

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, April 9, 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, April 9, 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 5:00 p.m.

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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 Acting City Manager Tanya Williams, City Attorney Eric Vail and City Clerk Barbara McGee.

City Manager David N. Carmany and City Treasurer Edward Carrillo were absent.

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SUBSEQUENT NEED ITEM

1. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government
Code section 54956.9(d)(2)
Workers Comp – Donna Crow

Motion by Mayor Robertson and second by Council Member Trujillo carried by a 5-0 vote to add Subsequent Need Item.

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CLOSED SESSION

2. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government
Code section 54956.9(d)(2)

Number of Matters: Ten (10)

Workers Comp -- Ford, Shaughn IDR -- Jaramillo, Steven
Workers Comp -- Garcia, Rondo IDR – Macias, Elizabeth
Workers Comp -- Haslam-Wright IDR – Massey, James
Workers Comp -- Mooney, Shaun IDR – Smith, Robert
Cease and Desist Letter IDR – Cuellar, Dionisio
Subsequent Need: Workers Comp – Donna Crow

3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Pursuant to Government Code section 54957
Title: City Manager

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957
Title: City Manager

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957.6
Labor Negotiator: City Manager David Carmany,
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

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Motion by Council Member Trujillo and second by Council Member Scott
carried by a 5-0 vote to go into Closed Session at 5:03 p.m.

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The City Council returned from Closed Session at 6:34 p.m.

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Mayor Robertson called the meeting to order at 6:35 p.m.

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CALL TO ORDER

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 Acting City Manager Tanya Williams, City Attorney Eric Vail, City Clerk Barbara McGee, and City Treasurer Edward Carrillo.

City Manager David N. Carmany was absent.

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Pledge of Allegiance and Invocation

Council Member Rafael Trujillo led the pledge of allegiance.

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Pastor Joel Booker Inland Lighthouse Church gave the invocation.

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- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government Code section 54956.9(d)(2)

Number of Matters: Ten (10)
 Workers Comp -- Ford, Shaughn IDR -- Jaramillo, Steven
 Workers Comp -- Garcia, Rondo IDR – Macias, Elizabeth
 Workers Comp -- Haslam-Wright IDR – Massey, James
 Workers Comp -- Mooney, Shaun IDR – Smith, Robert
 Cease and Desist Letter IDR – Cuellar, Dionisio
 Subsequent Need: Workers Comp – Donna Crow

City Council had a briefing with labor negotiator and gave direction. No other reportable action.

- 2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Pursuant to Government Code section 54957
Title: City Manager

The City Council gave direction to the City Attorney. There is no reportable action.

- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957
Title: City Manager

The Real Property Negotiator was given instruction. There is no other reportable action.

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

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957.6
Labor Negotiator: City Manager David Carmany,
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 completed that discussion. There is no other reportable action.

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**PRESENTATION AND
PROCLAMATIONS**

1. Presentation - In Memoriam of Bishop Roxie Smith –
Mayor Deborah Robertson
2. Presentation - In Memorium of Victor Orihu –
Mayor Deborah Robertson
(Deferred to the April 23, 2024, City Council meeting.)
3. Presentation - In Memoriam of Mr. Marion Black, Jr.-
Mayor Deborah Robertson
(Deferred to the April 23, 2024, City Council meeting.)
4. Proclamation - National Arbor Day –
Mayor Deborah Robertson
5. Proclamation - Earth Day - Mayor Deborah Robertson
6. Proclamation - OneLegacy/Donate Life for April 2024 –
Mayor Deborah Robertson

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ORAL COMMUNICATIONS

Lynn Summers, addressed the City Council in relation to Earth Day events and free public classes on composting and farming every third Saturday of the month. She expressed her concerns on the fruit fly and the importance of containment to avoid widespread that can impact the community.

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

Council Member Scott requested to pull Consent Calendar Item E.2 and E.4, E.6, E.7, E.8 for a separate discussion and vote. For transparency purposes and amount allowed on Consent Calendar are the reasons for a separate action.

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

Council Member Trujillo requested to pull Consent Calendar E.1 for discussion.

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Mayor Robertson requested Consent Calendar E.8 and E.3 for discussion.

