

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
JULY 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, Bill Velto, and Rudy Zuniga

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

2. ADDITIONS/DELETIONS TO AGENDA

City Clerk Johnson announced that staff removed Item 12B from the agenda. After the posting of the agenda the two administrative citations under item 12B were resolved by the property owners.

3. ORAL COMMUNICATIONS (due to the local emergency concerning the COVID-19 virus public comment was also taken via telephone)

Bob Cable, Upland, urged the Council to note the costs associated with the San Antonio Heights v. LAFCO lawsuit and learn from that.

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 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: San Antonio Heights Association v. Local Agency Formation Commission et al
San Bernardino County Superior Court of California Case No.CIVDS1715504

B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Case Name: Clare Properties, LLC v. City of Upland et al
San Bernardino County Superior Court of California Case No.CIVDS2012382

C. CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION, APPOINTMENT, AND RELATED ACTIONS

Pursuant to Government Code Section 54957
Title: City Attorney

The City Council reconvened in open session at 7:05 p.m.

5. INVOCATION Mike Ingram, Christian Science Faith

6. PLEDGE OF ALLEGIANCE Mayor Pro Tem Zuniga

7. PRESENTATIONS

8. CITY ATTORNEY

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

9. ORAL COMMUNICATIONS (due to the local emergency concerning the COVID-19 virus public comment was also taken via telephone)

Rohinder Sandhu, spoke in favor of San Antonio Regional Hospital and the services they provide to the community.

Dylan White, questioned what improvements to the park would be funded by the sale of park land to the hospital.

Barbara McJoynt, stated that the hospital should pay for all the costs incurred for the election and also stated concern that the person nominated to serve on the Planning Commission was from District 2 when there are already several members of the Commission from District 2.

Bill Landecena, spoke in support of placing a sales tax measure on the November 2020 ballot.

Andrew Behnke, spoke in support of placing a tax measure on the November 2020 ballot and stated that the residents deserved a vote in the matter.

Loren Sanchez, spoke in support of placing a tax measure on the November 2020 ballot and felt the additional revenue generated would help the City with budget issues.

Marjorie Mikels, spoke in opposition of a sales tax increase and the proposed sale of a portion of Memorial Park land to San Antonio Regional Hospital.

Craig Covell, cautioned the Council against a sales tax increase and stated that there is an advantage to having a lower sales tax than surrounding cities.

Yuri Hurtado, spoke in support of placing the sale of a portion of Memorial Park on the November 2020 ballot.

Glenn Bozar, spoke in opposition of placing a tax measure on the November 2020 ballot.

John Zeegers, spoke in opposition of the sale of park land and stated the City should not balance the budget by selling off assets.

Ralph Cavallo, stated support for the sale of Memorial Park land to San Antonio Regional Hospital and further requested that the Council ensure that the funds from the sale be used to build a new ball field in the park.

Gary Schwary, suggested that the sales tax measure and park sale issue should be placed on the ballot so the residents can decide on the matter.

John Ickis, stated that San Antonio Regional Hospital should go through the initiative process and collect voter signatures in order to place the proposed park land sale on the ballot.

Joe Bolin, stated that while he respects the hospital and their contribution to the community they should build a parking structure on their existing land and no park land should be sold.

Lois Sicking Dieter, stated opposition to the sale of park land and suggested that San Antonio Regional Hospital should go through the initiative process and collect voter signatures in order to place the proposed park land sale on the ballot.

10. COUNCIL COMMUNICATIONS

Councilmembers commented on recent events and activities throughout the community.

Councilmember Elliott requested that the City Council Advisory Committee review options for a temporary mask ordinance and the use of CARES Act funds to assist residents, the request was seconded by Councilmember Velto.

11. CONSENT CALENDAR

Councilmember Elliott removed Consent Calendar Items 11B and 11F for separate action. Motion by Councilmember Zuniga to approve the remainder of the Consent Calendar, seconded by Councilmember Velto, and carried unanimously.

A. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of July 13, 2020.

C. RATIFICATION OF THE CITY MANAGER'S ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)

Ratify the City Manager's acceptance of funding from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

D. HOMELAND SECURITY GRANT PROJECT (HSGP FY18)

Accept the FY 2018 Homeland Security Grant funds in the amount of \$30,000 and authorize the appropriation of \$30,000 to purchase two Advanced Pole Camera Systems and one RF Body Wire Package.

