



## **UPLAND CITY COUNCIL**

### **AGENDA**

**November 11, 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  
STEVEN FLOWER, INTERIM 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. 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

B. 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

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**7:00 PM**

**5. INVOCATION**

Pastor Mike Cloud, Life Bible Fellowship

**6. PLEDGE OF ALLEGIANCE**

Cub Scout Pack 614

**7. PRESENTATIONS**

Recognition of Upland Residents Serving in the Military

Information Presentation on Congressman Pete Aguilar's Annual Veterans Resource Fair by Danny Milla Constituent Services Representative

Upland Recycling Program Update by Mike Arreguin and Steven Bradshaw, Burrtec Waste Industries, Inc.

Cool Parks Grant Project Information Presentation by Public Works Operations Manager Richard Smiderle

**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 October 28, 2019. (Staff Person: Keri Johnson)
- B. APPROVAL OF WARRANT AND PAYROLL REGISTERS OCTOBER, 2019  
Approve the October Warrant Registers and Direct Disbursements (check numbers 27279-27736) totaling \$5,857,569.92 and Payroll Registers totaling \$1,467,342.14 (check Numbers 160871-161052 and EFTs 17452-17945). (Staff Person: Londa Bock-Helms)
- C. TREASURY REPORT SEPTEMBER 2019  
Receive and file the September 2019 Treasury Report. (Staff Person: Londa Bock-Helms)
- D. THIRD AMENDMENT TO THE AGREEMENT WITH THE ZAPPIA LAW FIRM FOR LABOR AND EMPLOYMENT LAW SERVICES  
Authorize the City Manager to execute the third amendment to the original agreement with The Zappia Law Firm for labor and employment law services. (Staff Person: Rosemary Hoerning)
- E. EMERGENCY OPERATIONS PLAN - CITY OF UPLAND  
Adopt the Emergency Operations Plan for the City of Upland. (Staff Person: Jeff Birchfield/Klasha Ray)
- F. APPROVAL OF A QUITCLAIM DEED TO RUGS LIMITED, LLC BY THE CITY OF UPLAND FOR A PORTION OF 'A' STREET  
Approve a quitclaim deed to Rugs Limited, LLC for a portion of "A" Street next to vacant lot APN 1046-532-01 (102 13th Avenue) and authorize the Interim City Manager to sign the quitclaim deed; and accept Rugs Limited LLC's offer to pay the appraised value in the amount of thirty one thousand two hundred and eighteen dollars (\$31,218). (Staff Person: Rosemary Hoerning)
- G. NOTICE OF COMPLETION FOR SC BALDY VIEW DEVELOPMENT COMPANY, LLC REGARDING HARVEST AT UPLAND SPECIFIC PLAN  
Accept the Notice of Completion and authorize the Interim City Manager to execute the Notice of Completion in compliance with the Acquisition Agreement by and among City of Upland, SC Baldy View Development Company, LLC, and Lewis Management Corporation dated May 1, 2016. (Staff Person: Rosemary Hoerning)

## **12. PUBLIC HEARINGS**

- A. CONSIDERATION OF AN ORDINANCE OF THE CITY OF UPLAND ADDING A NEW CHAPTER 5.76 TO THE UPLAND MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM, AMENDING RELATED PROVISIONS OF THE UPLAND MUNICIPAL CODE, AND CONSIDERATION OF A RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH FEES FOR SIDEWALK VENDING PERMITS.  
The City Council will consider an Ordinance to create a sidewalk vending program and a resolution to amend the master fee schedule to establish fees for sidewalk vending permits. (Staff Person: Robert Dalquest)  
Recommendation: 1) Staff Presentation  
2) Hold Public Hearing  
3) Close Public Hearing  
4) Hold first reading by title only, waive further reading, and introduce an Ordinance adding a new Chapter 5.76 to the Upland Municipal Code to create a sidewalk vending program, amending related

provisions of the Upland Municipal Code, and making a determination of exemption under CEQA

- 5) Adopt a Resolution amending the Master Fee Schedule to establish fees for sidewalk vending permits.

### **13. COUNCIL COMMITTEE REPORTS**

- A. FINANCE COMMITTEE MEETING, OCTOBER 23, 2019

### **14. BUSINESS ITEMS**

- A. ELIGIBILITY CONFIRMATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY REPAIRS PROGRAM PARTICIPANTS AND GRANT FUNDING AWARD

Confirm eligibility and grant funding for two (2) Emergency Repairs Program projects. (Staff Person: Robert Dalquest)

### **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, November 25, 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 November 6, 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).