

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

April 13, 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.

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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 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Doreen Herring v. City of Upland

Case Number: San Bernardino County Superior Court Case No. CIVDS1820885

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Karla Hernandez v. City of Upland

San Bernardino County Superior Court of California Case No. CIVDS2001708

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 March 23, 2020, the Special Meeting Minutes of March 31, 2020, and the Special Meeting Minutes of April 1, 2020. (Staff Person: Keri Johnson)

B. TREASURY REPORT FEBRUARY 2020

Receive and file the February 2020 Treasury Report. (Staff Person: Londa Bock-Helms)

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND RATIFYING THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT FIRE CODE ORDINANCE PURSUANT TO STATE HEALTH & SAFETY CODE SECTION 13869

Adopt a Resolution ratifying the San Bernardino County Fire Protection District Fire Code Ordinance No. FPD 20-01 amended and adopted by the Board of Directors of the San Bernardino County Fire Protection District. (Staff Person: Robert Dalquest)

- D. RESIGNATION OF AIRPORT LAND USE COMMITTEE MEMBER

Accept the resignation from Airport Land Use Committee Member Howard Bunte and instruct the City Clerk to post the vacancy pursuant to Government Code Section 54974. (Staff Person: Keri Johnson)

- E. BOARD OF DIRECTORS FOR WEST END CONSOLIDATED WATER COMPANY

Appoint Tom Thomas as proxy to vote all shares at the annual stockholder's meeting of the West End Consolidated Water Company. (Staff Person: Steve Nix)

12. PUBLIC HEARINGS

- A. CONSIDERATION OF SPECIFIC PLAN NO. SPR-18-02, GENERAL PLAN AMENDMENT NO. GPA-18-04, ZONE CHANGE NO. ZC-18-04, TENTATIVE TRACT NO. 20245 (TT-18-03), SITE PLAN NO. SP-18-10, DESIGN REVIEW NO. DR-18-14, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-0070 FOR THE VILLA SERENA SPECIFIC PLAN, A RESIDENTIAL SPECIFIC PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY THAT CONSISTS OF 65 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AT A DENSITY OF 7.1 DWELLING UNITS PER ACRE INCLUDING ON-SITE ACTIVE AND PASSIVE RECREATIONAL AMENITIES WITHIN THE COMMON AREA OPEN SPACE ON AN EXISTING 9.2-ACRE PORTION OF THE 15TH STREET FLOOD CONTROL DETENTION BASIN INCLUDING MODIFICATIONS TO THE REMAINDER DETENTION BASIN.

The City Council will consider a specific plan for the development of a residential community that consists of 65 detached single family homes located on a 9.2 acre portion of the 15th Street flood control detention basin. (Staff Person: Robert Dalquest)

Recommendation: 1) Staff presentation

2) Hold public hearing

3) Close public hearing

4) The Planning Commission by a vote of 4-2 is recommending that the City Council, based on the project as considered at the Planning Commission meetings on December 11, 2019 and January 22, 2019, deny the proposed project by adopting the City Council Denial Resolution.

5) The City Council is not bound by a recommendation from the Planning Commission, and may consider the changes to the project proposed by the applicant, and vote to approve the proposed project. If the City Council considers this action, Resolutions making findings for approval, including conditions of approval memorializing all the proposed changes to the project would need to be adopted. These include City Council Resolutions for approval of the Mitigated

Negative Declaration, the Legislative Action, and the Project Entitlements.

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

A. DISCUSSION OF DISPOSITION OF THE CITY MANAGER POSITION

Receive the recommendation of the City Council Advisory Committee regarding modifications to the Upland Municipal Code 2.04.240 Removal of the City Manager and provide direction to the City Manager. (Staff Person: Rosemary Hoerning)

B. DISCUSSION OF THE DISPOSITION OF CITY COUNCIL APPOINTED COMMITTEE MEMBERS

Discuss possible modifications to Resolution No. 6504 based on recommendations from the City Council Advisory Committee. (Staff Person: Rosemary Hoerning)

C. PROFESSIONAL SERVICES AGREEMENT WITH J.G. BAUTISTA CONSULTING FOR ENGINEERING SERVICES

Approve Amendment No. 3 to the Professional Services Agreement with J. G. Bautista Consulting and authorize the City Manager to execute the amendment. (Staff Person: Steve Nix)

D. CONSIDERATION OF URGENCY ORDINANCE OF THE CITY OF UPLAND CITY COUNCIL ADOPTING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND/OR COMMERCIAL TENANT EVICTIONS

Consider amending Urgency Ordinance No. 1937, to exclude commercial properties from the temporary eviction moratorium the Council adopted on March 31. This item was requested by Mayor Pro Tem Felix and Council Member Velto. Staff also recommends that the City Council consider further amending or repealing Urgency Ordinance No. 1937 in light of the other recent actions taken at the state and federal level to protect residential and commercial tenants and/or correct and clarify the existing terms of Urgency Ordinance No. 1937. Amending or repealing Ordinance No. 1937 would require adoption of the new urgency ordinance to have any practical effect, which requires a four-fifths vote of the Council for adoption whereupon it would take effect immediately. (Staff Person: Rosemary Hoerning)

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, April 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.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 April 8, 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.