

REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency

MINUTES
August 10, 2021

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, August 10, 2021.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:01 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez.

Also present were City Manager Marcus Fuller, City Attorney Eric Vail, and City Clerk Barbara McGee.

Mayor Pro Tem Ed Scott was absent.

City Treasurer Edward Carrillo was absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.8

Significant exposure to litigation Pursuant to Government Code
Section 54956.9(d)(2)

Number of matters: Nine (9)

CLOSED SESSION

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code section 54956.8
Property: South East Corner of Linden Avenue & Miro Way;
APN: 0264-211-15
Agency Negotiator: City Manager Marcus Fuller;
City Attorney Eric Vail.
Negotiating Parties: Spraytech; Alexamax, LLC;
City of Rialto
Under Negotiation: Price and Terms of Potential Sale of Property

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code section 54956.8
Property: 128 N. Willow, Rialto
Rialto APN: 013019111
Agency Negotiator: City Manager Marcus Fuller;
City Attorney Eric Vail.
Negotiating Parties: McLaughlin Development Partners, LLC;
City of Rialto
Under Negotiation: Price and Terms of Sale

4. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code section 54957.6
Agency Designated Representatives: City Manager Marcus Fuller
Employee Organizations:
 - City Government Management Association
 - Rialto Fire Management Association
 - Rialto Mid-Management & Confidential Employee's Association
 - Rialto Policy Benefit Association – Management
 - Rialto City Employee's Association
 - Rialto Police Benefit Association – General
 - Rialto Professional Firefighters of California - Local 3688
 - Executive Management Team
 - Management Unrepresented Employees
 - Unrepresented Employees

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by 5-0 vote to go into Closed Session at 5:04 p.m.

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City Council returned from Closed Session at 6:50 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:31 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail, and City Clerk Barbara McGee.

City Treasurer Edward Carrillo was present via Zoom .

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**Pledge of Allegiance
and Invocation**

Council Member Karla Perez led the Pledge of Allegiance.
Father Richard Casillas, SVD – St. Catherine of Siena Church

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**City Attorney's Report on
Closed Session**

1. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.8

Significant exposure to litigation Pursuant to Government Code
Section 54956.9(d)(2)

Number of matters: Nine (9)

The City Council reviewed two (2) out of the nine matters. No reportable
action

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: South East Corner of Linden Avenue & Miro Way;
APN: 0264-211-15

Agency Negotiator: City Manager Marcus Fuller;
City Attorney Eric Vail.

Negotiating Parties: Spraytech; Alexamax, LLC;
City of Rialto

Under Negotiation: Price and Terms of Potential Sale of Property

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: 128 N. Willow, Rialto

Rialto APN: 013019111

Agency Negotiator: City Manager Marcus Fuller;
City Attorney Eric Vail.

Negotiating Parties: McLaughlin Development Partners, LLC;
City of Rialto

Under Negotiation: Price and Terms of Sale

City Attorney’s Report on Closed Session

4. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code section 54957.6
Agency Designated Representatives: City Manager Marcus Fuller
Employee Organizations:

- City Government Management Association
- Rialto Fire Management Association
- Rialto Mid-Management & Confidential Employee’s Association
- Rialto Policy Benefit Association – Management
- Rialto City Employee’s Association
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Executive Management Team
- Management Unrepresented Employees
- Unrepresented Employees

All of the rest of the items on the agenda will come back after the end of the regular session when the City Council decides to take them all back up. No reportable action in the two Items that were addressed.

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PRESENTATIONS AND PROCLAMATIONS

- Introduction of new employees by Marcus Fuller, City Manager:
Bradley Fleighmann, Building & Safety Manager
Lei Jim, IT Specialist
Sylvia Yglesias, P/T HR Assistant
Melissa Gamboa, Records Assistant
Maria Diaz, Office Specialist
- ~~In Memoriam for Robert Lopez Sr. Council Member Carrizales~~
- 400 Years of African American History Commission - Mayor Deborah Robertson
- Certificate of Accomplishment and Recognition for Allanah Mouton - Mayor Deborah Robertson

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ORAL COMMUNICATIONS

None.

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City Council to Consider removing or continuing any items on the agenda

Mayor Robertson stated the City Council will return to closed session at the conclusion of regular session.

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Council Member Trujillo requested to pull D. 6 for discussion.

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Council Member Carrizales requested the warrant resolutions be scanned differently or automatically rotated for ease of reading.

**D.6
General Liability Claims to Carol Warren
& Company in an Amount not to Exceed
\$26,040.**

Council Member Trujillo asked for clarification on contract and why it is being extended because it just ran out of funds.

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City Manager Fuller stated the contract had expired at the end of the last fiscal year, so this would extend that contract for a period of time as we solicit new proposals.

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Council Member Trujillo asked if it was very limited contract.

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City Manager Fuller stated that's correct.

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Mayor Pro Tem Scott stated he is opposed to extending the contract until the discussion is continued in closed session. We need to table it for two weeks. If there's some work that needs to be done, the City Manager would handle under his authorization.

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City Manager Fuller stated certainly.

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Council Member Trujillo stated he will second that motion.

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City Attorney Vail asked if the City Council would meet in two weeks.

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City Clerk McGee stated no.

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City Attorney stated it will be held over until the next meeting.

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Mayor Pro Tem Scott stated he will not be voting to approve this Item tonight. The rest of the City Council can move forward on it, but I will not.

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Council Member Trujillo stated he seconds the motion to tabling it to the next City Council meeting.

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Mayor Robertson stated that in the interim the City Manager has some discretion so that he can secure whatever resources he may need to accomplish and get the RFPs out.

D.6

General Liability Claims to Carol Warren & Company in an Amount not to Exceed \$26,040.

Mayor Pro Tem Scott stated that would be contained in his motion.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to table this Item until September 14, 2021, City Council meeting. In the interim, the City Manager will secure resources needed to accomplish RFPs.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 4 (7/29/2021)

B.2 Warrant Resolution No.5 (8/05/2021)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - July 13, 2021

C.2 Regular City Council Meeting - July 27, 2021

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D. MISCELLANEOUS

D.1 Request City Council to Approve a Purchase Order in the Amount of \$19,984.74 with PMAM Corporation for False Alarm and Permit Collection Services for Fiscal Year 2021.

D.2 Request City Council to Receive and File Treasurer’s Monthly Report for the month end of June 2021.

D.3 Request City Council to Approve the Fiscal Year 2021/2022 Yearly Conference/Travel Expense Schedule for City Council Members.

D.4 Request City Council to Adopt Resolution No.7764 Setting the Fiscal Year 2021-2022 Special Tax Levy for Community Facilities District 2019-02 (Foothill/Spruce).

D.5 Request City Council to adopt Resolution No.7765 Amending Resolution No. 7755 to Revise the Fiscal Year 2021-2022 Citywide Classification and Compensation Plan and to Establish the New Classifications of Director of Maintenance and Facilities and Deputy of Maintenance and Facilities, and to Revise Other Existing Classifications.

CONSENT CALENDAR

- D.6 Request City Council to Approve Contract Amendment No. 1 for Third-Party Administration for General Liability Claims to Carl Warren & Company in an Amount not to Exceed \$26,040.
- D.7 Request City Council Approve the Third Amendment to the Professional Services Agreement with Alta Planning + Design, Inc. Related to the Bike Sharing Plan and Implementation Program, City Project No. 170810.
- D.8 Request City Council to (1) Accept the Traffic Signal at Pepper Avenue and Winchester Drive/Terrace Road, City Project No. 190802; (2) Authorize an Additional \$5,759.48 for Construction Contract Change Orders; (3) Authorize Filing of the Notice of Completion; and (4) Authorize Release of Retention to KDC, Inc. (DBA Dynalectric).

