

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
OCTOBER 14, 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

A number of individuals spoke in support of the Council seeking a new City Attorney, stated dissatisfaction with the current City Attorney, and suggested the City Council direct staff to issue a request for proposals for legal services. The following spoke:

Irmalinda Osuna, Upland
Mark Walters, Upland
Cindy Phillips, Upland
Lisa Nicely, Upland
Marjorie Mikels, Upland

Lois Sicking Dieter
Terri D.
Natasha Walton, Upland
Steve Bierbaum

City Attorney Markman responded to public comment.

4. CLOSED SESSION

At 6:31 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (WORKER'S COMP CLAIM)

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Claimant: Anthony Kabayan
Agency: City of Upland

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

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: Yoakum v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-172-1778

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

Title: City Attorney

The City Council reconvened in open session at 7:18 p.m. with Assistant City Attorney present in place of City Attorney James L. Markman.

- 5. INVOCATION** Zayneb Shakely, City of Knowledge School

- 6. PLEDGE OF ALLEGIANCE** Mayor Stone

7. PRESENTATIONS

A presentation was given by San Bernardino County Fire Emergency Services Officer Klasha Ray on the Great ShakeOut and Earthquake Safety.

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

Fairplex Director of Engagement Tammy Roush presented the City with the Lemon Festival Grant Award.

8. CITY ATTORNEY

Assistant City Attorney Steven Flower announced that the City Council took action only on the following during Closed Session: Item 4E, the City Council unanimously approved a motion by Councilmember Elliott, seconded by Councilmember Velto, to accept the resignation of City Attorney James L. Markman and appoint Assistant City Attorney Steven Flower as the Interim City Attorney. The Council further directed staff to place the discussion of a request for proposal of City Attorney services on the next public agenda.

- 9. ORAL COMMUNICATIONS** None

10. COUNCIL COMMUNICATIONS

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

11. CONSENT CALENDAR

Mayor Stone removed Consent Calendar Item 11G for separate action. Motion by Mayor Stone to approve the remainder of the Consent Calendar, seconded by Councilmember Felix, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of September 23, 2019, the Regular Meeting Minutes of September 23, 2019, and the Special Meeting Minutes of October 1, 2019.

B. APPROVAL OF WARRANT AND PAYROLL REGISTERS SEPTEMBER, 2019

Approved the September Warrant Registers and Direct Disbursements (check numbers 26950-27278) totaling \$4,766,257.11 and Payroll Registers totaling \$1,220,929.87 (check Numbers 160848-160870 and EFTs 16963-17451). (Staff Person: Londa Bock-Helms)

C. TREASURER'S REPORT AUGUST 2019

Received and filed the August 2019 Treasurer's Report.

D. OFFICE OF TRAFFIC SAFETY GRANT

Accepted the grant funds and authorize the appropriation of \$166,200 (OTS Grant #PT20131).

E. DISPOSAL OF SURPLUS EQUIPMENT

Declared items as surplus, and authorize the Interim City Manager to initiate disposal of the surplus equipment.

F. ACCEPTANCE OF IMPROVEMENT BY RANCHO MONTE VISTA ANNEX, LLC

Accept the public improvements for the Rancho Monte Vista Annex, LLC (CUP 16-35), and reduce the cash surety to fifty percent (50%) or \$52,185 for this project.

ITEMS REMOVED FOR SEPARATE ACTION

G. BUDGET AMENDMENT TO ACCEPT AND APPROPRIATE THE LEMON FESTIVAL PROCEEDS

Recreation Services Manager Story presented the staff report, which is on file in the City Clerk's office.

There was discussion on the grant application outreach, application timeline, and services provided to the community by the grant recipients.

Motion by Mayor Stone to approve the budget amendment of \$74,760 to receive and appropriate the proceeds from the Upland Lemon Festival, seconded by Councilmember Zuniga, and carried unanimously.

12. PUBLIC HEARINGS

A. FORMATION OF A RESIDENTIAL PERMIT PARKING ZONE

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

Mayor Stone opened the public hearing.

Marjorie Mikels, questioned if there was a cost to residents for the parking permits, the number of permits issued per residence, and if visitors would be able to park on the street.

