

REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency, RIALTO UTILITY AUTHORITY,
RIALTO HOUSING AUTHORITY
MINUTES
Tuesday, November 12, 2024

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, November 12, 2024.

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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 4:30 p.m.

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The roll was called, and the following were present: Mayor Robertson, Mayor Pro Tem Andy Carrizales, Council Member Ed Scott, and Council Member Joe Baca.

Also, present were Interim City Manager G. Michael Milhiser, City Attorney Eric Vail, and City Clerk Barbara McGee.

Council Member Rafael Trujillo and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Number of Matters: Three (3)

- Martin v. City of Rialto, et al.
SBCSC Case No. CIVSB 2418854
- H&H Construction v. City of Rialto, et al.
SBCSC Case No. CIVSB 2220213
- Center For Community Action and Environmental Justice, et al. v. City of Rialto, et al.
SBCSC Case No. CIVSB 2311760

CLOSED SESSION

2. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Interim City Manager Michael Milhiser,
Human Resources Director Shama Curian

Employee Organizations:

- Executive Management Team
- Management Unrepresented Employees
- Rialto City Employee's Association (RCEA)
- Teamsters Mid-Management & Confidential Employee's Union (TMMU)
- Rialto Fire Management Association (RFMA)
- Rialto Police Benefit Association – Management
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California – Local 3688
- Unrepresented Employees

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(d)(2)

Significant Exposure to Litigation

Number of Matters: Two (2)

- CalPERS Salary Characterizations
- AMI Project

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City Clerk McGee stated that Council Member Trujillo was not present at the time roll call was taken.

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Motion by Council Member Scott and second by Mayor Pro Tem Carrizales and by carried by a 4-0 vote to go into Closed Session at 4:33 p.m.

Council Member Trujillo was absent.

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Council Member Trujillo arrived at Closed Session at 4:34 p.m.

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The City Council returned from Closed Session at 6:38 p.m.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:39 p.m.

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OPEN SESSION

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

Also, present were Interim City Manager G. Michael Milhiser, City Attorney Eric Vail, City Treasurer Edward Carrillo, and City Clerk Barbara McGee.

Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance.

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Pastor Mario Cañedo – Calvary Chapel Rialto.

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City Attorney's Report on Closed Session

1. CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Number of Matters: Three (3)

- Martin v. City of Rialto, et al.
SBCSC Case No. CIVSB 2418854
- H&H Construction v. City of Rialto, et al.
SBCSC Case No. CIVSB 2220213
- Center For Community Action and Environmental
Justice, et al. v. City of Rialto, et al.
SBCSC Case No. CIVSB 2311760

The City Council had a conference with legal counsel with regard to each item and gave direction. There was no other reportable action.

2. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code section 54957.6
Labor Negotiator: Interim City Manager Michael Milhiser,
Human Resources Director Shama Curian

Employee Organizations:

- Executive Management Team
- Management Unrepresented Employees
- Rialto City Employee's Association (RCEA)
- Teamsters Mid-Management & Confidential
Employee's Union (TMMU)
- Rialto Fire Management Association (RFMA)
- Rialto Police Benefit Association – Management
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California –
Local 3688
- Unrepresented Employees

The City Council met with labor negotiators with regard to three different items which affected either all or one or more of the groups listed. They gave direction. There was no other reportable action.

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City Attorney's Report on Closed Session

3. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
Significant Exposure to Litigation
Number of Matters: Two (2)
 - CalPERS Salary Characterizations
 - AMI Project

The City Council gave direction to Director of Human Resources Curian related to the CalPERS Item.

The AMI Item will be held over to the end of the regular meeting should the City Council decide to take it.

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PRESENTATIONS AND PROCLAMATIONS

1. In Memoriam - Leatrice M. Cash - Mayor Deborah Robertson
2. In Memoriam - June Hayes – Council Member Scott
3. In Memoriam - Judy Roberts - Mayor Deborah Robertson
4. In Memoriam - Greta Hodges - Mayor Deborah Robertson
5. In Memoriam - Beverly Goodly-Powell –
Mayor Deborah Robertson
6. In Recognition - National Caregivers Month –
Council Member Rafael Trujillo
7. In Recognition – Officer Liliana Nevarez –
Honoring Active Military – Council Member Rafael Trujillo
8. In Recognition - Senior Chief Petty Officer Marisela Lozano –
Honoring Active Military - Mayor Deborah Robertson
9. Proclamation - Law Enforcement Records and Support
Personnel

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ORAL COMMUNICATIONS

Peggy Bray addressed the City Council related to Ramrod Mobile Home Park's history and its inception and to address legal matters that Ramrod's Executive Board has been having such as invasion of privacy, elder abuse.

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John Kearney addressed the City Council related to Ramrod Mobile Home and problems with the park's Executive Board with matters regarding solar panels, disability parking and activity room rentals.

The Board was previously an elected board. Now it is by appointment. The Board claims the Mayor and City Council insisted that the Board become an appointed Board because the democratically elected Executive Board could not run the park effectively. He does not believe the City Council has ever suggested it.

He introduced other Association Officers. They are asking the City Council's assistance to return to a democratically elected Executive Board to run Ramrod Senior Park.

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ORAL COMMUNICATIONS

Valin Gray addressed the City Council related to Ramrod Mobile Home park problems of elder abuse and harassment from other park residents. He also addressed the park's Executive Board's non-disclosure agreement. He read a letter directed to the City Council on August 3, 2024, regarding a handicapped matter that the Executive Board of Directors would not accommodate. He expressed concerns with the Board's lack of accountability and transparency.

