

APPENDIX D

LEGAL NOTICE, CITY COUNCIL MINUTE ORDER AND DRAFT MINUTES

STATE OF CALIFORNIA,)
) ss.
County of Orange)

November 3, 10, 2005

Executed at Santa Ana, Orange County,
California, on

Date: / November 10, 2005

Signature

Fullerton News Tribune
625 N. Grand Ave.
Santa Ana, CA 92701
(714) 796-7000 ext. 2209

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Proof of Publication of

NOTICE IS HEREBY GIVEN that the Fullerton City Council will hold a public hearing in the Council Chambers of the Fullerton City Hall, 803 W. Commonwealth Avenue, on Tuesday, December 8, 2005, at the hour of 4:00 o'clock p.m. to **receive input on the City's Draft 2005 Urban Water Management Plan.** Public input is encouraged, appreciated, and will be considered during finalization of the 2005 Urban Water Management Plan. A copy of the Draft 2005 Plan can be viewed at the Main Library or at the Engineering counter on the second floor at City Hall.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the proposal outlined above.

Pursuant to California Government Code Section 65009, if you challenge the decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the city of Fullerton at, or prior to, the public hearing.

Further information may be obtained from the Engineering Department, David Schickling, Water System Manager, at: (714) 738-6382.

FULLERTON CITY COUNCIL
By: Beverley White, GMC
City Clerk

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CITY OF FULLERTON

Office of the City Clerk

ACTION OF THE CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF FULLERTON
December 6, 2005

A Regular Meeting of the City Council/Redevelopment Agency of the City of Fullerton, California, was held on Tuesday, December 6, 2005.

Council Members Present: Nelson, Wilson, Bankhead, Jones, Quirk

Council Members Absent: None

CITY OF FULLERTON URBAN WATER MANAGEMENT PLAN

It was moved by Jones, seconded by Wilson, to adopt the City of Fullerton revised Urban Water Management Plan 2005 as prepared.

Motion carried 5-0.

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

I, Beverley White, City Clerk of the City of Fullerton, California, do hereby certify the foregoing to be an official action taken by the City of Fullerton at the above meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of December, 2005.

A handwritten signature in blue ink, appearing to read "Beverley White", is written over a horizontal line.

Beverley White, City Clerk

ENCR DEC12'05 at 0:43

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CITY OF FULLERTON
CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
REGULAR MEETING
DECEMBER 6, 2005, 4:00 P.M.

CALL TO ORDER Mayor Nelson called the meeting to order at 4:01 p.m.

ROLL CALL

PRESENT: Mayor/Chair Nelson, Mayor Pro Tem/Vice Chair Wilson,
Council/Agency Members Bankhead, Jones, Quirk

ABSENT: None

INVOCATION Council Member Quirk

PLEDGE OF ALLEGIANCE Council Member Jones

PRESENTATIONS None

PUBLIC COMMENTS

FULLERTON POSITIVE / CONGRATULATIONS

Bill Dickerson, Fullerton, spoke regarding Fullerton Positive, a new community group looking to coordinate and support business and public/private enterprises in the city of Fullerton; and congratulated Mayor Nelson on completion of his mayoral term.

MAYORAL RECOGNITION

Chris Norby, Orange County Supervisor, presented a plaque to Shawn Nelson in recognition of his service as Mayor.

Teresa Harvey, Fullerton Chamber of Commerce representative, thanked Shawn Nelson for his leadership as Mayor.

DOWNTOWN VISION PLAN

Ralph Baker, Fullerton, spoke of a newspaper article regarding the Downtown Vision Plan.

APPOINTMENTS – None

CONSENT CALENDAR (Item 1)

Item No. 1 was removed from the Consent Calendar by staff.

1. RESOLUTION REGARDING CABLE TELEVISION FRANCHISE TRANSFER -
FCC FORM(S) 394

Joe Felz, Assistant to the City Manager, noted revisions to proposed Resolution No. 9784.

Council/staff discussion followed regarding revisions to the resolution; the cable television franchise agreement expired in October 2005; and reasons for denying the transfer of the cable television franchise to Time Warner, Inc.

The following member of the audience spoke in support of a continuance of this item to the January 17, 2006 Council Meeting:

Tom Carlock, Adelphia Representative

It was moved by Bankhead, seconded by Wilson, to adopt Resolution No. 9784 as amended.

RESOLUTION NO. 9784 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REJECTING AND DENYING WITHOUT PREJUDICE A FCC FORM 394 RELATING TO THE TRANSFER OF THE CABLE TELEVISION FRANCHISE, AND/OR CONTROL THEREOF, TO AN ENTITY CONTROLLED BY TIME WARNER INC.

Motion carried 5-0.

(1200)

PUBLIC HEARINGS (Item 2)

2. CITY OF FULLERTON URBAN WATER MANAGEMENT PLAN

Mayor Nelson opened the public hearing at 4:14 p.m. There were no speakers on the subject and the public hearing was closed.

