



## **UPLAND CITY COUNCIL**

### **AGENDA**

**February 25, 2019  
City Council Chamber**

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

**JEANNETTE VAGNOZZI, CITY MANAGER  
JAMES L. MARKMAN, CITY ATTORNEY**

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#### **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. 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. County of San Bernardino  
Local Agency Formation Commission et. al.  
San Bernardino Superior Court Case No. CIVDS 1715504

- B. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION  
(WORKER'S COMP CLAIM)

Claimant: Judy Jauregui  
Agency: City of Upland

- C. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION  
(WORKER'S COMP CLAIM)

Claimant: Phillip Watkins  
Agency: City of Upland

- D. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION  
(WORKER'S COMP CLAIM)

Claimant: Anthony Yoakum  
Agency: City of Upland

- E. GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE  
PERFORMANCE EVALUATION

Title: City Attorney

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**7:00 PM**

**5. INVOCATION**

Zayneb Shakely, City of Knowledge School

**6. PLEDGE OF ALLEGIANCE**

**7. PRESENTATIONS**

Certificate Recognizing the 90th Anniversary of the Placement of the Madonna of the Trail Statue, accepted by Kathy Holloway

**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 WARRANT AND PAYROLL REGISTERS JANUARY 2019  
Approve the January Warrant Registers and Direct Disbursements (check numbers 23634-24031) totaling \$7,870,525.23 and Payroll Registers totaling \$1,768,651.89 (check Numbers 160471-160510 and EFTs 12557-13296). (Staff Person: Londa Bock-Helms)
- B. APPROVAL OF MINUTES  
Approve the Regular Meeting Minutes of February 11, 2019. (Staff Person: Jeannette Vagnozzi)
- C. DESIGNATION OF A DELEGATE TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY MEETING  
Appoint Councilmember Janice Elliott as the delegate to represent the City of Upland at the Southern California Association of Governments General Assembly Meeting on May 2, 2019. (Staff Person: Jeannette Vagnozzi)
- D. APPROVAL OF PARCEL MAP 19856 FOR THE COLONIES PARTNERS, L.P.  
Conditionally approve Parcel Map 19856 subject to the recordation of the Ingress/Egress Easement Agreement referenced on the map on the same date as the final map recordation. (Staff Person: Rosemary Hoerning)
- E. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS  
Receive and file the status update. (Staff Person: Rosemary Hoerning)
- F. APPOINTMENT OF TRAFFIC SAFETY ADVISORY COMMITTEE MEMBERS  
Ratify the following appointments to the Traffic Safety Advisory Committee: Eddie Limbaga, term to expire in December 2020, and Lisa Nassar, term to expire in December 2022. (Staff Person: Keri Johnson)
- G. APPOINTMENT TO THE BUILDING BOARD OF APPEALS  
Ratify the appointment of Jason Gaudy to the Building Board of Appeals, term to expire in December 2022. (Staff Person: Jeannette Vagnozzi)
- H. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR BENEFIT BROKER SERVICES  
Approve a Professional Services Agreement for benefit broker services with Keenan and Associates; and authorize the City Manager to execute the agreement. (Staff Person: Jeannette Vagnozzi)

## **12. PUBLIC HEARINGS**

- A. CONTINUED PUBLIC HEARING: ALLEY VACATION AT 1148 SAN BERNARDINO ROAD AND ORDER TO VACATE  
City Council will consider an order to vacate approximately 813 linear feet of 20-foot wide alley located at 1148 San Bernardino Road, further described as south and east of Assessor's Parcel No. 1046-191-06. (Staff Person: Rosemary Hoerning)  
Recommendation: 1) Staff Presentation  
2) Hold Public Hearing  
3) Close Public Hearing  
4) Adopt a Resolution declaring the order to vacate 20-foot wide alley located at 1147 San Bernardino Road, approximately 813 linear feet.

## **13. COUNCIL COMMITTEE REPORTS**

#### **14. BUSINESS ITEMS**

**A. CONSIDER RENEWAL OF LIBRARY AGREEMENT**

Direct staff to negotiate and prepare a draft Agreement for renewal of the existing Agreement with Library Systems and Services, LLC (LS&S) for continued operation of the Upland Public Library, for a period of five (5) years. (Staff Person: Jeannette Vagnozzi)

**B. APPOINTMENT TO PERSONNEL BOARD OF REVIEW**

Select an appointment from the employee associations' nominees, Gifty Beets and Steve Bierbaum; and ratify the appointment to the Personnel Board of Review, term to expire June, 2019. (Staff Person: Keri Johnson)

**C. MID-YEAR BUDGET FY 2018-19 REVIEW**

Receive and file the Mid-Year Budget Report for Fiscal Year 2018/19 (Attachment 1); approve the Proposed Mid-Year Adjustments detailed on Attachment 2; and provide staff with direction regarding committing unreserved/undesignated fund balance. (Staff Person: Londa Bock-Helms)

**D. CONSIDERATION OF A SECOND AMENDMENT TO THE RESTATED AND AMENDED OWNER PARTICIPATION AGREEMENT BY AND BETWEEN THE CITY OF UPLAND AND FORD OF UPLAND, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (FORMALLY NAMED PARK PLACE, LLC)**

Approve the Second Amendment to the Restated and Amended Owner Participation Agreement between the City of Upland and Ford of Upland, LLC, a California limited liability company. (Staff Person: Robert Dalquest)

**E. PROXY FOR SAN ANTONIO WATER COMPANY**

Appoint Tom Thomas as proxy to vote all shares at the annual stockholder's meeting of the San Antonio Water Company for the slate of directors; and to include the appointment of John Navarro and Councilmember Rudy Zuniga to the proposed Board slate. (Staff Person: Rosemary Hoerning)

**F. CREATE TWO AD HOC COMMITTEES**

It is recommended that the City Council take the following actions:

1. Create an ad hoc committee to discuss concerns related to Historic Downtown Upland and consider an application process for future appointments to the committee.
2. Create an ad hoc committee to discuss facility use with Upland Unified School District and appoint members to the committee.

(Staff Person: Jeannette Vagnozzi)

#### **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, March 11, 2019.

**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](http://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 February 21, 2019 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).