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Mayor Robertson asked City staff and City Attorney Vail to review the matter and discuss it further.

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Erlinda Patterson thanked for the opportunity to have worked with Mayor Robertson. Every City Council Member has worked very hard and thanked Mayor Robertson for the work she has done for the community. She urged the public to reach out and obtain the assistance needed or have an issue with someone in the City.

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Marlandra Johnson addressed the City Council and the public inviting everyone to Supervisor Baca's Annual Holiday Open House on December 5 at the Government Center.

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Gilbert Martinez addressed the City Council related to the North Rialto Little League. He thanked the City Council for the funds and improvements made to the snack bar.

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

Council Member Scott asked City Attorney Vail about a request made to add an Item to the agenda which involved the naming of the habitat in South Rialto.

He asked if it could be added as a Subsequent Need Item or if it must be added to the next agenda.

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City Attorney he stated that the City Council has had the practice of adding honorary-type proclamations and designations to its agenda without having to do a Supplement Item.

It could be taken at this time, should the City Council agree.

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Mayor Pro Tem Carrizales made the motion.

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City Clerk McGee asked what the motion is.

CONSENT CALENDAR

Council Member Scott proposed naming the Rialto Habitat Nature Center as the Dr. June Hayes and Mayor Deborah Robertson Habitat in honor of both of them and the hard work they have done for the last five years.

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City Clerk McGee asked if the motion was to add it to the agenda.

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Council Member Scott stated yes.

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Mayor Robertson asked for point of clarification.

She appreciates the gesture. She inquired about any City Ordinance that precludes naming in honor of someone in life.

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Council Member Scott stated he would hope there is nothing in the City Ordinance that precludes it. He believes it is unfortunate to wait to name buildings after those who have already passed away. They should be named after people that do good.

He stated he believes Mayor Robertson deserves it.

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Mayor Pro Tem Carrizales stated Mayor Robertson had the vision of the Rialto Habitat Nature Center and the City Council went along with her vision.

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SUBSEQUENT NEED ITEM

Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to add to the agenda to rename the Rialto Habitat Nature Center in honor of Dr. June Hayes and Mayor Deborah Robertson.

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Motion by Council Member Baca, second by Council Member Scott and carried by a 5-0 vote to rename the Rialto Habitat Nature Center in honor of Dr. June Hayes and Mayor Deborah Robertson.

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City Clerk McGee stated someone would like to speak on F.2 on the Consent Calendar.

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Public Comment

F.2

Safe Routes to School – Bemis Elementary

Ana Gonzalez addressed the City Council related to Item F.2.

She asked if this project would involve the collaboration of the school district to make certain school staff is involved in process such as community outreach to Safe Roads to School Project.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 12

B.2 Warrant Resolution No. 13

B.3 Warrant Resolution No. 14

B.4 Warrant Resolution No. 15

B.5 Warrant Resolution No. 16

B.6 Warrant Resolution No. 17

B.7 Warrant Resolution No. 18

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C. APPROVAL OF MINUTES

C.1 Regular City Council Minutes – September 24, 2024

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D. CLAIMS AGAINST THE CITY – FOR INFORMATION ONLY

D.1 Brianna Guadalupe Cervantes

D.2 Janine Ruth Padilla

D.3 Lonnie Close

D.4 Margaret Newton

D.5 Rafael Chavez Jr.

D.6 Raymond Ayres Jr.

D.7 Allstate aso Irma Gamboa

D.8 Maida Barrios

D.9 Maria Irma Martinez

D.10 State Farm aso Rafael Chavez

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E. SET PUBLIC HEARING

E.1 Request City Council to Set a Public Hearing for January 14, 2025, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 2nd Quarter of the 2024 Calendar Year.

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CONSENT CALENDAR

F. MISCELLANEOUS

- F.1 Request City Council to (1) Approve the Sale of a Police Service Dog for the Amount of \$1.00 to Officer Erik Valtierra; (2) Authorize the Interim City Manager or his Designee to Execute all Documents.
- F.2 Request City Council to Authorize the Release of Bids for the Bemis Elementary Safe Routes to School (SRTS) Improvements Project, City Project No. 240805.
- F.3 Request the City Council to 1) Authorize the Release of Bids for the Bloomington, Casa Grande, and Maple Improvements Project, City Project No. 25082; and 2) Authorize the City Manager or Their Designee to Execute all Related Documents.
- F.4 Request City Council to: 1) Authorize Staff to Submit a Project Application to the California Transportation Commission (CTC) for the Locust Roadway Widening and Rehabilitation Project under the Local Partnership Program (LPP) Competitive Program; and 2) Authorize the City Manager or Their Designee to Execute all Related Documents.
- F.5 Revised Classification Specification for the Position of Records Coordinator and Adopt Resolution No. 8299, Revising Classification and Compensation Plan For Full-Time and Part-Time Employees (Adding City Clerk Records Specialist).
- F.6 Request City Council to: (1) Adopt Resolution No. 8300 Amending the 2024-2025 Fiscal Year Budget; (2) Accept the FY2024-2025 California Citizens' Option for Public Safety (COPS) Allocation of \$159,210; (3) Accept the FY2023-2024 California Citizens' Option for Public Safety (COPS) Growth Allocation of \$151,624.22; and (4) Authorize the Interim City Manager or Designee to Execute All Documents. This Grant Requires no Local City Match.
- F.7 Request City Council to 1) Adopt Proposed Resolution No. 8301 Approving Tract Map 20448 for the Subdivision of Nine (9) Lots (APNs: 0264-151-53, 0264-151-62, 0264-151-75, 0264-151-82, 0264-151-84, 0264-151-86, 0264-211-08, 0264-211-09, & 0264-212-08) Located at the Southwest Corner of Ayala Drive and Scholl Way within the Renaissance Specific Plan into Nine (9) Residential Condominium Lots consisting of 429 detached single-family dwelling units; and 2) Authorize the City Manager or Their Designee to Execute all Related Documents.
- F.8 Request City Council to Approve the Professional Services Agreement, Amendment #2, between the City and Eide Bailly, LLP, for Financial Services, for a maximum amount not to exceed \$75,000.