Council/staff discussion followed regarding the cost of ground water versus the cost of acquiring water from the Metropolitan Water District; the City's participation in the Metropolitan Water District's in-lieu program; the capacity of water replacement with utilization of the ground water replenishment system; and City representation on the Orange County Water District and Metropolitan Water District.

It was moved by Jones, seconded by Wilson, to adopt the City of Fullerton revised Urban Water Management Plan 2005 as prepared.

Motion carried 5-0.

(806-06)

REGULAR BUSINESS (Item 3)

3. MAYOR, MAYOR PRO TEM AND CHAIR, VICE CHAIR SELECTION

It was moved by Bankhead, seconded by Jones, to nominate Mayor Pro Tem Wilson as Mayor of the City of Fullerton.

There were no other nominations.

Motion carried 4-0, Wilson abstained.

Mayor Pro Tem Wilson was appointed as Mayor.

Mayor Wilson presented a service plaque to Shawn Nelson for his service as Mayor of the City of Fullerton.

It was moved by Jones, seconded by Nelson, to nominate Council Member Bankhead as Mayor Pro Tem.

Motion carried 4-0, Bankhead abstained.

Council Member Bankhead was appointed as Mayor Pro Tem.

It was moved by Nelson, seconded by Jones, to nominate Mayor Wilson as Chair and Mayor Pro Tem Bankhead as Vice Chair of the Fullerton Redevelopment Agency.

Motion carried 5-0.

Vice Chair Wilson was appointed as Chair and Agency Member Bankhead was appointed as Vice Chair.

RECESS - Mayor Wilson recessed the meeting at 4:29 p.m. Mayor Wilson reconvened the meeting at 5:03 p.m.

PUBLIC HEARINGS (Item 4)

4. PRJ04-00919: (ZON04-00098; SUB04-00008; ZON05-00087; ZON05-00088) - AN APPEAL OF THE PLANNING COMMISSION'S ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL OF AN OFFICE AND RETAIL DEVELOPMENT ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BASTANCHURY ROAD AND LAGUNA ROAD

Mayor Wilson opened the public hearing at 5:04 p.m.

The following members of the audience spoke in support of denying the appeal and adopting the mitigated negative declaration:

John Killen, Accretive Realty Advisors
Rock Miller, Traffic engineer consultant

Council/staff discussion followed regarding traffic study results from 1974, 2005 and projected traffic in 2025.

The following member of the audience questioned if Council Member Jones should recuse himself from this matter due to a potential economic conflict of interest:

Doug Chaffee, Fullerton

Council Member Jones/staff discussion followed regarding a potential economic conflict of interest in this matter.

Council Member Jones recused himself due to his ownership in a property adjacent to the proposed site, and left the Council Chamber at 5:54 p.m.

The following members of the audience spoke in opposition to denying the appeal and adopting the mitigated negative declaration:

Doug Chaffee, Fullerton
Larry Smith, Fullerton
Ken Moon, Fullerton
Catherine Lancaster, Fullerton
Don Ludwig, Fullerton
Carol Gruetter, Fullerton
Paulette Marshall, Fullerton
Allan Hirschbein, Fullerton
Marilyn Parris, Fullerton (Letter read on her behalf) by Lynne Bibler
Sunbie Harrell, Fullerton
Mary Hamy, Fullerton
Eileen Young, Fullerton
Kay Thomas, Fullerton
Sue Brashears, Fullerton
Carol Beardmore, Fullerton
Ed Diaz, Fullerton
Cynthia Seablom, Fullerton
Unidentified speaker, Fullerton

Council member Quirk left the dais at 6:46 p.m. Council Member Quirk returned to the dais at 6:47 p.m.

The following members of the audience spoke in support of denying the appeal and adopting the mitigated negative declaration:

Burnie Dunlap, St. Jude Hospital representative
Rick Price, Fullerton Positive representative
Caleb Eller, American Martial Arts Academy representative
Cameron Irons, Fullerton
Cathy Demello, Integrity House representative
Kevin Mathy, Fullerton

Mayor Wilson closed public comment at 8:21 p.m.

The following member of the audience submitted comments from Karen Lang-McNabb, and a letter from Robert Tucker, in opposition to denying the appeal; and presented rebuttal comments in opposition to denying the appeal and adoption of the mitigated negative declaration:

Doug Chaffee, Fullerton

The following member of the audience, presented rebuttal comments in support of denying the appeal and adopting the mitigated negative declaration:

Sean P. O'Connor, Accretive Laguna Partners

Mayor Wilson closed the public hearing at 8:43 p.m.

Council/staff discussion followed regarding specific development projects included in the traffic impact studies; conditions of approval; and comparison of the results of the traffic analysis reports.