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Motion by Council Member Trujillo, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the Consent Calendar.

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NEW BUSINESS

TAB 1

Adopt Ordinance No. 1660 Amend Rialto Municipal Code Section 2.50.060; Adopt Resolution No. 7766

Marcus Fuller, City Manager and Eric Vail, City Attorney, Request City Council to Adopt Ordinance No.1660 to Amend Rialto Municipal Code section 2.50.060, and to Adopt Resolution No.7766 Designating Positions as Exempt from the City's Competitive Service.

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Mayor Robertson stated she is concerned about a discussion that the unrepresented, at-will positions are no longer carried as part of the structure of classification positions being considered under some form of representation or under some units.

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City Manager Fuller stated all of these positions are exempt from that. They're unrepresented, at-will positions.

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Mayor Robertson asked if they will be deleted from the classification tables and just be under Resolution or will they still be there listed to avoid duplications.

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City Manager Fuller stated they are still listed in the City's classification system. They're classified as exempt.

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Mayor Robertson stated she is still concerned that something is still left in the classification section. I don't have a sense that we've looked at both documents.

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TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Pro Tem Scott asked why City Manager's Executive Assistant and Assistant are also classified under this code.

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City Manager stated they currently are. They are listed currently in the code.

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Mayor Pro Tem Scott asked if this new.

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City Manager Fuller stated this change was implemented in 2019.

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Mayor Pro Tem Scott asked if there was a reason for that.

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City Manager Fuller stated it is because of the confidential nature of the positions, they were moved into the unrepresented, at-will status.

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Mayor Pro Tem Scott stated that brings up another conversation. There are a number of positions in the City that are confidential in nature. All employees in the Human Resources Department should be confidential employees. They should not be able to disclose anything outside of the HR department without your expressed approval. Is there something in this ordinance or any ordinance that states that.

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City Manager Fuller stated not in this Ordinance. That is a separate issue where we would confer with the employee organizations that currently represent those positions then have those positions removed from those groups as confidential, at-will position.

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Mayor Pro Tem Scott asked if the position must be at-will to be confidential.

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City Manager Fuller stated this code section lists the at-will, unrepresented positions, which would include some confidential.

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Mayor Pro Tem Scott asked when do we intend to address employees in the Human Resources Department related to confidentiality.

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TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

City Attorney Vail stated the question of confidentiality has two sides. One, is when an employee is a confidential employee, it means that the employee has access to labor negotiations information. Not other confidential information. The other issue addressed is there are numerous employees that come across other types of confidential, non-labor, personnel related information that should be kept confidential to the organization. While this ordinance does not address that, there is a personnel rule that affects that and requires employees to retain confidentiality.

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Mayor Pro Tem Scott asked if that rule could be provided. Anything in the Human Resources Department should be confidential, labor, benefits, personnel. It would be the same with employees in the Finance Department with payroll. I'd like to see that policy.

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Council Member Trujillo stated two elected officers have staff. However, there are not any other high-ranking staffers. He asked for clarification.

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City Attorney Vail stated the purpose of the Ordinance is to identify specific positions that are exempt from personnel rules or classification system or at-will. Elected Officials are considered exempt employees. They are not subject to the same rules. There are a number of employees that are not part of the civil service system of the employment. Those are the at-will employees. This resolution states the positions that are exempt from your typical system that all of the other employees are subject to.

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Council Member Trujillo asked if confidential employees would not be part of this.

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City Attorney Vail stated confidential employees might not be exempt as referring to them here.

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Council Member Trujillo thanked for the clarification.

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Mayor Robertson made reference to the report that indicated that the City Council took action on January 2019. Are we referencing a City Council action? The report makes reference to code positions that are exempt.

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TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

City Manager Fuller stated the City Council adopted an Ordinance in January 2019 that identifies a list of exempt positions which included those two positions questioned. The real issue arose in August 2019, the City Council created the Deputy City Administrator/City Manager position, but the code was never updated to list that position. It's easier to do by resolution than code amendment. This Item is to revise the code, refer to a Resolution, and allow City Council by Resolution to list those positions from time to time.

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Mayor Robertson stated she needs clarity as to the action that occurred. in August 2019. She is trying to recall when the Executive team were included with Staff and the City Council to become exempt. And she does not recall it being in January. She recalled the activity happening later. The order of activities is causing her to have concerns.

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Council Member Trujillo clarified that being a confidential employee does not necessarily mean you are an exempt employee. It's two different things.

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City Attorney Vail stated correct.

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Mayor Robertson asked if in this case, the confidential employees are exempt. They are no longer represented.

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City Attorney Vail stated yes.

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Mayor Robertson stated she is not clear when the City Council took them from represented section and made them unrepresented in order to make them confidential. She wants to make sure she understands how that occurred.

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City Manager Fuller stated he was not with the City in 2019. He can attest to the code being updated in 2019 and the two positions were added to the list of exempt positions.

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Mayor Pro Tem Scott asked how did that come about. And why those two positions versus other positions in the City that are the same position.

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City Manager Fuller stated he would find out for the City Council.

TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Pro Tem Scott asked if City Clerk McGee has an Executive Assistant.

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City Clerk McGee stated yes. She believed it was a previous Resolution the former City Manager created. She stated she'd collect the information and provide it to the City Council.

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Council Member Trujillo asked what in particular occurs when an employee obtains a confidential position.

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City Attorney Vail stated that the main focus is not confidential employees. The purpose is to identify employees who are exempt from the City's competitive service. The list here is those who are taken out of that competitive service system. The first class of people who aren't competitive service are public officials or people who are on a board or commission. Next is the City Manager and Department Heads. The previous Ordinance just said City Manager and Department Heads. This one list each of the Department Heads. Other employees listed are management unrepresented that are not part of a collective bargaining group. Some can be confidential employees because they are exposed and have access to labor relations negotiations information.

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Mayor Robertson expressed her concerns that the two positions were taken out of a representation position, but they weren't management positions especially the City Manager Assistant. It is not a mid-management. Why would they be in a non-represented, at-will position. What is the compensation from them being removed from being represented?

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Mayor Pro Tem Scott asked if any on the list have employment contracts.

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City Manager Fuller stated no. The Executive Management team will. The others will not.

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TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Pro Tem Scott asked if those employees in management unrepresented positions do not have employment contracts.

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City Manager Fuller stated correct.

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Mayor Pro Tem Scott asked if they are at-will.

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City Manager Fuller stated that is correct.

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Mayor Robertson asked if the employees don't have an employment contract where they negotiate for the position and they have no representation, then what is the benefit. Why do they have at-will positions?

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City Manager Fuller stated it is not uncommon to have a City with a list of positions that aren't represented and they simply serve at the pleasure of the appointing authority.

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Mayor Robertson stated in January 2019, she believed the City Council was moving positions to become at-will or unrepresented if they were in mid-management as the positions became vacant. Those would be determined and moved to become at-will without representation while they were still in the position. How did we negotiate to allow for them not to have any representation and take up an at-will position?

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City Manager Fuller stated that if the concern is with the two positions, what would change is the Resolution that is presented and drop off those two positions.

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Mayor Robertson asked about the Financial Analyst on the list.

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City Manager Fuller stated it is a vacant position.

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Mayor Pro Tem Scott asked why the Financial Analyst listed.

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City Manager Fuller stated it is currently listed as exempt position in the code.

TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Robertson asked if the Financial Analyst position is a mid-management position.

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City Manager Fuller stated it was a mid-management position. It's currently designated as an exempt position in the code.

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Mayor Robertson asked about several other positions on the list.

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City Attorney Vail explained why the positions are on the list.

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Mayor Robertson stated she would like to have a better understanding of the City Manager Executive Assistant and Assistant positions' intent with City Council action on January 2019. They need to be re-evaluated.

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Mayor Robertson asked what is the pleasure of the body.

