

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
APRIL 27, 2020**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 7:00 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 None

5. INVOCATION None

6. PLEDGE OF ALLEGIANCE None

7. PRESENTATIONS None

8. CITY ATTORNEY

Interim City Attorney Flower stated there was nothing to report.

9. ORAL COMMUNICATIONS

Lois Sicking Dieter, stated opposition to the Council's approval of the Bridge Development project and requested that they not adopt Ordinance No. 1938, approving the Development Agreement for the Bridge Development project.

Steve Bierbaum, stated opposition to the Council's approval of the Bridge Development project and further stated opposition to the operating memorandum regarding the Bridge Development project.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various resources available to the community during the COVID-19 emergency and provided an update on the meetings they attended.

11. CONSENT CALENDAR

Councilmember Zuniga removed Consent Calendar Item 11D and Councilmember Elliott removed Consent Calendar Items 11K and 11L for separate action. Motion by Councilmember Felix 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 April 13, 2020.

B. APPROVAL OF MARCH WARRANT AND PAYROLL REGISTERS

Approved the March Warrant Registers (check numbers 29211-29642) and Direct Disbursements totaling \$3,888,125.34 and Payroll Registers totaling \$1,225,929.85 (check Numbers 161339-161361 and EFT's 20466-20712).

C. TREASURY REPORT MARCH 2020

Received and filed the March 2020 Treasury Report.

E. ACCEPTANCE OF WORK FOR PROJECT NO. 7072 & 7081, CITYWIDE SLURRY SEALS

Accepted the work; authorized recording the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for Warrantee for a period of twelve months for Project 7072 & 7081, Citywide Slurry Seals.

F. ACCEPTANCE OF WORK FOR PROJECT No. 7073, CITYWIDE STRIPING REPLACEMENT

Accepted the work; authorized recording the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for Warrantee for a period of twelve months for Project No. 7073, Citywide Striping Replacement.

G. ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT MAP 18697 LOCATED ON THE NORTHEAST CORNER OF SULTANA AVENUE AND 8TH STREET BY TAYLOR MORRISON

Accepted the public improvements constructed by Taylor Morrison, formerly known as William Lyons Homes, generally located on the northeast corner of Sultana and 8th Street; and approved the reduction of the faithful performance bond to ten percent (10%).

H. ACCEPTANCE OF PUBLIC AND PRIVATE IMPROVEMENTS FOR TRACT MAP 18249 LOCATED ON THE NORTHEAST CORNER OF MONTE VISTA AVENUE AND 11TH STREET BY KB HOMES

Accepted the public and private improvements for Tract Map 18249 generally located at the northeast corner of Monte Vista Avenue and 11th Street and approved reduction of the Faithful Performance Bond to ten (10%) percent.

I. ACCEPTANCE OF IMPROVEMENTS FOR ARROW VISTA VILLAGE, LLC AND REDUCTION OF CASH SURETY

Accepted the public improvements related to the Arrow Vista Village project, generally located on the southeast corner of Monte Vista Avenue and Arrow Route; and approved a reduction of the cash surety to fifty percent (50%).

J. SECOND AMENDMENT TO THE WATERSHARE ASSIGNMENT AND USE AGREEMENT WITH UPLAND HILLS COUNTRY CLUB

Approved the Second Amendment to the Watershare Assignment and Use Agreement with Upland Hills Country Club; and authorized the City Manager to execute the agreement.

ITEMS REMOVED FOR SEPARATE ACTION

D. 2ND READING OF ORDINANCE 1938 APPROVING A DEVELOPMENT AGREEMENT FOR THE BRIDGE POINT AT UPLAND PROJECT

Development Services Director Dalquest and Interim City Attorney Flower answered questions posed by the Council regarding the extension on the statute of limitations for filing a CEQA challenge due to the COVID-19 emergency and the Developer's request for an operating memorandum.

There was discussion on potential changes to Section 35 of the Development Agreement and the delayed obligation of the Developer to make annual payments as described in Section 11.A(ii) of the Development Agreement.

Motion by Councilmember Elliott to table the item so the City Manager and City Attorney could amend Section 35 of the Development Agreement to clarify what types of changes can be made by the City Manager without requiring the approval of the City Council, there being no second, the motion failed.

There was further discussion regarding the statute of limitations for filing a CEQA challenge and the language in Section 35 of the Development Agreement.