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Public Comment

Stephanie Cane addressed the City Council in relation to Claims Against the City Item C.1, the claim that was filed on February 23, 2024, regarding conversion of personal property and the restitution being requested.

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**E.1
Update Regarding the City of Rialto
Finance Department**

Tanya Williams, Acting City Manager, presented Consent Calendar E.1 before the City Council for discussion.

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Council Member Trujillo stated that information is missing on the Item. He is requesting that “customer service” and/or “business friendly community” be incorporated in the Item.

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Council Member Scott stated he would like to have specific dates on the budget calendar, City Council workshops, Public Hearing dates to move the budget forward productively.

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Mayor Robertson expressed her concerns with the proposed 2024-2025 fiscal budget. It needs further discussion. She is requesting the Item be tabled.

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Motion by Mayor Robertson, second by Council Member Trujillo carried by a 5-0 vote to table Consent Calendar Item E.1.

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**E.2
Consideration of MOU Establishing
Compensation and Related Benefits for
those Employees Represented by The
Rialto City Employees’ Association
(RCEA)**

Council Member Scott stated he is in favor of the Item and public transparency is important. The public should be aware with employee rate increases and compensation adjustment.

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Shama Curian, Director of Human Resources and Risk Management, presented Item E.2 for discussion.

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Council Member Scott clarified the reason for retro date of July 2023 is due to the contract date beginning.

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**E.2
Consideration of MOU Establishing
Compensation and Related Benefits for
those Employees Represented by The
Rialto City Employees' Association
(RCEA)**

Director of Human Resources and Risk Management Curian stated that is correct.

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Motion by Council Member Scott, second by Council Member Baca carried by a 5-0 vote to Approve Resolution No. 8197; Resolution No. 8198, and Resolution No. 8199 of Consent Calendar Item E.2.

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**E.3
Grant Application to OmniTrans for
Continuing Partner Application**

Cynthia Alvarado, Director of Community Services, presented Item E.3 for discussion.

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Council Member Trujillo asked if the extension includes electric vehicles.

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Director of Community Services Alvarado stated it is the same transportation vehicles that had originally been applied for. The City was asked to resubmit their application since the program cannot roll over.

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Council Member Trujillo inquired about diesel and electric vehicles and asked if the data exists.

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Director of Community Services Alvarado stated not for the City. Omnitrans notified the City just when applications were due. It was a last-minute request. Had the City had more time to submit applications, more extensive research would have been done to obtain electric vehicles. In efforts to launch what the City had committed to last two years, the same application was submitted.

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Council Member Trujillo stated other cities are having difficulties as well.

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Director of Community Services Alvarado stated they are.

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Council Member Baca asked if there is a possibility for applying for electric vehicles in the future.

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Director of Community Services Alvarado stated there is in the next cycle or by submitting an amendment to the grant application should the City get awarded. It would have to go before the Omnitrans Board for approval. There would be a possibility of the Item not passing. The application would have to be resubmitted. The current one only includes gas vehicles.

**E.3
Grant Application to OmniTrans for
Continuing Partner Application**

Council Member Baca asked if it is up to the Omnitrans Board to change the modifications to be given the opportunity to purchase electric vehicles.

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Director of Community Services Alvarado stated it can be reviewed for the following two-year cycle. There is a delay for gas vehicles to be manufactured. The delay for electric vehicles would take even longer.

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Council Member Baca asked if the vehicles would be hybrid.

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Director of Community Services Alvarado stated all gas for this round.

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Mayor Robertson asked if 2023-2024 funds that were not expended moved to the 2024-2025.

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Director of Community Services Alvarado stated that each year that the grant would have covered, the City ensured that the grant match percentage was covered, the material and supplies, labor portion and the capital improvement section of the budget. That will be discussed in the upcoming year.

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Mayor Robertson inquired about moving the funds forward.

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Director of Community Services Alvarado stated the funds are based on reimbursement. It is allocated in accounts. When program launches, invoices are submitted then funds are reimbursed.

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Motion by Mayor Robertson, second by Council Member Trujillo carried by a 5-0 vote to approve Consent Calendar Item E.3

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**E.4
Consideration of MOU with the Rialto
Unified School District and the City of
Rialto for Three School Resource
Officers**

Mark Kling, Police Chief, presented Consent Calendar Item E.4 for discussion.

