

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
MARCH 23, 2020**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 7:02 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

City Manager Hoerning requested the addition of a Business Item due to a need for immediate action, after the posting of the agenda. The City Manager received a letter from the Friends of the Upland Animal Shelter requesting the City assist with emergency funding of shelter operations while their thrift stores, which are their main source of revenue, are shut down due to COVID-19 restrictions.

Motion by Councilmember Elliott to add to the agenda Item 14B, Animal Shelter Essential Services COVID-19 Temporary Emergency Funds, seconded by Councilmember Zuniga, and carried unanimously.

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

Steve Bierbaum, Upland, stated opposition to the approval of a City Manager employment agreement with Rosemary Hoerning. He further stated he had made multiple requests that an investigation be conducted regarding administrative issues.

Andy Peterson, Friends of the Upland Animal Shelter, stated that the animal shelter had lost needed revenue sources due to the requirement to shut down their thrift stores. He further requested that the City Council approve the request for emergency funding to continue shelter operations.

Lois Sicking Dieter, Upland, questioned the process for designating the proxy for the San Antonio Water Company annual meeting.

Brigitte James, stated that designating Councilmember Zuniga as the City's proxy for the San Antonio Water Company annual meeting was a conflict of interest and requested the City Council not take action on this item.

Marjorie Mikels, stated opposition to the approval of a City Manager employment agreement with Rosemary Hoerning. She further objected to the way meeting restrictions were being handled.

10. COUNCIL COMMUNICATIONS

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

Councilmember Elliott made a motion requesting that the City Council call a special meeting to consider policies pertaining to the COVID-19 emergency, seconded by Councilmember Velto, the motion failed with Mayor Stone and Councilmembers Felix and Zuniga opposed.

11. CONSENT CALENDAR

Councilmember Elliott removed Consent Calendar Item 11E and Councilmember Zuniga removed Consent Calendar Item 11G for separate action. Motion by Councilmember Felix to approve the remainder of the Consent Calendar, seconded by Councilmember Velto, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of March 9, 2020, the Regular Meeting Minutes of March 9, 2020, and the Special Meeting Minutes of March 13, 2020.

B. APPROVAL OF WARRANT AND PAYROLL REGISTERS

Approved the February Warrant Register and Direct Disbursements (check numbers 28839-29210) totaling \$3,446,620.27 and Payroll Registers totaling \$1,231,532.98 (check Numbers 161316-161338 and EFT's 19704-20465).

C. APPROVAL OF FINAL MAP TPM 20023 AND ACCEPTANCE OF SUBDIVISION AGREEMENT FOR PUBLIC AND PRIVATE IMPROVEMENT AND ENCROACHMENT LICENSE AGREEMENT BY ADC SAGE TH, LLC FOR TENTATIVE TRACT 20023

Approved Tract Map No. 20023 and accepted the subdivision improvement agreements with the corresponding performance bonds, labor and materials bonds, and the Encroachment License Agreement (ELA) with ADC Sage TTH, LLC; and authorized the City Manager to execute said agreements and authorized recordation of the Final Tract Map 20023 and ELA.

D. CAL-ID SERVICE AGREEMENT FOR FINGERPRINT PROCESSING AND IDENTIFICATION SERVICES

Approved a contract with the San Bernardino County Sheriff's Department to provide statewide fingerprint processing and identification services to the City; and authorized the City Manager to execute the contract.

F. CONSIDERATION OF A CONTRACT BY AND BETWEEN THE COUNTY OF SAN BERNARDINO AND THE CITY OF UPLAND TO ACCEPT FUNDING FOR DESIRED 2020 CENSUS OUTREACH ACTIVITIES

Approved a contract with the County of San Bernardino to provide the City of Upland an allocation of \$32,079 to fund desired 2020 Census outreach activities; and authorize the City Manager to execute the agreement.

H. CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO GRANT PROGRAM 2019-20

Adopted Resolution No. 6530 accepting the grant funds in the amount of \$39,960 from the State of California Department of Justice, Office of the Attorney General, Tobacco Law Enforcement Grant Program; and authorized the appropriation of \$36,960 to increase operations and education of California and Upland Municipal Code governing the use and sale of tobacco through overtime enforcement activity, and the purchase of photoelectric or vape detectors; and authorized the Police Chief to execute the Memorandum of Understanding.

ITEMS REMOVED FOR SEPARATE ACTION

E. PROXY FOR SAN ANTONIO WATER COMPANY

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

There was discussion regarding the role of the proxy and the items that would be on the agenda for the San Antonio Water Company annual meeting.

Motion by Councilmember Velto to appoint Councilmember Rudy Zuniga as proxy to vote all shares at the annual stockholder's meeting of the San Antonio Water Company, seconded by Mayor Stone, and carried unanimously.

G. REVIEW OF THE 2019 HOUSING ELEMENT ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE GENERAL PLAN HOUSING ELEMENT

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

Director Dalquest answered questions posed by the Council regarding the minimum housing requirements and steps the City can take encourage housing development.

Motion by Councilmember Elliott to direct staff to submit the 2019 Housing Element Annual Progress Report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development, seconded by Councilmember Zuniga, and carried unanimously.

12. PUBLIC HEARINGS None

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS

City Manager Hoerning left the Council Chamber at 7:49 p.m.

A. APPROVAL OF A CITY MANAGER EMPLOYMENT AGREEMENT WITH ROSEMARY HOERNING

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

There was discussion on compensation, benefits, and term of the agreement.

Motion by Councilmember Elliott to postpone approval of the City Manager's employment agreement until the Police Chief's contract had been renegotiated, there being no second, the motion failed.

Motion by Councilmember Felix to approve a City Manager employment agreement with Rosemary Hoerning, seconded by Mayor Stone, and carried with Councilmember Elliott opposed.

City Manager Hoerning returned to the Council Chamber at 8:00 p.m.

B. ANIMAL SHELTER ESSENTIAL SERVICES COVID-19 TEMPORARY EMERGENCY FUNDS

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

There was discussion regarding oversight of the expenditures, the need to continue to care for animals, and the potential for future reimbursement of funds from FEMA.

Motion by Councilmember Zuniga to authorize temporary emergency funds for the Friends of the Upland Animal Shelter to provide essential Animal Shelter Services due to emergency protective measures established for COVID-19 pandemic response; and authorize up to \$42,208 for estimated costs for the months of April and May, seconded by Councilmember Elliott, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda) (due to the local emergency concerning the COVID-19 virus public comment was also taken via telephone)

Barbara McJoynt, requested that the City Council postpone the special meeting scheduled for April 1, 2020 until restrictions on public gatherings were lifted.

Shannan Maust, suggested that the public utilize social media for information and connectivity to the community while there are restrictions on public gatherings.

Rebekah Trules, provided information on proper hygiene practices for businesses that are open to provide essential services.

Athena Tan, requested that the City Council enact a moratorium on evictions and to suspend rent and mortgage payments for the next six months for businesses and residents.

Lois Sicking Dieter, requested that the Special City Council meeting scheduled for April 1, 2020 be postponed until restrictions on public gatherings were lifted.

Karen May, requested the City Council adopt an emergency ordinance placing a moratorium on evictions.

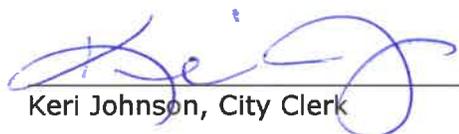
Steve Bierbaum, requested that the Special City Council meeting scheduled for April 1, 2020 be postponed for at least 30 days or until restrictions on public gatherings were lifted.

16. CITY MANAGER

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 8:34 p.m. The next regularly scheduled City Council meeting is Monday, April 13, 2020.

SUBMITTED BY


Keri Johnson, City Clerk

APPROVED

April 13, 2020