

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
NOVEMBER 26, 2018**

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 Gino Filippi, Janice Elliott, and Sid Robinson

Absent: Council Member Timm

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

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

John Engelhardt, Upland, spoke in support of the City Council extending the tax sharing agreement with Ford of Upland.

Dan Richards, Ontario, spoke in support of the City Council extending the tax sharing agreement with Ford of Upland.

4. CLOSED SESSION

At 6:08 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

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

Property: APN 0201-201-36

Agency Negotiator: Acting City Manager Vagnozzi and Development Services Consultant Dukett

Negotiating Parties: City of Upland and Ford of Upland

Under Negotiation: Price and terms

B. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION (WORKER'S COMP CLAIM)

Claimant: Thomas Melendrez

Agency: City of Upland

C. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION (WORKER'S COMP CLAIM)

Claimant: Kenneth Bonson

Agencies: City of Upland

D. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION (WORKER'S COMP CLAIM)

- Claimant: Lawrence Latimer
Agencies: City of Upland
- E. GOVERNMENT CODE SECTION 54956.9 (d) (1) EXISTING LITIGATION
(WORKER'S COMP CLAIM)
Claimant: William Diamond
Agencies: City of Upland

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

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

6. **PLEDGE OF ALLEGIANCE** City Attorney Markman

7. **PRESENTATIONS**

Presentation of Certified Municipal Clerk designation by CCAC President Stephanie Smith, MMC, to Deputy City Clerk Keri Johnson.

8. **CITY ATTORNEY**

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

9. **ORAL COMMUNICATIONS**

A number of individuals spoke in opposition of the appointment of the City Manager. They stated the need for a full recruitment for the position, allowing the new Councilmembers to be sworn in before making any decisions, and concerns about the transparency of the process. The following spoke:

Sharon Hardin, UCEA
Vera Heilman
Ricky Felix, Upland
Larry Kinley, Upland
Marla White, Upland
Steve Carvalho, Upland
Barbara McJoynt, Upland

David Wade, Upland
Diane Fedele, Upland
Steve Bierbaum, Upland
Brinda Sarathy, Upland
April McCormick, Upland
Irmalinda Osuna, Upland

A number of individuals spoke in support of the appointment of Jeannette Vagnozzi as the City Manager. They cited her education, qualifications, and long history in the City. The following spoke:

Ralph Cavallo, Upland
Linda Biscardi, Upland
Jon Blickenstaff, La Verne
Terri Donaldson, Upland

Carolyn Anderson, Upland
Don Kendrick, La Verne
Bob Russi, Upland

Hydee Hall, Upland, spoke regarding past decisions of the Council and urged the incoming Council not to make rushed decisions.

Paul Trawnik, Upland, spoke in favor of the City dissolving the Parking Business Improvement Area in the downtown.

10. COUNCIL COMMUNICATIONS

Councilmembers announced various activities throughout the community.

11. CONSENT CALENDAR

Motion by Councilmember Filippi to approve the Consent Calendar, seconded by Councilmember Elliott, and carried with Councilmember Timm absent.

A. APPROVAL OF WARRANT AND PAYROLL REGISTERS OCTOBER 2018

Approved the October Warrant Registers and Direct Disbursements (check numbers 22485-22936) totaling \$4,914,649.61 and Payroll Registers totaling \$1,183,058.40 (check numbers 160271-160298 and EFTs 11103-11580).

B. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes of November 12, 2018.

C. FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH INTERWEST CONSULTING GROUP, INC.

Approved the First Amendment to Agreement for Consulting Services with Interwest Consulting Group, Inc. and authorized the Acting City Manager to sign; and authorized a budget adjustment to reduce building and safety and housing salaries and benefits by \$98,110 and \$55,949 respectively (salary savings for unfilled positions) and increase professional services in both departments by the same amount for the contracted positions.

D. RESIGNATION OF PERSONNEL BOARD OF REVIEW MEMBER

Accepted the resignation of Marni Bobich, who served on the Personnel Board of Review.

E. APPROVAL OF FINAL TRACT MAP 18274 BY LENNAR HOMES (LOCATED SOUTH OF FOOTHILL BOULEVARD AND EAST OF SAN ANTONIO CHANNEL)

Authorized the Acting City Manager to accept and execute Subdivision Improvement Agreement and the accompanying bonds being posted by Lennar Homes; and authorized the Acting City Manager to record Final Map 18274.

F. ACCEPTANCE OF SEWER EASEMENT FOR TRACT 20034

Authorized the Acting City Manager to execute the sewer easement dedication and allow for its recordation.

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

Received and filed the status update.