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Mayor Pro Tem Scott stated move approval.

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Council Member Carrizales stated second.

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Mayor Pro Tem Scott asked that City Manager Fuller meet and confer with the City Manager's Executive Assistant and Assistant to determine how this occurred, why it occurred, how they benefitted or not benefitted and report back to the City Council in Closed Session.

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City Manager Fuller asked if the City Council would like to hold on to the Resolution or eliminate the two positions from the list.

Mayor Pro Tem Scott stated they can be eliminated later, right?

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City Manager Fuller stated we can.

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Mayor Robertson stated there's a motion on the floor, and it's seconded.

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Council Member Carrizales stated it can still be added later.

TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Robertson stated she would not be voting for it. There's not enough material to understand the path. I know what the intent was under the previous City Manager.

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Mayor Pro Tem Scott stated he does as well. And what he is being told now contradicts what he was previously told by the former City Manager. He was told the reason those positions were listed is because they were confidential employees. The reality is that there are other City employees that need to be listed as "confidential employees" that are not confidential employees and are not signing confidentiality agreements. Yet, they have personnel information that is highly confidential and many times it leaks out of the Human Resources Department into the community into the rest of the City and it's time to put a stop to it. It comes as a result of these two positions, and what I was told by the former City Manager. I'd like to know their reasoning. Let's just take those two positions out, the City Manager Executive Assistant and Assistant and we will bring them back.

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City Attorney Vail stated the Ordinance is going to take a Second Reading and then another 30 days to become law.

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Mayor Pro Tem Scott asked if it can be adjusted then.

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City Attorney Vail stated yes, it can be adjusted then. Nothing is going to happen to those two positions for the next 45 days at least.

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City Clerk McGee stated there will be no 2nd City Council meeting in August.

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City Attorney Vail stated nothing will happen to the positions in 60 days. Even if the Resolution is adopted, it does not become operative until the Ordinance becomes effective.

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Mayor Pro Tem Scott recommended having individual conversations in advance with the City Council Members on Items to determine if anyone has concerns with the Item. Nobody has spoken to me about anything on the agenda tonight except that the City Manager sent out a synopsis. Frankly, it is not acceptable.

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TAB 1
Adopt Ordinance No. 1660 Amend Rialto
Municipal Code Section 2.50.060;
Adopt Resolution No. 7766

Mayor Robertson stated she read the synopsis but has had no answers to her concerns.

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Council Member Trujillo expressed his concerns as well, and will be voting no.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 3-2 vote to Adopt Ordinance No.1660 to Amend Rialto Municipal Code section 2.50.060, and to Adopt Resolution No.7766 Designating Positions as Exempt from the City’s Competitive Service.

The vote was: AYES: Mayor Pro Tem Scott; Council Member Carrizales, Council Member Perez.

NOES: Mayor Robertson; Council Member Trujillo. ABSTAIN: None.

ABSENT: None.

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Mayor Robertson stated she reserved the right to change her vote in 60 days.

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TAB 2
Service Agreement with CPS HR
Consulting for On-Call As Needed
Recruitment and Selection Services

Stephen Erlandson, Deputy City Manager, and Kelly Gonzales with CPS HR Consulting presented staff report to Request City Council to Approve a Service Agreement with CPS HR Consulting for On-Call As Needed Recruitment and Selection Services through Fiscal Year 2021-2022 for an Amount Not to Exceed \$90,000.

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Mayor Pro Tem Scott asked if there is a list of candidates for these positions and is there a recruiting process taking place.

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Ms. Gonzales stated they are a recruiting agency but they are a full-service human resources. They will be a partnership with the City performing all of the human resources phases recruitment required. There are a lot of applicants based on the recruitment for other agencies to help achieve a better applicant pool. We would be operating on the City’s behalf to obtain the recruitments.

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Mayor Pro Tem Scott asked if individuals were being moved from City to City.

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Ms. Gonzales stated that their intent is to be an extension of the City’s Human Resources Department.

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**TAB 2
Service Agreement with CPS HR
Consulting for On-Call As Needed
Recruitment and Selection Services**

Council Member Trujillo clarified if the recruitment positions did not include the Police and Fire Departments.

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Ms. Gonzales stated correct. It was at the request of the City.

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Council Member Trujillo asked if they will be addressing all 30 positions or reduce the number to eight vacancies.

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Ms. Gonzales stated the contract is for 30 hours per week, which will be an extension of the Human Resources City staff. Should there be a need for additional hours, the work will continue, until the contract value is extended to fill as many positions as possible.

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Council Member Trujillo asked about the agency's background.

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Ms. Gonzales stated the agency is headquartered from Sacramento, California and specialize in local government who serve the Southern California area.

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Council Member Trujillo asked who will be overseeing the contract.

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Deputy City Manager Erlandson stated it would be under his direction until the new Human Resources Director comes in.

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Council Member Trujillo asked about the status on the vacancies.

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Deputy City Manager Erlandson stated that 30 positions still need to go out for recruitment. Human Resources does not have the capacity to fly, post and handle. Some are in the middle stages. None are closed out, in the interview or offer letter process.

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Council Member Trujillo asked about an RFP because it's an emergency that it is foreseen.

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Deputy City Manager Erlandson stated that is correct.

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**TAB 2
Service Agreement with CPS HR
Consulting for On-Call As Needed
Recruitment and Selection Services**

Mayor Robertson asked if the consulting firm will be assisting with trying to help make the shortlisting of the candidates or interviewing along with department heads or needing to hire. She asked if 60 percent of the 30 positions are closed.

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Deputy City Manager Erlandson stated none of the positions are closed. They are positions that need to be flown or are in the infant stage of the recruitment process.

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City Manager Fuller stated that the real challenge is that some of the vacant positions are in the HR Department that's why it's helpful to try to get some of these recruitments. This service is an extension of staff. They won't be making hiring decisions. It's up to staff to put the panels together for the interviews and do the hiring.

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Mayor Robertson asked if this was a sole source or was there more than one proposal.

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City Manager Fuller stated that firms were solicited, but they were currently busy. These two firms were the ones interested in providing a proposal to the City.

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Council Member Trujillo asked if the contract has a goal for the number of closed positions it wants to achieve.

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City Manager Fuller stated the most critical positions are in the HR Department. Once the HR Department is fully staffed, the assistance of this consultant for the recruitment effort won't be needed. The goal is to transition them out as soon the staff becomes available to do the work.

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Council Member Trujillo stated he was hoping for more structure to the contract.

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Mayor Pro Tem Scott stated that it's a bit dangerous to try to establish goals. You do not want to fill positions for the sake of filling positions. That's been part of the problem with this City. Positions are filled with unqualified people and end up having problems. I prefer to recruit good, quality people that will do the job and fit well with our organization instead of just plugging holes.

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**TAB 2
Service Agreement with CPS HR
Consulting for On-Call As Needed
Recruitment and Selection Services**

Council Member Perez agrees that the priority begins with the HR Department. Once those vacancies are filled, then they transition and take over the recruitment process.

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City Manager Fuller stated that is correct. We may not need them for all 30 recruitments, but that's the goal. We want to prioritize and get these positions filled that can get these recruitments for us internally.

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Mayor Robertson stated she will move the Item. She believed somebody needs to be brought in to determine the level of timeframe. She expressed concerns with recruitments that remain open.

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Motion by Mayor Robertson, second by Mayor Pro Tem Scott and carried by a 4-1 vote to Approve a Service Agreement with CPS HR Consulting for On-Call As Needed Recruitment and Selection Services through Fiscal Year 2021-2022 for an Amount Not to Exceed \$90,000 and to authorize the City Manager to execute all necessary documents. Council Member Trujillo voted no.

