



**CITY COUNCIL ADVISORY COMMITTEE MEETING
September 2, 2020
5:00 pm
Carnegie Building**

Agenda

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ORAL COMMUNICATIONS**
- 4. BUSINESS ITEMS:**
 - Approval of Meeting Minutes from June 3, 2020
- 5. OLD BUSINESS:**
 - 5 A. Supplemental Revenue Item
- 6. NEW BUSINESS:**
 - 6 A. COVID-19 Consideration of Mandatory Face Coverings
 - 6 B. New Urban Public Space Project in Downtown Upland - Old Magnolia Plaza
- 7. CITY MANAGER COMMENTS**
- 8. ADJOURNMENT**

**The next scheduled City Council Advisory Committee Meeting
is December 2, 2020 or as needed.**

POSTING STATEMENT: On **August 27, 2020** a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).



CITY COUNCIL ADVISORY COMMITTEE MEETING

June 3, 2020

Minutes

A meeting of the City Council Advisory Committee was called to order by Committee Chair Andrew Behnke on the above date at City Hall – Pinky Alder Room, 460 N. Euclid Ave., Upland. Present were Chair Andrew Behnke, Committee Members James Breitling, Roger Evans, and Shannan Maust. Staff included City Manager Rosemary Hoerning, Interim City Attorney Steven Flower, Development Services Director Robert Dalquest, and Associate Planner Joshua Winter.

1. Call to Order: 5:02 p.m.

2. Roll Call: Present: Andrew Behnke, James Breitling, Roger Evans, Shannan Maust, and City Manager Rosemary Hoerning

3. Oral Communications: *None*

4. Business Items: A motion was made to approve meeting minutes of March 4, 2020 as presented, with the spelling of “Shannan” Maust corrected. Unanimously carried.

5. Old Business:

a) Discussion of Revenue Options:

Rosemary indicated that the City will be conducting a follow-up survey to the February 2020 survey in order to determine the current community priorities (Post COVID-19) and to see if there is community support for a potential sales tax measure. This work is being done by True North Research, a well know research firm.

Robert Dalquest presented a concept that staff is planning to present to the City Council, which is to incorporate “short-term rental properties” into the definition of lodging to increase the Transient Occupancy Tax (TOT) revenue. This is done in many other communities. Chairman Behnke commented as a hotel business manager, he thought this was a very good idea and quite forward thinking. The presentation indicated that this reform offers a lot of benefits to the City, including equity among lodging providers, the ability for the City to implement general regulation controls to ensure there is management and nuisance controls, and an inventory of these facilities. All committee members agreed that these modifications would be beneficial to the City.

6. New Business:

a) Wireless Ordinance:

Joshua Winter provided a brief presentation and Steven Flower provided additional detail on the elements of the proposed comprehensive wireless ordinance. Chairman Behnke commented his take away is that the legislature has really tied the City’s hands in terms of what they can do and cannot do with proposed wireless facilities. The City cannot prohibit wireless facilities, but it can regulate and provide the application process. If the wireless applicant checks all the boxes of the requirements,

theoretically there could be a facility in residential area. Committee Member Breitling indicated the ordinance was very well done in controlling all aspects of the different facilities. He thought it was well done, a Mill Valley Ordinance on steroids. Committee Maust agreed the Ordinance was well done and comprehensive. The Committee felt that the staff should consider codifying the process for establishing wireless facilities on City owned properties to avoid confusion. Staff indicated there would be a few more minor adjustments to the documents.

Committee Member Roger Evans made a motion and Committee Member Shannan Maust seconded the motion to recommend the City Council adopt the Wireless Ordinance with the addition of codifying the process for establishing wireless facilities on City owned properties. Unanimously approved.

7. City Manager Comments: *None*

8. Next Meeting: September 2, 2020 or as needed

9. Adjournment: 5:57 p.m.

Submitted By: _____
Rosemary Hoerning, City Manager

Approved: XX

DRAFT



STAFF REPORT

ITEM NO. 6 A

DATE: September 2, 2020

TO: CITY COUNCIL ADVISORY COMMITTEE

FROM: ROSEMARY HOERNING, CITY MANAGER

PREPARED BY: ROSEMARY HOERNING, CITY MANAGER

SUBJECT: COVID-19 CONSIDERATION OF MANDATORY FACE COVERINGS

RECOMMENDED ACTION

It is recommended that the City Council Advisory Committee provide advice to Council regarding the implementation of citywide mandatory face covering requirements to minimize the spread of the Coronavirus.

GOAL STATEMENT

The proposed action supports the City Council's goal of safeguarding the public from the potential spread of the COVID-19 virus.

BACKGROUND

On July 27, 2020 the City Council requested the City Council Advisory Committee evaluate and provide advice on the implementation of a local resolution adopting mandatory requirements for face coverings in the City of Upland.

By San Bernardino County Order dated April 17, 2020, all individuals in in San Bernardino County shall wear face coverings over their nose and mouth, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric when in public and when working in essential businesses, when feasible.

The State Department of Health Services has an Order in place, which requires the people of California to wear face coverings to minimize the spread of the virus.

