

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
NOVEMBER 14, 2016**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Ray Musser at 6:00 p.m. in the Council Chamber of the Upland City Hall.

1. ROLL CALL

Present: Mayor Ray Musser, Councilmembers Glenn Bozar, Gino Filippi, Debbie Stone, Carol Timm

Staff: Interim City Manager Martin Thouvenell, City Attorney Richard L. Adams II, and Deputy City Manager/City Clerk Jeannette Vagnozzi

2. ADDITIONS/DELETIONS TO AGENDA

Interim City Manager requested the deletion of items 11J, 11K and 14C from the agenda due to lack of information.

City Attorney Adams requested the addition of a Closed Session Item due to a need for immediate action, after the posting of the agenda, receiving an email from Carl Bunch threatening litigation if the City Council took action on Business Item 14B. He requested the City Council add a Closed Session pursuant to Government Code section 54956.9, Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) Section 54956.9: One potential case.

Motion by Councilmember Bozar making findings that a need arose after the agenda was posted and immediate action was needed for direction by the City Council to add to the agenda Closed Session Item 4B pursuant to Government Code section 54956.9 Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) Section 54956.9: One potential case, seconded by Councilmember Timm, and carried unanimously.

3. ORAL COMMUNICATIONS None

4. CLOSED SESSION

At 6:03 p.m. Mayor Musser announced the City Council would recess to Closed Session pursuant to Government Code Section

A. GOVERNMENT CODE SECTION 54956.9 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of Subdivision (d) of Section 54956.9)

Case Name: Zen Health Wellness, Inc. et al. vs. City of Upland et al. (Case No. CIVDS 1612135)

B. GOVERNMENT CODE SECTION 54956.9 - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant paragraph 2 of subdivision (d) of Section 54956.9: One Potential Case

The City Council reconvened in open session at 7:09 p.m.

5. INVOCATION Co-Pastor Sue Park Hur, Mountain View Mennonite Church

6. PLEDGE OF ALLEGIANCE Public Works Director Hoerning

7. PRESENTATIONS

A Proclamation was presented to recognize Police Dispatcher Judy Jauregui upon her retirement from the City with 32 years of service

Certificates of Recognition were presented to Upland residents serving in the military, along with verbal recognition of the sponsors.

Presentation of Certificates of Completion to the Upland Community Emergency Response Team (CERT)

A Proclamation declaring November 14, 2016 as Sister Cities International Day was accepted by Julie Jewell

A Police Badge was presented to Officer Alejandro Martinez by Police Chief Brian Johnson

8. CITY ATTORNEY

City Attorney announced that Closed Session Item 4B was added to the agenda after the posting of the agenda, based on a need for immediate action: Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9.

Further stated that the City Council received reports and there was no reportable action during Closed Session.

9. ORAL COMMUNICATIONS

Erwin Meyers, Upland, invited the public to the First Baptist Church 9th Anniversary recovery celebration on November 16th from 5:30 p.m. to 7:30 p.m.

Suzette Dang, representative from Supervisor Hagman's office, invited the public to Veterans Appreciation Day at Westwind Community Center on November 18th from 10 a.m. and the Supervisor's Christmas Open House at Chino Hills City Hall on December 8th at 5:30 p.m.

The following speakers spoke in opposition of Business Item 14B. They felt the display of the National Motto "In God We Trust" was divisive and also provided alternate recommendations:

Janice Elliott, Upland
Rebecca Kitchings, Riverside

Jim Richardson, Upland
Gerald Spotts, Upland

Shelley Foglesong, Upland, announced upcoming fundraising events at the animal shelter including Giving Tuesday and Tree Lighting Event on November 29.

Kelli Price, Upland, asked the City Council to rethink no longer allowing community banner permits. She said the banners are used to advertise for Upland High School events and fundraising.

Ryan Rodriguez, Upland, asked the City for help to deal with the transient issue at Memorial Park baseball field.

