



UPLAND CITY COUNCIL

AGENDA

July 27, 2020

City Council Chamber

**DEBBIE STONE, MAYOR
RUDY ZUNIGA, MAYOR PRO TEM
JANICE ELLIOTT, 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: San Antonio Heights Association v. Local Agency Formation Commission et al
San Bernardino County Superior Court of California Case No.CIVDS1715504

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Clare Properties, LLC v. City of Upland et al
San Bernardino County Superior Court of California Case No.CIVDS2012382

C. CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION, APPOINTMENT, AND RELATED ACTIONS

Pursuant to Government Code Section 54957
Title: City Attorney

7:00 PM

5. INVOCATION

Mike Ingram, Christian Science Faith

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

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 July 13, 2020. (Staff Person: Keri Johnson)

B. APPOINTMENT TO THE PLANNING COMMISSION

Ratify the Mayor's appointment of Christine Caldwell to the Planning Commission, term to expire June 2024. (Staff Person: Keri Johnson)

C. RATIFICATION OF THE CITY MANAGER'S ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)

Ratify the City Manager's acceptance of funding from the Coronavirus Aid, Relief, and Economic Security (CARES Act). (Staff Person: Stephen Parker)

D. HOMELAND SECURITY GRANT PROJECT (HSGP FY18)

Accept the FY 2018 Homeland Security Grant funds in the amount of \$30,000 and authorize the appropriation of \$30,000 to purchase two Advanced Pole Camera Systems and one RF Body Wire Package. (Staff Person: Darren Goodman)

E. COMMUNITY FACILITIES DISTRICTS 2003-1, 2003-2 IMPROVEMENT AREAS 1 AND 2, 2015-1 IMPROVEMENT AREA 1, 2016-1 IMPROVEMENT AREA 1, 2016-2 AND 2017-1: INTENT TO LEVY AND COLLECT SPECIAL TAXES

Adopt a Resolution authorizing the levy of special taxes in: Community Facilities District 2003-1 (Upland 54); Community Facilities District 2003-2 (The Colonies at San Antonio) - Improvement Area No. 1 and Improvement Area No. 2; Community Facilities District 2015-1 (Sycamore Hills) Improvement Area No. 1; Community Facilities District 2016-1 (Harvest at Upland) Improvement Area No. 1; Community Facilities District 2016-2 (Harvest Maintenance) and; Community Facilities District 2017-1 (Sycamore Hills Maintenance) for Fiscal Year 2020-21. (Staff Person: Stephen Parker)

F. SAN ANTONIO REGIONAL HOSPITAL AGREEMENTS: AMENDMENT TO PURCHASE AND SALE AGREEMENT, ADDENDUM TO REIMBURSEMENT AGREEMENT (MEMORIAL PARK, 1299 SAN BERNARDINO ROAD, A PORTION OF ASSESSORS PARCEL NUMBER 1046-183-01)

Consider approval of: (1) an Amendment to the Purchase and Sale Agreement with San Antonio Regional Hospital (SARH) regarding a 4.63-acre portion of Memorial Park, 1299 San Bernardino Road (portion of APN 1046-183-01); and (2) an Addendum to the Reimbursement Agreement with SARH related to SARH's request that the City hold an election on the question of discontinuing use of that property for park purposes.

Approval would not commit the City to holding the election; but it will allow the City to recover costs related to the sale and the election in the event the City Council decides to hold the election.

(Staff Person: Rosemary Hoerning)

G. CONSIDERATION TO ADOPT A RESOLUTION OF THE CITY COUNCIL RATIFYING EXECUTIVE ORDER 2020-6 OF THE DIRECTOR OF EMERGENCY SERVICES

Adopt a Resolution ratifying the Director of Emergency Services Executive Order 2020-6 permitting temporary outdoor merchandise display and sales until October 31, 2020 for the purpose of complying with public health orders during the local emergency caused by the COVID-19 pandemic. (Staff Person: Robert Dalquest)

12. PUBLIC HEARINGS

A. SUBSTANTIAL AMENDMENT TO FY 2020-2021 ANNUAL ACTION PLAN AND AMENDMENT TO THE CITIZEN PARTICIPATION PLAN IN RESPONSE TO THE CARES ACT

The Council will consider a substantial Amendment to the Community Development Block Grant FY 2020-2021 Annual Action Plan and an amendment to the Citizen Participation Plan. (Staff Person: Robert Dalquest)

- Recommendation:
- 1) Staff Presentation
 - 2) Hold Public Hearing
 - 3) Close Public Hearing
 - 4) Adopt a Resolution approving the Substantial Amendment to the Community Development Block Grant FY 2020-2021 Annual Action Plan; adopt a Resolution approving Upland's Citizen Participation Plan amendment in connection with the City's federal Community Development Block Grant Program; and authorize the City Manager to execute any and all necessary and related documents to implement the FY 2020-2021 CDBG-CV Plan in response to the CARES Act.