As provided in the guidance documents Californians are required to wear face coverings to minimize the spread of the COVID virus.

To prevent infection, you must cover your nose and mouth when outside your home. So wearing a mask is now required statewide. Wearing a mask or cloth face covering can slow the spread of COVID-19 by limiting the release of virus into the air. It also reinforces physical distancing, and shows you care about the health of others.

Don't wear your mask under your nose or just on your chin. A mask is only effective if it covers both ways you breathe.

Who needs a mask?

- Anyone going outside their home
- Workers in customer-facing industries
- Workers in offices, factories, or any group setting
- Doctors, nurses, and other health care professionals
- Other workers, as dictated by industry guidance

Who shouldn't wear a mask?

- Children under 2 years old
- Anyone with respiratory issues where it would impede their breathing
- Anyone unable to remove the mask without help
- Anyone with a medical condition, mental health condition, or disability that does not allow them to wear a mask

ISSUES AND ANALYSIS

Some local agencies, such as the City of Montclair have elected to adopt local regulations to mandate face coverings within their city boundaries and to impose fines for not wearing face coverings as required.

Should Upland consider adopting a local regulatory mandate for wear face coverings or more restrictive measures than the State?

FISCAL IMPACTS

Minimal expense to adopting a City of Upland face covering mandate. Enforcement and the cost of compliance are unknown.

ALTERNATIVES

1. Provide alternative direction to staff.

ATTACHMENTS

- A. San Bernardino County Order dated April 17, 2020
- B. City of Montclair Emergency Order No. 04-18-20-1 dated April 18, 2020
- C. State Department of Public Health June 18, 2020



Public Health

Trudy Raymundo
Director

Corwin Porter
Assistant Director

Maxwell Ohikhuare, M.D.
Health Officer

Erin Gustafson, M.D., MPH
Acting Health Officer

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO

FOR THE CONTROL OF COVID-19

DATE OF ORDER: April 23, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; County Code Section 31.0101 Et. Seq.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, AND SAN BERNARDINO COUNTY CODE SECTION 31.0101 ET. SEQ., THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO (“HEALTH OFFICER”) ORDERS:

Effective 12:00 a.m. on Saturday, April 25, 2020, and continuing until rescinded, pending further Order of the Health Officer, the following Order will be in effect for the County of San Bernardino (hereinafter the “County”) and consolidates and supersedes all previous COVID-19-related Orders from the Health Officer except for the Order issued on April 6, 2020, titled, “Requirements for All Individuals Entering Certain Licensed Facilities and Other Agencies Who Are Not A Patient, Existing Resident or New Resident”.

1. **Governor’s Order and Term of Orders.** Governor Newsom’s Executive Order N-33-20, including the Order of the California State Public Health Officer issued on March 19, 2020, requires all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain the continuity of operations of the federal Essential Critical Infrastructure Sectors that are defined at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>. All businesses, services, facilities or organizations (businesses) that fall under the Essential Critical Infrastructure Sectors referenced above are Essential businesses. All businesses, services, facilities or organizations that do not fall under the Essential Critical Infrastructure Sectors referenced above are non-Essential and are to remain closed. The Governor’s Executive Order N-33-20 shall remain in effect until rescinded.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Third District

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Chairman, Fourth District

JOSIE GONZALES
Vice Chair, Fifth District

Gary McBride
Chief Executive Officer

**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO FOR THE
CONTROL OF COVID-19. DATE OF THE ORDER: April 23, 2020**

2. **Essential Businesses.** Essential businesses that remain in operation shall follow social distancing and infection control guidelines published by the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH). Businesses shall identify and implement required measures for social distancing and infection control in each of their facilities. If the measures identified and implemented are not effective in maintaining proper social distancing and infection control, additional measures shall be identified and implemented or the facility shall be closed.
3. **Public or Private Gatherings.** Public or private Gatherings, as defined, are hereby prohibited in the County. A “Gathering” is defined as any event or convening that brings or is likely to bring together two or more people from more than one household or living unit in a single room or space at the same time, such as an auditorium, amphitheater, stadium, arena, room, hall, or any other indoor or outdoor space used for non-Essential purposes, except as provided in Section 4 below. This includes Gatherings at private residences of people who do not live at that residence. This Order does not apply to homeless encampments or Gatherings required for the Essential businesses referenced in Section 1 above.
4. **Public Recreational Activities.** Individuals and those living in the same household or living unit, may engage in outdoor recreational activities at parks, trails and lakes, including, but not limited to, walking, running, hiking, equestrian activities, bicycle riding, boating, golfing, pickleball and tennis. While engaging in outdoor recreational activities, social distancing and face covering requirements must be complied with, gatherings may not occur, ancillary services such as shops, snack bars, concession stands must remain closed, and common surfaces such as picnic tables, playground/exercise equipment and rental equipment may not be utilized. Jurisdictions with public recreational locations such as parks, trails, beaches, lakes and rivers should monitor usage and parking on a regular basis. If usage of a public recreational location results in a failure to comply with social distancing, the responsible jurisdiction should take steps, where feasible, to reduce usage to achieve social distancing. Such steps could include, but are not limited to, closing parking lots, closing the location, or any other reasonable steps to reduce public use. Public exercise and playground equipment should be cordoned off to isolate commonly-touched surfaces.
5. **Face Coverings.** All individuals in San Bernardino County shall wear face coverings over their nose and mouth, such as scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings when in public and when working in Essential businesses, when feasible. Face coverings and care of face coverings are described on the California Department of Public Health website at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx>.
 - a. An owner or operator of an Essential business described in Section 1 of this Order may refuse admission or service to any individual who fails to wear a face covering as required by this Order.
 - b. A face covering is not required for drivers traveling alone or with members of their households, unless they must lower their windows to interact with first responders, food service workers, or others who are not members of their households.
 - c. A face covering is not required for solitary outdoor exercise/activity or for members of the same household engaging in outdoor exercise/activity. If others are present, regardless of social distancing, a face covering is required.

