

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

June 8, 2020

City Council Chamber

**DEBBIE STONE, MAYOR
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

8. CITY ATTORNEY

9. ORAL COMMUNICATIONS

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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 May 26, 2020 and the Special Meeting Minutes of June 1, 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. ANNUAL ADOPTION OF INVESTMENT POLICY

Adopt a Resolution approving and adopting the Annual Statement of Investment Policy for Fiscal Year 2020-21. (Staff Person: Londa Bock-Helms)

F. TREASURY REPORT APRIL 2020

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

G. MAYORAL APPOINTMENTS FOR VARIOUS COMMITTEES

Ratify the Mayoral Appointments, appointing Council Members to City Council committees and City and regional boards, with terms expiring in December 2020. (Staff Person: Keri Johnson)

H. RESIGNATION OF CITY COUNCIL ADVISORY COMMITTEE MEMBER

Accept the resignation from City Council Advisory Committee Member Hydee Hall and instruct the City Clerk to post the vacancy pursuant to Government Code Section 54974. (Staff Person: Keri Johnson)

I. REAPPOINTMENTS TO LIBRARY BOARD AND APPOINTMENTS TO THE PLANNING COMMISSION

Ratify the Mayor's reappointments of Renuka Balakrishnan and Wendy Slatkin to the Library Board, terms to expire June 2023; and ratify the appointments of Thomas Grahn and Lorraine Kindred to the Planning Commission, terms to expire June 2024. Ms. Balakrishnan has served three full consecutive terms so her reappointment would require a 4/5ths vote of the City Council. (Staff Person: Keri Johnson)

J. NIBRS SOFTWARE SUPPORT FOR POLICE CAD/RMS

Approve the transition from Uniform Crime Reporting to National Incident Based Reporting System and authorize the City Manager to execute all related documents. (Staff Person: Darren Goodman)

K. APPROVAL OF EXTENSION TO THE AGREEMENT FOR CLAIMS ADMINISTRATORS FOR THE CITY'S WORKERS' COMPENSATION AND SELF INSURANCE PROGRAMS

Direct the City Manager to exercise the option to extend the agreements for one (1) additional year for professional services of Keenan and Associates to provide Workers' Compensation Claims Management Services, and for Carl Warren and Company to provide Claims Management Services for the City's Self Insurance Program. (Staff Person: Stephen Parker)

12. PUBLIC HEARINGS

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

A. ACTION TO FILL CITY COUNCIL VACANCY CREATED BY THE RESIGNATION OF MAYOR PRO TEM FELIX

The City Council will consider the following options to fill the City Council Vacancy (Staff Person: Steven Flower)

1. Adopt a Resolution calling and giving notice of the holding of a Special Municipal Election on Tuesday, November 3, 2020, to fill a vacancy on the City Council (District 3), and requesting the Board of

Supervisors of the County of San Bernardino consent to the consolidation of the Special Municipal Election of the City of Upland with the Statewide General Election to be held pursuant to Elections Code 10403; and

2. Appoint a resident and registered voter ("elector") of District 3 of the City of Upland to fill the vacancy until the Special Municipal Election, subject to his/her acceptance of the appointment; or
3. Direct staff to commence an advertised selection process and solicit applications for the City Council to consider for appointment to fill the vacancy until the Special Municipal Election; or
4. Choose not to fill the vacancy until the Special Election.

B. APPOINTMENT OF MAYOR PRO TEM

Appoint one of its members to serve as Mayor Pro Tem in order to fill the vacant position resulting from Council Member Felix's resignation. It is also recommended that the City Council adopt a Resolution to clarify the process for appointing a Mayor Pro Tem in the event of an unscheduled vacancy in the position. (Staff Person: Keri Johnson)

C. AWARD OF BID FOR 7TH STREET & HARRINGTON AVENUE REHABILITATION AND WATER IMPROVEMENTS (BID NO. 2020-03)

Approve the plans and specifications for the 7th Street & Harrington Avenue Rehabilitation and Water Improvements Project; award the construction contract to T.E. Roberts, Inc. in the amount of \$2,869,735; and, approve a construction contingency in the amount of \$345,265, for a total amount of \$3,215,000. It is further recommended that the City Council appropriate \$300,000 in Gas Tax Funds, \$1,150,000 in Measure I Funds, and \$1,275,000 in Water Funds as identified in the proposed Fiscal Year 2020-21 CIP Budget. (Staff Person: Steven Nix)

D. UPDATE ON CURFEW ORDER AND CONSIDERATION OF ANY EXTENSION/AMENDMENTS

Consider action to extend (if appropriate) and/or receive and file this report. (Staff Person: Rosemary Hoerning)

15. ORAL COMMUNICATIONS

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16. CITY MANAGER

17. ADJOURNMENT

The next regularly scheduled City Council meeting is Monday, June 22, 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 June 3, 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.