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Council Member Scott thanked Police Chief for negotiating. The community will be happy to learn officers are returning to schools. He is pleased that resource officers are being placed back in the school district.

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**E.4
Consideration of MOU with the Rialto
Unified School District and the City of
Rialto for Three School Resource
Officers**

Council Member Trujillo stated it is a good opportunity to be ahead of the emergencies that are presented. He thanked Police Chief Kling.

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Council Member Baca stated the Item is positive and a win-win for both the school district and the police department. It is a good public safety measure for parents and the City.

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Mayor Pro Tem Carrizales stated the community has spoken and is glad about the working relationship between the City and the school district and to be able to assist with whatever needs they may have. He thanked the Rialto Unified School District for re-establishing the partnership. He looks forward to it and keeping the community safe.

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Mayor Robertson thanked Council Member Scott for pulling this Item and agreed that any Item over \$100,000 should be on the agenda as a TAB Item for discussion and transparency.

One of the matters that was not included in the report was the number of calls the City received. It is hard to be reactive when given the opportunity to be proactive.

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Motion by Council Member Baca, second by Council Member Trujillo carried by a 5-0 vote to approve Consent Calendar Item E.4.

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**E.6
Consideration of a 3-year Contract
Agreement with the City of San
Bernardino for Animal Services**

Mark Kling, Police Chief, presented Item E.6 for discussion.

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Council Member Scott thanked Police Chief Kling and the City of San Bernardino for working with the City of Rialto and other cities. This is the type of cooperation and relationships that should be developing win other areas with the surrounding cities.

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Kristine Watson, Director, City of San Bernardino Animal Services, stated it is a pleasure to serve.

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Council Member Trujillo requested a brief update.

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**E.6
Consideration of a 3-year Contract
Agreement with the City of San
Bernardino for Animal Services**

Kristine Watson, Director, City of San Bernardino Animal Services, gave an update on a community center for animal services based on different partnerships, community engagement and public education. Animal sheltering is much of a social service model and ties to public health. They are assisting by offering veterinary-type programs and services to help offset costs by partnering with non-profits and grants. They are educating the public in how they can help reduce pet population and build better animal services for the future in the region.

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Council Member Baca asked when the Bloomington Animal Shelter will be completed.

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Police Chief Kling stated approximately three years.

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Council Member Baca requested that when evaluating the contract with the City of San Bernardino for three years that it will be cost-effective. He asked if there will be buy-out on the contract with the City of San Bernardino to enter into an agreement with Bloomington.

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Police Chief Kling stated the County of San Bernardino stated the location in Bloomington will be ready for operation for a minimum of three years. He is confident entering into this agreement.

The discussion would be brought before the City Council in three years should their Bloomington building go as scheduled before any extensions are needed.

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Council Member Baca stated he is a pet owner himself and is always looking for animal shelter services in the area.

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Mayor Robertson stated that as a pet owner, she is excited this matter has been worked out. She asked about the six-acre site would be located.

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Kristine Watson, Director, City of San Bernardino Animal Services, stated it is City-owned property at the corner of Washington and Orange Show Road. There is a preliminary design to determine what needs to be included. She invited the City Council for input on final design.

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**E.6
Consideration of a 3-year Contract
Agreement with the City of San
Bernardino for Animal Services**

Mayor Robertson stated that the City of San Bernardino shelter and the City of Rialto Animal Control have to come up with a plan to assist with cat services, such as cages and spayed and neutered services.

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Motion by Council Member Trujillo, second by Mayor Pro Tem Carrizales carried by a 5-0 vote to approve Consent Calendar Item E.6.

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**E.7
Consideration of Award of Professional
Services Agreement with Alta Planning +
Design Inc. for Pacific Trail Design
Services**

Amparo Corona, Principal Budget and Financial Analyst with Engineering, presented Consent Calendar Item E.7 for discussion.

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Council Member Scott requested the project be performed in an expeditious matter.

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Council Member Trujillo wants to ensure there is an accessible pathway to the trail for the mobile home park and other residential buildings adjacent to and the trail.

