item.
- Curtis Gamble spoke in support of safe parking.
- Jose Trinidad Castaneda spoke in opposition to this item.
- Unidentified Speaker asked City Council to help the homeless but at the same time protect residents and his family.

Mayor Chaffee closed the public hearing at 8:33 p.m.

Silva moved, seconded by Whitaker, to continue this item. Motion failed 2 – 3 (In Favor: Silva, Whitaker).

Fitzgerald moved, seconded by Chaffee, to introduce Ordinance No. 3269 for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. 3269 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTERS 15.04 AND 15.55 OF THE FULLERTON MUNICIPAL CODE TO CLARIFY AND STANDARDIZE REQUIREMENTS FOR ESTABLISHING EMERGENCY SHELTERS FOR PERSONS WHO ARE HOMELESS, AS AN ACCESSORY USE AT RELIGIOUS INSTITUTIONS

Motion carried 3 – 2 (Opposed: Silva, Whitaker).

Sebourn moved, supported by Silva, to agendize a discussion to waive Conditional Use Permit fees related to a parking program for a future meeting.

City Clerk Williams read the title of the ordinance.

Mayor Chaffee recessed the meeting at 9:14 p.m.

Mayor Chaffee reconvened the meeting at 9:27 p.m.

REGULAR BUSINESS (Items 3 - 6)

Approved

- 3. PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT BY AND BETWEEN CITY OF FULLERTON AND ALLEN CHRISTOPHER CORPORATION DBA PARKWEST GENERAL CONTRACTORS AND WESTPARK INVESTMENTS, LLC ON PROPERTY LOCATED AT SOUTHEAST CORNER OF EAST SANTA FE AVENUE AND SOUTH POMONA AVENUE (APN 033-030-18)**

- Jane Reifer, Fullerton, supports the hotel concept, asked what

happened to the bus station design and commented on design elements.

- Jane Sylvester asked if the project will replace the current parking at this location.
- Jose Trinidad Castaneda asked about the zoning at this location and spoke in support of hotels near transportation centers.
- Michael Waldo, Fullerton, spoke in opposition to this item.
- Jane Rands, Fullerton, spoke in opposition to this item.
- Curtis Gamble spoke in opposition to this item.
- Joshua Ferguson, Fullerton, compared issues with this project to unanswered questions regarding past projects before City Council.

Fitzgerald moved, seconded by Chaffee, to authorize Community Development Director to execute Exclusive Negotiation Agreement by and between the City of Fullerton and Allen Christopher Corporation dba Parkwest General Contractors and Westpark Investments, LLC for development of an upscale boutique hotel on a City-owned 2.05-acre parcel of land located on southeast corner of East Santa Fe Avenue and South Pomona Avenue (APN 033-030-18).

Motion failed 2 – 3 (In Favor: Fitzgerald, Chaffee).

Resolution No. 4.
2018-65 adopted

SECOND AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES BETWEEN CITY OF FULLERTON AND M-G DISPOSAL SERVICES FOR ORGANIC WASTE RECYCLING MANDATES

Jane Rands, Fullerton, asked if this item only considers of one of four components for organics disposal and is not coupled with rate increases.

Sebourn moved, seconded by Chaffee, to:

1. Adopt Resolution No. 2018-65.

RESOLUTION NO. 2018-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES WITH M-G DISPOSAL SERVICES, LLC

2. Authorize City Manager to solicit bids and execute agreement for third-party auditing firm to perform discretionary audit per Section 28 of Agreement for Solid Waste Handling Services, to include additional services to determine if M-G Disposal has assigned, sub-contracted or otherwise transferred its obligations per Section 16.
3. Direct Staff to schedule and take necessary action, per Section 17 of current agreement, to hold hearing to review contractor's solid waste collection efforts, source reduction, processing and

other diversion services and overall performance.

Motion carried 5 – 0.

Resolution No.
2018-66 adopted

5. INTERIM POLICE CHIEF CONTRACT

- Joshua Ferguson spoke about the non-disparagement clause in the agreement.
- Curtis Gamble spoke in support of this item.
- Tony Package spoke in support of this item.

Whitaker moved, seconded by Fitzgerald, to:

1. Authorize City Manager to sign proposed interim employment agreement as amended.
2. Adopt Resolution No. 2018-66 as amended to remove Section 12b from the agreement.

RESOLUTION NO. 2018-66 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN AGREEMENT APPOINTING ROBERT DUNN II AS INTERIM CHIEF OF POLICE

Motion carried 5 – 0.

Received and
filed

6. CITY OF FULLERTON AUDIT DISCUSSION

Council Member Sebourn requested agendaizing a discussion of an RFP for a water system audit.

Sebourn moved, seconded by Silva, to receive and file.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 7 - 16)

Fitzgerald moved, seconded by Chaffee, to approve Consent Calendar Items 7 through 12, 14 and 16.

Motion carried 5 – 0.

