

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
APRIL 13, 2020**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:03 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, Bill Velto, and Rudy Zuniga

Staff: City Manager Rosemary Hoerning, Interim City Attorney Steven Flower, and City Clerk Keri Johnson

This City Council meeting was conducted pursuant to the Governor's Executive Order N-29-20 which suspended certain requirements of the Brown Act. The Mayor was present in the City Council Chamber and all other Council Members and staff were present via videoconference. The public was able to observe the meeting via live stream on the City's website or on the public access cable channels. Public comment was taken via telephone.

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION**

At 6:04 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Doreen Herring v. City of Upland

Case Number: San Bernardino County Superior Court Case No. CIVDS1820885

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Karla Hernandez v. City of Upland

San Bernardino County Superior Court of California Case No. CIVDS2001708

The City Council reconvened in open session at 7:00 p.m.

**5. INVOCATION** None

**6. PLEDGE OF ALLEGIANCE** None

**7. PRESENTATIONS**

Supervisor Curt Hagman provided an update on the Coronavirus (COVID-19) emergency operations in San Bernardino County.

**8. CITY ATTORNEY**

Interim City Attorney Flower announced there was nothing to report from Closed Session.

**9. ORAL COMMUNICATIONS**

Doug Dennington, stated that Ordinance 1937 puts a burden on landlords and requested that the Council repeal the Ordinance.

**10. COUNCIL COMMUNICATIONS**

Councilmembers thanked staff and the community for their efforts during the COVID-19 emergency and provided information on services available to residents.

**11. CONSENT CALENDAR**

Mayor Stone removed Consent Calendar Item 11D for separate action. Motion by Councilmember Velto to approve the remainder of the Consent Calendar, seconded by Councilmember Elliott, and carried unanimously.

**A. APPROVAL OF MINUTES**

Approved the Regular Meeting Minutes of March 23, 2020, the Special Meeting Minutes of March 31, 2020, and the Special Meeting Minutes of April 1, 2020.

**B. TREASURY REPORT FEBRUARY 2020**

Received and filed the February 2020 Treasury Report.

**C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND RATIFYING THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT FIRE CODE ORDINANCE PURSUANT TO STATE HEALTH & SAFETY CODE SECTION 13869**

Adopted Resolution No. 6534 ratifying the San Bernardino County Fire Protection District Fire Code Ordinance No. FPD 20-01 amended and adopted by the Board of Directors of the San Bernardino County Fire Protection District.

**E. BOARD OF DIRECTORS FOR WEST END CONSOLIDATED WATER COMPANY**

Appointed Tom Thomas as proxy to vote all shares at the annual stockholder's meeting of the West End Consolidated Water Company.

**ITEMS REMOVED FOR SEPARATE ACTION**

**D. RESIGNATION OF AIRPORT LAND USE COMMITTEE MEMBER**

Mayor Stone announced the vacancy and requested that any residents interested in serving on the Airport Land Use Committee contact the City Clerk's Office to submit an application.

Motion by Mayor Stone to accept the resignation from Airport Land Use Committee Member Howard Bunte and instruct the City Clerk to post the vacancy pursuant to Government Code Section 54974, seconded by Councilmember Velto, and carried unanimously.

## **12. PUBLIC HEARINGS**

- A. CONSIDERATION OF SPECIFIC PLAN NO. SPR-18-02, GENERAL PLAN AMENDMENT NO. GPA-18-04, ZONE CHANGE NO. ZC-18-04, TENTATIVE TRACT NO. 20245 (TT-18-03), SITE PLAN NO. SP-18-10, DESIGN REVIEW NO. DR-18-14, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-0070 FOR THE VILLA SERENA SPECIFIC PLAN, A RESIDENTIAL SPECIFIC PLAN FOR THE DEVELOPMENT OF A RESIDENTIAL COMMUNITY THAT CONSISTS OF 65 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS AT A DENSITY OF 7.1 DWELLING UNITS PER ACRE INCLUDING ON-SITE ACTIVE AND PASSIVE RECREATIONAL AMENITIES WITHIN THE COMMON AREA OPEN SPACE ON AN EXISTING 9.2-ACRE PORTION OF THE 15TH STREET FLOOD CONTROL DETENTION BASIN INCLUDING MODIFICATIONS TO THE REMAINDER DETENTION BASIN.