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

PUBLIC HEARING

TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Daniel Casey, Senior Planner, presented staff report to Request City Council to consider the Adoption of 1) Resolution No. 8296 denying the Appeal of the Planning Commission's decision to approve Tentative Parcel Map No. 2023-0001, Conditional Development Permit No. 2023-0011, Precise Plan of Design No. 2023-0018, and an Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022) for the development and use of a 225,173 square foot industrial warehouse building on 11.19 net acres of land (APN: 0239-301-39, -40, -51, -55, 56, & -64) located at the southeast corner of Locust Avenue and West Coast Boulevard within the Planned Industrial Development (I-PID) land use district of the Rialto Airport Specific Plan.

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Stephane Wandel, Representative for Owner gave presentation on the Locust & West Coast project.

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City Attorney Vail stated that staff has proposed a resolution that includes one additional condition having to do with the terminus on West Coast Boulevard. Should the City Council decide to approve, do you accept and agree that your company will comply with that condition?

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Mr. Wandel stated absolutely. The company has been supportive from day one.

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Public Comment

Ana Gonzalez, Appellant, with the Center for Community Action and Environmental Justice, CCAEJ, representing 30 plus community members gave presentation in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Thomas Ruiz addressed the City Council in support of the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Joshua Holeman addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Jose Garcia addressed the City Council in support of the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Frederick Smith addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Ralph Velador addressed the City Council in support of the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Jose Gonzalez addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Esmeralda Gonzalez addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Kathy Rojas Gonzalez addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Joseph Quezada addressed the City Council in support of the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Claudia Cuevas addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Maria Velazquez addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Yesenia Ramos addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Paige Gosney, Attorney for Applicant, addressed the City Council in support of the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan and asked the City Council to deny the appeal.

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Brenda Parker addressed the City Council in opposition to project asking the City Council to uphold the appeal to the Locust Avenue and West Coast Boulevard Industrial Development land use district of the Rialto Airport Specific Plan.

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Motion by Council Member Trujillo, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to close the Public Hearing.

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Council Member Trujillo stated there were questions about cover for the buildings and asked how the developer proposes to conceal the building from the residential areas.

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Mr. Wandel stated it would be difficult to conceal the entire building. Attempts have been made to the north side of the project to provide excess landscape area and landscape buffer more than City requirements on the east side. They are trying to do the right thing.

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Council Member Trujillo inquired about crosswalk safety concerns and asked what the plans in that area.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Mr. Wandel stated that is the crosswalk that will provide for access across Locust Avenue. The project is required to build sidewalks on both sides of West Coast Boulevard all the way up to Locust Avenue and additional sidewalk up a portion of Locust Avenue towards Casa Grande. In 2025 the pedestrian crosswalks will be complete.

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Council Member Trujillo asked what electrification amenities will be added.

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Mr. Wandel stated they are providing additional power to the building, car electrification and charges for trucks.

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Council Member Trujillo asked about the buffers between the building and the residents.

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Mr. Wandel stated West Coast Boulevard is a buffer. On the north side of private property, there is 44 feet of landscape area for most of the project. A portion of it has 25 feet in addition to the entire width of West Coast Boulevard. The truck court will be recessed approximately six to nine feet below Locust Avenue. As a result of the appeal, they want to be a good neighbor.

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Council Member Baca commended the developer for all the improvements he is willing to make on the property. There are areas that still need improvement. This is about the residents living in that area.

It is the Council's responsibility to listen to the residents and hear their voices. He believes the appeal should be upheld. A lot of laws have been changed. He is glad it has a labor agreement. Any project in the City of Rialto should have a labor agreement no matter what is built in the City.

He stated the City has a responsibility to ask how many warehouses are in the City of Rialto and to say, "Time out. We've had too many." It is time to look at what can make Rialto better and more effective such as a hotel, grocery store, restaurant, or hospital.

The City needs to reconsider and look at a different kind of direction taken. He hopes the City Council will look at the decision made. It is owed to the residents in the area. All the effects have to be considered for all the residents of Rialto. We need to answer questions and be objective.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Council Member Scott stated that there seems to be a discrepancy in the developer's count of residents who support and oppose the project. He asked how that is explained.

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Mr. Wandel stated it needs to be examined over time beginning with outreach a year ago, the Planning Commission hearings, presentations made at City Council meetings. It is based off feedback received through that time.

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Council Member Scott stated that the City Council had not seen letters of support or support for the project despite what the developer says. He doesn't see the support.

He continues to be disturbed with this City building warehouses including the one in his neighborhood that he sees outside his front door. He was not on the City Council when it was approved. His neighbors were not asked whether they wanted the warehouse or not. He expressed his concerns with continuing to build warehouses and why industrial property is mixed with residential area.

Developer's feedback indicates that residents on West Coast Boulevard support the project. It is very likely they do because they want paved streets and sidewalks. He does not understand how those houses were built without sidewalks. But there are other people who live there too.

He asked if the City Council denies this project, what will be built instead.

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Mr. Wandel stated that suggestions have been made through various committees and Council meetings and have been considered, but they have a small 11-acre parcel.

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Council Member Scott asked if a grocery store will be built.