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**TAB 3
Three-Year Professional Services
Agreement for Independent Audit
Services to Lance, Soll & Lunghard LLP**

Stephen Erlandson, Deputy City Manager, presented staff report to Request City Council to Approve a Three-Year Professional Services Agreement for Independent Audit Services to Lance, Soll & Lunghard LLP in the Amount of \$217,534 with Optional Extension of Two Years.

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Mayor Pro Tem Scott stated he does not believe that was the recommendation. The recommendation was to Lance, Soll & Lunghard LLP as well as Moss-Levy-Hartzheim to specialized audits such as concession agreements. That should be part of this presentation tonight.

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City Manager Fuller stated we are working on a scope and fee for those special audits with that firm. This was a needed action to get the actual annual audit of the City's whole budget underway. We plan to bring that at the next City Council meeting on September 14, 2021 that special focused audit agreement.

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Mayor Pro Tem Scott asked if that changed the dollar amount.

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City Manager Fuller stated a comprehensive audit of all the City's finances still needs to be done. The other special layer of audits will focus on areas requested.

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**TAB 3
Three-Year Professional Services
Agreement for Independent Audit
Services to Lance, Soll & Lunghard LLP**

Mayor Robertson stated that the specialized audits are needed as soon as possible. She wants to make certain the auditors understand they report to the City Council. She requested a list of what the auditors will be covering. She wants to make certain we are auditing all Federal funds coming in.

0o0

Mayor Pro Tem Scott agreed with Mayor Robertson. There are fraud interviews that can modify or adjust what an auditor does. In relationship to auditing the Federal grants, LDM performed an annual audit on all the CBOs. The audit was never shared with the City. It's been done every year that CDBG has been in existence. I would like to ask LDM for those audits and be shared with the City Council and appropriate staff and look at history of individuals that have done work for us. I would have to assume that if there were no red flags, they've all done the right thing and the audits have all been good audits. I asked for these audits a few months ago and have not received them or have been acknowledged as having asked for them. I would like to ask for them formally and have them supplied to us. I think it should be a condition of whoever is administering those funds that is required by Federal law to do an annual audit, that they share those audits with the City not just stored somewhere.

0o0

Mayor Robertson stated that under the third-party administration scope of work, she had never seen that it says that they perform the audit on the funds. Those are some concerns. We need to be looking at all the Federal funds we receive.

0o0

Mayor Pro Tem Scott stated he would make the motion to approve this, but I would like to condition that motion on the understanding that we are going to proceed with Moss-Levy-Hartzheim as well as part of the audits.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote to Approve a Three-Year Professional Services Agreement for Independent Audit Services to Lance, Soll & Lunghard LLP in the Amount of \$217,534 with Optional Extension of Two Years and also proceed with Moss-Levy-Hartzheim as part of the audits.

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**TAB 4
Agreement with Advanced Avant-Garde
Corporation for CDBG, SP and HOME
Program Consulting Services Annually**

Stephen Erlandson, Deputy City Manager, Ana Marie Lenoue, President of Avant-Garde, presented staff report to Request City Council to Approve a Services Agreement with Advanced Avant-Garde Corporation for Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP) and HOME Program Consulting Services in the amount of \$319,090 annually; and Authorize the Extension of the Contract Term for Two Additional Years.

**TAB 4
Agreement with Advanced Avant-Garde
Corporation for CDBG, SP and HOME
Program Consulting Services Annually**

Mayor Pro Tem Scott asked about the annual self-audit to ensure CBO compliance. Is that an annual requirement?

0o0

Ms. Lenoue stated for most cities based on the size of the non-profit organization and the revenue they are receiving. Avant-Garde always asks for audited financials when reviewing all companies. If a nonprofit does not provide that, we alert City staff to make certain it is acceptable.

0o0

Mayor Pro Tem Scott asked if that was a requirement in the contract bid.

0o0

Ms. Lenoue stated they will follow City guidelines as required.

0o0

Mayor Pro Tem Scott asked if LDM was performing annual self-audits.

0o0

Ms. Lenoue stated she did not know.

0o0

Mayor Robertson asked if it was in our contract.

0o0

Mayor Pro Tem Scott stated it should be.

0o0

Ms. Lenoue stated for clarification, are audited financials required of the non-profit? Are we performing an audit of financials? We do not do that.

0o0

Mayor Pro Tem Scott stated that would be correct. However, I have been told LDM did an annual form of compliance matters with each CBO, and those forms were never submitted to the City of Rialto. Does Avant-Garde have those forms as well?

0o0

Ms. Lenoue stated there is a checklist of requirements for every onboarding of a non-profit. There's requirements prior to being awarded an application. As they're approved, there's supplemental requirements. All of that is included in a file per non-profit on an annual basis.

0o0

**TAB 4
Agreement with Advanced Avant-Garde
Corporation for CDBG, SP and HOME
Program Consulting Services Annually**

Council Member Trujillo stated the wording is “onboarding”.

0o0

Mayor Pro Tem Scott asked onboarding? Is that in our contract?

0o0

Council Member Trujillo stated yes. That was in all of the presentations. They meet with the non-profits, provide payment information, create structure, similar to an orientation. There’s never the word “audit”.

0o0

Mayor Pro Tem Scott asked if at the end of that period of time after they have expended all their funding, all paperwork is verified to make certain it is done correct.

0o0

Ms. Lenoue stated they verify that all of the backup for all of invoices and requests for reimbursements are there as you go along through payment. It’s done on a quarterly basis. Typically, we will work with a review of a request for reimbursement, make sure it’s substantiated, then present to the City staff that it has been reviewed and will be acceptable to HUD; therefore, acceptable to draw, so the City can obtain reimbursement.

0o0

Mayor Pro Tem Scott asked if they have any problem turning that information over to the City.

0o0

Ms. Lenoue stated no. That is the City’s information.

0o0

Council Member Carrizales asked if for owning larger amounts audits are conducted or is it for all.

0o0

Ms. Lenoue stated they do not conduct financial audits, but we require that they are submitted. Some cities require that every non-profit that participates in the program must supply audited financials. There are exceptions accordance to HUD compliance and the City can add an extra layer of requirement. We make certain those items are collected and that the audited financials required are for the appropriate year, complete, filed, and available for the City or HUD monitoring.

0o0

**TAB 4
Agreement with Advanced Avant-Garde
Corporation for CDBG, SP and HOME
Program Consulting Services Annually**

City Attorney Vail stated there is no reference to an audit in the scope of work. "Onboarding" is a colloquial term. It's not in the scope of work although the activities that might involve onboarding are. What is in the scope of work especially for the CDBG Program, an obligation to assure compliance with all Federal, State and local reporting requirements and to prepare all reports as required by HUD.

If there are anything that is required by the State or Federal government for tracking of CDBG funds, it is an obligation in the scope of work.

0o0

Mayor Robertson stated the scope of work and the requirements in the previous contract with LDM stated the same thing. The third-party administrator has that obligation to look at compliance as it relates to what the Federal and HUD guidelines are. The City could serve as the third-party administrator, but never chose to. We take administrator fees, but we do not serve as third-party administrator of our own contract. I want to make certain we are doing that here.

0o0

Mayor Pro Tem Scott stated that LDM had been doing that every year but had not been turning that information over to the City because the City had never asked for it. If the City had that information, it would be easy to verify if a CBO is in compliance.

0o0

Mayor Robertson stated she made the same inquiry. She was informed that they did not supply forms to the City but to the Federal government. She'd like to see it as well.

She asked in what other capacity has she worked previously with the City of Rialto.

0o0

Lissette Montoya, Vice President, Avant-Garde, stated they have begun working with the City as a subconsultant to Transtech Engineering with the Public Works Department. We will be assisting with managing the labor compliance federally, funded grants in the Engineering Department.

0o0

Mayor Robertson asked if that is another contract that has come or will be coming before the City Council.