B. CONSIDERATION OF A RESOLUTION APPROVING THE ASSESSMENT REPORT, ASSESSING ADMINISTRATIVE FINES, AND ESTABLISHING SPECIAL ASSESSMENT LIENS RELATING TO UNPAID ADMINISTRATIVE FINES

Adopt a Resolution approving the assessment report, assessing administrative fines, and establishing special assessment liens against parcels of real property in the City of Upland relating to unpaid administrative fines pursuant to Section 1.10.090 of the Upland Municipal Code. (Staff Person: Darren Goodman)

- Recommendation:
- 1) Staff Presentation
 - 2) Hold Public Hearing
 - 3) Close Public Hearing
 - 4) Adopt a Resolution approving the assessment report, assessing administrative fines, and establishing special assessment liens against parcels of real property in the City of Upland relating to unpaid administrative fines pursuant to Section 1.10.090 of the Upland Municipal Code.

C. LANDSCAPE MAINTENANCE DISTRICT LM-84-1: INTENT TO LEVY AND COLLECT ASSESSMENTS

The City Council will consider the Fiscal Year 2020-21 assessment to be levied upon Assessment District LM-84-1 for providing street lights and street sweeping to Tract 12339 and street lights, landscape irrigation, and street sweeping adjacent to Tract 18376. (Staff Person: Stephen Parker)

- Recommendation:
- 1) Staff Presentation
 - 2) Hold Public Hearing
 - 3) Close Public Hearing
 - 4) Accept the Finance Officer's report pertaining to

Landscape Maintenance District LM-84-1 and adopt a Resolution declaring its intention to levy and collect assessments within Landscape Maintenance District LM-84-1 for Fiscal Year 2020-21.

D. DELINQUENT WATER, SEWER, AND REFUSE SERVICE CHARGES TO BE COLLECTED ON THE TAX ROLL

The City Council will consider the placement of delinquent water, sewer, and refuse services being placed on the tax roll. (Staff Person: Stephen Parker)

Recommendation: 1) Staff Presentation

2) Hold Public Hearing

3) Close Public Hearing

4) Accept the report of delinquent water, sewer, and refuse service charges, and authorize the delinquent charges to be placed on the tax roll.

E. ORDINANCE CALLING A SPECIAL ELECTION ON THE ABANDONMENT AND DISCONTINUANCE OF USE OF AN APPROXIMATELY 4.63 ACRE PORTION OF MEMORIAL PARK MEMORIAL PARK, 1299 SAN BERNARDINO ROAD (A PORTION OF ASSESSORS PARCEL NUMBER 1046-183-01)

The City Council will consider holding an election on whether to abandon and discontinue use of an approximately 4.63-acre portion of Memorial Park so that it may be sold at a price not less than \$4,300,000.00 to San Antonio Regional Hospital (SARH). (Staff Person: Rosemary Hoerning)

Recommendation: 1) Staff Presentation

2) Hold Public Hearing

3) Close Public Hearing

4) Consider any public protests to holding an election on whether to abandon and discontinue use of an approximately 4.63-acre portion of Memorial Park (1299 San Bernardino Road, a portion of APN 1046-183-01) so that it may be sold at a price not less than \$4,300,000.00 to San Antonio Regional Hospital (SARH).

If the City Council wishes to call the election, it is recommended that the City overrule any protests from the public and adopt the proposed ordinance calling a special election on the park question on November 3, 2020.

13. COUNCIL COMMITTEE REPORTS

A. PUBLIC WORKS COMMITTEE MEETING, JULY 14, 2020

1) **Acceptance of recommendation to proceed with historic downtown Upland Streetscape Beautification Program**, the Committee recommends the City Council accept the Development Services Department's recommendation to proceed with the Historic Downtown Streetscape Beautification Program.

14. BUSINESS ITEMS

A. LOCAL RECOVERY AND ESSENTIAL SERVICES SALES TAX MEASURE

Adopt a Resolution approving an ordinance enacting a 1-cent Local Recovery and Essential Services Tax Measure to be administered by the California Department of Tax and Fee Administration and Ordering the submittal of said ordinance to the voters at the November 3, 2020 Election. (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, August 10, 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 July 22, 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) and the City website at www.uplandca.gov.