



UPLAND CITY COUNCIL

AGENDA

**January 13, 2020
City Council Chamber**

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

**ROSEMARY HOERNING, INTERIM 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.

6:00 PM - Closed Session

- 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**

- A. CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: City Manager
- B. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section 54957.6
Unrepresented employee: Interim City Manager
City designated representative: Interim City Attorney
- C. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)
Case Name: Inland Oversight Committee v. City of Upland
Case Number: San Bernardino County Superior Court Case No. CIVDS 1936887
- D. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)
Case Name: Michael Wehner v. City of Upland
Case Number: 5:19-cv-01155-GW-E
- E. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIM
Government Code Section 54956.9
Claimant: Richard Vives
Agency: City of Upland

7:00 PM

5. INVOCATION

Reverend Jan Chase, Unity Church of Pomona

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Update on San Antonio Water Company activities by General Manager Brian Lee

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 Special Meeting Minutes of December 9, 2019 and the Regular Meeting Minutes of December 9, 2019. (Staff Person: Keri Johnson)

B. APPROVAL OF WARRANT AND PAYROLL REGISTERS DECEMBER, 2019

Approve the December Warrant Registers and Direct Disbursements (check numbers 28106-28414) totaling \$5,115,129.65 and Payroll Registers totaling \$1,506,909.28 (check Numbers 161078-161282 and EFTs 18450-18952). (Staff Person: Londa Bock-Helms)

C. TREASURY REPORT NOVEMBER 2019

Receive and file the November 2019 Treasury Report. (Staff Person: Londa Bock-Helms)

D. FIRST AMENDMENT TO AGREEMENT WITH SFG RETIREMENT PLAN CONSULTING, LLC FOR INVESTMENT ADVISOR AND FIDUCIARY SERVICES

Approve amendment number one to the Retirement Plan Investment Advisory Agreement between the City of Upland and SFG Retirement Plan Consulting, LLC and authorize the Interim City Manager to execute the agreement. (Staff Person: Londa Bock-Helms)

E. ACCEPTANCE OF RIGHT OF WAY DEDICATION (CORNER CUTBACK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 9TH STREET AND SAN ANTONIO AVENUE) FROM MR. MARIO SOSA HERRERA

Accept the street right of way offer of dedication from Mario Sosa Herrera and authorize recordation of document. (Staff Person: Rosemary Hoerning)

F. APPROVAL OF PUBLIC IMPROVEMENT AGREEMENT AND ENCROACHMENT LICENSE AGREEMENT WITH BRIXMOR FOR PROJECT LOCATED ON THE NORTHWEST CORNER OF FOOTHILL BOULEVARD AND SAN ANTONIO AVENUE

Approve the Public Improvement Agreement and Encroachment License Agreement (ELA) with Brixmor Upland Town Square, LLC; and authorize the Interim City Manager to execute the ELA. It is further recommended that the City Council accept the Faithful Performance bond and the Labor Materials bond in the amount \$569,000 and \$285,000 respectively. (Staff Person: Rosemary Hoerning)

G. ACCEPTANCE OF PUBLIC IMPROVEMENT FOR TRACT MAP 18867 LOCATED EAST OF EUCLID AVENUE AND SOUTH OF 19TH STREET (MERITAGE HOMES)

Accept the Tract Map 18867 public improvements performed by Meritage Homes and release the 25% bond. It is further recommended the City Council accept the pedestrian bridge improvements and reduce the bond to twenty five percent (25%) as a guaranty to be held for a period of 12 months after acceptance. (Staff Person: Rosemary Hoerning)

H. APPROVAL OF AGREEMENT FOR CONSTRUCTION OF PUBLIC IMPROVEMENT AT 1160 E 19TH STREET BY WP FUND V UPLAND, LLC

Approve the Agreement for Construction of Public Improvements by WP Fund V Upland, LLC and accept the Performance Bond in the amount of \$469,000 and Labor and Materials Bond in the amount of \$235,000. (Staff Person: Rosemary Hoerning)

I. CONSIDERATION OF A RESOLUTION TO APPROVE MODIFICATIONS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY REPAIRS PROGRAM GUIDELINES/POLICIES

Approve a Resolution adopting amended program guidelines/policies with respect to the City's Emergency Repair Program. (Staff Person: Robert Dalquest)

J. ACCEPTANCE OF COVENANT AND AGREEMENT REGARDING WATER CONTROL MANAGEMENT PLAN AND STORM WATER BEST MANAGEMENT PRACTICES TRANSFER, ACCESS, AND MAINTENANCE

Accept and execute all the Covenant and Agreements Regarding Water Quality Management Plan and Storm Water Best Management Practices Transfer, Access, and Maintenance and authorize recordation of said agreements. (Staff Person: Rosemary Hoerning)

12. PUBLIC HEARINGS

A. CONSIDERATION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE STANDARDS

The City Council will consider an Ordinance to adopt by reference the 2019 California Building Standards Code, together with certain appendices and penalties.

Recommendation: 1) Staff Presentation

2) Hold Public Hearing

3) Close Public Hearing

4) Hold second reading by number and title only, and adopt Ordinance No. 1935 adopting by reference the 2019 California Administrative, Building, Fire, Green Building Standards, Mechanical, Residential, Plumbing, Electrical, Energy, Existing Building, Historical Building, and Referenced Standards Codes (Title 24, California Code of Regulations, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, and 12); the 1997 Uniform Housing Code; the 1997 Uniform Code for the Abatement of Dangerous Buildings; including certain appendices and penalties.

13. COUNCIL COMMITTEE REPORTS

A. SPECIAL POLICE AND FIRE COMMITTEE MEETING, DECEMBER 16, 2019

3) PROPOSED PURCHASE OF AN ARMORED RESCUE VEHICLE the Committee recommends the City Council authorize the exploration of external funding sources for the purchase of an Armored Rescue Vehicle.

14. BUSINESS ITEMS

A. AMENDMENT TO THE INTERIM CITY MANAGER'S EMPLOYMENT AGREEMENT

Consider the proposed amendment to the Interim City Manager's Employment Agreement, which would extend its term for six months. (Staff Person: Steven Flower)

15. ORAL COMMUNICATIONS

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16. CITY MANAGER

17. ADJOURNMENT

The next regularly scheduled City Council meeting is Monday, January 27, 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.ci.upland.ca.us, subject to staff's ability to post the documents before the meeting.

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 January 8, 2020 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).