

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
SEPTEMBER 14, 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 None

3. ORAL COMMUNICATIONS

Natasha Walton, requested that the Council consider using the 0.29 acre vacant lot as a pocket park instead of selling the property.

4. CLOSED SESSION

At 6:03 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: A 0.29-acre vacant lot located at the northwest corner of 9th Street and Bodenhamer Street, Upland, CA 91786; APN: 1046-493-31 & 321

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

Negotiating Parties: City of Upland and potential buyers

Under Negotiation: Price and terms

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

5. INVOCATION Bishop Silvestre-Zamora, Church of Jesus Christ of Latter-day Saints

6. PLEDGE OF ALLEGIANCE Ralph Cavallo

7. PRESENTATIONS

Upland Unified School District Superintendent Lynn Carmen Day introduced herself to the community and provided information on the UUSD 2020-21 school year.

Cary Leach and Yolanda Tuosto were recognized for their volunteer work during 2019.

Jennifer Shaw, SCE Government Relations Manager gave a presentation on Southern California Edison's Public Safety Power Shutoff Program.

8. CITY ATTORNEY

Interim City Attorney Flower announced there was no reportable action from Closed Session.

9. ORAL COMMUNICATIONS

Natasha Walton, stated support for the idea of a park in the downtown, but suggested that any decisions about the park should be delayed until after the election. She further questioned the use of Quimby funds to develop a park that is not on City owned land.

Brandon Lawler, Upland, stated that he has an accessory dwelling unit on his property that is used for short term rentals and requested the Council amend the Ordinance to permit existing units to continue to be used as short term rentals.

Cheri Lawler, Upland, stated concerns that the Short Term Rental Ordinance would prohibit the opportunity for flexible income for her family and requested that the Council amend the Ordinance to permit existing units to continue to be used as short term rentals.

Leo Diaz, stated he was looking for assistance with issues that he has had with the County Department of Behavioral Health.

Shannan Maust, spoke in support of the Council adopting a Resolution supporting the statewide Proposition 20.

Steve Bierbaum, Upland, spoke in support of the Council adopting a Resolution supporting the statewide Proposition 20 and the allocation of funds for the purchase of a vehicle for the homeless services coordinator. He further questioned the language in the amendment to the agreement with San Antonio Hospital; and requested the Council choose not to fill the City Treasurer vacancy.

Lois Sicking Dieter, requested the language in the amendment to the agreement with San Antonio Hospital be clarified, she also requested the Council choose not to fill the City Treasurer vacancy before the election; and questioned the legality of the use of Quimby funds for the proposed park in the downtown.

Greg Bradley, Upland, requested the Council choose not to fill the City Treasurer vacancy before the election.

Matthew Livingston, Glendale, stated he was with ADC Sage TH, LLC and was available to answer questions posed by the Council regarding the impact fee credit agreement and the design for the public park, he further provided some history on the project.

Alex Novikov, Upland, spoke in support of the proposed park project in the downtown and suggested the Council consider adding a playground and coffee house.

10. COUNCIL COMMUNICATIONS

Councilmembers commented on recent events and activities throughout the community.

Mayor Stone requested the City Manager provide the Council with an update on the downtown street closures.

11. CONSENT CALENDAR

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

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of August 10, 2020, the Regular Meeting Minutes of August 10, 2020, the Special Meeting Minutes of August 13, 2020, the Special Meeting Minutes of August 24, 2020, and the Special Meeting Minutes of August 26, 2020.

B. 2ND READING OF ORDINANCE 1944 ZONING CODE AMENDMENT NO. ZA-20-0003 TO AMEND TITLE 17 OF THE UPLAND MUNICIPAL CODE FOR THE ESTABLISHMENT OF NEW REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

Held second reading by number and title only, waived further reading, and adopted Ordinance No. 1944 amending Title 17 and Title 5 of the Upland Municipal Code in order to establish new regulations for Wireless Telecommunication Facilities.

D. APPROVAL OF AUGUST WARRANT AND PAYROLL REGISTERS

Approved the August Warrant Registers (check numbers 31366-31663 and Direct Disbursements totaling \$8,979,865.49 and Payroll Registers totaling \$1,297,756.63 (check Numbers 161583-161605 and EFT's 22854-23328).

E. TREASURY REPORTS JUNE AND JULY, 2020

Received and filed the June and July 2020 Treasury Reports.

F. BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE

Accepted notice that the Conflict of Interest Code for the City requires amendments.

G. CONSIDERATION OF A RESOLUTION IN SUPPORT OF PROPOSITION 20

Adopted Resolution No. 6566 supporting a qualified statewide measure entitled "Proposition 20: Restricts parole for non-violent offenders. Authorizes felony sentences for certain offenses currently treated as misdemeanors," also known as the Reducing Crime and Keeping California Safe Act of 2020.

H. HOMELESS SERVICES REALLOCATION OF FUNDS

Approved a budget adjustment to purchase a vehicle for the Homeless Coordinator with unspent funds budgeted for the homeless coordinator position for FY 19/20 and FY 20/21 in the Housing Fund.

I. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF UPLAND AND THE UPLAND UNIFIED SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER

Authorized the Police Chief to execute a Memorandum of Understanding with the Upland Unified School District to provide one (1) Upland Police Department School Resource Officer to the School District

J. ACCEPTANCE OF UNDERGROUNDING IN LIEU FEE REQUEST FOR CLAREMONT COLLEGES

Adopted Resolution No. 6567 approving an in-lieu fee in satisfaction of Condition No. 26 of TPM 18989, CUP 14-19 and SP 08-10 concerning the undergrounding of overhead utility lines for the Claremont Colleges East Campus Project located on the south west corner of Monte Vista Avenue and Foothill Blvd.

