CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
CLOSED SESSION MINUTES

JANUARY 7, 2020 – 5:00 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

5:01 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 5:01 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

PUBLIC COMMENTS

None.

RECESS to Closed Session

Mayor / Chair Fitzgerald 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 and Jay Trinnaman
Employee Organization/s:	Fullerton Firefighters' Association, Fullerton Police Management Association
Unrepresented Employees:	Administrative Assistant / Human Resources, Payroll Technician, Personnel Technician, Employee Benefits Specialist, Executive

Assistant, Human Resources / Risk Management Analyst, Budget Analyst, Public Information Coordinator, Human Resources Manager I, Human Resources Manager II, Fiscal Services Manager, Risk Manager, City Clerk / Clerk Services Manager, Assistant to the City Manager / Economic Development Manager

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

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

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

Case Number: OCSC 30-2018-0102355

6:20 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 6:20 p.m.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk

CITY OF FULLERTON
CITY COUNCIL / SUCCESSOR AGENCY
REGULAR MEETING MINUTES
JANUARY 7, 2020 - 6:30 P.M.
Council Chamber
303 West Commonwealth Avenue
Fullerton, California

6:29 p.m.

CALL TO ORDER

Mayor / Chair Fitzgerald called the meeting to order at 6:29 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, Fire Chief Adam Loser, Antonia Graham, Deputy City Manager

INVOCATION given by Chaplin John Schafer.

PLEDGE OF ALLEGIANCE led by Council Member Zahra.

CLOSED SESSION REPORT

City Attorney Jones reported that Zahra moved, seconded by Silva, to settle the case of Rosa Garcia De Reyes v. City of Fullerton for $57,500. Motion carried 5 – 0.

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

None.

PRESENTATIONS

Presented

1. **PROCLAMATION: Slavery and Human Trafficking Prevention Month**
2. **PRESENTATION: Orangethorpe Elementary Teach Rock Program**

PRESENTATION: Outgoing Commissioner Recognition

PUBLIC COMMENTS

- Todd Harrison, Fullerton, spoke about Rancho La Paz.
- Jose Trinidad Castaneda spoke in opposition to illegal marijuana operations in the City.
- Ed Paul, American Legion, spoke about Memorial Day ceremony planning.
- Tony Package, Fullerton, spoke about the Mayor rotation policy.
- Jensen Hallstrom spoke about urban forests.
- Curtis Gamble spoke about homeless issues.
- Cathryn Moore spoke about homeless issues.

CITY COUNCIL / SUCCESSOR AGENCY / STAFF COMMUNICATIONS AND REPORTS

City Manager Domer reported on issues arising during public comments.

Mayor Fitzgerald spoke about homeless issues and former Mayor Don Bankhead.

Council Member Silva reported on a Pathways of Hope fundraising event and addressed homeless issues.

Council Member Zahra requested, supported by Flory, a report on the City's rent assistance program and reported on water issues.

Council Member Whitaker addressed service level complaints.

Mayor Pro Tem Flory reported on First Night, requested a report on street repair funding and asked to adjourn the meeting in memory of former Mayor Don Bankhead.

APPOINTMENTS

1. **COMMISSION / COMMITTEE / BOARD APPOINTMENTS**

Council Member Whitaker deferred his Community Development Citizens' Committee appointment to the January 21, 2020 City Council meeting.

Mayor Pro Tem Flory appointed Carl Byers to serve on the Library Board of Trustees for a term expiring December 31, 2023.

Fitzgerald moved, seconded by Flory, to ratify the commission / committee / board appointments and continue the Community Development Citizens Committee appointment to the next meeting.

Motion carried 5 – 0.

CONSENT CALENDAR (Items 1 – 7)

Zahra moved, seconded by Flory, to approve Consent Calendar Items 1, 3, 4, and 6.

Motion carried 5 – 0.

Approved

1. DECEMBER 17, 2019 MEETING MINUTES

Recommendation by the City Clerk's Office:

Approve December 17, 2019 City Council / Successor Agency Meeting Minutes.

Approved

3. CHANGE ORDER FOR FACILITY CONDITION ASSESSMENT OF HUNT BRANCH LIBRARY

Recommendation by the Public Works Department:

1. Authorize Public Works Director to execute $3,300 change order with EMG for additional facilities condition assessment services.
2. Approve $3,300 budget transfer from Facility Capital Repair Fund Balance to fund change order.