Approved

7. NOVEMBER 1, 2018 AND NOVEMBER 6, 2018 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve November 1, 2018 Special City Council Meeting and November 6, 2018 City Council / Successor Agency Meeting Minutes.

Received and
filed

8. OCTOBER 2018 CHECK REGISTER

Recommendation by the Administrative Services Department:

Receive and file.

- Received and
filed
9. **MONTHLY LEGISLATIVE UPDATE**
Recommendation by the Administration Department:
Receive and file.
- Resolutions No.
2018-67 and
2018-68 adopted
10. **PERSONNEL MANAGEMENT SYSTEM CHANGES**
Recommendation by the Human Resources Department:
Adopt the following resolutions:
RESOLUTION NO. 2018-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO PAY FOR NON-REGULAR EMPLOYEES AND AMENDING RESOLUTION NO. 2016-63
RESOLUTION NO. 2018-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING CERTAIN CLASS SPECIFICATIONS TO THE PERSONNEL MANAGEMENT SYSTEM AND AMENDING 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
11. **ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP) COOPERATIVE AGREEMENT**
Recommendation by the Administration Department:
Authorize City Manager to execute Cooperative Agreement No. C-8-2015 with Orange County Transportation Authority for administration of Orange County Taxi Administration Program.
- Approved
12. **SECURITY SERVICES AGREEMENT FOR PARKS AND RECREATION AND THE LIBRARY**
Recommendation by the Parks and Recreation Department:
Award security services contract to Executive Event Services, LLC for Parks and Recreation and Fullerton Public Library and authorize Director of Parks and Recreation and Library Director to execute agreements.
- Resolution No.
2018-70 adopted
14. **GRANT FUNDING FOR HARBOR BOULEVARD REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM**
Recommendation by the Public Works Department:
Adopt Resolution No. 2018-70.
RESOLUTION NO. 2018-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRAFFIC SIGNAL

SYNCHRONIZATION PROGRAM

Approved

16. VALENCIA DRIVE / BASQUE AREA INFRASTRUCTURE IMPROVEMENT PROJECT

Recommendation by the Public Works Department:

1. Approve plans and specifications for Valencia Drive / Basque Area Infrastructure Improvement Project.
2. Approve budget transfers to Project 44033 Valencia Drive / Basque Area Infrastructure Improvement Project in the following amounts:
 - \$776,000 from Gas Tax Fund Balance
 - \$1,728,000 of Sewer Enterprise Fund from Projects 51418 and 51419
 - Annual Sewer Replacement Programs FY 2017-18 and 2018-19
 - \$987,000 of Water Fund from Project 53618, Water Main Replacement FY 2017-18.
3. Award \$3,635,901 construction contract for Valencia Drive / Basque Area Infrastructure Improvement project, in a form approved by the City Attorney, to Lucas Builders, Inc.
4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved project budget.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Resolution No.
2018-69 adopted

13. FULLERTON MUNICIPAL CODE 8.44.080 EARLY MORNING PARKING - CAROL DRIVE

- Unidentified speaker spoke in support of this item.
- Tony Nunez spoke in support of this item.

Sebourn moved, seconded by Silva, to adopt Resolution No. 2018-69.

RESOLUTION NO. 2018-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RESCINDING THE "EARLY MORNING PARKING" RESTRICTION ON CAROL DRIVE BETWEEN EDWARD AVENUE AND TURNER AVENUE AND TURNER AVENUE AND KELLOGG AVENUE IN THE CITY OF FULLERTON

Motion carried 5 – 0.

Approved

15. WOODCREST PARK RENOVATION - PARK IMPROVEMENTS

Whitaker moved, seconded by Sebourn, to:

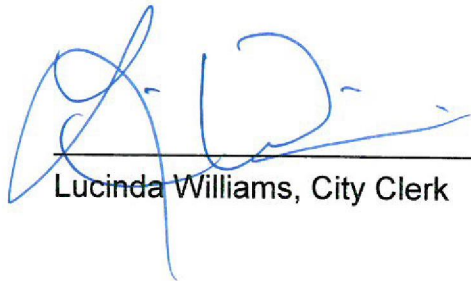
1. Approve plans and specifications for Woodcrest Park Renovation - Park Improvements Project.

2. Approve \$1,539,805 budget transfer from Park Dwelling Fund Balance to Project 54023 Woodcrest Park Improvements.
3. Award \$1,738,000 construction contract for Woodcrest Park Renovation - Park Improvements Project, in a form approved by the City Attorney, to Archico Design Build Inc.
4. Authorize Director of Public Works to approve any future change orders for construction and professional engineering construction support services within approved budget.

Motion carried 5 – 0.

ADJOURNMENT

Mayor Chaffee adjourned the meeting at 10:50 p.m. in memory of George Boyajian and Darrel Simmons.



Lucinda Williams, City Clerk



Jesus Silva, Mayor