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Mr. Wandel stated they cannot. They have done a detailed assessment that was provided to the EDC.

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Council Member Scott asked if a hotel will be built.

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Mr. Wandel stated that no hotel operators would come to the area.

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Council Member Scott asked if a residential development will be built.

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TAB 1

**Adopt Resolution No. 8296 denying the
Appeal of the Planning Commission
decision to approve Tentative Parcel Map
No. 2023-0001**

Mr. Wandel stated it is highly unlikely. It is not about the zoning.

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Council Member Scott stated it is about the value of the property.

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Mr. Wandel stated it is just not about that.

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Council Member Scott reiterated that it is about the value of the property and the highest value of that property.

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Mr. Wandel stated it is within the zoning. It doesn't mean they would consider other uses if they felt they were realistic.

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Council Member Scott stated that currently there are no other uses for consideration so the property will continue to sit there.

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Mr. Wandel stated he does not see any other uses at this time.

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Council Member Scott asked how long he has owned the property.

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Mr. Wandel stated they have owned the property for almost 20 years.

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Council Member Scott when was the EIR prepared.

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Mr. Wandel stated it was prepared and finalized early 2024.

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Council Member Scott asked it is an amendment to a previous EIR from 1997.

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Mr. Wandel stated correct. It is a detailed amendment to the EIR looking at the EIR from then and now.

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Council Member Scott asked if there were residential houses behind the property 20 years when it was purchased.

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Mr. Wandel stated yes.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Council Member Scott asked if EIR in 1997 addressed the houses and its impact on residents.

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Mr. Wandel stated he does not have an answer to that.

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Council Member Scott asked if there is a consultant who can answer the question.

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Dana Privett, with Kimley-Horn, stated they prepared the addendum to the Environmental Impact Report which included technical studies evaluating the proposed project and comparing back to the impacts identified in the EIR.

The analysis today analyzes the impacts of this potential project based on current standards and current methodology and then comparing findings back to the conclusions that were identified in that prior EIR assuming the site would be developed at a floor-area ratio of one which would allow for heavy industrial use assuming that the site was adjacent to residential homes.

The impacts associated with the EIR for this site identified potentially greater impacts than are currently identified.

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Council Member Scott asked if that is acceptable at present day to build industrial by residential.

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Ms. Privett stated that is not her role in this project.

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Council Member Scott asked who contracted her for this project.

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Ms. Privett stated it is the City's policy to allow a CEQA consultant to be under contract to an Applicant, but the City is responsible for the adequacy of the documentation.

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Council Member Scott asked Ms. Privett if she was under contract to the Applicant or the City of Rialto.

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Ms. Privett stated she is under contract to the Applicant.

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TAB 1

Adopt Resolution No. 8296 denying the Appeal of the Planning Commission decision to approve Tentative Parcel Map No. 2023-0001

Council Member Scott asked if Ms. Privett was recommended to the Applicant by the City of Rialto.

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Ms. Privett stated she does not have an answer to that.

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Council Member Scott stated she has a conflict of interest because not only works for the City of Rialto but also for the Applicant.

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Mayor Robertson asked what is the current market rate for the industrial land – the undeveloped land per acre square foot. What is the current appraised value?

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Mr. Casey stated based on information from other developers, \$75.00 down to \$50-55.00 square-foot range.

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Mayor Robertson stated it is unclear without doing an appraisal.

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Mr. Casey stated correct.

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Mayor Robertson stated the City has its own policing powers. If we want to resolve this matter, we can just put an offer on the table and declare it as a higher and better use for public good. And if the developer and owner does not want to take the offer, we can use our policing powers and to put it in eminent domain. Then we can determine what exactly would be the highest and best use in the public's interest for this property. It could be housing because there is definitely a need and we have RHNA, Regional Housing Need Assessment.

I am going to make a motion that we uphold the appeal.

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Mayor Pro Tem Carrizales asked that having heard all the community, has anything else been considered for building.

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Mr. Wandel stated yes, they have looked into it.

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Mayor Robertson emphasized that Mr. Wandel stated he can't see anything else being built. So why would he be expected to come up with something.

She stated to call for the question.

TAB 1

**Adopt Resolution No. 8296 denying the
Appeal of the Planning Commission
decision to approve Tentative Parcel Map
No. 2023-0001**

Council Member Baca stated he had already called for the question.

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Council Member Scott stated there is a call for the question on the floor.

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Mr. Wandel asked if he can make a request.

He stated they have had good discussions with the Appellant and asked for more time to meet with the Appellant.

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Mayor Robertson stated no. It is closed. The City needs to do what they need to do.

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Motion by Mayor Robertson, second by Council Member Baca and carried by a 5-0 vote to uphold the appeal of the Planning Commission's decision to approve Tentative Parcel Map No. 2023-0001, Conditional Development Permit No. 2023-0011, Precise Plan of Design No. 2023-0018, and an Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022) for the development and use of a 225,173 square foot industrial warehouse building on 11.19 net acres of land (APN: 0239-301-39, -40, -51, -55, 56, & -64) located at the southeast corner of Locust Avenue and West Coast Boulevard within the Planned Industrial Development (I-PID) land use district of the Rialto Airport Specific Plan.

The vote was AYES: Mayor Robertson, Mayor Pro Tem Carrizales, Council Member Scott, Council Member Trujillo, Council Member Baca.
NOES: None. ABSTAIN: None. ABSENT: None.

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Council Member Baca stated that the City should try to assist the developer to try to look at what can be developed in that area.

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Council Member Scott asked to continue with the meeting.

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City Clerk McGee called TAB 2.

