

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
JULY 22, 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: Interim City Manager Rosemary Hoerning, City Attorney James L. Markman, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

Steve Bierbaum, Upland, spoke in support of a reasonable contract for all labor groups and urged the Council to direct the Interim City Manager to meet with all labor groups to negotiate a contract.

Karen May, Upland, stated support for a reasonable contract for all labor groups and asked the City to negotiate in good faith with the employees.

4. CLOSED SESSION

At 6:06 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Legal Counsel Edward Zappia and Interim City Manager Rosemary Hoerning

Employee organizations: Upland Mid-Management Association, Upland City Employees Association, Upland Police Officers Association, and Upland Police Management Association

Unrepresented group: Executive Management

B. 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. 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. 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

E. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

The City Council reconvened in open session at 7:09 p.m.

5. INVOCATION Reverend Cathleen "Catie" Coots, First United Methodist Church of Upland

6. PLEDGE OF ALLEGIANCE Councilmember Zuniga

7. PRESENTATIONS

A certificate of recognition was presented to Mitchell's Plumbing.

A presentation was given by Southern California Edison Government Relations Manager Jennifer Shaw on the SCE Public Safety Shutoff Program.

8. CITY ATTORNEY

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

9. ORAL COMMUNICATIONS

Ralph Cavallo, Upland, provided suggestions for the Memorial Park improvements and stated that a new Tiny Tots building is needed.

Dylan White, Upland, stated the need for open space for youth activities and the importance of the Tiny Tots program.

Lois Sicking, Upland, requested the City Council table the approval of the resolution for the park grant submission until the application is completed for their review and approval.

Irmalinda Osuna, Upland, stated the need for transparency and requested the City Council table the approval of the resolution for the park grant submission until the application is completed for their review and approval.

Natasha Walton, Upland, provided suggestions for the Memorial Park improvements and requested the City Council table the approval of the resolution for the park grant submission until the application is completed for their review and approval.

Karen May, Upland, provided additional suggestions for the Memorial Park improvements and requested the City incorporate the communities' interests into their proposal.

Sandra Farley, Rancho Cucamonga, stated the need for a new Tiny Tots building and advocated for expanding the Skate Park and green space areas.

Marjorie Mikels, Upland, thanked the community for their work to preserve Memorial Park and suggested there should be more opportunity for low income youth to use the YMCA and Skate Park.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community.

11. CONSENT CALENDAR

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

- A. APPROVAL OF WARRANT AND PAYROLL REGISTERS JUNE 2019
Approved the June Warrant Registers and Direct Disbursements (check numbers 25650-25999) totaling \$5,901,864.55 and Payroll Registers totaling \$1,267,109.79 (check Numbers 160649-160762 and EFTs 15258-160760).
- B. APPROVAL OF MINUTES
Approved the Regular Meeting Minutes of July 8, 2019.
- C. DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT
Declared vehicles, equipment, and obsolete inventory as surplus and authorized the Fleet Division of Public Works to initiate the disposal of the surplus items.
- D. DESIGNATION OF VOTING DELEGATE FOR THE ANNUAL LEAGUE OF CALIFORNIA CITIES CONFERENCE
Appointed Councilmember Ricky Felix as the voting delegate to represent the City of Upland at the League of California Cities General Assembly Meeting on October 18, 2019.
- E. TEMPORARY CONSTRUCTION EASEMENT, CITY PROPERTY LOCATED ON THE WEST SIDE OF CAMPUS AVENUE NORTH OF THE I-10 (APN 1047-221-48)

Approved a subsequent Right of Way Contract with San Bernardino County Transportation Authority for a temporary construction easement on City owned property to facilitate construction of the I-10 Freeway Improvements; and accepted the offer of \$15,900 as just compensation, which excludes the additional incentive previously offered.

12. PUBLIC HEARINGS

A. UPLAND CITY EMPLOYEES ASSOCIATION - CONSIDERATION OF IMPASSE

Legal Counsel Edward Zappia presented the staff report, which is on file in the City Clerk's office. The City Council was provided with a breakdown of the fact finding report and recommendation.

Vicky Barker, Labor Relations Attorney with City Employees Associates, presented background information on the labor negotiations process, the employee group's last offer, and the fact finding results.

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

City Attorney Markman announced that the City Council directed Interim City Manager Hoerning to meet with the Upland City Employees Association to discuss a potential labor agreement.

B. UPLAND MID-MANAGEMENT EMPLOYEES ASSOCIATION – CONSIDERATION OF IMPASSE

Legal Counsel Edward Zappia presented the staff report, which is on file in the City Clerk's office. The City Council was provided with a breakdown of the fact finding report and recommendation.

Mary LaPlante, Managing Labor Representative with City Employees Associates, presented background information on the labor negotiations process, the employee group's last offer, and the fact finding results.

Mayor Stone opened the public hearing.

David Wade, Upland, stated support for a fair contract for the employees and stated concern over employees leaving Upland for other opportunities.