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO FOR THE CONTROL OF COVID-19. DATE OF THE ORDER: April 23, 2020

6. **Staffing at Certain Licensed Facilities.** Staff working at certain licensed facilities and other agencies listed in Attachment A at <http://wp.sbcounty.gov/dph/wp-content/uploads/sites/7/2020/04/Attachment-A-and-B.pdf> shall follow the Order of the Health Officer issued on April 6, 2020, pertaining to:
 - a. temperature screening
 - b. self-evaluation for COVID-19 symptoms and quarantine or self-isolation as appropriate;
 - c. masking of all staff while in a facility; and
 - d. avoiding staff working in multiple facilities.

7. **Persons in High Risk Categories.** Pursuant to Governor Newsom's recommendation on March 15th, a strong recommendation is made that all persons who are 65 years old or older, have a chronic underlying condition, or have a compromised immune system self-quarantine themselves at home.

8. **Persons Exhibiting Symptoms.** Pursuant to recommendations from the Centers for Disease Control and Prevention (CDC), a strong recommendation is made for persons exhibiting mild to moderate symptoms of COVID-19 to self-isolate in their place of residence unless seeking medical treatment. A guide to symptoms is found here: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

9. **Resource Prioritization.** Pursuant to recommendations from the Centers for Disease Control and Prevention (CDC), hospitals, clinics and healthcare providers should take measures to preserve and prioritize resources including delaying non-emergent or elective surgeries or procedures where feasible.

10. **Lodging and Short-Term Rentals.** Short-term lodging facilities, including hotels, motels, and short-term residential-style rental units, are to cease operations unless they are being used **only** for one of the following two COVID-19 mitigation and containment measures:
 - a. Protecting homeless populations, for example, isolation, quarantine or the housing of displaced persons, or
 - b. Housing workers that are performing Essential Critical Infrastructure functions.

In the event of a question of uncertainty as to whether a particular short-term lodging use falls within the Governor's exemptions for COVID-19 mitigation and containment measures, a written determination from the Health Officer, County Public Health Department Operations Center, or the County Emergency Operation Center, that the use is authorized, or a directive from any of those entities to allow the use, shall be adequate to authorize such use. In the event it is not possible to obtain a determination in writing, such determination may be provided verbally by the above entities and documented by the lodging provider and the County (name of authorizing person, entity, and date/time authorization was made).

11. **Basis for Order.** The Health Officer finds:
 - a. SARS-CoV2 is a highly-contagious virus that has resulted in a global pandemic, and causes COVID-19, a serious illness that is causing an alarming number of deaths.
 - b. Existing community transmission of COVID-19 in the County presents a substantial risk of harm to the health of residents. Currently there is no vaccine available to protect against COVID-19. It is easily spread through person-to-person contact. Public health experts have

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO FOR THE CONTROL OF COVID-19. DATE OF THE ORDER: April 23, 2020

determined that some individuals who contract the virus have no symptoms or have mild symptoms and in many cases they are not aware they are carrying the virus and are unaware they are transmitting the potentially deadly virus to others. In the absence of a vaccine or treatment for COVID-19, restrictions on gatherings and social distancing practices and other safety precautions such as wearing face coverings are essential to slow transmission of and prevent the spread of the disease. These constitute the most effective approach and are based on best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

- c. Gatherings and places of public assemblage pose an increased risk for community transmission of COVID-19 and are a substantial risk to public health. There is an increased likelihood that gatherings will attract people from a broad geographical area and there can be a prolonged time period in which large numbers of people are in close proximity. In addition, it is difficult to trace exposure when large numbers of people attend a single event or at a single location. Scientific evidence shows that at this stage of the public health emergency, it remains essential to continue to slow the virus transmission as much as possible to protect the most vulnerable, to prevent the healthcare system from being overwhelmed and to prevent deaths.
12. **Intent of Order.** This Order will help to save lives by reducing the number of Californians who contract COVID-19 before an effective treatment or vaccine is available; protect those most likely to experience severe symptoms, such as older Californians and those with underlying chronic conditions; preserve and protect our healthcare delivery system; and minimize the social and economic impacts of COVID-19 over the long run. Further, this Order seeks to ensure continued operation of Essential businesses and access to Essential businesses by the public, while reducing the risk of spread of or exposure to COVID-19.
 13. **Incorporation of Other Orders.** This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 10, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in San Bernardino County; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino proclaiming the existence of a Local Emergency in the County of San Bernardino regarding COVID-19; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino ratifying and extending the Declaration of Local Health Emergency due to COVID-19; and Executive Order N-33-20 of the Governor of California and Order of the State Public Health Officer issued on March 19, 2020.
 14. **Other Guidance.** This Order comes after the release of substantial guidance from the Health Officer, the California Department of Public Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world, including but not limited to, the Centers for Disease Control and Prevention's "Interim Additional Guidance for Infection Prevention and Control for Patients with Suspected or Confirmed COVID-19 in Nursing Homes", the California Department of Public Health Face Covering Guidance issued on April 1, 2020, and Recommendation Regarding the Use of Cloth Face Coverings from the Centers from Disease Control and Prevention issued on April 3, 2020.

