

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
MAY 13, 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: Acting City Manager Rosemary Hoerning, City Attorney James L. Markman, and City Clerk Keri Johnson

Absent: City Manager Jeannette Vagnozzi

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

Dori Ferranto, Upland Chamber of Commerce, stated that the business community needs continuity of leadership and requested the Council consider unseen costs to businesses during their deliberations.

Lois Sicking Dieter, requested the Council come to a consensus regarding Item 4A on the agenda and to make a decision.

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND CONSIDERATION OF PUBLIC EMPLOYEE DISMISSAL AND RELATED ACTIONS pursuant to California Government Code section 54957

Title: City Manager

B. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Legal Counsel Edward Zappia

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

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

5. INVOCATION Mike Ingram, Christian Science Faith

6. PLEDGE OF ALLEGIANCE Mayor Stone

7. PRESENTATIONS

Certificates of Recognition were presented to Upland Residents Serving in the Military.

Public Works Director Hoerning accepted a Proclamation declaring the week of May 19 through May 25, 2019 as Public Works Week.

Management Analyst Michelle Madriz accepted a Proclamation declaring May as Save Our Water Month.

Carol Zahniser and Brenda Zaldivar of Upland Sister City Association accepted a Proclamation declaring 2019 the year of Upland.

Robin Baker, Upland Heritage President, accepted a Proclamation declaring May 2019 as National Historic Preservation Month.

Robin Baker, Upland Heritage President, accepted a Proclamation honoring the 30th Anniversary of Upland Heritage.

8. CITY ATTORNEY

City Attorney Markman announced that the City Council took the following actions on Item 4A during Closed Session:

Effective at the close of business on June 13, 2019, Jeannette Vagnozzi shall be removed and terminated from the position of City Manager of the City of Upland; and in accordance with Upland Municipal Code 2.04.240, effective immediately, Jeannette Vagnozzi is placed on administrative leave with pay through and including June 13, 2019; and directed the City Clerk to provide Ms. Vagnozzi the written notice of the effective date of her termination as specified in Upland Municipal Code Section 2.04.240. These actions were passed by a 4-1 vote with Mayor Stone opposed.

The Council voted unanimously to appoint Rosemary Hoerning as Acting City Manager of the City of Upland, effective immediately.

Acting City Manager Hoerning took her seat on the dais at 7:56 p.m.

9. ORAL COMMUNICATIONS

James Breitling, Upland, spoke regarding solid waste rate increase requests from Burrtec and questioned why the City has a short timeline for rate increases.

Peter Atwood, Upland, questioned the need for an urgency ordinance regarding small wireless facilities and requested the Council take more time to review the item before making a decision.

Lois Sicking Dieter, requested that the Council take more time to thoroughly review the process for small wireless facilities before making a decision.

April McCormick, stated that she had submitted a petition signed by Upland residents requesting the Council delay passing an ordinance regarding small cell facilities and consider modeling the ordinance after Mill Valley's ordinance.

10. COUNCIL COMMUNICATIONS

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

11. CONSENT CALENDAR

Councilmember Felix removed Consent Calendar Item 11E, and Councilmember Elliott removed Consent Calendar Items 11H and 11I for separate action. Motion by Councilmember Zuniga to approve the remainder of the Consent Calendar, seconded by Councilmember Felix, and carried unanimously.

A. APPROVAL OF WARRANT AND PAYROLL REGISTERS APRIL 2019

Approved the April Warrant Registers and Direct Disbursements (check numbers 24801-25239) totaling \$4,326,366.31 and Payroll Registers totaling \$1,218,160.47 (check Numbers 160577-160613 and EFTs 14283-14768).

B. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of April 22, 2019 and the Special Meeting Minutes of April 29, 2019.

C. ANNUAL DESTRUCTION OF RECORDS

Adopted Resolution No. 6486 authorizing and directing the City Clerk to destroy certain City records pursuant to the Government Code of the State of California.

D. TREASURER'S REPORT MARCH 2019

Received and filed the March 2019 Treasurer's Report.

F. AMENDMENT TO THE LANDSCAPE MAINTENANCE SERVICES AGREEMENT

Authorized an amendment to the Landscape Services Agreement with Brightview (Formerly Valley Crest).

G. RESOLUTION APPROVING AN AMENDMENT TO PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS BETWEEN THE CITY AND THE SAN ANTONIO WATER COMPANY FOR THE CITY'S PURCHASE OF PROPERTY (A PORTION OF ASSESSOR'S PARCEL NO. 1005-271-03, 1723 N. BENSON AVENUE) TO FACILITATE THE CONSTRUCTION OF A REPLACEMENT 7.5 MG WATER RESERVOIR

Adopted Resolution No. 6487 approving an amendment to the purchase and sale agreement and escrow instructions between the City and the San Antonio Water Company for the City's purchase of property to be used to facilitate the construction of a replacement 7.5 MG reservoir, Project No. 9128.

ITEMS REMOVED FOR SEPARATE ACTION

E. APPROVAL OF AGREEMENT WITH ACCOUNTEMPS FOR TEMPORARY ACCOUNTING SERVICES AND UPDATE FINANCE DEPARTMENT STAFFING

Motion by Councilmember Felix to continue this item to the City Council meeting of May 28, 2019 to allow more time for review, seconded by Councilmember Zuniga, and carried unanimously.

H. PROFESSIONAL SERVICE AGREEMENT FOR SOLID WASTE RATE EVALUATION

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

There was discussion regarding the evaluation of the vendors who responded to the request for proposals and the current Burrtec contract for services.

Motion by Councilmember Velto to approve the Professional Services Agreement with R3 Consulting Group, Inc. for the 2019 Solid Waste Rate Evaluation and Review in the amount of \$39,745, seconded by Councilmember Felix, and carried unanimously.

I. RESIGNATION OF CITY COUNCIL ADVISORY COMMITTEE MEMBER

Council thanked Ms. Sarathy for her willingness to serve on the committee.

Motion by Councilmember Elliott to accept the resignation from City Council Advisory Member Brinda Sarathy and instruct the City Clerk to post the vacancy pursuant to Government Code Section 54974, seconded by Councilmember Velto, and carried unanimously.

12. PUBLIC HEARINGS

A. COMMUNITY DEVELOPMENT BLOCK GRANT ONE YEAR ACTION PLAN FOR FISCAL YEAR 2019-20

Development Services Director Dalquest and Housing Consultant Alcorn introduced CDBG Committee Chairperson Hydee Hall and Committee Members Carlos Garcia and Robin Aspinall.

Report given by Community Development Block Grant Committee Chairperson Hall, which is on file in the City Clerk's Office. The City Council was provided with a breakdown of funding.

There was discussion on the grant application process, the policy guidelines, and programs funded by CDBG grant funds.

Mayor Stone opened the public hearing.

April McCormick, requested an audit and questioned the process for approving grants. Further requested that the Committee review the grant applications.

Steve Bierbaum, stated there is confusion regarding whether the CDBG Committee reviews the program grant applications; and requested the Council consider changing the process to allow the Committee to have input on the grant recipients.

Amira Brewert, stated she had a family member who was a grant recipient and that the grant had changed her life. She requested the Council approve the one year action plan.

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

There was a suggestion to review the policy guidelines and make changes to allow for Council approval of program applicants. Council requested to revise the policy for the downtown facade enhancement program

Motion by Councilmember Felix to adopt Resolution No. 6488 approving the City of Upland's One Year Action Plan for Fiscal Year 2019-20 and authorize the City Manager to execute any and all necessary related documents to implement the FY 2019-20 Plan; and in addition direct staff to add a final approval step for the Emergency Repair Program and Downtown Façade Program so the final recipients are approved by the City Council, seconded by Councilmember Velto, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

A. SPECIAL INVESTMENTS COMMITTEE MEETING, APRIL 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. CONSIDER APPROVAL OF AN URGENCY ORDINANCE AND AN ORDINANCE REGARDING "SMALL WIRELESS FACILITIES", AMENDING SECTION 5.36.190 OF THE UPLAND MUNICIPAL CODE REGARDING THE SAME, AND DECLARING THE URGENCY AND IMMEDIATE EFFECTIVENESS THEREOF, PURSUANT TO GOVERNMENT CODE SECTIONS 36934 AND 36937 AND APPROVE A RESOLUTION ADOPTING A CITY WIDE POLICY REGARDING PERMITTING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR SMALL WIRELESS FACILITIES

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

There was discussion of the hierarchy of location preference as opposed to creating zoning restrictions, the need to have a policy and ordinance in place to provide guidelines for permit applications, the approval process for applications, and the CEQA exemption.

Assistant City Attorney Flower addressed questions regarding the Ordinance and FCC mandates for approval timelines.

Motion by Councilmember Elliott to adopt Urgency Ordinance No. 1932 regarding "small wireless facilities", amending Section 5.36.190 of the Upland Municipal Code regarding the same, and declaring the Urgency and Immediate Effectiveness thereof pursuant to Government Code Sections 36934 and 36937; removing Section 3, CEQA; and hold first reading by title only, waive further reading, and introduce an Ordinance regarding small wireless facilities, amending Section 5.36.190 of the Upland Municipal Code regarding the same, and removing Section 3, CEQA, seconded by Councilmember Zuniga, and carried unanimously.

Motion by Councilmember Zuniga to approve Resolution No. 6489 adopting a City wide policy regarding Permitting Requirements and Development Standards for small wireless facilities; and direct staff to bring back a Mill Valley type ordinance to be processed, seconded by Councilmember Velto, and carried unanimously.

15. ORAL COMMUNICATION (items not on the agenda)

Robert Kamansky, Upland, spoke regarding the importance of the City's water supply and urged the Council to consider a water plan to adapt to all future water needs and risks.

Armando N. Lopez, Upland, thanked Councilmember Elliott for assistance in getting graffiti removed in his neighborhood.

Curt Lewis, Grant Coordinator for Congressman Pete Aguilar's office invited the public to attend their annual Senior Fair at the Rancho Cucamonga Sports Center.

Lois Sicking Dieter, questioned when a request for proposals would be issued for the homeless coordinator and also requested one email address for all Councilmembers that would go directly to Council.

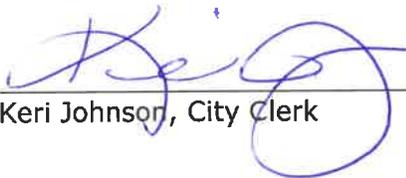
Mark Walters, Upland, thanked Councilmembers Elliott and Velto for their assistance in getting the weeds cleared on an Edison owned property near his home.

16. CITY MANAGER

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 10:02 p.m. The next regularly scheduled City Council meeting is Tuesday, May 28, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

May 28, 2019