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Ms. Lenoue stated they will be working as a subconsultant to Transtech Engineering, so it will be a contract that the City will likely have with the engineering firm.

0o0

Mayor Pro Tem Scott asked if they work for Transtech Engineers.

**TAB 4
Agreement with Advanced Avant-Garde
Corporation for CDBG, SP and HOME
Program Consulting Services Annually**

Ms. Lenoue stated they are subconsultants for a number of engineering firms to provide labor compliance.

0o0

Mayor Pro Tem Scott asked if they performed their prevailing wage compliance.

0o0

Ms. Lenoue stated correct.

0o0

Mayor Robertson asked if they assure their DBE certifications.

0o0

Ms. Montoya stated right.

0o0

Mayor Robertson asked if they would also handle the subconsultant assuring that they are on the contract for the generally required Federal level of compliance for DBE.

0o0

Ms. Montoya stated that on the specific projects that they are being asked to work on, will be the work performed.

0o0

Mayor Robertson stated the questions are with the current contractor to have answered. We paid a third-party administrator for many years, but didn't seem to have any records.

0o0

Council Member Trujillo stated that is what stood out about Avant-Garde is the work done to maintain relationships. That's really important. He wanted to recognize that.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve a Services Agreement with Advanced Avant-Garde Corporation for Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP) and HOME Program Consulting Services in the amount of \$319,090 annually; and Authorize the Extension of the Contract Term for Two Additional Years.

0o0

**TAB 5
Public Improvements; Notice of
Completion; Reimbursement to Liberty
Limited Partnership**

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council to 1) Accept the Public Improvements; 2) Authorize the City Engineer to File the Notice of Completion; and 3) Authorize the Reimbursement to Liberty Property Limited Partnership in the amount of \$315,187.24 in Accordance with the Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Liberty Property Limited Partnership.

0o0

Mayor Pro Tem Scott stated for weeks he has asked for explanations and answers to these credits and some developers are getting credits and others are not. I have nothing against this project or Panattoni, but I cannot vote for this until I get a straight answer and how this is being calculated. There is no consistency. It makes not sense.

0o0

Mayor Robertson asked how do we accept it. She is very concerned. She has questions on the amounts, the decisions on what is initially determined is the fee. She had questions on how much funds are transferred to the County or does a developer pay a fee.

0o0

City Manager Fuller stated he has given direction to staff that any project that's constructing regional street improvements be made aware during entitlement that they have the opportunity through the municipal codes fee credit reimbursement agreement process to seek that reimbursement much in the way that this project and others have so everyone has full access and is aware of that opportunity.

0o0

Mayor Pro Tem Scott appreciated the direction to staff, but questions still remain unanswered. I have not been shown how this is calculated on storm drains. Some properties are paying onsite retention and are paying huge fees. Until these questions are answered and staff explains how and why it's been done the way it is, I am not voting for any of this.

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City Manager Fuller stated as to the drainage fee, that's a fee that the City collects and retains to build out the regional storm drain system. In this case, because the project was a longer route that had a storm drain, they physically constructed that and received credit for the cost.

0o0

Mayor Pro Tem Scott stated that if a project has onsite retention, they're not affecting the storm system.

0o0

City Manager Fuller stated that is true. Our policy doesn't allow for a credit for the cost.

0o0

**TAB 5
Public Improvements; Notice of
Completion; Reimbursement to Liberty
Limited Partnership**

Mayor Pro Tem Scott stated then our policy is wrong.

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City Manager Fuller stated that is something that can be brought back to the City Council for consideration.

0o0

Mayor Pro Tem Scott stated the City has given certain developers a credit on storm drains and others not. This will not be ignored.

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City Manager Fuller stated there is a meeting next week.

0o0

Mayor Robertson expressed her concerns and stated Valley Boulevard is a regional route. The storm drain ties into the flood control channel, collects and goes under the freeway. There have been discussions; however, there are still concerns with construction layout. The design does not include an onsite retention basin.

0o0

Mark Lewis, Senior Development Manager with Panattoni, stated everything constructed with this project was consistent with the free-credit reimbursement agreement approved by the City Council in 2019. These specific improvements are part of a nexus study. The regional traffic and storm drain fee conditioned to pay in the City of Rialto is earmarked partially towards improvements identified in the nexus study. We're then eligible to seek reimbursement so that we are not conditioned to pay fees as well as install the improvements.

0o0

Mayor Robertson stated the question is not with the project. It's how did the impact fee come out. It's not for you to answer. It's for us to better understand the process.

Do you retain any of the water onsite?

0o0

Mr. Lewis stated that we do. We hold a portion of the water onsite. He explained the two different storm drain fee calculations.

0o0

Mayor Robertson stated again, the question is not with your project. I am prepared to move on it pending audit making certain everything internal with the City system is consistent with practices.

0o0

**TAB 5
Public Improvements; Notice of
Completion; Reimbursement to Liberty
Limited Partnership**

Motion by Mayor Robertson, second by Council Member Perez and carried by a 2-3 vote to 1) Accept the Public Improvements; 2) Authorize the City Engineer to File the Notice of Completion; and 3) Authorize the Reimbursement to Liberty Property Limited Partnership in the amount of \$315,187.24 in Accordance with the Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Liberty Property Limited Partnership.

The vote was: AYES: Mayor Robertson; Council Member Perez.

NOES: Mayor Pro Tem Scott; Council Member Trujillo; Council Member Carrizales

ABSTAIN: None. ABSENT: None.

0o0

Mayor Robertson stated motion failed. We will need more information provided before we act on the fee reimbursement.

0o0

City Attorney Vail stated since this is a contractual obligation of the City from an agreement that the City Council approved in 2019, I understand the no vote tonight, but would it be possible to have the City Council have a motion to continue at the September 14, 2021 City Council meeting with the caveat that you receive the additional information. If issues are resolved that the Item be considered for a vote at that time.

0o0

Mayor Pro Tem Scott stated he has no problem making a motion bringing the Item back. However, I have a real problem giving certain developers contracts for reimbursements and are not given to other developers for like projects. There is no consistency regarding this. This City Council can fix it. I will make a motion that they have the opportunity to bring it back at the September 14, 2021, City Council meeting for reconsideration.

0o0

Mayor Robertson stated that hopefully between now and next meeting, there will be understanding of the inconsistency or discretion as to how things are applied. I have seen a list, but don't understand how it has been applied.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to continue this Item to the next City Council meeting on September 14, 2021. The City Council will receive more information. If matter resolved, the Item will be considered for a vote at that time.

The vote was: AYES: Mayor Robertson; Mayor Pro Tem Scott; Council Member Trujillo; Council Member Carrizales; Council Member Perez

NOES: None.

ABSTAIN: None. ABSENT: None.

**TAB 5
Public Improvements; Notice of
Completion; Reimbursement to Liberty
Limited Partnership**

City Attorney Vail clarified the information the City Council is requesting. He stated you want an assessment of why some projects have had some and why others haven't. Mayor Robertson is interested in the calculation of the storm drain fees together.

0o0

Mayor Pro Tem Scott stated we both are because that is a clear issue.

0o0

Mayor Robertson stated it sounds like there's ability for people to make a decision when something is applied and not. It doesn't appear like it's already set as an expectation. We've been told you have to know about it to make the request.

0o0

Mayor Pro Tem Scott stated you have to know about it and ask for it.

0o0

Mayor Robertson stated if that means if we have to take some action that takes that out of someone's decision and makes sure everybody knows the opportunity to make the request. That's probably what we need to do.

0o0

City Manager Fuller stated that this should be a standard condition of approval that references that code section. So that it's upfront, and we're not relying on staff and not remember to advise.

0o0

Mayor Robertson stated there needs to be efforts to have it indicated.