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO FOR THE CONTROL OF COVID-19. DATE OF THE ORDER: April 23, 2020

15. **Legal Authority.** This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
16. **Severability of Order.** This Order shall not supersede any conflicting or more restrictive orders issued by the State of California or Federal governments, including any requirements regarding child care. If any portion of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
17. **Enforcement Authority.** To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, this order is enforceable by the Sheriff and all Chiefs of Police in the County. The violation of any provision of this Order constitutes an imminent threat to public health and is a crime punishable by up to a \$1,000 fine or imprisonment up to 90 days, or both. Code Enforcement Officers with the County of San Bernardino Land Use Services Department, and individuals employed as Registered Environmental Health Specialists with the San Bernardino County Fire District are authorized designees of the San Bernardino County Health Officer for the purpose of investigating and determining whether individuals and businesses are complying with these orders.

Copies of this Order shall promptly be: (1) made available at the County of San Bernardino Health Administration office located at 351 N. Mountain View Ave., #303, San Bernardino, CA 92415; (2) posted on the County of San Bernardino Public Health Department's website (wp.sbcounty.gov/dph); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:



Dr. Erin Gustafson, MD, MPH
Acting Public Health Officer
County of San Bernardino

Dated: April 23, 2020

EMERGENCY REGULATIONS

As Director of Emergency Services for the County of San Bernardino, I am authorized to promulgate regulations for the protection of life and property pursuant to Government Code Section 8634 and San Bernardino County Code section 21.0105. The following shall be in effect for the duration of the Health Officer Order issued above which is incorporated in its entirety by reference: The Health Officer Order shall be promulgated as a regulation for the protection of life and property. Any person who violates or who refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both. (Government Code section 8665.)

**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO FOR THE
CONTROL OF COVID-19. DATE OF THE ORDER: April 23, 2020**



Gary McBride
Director/CEO
Office of Emergency Services
County of San Bernardino

Dated: April 23, 2020

Approved as to form and legality:



Michelle D. Wakemore
County Counsel
County of San Bernardino

Dated: April 23, 2020

ITEM 6A - ATTACHMENT B

CITY OF MONTCLAIR EMERGENCY ORDER NO. 04-18-20-1

Issue Date: April 18, 2020

SUBJECT: EMERGENCY ORDER MANDATING THE FOLLOWING:

- 1. WEARING OF FACE COVERINGS**
- 2. ESSENTIAL WORKER PROTECTIONS**

PLEASE READ THIS ORDER CAREFULLY. VIOLATION OF, OR FAILURE TO COMPLY WITH, THIS ORDER IS PUNISHABLE BY FINE, IMPRISONMENT, OR BOTH. (§120295 of the California Health and Safety Code; and Chapter 1.04, *et seq.*, Chapter 1.12, *et seq.* and § 6.08.100.B of Chapter 6.08 of the Montclair Municipal Code)

On March 16, 2020, the Montclair City Council adopted Resolution No. 20-3263 declaring a local public health emergency in the City of Montclair in relation to the Novel Coronavirus (COVID-19).

In declaring a local public health emergency, the City Council invoked § 6.080.060 of Chapter 6.08 of Title 6 of the Montclair Municipal Code providing that the City Manager, as Director of Emergency Services, is empowered to "*make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.*"

On April 5, 2020, Montclair Community Guidance 04-05-20-1 was issued directing businesses and residents of the City of Montclair to comply with the non-medical [Cloth Face Coverings Guidance](#) issued by the California Department of Public Health on April 1, 2020, and as issued by the San Bernardino County Public Health Department [Guidance](#) issued on April 2, 2020, as [updated](#) on April 7, 2020, and as [superseded](#) by Order of the Health Officer of the County of San Bernardino on April 17, 2020.

The State and County Guidance, as well as Guidance from the Centers for Disease Control and Prevention (CDC), encourage non-medical workers to wear non-medical grade face coverings while at their place of employment, and encourage each resident of California to wear non-medical grade face coverings outside their home, including when performing essential tasks such as grocery shopping and picking up prescriptions.

California is experiencing a shortage of medical-grade facemasks such as surgical masks, N95 respirators, and other personal protective equipment (PPE) — equipment that is vital for the protection of medical workers and first responders when administering health care services.