K. ACCEPTANCE OF UNDERGROUNDING IN LIEU FEE REQUEST FOR MESA COURT APARTMENTS

Adopted Resolution No. 6568 approving an in-lieu fee in satisfaction of Condition No. 30.22 of TPM 19435, Site Plan No. 19-02, Conditional Use Permit No. 19-05, and Design Review 19-02 concerning the undergrounding of overhead utility lines for the Mesa Court Apartments Project located on 790 East Mesa Court, east of Campus Ave. and south of Foothill Blvd.

L. ACCEPTANCE OF WORK FOR PROJECT NO. 9128, PUMP STATION DEMOLITION

Accepted the work; recorded the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for Warrantee purposes for the Pump Station Demolition Project.

ITEMS REMOVED FOR SEPARATE ACTION

C. 2ND READING OF ORDINANCE 1945 CHAPTER 17.23.1 TO THE UPLAND MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SHORT-TERM RENTALS IN THE RESIDENTIAL SINGLE-FAMILY (RS), RESIDENTIAL MULTI-FAMILY ZONES (RM) AND RESIDENTIAL SPECIFIC PLANS

Development Services Director Dalquest answered questions posed by the Council regarding grandfathering in existing accessory dwelling units on properties, the housing shortage, and state regulations on accessory dwelling units.

Motion by Councilmember Elliott to table the item.

There was discussion on the options to allow existing units to continue to be used as short term rentals.

Councilmember Elliott withdrew the motion to table the item.

Motion by Councilmember Velto to hold second reading by number and title only, waive further reading, and adopt Ordinance No. 1945 adding Chapter 17.23.1 (Short-Term Rentals) to the Upland Municipal Code to establish regulations for Short-Term Rentals in Residential Single-Family (RS) zones, Residential Multi-Family (RM) zones and residential specific plans which contain single-family detached and/or single-family attached (Townhomes) dwelling units seconded by Mayor Stone, and carried with Councilmember Zuniga opposed.

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

Interim City Attorney Flower answered questions posed by the Council regarding Section 2 of the agreement.

Motion by Councilmember Zuniga to approve a Second Amendment to the Purchase and Sale Agreement with San Antonio Regional Hospital regarding a 4.63-acre portion of Memorial Park, 1299 San Bernardino Road (portion of APN 1046-183-01), seconded by Councilmember Velto, and carried unanimously.

12. PUBLIC HEARINGS None

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS

- A. CONSIDER THE APPOINTMENT OF SOMEONE TO FILL THE CITY TREASURER VACANCY CREATED BY THE RESIGNATION OF LARRY KINLEY

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

Motion by Councilmember Zuniga to leave the City Treasurer position vacant until the November 3, 2020 General Municipal Election, seconded by Councilmember Velto, and carried unanimously.

- B. CONSIDERATION OF A PARK DEVELOPMENT IMPACT FEE CREDIT AGREEMENT WITH ADC SAGE TH, LLC. FOR THE DESIGN AND CONSTRUCTION OF A PUBLIC PARK FOR THE SAGE PARK PROJECT LOCATED ON THE EAST SIDE OF BODENHAMMER STREET, SOUTH OF 9TH STREET

Development Services Director Dalquest introduced Contract Planning Manager Poland who presented the staff report, along with a PowerPoint presentation, which is on file in the City Clerk's Office.

There was discussion on the location of the property, the maintenance of the park, and the development impact fees.

Motion by Councilmember Elliott to adopt Resolution No. 6569 approving a park development impact fee credit agreement with ADC Sage TH, LLC.; and

approving the cost estimate of \$381,645.69 and specifications for the Sage Park Project by ADC Sage TH, LLC; 2) approve the Sage Park Project Development Impact Fee Credit Agreement with ADC Sage TH, LLC, for the Sage Park Site and authorize the City Manager to execute the agreement; and, 3) require payment of \$95,818.31 pursuant to the Park Development Impact Fee Credit Agreement from ADC Sage TH, LLC, to be deposited in the City's Park Development Impact Fee Fund, seconded by Councilmember Velto, and carried unanimously.

C. CONSIDERATION TO PROVIDE DIRECTION TO PROCEED WITH THE DESIGN AND DEVELOPMENT OF A NEW URBAN PUBLIC SPACE IN THE DOWNTOWN ON 0.69 ACRE LOCATED BETWEEN SECOND AVENUE AND THIRD AVENUE, ADJACENT TO THE PACIFIC ELECTRIC TRAIL

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

There was discussion regarding the restrooms, possible design changes, budget estimates, and the use of Quimby funds for the park design and development.

Motion by Mayor Stone to direct staff to proceed with the design and development of a new urban public space in downtown on 0.69 acre, and appropriate and amend the Capital Improvement Program in the amount of \$300,000 from Park Development fund for design and construction of the project, seconded by Councilmember Zuniga, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Brian Reisinger of West Valley Mosquito and Vector Control District provided an update on West Nile Virus cases in the area and provided information and how to reduce mosquitos near residences.

Chad Keel, Wrightwood, spoke in support of Measure U to repeal the special tax associated with Fire Protection Service Zone Five.

Natalie Zuk, Twentynine Palms, spoke in support of Measure U and Measure K and in opposition of Measure J.

James Breitling, Upland, provided an update on the 2020 Census and reminded residents of the deadline to respond to the Census.

Tommy Brooks, Upland, spoke in opposition of Measure Q and stated that there are children who still utilize the park.

Natasha Walton, Upland, spoke in opposition of Measure Q.

16. CITY MANAGER

City Manager Hoerning provided an update from the September 2, 2020 City Council Advisory Committee meeting and announced the upcoming Candidates' Forum.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 10:32 p.m. The next regularly scheduled City Council meeting is Monday, September 28, 2020.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

September 28, 2020