Approved

4. SANTIAGO LIBRARY SYSTEM E-RESOURCES GRANT

Recommendation by the Library:

Approve $7,984 grant funding for Santiago Library System E-Resources Grant funded by California Library Services Act.

Resolution No. 2020-01 adopted

6. OPPOSITION TO MODIFIED REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION METHODOLOGY APPROVED BY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL AND REQUEST TO CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO INTERVENE

Recommendation by the Community and Economic

Development Department:

Adopt Resolution No. 2020-01.

RESOLUTION NO. 2020-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, OPPOSING THE MODIFIED REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION METHODOLOGY APPROVED BY THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL AND REQUESTING CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT INTERVENTION

PUBLIC HEARINGS

None.

REGULAR BUSINESS (Items 8 – 9)

8. CITY REPRESENTATION - REGIONAL ADVISORY BODIES AND WORKGROUPS

Susie Dittmar reviewed her service on the Fullerton Museum Board.

Flory moved, seconded by Zahra, to:

1. Make the following regional advisory body appointments:
    - Mayor Fitzgerald as Orange County Vector Control Board Primary Member - 2 year term
    - Direct Staff to prepare a resolution for adoption at the January 21, 2020 meeting to appoint Director of Administrative Services Ellis Chang as the Alternate Director to the Independent Cities Risk Management Authority and appoint City Manager Ken Domer as the Second Alternate Director to Independent Cities Risk Management Authority - no specific term
    - Mayor Fitzgerald as Fullerton Investment Advisory Committee Primary Member - term ending 12/31/20
    - Mayor Pro Tem Flory as Fullerton Investment Advisory Committee Alternate Member - term ending 12/31/20
    - Susie Dittmar as Fullerton Museum Board of Trustees Primary Member - term ending 12/31/22.
2. Review and reaffirm all other advisory body appointments with unexpired terms or no specific term end date.

Motion carried 5 – 0.

Resolution No. 2020-03 adopted

9. THIRD AMENDMENT TO SOLID WASTE HANDLING SERVICES AGREEMENT BETWEEN CITY OF FULLERTON AND REPUBLIC SERVICES FOR GREEN MATERIAL AS ALTERNATIVE DAILY COVER MANDATE AND RATE INCREASE

Tony Package spoke in support of this item and asked how it would apply to multi-residential units.

Flory moved, seconded by Silva to:

1. Adopt Resolution No. 2020-03.

   RESOLUTION NO. 2020-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO ITS FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES WITH REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC.

2. Authorize City Manager to execute Third Amendment on behalf of City.
3. Authorize Public Works Director to develop and provide final approval on any notification to Fullerton residents regarding rate increase for green waste composting.

Motion carried 5 – 0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approved

2. APPROVAL OF 2019-20 ALL CITY MANAGEMENT SERVICES, INC. CONTRACT FOR CROSSING GUARD SERVICES

Zahra moved, seconded by Fitzgerald, to approve contract.

Motion carried 4 – 1 (No: Flory).

Continued to January 21, 2020

5. LEGAL SERVICES AGREEMENT WITH LEWIS BRISBOIS

Fitzgerald moved, seconded by Zahra, to continue this item to the January 21, 2020 Council Meeting.

Motion carried 5 – 0.

Resolution No. 2020-02 adopted

7. PERSONNEL MANAGEMENT SYSTEM CHANGE TO ADD DEPUTY DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO EXECUTIVE RESOLUTION AND ALLOW APPOINTMENT OF QUALIFIED INDIVIDUAL BY CITY MANAGER ON AN URGENCY BASIS

Zahra moved, seconded by Fitzgerald, to:

1. Adopt Resolution No. 2020-02.

   RESOLUTION NO. 2020-02 - A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO COMPENSATION FOR EXECUTIVE EMPLOYEES AND SUPERSEDING RESOLUTION NO. 2019-53

2. Authorize City Manager to appoint qualified individual as Deputy Director of Community and Economic Development on an urgency basis.

Motion carried 4 – 1 (No: Whitaker).

8:05 p.m.

ADJOURNMENT

Mayor / Chair Fitzgerald adjourned the meeting at 8:05 p.m. in memory of former Mayor Don Bankhead.

Jennifer Fitzgerald, Mayor

Lucinda Williams, City Clerk