0o0

Mayor Pro Tem Scott stated we had a conversation about ways to recoup the credit dollars especially if it is a retail operation through sales tax. It's something worth exploring. The people need to have this information up front. Who knows how many projects have gone by the way side because developers did not know it and their performance did not work on a project.

0o0

**TAB 6
Award Contract to EBS General
Engineering, Inc. for Easton Street
Sidewalk Improvement Project; Adopt
Resolution No. 7767**

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council to Award a Construction Contract to EBS General Engineering, Inc. in the amount of \$670,415 for the Easton Street Sidewalk Improvements Project, City Project No. 190811; Adopt Resolution No.7767 Amending the 2021-2022 Fiscal Budget and Amending the Measure I Five Year Capital Improvement Plan; and Approve Other Related Actions.

0o0

Mayor Robertson asked about the engineering estimate.

**TAB 6
Award Contract to EBS General
Engineering, Inc. for Easton Street
Sidewalk Improvement Project; Adopt
Resolution No. 7767**

Interim Public Works Director Tahan stated the engineering estimate was approximately \$585,000-656,000.

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Mayor Robertson asked about a \$100,000 difference.

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Interim Public Works Director Tahan stated about \$70,000.

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Mayor Robertson stated she was not aware of the wide range in the engineering estimate. There's a big difference among all three bidders.

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Council Member Trujillo asked if there were substantial services that made a difference in bid price.

0o0

Interim Public Works Director Tahan stated that the corner house on Acacia Avenue and Easton Street was critical due to the retaining wall and location of utility line.

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Council Member Trujillo asked if there was a difference in engineering services or only a cost difference.

0o0

Interim Public Works Director Tahan stated it was a cost difference based on how competitive they are and the timing of project.

0o0

Mayor Robertson asked about the path of travel and if it was aligned with safe routes to school plan.

0o0

Monae Pugh, with TKE Engineering explained the reasons for the difference in cost estimates.

0o0

Mayor Pro Tem Scott asked if he and the engineer reviewed the plans to make certain they are ADA compliant, and the inspector reviewed the plans.

0o0

Interim Public Works Director Tahan stated that is correct. The City inspector worked with TDK representatives.

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Mayor Pro Tem Scott verified that there won't be any more ADA compliance issues on the sidewalks.

0o0

**TAB 6
Award Contract to EBS General
Engineering, Inc. for Easton Street
Sidewalk Improvement Project; Adopt
Resolution No. 7767**

Interim Public Works Director Tahan stated no.

0o0

Council Member Trujillo asked about wheelchair access.

0o0

Interim Public Works Director Tahan stated yes, that's the whole idea. That's the purpose.

0o0

Council Member Trujillo asked about the more modern ADA inclines and its accessibility.

0o0

Interim Public Works Director Tahan stated yes, they have new standards.

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Mayor Robertson asked about the lateral concerns with connections. I would hate to put in a sidewalk to then have to come through.

0o0

Interim Public Works Director Tahan stated that was the direction we were given when the design contract was awarded.

0o0

Tom Crowley, Utilities Manager, stated we video recorded all the streets with existing sewers and verified sewer laterals were installed all the back to the right-of-way line. Currently, all the laterals were installed and operational. All the laterals in the neighborhood where improvements are being made, already have their sewer laterals connected into their properties.

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Mayor Robertson stated so all is resolved, and all are now customers.

0o0

Mr. Crowley stated there were a couple of septic tanks that were not connected to the system but the laterals were to the property line. We went through the process of issuing reimbursements. Then when they do connect, then we'll bring them in as customers. The main concern where is the infrastructure to the back of the right-of-way.

0o0

Council Member Carrizales asked if the corner of Sycamore Avenue and Easton Street will also be ADA compliant.

0o0

Interim Public Works Director Tahan stated yes.

**TAB 6
Award Contract to EBS General
Engineering, Inc. for Easton Street
Sidewalk Improvement Project; Adopt
Resolution No. 7767**

Mayor Robertson asked if traffic flow will be revisited on Sycamore Avenue and Easton Street.

0o0

Council Member Carrizales stated that the traffic situation at Sycamore Avenue and Easton Street has been of great concern to the Rialto residents.

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Ms. Pugh stated that Sycamore Avenue and Easton should probably be stopping in the other direction. Switching signs is not what we recommend. For this project, diverse signing was upgraded including speed reduction signs. All traffic signs were updated up to standard.

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Mayor Robertson asked why there had not been traffic warrants to determine if there had been collisions at that intersection.

0o0

Interim Public Works Director Tahan stated it will be reviewed and reported back to the City Council.

This project has had a lot of neighborhood involvement, and the design team has done extensive outreach with all residents to make certain their matters have been addressed and expectations are met. Construction is expected to commence early September 2021.

0o0

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Award a Construction Contract to EBS General Engineering, Inc. in the amount of \$670,415 for the Easton Street Sidewalk Improvements Project, City Project No. 190811; Adopt Resolution No.7767 Amending the 2021-2022 Fiscal Budget and Amending the Measure I Five Year Capital Improvement Plan; and Approve Other Related Actions.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Sean Grayson, Fire Chief, presented staff report to Request City Council to Provide Direction to Staff Regarding the Various Federal Funding Requests and Authorization of Required Local Funds for Projects Included in the Federal 2022 Fiscal Year Budget.

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Mayor Pro Tem Scott asked about the Alder Avenue Improvements at Interstate 210 Interchange project and if there are enough local match.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Fire Chief Grayson stated as in most existing City projects, the Federal share reduces the funds that the City anticipates funding the project.

0o0

Mayor Pro Tem Scott asked if there are funds for the project.

0o0

Interim Public Works Director Tahan stated yes.

0o0

Mayor Pro Tem Scott asked about Riverside Avenue Reconstruction from Interstate 210 to Foothill Boulevard project. He asked if there are currently local match funds for the project.

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Interim Public Works Director Tahan stated yes.

0o0

Mayor Pro Tem Scott asked where the funds are coming from.

0o0

Interim Public Works Director Tahan stated the overlay, the SB 1 Fund and Measure I.

0o0

Mayor Pro Tem Scott asked if there is currently money in that fund.

0o0

Interim Public Works Director Tahan stated yes.

0o0

Mayor Pro Tem asked where the project is currently at.

0o0

Interim Public Works Director Tahan stated 210 to Foothill Boulevard. The project was bid two weeks ago. It will be brought before the City Council on September 14, 2021.

0o0

Mayor Pro Tem Scott asked if for both projects.

0o0

Interim Public Works Director Tahan stated yes.

0o0

Mayor Pro Tem Scott asked if there are enough funds for both projects.

0o0

Interim Public Works Director Tahan stated yes.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Mayor Pro Tem Scott asked if there were enough funds for the Baseline Storm Drain Flood Mitigation Project.

0o0

Interim Public Works Director Tahan stated yes.

0o0

Mayor Pro Tem Scott asked if the project is in the DIF fund.

0o0

Interim Public Works Director Tahan stated storm drain DIF, yes.

0o0

Mayor Pro Tem Scott asked where the local match funds for the Dormitory Improvements for Modesty and Equity for Fire Stations 203 and 204 project are coming from.

0o0

Fire Chief Grayson stated those would be anticipated from a selected fund. There is no allocation of those funds. It's not a current project.

0o0

Mayor Pro Tem Scott stated so that is not a current project.

0o0

Fire Chief Grayson stated the State request was a lower amount at \$400,000, which was a limit, but has not match. It won't be matching funds on that project.

0o0

Mayor Pro Tem Scott asked about Axon Body 3, Body-Worn Camera System for Field Personnel. He asked if he was using asset forfeiture.

0o0

Police Chief Kling stated yes, sir.

0o0

Mayor Pro Tem Scott asked about the funds for Randall Avenue Widening at Flood Control Channel project.

