

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting

Tuesday, September 8, 2015

5:00 PM

**CITY COUNCIL, City of Rialto, acting as Successor Agency to the
Redevelopment Agency, RIALTO UTILITY AUTHORITY**

City Council

*Mayor Deborah Robertson
Mayor Pro Tem Joe Baca Jr.
Council Member Edward Palmer
Council Member Shawn O'Connell
Council Member Ed Scott
Barbara A. McGee City Clerk
Edward Carrillo City Treasurer
Fred Galante City Attorney
Mike Story City Administrator*

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialtoca.gov Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No. 1563

Next Resolution No. 6828

Called to Order By:

ROLL CALL

Rialto – Entering a Second Century of Progress

- *Rialto will be a Family First Community*
- *Rialto Shall Attract High-Quality Development and Improve its Physical Environment*
- *Rialto's Economic Environment will be Healthy and Diverse*
- *Rialto will be an Active Community*

All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RUA," "RHA," which items are being considered and/or acted upon by the Members of the Rialto Utility Authority or Rialto Housing Authority of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein

5:00 p.m.

CLOSED SESSION

- 1 [15-653](#) Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) City of Colton v. American Promotional Events, Inc, et al
CD Cal Case No. ED CV 09-01864 PSG(SSx) and consolidated cases
 - (b) Gwendolyn Hawkins v. City of Rialto
S.B. Superior Court Case No. CVDS1311457
- 2 [15-657](#) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
- 3 [15-656](#) Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
 - (a)Subject: Price and Terms - Contract of Sale
 - Location: Rialto Municipal Airport Property
(Generally, the southwest corner of Ayala Drive
and Renaissance Parkway)
 - Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.
Bryan Goodman, Lewis Hillwood Rialto, LLC.

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE-Council Member Ed Palmer

INVOCATION-Pastor Bratton, Greater Faith Grace Bible Church

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 [15-613](#) Presentation-CalGrip Program Update-M.H.M and Associates
CEO Luvina Beckley Knight
- 2 [15-608](#) Presentation-Property Pride Awards-Beautification Commission
Chairperson Andy Carrizales
- 3 [15-643](#) Presentation-2014 Utilities Commission Annual Report
Vice Chairperson June Hayes

Attachments: [Final Annual Report 2014](#)
 [Presentation 09-03-15](#)
- 4 [15-639](#) Presentation-Water Program Conservation Plan Update
Public Works Director Robert Eisenbeisz

Attachments: [Water Conservation Presentation RGE 9-8-15](#)
- 5 [15-658](#) Introduction of New Community Services Director: Perry Brents
City Administrator Mike Story

ORAL COMMUNICATIONS**City Council to consider removing or continuing any items on the agenda***NOTICE TO THE PUBLIC*

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR**A. WAIVE FULL READING OF ORDINANCES (ACTION)**

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

B. APPROVAL OF WARRANT RESOLUTIONS

- B.1 [15-641](#) Resolution No. 08 (08/28/15)

Attachments: [Warrant Resolution No. 8](#)
- B.2 [15-642](#) Resolution No. 09 (09/04/15)

Attachments: [Warrant Resoluton No. 9](#)

C. APPROVAL OF MINUTES

- C.1 [15-644](#) Regular City Council Meeting - August 25, 2015

Attachments: [August 25, 2015](#)

D. SET PUBLIC HEARING

- D.1** [15-625](#) Request City Council to Set a Public Hearing for **September 22, 2015**, to consider an appeal of the Planning Commission decision to deny **Conditional Development Permit No. 769** and **Variance No. 709** requesting a Type 21 (Off-Sale General) liquor license from the California Department of Alcoholic Beverage Control for the sales of general alcoholic beverages for off-site consumption at an existing convenience market located at 509 W. Foothill Boulevard within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan.

Attachments: [Exhibit A - Location Map](#)
 [Exhibit B - July 8, 2015 Staff Report](#)
 [Exhibit C - Planning Commission Resolution of Denial for CDP No. 769](#)
 [Exhibit D - Planning Commission Resolution of Denial for VAR No. 709](#)
 [Exhibit E - Notice of Hearing](#)

E. MISCELLANEOUS

- E.1** [15-586](#) Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for July 2015.