Eric Gavin, Upland, invited the public to attend the Homeless Stakeholders meeting on November 15, 2016 and informed people of assistance programs to get the chronic homeless off the street.

10. COUNCIL COMMUNICATIONS

Councilmember Filippi asked the City Manager to address Speaker Rodriguez's concerns with the transient issue at Memorial Park. Interim City Manager Thouvenell provided an update on the bids for fencing around the ball fields and reactivating a Memorial Park Committee to address issues.

11. CONSENT CALENDAR

Councilmember Timm removed Consent Calendar Item 11I for separate action. Motion by Councilmember Stone to approve the remainder of the Consent Calendar, seconded by Councilmember Filippi, and carried unanimously.

A. APPROVAL OF WARRANTS AND PAYROLL REGISTERS

Approved Warrant Register dated October 19, 2016 in the amount of \$3,828,387.80 and Payroll Registers dated October 24, 2016 in the amount of \$28,424.46 and dated October 27, 2016 in the amount of \$616,168.85 and dated October 31, 2016 in the amount of \$30,078.97.

B. APPROVAL OF MINUTES

Approved the Regular Meeting Minutes October 24, 2016.

C. 2ND READING OF ORDINANCE NO. 1913 PERTAINING TO ADOPTION OF A TREE CARE ORDINANCE

Held 2nd reading by number and title only, waived further reading, and adopted Ordinance No. 1913 adding Chapter 12.26 of Title 12 of the Upland Municipal Code adding a Tree Care Ordinance.

D. 2ND READING OF ORDINANCE NO. 1914 PERTAINING TO MUNICIPAL CODE AMENDMENT TO ADMINISTRATIVE CITATIONS

Held 2nd reading by number and title only, waived further reading, and adopted Ordinance No. 1914 amending Chapter 1.10 of the Upland Municipal Code imposing Administrative Fines for violations of the Upland Municipal Code and establishing Administrative procedures for such fines.

E. BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE

Adopted a Resolution No. 6368 rescinding Resolution No. 6246 in its entirety and adopting a Conflict of Interest Code applicable to designated positions, including members and staff of the Oversight Board of the Successor Agency, Successor Agency to the Upland Community Redevelopment Agency, Upland Public Financing Authority, and Successor Agency to the Upland Housing Authority.

F. RESIGNATION OF CITY COUNCIL ADVISORY COMMITTEE MEMBER

Accepted the resignation from City Council Advisory and Traffic Safety Advisory Committee Member Rod McAuliffe, and instructed the City Clerk to post the vacancy pursuant to Government Code Section 54974.

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

Received and filed the status update.

H. DISPOSAL OF SURPLUS EQUIPMENT

Declared items as surplus, and authorized the Deputy City Manager to initiate disposal of the surplus equipment with vendor(s) that provide the most return of revenue.

J. 2016 JUSTICE ASSISTANCE GRANT

This item was removed from the agenda.

K. OFFICE OF TRAFFIC SAFETY GRANT (PT17134)

This item was removed from the agenda.

ITEMS REMOVED FOR SEPARATE ACTION

I. CITY OF UPLAND EMERGENCY WATER SUPPLY DELIVERY TO SAN ANTONIO WATER COMPANY

Public Works Director Hoerning answered questions from the City Council regarding water rights and the San Antonio Water Company.

Motion by Councilmember Timm to execute a Memorandum of Understanding with San Antonio Water Company for the delivery of emergency water, seconded by Councilmember Filippi and carried unanimously.

12. PUBLIC HEARINGS

A. ESTABLISHING A MAINTENANCE COMMUNITY FACILITIES DISTRICT NO. 2016-2 FOR THE HARVEST AT UPLAND SPECIFIC PLAN AREA

Report given by Consultants Marshall Linn of Urban Futures Inc. and Bradley Neal of Stradling Yocca, Carlson and Rauth, provided direction on the election.

There was discussion on the length of time that the tax would be imposed on the properties and giving an overview of the process.