0o0

Interim Public Works Director Tahan stated these funds have been allocated by the 2021 budget capital projects.

0o0

Mayor Pro Tem Scott asked if there was enough \$2.5 funding for the entire project without Federal funding.

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Interim Public Works Director Tahan stated yes. That was allocated by the City Council.

0o0

Mayor Pro Tem Scott stated the Street Overlay & Reconstruction Project Riverside from Interstate 10 (Slover Avenue) to City Limit project was already discussed.

He stated he will pass Emergency Power Generator for the Grace Vargas Senior Center, Fitness & Aquatic Center Complex, and Mobile Redundancy Solution project because it is needed.

He asked City Manager Fuller if COVID funds allowed for water and/or infrastructure projects could be allocated towards the Lake Rialto project.

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City Manager stated as long as it's related to water and wastewater, we can make that connection, yes.

0o0

Mayor Pro Tem Scott asked if Police Fleet Camera System will be using asset forfeiture.

0o0

Mayor Pro Tem Scott asked about the Emergency Operations Center. I see that this is your preferred site. I am not sure this is the City Council's preferred site, and certainly it's not my preferred site. And the concept of using it as an EOC and a Community Center, I don't think it works. There was a discussion to potentially use the Fitness Center for a Community Center. The EOC needs to be more centrally located closer to City Hall or closer to Confire. I don't want to lock into the location at 205. Plus once, the road is added for the commercial center, I am not sure there's room for an EOC there, to have sufficient parking and still have your training area that you want.

Have we done a safe plan for that?

0o0

Fire Chief Grayson stated there would not be sufficient parking for any community access facility. If they are used as EOC only, the training grounds can be used as designated parking.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Mayor Pro Tem Scott stated then there would be conflict with the Fire Department about parked cars or training in that area. That is not a good decision. It needs to be revisited.

Is there money for the match is a location is found for it?

0o0

Fire Chief Grayson stated yes.

0o0

Mayor Pro Tem Scott asked if we could move the location after the Federal funds are granted.

0o0

Mayor Robertson stated it has not been finalized. The appropriation is still tied up. She stated that not one of the current community center facilities is adequate. They are side rooms that are very tight.

0o0

Mayor Pro Tem Scott reiterated his opinions on why the current EOC is not the best location. It should be laid out on a site plan before moving forward with it.

0o0

Mayor Robertson stated she does not believe it will be a definitive that it will be there. Allocation for this originates from Homeland Security, and it was not yet defined.

0o0

Mayor Pro Tem Scott stated the Senate voted to approve the infrastructure today.

I am more than happy to vote on moving forward on an EOC, but I am not willing to vote on this location until we've had further study. I have a real problem asking for funding when there's matching dollars involved, and the City Council is not aware of it. That is not how it was presented to the City Council.

0o0

Fire Chief Grayson stated in this case it could be an in-kind match. The dollar value of the land or infrastructure that was put in by the City.

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Mayor Pro Tem Scott stated there is land other places that may be more suitable.

0o0

Fire Chief Grayson stated that can be the in-kind match as well.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Mayor Robertson asked if the list has been sent to the Federal representatives.

0o0

Fire Chief Grayson stated that list are the ones that went to the appropriator. It's only the three that they indicated they are moving forward.

0o0

Council Member Trujillo inquired on the Randall Avenue Widening at Flood Control Channel project. He asked if it belongs to the County.

0o0

Fire Chief Grayson stated the infrastructure yes. This would be part of the road widening.

0o0

Council Member Trujillo asked if the City has the financial responsibility for the widening of the road.

0o0

Mayor Pro Tem Scott stated the County will not improve their drainage system. The City will end up paying more than what it will cost to repair it. We're hoping to get reimbursed by the County, but the County has been very reluctant. I have met with two County Supervisors, and have been unable to agree on it. We widened the street without working with the County to fix their infrastructure.

0o0

Council Member Trujillo asked for clarification if is not City owned but it is a City project.

For clarity purposes, he is requesting that each project be identified as moving forward and be indicated in the report and to provide updates throughout the year.

0o0

Mayor Robertson agrees with Council Member Trujillo. She, too, is requesting for clarity on the report and would have liked to have seen a transmittal as part of the report. She cannot recall which projects are connected to each Congressional Representative.

0o0

**TAB 7
Direction to Staff Regarding Federal
Funding Requests and Authorization of
Required Local Funds for Projects in
Federal 2022 FY**

Fire Chief Grayson stated that the 11 listed were submitted to the appropriators. Only three have been put into the bills, the Alder Avenue Improvements at Interstate 210 Interchange project and the Axon Body 3, Body-Worn Camera System for Field Personnel are through Appropriations and through the House of Representatives. The one tied to Homeland Security is Emergency Operations Center is in the Homeland Security Bill and is through Appropriations, but it has not passed the House of Representatives. None of the other projects were included in any of the Appropriations bills.

0o0

Mayor Robertson emphasized that staff publicly stated that there are enough funds available and it will be verified to make certain the local matches are there.

0o0

Mayor Pro Tem Scott stated he needs to make certain there's enough money in the general fund.

0o0

City Manager Fuller stated correct. It would be good to at least have authorization for the local match. We'd have to confirm the in-kind contribution suggestion by Fire Chief Grayson. They determined the site location, Fire Chief Grayson had prepared a site plan. We'll see what it shows. The access road issue is a matter that needs to be considered.

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Mayor Robertson stated that with the other grant received, at the regional level, some of the assessments, may be part of what we can account for as part of the in-kind match towards the \$1.5 million dollars. The dollars for that not certain if they are coming from Federal funds to SCAG, but I do know funds are available. We will need to determine if a portion is allowable.

Have we done the engineering aspects for Alder? What is the stage of the project?

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Interim Public Works Director Tahan stated the project is currently in the design with plans submitted to Caltrans at 95 percent for Caltrans review. LHR is taking the lead in the design phase as of two weeks ago.

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Motion by Council Member Carrizales second by Council Member Perez and carried by a 5-0 vote to Provide Direction to Staff Regarding the Various Federal Funding Requests and Authorization of Required Local Funds for Projects Included in the Federal 2022 Fiscal Year Budget.

**TAB 8
Continued with the Local Emergency
COVID-19 Outbreak; Adopt Resolution
No. 7768; Approve Actions that Support
and Incentivize Community Vaccination;
Provide Direction with Continuing City
Events; Provide Further
Recommendations to the Local
Emergency Local Response to COVID-19
Outbreak**

Sean Grayson, Fire Chief, presented staff report to Request City Council to 1) Receive an Update on and Confirm the Continued Existence of the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak; 2) Adopt Resolution No.7768 Ratifying Emergency Proclamation 2021-01 from the Director of Emergency Services / City Manager to Require Masking of all Persons in City Facilities Consistent with Federal, State and Regional Actions; 3) Approve Actions that Support and Incentivize Community Vaccination; 4) Provide Direction with Regard to Continuing City Events; and 5) Provide any Further Recommendations in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

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Mayor Pro Tem Scott stated he is not in favor of testing or vaccination incentives, but he will still support it. He objects to the testing and vaccination operations performed by the County of San Bernardino. He objects to the Johnson Center not having enough signs outside its facility to advertise it's a testing center and not having convenient business hours for the public. He's asked for COVID-19 test kits be made available to the public in Administration and the City Clerk's Office in addition to Fire Department. The process here is all wrong. People need to get tested when they need to get tested. The public should be able to go to the County or pick up a test kit and get tested. We have to approach this in a different way. We need to be more open and straight forward. We need to do Public Service Announcements of why you need to be vaccinated. It's important to get vaccinated. I have a different opinion about children. However, adults, or people with medical issues, need to get vaccinated. Its' safe. You need to do it because it probably will save your life.

