

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
DECEMBER 9, 2019**

**OPENING**

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 7:00 p.m. in the Council Chamber of the Upland City Hall.

**1. ROLL CALL**

Present: Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, and Rudy Zuniga

Absent: Councilmember Bill Velto

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

**2. ADDITIONS/DELETIONS TO AGENDA**

City Clerk Johnson announced that Items 11K and 11Q would be removed from the agenda.

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION** None

**5. INVOCATION** Alfredo Silvestre, Church of Jesus Christ of Latter-day Saints, Upland 4th Ward

**6. PLEDGE OF ALLEGIANCE** Mayor Stone

**7. PRESENTATIONS**

Assistant Chief Jeff Birchfield introduced San Bernardino County Fire Chief Dan Munsey.

Assistant Fire Chief Birchfield gave an informational presentation on the completed restoration of the historic fire engine.

Miranda Mulhall of San Bernardino County Fire Department gave a demonstration of Auto Pulse CPR Device.

**8. CITY ATTORNEY**

Interim City Attorney Flower announced there was nothing to report.

**9. ORAL COMMUNICATIONS**

Kati Parker, Upland, spoke in support of the approval of the Mills Act contracts for historic homes.

Marjorie Mikels, Upland, requested the City Treasurer provide the Treasury Report and further stated that parks are a valuable resource and should be protected.

**10. COUNCIL COMMUNICATIONS**

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

**11. CONSENT CALENDAR**

Mayor Stone removed Consent Calendar Items 11D and 11E and Councilmember Zuniga removed Consent Calendar Items 11F and 11J for separate action. Motion by Councilmember Felix to approve the remainder of the Consent Calendar, seconded by Councilmember Elliott, and carried with Councilmember Velto absent.

**A. APPROVAL OF MINUTES**

Approved the Special Meeting Minutes of November 25, 2019 and the Regular Meeting Minutes of November 25, 2019.

**B. APPROVAL OF WARRANT AND PAYROLL REGISTERS NOVEMBER, 2019**

Approved the November Warrant Registers and Direct Disbursements (check numbers 27737-28105) totaling \$5,125,035.07 and Payroll Registers totaling \$1,338,394.82 (check Numbers 161053-161077 and EFTs 17946-18449).

**C. TREASURY REPORT OCTOBER 2019**

Received and filed the October 2019 Treasury Report.

**G. 800 MHz RADIO SYSTEM ACCESS AND MAINTENANCE CONTRACT**

Approved a contract with the County of San Bernardino to provide access and maintenance for the City of Upland 800 MHz radios effective July 1, 2019 to June 30, 2023; and authorized the Interim City Manager to execute the agreement.

**H. CONSIDERATION OF A RESOLUTION TO PERMANENTLY CANCEL THE LAST REGULAR MEETINGS IN AUGUST AND DECEMBER OF THE CITY COUNCIL**

Adopted Resolution No. 6520 to rescind Resolution No. 6378 and permanently cancel the last regular meetings in August and December of the City Council.

**I. 2019 MILLS ACT CONTRACTS FOR SEVEN HISTORIC PROPERTIES**

Approved the Mills Act contracts for seven historic properties and authorized the Interim City Manager to execute the documents, subject to review and approval of the Mills Act contracts by the City Attorney.

**K. APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY REPAIRS PROGRAM GUIDELINES/POLICIES MODIFICATIONS**

This item was removed from the agenda.

- L. ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN BRAVEPARK PROPERTY, LLC, KB HOME, INC., AND THE CITY OF UPLAND, PERTAINING TO PORTIONS OF PLANNING AREA 3 OF THE SYCAMORE HILLS SPECIFIC PLAN, LOCATED NORTH OF BASELINE ROAD, SOUTH OF THE 1-210 FREEWAY AND WEST OF THE MOUNTAIN SHADOWS HOUSING DEVELOPMENT.

Approved the Assignment and Assumption Agreement by and between Bravepark Property, LLC, a Delaware limited liability company, KB Home Coastal, Inc, a California corporation, and the City of Upland, pertaining to Planning Area 3 of the Sycamore Hills Specific Plan.

- M. ACCEPTANCE OF STREET RIGHT OF WAY DEDICATION AND ONSITE UTILITY AND ACCESS EASEMENTS FROM THE RANCHO MONTE VISTA ANNEX, LLC LOCATED AT 365 NORTH CENTRAL AVENUE

Accepted the Offer of Dedication in Fee and dedication of onsite utility and access easements from RMV Annex, LLC and authorized the recordation of the documents.

- N. ACCEPTANCE OF PUBLIC IMPROVEMENTS AT BENSON AVENUE AND 13TH STREET AND SECURITY REDUCTION (1301 BENSON AVENUE)

Accepted the sewer and street intersection restoration work and authorized the Interim City Manager to release the cash security posted for the project and further authorized the Interim City Manager to accept a substitute guaranty bond of twenty five percent (25%) and Labor and Materials bond of fifty percent (50%)

- O. APPROVAL OF FINAL TRACT MAP 20151 FOR A CONDOMINIUM DEVELOPMENT LOCATED ON THE NORTHSIDE OF FOOTHILL BOULEVARD APPROXIMATELY 365 FEET EAST OF BENSON AVENUE AND ACCEPTANCE OF SUBDIVISION AGREEMENTS WITH GFR HOMES

Approved the Final Tract Map 20151 for 20151, LLC (a.k.a. GFR Homes), and authorized the Interim City Manager to execute the Subdivision Improvement Agreements, both public and private improvements, and an Encroachment License Agreement with GFR Homes; and accepted the faithful performance and labor and materials security bonds for both public and private improvements and authorized recordation of the Final Tract Map 20151 and Encroachment License Agreement.