12. PUBLIC HEARINGS None

13. COUNCIL COMMITTEE REPORTS None

14. BUSINESS ITEMS

A. 2018 MILLS ACT CONTRACTS FOR ELEVEN HISTORIC PROPERTIES

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

There was discussion on the staff time involved in administering the program.

Motion by Councilmember Robinson to approve the Mills Act contracts for eleven historic properties and authorize the Acting City Manager to execute the documents, subject to review and approval of the Mills Act contracts by the City Attorney, seconded by Councilmember Filippi, and carried with Councilmember Timm absent.

B. APPROVAL OF A CITY MANAGER EMPLOYMENT AGREEMENT WITH JEANNETTE VAGNOZZI

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

There was discussion on the timing of the selection process, the need for stability in the city, and the potential cost of a professional recruitment.

Motion by Councilmember Elliott that the item be tabled until the new City Council is sworn in, there being no second, the motion failed.

There was discussion on the history of vacancies and recruitments for the City Manager position.

Motion by Councilmember Elliott to amend the employment agreement by removing Section 3 (i), subsection (iii), and amend Section 3 (j) "severance pay" to read as follows: after serving in the capacity as City Manager for over four months, in the event the City Manager is terminated by the City Council during such time that the City Manager is willing and able to perform the City Manager's duties under this Agreement, then in that event the City agrees to continue to compensate the City Manager at the current rate of pay, as severance pay, for a total of six months including all benefits and accrued leaves. Prior to achieving the four month anniversary date, in the event the City Manager's contract is terminated, the City agrees to continue to compensate the City Manager at the current rate of pay, as severance pay, for a total of one month for each month served including all benefits and accrued leaves, there being no second, the motion failed.

Motion by Councilmember Robinson to approve a City Manager Employment Agreement with Jeannette Vagnozzi, seconded by Mayor Stone, and carried with Councilmember Elliott opposed and Councilmember Timm absent.

At 8:36 p.m. Mayor Stone announced she would abstain from Business Items 14C and 14D and Mayor Stone then left the Council Chamber.

C. RESOLUTION FOR THE AMENDMENT TO THE PARKING AND BUSINESS IMPROVEMENT AREA ORDINANCES

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

There was discussion on the needed parking lot improvements in the area and the vision for the downtown area.

Motion by Councilmember Elliott to adopt Resolution No. 6474 declaring its intention to amend the Parking and Business Improvement Area Ordinances to reduce the tax levy to zero, set January 14, 2019 at 7:00 PM as the public hearing date to consider such amendment and approve certain related actions, seconded by Councilmember Robinson, and carried with Mayor Stone abstaining and Councilmember Timm absent.

D. APPROVAL OF A PROPOSED PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS WITH THE POMONA VALLEY HABITAT FOR HUMANITY, INC. WITH RESPECT TO REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WASHINGTON STREET AND 6TH AVENUE (A PORTION OF APN 1046-433-23)

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

There was discussion on the purchase amount of the property.

Representatives from Pomona Valley Habitat for Humanity answered Council's questions regarding the process for rehabilitation of the home and the selection of the recipient family.

Motion by Councilmember Elliott to approve a proposed Purchase and Sale Agreement and Escrow Instructions with the Pomona Valley Habitat for Humanity, Inc. with respect to an 8,090 square foot vacant parcel of real property located at the southwest corner of Washington Street and 6th Avenue (a portion of APN 1046-433-23) and authorize the Acting City Manager to execute said Agreement and make ministerial changes if required, seconded by Councilmember Robinson, and carried with Mayor Stone abstaining and Councilmember Timm absent.

Mayor Stone returned to the Council Chamber at 9:08 p.m. and took her seat on the dais.

15. ORAL COMMUNICATION (items not on the agenda)

Elinor Barnes, Upland, commented on her health issues and quoted Scripture.

Yvette Walker, Upland, thanked outgoing Council Members and encouraged support for the incoming Council Members.

April McCormick, Upland, spoke regarding district elections and the upcoming Council vacancy.

Irmalinda Osuna, Upland, encouraged community volunteerism and commented on the upcoming Council vacancy.

Mike Pattison, Upland, announced upcoming community activities.

Brinda Sarathy, Upland, commented on behavioral consequences of social media activities.

David Wade, Upland, congratulated incoming Council Members and commented on Council conduct.

16. CITY MANAGER None

17. ADJOURNMENT

Mayor Stone adjourned the meeting at 9:31 p.m. The next regularly scheduled City Council meeting is Monday, December 10, 2018.

SUBMITTED BY



Keri Johnson, Deputy City Clerk

APPROVED

December 10, 2018