

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
JANUARY 27, 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

Bob Cable, Upland, requested the Council recruit for a City Manager to ensure that the City hires the most qualified candidate.

Natasha Walton, 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 6:05 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, APPOINTMENT, AND RELATED ACTIONS

Pursuant to Government Code Section 54957
Title: City Manager

B. 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

C. GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 1044-061-41, 1044-061-42, 1044-061-43 (vacant land)

Agency Negotiators: Interim City Manager Hoerning, Development Services Director Dalquest, Development Services Manager Chavez, and Economic Development Coordinator Picazo

Negotiating Parties: City of Upland and prospective buyers

Under Negotiation: Price and terms - Instructions in dealing with prospective buyers

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

5. INVOCATION Jim Thomas, Church of Jesus Christ of Latter-Day Saints

6. PLEDGE OF ALLEGIANCE Mayor Stone

7. PRESENTATIONS

An informational presentation was given by Jeremiah P. Bryant, Director of Strategic Development, on the Omni Trans proposed service level modifications to bus routes 83 and 85.

8. CITY ATTORNEY

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

9. ORAL COMMUNICATIONS

Oswaldo Leo Diaz, Upland, questioned whether the SCAG General Assembly meeting would address homelessness and stated that he needed help with his housing issues.

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

A. APPROVAL OF MINUTES

Approved the Special Joint Workshop Minutes of January 9, 2020 and the Regular Meeting Minutes of January 13, 2020.

B. DESIGNATION OF A DELEGATE TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY MEETING

Appointed Councilmember Janice Elliott as the delegate to represent the City of Upland at the Southern California Association of Governments General Assembly Meeting on May 7, 2020.

C. DISPOSAL OF SURPLUS EQUIPMENT

Declared items as surplus, and authorized the Interim City Manager to initiate disposal of the surplus equipment.

D. ACCEPTANCE OF WORK FOR THE 3RD AVENUE PAVEMENT REHABILITATION AND WATER IMPROVEMENTS PROJECT

Accepted the work; authorized the recordation of the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for the 3rd Avenue Pavement Rehabilitation and Water Improvements Project.

E. INTENTION TO VACATE A PORTION OF THE FRONTAGE ROAD ON THE NORTH SIDE OF FOOTHILL BOULEVARD RIGHT-OF-WAY PER APPLICATION FOR STREET VACATION 19-01, AND IN RELATION TO A PROPOSED STARBUCKS LOCATED AT 275 EAST FOOTHILL BOULEVARD

Declared its intention to vacate 3,983 square feet of a portion of the frontage road on the north side of Foothill Boulevard right-of-way, located approximately 175 linear feet east of the intersection of Foothill Boulevard and Second Avenue, per application for Street Vacation 19-01; and set a Public Hearing for February 24, 2020 concerning the vacation.

12. PUBLIC HEARINGS

A. PROPOSED AMENDMENT TO THE ADMINISTRATIVE CITATION ORDINANCE AND THE ADMINISTRATIVE CITATION FINE SCHEDULE

Police Chief Goodman introduced Lieutenant Dodt and City Prosecutor Wright who presented the staff report, which is on file in the City Clerk's Office.

There was discussion regarding the grace period and the differences between minor violations and egregious violations.

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

There was the suggestion to post the fine schedule on the City's website.

Motion by Councilmember Felix to hold first reading by title only, waive further reading, and introduce Ordinance No. 1936 repealing Upland Municipal Code Chapter 1.10 regarding administrative fines and adding Chapter 1.22 regarding administrative citations to create and implement a comprehensive and transparent process for the issuance, collection, and appeals of administrative citations; and adopt Resolution No. 6523 amending the master fee schedule and establishing administrative fines for certain violations of the Upland Municipal Code, seconded by Councilmember Zuniga, and carried unanimously.

B. PROPOSED SOLID WASTE RATE ADJUSTMENT

Interim City Manager Hoerning presented the staff report along with a PowerPoint presentation, which is on file in the City Clerk's Office.

There was discussion on the different levels of pricing for different size residential trash bins, the cost per ton for tipping fees, changes to recycling requirements, contamination fees, and the "dump and destroy" fee.

Mayor Stone opened the public hearing.

Warren Stewart, board member of Upland Hills Country Club, stated opposition to the rate increase, mentioning the loss of discounts the country club previously received on waste disposal and the effects the increases have on the board's finances.

Amy Valdivia, Upland, spoke in support of the rate increase and stated that the cost is a great value considering the services provided.

John DiBiase, Upland, questioned the cost differences for the trash barrel sizes and felt that Upland Hills Country Club should receive a discount since Burrtec does not bill individual residents, but instead bill's the homeowners association.

Dori Ferranto, Upland, spoke in support of the fee increase and stated she is a business owner in the downtown area and Burrtec has always been responsive to customers.

Terri DiMarco, Rancho Cucamonga, stated that she was speaking on behalf of the Upland Chamber of Commerce in support of the proposed rate increase.

Todd D'Braunstein, suggested that the Council use this as an opportunity to reopen the contract with Burrtec and renegotiate services.

James Breitling, Upland, questioned the contamination fee and how residents would be notified regarding the charge.

Victor Jackson, Upland, stated opposition to the rate increase and felt the Council should fight for the best rate possible for customers.

Ray Musser, Upland, stated opposition to the rate increase and questioned why the residents of Upland Hills Country Club pay for green waste disposal when they do not have green waste barrels.

Mark Walters, Upland, noted that speakers in support of the rate increase were also supporters of the State of the City event which includes Burrtec as a sponsor.

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

There was discussion regarding trash barrel charges, contamination fees, pass through costs, possible repercussions of postponing a rate increase, and the Burrtec contract.

Motion by Mayor Stone to approve Resolution No. 6524 adopting revisions to the schedule of solid waste rates, seconded by Councilmember Velto with the stipulation that the contamination fee be removed from the fee schedule, and carried with Councilmember Zuniga opposed.

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS None

15. ORAL COMMUNICATION (items not on the agenda)

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

Jeanette Wheeler, Oak Hills, stated that she is the owner of a dance studio in the downtown and was concerned about the safety of her students after two recent incidents in the area.

Osvaldo Leo Diaz, Upland spoke regarding his living situation and the need for homelessness assistance.

Todd D’Braunstein, thanked the Council for their service and stated that the Council should give clear direction to staff.

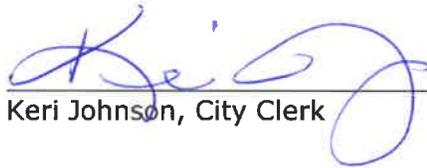
16. CITY MANAGER

Interim City Manager Hoerning announced the date of an upcoming City Council goals workshop.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 9:57 p.m. The next regularly scheduled City Council meeting is Monday, February, 10, 2020.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

February 10, 2020