- P. AMEND THE COMPENSATION PLAN FOR PART-TIME EMPLOYEES

Adopted Resolution No. 6521 amending the Compensation Plan for Part-Time Employees to comply with California Minimum Wage Law.

- Q. CONSIDERATION OF AN ENCROACHMENT LICENSE AGREEMENT FOR THE INSTALLATION OF AN ELECTRONIC CHANGEABLE-COPY SIGN FOR UPLAND HIGH SCHOOL LOCATED WITHIN THE CITY RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF FOOTHILL BOULEVARD AND SAN ANTONIO AVENUE

This item was removed from the agenda.

ITEMS REMOVED FOR SEPARATE ACTION

D. SCHEDULED VACANCIES FOR COMMISSIONS, COMMITTEES, AND BOARDS FOR CALENDAR YEAR 2020

City Clerk Johnson answered questions posed by the Council regarding the upcoming scheduled vacancies and the application process for commissions, committees, and boards.

Motion by Mayor Stone to accept and file the Local Appointments List for all City commissions, committees, and boards for calendar year 2020, and direct the City Clerk to post the list, seconded by Councilmember Zuniga, and carried with Councilmember Velto absent.

E. APPOINTMENT OF MAYOR PRO TEM

There was discussion regarding the rotation of the Mayor Pro Tem.

Motion by Mayor Stone to ratify the appointment of Councilmember Ricky Felix as Mayor Pro Tem, term to expire in December 2020, seconded by Councilmember Zuniga, and carried with Councilmember Velto absent.

F. RESIGNATION OF CITY COUNCIL ADVISORY COMMITTEE MEMBER

The Council thanked Mr. Bierbaum for his service.

Motion by Councilmember Zuniga to accept the resignation from City Council Advisory Committee Member Steve Bierbaum and instruct the City Clerk to post the vacancy pursuant to Government Code Section 54974, seconded by Councilmember Elliott, and carried with Councilmember Velto absent.

J. WATER RATE ADJUSTMENT - STATUS UPDATE

There was discussion on the time frame for the water rate study and when the report would be ready for Council review.

Motion by Councilmember Zuniga to defer the water rate increase scheduled for January 1, 2020 until the water rate check-in study is completed, seconded by Mayor Stone, and carried with Councilmember Velto absent.

**12. PUBLIC HEARINGS** None

**13. COUNCIL COMMITTEE REPORTS**

A. SPECIAL PUBLIC WORKS COMMITTEE MEETING, NOVEMBER 26, 2019

1) SOLID WASTE RATE ADJUSTMENT

Councilmember Felix provided a recap of the meeting.

Interim City Manager Hoerning presented information on the solid waste rate study, and then introduced Rose Radford with R3 Consultants who

provided a PowerPoint presentation along with more detailed information regarding the study.

There was discussion on the need to educate the public on reducing waste and recycling, and the catch up fee.

Mike Arreguin, Vice President of Burrtec Waste Industries answered questions posed by the Council regarding the proposed rate increase.

Motion by Councilmember Elliott to direct staff to proceed forward with the Proposition 218 public notification processes to consider solid waste rate adjustments, seconded by Councilmember Felix, and carried with Councilmember Velto absent.

**B. ECONOMIC DEVELOPMENT COMMITTEE MEETING, DECEMBER 2, 2019**

Councilmember Felix 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. ADMINISTRATIVE SERVICES DEPARTMENT STAFFING LEVELS**

Acting Administrative Services Director Bock-Helms presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the use of consultants to temporarily fill vacancies, the additional funding required for a full time position, and the current staffing level of the Human Resources Department.

The Council chose to table this item for future consideration and no action was taken.

**B. POTENTIAL ORDINANCE PROHIBITING SMOKING AND VAPING ON PUBLIC PROPERTIES (CITY GROUNDS AND PARKS)**

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

There was discussion on state prohibitions on smoking, the potential health hazards of second hand smoke/vape, and whether the City should have stricter prohibitions in place.

Motion by Councilmember Felix to direct staff to bring back an ordinance creating a local vaping prohibition where state law prohibits smoking in public places, seconded by Councilmember Elliott, and carried with Councilmember Velto absent.

**C. AWARD OF BID FOR PROJECT NO. 7070 AND 7079, CITYWIDE CONCRETE MAINTENANCE PROJECT (BID NO. 2019-04)**

Public Works Operations Manager Smiderle presented the staff report, which is on file in the City Clerk's Office.

There was discussion on damage to sidewalks caused by trees and City policies regarding trees and sidewalk issues. The Council requested that the City tree policy be brought back to Council in the future for discussion.

Motion by Councilmember Felix, to award Project No. 7070 & 7079, Citywide Concrete Maintenance Contract for an initial three year contract beginning January 1, 2020 to D.M. Contracting Inc., in the amount of \$ 484,550.00, and approve a construction contingency of \$75,450.00, for a total amount of \$560,000.00, seconded by Councilmember Zuniga, and carried with Councilmember Velto absent.

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

Natasha Walton, Upland, spoke regarding the importance of trees in the community and further spoke in opposition of an electronic sign at Upland High School.

Lois Sicking Dieter, Upland, spoke regarding the importance of trees in the community and further spoke in opposition of an electronic sign at Upland High School.

Marjorie Mikels, Upland, stated opposition to the sale of park land.

Alfredo Silvestre, Upland, questioned whether the City would consider lowering water rates since the City is no longer in drought conditions.

**16. CITY MANAGER**

**17. ADJOURNMENT**

Mayor Stone adjourned the meeting at 9:19 p.m. The next regularly scheduled City Council meeting is Monday, January 13, 2020.

**SUBMITTED BY**



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Keri Johnson, City Clerk

**APPROVED**

January 13, 2020

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