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Ms. Corona stated it is noted and will be vetted through the design phase.

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Mayor Pro Tem Carrizales stated he approves the project. He suggests forming a subcommittee to obtain City Council input and ensure the City Council's vision of the project. He offered to be part of the subcommittee.

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Ms. Corona stated that once a subcommittee is established, staff will notify City Manager and the City Council.

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Mayor Robertson stated she is not opposed to a subcommittee and emphasized the importance of the subcommittee being reported. It will be a wonderful economic benefit to the community. This project is a \$7.8 million project grant. The grants need to be acted upon and not lost. It is also important to have community input and outreach.

She requested the status of the decommission and action with Union Pacific.

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Council Member Baca stated this project will create a healthy environment and suggest outdoor fitness equipment area along the trail.

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**E.7
Consideration of Award of Professional
Services Agreement with Alta Planning +
Design Inc. for Pacific Trail Design
Services**

Mayor Pro Tem Carrizales stated that is the reason he would like to be involved.

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Mayor Robertson commented this concept was mentioned by Mayor Pro Tem Carrizales to Supervisor Joe Baca Jr.

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Motion by Mayor Pro Tem Carrizales, second by Council Member Baca carried by a 5-0 vote to approve Consent Calendar Item E.7 and to approve an AdHoc Committee of Mayor Pro Tem Carrizales and Council Member Trujillo.

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Acting City Manager Williams suggested as part of the motion to include a recommendation to create an adhoc committee if that is the interest of the City Council should there be another Council Member interested in participating.

So, if we wanted to do a subsequent motion to create the adhoc committee.

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Council Member Trujillo stated he would be interested in participating.

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Mayor Robertson recommended that the adhoc committee periodically update to the EDC and put that on the subcommittee.

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**E.8
Consideration of Construction Contract
with Calmex Engineering, Inc for Various
Streets Phase II, City Project No. 240802**

Art Cervantes, Engineering Manager, presented Consent Calendar E. 8 for discussion.

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Council Member Scott stated most of the streets are in more residential neighborhoods than in previous projects. He wants to ensure residents will be given ample notification with access to and from their homes.

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Mr. Cervantes stated construction chutes will be in residential areas. There has been a lot of coordination with the business community. He does not foresee any issues with businesses.

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Mayor Pro Tem Carrizales stated that some areas are near school and asked that areas are cleaned up each day and signaled and make certain safety is a priority and leave no room for accidents.

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**E.8
Consideration of Construction Contract
with Calmex Engineering, Inc for Various
Streets Phase II, City Project No. 240802**

Mr. Cervantes stated absolutely.

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Mayor Robertson expressed her concerns with the budgeted involved with the project particularly with budget Resolution No. 8200 to move \$1.5 million from the General Fund for contingency purposes.

She does not recall discussion on Resolution No. 8200. She would like to proceed with the project but not act on Resolution No. 8200 until it is determined what budget funds are available.

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Motion by Mayor Robertson, second by Council Member Trujillo carried by a 5-0 vote to approve Consent Calendar Item E.8 and to proceed with Resolution No. 8200 contingency until General Funds have been assessed.

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Mr. Cervantes stated he can explain the engineer's estimate and the \$8 million. They have experienced significantly higher unit pricing for asphalt.

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Mayor Robertson stated she understands. The project is asking for a contingency of \$1.5 million. She does not have numbers for the general fund.

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Mayor Robertson stated the engineering estimate came in low. Her concern is the budget Resolution out of the general fund. The documentation should have been in the report.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Consideration of Warrant Resolution No. 36

RECOMMENDATION

The City Council is requested to review and approve Warrant Resolution No. 36.

B.2 Warrant Resolution No. 37

RECOMMENDATION

The City Council is requested to review and approve Warrant Resolution No. 37.

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CONSENT CALENDAR

C. CLAIMS AGAINST THE CITY

- C.1 Stephanie Cane and Victoria Quesenberry - Damages
- C.2 Javier Navarro - Vehicle Damages
- C.3 Julie Ann Ortega - Vehicle Damages
- C.4 Myesha Cummings - Damages
- C.5 Natalie Duarte - Vehicle Damages
- C.6 Larry H. Ta - Damages
- C.7 Maria de Jesus Gonzalez Magana - Damages

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D. SET A PUBLIC HEARING

- D.1 Consider setting a Public Hearing for April 23, 2024 regarding Zoning Code Amendment No. 2024-0001 to amend portions of Chapter 18.75 (Floodplain Management Ordinance) to ensure compliance with National Flood Insurance Program (NFIP) 44 Code of Federal Regulations (CFR) Part 60.3(d).