Since the issuance of Montclair Community Guidance 04-05-20-1, additional efforts are necessary to protect the PPE supply line, and ensure the protection of Essential workers, as well as members of the public, by mandating the wearing of non-medical grade face coverings. Accordingly, and by virtue of the authority vested in me as Director of Emergency Services pursuant to provisions of § 6.080.060 of the Montclair Municipal Code to make and issue rules and regulations on matters related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property, and hereby order the following:

1. Emergency Order No. 04-18-20-1 supersedes and replaces Montclair Community Guidance 04-05-20-1 and, by reference, incorporates the [April 17, 2020 Order of the Health Officer of the County of San Bernardino for the Control of COVID-19](#). In the event of conflict or disagreement in language or directive between the April 17, 2020 Order of the Health Officer of the County of San Bernardino For the Control of COVID-19 and City of Montclair Emergency Order No. 04-18-20-1, City of Montclair Emergency Order No. 04-18-20-1 prevails.
2. In order to preserve the PPE supply line, reduce the spread of the novel coronavirus by cough, sneeze and the projection of droplets, and to protect medical and non-medical workers from risk of infection by exposure to other employees and members of the public that fail to wear, or properly wear, face coverings, the following is Ordered:
 - a. The State Public Health Officer has designated a list of “[Essential Critical Infrastructure Workers](#)” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. In order to protect the health and safety of medical and non-medical Essential workers, Essential Montclair businesses, as defined by the [Essential Critical Infrastructure Workers](#) list, that are open for business in compliance with the Stay at Home Orders issued on March 19 by Governor Newsom ([Executive Order N-33-20](#)) and the State Health Officer ([Order of the State Public Health Officer](#)) must comply with the following:
 - i. An owner or operator of an Essential business subject to this Order shall require employees to wear non-medical grade face coverings in compliance with this Order.
 - ii. An owner or operator of an Essential business subject to this Order must provide, at the employer's expense, non-medical grade face coverings for their employees.
 - iii. An owner or operator of an Essential business subject to this Order shall refuse admission or service to any individual, customer, client or visitor

who fails to wear, or properly wear, a non-medical grade face covering as required by this Order.

- iv. Employers subject to this Order must permit their employees to wash their hands at least every 30 minutes, and use hand sanitizer with minimum 60% alcohol content, as conditions require and at the discretion of the employee.
 - v. Employers subject to this Order must ensure that their employees have access to clean, sanitary restrooms, stocked with all necessary hand cleaning products or sanitizing agents required to observe hand sanitation protocols recommended by the CDC, provided at the employer's expense.
 - vi. Employers subject to this Order must ensure that work places are regularly sanitized, including the regular disinfection of high-touch surfaces, and disinfection of all payment portals, pens, and styluses after each use.
 - vii. Retail businesses subject to this Order shall provide for special, early shopping hours for vulnerable members of the community including, but not limited to, senior citizens 65 years of age or older.
 - viii. Employers subject to this Order must implement and maintain social/physical distancing measures for customers, visitors and employees that limit the number of people who enter into the facility at any one time to ensure that people in the facility can easily maintain, at all times, a minimum 6-foot physical buffer from others, to the extent practicable, between individuals that are not family members or household contacts. Retail businesses subject to this Order may achieve social/physical distancing by requiring customers in interior and exterior lines to be in control of a shopping cart that is placed before each customer, or individuals from the same household, to separate them from the customer ahead of them in line.
- b. For purposes of this Order, all Essential workers who work at businesses or perform services that are exempt under § 1) of Governor Newsom's March 19 [Executive Order N-33-20](#) shall include, but not be limited to, Essential workers identified in Exhibit 1 attached and incorporated into this Emergency Order, and as identified under the State of California's [Essential Critical Infrastructure Workers](#) list.
 - c. For purpose of this Order, all non-essential businesses (those businesses and their workers not identified on the State of California's [Essential Critical Infrastructure Workers](#) list) are required to be closed and remain closed pursuant to Governor Newsom's March 19 [Executive Order N-33-20](#). Furthermore, non-essential businesses shall remain closed until such time that

Governor Newsom and/or the State Public Health Officer, in cooperation with the Health Officer of the County of San Bernardino, rescinds, modifies, extends, or otherwise alters [Executive Order N-33-20](#) and the [Order of the State Public Health Officer](#), and all non-essential workers shall comply and continue to comply with [Executive Order N-33-20](#).