Motion by Councilmember Velto to hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1938 approving Development Agreement No. 20-0001 for the Bridge Point Upland Project which Bridge Development Partners, LLC has legal or equitable interest on approximately 50.25 acres intended to be developed as a 201,096 square foot warehouse/parcel delivery service building with an ancillary office/retail space, northeast of the intersection of Foothill Boulevard and Central Avenue, further described as Assessor's Parcel Numbers 1006-351-09, 1006-351-10, 1006-572-11, 1006-551-22, and 1006-574-10, seconded by Councilmember Felix, and carried with Councilmember Elliott opposed.

K. UPDATE ON THE STATUS OF THE FISCAL YEAR 20-21 WEED ABATEMENT PROGRAM AS A RESULT OF THE COVID-19 PANDEMIC

City Manager Hoerning provided information on the changed conditions to the program due to the COVID-19 emergency.

Development Services Director Dalquest answered questions from the Council regarding the code enforcement process for weed abatement issues.

Motion by Councilmember Elliott to receive and file this report on the status of the Fiscal Year 2020-21 Weed Abatement Program due to the extraordinary circumstances surrounding the COVID-19 pandemic, seconded by Councilmember Felix, and carried unanimously.

L. CONSIDERATION TO ADOPT A RESOLUTION OF THE CITY COUNCIL RATIFYING EXECUTIVE ORDER 2020-1 OF THE DIRECTOR OF EMERGENCY SERVICES

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

Motion by Mayor Stone to adopt Resolution No. 6538 ratifying the Director of Emergency Services Executive Order 2020-1 permitting temporary signage in the right of way for essential businesses and permitting the use of recreational vehicles and trailers for the purpose of complying with public health orders during the local emergency caused by the COVID-19 pandemic, seconded by Councilmember Felix, and carried unanimously.

12. PUBLIC HEARINGS None

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS

A. GIS SOFTWARE AND PROFESSIONAL SERVICES FOR WATER FACILITIES

Interim Public Works Director Nix presented the staff report along with a PowerPoint presentation, which is on file in the City Clerk's Office.

Interim Public Works Director Nix then answered questions posed by the Council regarding the software system and the benefits of its use.

Motion by Councilmember Zuniga to approve a Professional Services Agreement with Nobel Systems to implement a data conversion of the City's water system improvement drawings and facility information for incorporation into the City GeoViewer system; and authorize the City Manager to execute the agreement in an amount of \$111,300, seconded by Councilmember Felix, and carried unanimously.

B. AWARD OF BID FOR PROJECT NO. 9128, PUMP STATION DEMOLITION (BID NO. 2020-01)

Interim Public Works Director Nix presented the staff report, which is on file in the City Clerk's Office.

Interim Public Works Director Nix then answered questions posed by the Council regarding the construction contingency.

Motion by Councilmember Felix to approve the plans and specifications for Project No. 9128, Pump Station Demolition; declare the bids received by

Asbestos Instant Response, Inc., Standard Demolition, and 5M Contracting, Inc. to be non-responsive; award the construction contract to American Wrecking, Inc. in the amount of \$79,700.00; and, approve a construction contingency in the amount of \$20,300.00, for a total amount of \$100,000.00, seconded by Councilmember Velto, and carried unanimously.

C. POLICY DISCUSSION CONCERNING LAND USE REGULATIONS FOR WAREHOUSING FACILITIES

Development Services Director Dalquest presented the staff report, which is on file in the City Clerk's Office.

There was the suggestion to modify the Upland Municipal Code to require a conditional use permit for warehouses over 50,000 square feet. There was further discussion regarding large warehouses, vacant parcels zoned for warehouses, and the zoning designations which permit warehouses.

The Council requested Development Services Director Dalquest provide an analysis of vacant parcels along Foothill Boulevard and in the General Industrial and Light Industrial zones in the City for potential warehouse development; and to draft changes to the code to only allow warehouses less than 25,000 square feet in Commercial/Residential Mixed-Use and Commercial Industrial Mixed-Use zones through a conditional use permit. The analysis will be brought back to the Council at a later date.

15. ORAL COMMUNICATION (items not on the agenda)

Javier Arellano, announced community donation activities he was coordinating in order to provide meals for essential workers in the City.

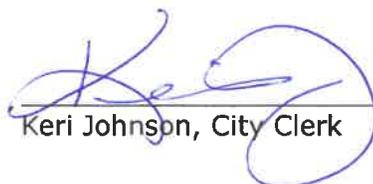
16. CITY MANAGER

City Manager Hoerning provided an update on the Interstate 10 construction project.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 9:26 p.m. The next regularly scheduled City Council meeting is Monday, May 11, 2020.

SUBMITTED BY


Keri Johnson, City Clerk

APPROVED

May 11, 2020