E. COMMUNITY FACILITIES DISTRICTS 2003-1, 2003-2 IMPROVEMENT AREAS 1 AND 2, 2015-1 IMPROVEMENT AREA 1, 2016-1 IMPROVEMENT AREA 1, 2016-

2 AND 2017-1: INTENT TO LEVY AND COLLECT SPECIAL TAXES

Adopt a Resolution authorizing the levy of special taxes in: Community Facilities District 2003-1 (Upland 54); Community Facilities District 2003-2 (The Colonies at San Antonio) - Improvement Area No. 1 and Improvement Area No. 2; Community Facilities District 2015-1 (Sycamore Hills) Improvement Area No. 1; Community Facilities District 2016-1 (Harvest at Upland) Improvement Area No. 1; Community Facilities District 2016-2 (Harvest Maintenance) and; Community Facilities District 2017-1 (Sycamore Hills Maintenance) for Fiscal Year 2020-21.

G. CONSIDERATION TO ADOPT A RESOLUTION OF THE CITY COUNCIL RATIFYING EXECUTIVE ORDER 2020-6 OF THE DIRECTOR OF EMERGENCY SERVICES

Adopt a Resolution ratifying the Director of Emergency Services Executive Order 2020-6 permitting temporary outdoor merchandise display and sales until October 31, 2020 for the purpose of complying with public health orders during the local emergency caused by the COVID-19 pandemic.

ITEMS REMOVED FOR SEPARATE ACTION

B. APPOINTMENT TO THE PLANNING COMMISSION

There was discussion regarding the number of Commissioners from each District, the qualifications of Ms. Caldwell and the interview process of the applicants.

Motion by Councilmember Velto to ratify the Mayor's appointment of Christine Caldwell to the Planning Commission, term to expire June 2024, seconded by Councilmember Zuniga, and carried with Councilmember Elliott opposed.

F. SAN ANTONIO REGIONAL HOSPITAL AGREEMENTS: AMENDMENT TO PURCHASE AND SALE AGREEMENT, ADDENDUM TO REIMBURSEMENT AGREEMENT (MEMORIAL PARK, 1299 SAN BERNARDINO ROAD, A PORTION OF ASSESSORS PARCEL NUMBER 1046-183-01)

Interim City Attorney Flower responded to questions posed by the Council regarding the parking license, terms of the agreement, entitlement process and closing date of the property.

Motion by Councilmember Elliott to approve an Amendment to the Purchase and Sale Agreement with San Antonio Regional Hospital (SARH) regarding a 4.63-acre portion of Memorial Park, 1299 San Bernardino Road (portion of APN 1046-183-01); and an Addendum to the Reimbursement Agreement with SARH related to SARH's request that the City hold an election on the question of discontinuing use of that property for park purposes, seconded by Councilmember Velto, and carried unanimously.

12. PUBLIC HEARINGS

A. SUBSTANTIAL AMENDMENT TO FY 2020-2021 ANNUAL ACTION PLAN AND AMENDMENT TO THE CITIZEN PARTICIPATION PLAN IN RESPONSE TO THE CARES ACT

Housing Coordinator Deyanira Pelayo-Brito presented the staff report which is on file in the City Clerk's office and introduced Committee Member Carlos Garcia who presented the recommended funding allocations for the CDBG CAREs Act grant funds.

There was discussion regarding the services provided by UHope and how residents in need of service can contact them.

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

Motion by Councilmember Zuniga to adopt Resolution No. 6558 approving the Substantial Amendment to the Community Development Block Grant FY 2020-2021 Annual Action Plan; and adopt Resolution No. 6559 approving Upland's Citizen Participation Plan amendment in connection with the City's federal Community Development Block Grant Program; and authorize the City Manager to execute any and all necessary and related documents to implement the FY 2020-2021 CDBG-CV Plan in response to the CARES Act, seconded by Councilmember Elliott, and carried unanimously.

B. CONSIDERATION OF A RESOLUTION APPROVING THE ASSESSMENT REPORT, ASSESSING ADMINISTRATIVE FINES, AND ESTABLISHING SPECIAL ASSESSMENT LIENS RELATING TO UNPAID ADMINISTRATIVE FINES

This item was removed from the agenda.