Council Member Nelson noted the subject area was in need of improvement; traffic and density was currently an issue and would not be impacted by this project; there was a demand for medical office space in the city; the project had been reduced in size and would accommodate the needs for the city now and in the future; and he supported the project.

Mayor Pro Tem Bankhead stated the project had been scaled back and the residential element removed; there was a need for additional medical office space in the area; the project would bring additional physicians and improve medical care for the community; and he supported the project and suggested reducing the speed limit on Valencia Mesa to 25 miles per hour.

Council Member Quirk complimented staff and the developers for their work on this project; noted rushing to approve a development would change the fabric of the community; she opposed parking structures; and supported continuing the item, scaling down the project, and include citizen group involvement in developing the proposal.

It was moved by Quirk to continue the item, scale down the project, and include a citizen group in developing the proposal.

Motion failed for lack of second.

Mayor Wilson stated it was not Council's role to develop or design a project; Council was sensitive to the concerns of the community; this proposal would be beneficial to the city and the economy; there was a need for additional medical office space; the current traffic problems in the area could be attributed to road construction; he supported the proposal, sound attenuation along the bridle trail and investigating enclosing the parking structure.

It was moved by Bankhead, seconded by Nelson, to (1) Adopt Resolution No. 9777 as amended; (2) Deny the appeal and uphold the Planning Commission's approval of the project, and (3) Adopt the mitigated negative declaration.

RESOLUTION NO. 9777 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DENYING AN APPEAL AND ADOPTING THE MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

CORRESPONDING TO THE MITIGATED NEGATIVE DECLARATION
CERTIFIED BY MINUTE ORDER ON THIS DATE WHILE UPHOLDING
PLANNING COMMISSION ADOPTION OF A MITIGATED NEGATIVE
DECLARATION AND APPROVAL OF AN OFFICE AND RETAIL
DEVELOPMENT ON PROPERTY LOCATED AT THE SOUTHWEST CORNER
OF BASTANCHURY ROAD AND LAGUNA ROAD

Motion carried 3-1, Quirk opposed, Jones abstained.

Beverley White, City Clerk, read Resolution No. 9777 by title only.

COUNCIL/REDEVELOPMENT AGENCY/STAFF COMMUNICATIONS:

None.

RECESS to Closed Session

At 9:33 p.m. Mayor Wilson recessed the meeting to Closed Session regarding:

CLOSED SESSION

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

Agency Negotiator: Mark Flannery, Director of Personnel/Risk
Management

Employee Organizations: Fullerton Management Association, Fullerton
Municipal Employees Federation

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

Name of Case: Jackson v. City of Fullerton, USDC Case No.
CV 04-6222 TJH (CTx)

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Per Government Code Section 54956.9(c). Number of Potential Cases: One

AGENDA FORECAST

DECEMBER 20, 2005

- September Financials
- October Financials
- Capital Projects Expenditure Report
- Closed Session - Meet and Confer
- Changes to Personnel Management System
- Health Insurance Renewals
- CAFR
- Closed Session – 431 West Avenue and 412 W. Valencia

- Closed Session – Franklin Neighborhood Housing Services
- Award Contract – Richman Park Area Alley Improvements
- T&CC – Basque Avenue – Disabled Person's Parking
- T&CC – Wilshire – Disabled Person's Parking
- Presentation – Certificate of Appreciation – Acceptance of Donation by Fullerton Neighborhood Watch Association
- Approving Application for Grant Funds
- MOA – FPOA/Dispatchers Unit
- Use of Asset Forfeiture Funds
- 2nd 45 Day Extension Negotiating Agreement – Amerige Court
- State Controller's Report
- Amendment to DDA – Civic Center Barrio Housing
- MOA – Police Management
- Minutes – 11/15 & 12/6
- Joining Fullerton Collaborative - Board of Directors Seat
- Closed Session – Amerige Court
- Refunding AD 92-01
- Cancel January 3, 2006 Meeting
- License Agreement w/Best Valet Parking for Parking Lot at Pomona/Santa Fe
- Acceptance of ABC Grant Funding

JANUARY 17, 2006

- Regional Advisory Body Representation
- Appointments – RDRC, Planning, Parks, Library, CIRC, Airport, BUSC, Energy, PAC 2
- Jacaranda Senior Apartments (Camino Loma @ Sunny Hills Racquet Club) – 7:30 pm
- Franklin Neighborhood Housing Services
- Presentation – OC Human Relations Annual Report
- DDA – Amerige Court

ADJOURNMENT – Mayor Wilson adjourned the meeting at 9:33 p.m. The next regular City Council/Redevelopment Agency meeting will be held on December 6, 2005, at 7:30 p.m., in the Council Chamber, 303 West Commonwealth Avenue, Fullerton, California.

LELAND WILSON, MAYOR

BEVERLEY WHITE, CITY CLERK