RECOMMENDATION:

Staff recommends that the City Council:

- 1. Set a Public Hearing for April 23, 2024, to consider Zoning Code Amendment No. 2024-0001, in accordance with the process provided by Government Code Section 65853.

E. MISCELLANEOUS

- E.1 Consideration of Update Regarding the City of Rialto Finance Department.

RECOMMENDATION:

Staff recommends that the City Council:

- 1. Approve the proposed annual budget calendar for the 2024-2025 fiscal year, and
- 2. Approve the Fiscal Year 2024-25 budget community goals.

- E.2 Consideration of a Memorandum of Understanding Establishing Compensation and Related Benefits for those Employees Represented by The Rialto City Employees' Association (RCEA) and Corresponding Salary Schedule for the Cost-of-Living Adjustments effective July 1, 2023.

RECOMMENDATION:

Staff recommends that the City Council:

Approve Resolution No. 8197 Approving the Memorandum of Understanding Establishing Compensation and Related Benefits for Employees Represented by the Rialto City Employees' Association for July 1, 2023, through June 30, 2025; and

E. MISCELLANEOUS (Cont'd)

E.2 (Cont'd)

Approve Resolution No. 8198 Updating the Citywide Classification and Compensation Schedule for Full-Time and Part-Time Employees to Amend the Salaries for those Classifications Represented by the Rialto City Employees' Association effective July 1, 2023.

Approve Resolution No. 8199 Amending the 2023-2024 Fiscal Year Budget for a Budget Appropriation of \$346,004.

E.3 Consideration of a Grant Application to OmniTrans for their Continuing Partner Application, Extending the Current Grant, OmniTrans Measure I Regional Mobility Partnership (RMP) program.

RECOMMENDATION:

Staff recommends that the City Council:

1. Ratify the Submission of a Grant Application to OmniTrans for their Continuing Partner Application, Extending the Current Grant, OmniTrans Measure I Regional Mobility Partnership (RMP) program for Fiscal Year 2025 and 2026.

Approve the City Manager to Execute All Documents

E.4 Consideration of Memorandum of Understanding with the Rialto Unified School District and the City of Rialto for Three School Resource Officers, (2) Approve the Addition of Three Police Officer Positions to the FY24/25 Staffing Model of the Rialto Police Department, and (3) Authorize the City Manager to Execute all Documents.

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Memorandum of Understanding with the Rialto Unified School District and the city of Rialto for three School Resource Officers,
2. Approve the addition of three police officer positions to the current staffing model of the Rialto Police Department, and
3. Authorize the City Manager or his designee to execute all documents.

CONSENT CALENDAR

E.5 Consideration of award of contract to Tree of Life Nursery, a California Corporation, in the amount of \$94,117, for plant propagation and procurement of the Rialto Habitat Nature Center, City Project No. 226.

RECOMMENDATION:

Staff recommends that the City Council and Rialto Utility Authority Board:

1. Award a Construction Contract to Tree of Life Nursery in the amount of \$94,117, for plant propagation and procurement of the Rialto Habitat Nature Center, City Project No. 226; and
2. Authorize the City Manager/Executive Director to Execute all Related Documents.

E.6 Consideration of a 3-Year Contract Agreement with the City of San Bernardino for Animal Services in the Amount of \$547,867 for Fiscal Year 2024/2025 Through Fiscal Year 2027/2028 for a total cost of \$ 1,643,601.

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the contract with the City of San Bernardino to provide animal shelter services through June 30, 2027.
2. Approve annual purchase orders for the period fiscal year 2024/2025 through 2027/2028 in the amount of \$547,867.00 each year.

Authorize the City Manager to increase annual purchase orders for shelter services as needed based on the services and other sheltering related costs provided to the city.