Mayor Musser opened the public hearing.

Speaker Eric Gavin, Upland, spoke in support of the Harvest at Upland project and cited a SCAG report that states there is not enough housing in California.

Speaker Mark Gutgleck, asked questions how the CFD monies would be used, bonds associated with the property, limits on the numbers of taxes imposed on a property, and fees in connection with the formation of the CFD.

Consultant Linn addressed his questions and stated that there are no bonds associated with the CFD and once homeowners move in then any new taxes imposed on the property would have to be voted on by the residents.

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

Motion by Councilmember Stone to adopt Resolution No. 6369 establishing Community Facilities District No. 2016-2 (Harvest Maintenance) of the City of Upland, authorizing the levy of special taxes and calling an election therein, seconded by Councilmember Timm, and carried unanimously.

City Clerk Vagnozzi declared that all ballots had been cast in connection with the election for CFD 2016-2 and the election was closed. The results of the election were unanimous, 16 votes in favor of the proposition.

Motion by Councilmember Stone to adopt Resolution No. 6370 of the City Council acting in its capacity as the legislative body of the Community Facilities District No. 2016-2 of the City of Upland, certifying the results of the November 14, 2016 special tax and bond elections, seconded by Councilmember Timm, and carried unanimously.

Motion by Councilmember Stone to adopt Ordinance No. 1915 of the City Council of the City of Upland, acting in its capacity as the legislative body of the Community Facilities District No. 2016-2 of the City of Upland, authorizing the levy of a special tax within the Community Facilities District, seconded by Councilmember Timm, and carried unanimously.

B. LOCAL REGISTER DESIGNATION FOR ONE HISTORIC HOME - 738 WEST 17TH STREET

Report given by Assistant Planner Picazo, which is on file in the City Clerk's Office.

Mayor Musser opened the public hearing.

Robin Baker, Upland, spoke about the importance the local registry, historic preservations, and improvement to property values plays in neighborhood beautification.

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

Motion by Councilmember Timm to adopt Resolution No. 6371 granting a petition designating one home to the City of Upland Local Register of Historic Places, seconded by Councilmember Stone, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

- A. FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING, NOVEMBER 7, 2016

Councilmember Bozar 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.

- B. PUBLIC WORKS COMMITTEE, NOVEMBER 8, 2016

Councilmember Stone and Public Works Director Hoerning 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. MILLS ACT CONTRACTS FOR THREE HISTORIC HOMES AND ONE HISTORIC COMMERCIAL PROPERTY 2016

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

There was further discussion on the importance of restoring and maintaining historic homes in the City.

Motion by Councilmember Filippi to approve the Mills Act Contracts for three historic homes and one commercial property and authorizing the City Manager to execute the documents, subject to review and approval of the Mills Act Contracts by the City Attorney, seconded by Councilmember Bozar, and carried unanimously.

- B. CONSIDER DISPLAY OF NATIONAL MOTTO "IN GOD WE TRUST" IN THE COUNCIL CHAMBERS

A motion was made by Councilmember Stone to continue the item for further discussion and additional public input, and seconded by Councilmember Timm.

There was discussion regarding the speakers' opposition to displaying the National Motto, would be perceived as divisive, its potential liability, and the religious versus patriotic nature of the motto.

A vote was then taken and carried with Mayor Musser voting no.

- C. PURCHASE AND SALE AGREEMENT WITH WB PROPERTIES

This item was removed from agenda.

15. CITY MANAGER

Interim City Manager Thouvenell stated that there is currently no lawful procedure in place for Community banner permits and there was brief discussion on the current status for non-profit banners,

16. ADJOURNMENT

Mayor Musser adjourned the meeting at 9:43 p.m. The next regularly scheduled City Council meeting is Monday, November, 28, 2016.

SUBMITTED BY



Jeannette Vagnozzi, City Clerk

APPROVED

November 28, 2016