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

City Attorney Markman announced that the City Council directed Interim City Manager Hoerning to meet with the Upland Mid-Managers Association to discuss a potential labor agreement.

C. DELINQUENT WATER, SEWER, AND REFUSE SERVICE CHARGES TO BE COLLECTED ON THE TAX ROLL

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

Mayor Stone opened the public hearing.

Marjorie Mikels, Upland, questioned the lien process, if property owners are responsible when tenants do not pay their bills, and if properties will be foreclosed on due to liens for unpaid bills.

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

There was discussion on whether interest is charged on the past due amounts, the lien process, and notification of the past due bills to property owners.

Motion by Councilmember Velto to accept the report of delinquent water, sewer, and refuse service charges, and authorize the delinquent charges that are not paid by July 30, 2019, to be placed on the tax roll, seconded by Councilmember Elliott, and carried unanimously.

D. LANDSCAPE MAINTENANCE DISTRICT LM-84-1: INTENT TO LEVY AND COLLECT ASSESSMENTS

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

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

There was discussion on the process for assessing the properties, the number of properties in the district, and the services provided under the assessment.

Motion by Councilmember Elliott to accept the Finance Officer's report pertaining to Landscape Maintenance District LM-84-1 and adopt Resolution No. 6501 declaring its intention to levy and collect assessments within Landscape Maintenance District LM-84-1 for Fiscal Year 2019-20., seconded by Councilmember Felix, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS

A. CONSIDERATION OF A RESOLUTION FOR SUBMISSION OF AN APPLICATION UNDER THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM FOR MEMORIAL PARK

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

There was discussion on the application process, timeline for completion of the application and park proposal, the community input process, and budget constraints.

Motion by Mayor Stone to adopt Resolution No. 6502 approving the application for Statewide Park Development and Community Revitalization Program Grant funds.

There was the suggestion to hold a Special City Council meeting to review the application before the grant deadline.

Councilmember Elliott made a substitute motion to table the item until the application is completed and call a special meeting of the City Council to review and approve the application, there being no second the motion failed.

There was further discussion of the application process and proposed park plan.

Councilmember Velto seconded Mayor Stone's motion to adopt Resolution No. 6502 approving the application for Statewide Park Development and Community Revitalization Program Grant funds, the motion carried with Councilmembers Elliott and Zuniga opposed.

B. ELECTRIC CHARGING STATION GRANT & AGREEMENTS

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

There was discussion on the location of the charging stations, the matching grant requirement, parking issues, and the Council's future approval of the pricing structure.

Motion by Councilmember Zuniga to accept a \$160,000 Grant from the Southern California Incentive Project for the installation of DC Fast Charging Electric Vehicle Charging Units in the Civic Center Parking Lot; and authorize the Interim City Manager to enter into agreements with ChargePoint for Master Services and Subscription Agreement; the terms and conditions for the electric vehicle supply equipment purchase through Sourcewell and installation/validation; and network services for a 5-Year Commercial Service Plan (ASSURE), seconded by Councilmember Felix, and carried unanimously.

C. CONSIDERATION OF A RESOLUTION APPROVING THE ASSESSMENT REPORT, ASSESSING ADMINISTRATIVE FINES, AND ESTABLISHING SPECIAL ASSESSMENT LIENS RELATING TO UNPAID ADMINISTRATIVE FINES

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

There was discussion on the process for notification and correction of property violations and the administrative citation process.

Motion by Councilmember Felix to adopt Resolution No. 6503 approving the assessment report, assessing administrative fines, and establishing special assessment liens against parcels of real property in the City of Upland relating to unpaid administrative fines pursuant to Section 1.10.090 of the Upland Municipal Code, seconded by Councilmember Zuniga, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Addio Daddio, Upland, introduced herself and announced her new non-profit business in the downtown.

Bill Gardner, Upland, stated concerns over the financial stability of Upland Hills Golf Course. He also questioned the zoning of the area and what would happen if the owners are no longer able to operate the golf course.

Marjorie Mikels, Upland, requested that the City refund San Antonio Regional Hospital the deposit for the park land purchase and stated concern that the potential sale would affect the grant application approval.

David Wade, disagreed with the Council's decision to approve the grant application resolution without the application being completed and also stated the importance of the City working with volunteers.

Mike Nunez, Upland Coalition of Concerned Citizens, spoke about the City's insurance requirements for volunteers and social media comments about the issue.

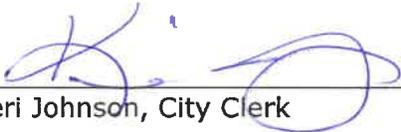
Mike Pattison, President of Upland Pride, announced activities and accomplishments of Upland Pride and suggested the City draw up a waiver for volunteers to sign instead of requiring insurance.

16. CITY MANAGER

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 10:42 p.m. The next regularly scheduled City Council meeting is Monday, August 12, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

August 12, 2019
