

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
JANUARY 28, 2019**

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, Ricky Felix, Bill Velto, and Rudy Zuniga

Staff: City Manager Jeannette Vagnozzi, City Attorney James L. Markman, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

Vince Van Hook, Rancho Cucamonga, stated support for a tax sharing agreement with Ford of Upland.

John Engelhardt, Upland, spoke regarding the construction and timeline of the Ford of Upland property in the Colonies and requested the City Council consider extending the tax sharing agreement.

Mark Bertone, Upland, spoke regarding project costs and requested the City Council extend the tax sharing agreement.

Steve Bierbaum, Upland, questioned the reasons for discussing the Ford of Upland agreement in closed session.

4. CLOSED SESSION

City Attorney Markman stated that the anticipated litigation in Item 4A is with Dry Dock and Depot, Inc. regarding back rents.

At 6:12 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. GOVERNMENT CODE SECTION 54956.9 - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (POTENTIAL ACTION TO APPROVE AGREEMENT)

Significant exposure to litigation pursuant paragraph 2 of subdivision (d) of Section 54956.9: 1 Potential Case

B. GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: APN 0201-201-36

Agency Negotiators: City Manager Vagnozzi

Negotiating Parties: City of Upland and Ford of Upland

Under Negotiation: Price and terms

C. GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

The City Council reconvened in open session at 7:03 p.m.

5. INVOCATION Deacon Richard Simpson, St. Anthony's Catholic Church

6. PLEDGE OF ALLEGIANCE City Attorney Markman

7. PRESENTATIONS

City Clerk Johnson administered the Oath of Office to Councilmember Bill Velto.

Police Chief Goodman introduced the Police Impact Team, Special Investigation Unit, and Luna the Community Service dog.

Certificates of completion were presented to the Upland Community Emergency Response Team (CERT) graduates.

8. CITY ATTORNEY

City Attorney Markman announced that the City Council took action on the following during Closed Session: Item 4A, the City Council voted unanimously to approve a settlement agreement between the City and Dry Dock and Depot, Inc. related to a rent dispute.

9. ORAL COMMUNICATIONS

John Ickis, Upland, stated that he looked forward to serving on the City's Street Tree Advisory Committee.

Lisa Turnbow, Upland City Employees Association, encouraged the Council to modify the purchasing policy.

Gabe Garcia, Upland Police Officer's Association, stated the association was discouraged by contract negotiations and hoped the Council would be involved in the negotiations.

Robert C. Velto, congratulated the Council on doing their due diligence to appoint the right person to fill the City Council vacancy.

Steve Morris, Upland, stated opposition to some of the committee appointments.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community.

11. CONSENT CALENDAR

Mayor Stone removed Consent Calendar Item 11D, and Councilmember Felix removed Consent Calendar Item 11B for separate action. Motion by Councilmember Elliott to

approve the remainder of the Consent Calendar, seconded by Councilmember Felix, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of January 14, 2019 and the Special Meeting Minutes of January 16, 2019.

C. MAYORAL APPOINTMENTS FOR 2019

Ratified the Mayoral Appointments for 2019, appointing Council Members and City Representatives to City Council committees and various City and regional committees.

E. APPROVAL OF TRACT MAP 20117 BY WATT COMMUNITIES HIGHLINE, LLC (GENERALLY LOCATED AT THE NORTHEAST CORNER OF CAMPUS AVENUE AND COLONIES PARKWAY)

Approved Final Tract Map 20117 and authorized the City Manager to execute the Subdivision Improvement Agreements with Watt Communities Highline, LLC; accepted the Faithful Performance Bond in the amount of \$252,000 and Labor and Materials Bond in the amount of \$126,000; and authorized recordation of the Final Map.

F. APPROVAL OF PARCEL MAP 19975 FOR BRAVEPARK COMMERCIAL PROPERTY (GENERALLY LOCATED NORTH OF BASELINE ROAD AND SOUTHEAST OF THE 210 FREEWAY)

Authorized the City Manager to approve the Parcel Map 19975 for recordation.

G. ACCEPTANCE OF WORK FOR PROJECT NO. 7068, CITYWIDE STRIPING REPLACEMENT 2017-2018

Accepted the work; authorized the recordation the Notice of Completion; and, reduced the Faithful Performance Bond to 10% for Project No. 7068, Citywide Striping Replacement 2017-2018.