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TAB 2
Approve Ordinance No. 1696

Sandra Robles, Senior Planner, presented staff report to Request the City Council Conduct a Public Hearing to consider an exemption (Environmental Assessment Review No. 2024-0022) in accordance with the California Environmental Quality Act (CEQA), and (2) Ordinance No. 1696 adopting Zoning Code Amendment No. 2024 0002 (Master Case No. 2024-0016), for amendments to the Rialto Municipal Code (Title 11 Streets and Sidewalks, Section 11.22 Wireless Telecommunications Facilities in the Public Right-of-Way; and Title 18 Zoning Code, Section 18.111 Wireless Telecommunications Facilities) for telecommunication facilities within the public right-of-way and private property, and approve Resolution No. 8302 "Guidelines for Batch Broadband Permit Processing".

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City Attorney Vail stated that this is for First Reading and Reading by title only. It will come back at the next meeting on December 10, 2024 for formal adoption on the Consent Calendar.

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Mayor Robertson asked if anyone wished to speak.

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No one came forward.

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Motion by Council Member Trujillo, second by Mayor Robertson and carried by a 5-0 vote to close the Public Hearing.

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Council Member Trujillo inquired about zoning and asked if there are any gigabyte specifications.

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Ms. Robles stated no it does not.

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Mayor Pro Tem Carrizales inquired about health-hazard studies and asked if they have been performed to determine harmful effects to the community.

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Ms. Robles stated that the FCC has conducted multiple studies. The Telecommunications Act of 1996 regulates it. A municipality cannot regulate it.

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Mayor Pro Tem Carrizales asked what the distances of regulation are.

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TAB 2
Approve Ordinance No. 1696

Ms. Robles stated she is not aware the radio frequency and deferred to City Attorney Vail.

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City Attorney Vail stated there has been a dispositive study that shows electromagnetic waste from these facilities cause any health damages. If it did, the Federal government has prohibited us from denying or regulating that on these facilities.

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Motion by Council Member Baca, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to the exemption (Environmental Assessment Review No. 2024-0022) in accordance with the California Environmental Quality Act (CEQA), and (2) Ordinance No. 1696 adopting Zoning Code Amendment No. 2024 0002 (Master Case No. 2024-0016), for amendments to the Rialto Municipal Code (Title 11 Streets and Sidewalks, Section 11.22 Wireless Telecommunications Facilities in the Public Right-of-Way; and Title 18 Zoning Code, Section 18.111 Wireless Telecommunications Facilities) for telecommunication facilities within the public right-of-way and private property, and approve Resolution No. 8302 "Guidelines for Batch Broadband Permit Processing".

The vote was AYES: Mayor Robertson, Mayor Pro Tem Carrizales, Council Member Scott, Council Member Trujillo, Council Member Baca. NOES: None. ABSTAIN: None. ABSENT: None.

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ORDINANCE NO. 1696

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 11.22.090 OF CHAPTER 11.22 AND ADDING SECTION 18.11.100 TO CHAPTER 18.111 OF THE RIALTO MUNICIPAL CODE TO STRENGTHEN THE CITY'S ABILITY TO REGULATE WIRELESS TELECOMMUNICATIONS FACILITIES.

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TAB 3
Adopt Resolution No. 8303

Paul Gonzales, Community Development Manager, and Henry Eckold from Dudek, presented staff report to Request City Council to Conduct a Public Hearing to Consider the Adoption of Resolution No. 8303 Approving a Mitigated Negative Declaration (Environmental Assessment Review No. 2023-017) and General Plan Amendment (GPA) No. 2023-001 for the amended Land Use Element, Safety Element, Circulation Element, and new Environmental Justice Element.

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TAB 3
Adopt Resolution No. 8303

Ana Gonzalez addressed the City Council in related to TAB 3 and expressed her support in adopting Resolution No. 8303 General Plan Update.

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Emely Alarcon addressed the City Council related to TAB 3 and expressed her support in adopting Resolution No. 8303 General Plan Update.

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Brenda Parker addressed the City Council related to TAB 3 and expressed her support in adopting Resolution No. 8303 General Plan Update.

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Nathalie Leudo addressed the City Council related to TAB 3. She asked the City Council that a policy be included as part of the fair housing goals of the environmental justice.

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Maria Velazquez addressed the City Council related to TAB 3 and expressed her support in adopting Resolution No. 8303 General Plan Update.

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Motion by Council Member Baca, second by Council Member Trujillo and carried by a 5-0 vote to close the Public Hearing.

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Council Member Trujillo asked if these documents are translated into Spanish.

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Mr. Gonzales stated they currently are not in Spanish.

Council Member Trujillo stated it would be considerate to have information accessible in Spanish.

He suggested the City highlight visually in maps the diverse amenities and services it offers throughout the City such as EV charging stations, bike lanes, and trails.

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Council Member Scott agrees with Council Member Trujillo that the documents should be in Spanish.

He asked if there is a mandatory training required for City employees related to any item under environmental justice.

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TAB 3
Adopt Resolution No. 8303

Mr. Gonzales stated it only requires training for cultural sensitivity.

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Council Member Scott asked if that was training for employees.

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Mr. Gonzales stated that is correct.

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Council Member Scott asked if has gone through a meet and confer process.

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Mr. Gonzales stated the General Plan Updates have been provided to all the City departments.

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Council Member Scott asked if training that is required of City employees go through a meet and confer process prior to implementing a policy.

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City Attorney Vail commented that only applies if it is a State mandate.

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Council Member Scott asked if it is a State mandate.

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Mr. Gonzales stated it is not a State mandate.

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Council Member Scott asked to where it indicates on the report.

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Mr. Gonzales referenced the report to read "consider cultural sensitivity training for staff".

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Council Member Scott emphasized "to consider". He asked if it is a State mandate.

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Mr. Gonzales stated it is not a State mandate.

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TAB 3
Adopt Resolution No. 8303

Council Member Scott asked where the recommendation comes from.

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Mr. Gonzales stated it is a recommendation of the CAC, Community Advisory Committee, Board when discussing the different elements.

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Council Member Scott stated it is strictly considerate and not mandatory.

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Mr. Gonzales stated that is correct.

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Council Member Scott asked what requirement would need to occur for that training.

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Mr. Gonzales stated there is no requirement currently.

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Council Member Scott asked unless what.

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Mr. Gonzales stated unless the City Council would require it.

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Council Member Scott stated it would have to return to the City Council to become a requirement.

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Mr. Gonzales stated that is correct.

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Council Member Baca agreed also that the information needs to be translated in Spanish.

He stated the lighting needs to be considered for the safety of the public while walking or using the bike lane.

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Mayor Pro Tem Carrizales suggested adding more trees on the walk trail, crosswalk warning lights for public safety. As the City grows, scooters will become more accessible and be viewed as means of safe transportation.

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TAB 3
Adopt Resolution No. 8303

Mayor Robertson asked if there is a reason the CAC Board was not added in the material. There is no reference as to who they are. The citizens should be acknowledged in the information.

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Director of Community Development Cataldi stated they can certainly add the Committee Members' names as part of the document.

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Mayor Robertson stated it was a part of City Council action and they should be acknowledged.

She inquired on the safety element and suggested lighting be defined as well as surveillance element within the plan to better identify any person of interest in a criminal attack.

She also recommended defining an additional protective class, such as seniors within the environmental justice law. Did it not call out a class that is already protected?

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Mr. Eckold stated that is the States definition of environmental justice. In the environmental justice element itself, it has a number of characteristics and cover each of those.

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Mayor Robertson asked to point it out at a later time. It is a good start. She also inquired about moratorium and asked if the truck routes are permanent or still under moratorium.

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Mr. Gonzales stated the moratorium that was placed on truck routes a year-and-a-half ago was the same truck route map that was approved then so the same map was incorporated into the general plan.

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Motion by Council Member Trujillo, second by Council Member Baca and carried by a 5-0 vote to Adopt Resolution No. 8303 Approving a Mitigated Negative Declaration (Environmental Assessment Review No. 2023-017) and General Plan Amendment (GPA) No. 2023-001 for the amended Land Use Element, Safety Element, Circulation Element and new Environmental Justice Element;

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City Attorney Vail noted that the majority of the City Council wished to have the General Plan translated into Spanish. It was not part of the motion. The City Council may refer that to staff to decide how to implement that and what the cost will be.

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TAB 3

Adopt Resolution No. 8303

Mayor Robertson stated that the City Council would be in support of it. She commented on the City website menu dropdown to convert the documents in the language of your choice and asked if the documents were uploaded so the public can use during the Council meetings.

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Motion by Council Member Trujillo, second by Council Member Baca and carried by a 5-0 vote to Adopt Resolution No. 8303 Approving a Mitigated Negative Declaration (Environmental Assessment Review No. 2023-017) and General Plan Amendment (GPA) No. 2023-001 for the amended Land Use Element, Safety Element, Circulation Element and new Environmental Justice Element; and have the documents translated into Spanish.

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NEW BUSINESS

TAB 4

Approve Amendment No. 1 to the Project Funding Agreement with San Bernardino County Transportation Authority; Adopt Resolution No. 8304 Amending the 2024/2025 Fiscal Budget for City Project No. 140813; Approve the First Amendment to the Professional Services Agreement with Jacobs Engineering Group, Inc. for City Project No. 140813

Amparo Corona, Principal Budget & Financial Analyst presented staff report to Request City Council to: 1) Approve Amendment No. 1 to the Project Funding Agreement with San Bernardino County Transportation Authority (SBCTA); 2) Adopt Resolution No. 8304 Amending the 2024/2025 Fiscal Budget to Appropriate a Budget of \$922,900 for the I 10/Riverside Avenue Interchange Phase II, City Project No. 140813; 3) Approve the First Amendment to the Professional Services Agreement with Jacobs Engineering Group, Inc. for I-10/Riverside Avenue Interchange Phase II, City Project No. 140813, in the amount of \$537,288; and 4) Authorize the Interim City Manager to or Their Designee to Execute all Related Documents.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to 1) Approve Amendment No. 1 to the Project Funding Agreement with San Bernardino County Transportation Authority (SBCTA); 2) Adopt Resolution No. 8304 Amending the 2024/2025 Fiscal Budget to Appropriate a Budget of \$922,900 for the I 10/Riverside Avenue Interchange Phase II, City Project No. 140813; 3) Approve the First Amendment to the Professional Services Agreement with Jacobs Engineering Group, Inc. for I-10/Riverside Avenue Interchange Phase II, City Project No. 140813, in the amount of \$537,288; and 4) Authorize the Interim City Manager to or Their Designee to Execute all Related Documents.

