



## **UPLAND CITY COUNCIL**

### **AGENDA**

**July 22, 2019**

**City Council Chamber**

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

**ROSEMARY HOERNING, INTERIM 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. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Legal Counsel Edward Zappia and Interim City Manager Rosemary Hoerning

Employee organizations: Upland Mid-Management Association, Upland City Employees Association, Upland Police Officers Association, and Upland Police Management Association

Unrepresented group: Executive Management

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Yoakum v. City of Upland San Bernardino County Superior Court of California Case No. CIV-DS-172-1778

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Yoakum v. City of Upland San Bernardino County Superior Court of California Case No. CIV-DS-181-7026

D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Simpson v. City of Upland San Bernardino County Superior Court of California Case No. CIV-DS-180-9093

E. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant paragraph 2 of subdivision (d) of Section 54956.9: 1 Potential Case

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7:00 PM

5. INVOCATION

Reverend Cathleen "Catie" Coots, First United Methodist Church of Upland

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Certificate of Recognition to Mitchell's Plumbing  
Southern California Edison Public Safety Power Shutoff Program presented by Jennifer Shaw, SCE Government Relations Manager

## **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 JUNE 2019**

Approve the June Warrant Registers and Direct Disbursements (check numbers 25650-25999) totaling \$5,901,864.55 and Payroll Registers totaling \$1,267,109.79 (check Numbers 160649-160762 and EFTs 15258-160760). (Staff Person: Londa Bock-Helms)

### **B. APPROVAL OF MINUTES**

Approve the Regular Meeting Minutes of July 8, 2019. (Staff Person: Keri Johnson)

### **C. DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT**

Declare the vehicles, equipment, and obsolete inventory on the attached list as surplus and authorize the Fleet Division of Public Works to initiate the disposal of the surplus items. (Staff Person: Rosemary Hoerning)

### **D. DESIGNATION OF VOTING DELEGATE FOR THE ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE**

Appoint Councilmember Ricky Felix as the voting delegate to represent the City of Upland at the League of California Cities General Assembly Meeting on October 18, 2019. (Staff Person: Keri Johnson)

### **E. TEMPORARY CONSTRUCTION EASEMENT, CITY PROPERTY LOCATED ON THE WEST SIDE OF CAMPUS AVENUE NORTH OF THE I-10 (APN 1047-221-48)**

Approve a subsequent Right of Way Contract with San Bernardino County Transportation Authority (SBCTA) for a temporary construction easement on City owned property to facilitate construction of the I-10 Freeway Improvements. It is further recommended that the City Council accept the offer of \$15,900 as just compensation, which excludes the additional incentive previously offered. (Staff Person: Rosemary Hoerning)

## **12. PUBLIC HEARINGS**

### **A. UPLAND CITY EMPLOYEES ASSOCIATION - CONSIDERATION OF IMPASSE**

The Council will consider results of the Factfinding Report and Recommendations, PERB Case No. LA-IM-276-M regarding Impasse for the Upland City Employees Association.

- Recommendation: 1) Staff Presentation  
2) Upland City Employees Association Presentation  
3) Hold Public Hearing  
4) Close Public Hearing  
5) Provide direction concerning consideration of Impasse for the Upland City Employees Association (UCEA) based on the Factfinding Report and Recommendations, PERB Case No. LA-IM-276-M.

B. UPLAND MID-MANAGEMENT EMPLOYEES ASSOCIATION – CONSIDERATION OF IMPASSE

The Council will consider the Factfinding Report and Recommendations, PERB Case No. LA-IM-273-M regarding the Impasse for the Mid-Management Employees Association.

- Recommendation: 1) Staff Presentation  
2) Upland Mid-Management Employees Association Presentation  
3) Hold Public Hearing  
4) Close Public Hearing  
5) Provide direction concerning consideration of Impasse for the Mid-Management Employees Association based on the Factfinding Report and Recommendations, PERB Case No. LA-IM-273-M.

C. 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: Londa Bock-Helms)

- 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.

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

The City Council will consider the Fiscal Year 2019/20 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: Londa Bock-Helms)

- 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 2019-20.

**13. COUNCIL COMMITTEE REPORTS**

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

A. CONSIDERATION OF A RESOLUTION FOR SUBMISSION OF AN APPLICATION UNDER THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM FOR MEMORIAL PARK

Adopt a Resolution approving the application for Statewide Park Development and Community Revitalization Program Grant funds. (Staff Person: Doug Story)

B. ELECTRIC CHARGING STATION GRANT & AGREEMENTS

Accept a \$160,000 Grant from the Southern California Incentive Project (SCIP) for the installation of DC Fast Charging Electric Vehicle Charging Units in the Civic Center Parking Lot. It is further recommended the City Council authorize the Interim City Manager to enter into agreements with ChargePoint for Master Services and Subscription Agreement; the terms and conditions for the electric vehicle supply equipment purchase through Sourcewell and installation/validation; and network services for a 5-Year Commercial Service Plan (ASSURE). (Staff Person: Rosemary Hoerning)

C. 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)

#### **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 12, 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 July 17, 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).