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Mayor Robertson stated the report did not acknowledge that PSAs were addressed during the COVID-19 Committee. It was covered and part of the discussion. More needs to be done to get people out.

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Council Member Perez stated, she too, is not in favor of vaccination incentives but hopes this will help people make a decision. She agrees that having testing and vaccinations available outside of business hours would be very beneficial.

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TAB 8

Continued with the Local Emergency COVID-19 Outbreak; Adopt Resolution No. 7768; Approve Actions that Support and Incentivize Community Vaccination; Provide Direction with Continuing City Events; Provide Further Recommendations to the Local Emergency Local Response to COVID-19 Outbreak

Council Member Trujillo stated he has concerns over the incentives. He would rather find ways to promote than incentivize with monetary compensation. Since some events will be canceled, he asked if Senior Meal Program will be canceled.

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Julio Salcedo, Recreation Supervisor, stated the plan was to bring the Senior Meal Program back indoors. Due to the increased numbers of COVID cases, the meal program will continue as a drive-through program from the parking lot.

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Council Member Trujillo asked if cold meals will be handed out instead of warm meals.

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Mr. Salcedo stated they will be handing out five cold meals for the whole week once a week.

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Council Member Trujillo asked about the Silver Plate program returning.

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Mr. Salcedo stated he had not heard of the program. The intent was to slowly transition back to our past practice but due to the increased numbers, it would be wise to hold off for a later time.

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Council Member Trujillo hoped for a more cohesive plan. He hopes for more discussion on mandatory COVID vaccinations and testing because he does not believe incentives achieved much. He believes eventually tough talks will need to be had with the community and family members about the importance of vaccinations. This is a completely different variant that are increasing the numbers.

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Mr. Salcedo stated that mask and COVID restrictions were kept in place for some of programs at the Senior Center, Community Center, Fitness and Aquatic Center.

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Council Member Trujillo asked if it is possible to still hold outdoor City events such as Summer Concert Series event.

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TAB 8

Continued with the Local Emergency COVID-19 Outbreak; Adopt Resolution No. 7768; Approve Actions that Support and Incentivize Community Vaccination; Provide Direction with Continuing City Events; Provide Further Recommendations to the Local Emergency Local Response to COVID-19 Outbreak

Mr. Salcedo stated they can look into it. The summer activities have come to an end, we can think of expanding some other outdoor programs on Friday or weekends while we wait for regular programming.

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Council Member Trujillo stated there is adequate CDBG funding for senior activities so that the program can be expanded into the fall season. He asked if there will be another virtual workshop anytime soon to emphasize on COVID Delta resources and information. The billboards are not enough. He asked how much CARES Act funds remain and if we can continue to promote funding assistance programs.

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Fire Chief Grayson stated that the COVID Committee encouraged the City to developed the PSAs and will eventually get to.

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Council Member Trujillo asked about the CARES Act funds and mortgage assistance and if it was still available to residents.

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Fire Chief Grayson stated he needs to consult with the Deputy City Manager Erlandson. He stated there are funds available for Utilities Assistance and for testing and vaccination portion.

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Council Member Trujillo asked about the workforce programs funding.

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Fire Chief Grayson stated he can get an update on that as well.

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Council Member Carrizales also concurs with members of the City Council. He recommends reaching out to a radio station to advertise a "Let's get Vaccinated" event and use funds for prizes and raffles during the event.

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Mayor Robertson stated they recently held a COVID task force on August 2, 2021. Leaders and members of the community were in attendance. It's apparent that people need to be vaccinated. Those who have had COVID, immediately become believers. As it relates to mortgage/rental assistance, we have a decision to make on September 30, 2021, and we don't have a full assessment of how many people will be evicted. SWAG and other agencies have not been empowered to require whoever they're servicing that they need to require them to get vaccinated. That starts leading closer to mandates. Nobody wants to do a mandate. The County is not going to step up and do anything more aggressive. They have not done it thus far. With incentives, we have to try a lot of things.

TAB 8

Continued with the Local Emergency COVID-19 Outbreak; Adopt Resolution No. 7768; Approve Actions that Support and Incentivize Community Vaccination; Provide Direction with Continuing City Events; Provide Further Recommendations to the Local Emergency Local Response to COVID-19 Outbreak

Mayor Robertson stated holding an event, gets people out, but it does not necessarily mean they will make the decision to get vaccinated. One proposal is put a challenge to have 18,000 residents get vaccinated to reach the 70 percent of the population reach herd immunity. That is where the goal needs to be. How do we make that happen? It doesn't seem like people who are not stepping up aren't aware of how important it is. I don't know what it's going to take them to care. We can raffle a car. On November 17, the City will be celebrating its 110th Birthday. We need to plan something. Perhaps, everybody who gets vaccinated, goes into a raffle. The goal is to increase the vaccination numbers.

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Council Member Carrizales stated the goal should be to try everything.

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Mayor Robertson stated there is a radio personality ready to broadcast from here.

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Council Member Trujillo asked if the mask mandate was also required outdoors.

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Fire Chief Grayson stated indoors and when more than one person is in a vehicle for City employees.

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Council Member Trujillo asked if masks are required if working outside in the field.

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Fire Chief Grayson stated that if they are outside, they are subject to State requirements. All persons that can practice social distancing don't have to wear a mask outside. If you're unvaccinated, and you can't practice social distancing, you're required to wear a mask.

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Council Member Trujillo clarified if someone is unvaccinated doing field work on behalf of the City, they will be wearing a mask.

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Mayor Robertson asked if this was referring to City staff.

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Council Member Trujillo stated there are many things taking place out in the field. If a City employee is unvaccinated, is a mask required during field work while representing the City.

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**TAB 8
Continued with the Local Emergency
COVID-19 Outbreak; Adopt Resolution
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and Incentivize Community Vaccination;
Provide Direction with Continuing City
Events; Provide Further
Recommendations to the Local
Emergency Local Response to COVID-19
Outbreak**

Fire Chief Grayson stated yes. That is not new for the order. Unless someone is alone, it is not required.

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Council Member Trujillo stated he just needed clarification. When you're out in the community, you're representing the City. If the City employee is not wearing a mask, it's assumed that person is vaccinated.

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Mayor Robertson stated true. People assume, but they still may not be vaccinated. City staff or the public in general?

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Council Member Trujillo stated City staff is always out in different facilities and inspecting buildings going out to the community unvaccinated. So, they would be wearing masks.

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Mayor Robertson stated unless the City at some point make the decision to mandate all City employees get vaccinated or do COVID testing every week.

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Motion by Council Member Perez second by Mayor Robertson and carried by a 5-0 vote to 1) Receive an Update on and Confirm the Continued Existence of the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak; 2) Adopt Resolution No.7768 Ratifying Emergency Proclamation 2021-01 from the Director of Emergency Services / City Manager to Require Masking of all Persons in City Facilities Consistent with Federal, State and Regional Actions; 3) Approve Actions that Support and Incentivize Community Vaccination; 4) Provide Direction with Regard to Continuing City Events; and 5) Provide any Further Recommendations in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak with the development of Public Service Announcements.

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CLOSED SESSION

Motion by Council Member Carrizales second by Council Member Trujillo and carried by a 5-0 vote to return to Closed Session at 10:15 p.m.

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OPEN SESSION

City Council returned from Closed Session at 11:39 p.m. with all members present.

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**City Attorney's Report on
Closed Session**

City Attorney Vail stated the City Council met in Closed Session and reviewed Items. There was no reportable action on all Items.

REPORTS

None.

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ADJOURNMENT

Motion by Mayor Pro Tem Scott second by Council Member Perez and carried by a 5-0 vote to adjourn the City Council Meeting at 11:41 p.m.



MAYOR DEBORAH ROBERTSON

ATTEST:



CITY CLERK BARBARA A. MCGEE