E.7 Consideration of Award of a Professional Services Agreement with Alta Planning + Design Inc., in the Amount of \$903,838 for Pacific Electric Trail Design Services.

RECOMMENDATION:

Staff recommends that the City Council:

1. Award a Professional Services Agreement with Alta Planning + Design, Inc., in the Amount of \$903,838 for Pacific Electric Trail Design Services; and

Authorize the City Manager to Execute all Documents

CONSENT CALENDAR

E.8 Consideration Construction Contract with Calmex Engineering, Inc., in the amount of \$8,064,168.70 for the Various Streets Phase II, City Project No. 240802.

RECOMMENDATION:

Staff requests that the City Council:

1. Adopt Resolution No. 8200 Amending the Fiscal Year 2023-2024 Budget and Appropriating \$1,500,000 from the Capital Projects Fund 300;
2. Award a Construction Contract to Calmex Engineering, Inc., a California Corporation, in the amount of \$8,064,168.70 for Various Streets Phase II, City Project No. 240802;
3. Authorize a Contract Change Order Request in the amount of \$1,552,855 with Prescience Corporation pursuant to the City’s “On-Call” Agreement for Construction Management, Inspection, and Materials Testing Services for Various Streets Phase II, City Project No. 240802;
4. Delegate Authority to the City Manager to Approve Contract Change Orders in the Cumulative Amount of \$1,500,000; and
5. Authorize the City Manager to Execute all Related Documents.

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Motion by Council Member Scott, second by Mayor Pro Tem Carrizales carried by a 5-0 vote to approve the following Consent Calendar Items: A; B.1, B.2; C.1-C.7; D.1 & D.5.

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NEW BUSINESS

TAB 1

Letter in Response to a Cease and Desist Letter received from the Channel Law Group

Eric Vail, City Attorney, presented staff report for City Council Consideration of a letter in response to a Cease and Desist Letter received from the Channel Law Group.

RECOMMENDATION:

It is recommended that the City Council:

Approve the letter in response to a Cease and Desist Letter from the Channel Law Group.

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Council Member Trujillo stated that the purpose of the letter is that there was no legislative platform for California. He wants to ensure that moving forward, the information is in writing and available for the City Council for approval and provide input.

He wanted to emphasize that the City holds public meetings and is transparent versus behind closed-door State meetings with stakeholders that the City is not at the table.

He stated AB1000 has died in committee. He chose to move this forward for legal purposes and wanted to make certain he voiced his concerns and the actual purpose this is acted upon.

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**TAB 1
Letter in Response to a Cease and Desist
Letter received from the Channel Law
Group**

Council Member Baca stated State Legislatives should have notified the City Council in advance. On that particular day it was brought to our attention at the City Council meeting, and this is the reason a letter has been submitted by an attorney stating that the City Council had violated the Brown Act. It should have been part of Public Notice. There was no Public Notice ahead of time that this Item was going to be on the agenda, so the public did not have an opportunity to give their input in support or opposition of AB1000.

It was brought up by Council Member Rafael Trujillo. It was not printed on the agenda and believe it is the reason why the letter was received.

The City Council has a responsibility to let the public know, it should be printed in advance to give them an opportunity to voice their input or write their comments. He wanted to state and correct for the record that we did not allow the public at that time to give their input prior to the meeting. We only allowed the public to speak for those in attendance and not those who were unaware the Item was on the agenda.

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Mayor Robertson thanked everyone for their comments. If time and frames are tracked in the committee's action were being heard, it can all go back to a timeline and know the reason for the City Council to move with a Subsequent Need Item, because it had been elevated to a committee.

Moving forward, the City has a legislative representative under contract under the State and Federal level. Subcommittee meetings were held while Bills were still being crafted and submitted in mid-February.

She asked that the City's legislative representative be at the April 23, 2024 City Council meeting agenda with an update.

ARK Strategies will be on the next City Council agenda.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to move to respond to the Cease and Desist Letter received by the Channel Law Group.

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**TAB 2
Consideration of proposed Ordinance
No. 1692 amending Chapters and
repealing Chapters of the Rialto
Municipal Code to Consolidate and
reorganize the City’s commissions**

Eric Vail, City Attorney, presented staff report for City Council Consideration of proposed Ordinance No. 1692 amending Chapters 2.16, 2.18, 2.20, 2.22, 2.24, 2.64 and 4.01, and repealing Chapters 2.25, 2.27, and 2.68, of the Rialto Municipal Code to consolidate and reorganize the City’s commissions reducing the number of commissions from nine (9) to four (4).

RECOMMENDATION

Staff recommends that the City Council:

Introduce and by separate motion, waive full reading of proposed Ordinance No. 1692, entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING CHAPTERS 2.16, 2.18, 2.20, 2.22, 2.24, 2.64 AND 4.01, REPEALING CHAPTERS 2.25, 2.27, AND 2.68 OF THE RIALTO MUNICIPAL CODE TO CONSOLIDATE AND REORGANIZE THE CITY’S COMMISSIONS”.

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Public Comment

Kim Chitwood addressed the City Council related to his opposition to TAB 2 term limits or the reduction of Commissions that the City currently holds.

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June Hayes addressed the City Council related to her opposition to TAB 2 term limits.

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City Clerk Barbara McGee stated that a letter submission was received from Commissioner Barbara Rickman.

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Council Member Scott asked if it was relating to term limits.

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City Attorney Vail stated correct.

He clarified that “termed out” for existing term members is not correct. What is proposed in this Ordinance is a term limit of three, four-year terms going forward. We will not count anybody’s existing term. It does not term anybody out. An existing Commissioner can serve on the Commission for another 12 years if they were appointed by the City Council.

We do that because that follows the rule that we follow when a City adopts term limits for City Council Members. They are only prospective in application. They do not count what they have already served. The same rule is applied here. The City Council can change that should they choose to. What has been proposed is a prospective only. When new terms are established, the term limits will run from for example, June 2024 forward. They won’t apply to what somebody has already served.

**TAB 2
Consideration of proposed Ordinance
No. 1692 amending Chapters and
repealing Chapters of the Rialto
Municipal Code to Consolidate and
reorganize the City's commissions**

Mayor Robertson stated what she read in the report with almost of year of review and restructure that were not aligned with what was originally started. More things have been added than what was the original intent. She is not in favor of moving the Item forward at the moment. The timeframe is not a concern for her. The structure does not make sense. She believes it needs to be tabled.

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Council Member Baca seconds the motion.

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Mayor Robertson stated she and Council Member Baca were the last two subcommittee members.

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Council Member Scott stated he has no problem tabling the Item. He was concerned about the 12-year term limit. But it has been explained and it is an acceptable solution.

He is concerned about the Commissioners vacancies being filled with people who are interested in promoting the City and moving it forward. He was surprised to see the Item on the agenda.

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Council Member Trujillo also had concern with term limits. He requested to have further discussion before moving forward. He agreed to table the Item.

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Mayor Robertson expressed her concerns that are connected with Commission responsibilities. Some pieces did not make sense.

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City Clerk McGee stated the subcommittee discussion began with Mayor Robertson and former Council Member Perez. It continued with Council Member Baca after Council Member Perez left.

The City Clerk and City Attorney did not make any recommendations. All recommendations were made by the participating subcommittee members, and can share the information provided.

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Mayor Robertson stated she will be reviewing notes. This project has morphed into something she does not recognize.

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**TAB 2
Consideration of proposed Ordinance
No. 1692 amending Chapters and
repealing Chapters of the Rialto
Municipal Code to Consolidate and
reorganize the City’s commissions**

Council Member Baca stated the City has the responsibility to listen to the public, and term limits should be reviewed further.
The Planning Commission already has a lot of responsibility, and this would propose additional responsibility on them.
He agrees to table the Item.

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Motion by Mayor Robertson, second by Council Member Baca and carried by a 5-0 vote to table TAB 2 for a future date.

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Police Department

Police Chief Kling gave an update on the new Police Department.

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Community Services

Cynthia Alvarado gave the report.

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REPORTS

The City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Trujillo, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to adjourn the City Council Meeting at 8:07 p.m.

The City Council adjourned in memory of:

**Bob, “Bobbie” Romo,
Former Rialto Firefighter**

**Gil Navarro
Former San Bernardino County School Board Member and
Former Water Board Member**

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE