

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
NOVEMBER 11, 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, Interim City Attorney Steven Flower, and City Clerk Keri Johnson

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

**3. ORAL COMMUNICATIONS** None

**4. CLOSED SESSION**

At 6:01 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

**A. 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

**B. 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

The City Council reconvened in open session at 7:01 p.m.

**5. INVOCATION** none

**6. PLEDGE OF ALLEGIANCE** Cub Scout Pack 6

**7. PRESENTATIONS**

Certificates of Recognition were presented to Upland residents serving in the Military.

Constituent Services Representative, Danny Milla, presented information on Congressman Pete Aguilar's Annual Veterans Resource Fair.

Mike Arreguin and Steven Bradshaw of Burrtec Waste Industries, Inc. presented an update on Upland's Recycling Program.

Public Works Operations Manager Richard Smiderle presented information on the Cool Parks Grant Project.

**8. CITY ATTORNEY**

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

**9. ORAL COMMUNICATIONS**

Steve Bierbaum, Upland, stated he was opposed to the approval of a third amendment with the Zappia law firm and also questioned why the City Treasurer's signature was not on the Treasury Report.

**10. COUNCIL COMMUNICATIONS**

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

**11. CONSENT CALENDAR**

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

**A. APPROVAL OF MINUTES**

Approved the Regular Meeting Minutes of October 28, 2019.

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

Approved the October Warrant Registers and Direct Disbursements (check numbers 27279-27736) totaling \$5,857,569.92 and Payroll Registers totaling \$1,467,342.14 (check Numbers 160871-161052 and EFTs 17452-17945).

**C. TREASURY REPORT SEPTEMBER 2019**

Received and filed the September 2019 Treasury Report.

**E. EMERGENCY OPERATIONS PLAN - CITY OF UPLAND**

Adopted the Emergency Operations Plan for the City of Upland.

**F. APPROVAL OF A QUITCLAIM DEED TO RUGS LIMITED, LLC BY THE CITY OF UPLAND FOR A PORTION OF 'A' STREET**

Approved a quitclaim deed to Rugs Limited, LLC for a portion of "A" Street next to vacant lot APN 1046-532-01 (102 13th Avenue) and authorize the Interim City Manager to sign the quitclaim deed; and accept Rugs Limited LLC's offer to pay the appraised value in the amount of thirty one thousand two hundred and eighteen dollars (\$31,218).

ITEMS REMOVED FOR SEPARATE ACTION

D. THIRD AMENDMENT TO THE AGREEMENT WITH THE ZAPPIA LAW FIRM FOR LABOR AND EMPLOYMENT LAW SERVICES

There was discussion regarding the previous amendments to the contract, the expenditures to date, and the potential increased costs to the City if ongoing cases were transferred to a new attorney.

Motion by Councilmember Velto to table the item until the November 25, 2019 City Council meeting, seconded by Councilmember Zuniga, and carried unanimously.

G. NOTICE OF COMPLETION FOR SC BALDY VIEW DEVELOPMENT COMPANY, LLC REGARDING HARVEST AT UPLAND SPECIFIC PLAN

There was discussion regarding the bonds related to this project.

Motion by Councilmember Zuniga to accept the Notice of Completion and authorize the Interim City Manager to execute the Notice of Completion in compliance with the Acquisition Agreement by and among City of Upland, SC Baldy View Development Company, LLC, and Lewis Management Corporation dated May 1, 2016, seconded by Councilmember Velto, and carried unanimously.

**12. PUBLIC HEARINGS**

A. CONSIDERATION OF AN ORDINANCE OF THE CITY OF UPLAND ADDING A NEW CHAPTER 5.76 TO THE UPLAND MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM, AMENDING RELATED PROVISIONS OF THE UPLAND MUNICIPAL CODE, AND CONSIDERATION OF A RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH FEES FOR SIDEWALK VENDING PERMITS.

Associate Planner Winter presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the State's requirements to allow sidewalk vending in the City, potential food health and safety issues, and regulation of vendors.

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

Motion by Councilmember Elliott to hold first reading by title only, waive further reading, and introduce an Ordinance adding a new Chapter 5.76 to the Upland Municipal Code to create a sidewalk vending program, amending related provisions of the Upland Municipal Code, and making a determination of exemption under CEQA, seconded by Councilmember Velto, and carried unanimously.

Motion by Councilmember Zuniga to adopt Resolution No 6516 amending the Master Fee Schedule to establish fees for sidewalk vending permits, seconded by Councilmember Felix, and carried unanimously.

**13. COUNCIL COMMITTEE REPORTS**

A. FINANCE COMMITTEE MEETING, OCTOBER 23, 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. ELIGIBILITY CONFIRMATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) EMERGENCY REPAIRS PROGRAM PARTICIPANTS AND GRANT FUNDING AWARD

Development Services Director Dalquest introduced Contract Rehabilitation Programs Administrator Arellano who then presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the federal guidelines for grants and the use of licensed contractors to perform the repairs.

The Council requested that staff amend the guidelines for the emergency repair program and bring the item back to Council for approval.

Motion by Councilmember Felix to confirm eligibility and grant funding for two Emergency Repairs Program projects, seconded by Councilmember Elliott, and carried unanimously.

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

Mark Walters, Upland, requested the Council reconsider the information they provide during Council Communications and to focus on issues in the City.

Daniel Luevanos, One Legacy Ambassador, spoke regarding the importance of organ donations and invited the Council to assist with the Tournament of Roses Float decorating.

David Wade questioned why the Planning Commission vacancies had not yet been filled and stated opposition to the proposed Bridge Development project.

Cindy Phillips, Upland, stated opposition of the proposed Bridge Development project.

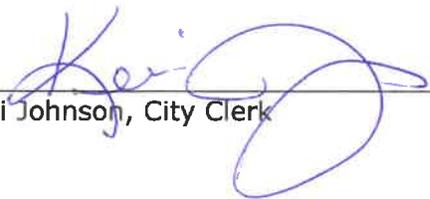
James Breitling, Upland, spoke about proper recycling methods and the need to educate the public on recycling methods.

**16. CITY MANAGER** none

**17. ADJOURNMENT**

Mayor Stone adjourned the meeting at 9:48 p.m. The next regularly scheduled City Council meeting is Monday, November 25, 2019.

**SUBMITTED BY**

  
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Keri Johnson, City Clerk

**APPROVED**

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November 25, 2019