Attachments: [Exhibit A Miro Way Escrow Statement of Income and Expense](#)
 [Exhibit B Miro Way Statements](#)
 [Exhibit C Alder Escrow Statements](#)

- E.2** [15-593](#) Request Rialto Utility Authority to Approve the Eighth Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.

Attachments: [Exhibit A Eighth Extension to Site Use Agreement](#)
 [15-593 - Exhibit A Eighth Extension to Site Use Agreement.doc](#)

- E.3** [15-594](#) Request City Council to (1) Accept the Maple Avenue Storm Drain Improvements & Rialto Unified School District Ramp, City Project No. 150806; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Vailston Company, Inc.

Attachments: [Attachment 1 - NOC - Maple Ave Storm Drain - 8-13-2015](#)
 [Attachment 2 - NOE](#)
 [Attachment 3 - GASB34](#)

- E.4 [15-595](#) Request City Council to (1) Accept the 2014/15 Annual Curb, Gutter and Sidewalk Improvement Project, City Project No. 150803; (2) Authorize Filing of the Notice of Completion and (3) Release of Retention to Carvajal Trucking & Tractor, Inc.
- Attachments:* [Attachment 1 - NOC - Curb Gutter Sidewalk - 8-13-2015](#)
[Attachment 2 - Notice of Exemption](#)
- E.5 [15-611](#) Request City Council to Adopt **Resolution No. 6815** Approving Parcel Map 17957 for the Subdivision of a 3.81 Acres and Creation of 15 Residential Lots Located on the West Side of Cedar Avenue between Summit Avenue and Bohnert Avenue, and the Associated Subdivision Improvement Agreement.
- Attachments:* [Attachment No. 1 - T.M. 17957 - 8-15-06 P.C. Report](#)
[Attachment No. 2 - T.M. 17957 - 8-21-08 P.C. Report - Extension of Time](#)
[Attachment No. 3 - T.M. 17959 - 8-21-08 - Extension of Time](#)
[Attachment No. 4 - T.M. 17957 - AB 116](#)
[Attachment No. 5 - T.M. 17957](#)
[Attachment No. 6 - T.M. 17957 Subdivision Agreement](#)
[Attachment No. 7 - T.M. 17957 Faithfull Performance, Labor Materials Bond](#)
[Attachment No. 8 - T.M. 17957 Monumentation Bond](#)
[Attachment No. 9 - T.M. 17957 Notice of Declaration](#)
[Resolution Approve TM 17957 9-08-15](#)
- E.6 [15-617](#) Request City Council to Approve the Contract Specifications and Authorize the Release of Request for Bids No. 16-016 for the 2015/2016 Annual Slurry Seal, City Project No. 160806.
- Attachments:* [Attachment 1 - Zone Map](#)
[Attachment 2 - Zones 1 & 5 Maps & Streets](#)
[Attachment 3 - NIB](#)
[Attachment 4 -NOE](#)
- E.7 [15-618](#) Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 16-017 for the Baseline Road & Acacia Avenue Traffic Signal Upgrade Project, City Project No. 140815.
- Attachments:* [Attachment 1 - NIB](#)
[Attachment 2 - CE NEPA 09-03-14](#)
[Attachment 3 - CE NEPA revalidation 06-30-15](#)
[Attachment 4 - Notice of Exemption](#)

