

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
AUGUST 12, 2019**

**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, City Attorney James L. Markman, and City Clerk Keri Johnson

**2. ADDITIONS/DELETIONS TO AGENDA** None

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION** None

**5. INVOCATION** Pastor Randy Gardner, Purpose Church

**6. PLEDGE OF ALLEGIANCE** Councilmember Felix

**7. PRESENTATIONS**

Police Chief Goodman presented a badge to Police Captain Cliff Mathews.

Certificates were presented to the winners of the City "Picture it Upland" photo contest.

**8. CITY ATTORNEY**

City Attorney Markman announced there was nothing to report.

**9. ORAL COMMUNICATIONS**

A number of individuals spoke in support of the approval of the Upland Animal Care and Adoption Services Agreement with Friends of the Upland Animal Shelter, citing positive experiences adopting pets from the shelter, community support, quality of the services provided and the Friends commitment to caring for the animals. The following spoke:

Krupali Tejura  
Carrie Eskay, San Antonio Heights  
Jennifer Ashley, Upland  
Karen Hermann, Upland  
Yvette Schoble, Upland  
Alice Chow, Grand Terrace  
Kathryn Di Stefano, Upland

Shelley Foglesong, Upland  
Mike Nunez, Upland  
Andy Peterson  
Christopher Jackson, Duarte  
Brenda Sieger  
Steve Bierbaum

Brigitte James, stated concerns about the Friends of the Upland Animal Shelter operating the adoption services and provided information about her experiences while fostering animals through the Friends.

Natasha Walton, thanked the staff for their work on the Memorial Park plan; and stated concerns regarding the potential sale of Memorial Park land, CEQA exemptions, and how these items could affect the receipt of grant funds.

Lois Sicking Dieter, questioned San Antonio Regional Hospital's interest in donating a walking trail in the park and suggested the hospital be required to advertise the potential sale of park land before any election for the sale of land.

Dede Ramella, stated support for term limits for City commissions, committees and boards; and felt that term limits were intended to limit power of individuals.

David Wade, stated support for term limits for City commissions, committees and boards and stated that he was withdrawing his application for the Planning Commission until there was representatives from the southern districts in Upland on the Commission.

Gary Schwary, Upland, stated when his term expires in 2021 he will have served on the Commission for 19 years and he is proud to have served the City; and requested the Council allow the Planning Commissioners to decide the Chairperson for the Planning Commission.

#### **10. COUNCIL COMMUNICATIONS**

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

#### **11. CONSENT CALENDAR**

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

##### **A. APPROVAL OF WARRANT AND PAYROLL REGISTERS JULY 2019**

Approved the July Warrant Registers and Direct Disbursements (check numbers 26000-26489) totaling \$17,309,829.63 and Payroll Registers totaling \$1,359,116.28 (check Numbers 160763-160799 and EFTs 15744-16234).

##### **B. APPROVAL OF MINUTES**

Approved the Special Workshop Minutes of July 20, 2019 and the Regular Meeting Minutes of July 22, 2019.

##### **E. AMENDMENT TO THE MUTUAL AID AGREEMENT WITH THE INLAND EMPIRE UTILITY AGENCY AND ITS MEMBER AGENCIES**

Authorized the Interim City Manager to execute an Amendment to the Mutual Aid Agreement with the Inland Empire Utility Agency and its member agencies to update the contact information for the sanitary sewage overflow response program.

F. CITY VEHICLE FUEL PURCHASE AGREEMENT WITH MERIT OIL COMPANY

Approved an agreement between the City and Nuckles Oil Co. Inc. (DBA Merit Oil Co) for gasoline and diesel fuel purchases between July 1, 2019 to June 30, 2022; and authorized the Interim City Manager to execute the agreement.

G. TREASURER'S REPORT JUNE 2019

Received and filed the June 2019 Treasurer's Report.

H. ACCEPTANCE OF PUBLIC IMPROVEMENT FOR PARCEL MAP 17943

Accepted the public improvements for Parcel Map 17943, and released the bonds for this project.

I. ACCEPTANCE OF WORK FOR CITYWIDE SLURRY SEALS 2017/2018

Accepted the work; recorded the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for the Citywide Slurry Seals 2017/2018 Project.

K. 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

Adopted Resolution No. 6505 authorizing the levy of a 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 (Maintenance Services) for Fiscal Year 2019/20.

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

Authorized the City Manager, or her designee, 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.

ITEMS REMOVED FOR SEPARATE ACTION

C. APPOINTMENT AND REAPPOINTMENT TO THE PLANNING COMMISSION

Council requested to vote separately on the appointments.

There was discussion regarding term limits and the selection process.

Motion by Councilmember Elliott to ratify the Mayor's reappointment of Shelly Verrinder (4/5ths vote required), term expiring June 2023, and seconded by Mayor Stone. The motion failed with Mayor Stone voting yes, Councilmembers Elliott, Felix and Zuniga voting no, and Councilmember Velto abstaining.

Motion by Councilmember Felix to ratify the Mayor's appointment of Candice Moffitt to the Planning Commission, term expiring June 2023, and seconded by Mayor Stone. The motion failed with Mayor Stone and Councilmember Felix voting yes and Councilmembers Elliott, Velto, and Zuniga voting no.

The Mayor directed staff to open the recruitment process for the Planning Commission positions and to schedule another round of interviews.

**D. EXTENSION OF PLANNING COMMISSION CHAIRPERSON'S TERM BEYOND FOUR CONSECUTIVE TERMS**

There was discussion regarding term limits and Mr. Schwary's service on the Planning Commission,

Motion by Councilmember Elliott to consider allowing the term of Planning Commission Chairperson Gary Schwary to extend more than four consecutive terms, seconded by Velto. The motion failed with Mayor Stone and Councilmember Velto voting yes and Councilmembers Elliott, Felix and Zuniga voting no.

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

There was discussion regarding district based appointments to committees, commissions, and boards and changes to the meeting schedule.

Council requested that additional revisions to the Resolution be brought back to Council at a later date.

Motion by Councilmember Zuniga to adopt Resolution No. 6504 amending the policies and procedures relative to the establishment and operation of Commissions, Committees, Boards, and Authorities appointed to advise the City Council, seconded by Councilmember Velto, and carried unanimously.

**12. PUBLIC HEARINGS**

**A. ANNUAL WEED ABATEMENT PROGRAM - ACCEPTANCE OF YEAR END REPORT AND ASSESSMENTS**

Weed Abatement Coordinator Bloomfield presented the staff report, which is on file in the City Clerk's office.

Mayor Stone opened the public hearing.

Hong Zhou, Upland, stated that he received a notice from Code Enforcement and Weed Abatement regarding the same issue. He further stated the violation had been resolved and requested the City Council waive the \$72.00 assessment.

Seth Gudmunson, Upland, stated that he received a bill for \$810.00 for weed abatement on his vacant property, but that he had not received any notices

prior to the abatement. He further stated that he felt the price was inflated and requested that Council waive the assessment.

Joe Villalobos, Upland, stated the he rents the house from the property owner and he has been in the process of cleaning up the property; and requested that the City Council waive the assessment of \$72.00.

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

There was discussion on the yearly abatements process and the procedures for contacting the property owners.

There was the suggestion to put notices on each property with violations.

Development Services Manager Chavez answered questions from the Council regarding the notification process.

Motion by Mayor Stone to accept the itemized cost report for all weed abatement assessments and authorize placement on the San Bernardino County property tax rolls, seconded by Councilmember Elliott, and carried unanimously.

### **13. COUNCIL COMMITTEE REPORTS**

#### **A. SPECIAL INVESTMENTS COMMITTEE MEETING, JULY 24, 2019**

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. AWARD OF ANIMAL CARE AND ADOPTION SERVICES AGREEMENT**

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

There was discussion on the term of the contract and the services the Friends of the Upland Animal Shelter provide.

Motion by Councilmember Elliott to approve the Upland Animal Care and Adoption Services Agreement with Friends of the Upland Animal Shelter non-profit organization.

Councilmember Felix made an amended motion to remove the second sentence of Section 1 of the contract regarding the City Manager approval of contract extension. There being no second the amended motion failed.

Councilmember Elliott's motion to approve the Upland Animal Care and Adoption Services Agreement with Friends of the Upland Animal Shelter non-profit organization, was seconded by Councilmember Velto, and carried unanimously.

**B. PRESENTATION OF CONCEPTUAL MASTER PLAN FOR MEMORIAL PARK AND COMPLETED PROPOSITION 68 GRANT**

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

This item was for receive and file only, no action was necessary.

**B. GIS SOFTWARE AND PROFESSIONAL SERVICES FOR STORM DRAIN AND SEWER FACILITY INFORMATION**

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

Motion by Mayor Stone to approve a Professional Services Agreement with Nobel Systems to purchase the Nobel GeoViewer software and implement a data conversion of the City's sewer and storm drain facility improvement drawings and facility information; and authorize the Interim City Manager to execute the agreement, seconded by Councilmember Felix, and carried unanimously.

**15. ORAL COMMUNICATION (items not on the agenda)**

Jim Thomas, Upland, announced the date of the Lion's Club Fish Bake and provided information on the organization's activities.

Erica Spencer, Upland, stated concerns about government and police organizations spying on her.

Shannan Maust, Upland, thanked the Upland Police Department, Council, and Staff for participating in National Night Out; she also stated pride for the community.

David Wade, thanked the Council for their deliberations and stated it was time to appoint new members to committees.

Miguel Nunez, stated concerns over a potential residential development in his neighborhood and requested the City bring in more businesses.

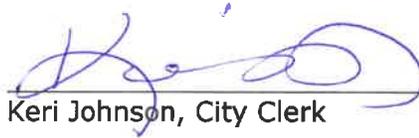
**16. CITY MANAGER**

Interim City Manager Hoerning announced upcoming City sponsored workshops.

**17. ADJOURNMENT**

At 10:40 p.m., Mayor Stone adjourned the meeting in memory of Hope Musser, long time resident of Upland. The August 26, 2019 City Council meeting will be cancelled. The next regularly scheduled City Council meeting is Monday, September 9, 2019.

**SUBMITTED BY**



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Keri Johnson, City Clerk

**APPROVED**

September 9, 2019

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