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TAB 5

Award Construction Contract to AEC Moreno Corporation for Fire Station 203 Dormitory Improvements City Project No. 220204; Authorize Contract Change Order with Fountainhead Corporation Agreement for Construction Management, Inspection and Materials Testing Services for Fire Station 203 Dormitory Improvements City Project No. 220204

Art Cervantes, Engineering Manager, presented staff report to Request City Council to: 1) Award a Construction Contract to AEC Moreno Corporation in the Amount of \$415,868 for the Construction of the Fire Station 203 Dormitory Improvements Project, City Project No. 220204; 2) Authorize a Contract Change Order in the amount of \$88,566 with Fountainhead Corporation pursuant to the City's "On-Call" Agreement for Construction Management, Inspection, and Materials Testing Services for Fire Station 203 Dormitory Improvements Project, City Project No. 220204 and 3) Authorize the City Manager or Their Designee to Execute all Related Documents.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to 1) Award a Construction Contract to AEC Moreno Corporation in the Amount of \$415,868 for the Construction of the Fire Station 203 Dormitory Improvements Project, City Project No. 220204; 2) Authorize a Contract Change Order in the amount of \$88,566 with Fountainhead Corporation pursuant to the City's "On-Call" Agreement for Construction Management, Inspection, and Materials Testing Services for Fire Station 203 Dormitory Improvements Project, City Project No. 220204 and 3) Authorize the City Manager or Their Designee to Execute all Related Documents.

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TAB 6

Adopt Resolution No. 8305 Amending 2024/2025 Fiscal Budget; Award Construction to Horizons Construction Company International, Inc. for City Project No. 210304; Authorize a Contract Change Order with Harris and Associates, Inc. for City Project No. 210304

Art Cervantes, Engineering Manager, presented staff report to Request City Council to 1) Adopt Resolution No. 8305 Amending the 2024/2025 Fiscal Budget; 2) Award a Construction Contract to Horizons Construction Company International, Inc. in the Amount of \$1,777,824 for the Construction of the Birdsall Park Improvement Project, City Project No. 210304; 3) Authorize a Contract Change Order in the amount of \$374,393 with Harris and Associates, Inc. pursuant to the City's "On-Call" Agreement for Capital Project Program Management and Related Services for Birdsall Park Improvement Project, City Project No. 210304 and 4) Authorize the Interim City Manager or Their Designee to Execute all Related Documents.

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Motion by Council Member Baca, second by Council Member Trujillo and carried by a 5-0 vote to 1) Adopt Resolution No. 8305 Amending the 2024/2025 Fiscal Budget; 2) Award a Construction Contract to Horizons Construction Company International, Inc. in the Amount of \$1,777,824 for the Construction of the Birdsall Park Improvement Project, City Project No. 210304; 3) Authorize a Contract Change Order in the amount of \$374,393 with Harris and Associates, Inc. pursuant to the City's "On-Call" Agreement for Capital Project Program Management and Related Services for Birdsall Park Improvement Project, City Project No. 210304 and 4) Authorize the Interim City Manager or Their Designee to Execute all Related Documents.

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TAB 7

Approve Contract Change Order to Harris & Associates for Preparation of a Stormwater Condition Assessment Pursuant to City's "On-Call" Agreement

Mike Orona, Deputy Director of Maintenance and Facilities, presented staff report to Request City Council to: 1) Approve a Contract Change Order to Harris & Associates in the Amount of \$957,431 for Preparation of a Stormwater Condition Assessment Pursuant to the City's "On-Call" Agreement; and 2) Authorize the City Manager or Their Designee to Execute all Related Documents.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to 1) Approve a Contract Change Order to Harris & Associates in the Amount of \$957,431 for Preparation of a Stormwater Condition Assessment Pursuant to the City's "On-Call" Agreement; and 2) Authorize the City Manager or Their Designee to Execute all Related Documents.

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TAB 8

Approve a Purchase and Sale Agreement between the City of Rialto and Oscar and Blanca Esparza for property located at 130 South Willow Avenue and adopt Budget Resolution No. 8306

Colby Cataldi, Director of Community Development, presented staff report to Request City Council to Consider and Approve a Purchase and Sale Agreement between the City of Rialto and Oscar and Blanca Esparza for the property located at 130 South Willow Avenue (APN # 0130-211 30 and 0130-211-36) and adopt Budget Resolution No. 8306.

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Motion by Mayor Robertson, second by Council Member Baca and carried by a 5-0 vote to Approve a Purchase and Sale Agreement between the City of Rialto and Oscar and Blanca Esparza for the property located at 130 South Willow Avenue (APN # 0130-211 30 and 0130-211-36) and adopt Budget Resolution No. 8306.

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TAB 9

Approve a Purchase and Sale Agreement between the City of Rialto and Aram & Yerva and Property Management for Property located at 308 North Riverside Avenue for Affordable Housing Project Utilizing City General Funds; Adopt Resolution No. 8307

Colby Cataldi, Director of Community Development, presented staff report to Request City Council to Consider and Approve a Purchase and Sale Agreement between the City of Rialto and Aram & Yerva and Property Management LLC for the Property Located at 308 North Riverside Avenue (APN # 0130-033-31 and 0130-033-32) for an Affordable Housing Project Utilizing City General Funds and Adopt Budget Resolution No. 8307.

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Motion by Mayor Robertson, second by Council Member Scott and carried by a 5-0 vote to Approve a Purchase and Sale Agreement between the City of Rialto and Aram & Yerva and Property Management LLC for the Property Located at 308 North Riverside Avenue (APN # 0130-033-31 and 0130-033-32) for an Affordable Housing Project Utilizing City General Funds and Adopt Budget Resolution No. 8307.

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TAB 10

Approve the amendment to the contract with Park Consulting Group for the completion of Phase 1; Authorize the Interim City Manager (or Designee) to increase the contract with Park Consulting Group for Phase 2.