Development Services Director Dalquest introduced Associate Planner Winter, who presented the staff report along with a PowerPoint presentation, which is on file in the City Clerk's office.

There was discussion on the ingress and egress to the development, the potential fiscal impacts of the project, traffic impacts, and flood control.

Andrew Wennerstrom of Frontier Communities answered questions posed by the Council regarding traffic issues, flood control, and the ingress and egress to the development.

Mayor Stone opened the public hearing.

Shari Wasson, spoke in opposition of the project and requested a full environmental impact report be performed for the project. She further stated the biological survey was incomplete as the site is a seasonal wetland.

Caryn Zappia, spoke in opposition of the project stating concerns regarding the increased traffic on the streets existing streets and the proposed lot sizes not fitting with the surrounding area.

P. Chris Jackson, spoke in opposition of the project and stated concerns regarding flood protection and the storm drain capacity.

Betty Cavanaugh, stated concerns about the height of the homes, loss of mountain views for existing residents, and loss of habitat for existing wildlife in the area.

Anita Kerzic, stated concerns regarding water runoff from the mountains, potential flooding of residences, and loss of habitat for wildlife in the area.

Kathleen Carter, requested that the Council consider the past flood of 1969, and the potential for a flood of this magnitude in the future, when making their decision on the project.

Alex Hwang, stated concerns about the loss of mountain views and privacy for existing residents and requested the Council consider requiring single story homes. He further stated concerns regarding increased traffic and loss of wildlife habitat.

Diana Reymundo, requested that the Council postpone the public hearing until the after the COVID-19 emergency so the public could attend the hearing in person and stated opposition to the project citing concern over potential flooding.

Joe Hudson, stated that his home is directly affected by the project and questioned how the city will provide services for the additional residents

Joshell Koliva, stated concerns that the height and density of the project will directly impact her property; and further stated concerns regarding traffic impacts, air pollution, and the loss of wildlife habitat.

John Anderson, stated objections to the increased traffic that would be created by the project; and further stated the roads in area are poorly maintained and already have more traffic than they can handle.

Gary Coyne, spoke in opposition of the project and stated the proposed height of the development would cause a loss of mountain views for current residents.

Steve Bierbaum, stated opposition to the project and requested a full environmental impact report be performed.

Cindy Matistic, stated that the Council should not be conducting the public hearing while stay at home orders are in place. She further spoke in opposition of the project and stated concerns regarding the traffic impacts, and the reduction of the flood basin.

Mustafa Koliva, requested the Council vote to deny the project and stated concerns regarding flooding, housing density, and loss of wildlife habitat.

Dwayne Ulloa and Regina Black, requested that the Council make sure that flood control is protected and stated flood control is there for a reason. They further questioned who would be responsible should there be flooding issues in the future.

Colin Kesterson, stated opposition to the public hearing being conducted during the COVID-19 emergency and requested the hearing be continued to a future date when the public can attend. He further stated concerns regarding increased traffic and safety issues associated with the traffic.

Natasha Walton, requested the Council deny the project and stated concerns regarding the negative impact on a biological resource. She further stated the mitigated negative declaration was inadequate and requested a full environmental impact report for the project.

Susan Jennings, spoke in opposition to the development and stated concerns that the project will block the mountain views of current residents, destroy the wildlife habitat, and cause future flooding issues.

David Hardesty, requested that the Council not approve the project and stated concerns over the gated entrances and traffic impacts.

Tina Stoner, requested the Council consider a full environmental impact report before approving any proposed development; and further requested the Council consider using the land for open space, walking paths, and cycling trails.

Mayor Stone requested the applicant respond to comments.

Andrew Wennerstrom of Frontier Communities responded to comments regarding the flood basin, the requests for an environmental impact report, and the wildlife habitat.

