

DUE TO THE ONGOING EMERGENCY CONCERNING THE COVID-19 VIRUS, THIS CITY COUNCIL MEETING WILL BE CONDUCTED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT.

RESIDENTS MAY OBSERVE THE MEETING REMOTELY VIA LIVESTREAM ON THE CITY WEBSITE OR ON SPECTRUM CABLE TV CHANNEL 3 AND FRONTIER CABLE TV CHANNEL 26

FOR DETAILED INFORMATION ON HOW TO PARTICIPATE IN REMOTE PUBLIC COMMENT PLEASE VISIT OUR WEBSITE AT: www.uplandca.gov/city-council-agendasminutes OR CONTACT THE CITY CLERK'S OFFICE AT 909-931-4120

AGENDA ATTACHED



UPLAND CITY COUNCIL

AGENDA

May 26, 2020

City Council Chamber

**DEBBIE STONE, MAYOR
RICKY FELIX, MAYOR PRO TEM
JANICE ELLIOTT, COUNCILMEMBER
RUDY ZUNIGA, COUNCILMEMBER
BILL VELTO, COUNCILMEMBER**

**ROSEMARY HOERNING, CITY MANAGER
STEVEN FLOWER, INTERIM CITY ATTORNEY**

DISRUPTION OF MEETINGS

Individuals who demonstrate disruptive conduct during City Council meetings that prevent the City Council from conducting its meeting in an orderly manner are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

- 1. CALL TO ORDER AND ROLL CALL**
- 2. ADDITIONS-DELETIONS TO AGENDA**
- 3. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit.

- 4. CLOSED SESSION None**

7:00 PM

5. INVOCATION

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Update from Supervisor Curt Hagman on the Coronavirus (COVID-19) emergency

8. CITY ATTORNEY

9. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item listed on the agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit.

10. COUNCIL COMMUNICATIONS

11. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

A. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of May 11, 2020 and the Special Workshop Minutes of May 18, 2020. (Staff Person: Keri Johnson)

B. 2ND READING OF ORDINANCE 1940 APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA-1501 FOR THE ENCLAVE AT UPLAND SPECIFIC PLAN, EXTENDING THE AGREEMENT TO JULY 27, 2022 FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF FOOTHILL BOULEVARD AND BOUNDED BY DEWEY WAY, 11TH STREET, AND WEST OF CENTRAL AVENUE

Hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1940 approving and adopting an Amendment (File No. DA 20-0002) to Development Agreement No. DA 15-01 for The Enclave at Upland Specific Plan Project, between the City of Upland and Lewis Land Developers, LLC, extending the term of the Development Agreement from July 27, 2020, to July 27, 2022, for a 19-acre site located at on the south side of Foothill Boulevard, the north side of 11th Street, with Central Avenue to the east, and adjacent on Dewey Avenue to the west (Assessor's Parcel Numbers 1007-051-02, 03, 04 and 1007-041-05, 06, 07). (Staff Person: Robert Dalquest)

C. 2ND READING OF ORDINANCE 1941 AMENDING CHAPTER 10.40 OF THE UPLAND MUNICIPAL CODE

Hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1941 amending Chapter 10.40 (stopping, standing, or parking restricted or prohibited on certain streets, publicly owned or operated off-street parking facilities, and in specified areas of city parks) of the Upland Municipal Code to incorporate state law provisions for enforcement of designated electric vehicle parking stalls or spaces

exclusively for electric charging purposes. (Staff Person: Stephen Parker)

- D. 2ND READING OF ORDINANCE 1942 ADDING CHAPTER 9.60 TO THE UPLAND MUNICIPAL CODE PROHIBITING SMOKING AND VAPING IN PUBLIC SPACES

Hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1942 adding Chapter 9.60 (Smoking and Vaping Prohibited in Public Spaces) to the Upland Municipal Code. (Staff Person: Robert Dalquest)

- E. GENERAL MUNICIPAL ELECTION - NOVEMBER 3, 2020

Adopt a Resolution calling and giving notice of holding a General Municipal Election on Tuesday, November 3, 2020, for the election of certain officers and requesting the Board of Supervisors of the County of San Bernardino consent to the consolidation of the General Municipal Election of the City of Upland with the Statewide General Election held pursuant to Elections Code Section 10403. It is further recommended that the City Council adopt a Resolution establishing regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on Tuesday, November 3, 2020. (Staff Person: Keri Johnson)

- F. CONSIDERATION OF THE SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH INTERWEST CONSULTING GROUP, INC.

Approve the Second Amendment to the Agreement for consultant services to extend the contract one year with Interwest Consulting Group, Inc. and authorize the City Manager to execute the Second Amendment. (Staff Person: Robert Dalquest)

- G. CONSIDERATION OF THE SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH ANNEALTA GROUP

Approve the Second Amendment to the agreement for consultant services to extend the contract one year with Annealta Group, and authorize the City Manager to execute the Second Amendment. (Staff Person: Robert Dalquest)

- H. ACCEPTANCE OF WORK FOR THE ENERGY EFFICIENCY AND SOLAR ENERGY PROJECT

Accept the work, authorize recordation of the Notice of Completion, and release the retention for the Energy Efficiency and Solar Energy Projects. (Staff Person: Robert Dalquest)

- I. FOURTH AMENDMENT TO THE AGREEMENT WITH THE ZAPPIA LAW FIRM FOR LABOR AND EMPLOYMENT LAW SERVICES

Approve the fourth amendment to the original agreement with The Zappia Law Firm for labor and employment law services; and authorize the City Manager to execute the amendment. (Staff Person: Stephen Parker)

12. PUBLIC HEARINGS

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

- A. COOPERATIVE AGREEMENT FOR THE METROLINK STATION ACCESSIBILITY IMPROVEMENT PROJECT PHASE II

Approve a Cooperative Agreement with the San Bernardino County Transportation Authority, for the purpose of designing and constructing safe pedestrian/bicycle accessibility improvements within the sphere of influence of the Upland Metrolink Station; and authorize the City Manager

to execute the Agreement. (Staff Person: Steve Nix)

15. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

16. CITY MANAGER

17. ADJOURNMENT

The next regularly scheduled City Council meeting is Monday, June 8, 2020.

NOTE: If you challenge the public hearing(s) or the related environmental determinations 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 Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at www.uplandca.gov.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

POSTING STATEMENT: On May 20, 2020 a true and correct copy of this agenda was posted at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall) and the City website at www.uplandca.gov.