- E.8 [15-620](#) Request City Council to Adopt **Resolution No. 6816** for the Placement of Liens Against Abandoned Properties for Failure to Comply with Administrative Citation to Correct Code Violations.
Attachments: [Exhibit A Lien Issuance](#)
[Exhibit B - Resolution](#)
- E.9 [15-622](#) Request City Council to Accept the Fiscal Year 2015 U.S. Department of Homeland Security Grant Funds and Approve Budget **Resolution No. 6817** to Increase Revenue and Appropriate Expenditures in the Amount of \$23,761.
Attachments: [FY15 HSGP Fire Jurisdiction Allocation](#)
[FY2015 Equipment Project Worksheet - Rialto FD](#)
[Budget Reso](#)
- E.10 [15-629](#) Request City Council to (1) Accept the Pepper Avenue Widening (Shamrock Street to Madrona Street) City Project No. 130811, Pepper Avenue Sound Walls, and Pepper Avenue Overlay, City Project No. 000893; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Mamco, Inc. (dba: Alabassi), a California corporation.
Attachments: [Attachment 1 - NOC - Pepper Avenue](#)
[Attachment 2 NOE](#)
[Attachment 3 - GASB34](#)
- E.11 [15-638](#) Request City Council to (1) Accept the 2013/14 Citywide Roof Repairs Project, City Project 100214; (2) Authorize Filing of the Notice of Completion; and (3) Release of Retention to Bell Roof Company, a California corporation.
Attachments: [Attachment 1 - NOC - Citywide Roof Repairs](#)

TAB PUBLIC HEARING

- TAB1 [15-631](#) Request City Council to Conduct a Public Hearing to Consider and Approve the City's CDBG 2014-2015 Consolidated Annual Performance and Evaluation Report.
(ACTION)
Attachments: [14-15 CAPER Final Draft wAppendices 8-31-15](#)

TAB2 [15-600](#) Request City Council to Conduct a Public Hearing and Adopt **Resolution No. 6818** Approving the Vacation of Existing Excess Right-of-Way and Authorizing the City Administrator to execute a Quitclaim Deed to Convey Underlying title to Excess Right-of-Way for Casmalia Street between Linden Avenue and Locust Avenue and Existing Excess Right-of-Way for Linden Avenue between Casmalia Street and Norwood Street.

(ACTION)

Attachments: [Attachment 1 - ROW Vacation Request](#)
[Attachment 2 - August 26, 2015 PC Staff Report and Resolution](#)
[Attachment 3 - Public Notices](#)
[Attachment 4 - RSP Exhibit](#)
[Attachment 5 - CC Resolution](#)
[Attachment 6 - Quitclaim Deed](#)
[Attachment 7 - CC Resolution- Exhibit A, B and C](#)

TAB3 [15-632](#) Request City Council to Conduct a Public Hearing to Review and Adopt **Resolution No. 6819**, the Revised 2010 Urban Water Management Plan.

(ACTION)

Attachments: [Attachment 1 - DWR Deficiency Letter Re 2010 UWMP](#)
[Attachment 2 - Rialto 2010 UWMP Final Update Deficiencies Resolution](#)

TAB NEW BUSINESS

TAB4 [15-634](#) Request City Council to Approve a Sixth Amendment to the Professional Services Agreement with Lynn Merrill in the Amount of \$35,184.80 for CIP Program Support and Document Scanning Support for Fiscal Year 2015/16 for a total amended compensation of \$455,091.91.

(ACTION)

Attachments: [6th Amendment](#)
[PROPOSAL - FY 15-16 CIP Support - 8-13-2015](#)

TAB5 [15-623](#) Request City Council to Approve a one (1) Year Extension of the Fiscal Year 2013-14 Award to Life-Assist Inc. and Approve a Purchase order for Fiscal Year 2015-16 to Life-Assist for Emergency Medical Supplies in the Amount of \$115,000.

(ACTION)

Attachments: [Staff Report Attachment Life-Assist 2013](#)

TAB6 [15-636](#) Request City Council to Adopt **Resolution No. 6820** declaring that no fines or other penalties shall be issued for maintaining brown lawns or for otherwise complying with the City's water conservation requirements during a proclaimed drought emergency or when the City Council establishes a stage of water conservation beyond Stage 1 pursuant to Chapter 12.20 of Title 12 of the Rialto Municipal Code.
(ACTION)

Attachments: [Resolution suspending enforcement of conflicting public nuisance provisions](#)

TAB7 [15-542](#) Request that the Mayor Appoint an Ad Hoc Subcommittee for the Purpose of Negotiating Changes in the Contracts of Sale for the Renaissance Rialto Project, to Negotiate the Terms of a Development Agreement, and Advise regarding Proposed Changes to the Renaissance Specific Plan.
(ACTION)