H. EMERGENCY PURCHASE AND INSTALLATION OF EQUIPMENT AND PROFESSIONAL SERVICES FOR WATER SYSTEM IMPROVEMENTS

Received and filed the status update.

I. DECLARATION OF VACANCY ON THE PLANNING COMMISSION

Accepted the resignation from Planning Commissioner Bill Velto and instructed the City Clerk to post the vacancy pursuant to Government Code Section 54974.

J. DISPOSAL OF SURPLUS EQUIPMENT

Declared the items included on the attached list as surplus, and authorized the City Manager to initiate disposal of the surplus equipment.

ITEMS REMOVED FOR SEPARATE ACTION

B. ANNUAL WEED ABATEMENT PROGRAM

Weed Abatement Coordinator Bloomfield answered Council's questions regarding the timeline for inspections and noticing to property owners.

Motion by Councilmember Felix to adopt Resolution No. 6480 declaring certain weeds, rubbish, refuse and dirt in the public right-of-way and private property within the city to be public nuisances and provide for the abatement thereof; authorize the mailing of notices to all persons where such nuisances exist; and set a public hearing date for June 10, 2019, seconded by Councilmember Zuniga, and carried unanimously.

D. APPOINTMENTS TO COMMITTEES

There was discussion on the Councilmembers' appointees for various committees.

Motion by Councilmember Elliott to ratify the appointments of Mark Bertone and Mark Smith to the Building Appeals Board; Steve Bierbaum, Roger Evans, Shannan Maust, and Brinda Sarathy to the City Council Advisory Committee; Robin Aspinall, Carlos Garcia, Rebecca Monk, and Lisa Nicely to the Community Development Block Grant Committee; Craig Anderson, Paul Bird, John Ickis, and Brigitte James to the Street Tree Advisory Committee; and James Beechin, Mark Bertone, and Mark Walters to the Traffic Safety Advisory Committee, seconded by Councilmember Velto, and carried with Mayor Stone opposed.

12. PUBLIC HEARINGS

At 7:49 p.m. City Attorney Markman announced that Mayor Stone and Councilmember Zuniga would abstain from Item 12A because they both own businesses located within the Parking and Business Improvement Area.

Mayor Stone and Councilmember Zuniga then left the Council Chamber.

A. CONTINUED PUBLIC HEARING - ORDINANCE AMENDING SECTION 5.04.470 OF TITLE 5 OF THE UPLAND MUNICIPAL CODE PERTAINING TO THE RATE OF LEVY FOR THE PARKING AND BUSINESS IMPROVEMENT AREA

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

There was discussion on the public workshop conducted by staff, the purpose of the PBIA funds, the amount of funds collected annually, the proposed parking lot improvements at 1st and A Street, and the disbursement of funds.

Mayor Pro Tem Elliott opened the public hearing.

Ron Stark, Upland, stated that he is a business owner in the downtown and felt that if the fund would not be used to promote businesses in the downtown then it should be dissolved. He stated that he would like to work with the City to

find ways to restructure a memorandum of understanding and to improve infrastructure in the downtown.

Jolene Houser, Upland, stated that the funds should only be used for special benefits for the area and she has been involved in meetings with the City over the past years and questioned why the City never signed a memorandum of understanding with the Historic Downtown. She further stated that she was opposed to stopping the PBIA tax, but the funds should be used to promote downtown businesses.

Ray Podesta, Upland, stated that he is a business and property owner in the PBIA area. He requested that the City continue to collect the PBIA funds and forward the funds to the downtown merchants to promote their businesses.

Tammy Rapp, Upland, stated that merchants have not been able to use the funds to promote their businesses and suggested ending the tax and letting the merchants form their own association to collect funds and promote the downtown.

Marjorie Musser Mikels, Upland, stated the City has no right to collect the funds without giving the merchants the opportunity to say how the funds should be spent. She further stated that the City has not disbursed funds to the merchants in seven years.

David Moore, Upland, stated that the PBIA has been treated like a PBID. He further stated that the Historic Downtown Upland association was promised 95% of the funds if it was spent according the rules of the PBIA and referred to the memorandum of understanding that was never executed. He suggested the tax be continued and a committee be formed to work on issues related to the PBIA.

Tyler Smith, Upland, stated that the funds collected should be utilized for promoting businesses and requested that the tax be continued for at least a year to provide the opportunity for the downtown merchants to form their own organization. He further stated that the parking lot at 1st and A Street is underutilized and would benefit the proposed apartments in the area more than the businesses in the downtown.