Interim City Manager Hoerning provided information on the permit process for residents.

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

Motion by Councilmember Zuniga to adopt Resolution No. 6509 establishing residential permit parking on south 2nd Avenue at 163 through 185 on the west side and 176 through 188 on the east side, including 208 east 8th Street; and authorize its implementation, seconded by Councilmember Velto, and carried unanimously.

B. APPROVAL OF THE CITIZEN PARTICIPATION PLAN IN CONNECTION WITH THE CITY'S FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Development Services Director Dalquest introduced Housing Coordinator Brito who 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.

Motion by Councilmember Felix to adopt Resolution No. 6510 approving the Citizen Participation Plan in connection with the City's Federal Community Development Block Grant Program; and authorize the Interim City Manager or her designee to execute any and all necessary and related documents to implement the Plan, seconded by Councilmember Elliott, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

A. PUBLIC WORKS COMMITTEE, OCTOBER 8, 2019

Recreation Services Manager Story provided a recap of the meeting, which is on file in the City Clerk's Office.

There were suggestions regarding extending the hours of the skate park, the use of security cameras at the facility, rules and enforcement, and liability.

This was for information only and no action was required.

14. BUSINESS ITEMS

Mayor Stone requested items 4A through 4D be taken in one action.

- A. APPROVAL OF LABOR AGREEMENT WITH UPLAND CITY EMPLOYEES ASSOCIATION
- B. APPROVAL OF LABOR AGREEMENT WITH UPLAND MID-MANAGEMENT EMPLOYEES ASSOCIATION
- C. APPROVAL OF LABOR AGREEMENT WITH UPLAND POLICE MANAGEMENT ASSOCIATION
- D. ADOPTION OF A RESOLUTION AMENDING THE COMPENSATION AND BENEFIT PLAN FOR EXECUTIVE EMPLOYEES

Interim City Manager Hoerning presented the staff reports for Business Items 4A through 4D, which is on file in the City Clerk's office. She then provided the City Council with the changes to each Memorandum of Understanding and the changes in compensation and benefits for the executive employees.

There was discussion regarding the financial impacts of the agreements, the need for employee retention, and the need to maintain current service levels.

Motion by Councilmember Felix to adopt Resolution No. 6511 approving a Memorandum of Understanding with the Upland City Employees Association; and adopt Resolution No. 6512 approving a Memorandum of Understanding with the Upland Mid Management Employees Association; and adopt Resolution No. 6513 approving a Memorandum of Understanding with the Upland Police Management Association; and to adopt Resolution No. 6514 amending the compensation and benefit plan for Executive Management employees, seconded by Councilmember Zuniga, and carried with Mayor Stone opposed.

15. ORAL COMMUNICATION (items not on the agenda)

Marjorie Mikels, Upland spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital.

Allen Nicely, Upland, requested the City Council move forward with the appointment process to fill positions on the Planning Commission.

Bob Cable, Upland, stated issues he has experienced with the City while completing a project on Cable Airport property.

Lois Sicking Dieter, requested the City Council move forward with the appointment process to fill positions on the Planning Commission.

Moe Duran, stated that the Police Department has worked hard to clean up vagrancy, blight, and crime issues and it is important to retain employees to maintain that progress.

James Breitling, Upland, provided information on proper recycling practices.

David Wade, thanked the City Council for their responsiveness and requested the sale of park land be stopped.

Natasha Walton, Upland, spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital.

Mark Walters, Upland, questioned why a water leak in his neighborhood had not been repaired.

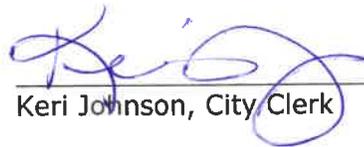
16. CITY MANAGER

Interim City Manager Hoerning announced the next Open Government Workshop and informed residents of an upcoming community survey.

17. ADJOURNMENT

At 9:32 p.m. Mayor Stone adjourned the meeting in honor of all those affected by breast cancer. The next regularly scheduled City Council meeting is Monday, October 28, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

October 28, 2019