

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
MAY 11, 2020**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:04 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

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 (WORKER'S COMP CLAIMS)
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Claimant: Donna Stephenson
Agency: City of Upland

- B. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Yoakum v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-172-1778

- C. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Yoakum v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-181-7026

- D. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Simpson v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-180-9093

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

5. INVOCATION None

6. PLEDGE OF ALLEGIANCE Councilmember Felix

7. PRESENTATIONS None

8. CITY ATTORNEY

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

9. ORAL COMMUNICATIONS None

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

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

A. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of April 27, 2020.

B. APPROVAL OF APRIL WARRANT AND PAYROLL REGISTERS

Approved the April Warrant Registers (check numbers 29643-30117 and Direct Disbursements totaling \$6,725,973.79 and Payroll Registers totaling \$1,148,047.56 (check Numbers 161362-161378 and EFT's 20712-21210).

C. AMENDMENT OF THE POLICIES AND PROCEDURES RELATIVE TO THE ESTABLISHMENT AND OPERATION OF COMMISSIONS, COMMITTEES, BOARDS, AND AUTHORITIES APPOINTED TO ADVISE THE CITY COUNCIL

Adopted Resolution No. 6539 amending the policies and procedures relative to the establishment and operation of Commissions, Committees, Boards, and Authorities appointed to advise the City Council.

D. ACCEPTANCE OF AGREEMENTS FOR WATER QUALITY MANAGEMENT PLANS FOR VARIOUS PROJECT LOCATIONS

Approved the Covenant and Agreements Regarding Water Quality Management Plan and Storm Water Best Management Practices Transfer, Access, and Maintenance for Tract 20045 and Parcel Map 19562, accepted a \$10,000 cash security for each agreement and authorized recordation of said agreements.

E. APPROVAL OF AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT FOR BENEFIT BROKER SERVICES

Approved the amendment of the Professional Services Agreement for Benefit Broker services with Keenan and Associates; and authorized the City Manager to execute the agreement.

F. MODIFICATION TO EXISTING LIBRARY AGREEMENT

Received and filed information pertaining to modifications made to the existing library agreement due to its emergency closure as a result of the COVID-19 pandemic.

G. SALES TAX UPDATE

Received and filed sales tax projection information pertaining to the current fiscal year and FY 2020/21.

12. PUBLIC HEARINGS

A. FISCAL YEAR 2020-24 CONSOLIDATED PLAN AND FISCAL YEAR 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN

Development Services Director Dalquest introduced Rudy Munoz of LDM Associates, Inc. who presented the staff report along with a PowerPoint presentation, which is on file in the City Clerk's office.

Community Development Block Grant Committee Chair Hydee Hall presented the recommendations of the Committee.

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

Motion by Councilmember Felix to adopt Resolution No. 6540 approving the City of Upland Consolidated Plan for Fiscal Years 2020-24 and the One-Year Action Plan for Fiscal Year 2020-21; and, authorize the City Manager to execute any and all necessary and related documents to implement the FY 2020-21 Plan, seconded by Councilmember Velto, and carried unanimously.

B. CONSIDERATION OF AN ORDINANCE APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA 15-01 FOR THE ENCLAVE AT UPLAND SPECIFIC PLAN, EXTENDING THE TERM OF THE DEVELOPMENT AGREEMENT FROM JULY 27, 2020 TO JULY 27, 2021 FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF FOOTHILL BOULEVARD AND BOUNDED BY DEWEY WAY, 11TH STREET, AND WEST OF CENTRAL AVENUE FURTHER

DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 1007-051-02, 03, 04 AND 1007-041-05, 06, 07.

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

Adam Collier, Project Manager for the Lewis Group of Companies, provided an update on the progress of the Development Project.

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

There was the suggestion to extend the Development Agreement for a period of two years, until July 27, 2022.

Motion by Councilmember Elliott to hold first reading by title only, waive further reading, and introduce Ordinance No. 1940 of the City Council of the City of Upland approving and adopting an Amendment (File No. DA 20-0002) to Development Agreement No. DA 15-01 for The Enclave at Upland Specific Plan Project, between the City of Upland and Lewis Land Developers, LLC, extending the term of the Development Agreement from July 27, 2020, to July 27, 2021, for a 19-acre site located at on the south side of Foothill Boulevard, the north side of 11th Street, with Central Avenue to the east, and adjacent on Dewey Avenue to the west (Assessor's Parcel Numbers 1007-051-02, 03, 04 And 1007-041-05, 06, 07) with the following amendment; all references to July 27, 2021 are revised to July 27, 2022 and all references to a one (1) year extension are amended to a two (2) year extension. The motion was seconded by Councilmember Velto, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

A. FINANCE COMMITTEE MEETING, APRIL 22, 2020

Councilmember Elliott provided a recap of the meeting, which is on file in the City Clerk's Office. This was for information only and no action was required.

14. BUSINESS ITEMS

A. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 10.40 OF THE UPLAND MUNICIPAL CODE

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

Motion by Councilmember Elliott to hold first reading by title only, waive further reading, and introduce Ordinance No. 1941 of the City Council of the City of Upland amending Chapter 10.40 (stopping, standing, or parking restricted or prohibited on certain streets, publicly owned or operated off-street parking facilities, and in specified areas of city parks) of the Upland Municipal Code to incorporate state law provisions for enforcement of designated electric vehicle parking stalls or spaces exclusively for electric charging purposes, seconded by Councilmember Zuniga, and carried unanimously.

B. CONSIDERATION OF A RESOLUTION UPDATING THE PARKING CITATION BAIL SCHEDULE

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

Motion by Councilmember Felix to adopt Resolution No. 6541 amending the master fee schedule to update the parking citation bail schedule, seconded by Councilmember Velto, and carried unanimously.

C. CONSIDERATION OF A RESOLUTION UPDATING THE MASTER FEE SCHEDULE TO ESTABLISH ELECTRIC VEHICLE CHARGING STATION RATES

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

There was discussion on the charging rates and parking enforcement for users that are not charging the vehicle, but utilizing the spaces.

Motion by Councilmember Zuniga to adopt Resolution No. 6542 amending the master fee schedule to establish electric vehicle charging station rates, seconded by Councilmember Felix, and carried unanimously.

D. SOLID WASTE COLLECTION, PROCESSING AND DISPOSAL SERVICES

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

Mike Arreguin of Burrtec provided an overview of the services that are provided under the contract.

There was discussion on the street sweeping services and additional costs the City would incur by initiating the wind down period.

Motion by Councilmember Elliott to extend the solid waste service contract with Burrtec Waste Industries, Inc. by not initiating the process to commence the wind down period, seconded by Councilmember Velto, and carried unanimously.

E. CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 9.60 TO THE UPLAND MUNICIPAL CODE PROHIBITING SMOKING AND VAPING IN PUBLIC SPACES

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

Motion by Councilmember Elliott to postpone the item until Council meetings were open for public attendance, there being no second, the motion failed.

Motion by Councilmember Felix hold first reading by title only, waive further reading, and Ordinance No. 1942 adding Chapter 9.60 (Smoking and Vaping Prohibited in Public Spaces) to the Upland Municipal Code, seconded by Councilmember Zuniga, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Natasha Walton, spoke in opposition to an apartment project on Mesa Court and questioned when the item would come before the Council for review.

16. CITY MANAGER

Councilmember Felix announced that he would be resigning from the City Council effective May 31, 2020 as his family was provided an opportunity that would require them to relocate outside of the City.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 8:52 p.m. The next regularly scheduled City Council meeting is Tuesday, May 26, 2020.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

June 1, 2020