- d. All individuals in Montclair shall wear non-medical grade face coverings over their nose and mouth when in public and/or when working in Essential non-medical businesses.
 - i. A non-medical grade face covering is not required for a driver traveling alone or with members of their household, unless a window in the vehicle must be lowered to interact with first responders, food service workers, or others who are not members of their household. When an occupied vehicle is at rest, for any reason, and any window is open and members of the public are within 6-feet of the vehicle, each occupant of the vehicle shall wear a non-medical grade face covering.
 - ii. A non-medical grade face covering is not required for solitary outdoor exercise/activity or for members of the same household engaging together in outdoor exercise/activity; however, if other non-household members are present and within 6-feet, including approaching individuals, whether known or unknown to each other, a non-medical grade face covering must be worn by each individual.
 - iii. A non-medical grade face covering may be made of cotton, silk, linen or other material that covers the nose and mouth, and is secured to the head with ties or straps or simply wrapped around the lower face. A non-medical grade face covering may be factory- or home-made, and can be improvised from household items such as scarves (dense and without holes), bandanas, neck gaiters, T-shirts, sweatshirts, and towels.
 - 1) For individual health, safety and hygiene, face coverings should be washed frequently, ideally after each use, or at least daily, with detergent and hot water.
 - 2) If a face covering must be worn multiple times between washings, the wearer of the face covering should wash his/her hands each time the face covering is removed and put back on.
 - 3) Face coverings should be discarded if they no longer cover the nose and mouth, have holes or tears, or have damaged straps.
- e. All individuals, including non-medical members of the Essential workforce, are discouraged from using PPE, such a N95-type facemasks, for non-medical reasons.

3. This Order is promulgated for the following reasons:
 - a. A non-medical grade face covering worn by a person infected with COVID-19 could act as a physical barrier to prevent dangerous droplets from being transmitted to others or falling on surfaces, and prevent transmission by a person who lacks symptoms and does not know they have a novel coronavirus infection.
 - b. Wearing a non-medical grade face covering could substantially reduce the chance of a healthy person inhaling the COVID-19 virus from someone who is infected.
 - c. Non-medical grade face coverings serve as physical reminders that people should not touch their eyes, nose, or mouth.
 - d. Non-medical grade face coverings serve a social cue, reminding others that we are living through a dangerous pandemic and that we should keep our distance from each other.
 - e. Non-medical grade face coverings do not guarantee protection from infection, but they may provide protection by filtering the air breathed in and out.
 - f. Emerging medical data support that the novel coronavirus could spread as an aerosol while people are speaking, coughing or sneezing, and use of a non-medical grade face covering can minimize the aerosol effect.
 - g. Emerging medical data suggest the spread of the novel coronavirus declines when a majority of the population wear non-medical grade face coverings.
4. This Order is based on provisions of the non-medical [Cloth Face Coverings Guidance](#) issued by the California Department of Public Health on Wednesday, April 1, 2020 and the [April 17, 2020 Order of the Health Officer of the County of San Bernardino for the Control of COVID-19](#).
5. This Order is not a substitute for existing Guidance, including the following:
 - a. Social/Physical Distancing. On March 20, and until further notice, the San Bernardino County Public Health Department issued a County Guidance encouraging all residents to stay at home as much as possible, and participate only in essential activities such as critical work functions, doctor appointments, and shopping for necessities. Proper social distancing requires a 6-foot separation between persons other than family members. This County Guidance complies with Governor Newsom's March 19 [Emergency Order N-33-20 Stay at Home Order](#).
 - b. Gathering Guidance. On March 17, and until further notice, the San Bernardino County Public Health Department ordered the cancellation, outside of the

home, of all gatherings of two or more people within the County. Within the home, only members of the household are permitted to gather.

- c. Handwashing. The CDC encourages frequent (at least every 30 minutes) and vigorous handwashing for at least 20 seconds, using soap and warm water to destroy the fatty layer that encases each novel coronavirus molecule. Handwashing should occur each time after using the restroom; before and after eating; after blowing the nose, coughing or sneezing; after removing or putting on a face covering; and before and after touching the face, nose or eye area. If soap and water are not available, a hand sanitizer with at least 60% alcohol should be used to cleanse hands.
- d. Sanitize. The CDC recommends cleaning and disinfecting frequently touched objects and surfaces, using regular household cleaning spray or wipes.
- e. Avoid sick people. The CDC recommends that unless an individual is a health care provider or first responder on a medical emergency call, avoid direct contact with people who are sick. An individual exposed to a person suspected of having COVID-19 or who is diagnosed with COVID-19, should self-quarantine for 14 days and seek the advice and assistance of a health care provider.

6. Exclusions to this Order:

- a. This Order is not intended to encourage, recommend, or suggest the purchase or wearing of personal protective equipment (PPE), such as surgical masks, N95-type facemasks, or other medical-grade facemasks, masks, shields or face coverings that are intended for use by health care workers and first responders.
- b. This Order is not intended to discourage the wearing of surgical masks or N95-type facemasks if such masks are already in the person's possession and/or is the only type of face covering available to the person at the time of its use.
- c. This Order is not intended to encourage the wearing of a non-medical grade face covering when the wearing of such device represents a potential danger to the person or to others.

This Order and each of its provisions shall be effective immediately, and shall remain in effect until rescinded by the City of Montclair Director of Emergency Services.

EMERGENCY DIRECTIVE

Dated: April 17, 2020

As Director of Emergency Services for the City of Montclair, I am authorized to promulgate directives, orders, guidance and regulations for the protection of life and property pursuant to Government Code Section 8634 and Montclair Municipal Code

Section 6.080.060. This Order shall be in effect for the duration of the local Public Health Emergency adopted pursuant to Montclair City Council Resolution No. 20-3263, which is incorporated in its entirety by reference.

