

**MINUTES OF THE REGULAR MEETING OF THE  
UPLAND CITY COUNCIL  
SEPTEMBER 9, 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**

Carlos Garcia, Upland, stated the need for employee retention and requested the Council settle negotiations with the employee groups.

Steve Bierbaum, Upland, requested the Council settle negotiations with the employee groups and questioned the use of outside counsel for negotiations and civil litigation.

**4. CLOSED SESSION**

At 6:05 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 (WORKER'S COMP CLAIM)**

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

Claimant: Joseph Barna  
Agency: City of Upland

**C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: L. Filpi v. City of Upland  
San Bernardino County Superior Court of California Case No. CIV-DS-172-4985

- 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. 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

- F. 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 7:10 p.m.

- 5. INVOCATION** Pastor Wesley Menke, Grace Lutheran Church

- 6. PLEDGE OF ALLEGIANCE** Mayor Stone

**7. PRESENTATIONS**

Certificates of Recognition were presented to Upland Foothill Little League District Champions.

Lupe Camacho, Partnership Specialist, Los Angeles Regional Census Center, gave a presentation on the Road to the 2020 Census.

**8. CITY ATTORNEY**

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

**9. ORAL COMMUNICATIONS**

Howard Bunte, Upland, introduced himself and provided information on his background and qualifications to serve on the Airport Land Use Committee.

Shannan Maust, Upland, requested that there be community outreach regarding economic development before the Council approved a contract for economic development services.

**10. COUNCIL COMMUNICATIONS**

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

**11. CONSENT CALENDAR**

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

**A. APPROVAL OF MINUTES**

Approved the Special Meeting Minutes of August 12, 2019 and the Regular Meeting Minutes of August 12, 2019.

**C. TREASURER'S REPORT JULY 2019**

Received and filed the July 2019 Treasurer's Report.

**D. APPOINTMENT TO THE AIRPORT LAND USE COMMITTEE**

Ratified the Mayor's appointment of Howard Bunte to the Airport Land Use Committee.

**ITEMS REMOVED FOR SEPARATE ACTION**

**B. APPROVAL OF WARRANT AND PAYROLL REGISTERS AUGUST**

The Council thanked staff for including the warrants and payroll registers in the agenda packet.

Motion by Councilmember Elliott to approve the August Warrant Registers and Direct Disbursements (check numbers 26490-26949) totaling \$8,103,850.71 and Payroll Registers totaling \$1,854,319.55 (check Numbers 160819-160847 and EFTs 16235-16962), seconded by Councilmember Zuniga, and carried unanimously.

**12. PUBLIC HEARINGS**                      None

**13. COUNCIL COMMITTEE REPORTS**                      None

**14. BUSINESS ITEMS**

**A. MEASURE I CAPITAL IMPROVEMENT PLAN AND CAPITAL PROJECT NEEDS ANALYSIS**

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

There was discussion on the process for assessing street rehabilitation needs, infrastructure needs, and developing the CIP plan.

Council questioned the timeframe for the projects and suggested potential changes to the timeline.

Motion by Councilmember Zuniga to amend the Capital Improvement Plan by switching the timeframe for the 19<sup>th</sup> Street Reconstruction project with the 7<sup>th</sup> Street & Harrington Avenue project; and to approve Resolution No. 6506 adopting the Measure I Five-Year Capital Improvement Plan for Fiscal Years 2019/2020 through 2023/2024, as amended; and approve Resolution No. 6507 adopting the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2020/2021 through 2024/2025, seconded by Councilmember Felix, and carried with Mayor Stone and Councilmember Velto opposed.

**B. AWARD OF BID FOR PROJECT NO. 7072 & 7081, CITYWIDE SLURRY SEALS (BID NO. 2019-02)**

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

Motion by Councilmember Zuniga to approve the specifications for Project No. 7072 & 7081; award the construction contract to Doug Martin Contracting Company, Inc., in the amount of \$472,508.80; and, authorize a construction contingency in the amount of \$72,491.20, for a total amount of \$545,000.00 from the Gas Tax Fund, seconded by Councilmember Velto, and carried unanimously.

**C. PROFESSIONAL SERVICES AGREEMENT FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES WITH TIERRA WEST ADVISORS, INC.**

Economic Development Coordinator Picazo presented the staff report, which is on file in the City Clerk's Office.

There was discussion on the scope of work, the need for community outreach and surveys, and the development of a comprehensive strategic economic development plan.

John Yonai of Tierra West Advisors provided the Council with information regarding his background and experience. He then answered questions from the Council regarding plans for community outreach workshops and City demographics.

Motion by Councilmember Velto to approve a Professional Services Agreement with Tierra West Advisors, Inc. for economic development services and authorize the Interim City Manager to execute the agreement, seconded by Mayor Stone, and carried with Councilmembers Felix and Zuniga opposed.

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

Natasha Walton, Upland spoke in opposition of the sale of park land and questioned why funds set aside for park improvements were not being utilized.

Lois Sicking Dieter, Upland, shared her views on the primary issues the City faces and proposed solutions to those issues.

Steve Morris, Upland, commented on social media activities.

Brinda Sarathy, stated the benefits of green spaces on environmental and public health and stated opposition to the sale of park land.

Irmalinda Osuna, declared that park land is a public resource and the City should protect that resource.

Steve Bierbaum, addressed misinformation regarding a public records request that he submitted.

**16. CITY MANAGER**

**17. ADJOURNMENT**

Mayor Stone adjourned the meeting at 9:47 p.m. The next regularly scheduled City Council meeting is Monday, September 23, 2019.

**SUBMITTED BY**

  
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Keri Johnson, City Clerk

**APPROVED**

September 23, 2019