Jonathan Ballard, Information Technology Manager, presented staff report to Request City Council to: (1) Approve the amendment to the contract with Park Consulting Group by increasing the funds of the contract by \$372,000 for the completion of Phase 1, (2) Authorize the Interim City Manager (or Designee) to increase the contract with Park Consulting Group in a not to exceed amount of \$100,000 for Phase 2, and (3) Authorize the Interim City Manager or Designee to Execute All Documents.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to : (1) Approve the amendment to the contract with Park Consulting Group by increasing the funds of the contract by \$372,000 for the completion of Phase 1, (2) Authorize the Interim City Manager (or Designee) to increase the contract with Park Consulting Group in a not to exceed amount of \$100,000 for Phase 2, and (3) Authorize the Interim City Manager or Designee to Execute All Documents.

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TAB 11

Approve (1) Five-year contract and purchase Taser 10 devices, Certification Program with Virtual Reality and Software Licensing from AXON Enterprise, Inc.

Mark Kling, Police Chief, presented staff report to Request City Council to Approve (1) the Five (5) Year Contract and Purchase of One Hundred Forty (140) Taser 10 devices, Certification Program with Virtual Reality and Software Licensing from AXON Enterprise, Inc., Formerly Known as Taser International, in the Amount of \$860,505.30, and (2) Authorize the Interim City Manager or Designee to Execute all Documents.

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Motion by Mayor Pro Tem Carrizales, second by Council Member Scott and carried by a 5-0 vote to Approve (1) the Five (5) Year Contract and Purchase of One Hundred Forty (140) Taser 10 devices, Certification Program with Virtual Reality and Software Licensing from AXON Enterprise, Inc., Formerly Known as Taser International, in the Amount of \$860,505.30, and (2) Authorize the Interim City Manager or Designee to Execute all Documents.

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TAB 12

Approve a Five-Year Agreement with Peregrine Technologies, Inc. for Multi-Platform Integration Software; Authorize the Payment to Flock Group Inc. and Motorola Solutions Inc. for Application Programming Interface fees

Mark Kling, Police Chief, presented staff report to Request City Council to (1) Approve a Five-Year Agreement with Peregrine Technologies, Inc. for Multi-Platform Integration Software, Not-to Exceed Amount of \$727,500; (2) Authorize the Payment of \$10,000 to Flock Group Inc. and \$5,000 to Motorola Solutions Inc. for Application Programming Interface (API) Fees; (3) Authorize the Interim City Manager or Designee to Execute All Documents, Including Any Changes, or Increases in Services.

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TAB 12

Approve a Five-Year Agreement with Peregrine Technologies, Inc. for Multi-Platform Integration Software; Authorize the Payment to Flock Group Inc. and Motorola Solutions Inc. for Application Programming Interface fees

Motion by Mayor Pro Tem Carrizales, second by Council Member Baca and carried by a 5-0 vote to (1) Approve a Five-Year Agreement with Peregrine Technologies, Inc. for Multi-Platform Integration Software, Not-to Exceed Amount of \$727,500; (2) Authorize the Payment of \$10,000 to Flock Group Inc. and \$5,000 to Motorola Solutions Inc. for Application Programming Interface (API) Fees; (3) Authorize the Interim City Manager or Designee to Execute All Documents, Including Any Changes, or Increases in Services.

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TAB 13

Approve the Thirty-month Agreement for Digital Marketing, Website Design and Maintenance and Department Rebranding and Design with Raincross, Inc.

Mark Kling, Police Chief, presented staff report to Request City Council to (1) Approve the Thirty (30) Month Agreement for Digital Marketing, Website Design and Maintenance and Department Rebranding and Design, in the Amount of \$590,500 with Raincross, Inc.; and (2) Authorize the Acting City Manager or his Designee to Execute all Documents.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to (1) Approve the Thirty (30) Month Agreement for Digital Marketing, Website Design and Maintenance and Department Rebranding and Design, in the Amount of \$590,500 with Raincross, Inc.; and (2) Authorize the Acting City Manager or his Designee to Execute all Documents.

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TAB 14

Purchase of Mobile Radios and Portable Radios from Motorola Solutions, Inc.

Mark Kling, Police Chief, presented staff report to Request City Council to (1) Authorize the Purchase of Twenty-Five (25) Motorola APX 6500 Mobile Radios and Seventy-Five (75) Motorola APX 6000 Portable Radios from Motorola Solutions, Inc. for a Total Cost of \$680,511.82; (2) Authorize the Interim City Manager, or his Designee, to Execute all Documents for Phase 3.

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Motion by Mayor Pro Tem Carrizales, second by Council Member Baca and carried by a 5-0 vote to (1) Authorize the Purchase of Twenty-Five (25) Motorola APX 6500 Mobile Radios and Seventy-Five (75) Motorola APX 6000 Portable Radios from Motorola Solutions, Inc. for a Total Cost of \$680,511.82; (2) Authorize the Interim City Manager, or his Designee, to Execute all Documents for Phase 3.

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Community Services

Director of Community Services Alvarado-Crawford gave the report.

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REPORTS

No Council Members reported.

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CLOSED SESSION

The City Council returned to Closed Session at 11:00 p.m.

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OPEN SESSION

The City Council returned from Closed Session at 11:11 p.m. with three members present.

Mayor Robertson and Council Member Scott were absent.

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

- 3 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
Significant Exposure to Litigation

- AMI Project

The City Council heard a briefing from City staff and gave direction. There is no other reportable action.

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Motion by Council Member Trujillo, second by Council Member Baca and carried by a 3-0 vote to adjourn the City Council Meeting at 11:14 p.m.

Mayor Robertson and Council Member Scott were absent.

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MAYOR DEBORAH ROBERTSON

ATTEST:

Barbara A. McGee

CITY CLERK BARBARA A. MCGEE