This Order is promulgated as a regulation for the protection of life and property.

Any person who violates or who refuses or willfully neglects to obey this Order is subject to fine, imprisonment, or both pursuant to Montclair Municipal Code section 1.12.010, which provides, in pertinent part:

- A. Any person, firm, corporation, or other responsible entity who violates...any rule or regulation promulgated pursuant [to this Code] shall be guilty of a misdemeanor...
- B. Penalties.
 - a. Misdemeanor. Any person, firm, corporation, or responsible entity convicted of a misdemeanor under the provisions of this Code...shall be punishable by a fine not to exceed One Thousand (1,000) Dollars, or by imprisonment in the City or County Jail for a period not to exceed six months, or by both such fine and imprisonment.

Each violation of this Order shall be a separate violation, and each day of violation shall be a separate violation. This Order is enforceable by Law Enforcement and Code Enforcement personnel of the City of Montclair, as well as any other person designated in writing by the Director of Emergency Services to enforce this Order.

BY ORDER OF



Edward C. Starr
Director/City Manager
Office of Emergency Services



SONIA Y. ANGELL, MD, MPH
State Public Health Officer & Director

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

Released June 18, 2020

- Revised on June 29, 2020 to clarify that children under two years old are exempt from wearing face coverings due to risk of suffocation

GUIDANCE FOR THE USE OF FACE COVERINGS

Because of our collective actions, California has limited the spread of COVID-19 and associated hospitalizations and deaths in our state. Still, the risk for COVID-19 remains and the increasing number of Californians who are leaving their homes for work and other needs, increases the risk for COVID-19 exposure and infection.

Over the last four months, we have learned a lot about COVID-19 transmission, most notably that people who are infected but are asymptomatic or pre-symptomatic play an important part in community spread. The use of face coverings by everyone can limit the release of infected droplets when talking, coughing, and/or sneezing, as well as reinforce physical distancing.

This document updates existing [CDPH guidance](#) for the use of cloth face coverings by the general public when outside the home. It mandates that face coverings be worn state-wide in the circumstances and with the exceptions outlined below. It does not substitute for existing guidance about social distancing and handwashing.

Guidance

People in California must wear face coverings when they are in the high-risk situations listed below:

- Inside of, or in line to enter, any indoor public space;¹
- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;²
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;

¹ Unless exempted by state guidelines for specific public settings

² Unless directed otherwise by an employee or healthcare provider



- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings or masks for both inmates and staff.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others should wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Background

What is a cloth face covering?

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels.

How well do cloth face coverings work to prevent spread of COVID-19?

There is scientific evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission. Their primary role is to reduce the release of infectious particles into the air when someone speaks, coughs, or sneezes, including someone who has COVID-19 but feels well. Cloth face coverings are not a substitute for physical distancing, washing hands, and staying home when ill, but they may be helpful when combined with these primary interventions.

When should I wear a cloth face covering?

You should wear face coverings when in public places, particularly when those locations are indoors or in other areas where physical distancing is not possible

How should I care for a cloth face covering?

It's a good idea to wash your cloth face covering frequently, ideally after each use, or at least daily. Have a bag or bin to keep cloth face coverings in until they can be laundered with detergent and hot water and dried on a hot cycle. If you must re-wear your cloth face covering before washing, wash your hands immediately after putting it back on and avoid touching your face. Discard cloth face coverings that:

- No longer cover the nose and mouth
- Have stretched out or damaged ties or straps
- Cannot stay on the face
- Have holes or tears in the fabric



STAFF REPORT

ITEM NO. 6 B

DATE: SEPTEMBER 2, 2020

TO: CITY COUNCIL ADVISORY COMMITTEE

FROM: ROSEMARY HOERNING, CITY MANAGER

PREPARED BY: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
GIOVANNI ARELLANO, REHAB PROGRAM ADMINISTRATOR

SUBJECT: NEW URBAN PUBLIC SPACE PROJECT IN DOWNTOWN UPLAND - OLD
MAGNOLIA PLAZA

RECOMMENDED ACTION

It is recommended that the City Council Advisory Committee recommend to the City Council to proceed with the conceptual design and development of a new urban public space in Downtown Upland; known as Old Magnolia Plaza (the "Project").

GOAL STATEMENT

The proposed action supports the goals of the Historic Downtown Upland Specific Plan by providing public space to improve the visual aesthetics of Downtown and serve as an urban place for residents and visitors to gather and enjoy the Downtown environment and services.

BACKGROUND

As part of the Development Services Department's continuing efforts to improve and enhance the public realm in the Downtown, staff has created a plan to develop two vacant lots adjacent along the north and south of the Pacific Electric Trail, between Second Avenue and Third Avenue as a new urban public space; which is aptly named Old Magnolia Plaza. The property is owned by the San Bernardino County Transportation Agency (SBCTA) and is .069 acre in size. The City of Upland owns a License Agreement with SBCTA which allows the City to design and

construct improvements along the Pacific Electric Trail within the City. Unlike many historic downtowns, Upland's downtown lacks a central public space. Old Magnolia Plaza will be utilized as a social gathering area for holiday celebrations, small concerts, recreation, reflection, and to promote local history and art. The location also allows the new public space to serve as a quasi trailhead for Upland's major Class 1 Bike Trail which will encourage bike riders and pedestrians to stop in Downtown and rest and/or have a bite to eat. Staff has observed on a number of occasions people parking their vehicles on this stretch of Second Avenue and unloading their bicycles to enter the trail from this location. Lastly, the new urban space will invite more pedestrian traffic to Downtown, whereby increasing the area's walkability factor and overall intrinsic value for the community.