C. LANDSCAPE MAINTENANCE DISTRICT LM-84-1: INTENT TO LEVY AND COLLECT ASSESSMENTS

Assistant City Manager Parker 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 Velto to accept the Finance Officer's report pertaining to Landscape Maintenance District LM-84-1; and adopt Resolution No. 6560 declaring its intention to levy and collect assessments within Landscape Maintenance District LM-84-1 for Fiscal Year 2020-21, seconded by Councilmember Elliott, and carried unanimously.

D. DELINQUENT WATER, SEWER, AND REFUSE SERVICE CHARGES TO BE COLLECTED ON THE TAX ROLL

Assistant City Manager Parker presented the staff report which is on file in the City Clerk's office and then answered questions posed by the Council regarding foreclosure due to liens on the property and communications to delinquent account holders.

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

Motion by Councilmember Zuniga to accept the report of delinquent water, sewer, and refuse service charges, and authorize the delinquent charges to be placed on the tax roll, seconded by Councilmember Velto, and carried unanimously.

- E. ORDINANCE CALLING A SPECIAL ELECTION ON THE ABANDONMENT AND DISCONTINUANCE OF USE OF AN APPROXIMATELY 4.63 ACRE PORTION OF MEMORIAL PARK MEMORIAL PARK, 1299 SAN BERNARDINO ROAD (A PORTION OF ASSESSORS PARCEL NUMBER 1046-183-01)

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

At 8:55 p.m. Mayor Pro Tem Felix called a recess and the City Council reconvened in open session at 9:00 p.m.

Mayor Stone opened the public hearing.

City Clerk Johnson announced that the City's Clerk's office had received two letters in support of the calling of a special election on the abandonment and discontinuance of use of a portion of Memorial Park and 26 letters in opposition, which are on file in the City Clerk's office.

Mayor Stone announced that due to the number of speaker the time limit would be reduced to three minutes per speaker.

Dori Ferranto, Chairman of the Board for the Upland Chamber of Commerce, stated that it was in the best interest of the community to approve the ballot measure to be voted on by the residents.

Jimmie Herrick, stated that she is an Upland resident and cancer survivor and requested that the council to approve placing the measure on the ballot.

Bob Gordon, stated that the proposal brought to the council regarding the sale of park land and changes to the park will create an all sport field where there is equal opportunity for all to play and further stated support for the placement of the issue on the ballot.

Vince Carollo, Upland resident and member of the medical staff at San Antonio Regional Hospital, encouraged the Council to place the item on the November ballot and stated that the hospital is the number one employer in the city and they care for the residents of Upland.

Natalie Garrett, stated that the hospital serves the community and the measure should be placed on the November ballot

Rohinder Sandhu, requested that Upland residents have the possibility to vote on this item and felt it would be the best thing for the hospital and the community.

Beth Grant, spoke in favor of the sale of Memorial Park land to San Antonio Regional Hospital and supported placing the issue on the November ballot in order to give residents the opportunity to vote on the matter.

Marjorie Mikels, spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital. She further stated the agreement was unclear who the land is being sold to and it is not in the public interest to sell park land.

Cynthia Tuell, spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital, due in part to the loss of mature trees, a parking lot where car clubs meet and once the park land is gone the residents will never get it back.

Brinda Sarathy, requested the council vote no on park election for the November ballot because she felt it the Validation Action should have null and voided the original contract, the terms of the contract favor the hospital and the responsibility of placing the item on the ballot should fall to the hospital.

Rick Hirsch, stated he is a physician in Upland and a resident and supports placing the sale of Memorial Park land to San Antonio Regional Hospital on the November ballot because the hospital needs to expand and it is important for the citizens to have the opportunity to vote on the item.

Andrew Behnke, stated that while he did not agree with the way the park land sale was originally presented, the item should be placed on the ballot for residents to vote on. He further stated that a first class medical facility is a benefit to the community.

Loren Sanchez, stated he is a longtime Upland resident, born at San Antonio hospital, and has utilized the park throughout his life. He stated the citizens of Upland should have the opportunity to decide the best use of land for the community and supports placing the issue on the November ballot.

Stephanie Padilla, requested the Council place the measure on the ballot so voters can choose for themselves how the land should be used.

Linda Trawnik, stated that Memorial Park was in need of improvements and it is important to place the item on the November ballot so the people of Upland have a voice in the matter.

Kris Gooding, spoke in opposition to the sale of Memorial Park land and requested the Council vote no on the issue.

Nancy Rios, former president of Upland National Little League, stated there needs to be a balance for everyone and the issue should be decided by the residents of Upland.

Eric Gavin, spoke in favor of placing the item on the ballot for citizens to vote on the issue.

Brigitte James, spoke in support of placing the issue on the November ballot so the residents could have the final vote. She further stated that Memorial Park has potential and has been underutilized.

Justin Kemp, spoke in support for San Antonio Regional Hospital acquiring the property and requested the issue be placed on the November ballot.

Gary Schwary, encouraged the Council to place the issue on the November ballot so the citizens of Upland could vote on the item. He further stated the hospital should pay the City for the cost of the election.

Shari Wasson, urged the council to vote no on the issue and stated the hospital should go through the initiative process if they would like the item placed on the ballot. She further stated the sale of park land did not follow the general plan policies and the park functions as important habitat for bird species and other animals.

Barbara McJoynt, spoke in opposition of the sale of park land and stated once it is gone residents cannot get it back.

Jeff LeBlanc, spoke in favor of the issue being placed on the November ballot and felt that doing things to improve the City and its services to the community is important.

Natasha Walton, stated that homelessness is not caused by the park and urged the Council to vote against placing the issue on the November ballot. She further stated the public notice regarding the hearing did not comply with government code and should have provided more information on the written protest procedures.

Irmalinda Osuna, stated opposition to the item being placed on the ballot without the hospital going through the initiative process. She further stated opposition to the sale of any park land.

Ian Gibson, stated that he grew up visiting Memorial Park and the issue should be placed on the November ballot so the residents can decide on the matter.

Glenn Bozar, spoke in opposition to the sale of Memorial Park Land to the San Antonio Regional Hospital.

Carol Clayton, stated she has been an employee of the hospital for 34 years, during that time she has seen the hospital grow, and work to provide quality care to community. She further stated support for placing the issue on the November ballot.

Franklin Johnson, physician and lifelong citizen of Upland, stated the hospital has been an institution in the City for over 110 years because of the support of the community and he supports placing the item on the November ballot for citizens to vote on.

Sarah Khan, physician, stated the issue needs to go on the November ballot and while the City has multiple ballparks in the community, it only one hospital.

Bhupal Kommineni, physician and resident, stated the hospital is not just a benefit to Upland, but to the entire community and spoke in support of the sale of Memorial Park land to the hospital.

Steve Bierbaum, stated he was opposed to the city taking the lead and approving the item going on the ballot; and felt San Antonio Regional Hospital

should go through the initiative process and collect signatures to place the item on the ballot.

Jim Thomas, stated the issued should be decided by a vote of the people and supports placing the item on the November ballot.

Cary Leach, proposed a compromise that would allow the field to remain intact and allow the hospital to build a parking structure.

Donna O'Neill, stated that both the park and the hospital service the community, but the hospital needs to expand to serve the community and she supports placing the issue on the November ballot.

Arel Bucalo, stated the City has grown and the hospital has expanded to serve the community and needs more space.

David Dang, physician at San Antonio Regional Hospital and Upland resident, spoke in support of placing the issue on the November ballot.

Susan Paul Scott, stated there was no comparison between the importance of the piece of property compared to lives that can be saved by the hospital and urged the Council to place the issue on the November ballot.

Suraj Rasania, physician at San Antonio Regional Hospital, stated she moved to Upland 3 years ago and has seen significant progress in the hospital during that short time from a cardiac standpoint and supports the item being placed on the November ballot.

Don Ahn, resident and cardiologist at San Antonio Regional Hospital, spoke in support of the sale of land to the hospital and stated the hospital provides excellent care to the community.

Linda Jacobo, spoke in support of the Council putting the issue to be on the ballot in November.

Jin Hwang, stated he supports the hospital's purchase of Memorial Park land and shared his experience with parking issues at the hospital and how stressful it is to patients and their family members.

Amy Valdivia, spoke about the care she and her family have received at the hospital, the importance of having access to high quality medical services and asked the Council to place the item on the November ballot.

Glen Wittry, resident and Director of support services at San Antonio Regional Hospital, spoke in support the item being placed on the November ballot.