Linda Trawnik, Upland, stated that there was not a consensus among the merchants that attended the workshop and requested that all who pay the PBIA fee be given the opportunity to vote on this matter.

David Wade, Upland, stated that the funds collected needed to be used to the benefit of the merchants.

Eric Gavin, Upland, stated that the funds don't belong to the merchants, taxes don't belong to the taxpayer. He suggested that the merchants form their own association to collect and disburse the funds.

There being no other speakers, Mayor Pro Tem Elliott closed the public hearing.

There was discussion regarding the previous drafts of a memorandum of understanding, the improvements that have been completed in the downtown

using PBIA funds, future improvements planned for the downtown, and the boundaries of the PBIA.

There was the suggestion to continue the tax and form an adhoc committee to discuss the issues and

Motion by Mayor Pro Tem Elliott to not act on the ordinance; instruct staff to revisit the memorandum of understanding and bring it back to the Council at the second meeting in February; and over the next year the City review the Downtown Upland Specific plan and make recommendations to update it, seconded by Councilmember Velto, and carried with Mayor Stone and Councilmember Zuniga abstaining.

Request by Mayor Pro Tem Elliott for staff to bring back a future agenda item to form a downtown Upland adhoc committee. Councilmember Felix seconded the request.

Mayor Stone and Councilmember Zuniga returned to the Council Chamber at 9:03 p.m. and took their seats at the dais.

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

A. 2018 AGREEMENT TO APPROPRIATIVE POOL POOLING PLAN AND CAMA AMENDMENTS

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

City Attorney Markman provided additional information regarding the history of the Chino Basin Judgement and the determination of the safe yield.

Motion by Councilmember Felix to authorize approval of the 2018 Agreement to Appropriative Pool Pooling Plan and Court Approved Management Agreement (CAMA) Amendments associated with the adjudicated Chino Groundwater Basin, seconded by Councilmember Velto, and carried unanimously.

B. SAN ANTONIO SURFACE WATER TREATMENT PLANT

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

There was discussion regarding the MIOX unit being a sole source purchase which eliminated the need to issue a request for proposals.

Motion by Councilmember Elliott to authorize a purchase order with Johnson Matthey for the purchase of a MIOX on-site generated Sodium Hypochlorite Generation Unit in the amount not to exceed \$93,000, seconded by Councilmember Felix, and carried unanimously.

C. APPROVAL OF A FIRST AMENDMENT TO THE STORAGE FACILITY LEASE (PHASE 3) BETWEEN THE CITY OF UPLAND AND DRY DOCK AND DEPOT STORAGE, INC.

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

There was discussion regarding the calculation of the rate increases.

Motion by Councilmember Elliott to approve a First Amendment to the Storage Facility Lease (Phase 3) between the City of Upland and Dry Dock and Depot Storage, Inc.; and authorize the City Manager to execute any and all necessary and related documents, seconded by Councilmember Zuniga, and carried unanimously.

D. DISCUSSION OF PURCHASING PROCEDURES

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

There was discussion on the levels of purchasing authority and the need for clarity in areas of the purchasing policy. There was a suggestion to utilize an outside agency to review and update the purchasing policy.

Motion by Councilmember Elliott to instruct staff to put out a request for proposal for an external consulting firm that regularly deals with municipalities to complete a citywide purchasing operational assessment which would include an evaluation of existing policies and procedures; plus recommendations for an updated purchasing ordinance and administrative purchasing policy and procedures, which would further include recommendations for purchasing best practices such as purchasing thresholds, seconded by Councilmember Velto, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Algie Bookshelves, Upland spoke regarding investigating corruption and crimes.

David Wade, Upland, thanked the Council for open discussions and stated that he applied to serve on the Planning Commission.

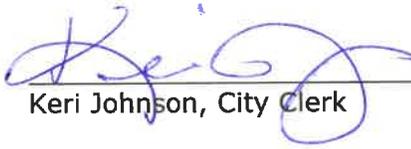
16. CITY MANAGER

City Manager Vagnozzi announced a series of upcoming educational workshops for residents. Topics will include understanding the Brown Act, how to read a CAFR, economic development, and water supply and reliability.

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 9:50 p.m. The next regularly scheduled City Council meeting is Monday, February, 11, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

February 11, 2019