TAB8 [15-630](#) Request City Council to introduce by first reading of **Ordinance No. 1562**, entitled "AN ORDINANCE OF THE CITY OF RIALTO TO AMEND THE MUNICIPAL CODE BY ADDING CHAPTER 15.05 TO PROVIDE FOR AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS", reading by title only and waiving further reading thereof.
(ACTION)

Attachments: [Exhibit A - Ordinance - Residential Roof Solar](#)

TAB9 [15-379](#) Request City Council to Adopt **Resolution No. 6821** Approving an Operating Memorandum to the Development Agreement by and between the City of Rialto and I-210 Logistics Center II Fund IX, LLC.
(ACTION)

Attachments: [Exhibit A -Attachment No. 4 - I-210 Extracted pages from RECORDED - 210 LOGIST](#)
[Exhibit B - Attachment No.4 - Extracted pages I-210 LOGISTICS II - DEVELOPMEN](#)
[Exhibit C - I-210 I DA - Operating Memorandum\(2014-0347052\)](#)
[Exhibit D - Escrow Agreement and In-Lieu Fee Deposit](#)
[Exhibit E - Executed ERN Miro Assignment 3 9 2015](#)
[Exhibit F - Operating Memorandum re I-210 Logistics Center II Dev \(v5\)](#)
[Exhibit G - In-Lieu Fee Estimated Costs](#)
[Exhibit H- Resolution Operating Memorandum I-210 - II \(In-lieu Fee\)](#)

TAB10 [15-437](#) Request City Council to Adopt **Resolution No. 6822** Approving an Amended and Restated Construction Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company, LLC and Adopt **Resolution No. 6823** Authorizing an Advance of \$805,780 from the Airport Escrow Fund.

(ACTION)

Attachments: [Exhibit A LHR Amended and Restated Construction Reimbursement Agreement for Mi](#)
[Exhibit B City Council Resolution Approving Amended Construction Reimbursement A](#)
[Exhibit C Budget Resolution](#)

TAB11 [15-599](#) Request City Council to Adopt (1) **Resolution No. 6824** Approving a Construction and Credit Agreement in the amount of \$593,777 by and between the City of Rialto and Wal-Mart Stores, Inc. and (2) Budget **Resolution No. 6825** to Increase Expenditures from Fund Account 250-500-4672-3001.

(ACTION)

Attachments: [Exhibit A - Exhibit F to Wal-Mart DA - Reimbursable Improvements](#)
[Exhibit B - \(Walmart\) Construction and Credit Agreement with PKL Edits 8 25 15 \(v4\)](#)
[Exhibit C - Depiction of Improvements](#)
[Exhibit D - Resolution - Construction and Credit Agreement -](#)
[Exhibit E - Budget Resolution](#)

TAB12 [15-619](#) Request City Council to Approve the Program Description for the Mobile Home Repair Program Funded in the amount of \$60,000 by the Fiscal Year 2015-16 Community Development Block Grant Program.

(ACTION)

Attachments: [Exhibit A - Rialto-Agreement-Mobile Home Repair](#)
[Exhibit B - Mobile Home Repair Program Description 2015](#)

TAB13 [15-579](#) Request City Council to Adopt **Resolution No. 6826** Approving the Facility Operation Agreement by and among the City of Rialto, the Rialto Utility Authority, and KORE Infrastructure LLC.

(ACTION)

Attachments: [Exhibit A KORE Project Description and Photos](#)
[Exhibit B PC Staff Report in re KORE](#)
[Exhibit C PC Resolution](#)
[Exhibit D Site and Landscape Plans](#)
[Exhibit E KORE FOA FINAL 9.08.15 City Council Version](#)
[Exhibit F Air Quality District Permits for KORE](#)
[Exhibit G Communications](#)
[Exhibit H Host Fee Forecasts](#)
[Exhibit I 15-579 Resolution - biosolid processing facility operation agreement](#)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT