MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
JANUARY 13, 2020

OPENING The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:00 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: Interim City Manager Rosemary Hoerning, Interim City Attorney Steven Flower, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

Marjorie Mikels, stated that the City representing that the Memorial Park Master Plan will have environmental impact and the City should prepare an environmental study.

Brinda Sarathy, Upland, thanked the Interim City Manager for her professionalism and responsiveness to resident inquiries. She also requested that the City move forward with an environmental study for the Memorial Park Master Plan.

Natasha Walton, Upland, requested that the City prepare an environmental study for the Memorial Park Master Plan to allow the community the opportunity to provide input and comments.

4. CLOSED SESSION

At 6:10 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957
Title: City Manager

B. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6
Unrepresented employee: Interim City Manager
City designated representative: Interim City Attorney

C. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)
Case Name: Inland Oversight Committee v. City of Upland
Case Number: San Bernardino County Superior Court Case No. CIVDS 1936887

D. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)
Case Name: Michael Wehner v. City of Upland
Case Number: 5:19-cv-01155-GW-E

E. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIM

Government Code Section 54956.9
Claimant: Richard Vives

Agency: City of Upland

The City Council reconvened in open session at 7:02 p.m.

5. INVOCATION Reverend Jan Chase, Unity Church of Pomona

6. PLEDGE OF ALLEGIANCE Councilmember Velto

7. PRESENTATIONS

A presentation was given by General Manager Brian Lee on San Antonio Water Company activities.

8. CITY ATTORNEY

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

9. ORAL COMMUNICATIONS

Glenn Bozar, stated the City should recruit for a permanent City Manager and not extend the Interim City Manager's contract.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community, including providing an update on the meetings they attended.

11. CONSENT CALENDAR

Motion by Councilmember Zuniga to approve the Consent Calendar, seconded by Councilmember Velto, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of December 9, 2019 and the Regular Meeting Minutes of December 9, 2019.

B. APPROVAL OF WARRANT AND PAYROLL REGISTERS DECEMBER, 2019

Approved the December Warrant Registers and Direct Disbursements (check numbers 28106-28414) totaling $5,115,129.65 and Payroll Registers totaling $1,506,909.28 (check Numbers 161078-161282 and EFTs 18450-18952).

C. TREASURY REPORT NOVEMBER 2019

Received and filed the November 2019 Treasury Report.

D. FIRST AMENDMENT TO AGREEMENT WITH SFG RETIREMENT PLAN CONSULTING, LLC FOR INVESTMENT ADVISOR AND FIDUCIARY SERVICES

Approved amendment number one to the Retirement Plan Investment Advisory Agreement between the City of Upland and SFG Retirement Plan Consulting, LLC and authorized the Interim City Manager to execute the agreement.

E. ACCEPTANCE OF RIGHT OF WAY DEDICATION (CORNER CUTBACK, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 9TH STREET AND SAN ANTONIO AVENUE) FROM MR. MARIO SOSA HERRERA

Accepted the street right of way offer of dedication from Mario Sosa Herrera and authorized recordation of document.

F. APPROVAL OF PUBLIC IMPROVEMENT AGREEMENT AND ENCROACHMENT LICENSE AGREEMENT WITH BRIXMOR FOR PROJECT LOCATED ON THE NORTHWEST CORNER OF FOOTHILL BOULEVARD AND SAN ANTONIO AVENUE

Approved the Public Improvement Agreement and Encroachment License Agreement (ELA) with Brixmor Upland Town Square, LLC; and authorized the Interim City Manager to execute the ELA. The City Council accepted the Faithful Performance bond and the Labor Materials bond in the amount $569,000 and $285,000 respectively.

G. ACCEPTANCE OF PUBLIC IMPROVEMENT FOR TRACT MAP 18867 LOCATED EAST OF EUCLID AVENUE AND SOUTH OF 19TH STREET (MERITAGE HOMES)

Accepted the Tract Map 18867 public improvements performed by Meritage Homes and release the 25% bond. The City Council accepted the pedestrian bridge improvements and reduced the bond to twenty five percent (25%) as a guaranty to be held for a period of 12 months after acceptance.

H. APPROVAL OF AGREEMENT FOR CONSTRUCTION OF PUBLIC IMPROVEMENT AT 1160 E 19TH STREET BY WP FUND V UPLAND, LLC

Approved the Agreement for Construction of Public Improvements by WP Fund V Upland, LLC and accepted the Performance Bond in the amount of $469,000 and Labor and Materials Bond in the amount of $235,000.

I. CONSIDERATION OF A RESOLUTION TO APPROVE MODIFICATIONS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY REPAIRS PROGRAM GUIDELINES/POLICIES

Approved Resolution No. 6522 adopting amended program guidelines/policies with respect to the City's Emergency Repair Program.

J. ACCEPTANCE OF COVENANT AND AGREEMENT REGARDING WATER CONTROL MANAGEMENT PLAN AND STORM WATER BEST MANAGEMENT PRACTICES TRANSFER, ACCESS, AND MAINTENANCE

Accepted and executed all the Covenant and Agreements Regarding Water Quality Management Plan and Storm Water Best Management Practices Transfer, Access, and Maintenance and authorized recordation of said agreements.

12. PUBLIC HEARINGS

A. CONSIDERATION OF AN ORDINANCE TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE STANDARDS

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

Mayor Stone opened the public hearing and hearing no testimony, closed the public hearing.

Motion by Councilmember Felix to hold second reading by number and title only, and adopt Ordinance No. 1935 adopting by reference the 2019 California Administrative, Building, Fire, Green Building Standards, Mechanical, Residential, Plumbing, Electrical, Energy, Existing Building, Historical Building, and Referenced Standards Codes (Title 24, California Code of Regulations, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, and 12); the 1997 Uniform Housing Code; the 1997 Uniform Code for the Abatement of Dangerous Buildings; including certain appendices and penalties, seconded by Councilmember Elliott, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

A. SPECIAL POLICE AND FIRE COMMITTEE MEETING, DECEMBER 16, 2019

Councilmember Zuniga provided a recap of the meeting, which is on file in the City Clerk's office.

3) PROPOSED PURCHASE OF AN ARMORED RESCUE VEHICLE

Police Captain Blanco provided a brief report on this item.

There was discussion on the type of incidents that would warrant use of the proposed armored rescue vehicle.

Motion by Councilmember Felix to authorize the exploration of external funding sources for the purchase of an armored rescue vehicle, seconded by Councilmember Zuniga, and carried unanimously.

Interim City Manager Hoerning left the Council Chamber at 7:46 p.m.

14. BUSINESS ITEMS

A. AMENDMENT TO THE INTERIM CITY MANAGER'S EMPLOYMENT AGREEMENT

Interim City Attorney Flower presented the staff report, which is on file in the City Clerk's Office.

Motion by Councilmember Velto to approve an amendment to the Interim City Manager's employment agreement, which extends its term for six months, seconded by Councilmember Elliott, and carried unanimously.

Interim City Manager Hoerning returned to the Council Chamber at 7:47 p.m. and took her seat on the dais.

15. ORAL COMMUNICATION (items not on the agenda)

Christian Daly, Pasadena, introduced himself and announced he would be running for Congress in the November 2020 election.

Terri Galdo, Upland Chamber, reminded the Community to use the Shop Upland application and shop local.

Shannan Maust, announced an upcoming fundraiser at Upland High School.

Arielle Roberson, Claremont, spoke regarding the Americans with Disabilities Act and the responsibilities of community leaders to be aware of the needs of others.

La Kenya Pichford, Claremont, invited the Councilmembers to participate in an upcoming workshop on disability awareness.

Terri D. urged the Council to attend the upcoming workshop on disability awareness.

Glenn Bozar, spoke in opposition of the proposed Bridge Development and stated it does not belong in a bedroom community.

Carlos Garcia, Upland, stated the proposed Bridge Development will not bring revenue to the City and he further stated opposition to the project.

16. CITY MANAGER

Interim City Manager Hoerning introduced Steve Nix, Interim Public Works Director.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 8:08 p.m. The next regularly scheduled City Council meeting is Monday, January 27, 2020.

SUBMITTED BY Keri Johnson, City Clerk

APPROVED January 27, 2020