Carl Schulz, resident and staff member at San Antonio Regional Hospital, encouraged the Council to put the issue before the voters and stated the hospital needs more space and parking.

Nan Wang, physician at San Antonio Regional Hospital, stated the hospital provided quality care to the community and is expanding, due to population growth. He spoke in support of the issue being on the November ballot.

Melinda Gonzalez, stated she raised her daughters in Upland and was not able to let them utilize Memorial Park because of safety issue. She further stated the hospital needs to expand and the Council should allow the citizens to vote on issue.

Mike Tracey, President of the SARH Foundation and Upland resident, spoke about utilizing Memorial Park when his children were growing up and also spoke about the hospital's need to expand. He further stated support for placing issue on the November ballot.

Ray Musser, spoke about his experiences receiving medical care at the hospital and about the hospital's expansion. He requested the citizens be given the opportunity to vote on the issue.

Lois Sicking Dieter, stated opposition to the sale of Memorial Park land to San Antonio Regional Hospital She further stated the public notice regarding the hearing did not comply with government code and should have provided more information on the written protest procedures and the CEQA study was no longer valid.

Ralph Cavallo, spoke in favor of placing the issue on the November ballot.

Thomas Pino, President of the Upland National Little League, stated the ball field on the land proposed for sale is not underutilized and he supports fixing the field, but not taking it away and stated he was opposed the sale of Memorial Park land.

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

There was discussion regarding the cost of the election, the amount of funds in the Park Acquisition and Development fund, the use of the ball field, the details of the agreement between the City and San Antonio Regional Hospital, and the proposed park renovations.

Motion by Mayor Stone, overrule any protests from the public, waive full reading, and introduce, pass, and adopt by title only Ordinance No. 1943, calling a special election on the park question on November 3, 2020. City Clerk Johnson then read the title of the Ordinance.

The motion was seconded by Councilmember Velto, and carried with Councilmember Elliott opposed.

13. COUNCIL COMMITTEE REPORTS

A. PUBLIC WORKS COMMITTEE MEETING, JULY 14, 2020

1) ACCEPTANCE OF RECOMMENDATION TO PROCEED WITH HISTORIC DOWNTOWN UPLAND STREETScape BEAUTIFICATION PROGRAM

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

There was discussion regarding the street signs, prevailing wage requirements, and the RFP process.

Motion by Councilmember Zuniga to accept the Development Services Department's recommendation to proceed with the Historic Downtown Streetscape Beautification Program, seconded by Councilmember Elliott, and carried unanimously.

14. BUSINESS ITEMS

A. LOCAL RECOVERY AND ESSENTIAL SERVICES SALES TAX MEASURE

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

There was discussion on the tax rate of surrounding cities, the financial impacts that the pandemic have had on businesses and residents, the City's pension obligation and loss of revenue due to the pandemic.

Motion by Councilmember Elliott to table the item and the motion was seconded by Mayor Stone.

No action was taken by the Council.

15. ORAL COMMUNICATION (items not on the agenda)

Larry Kapchinsky, President of Kid Care International food bank. Requested the Council reconsider the denial of their grant request for CAREs act funding and stated the food bank was struggling and may need to shut down.

Marianne Grossner, parent of two children, stated concern about how tax dollars are being used to litigate against families with children with special needs.

(name not provided) stated that Upland School district is more interested in hiring lawyers than teachers and her family has been victimized by law firms hired by the district.

Dana Kizlaitis, spoke about the "school pipeline to prison" and injustice in education.

Jessica Martinez, stated she has issues with children being sued by the school district and had to hire attorneys to defend her children's rights.

Stephanie Padilla, stated she is upset about the Police Department's social media posts and they should not post pictures of arrests of people struggling with poverty, drug, or mental health issues.

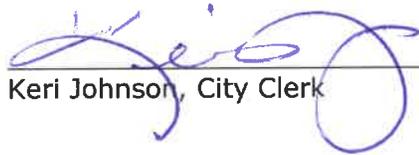
16. CITY MANAGER

City Manager Hoerning provided information on a small business grant program, shred event, and an update on the 2020 Census.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 1:28 a.m. on Tuesday, July 28, 2020. The next regularly scheduled City Council meeting is Monday, August 10, 2020.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

August 10, 2020