Prior to the City's incorporation in 1906, the area was previously referred to as "Magnolia," hence, naming the urban public space Old Magnolia Plaza to honor the history of this area and be a new focal point in Downtown. Old Magnolia Plaza will serve as a true urban public space where contemporary usage is married to local Upland history. Staff intends to weave Upland's citrus heritage and local history as the theme throughout the Plaza. Attached for the Committee's reference are conceptual renderings which illustrate what the new urban space could ultimately look like. Additionally, to accommodate a true urban public space, the area's paving and landscaping will be selected for its overall utilitarian use, as well as contributing toward the aesthetics in the Downtown environment.

Urban public spaces act as bridges where local government and public lives intersect. Urban public spaces are dynamic, inclusive, and foster a sense of community and positively impact the daily lives of people living in urban areas. They play an important role in branding an area and promoting a healthier and livable environment which will result in recreational, social and economic benefits that will help revitalize the Downtown.

ISSUES / ANALYSIS

Under the Historic Downtown Specific Plan, a primary component missing from Downtown is a central urban public space. Without a true focal space, Downtown community events and activities are fragmented throughout Downtown, relegated to fringe parking lots or require the complete closure of streets. By creating Old Magnolia Plaza, the missing component in Downtown's public realm will be addressed.

In an effort to seek input from Downtown stakeholders, staff has communicated and showed the project's conceptual plans to Historic Downtown Upland (Merchant Group), Upland Chamber of Commerce, and Upland Heritage (Historical Society) and all are supportive of the concept and the conceptual improvements.

In combination with other City efforts underway in the Downtown, such as the recently approved Historic Downtown Upland Streetscape Beautification Program, the Business Attraction and Assistance Program, the Commercial Rehabilitation Program and a number of housing and commercial development inquiries, the Old Magnolia Plaza Project will augment

the Downtown environment to accelerate the revitalization of Downtown.

This project also furthers a key recommendation from the Final Report to the City Council by the Ad Hoc Committee on Downtown. For the Committee's information, the City Council in February 2019, directed that an Ad Hoc Committee be formed from Downtown Stakeholders to evaluate concerns affecting businesses in Downtown, and to provide recommendations. A key finding in this report pertaining to the poor aesthetics in Downtown and the need for public realm improvements to enhance the Downtown's environment so that it's more pedestrian-oriented and walkable.

FISCAL IMPACTS

The Old Magnolia Plaza Project will be funded in whole from the City's Park Fund and are anticipated to total \$250,000.00. Fees will be used for architectural and design services as well as Project construction. There is no fiscal impact to the General Fund relative to the financing of this Project.

ATTACHMENTS

Old Magnolia Plaza Conceptual Renderings

ITEM 6B - OLD MAGNOLIA PLAZA CONCEPTUAL RENDERINGS



EXISTING SITE TOP VIEW

PROPOSED NEW PARK



PROPOSED NEW RESTROOMS



City of Upland

HISTORIC DISTRICT
BEAUTIFICATION

Park Project
Upland, California

August 13, 2020

City of Upland Historic District
Proposed Old Magnolia Plaza



PROPOSED MURAL ON EXISTING NORTH WALL. - SOUTH VIEW FROM N 2ND AVE.



EXISTING SOUTH VIEW



PROPOSED NEW MURAL



City of Upland

HISTORIC DISTRICT
BEAUTIFICATION

Park Project
Upland, California

August 13, 2020

City of Upland Historic District
Proposed Old Magnolia Plaza



PROPOSED WEST VIEW FROM N 3RD AVE.
SUNKIST MURAL

EXISTING WEST VIEW

City of Upland Historic District
Proposed Old Magnolia Plaza



City of Upland

**HISTORIC DISTRICT
BEAUTIFICATION**

**Park Project
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EXISTING NORTH VIEW

PROPOSED PARK BAND STAGE
WITH OPTION OF SUNKIST MURAL

City of Upland Historic District
Proposed Old Magnolia Plaza



City of Upland

HISTORIC DISTRICT
BEAUTIFICATION

Park Project
Upland, California

August 13, 2020



STAGE AREA
 TRELIS PICNIC TABLE
 SEATING BENCHES
 PAVERS WALKWAY
 LANDSCAPING AREAS



PROPOSED PARK WEST VIEW FROM ALLEY

EXISTING WEST VIEW



City of Upland

**HISTORIC DISTRICT
 BEAUTIFICATION**

**Park Project
 Upland, California**

August 13, 2020

City of Upland Historic District
 Proposed Old Magnolia Plaza