There was further discussion regarding the ingress and egress from the property, the elevation gain of the project, water percolation and migration related to the closed land fill, the maintenance of green spaces and pocket parks, and wildlife in the area.

Councilmember Elliott addressed concerns about the importance of plant and animal species in the area and requested a full environmental impact report be performed.

There being no other speakers, Mayor Stone closed the public hearing.

Motion by Councilmember Elliott to adopt the City Council Denial Resolution, there being no second, the motion failed.

The Council discussed proposed changes to the easterly entrance to the development and the proposed pad elevation gain restrictions in sections 20.4 f and 20.4 h of the proposed entitlement resolution.

At 10:17 p.m. Mayor Stone called a recess and the City Council reconvened in open session at 10:29 p.m.

Director Dalquest proposed changes to the resolution to include 20.4 f and 20.4 h to read as follows:

- f. The main driveway entrance into the project at the easterly end of the subdivision on 15<sup>th</sup> Street shall be gated and be designed for exit only traffic. The driveway entrance shall include, for public use, an opening that enables the existing neighborhood to have pedestrian access through the project for access to the east basin area.
- h. The applicant shall design the project so that the lowest pad elevations possible shall be utilized, given the street grades and underground utility constraints, in order that the project is integrated into the existing neighborhood and public views of the mountains are maintained.

Motion by Councilmember Felix to approve the project including the mitigated negative declaration, general plan amendment, zone change, specific plan, tentative tract map, site plan, and design review through the proposed resolutions of approval including changes to conditions of 20.4 paragraph f and and h, seconded by Councilmember Velto, and carried with Councilmember Elliott opposed.

**13. COUNCIL COMMITTEE REPORTS**     None

**14. BUSINESS ITEMS**

**A. DISCUSSION OF DISPOSITION OF THE CITY MANAGER POSITION**

City Manager Hoerning presented the staff report, which is on file in the City Clerk's Office.

The City Council received and filed the report, no action was taken.

**B. DISCUSSION OF THE DISPOSITION OF CITY COUNCIL APPOINTED COMMITTEE MEMBERS**

City Manager Hoerning presented the staff report, which is on file in the City Clerk's Office.

The City Council directed the City Manager to make the changes proposed by the City Council Advisory Committee and bring the item back at a later date for consideration.

**C. PROFESSIONAL SERVICES AGREEMENT WITH J.G. BAUTISTA CONSULTING FOR ENGINEERING SERVICES**

City Manager Hoerning presented the staff report, which is on file in the City Clerk's Office.

Motion by Councilmember Elliott to approve Amendment No. 3 to the Professional Services Agreement with J. G. Bautista Consulting and authorize the City Manager to execute the amendment, seconded by Councilmember Felix, and carried unanimously.

**D. CONSIDERATION OF URGENCY ORDINANCE OF THE CITY OF UPLAND CITY COUNCIL ADOPTING EMERGENCY REGULATIONS RELATED TO RESIDENTIAL AND/OR COMMERCIAL TENANT EVICTIONS**

City Manager Hoerning presented the staff report which is on file in the City Clerk's office.

There was discussion regarding the potential for future litigation, the differences between the local ordinance and the action taken by the State and the Judicial Council.

City Clerk Johnson read the title of the Ordinance for the record.

Motion by Councilmember Velto to hold first reading by title only, and adopt Urgency Ordinance No. 1939 repealing urgency Ordinance No. 1937 regarding emergency regulations related to residential and commercial tenant evictions and declaring the urgency thereof, seconded by Councilmember Felix, and carried unanimously.

**15. ORAL COMMUNICATION (items not on the agenda)** None

**16. CITY MANAGER**

City Manager Hoerning introduced Assistant City Manager Stephen Parker.

**17. ADJOURNMENT**

At 11:21 p.m., Mayor Stone adjourned in memory of former City Councilmember Dave Stevens. The next regularly scheduled City Council meeting is Monday, April 27, 2020.

**SUBMITTED BY**



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Keri Johnson, City Clerk

**APPROVED**

April 27, 2020

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