

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

**MINUTES
March 26, 2019**

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, March 26, 2019.

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

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The roll was called and the following were present: Mayor Deborah Robertson Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Also present were Interim City Administrator Sean Grayson, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Rafael Trujillo, Council Member Andy Carrizales and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

1. LIABILITY CLAIMS. Pursuant to Government Code Section 54956.95:

SUMNER, KEVIN	ARMENTA JR, OMAR
GALINDO, RACHEL	JIMENEZ, ISMAEL
GONTOL, BRANDON	BARRON, RONALD
ANDERSON, SHEILA	SUTTER, KEITH
REID, RODNEY	CASTILLO, IRENE
MARTINEZ, SYLVIA	RAMOS, MOISES
VERANO, RICARDO	PILGRIM, KELVIN
SAENZ, DORTHY	

Agency claimed against:
CITY OF RIALTO

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of section 54956.9. Number of cases: One Case.

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

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City Council returned from Closed Session at 6:05 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:11 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Council Member Joe Baca Jr. led the pledge of allegiance.
Pastor Bob Ruiz, Calvary Chapel Rialto gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Fred Galante stated that City Council met in Closed Session and discussed items listed on the Agenda.

1. Liability Claims:

SUMNER, KEVIN
GALINDO, RACHEL
GONTOL, BRANDON
ANDERSON, SHEILA
REID, RODNEY
MARTINEZ, SYLVIA
VERANO, RICARDO
SAENZ, DORTHY
ARMENTA JR, OMAR
JIMENEZ, ISMAEL
BARRON, RONALD
SUTTER, KEITH
CASTILLO, IRENE
RAMOS, MOISES
PILGRIM, KELVIN

City Council discussed the status of the claims, provided direction and further reportable action was taken.

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

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant Exposure to Litigation. City Council received a briefing, provided direction and no further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Presentation - ZERO - The End of Prostate Cancer - Vanessa Petersen
2. Proclamation - DMV/Donate Life California Month - Mayor Deborah Robertson
3. Certificates of Recognition - Bloomington Christian Girls Basketball Team - Mayor Deborah Robertson
4. "Battle of the Badges" Basketball Tournament sponsored by Agua Caliente Clippers - "Rialto's Finest" Winners - Police Chief Mark Kling
5. Introduction of New Police Captain Anthony A. Vega - Chief Mark Kling
6. Presentation - Potholes - Public Works Dept.
7. Arrowhead United Way and Target – Park Repair Project (Birdsall Park) – Tony Brandyberry, Public Works Dept.

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ORAL COMMUNICATIONS

Scott Olson, West Valley Water District Community Affairs - announced their Earth Day Event

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Lupe Camacho, Rialto resident, expressed concerns regarding Frisbie Park Initial Study.

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Consider removing items on the Agenda

Mayor Robertson stated that she would like to speak on Item E.6.

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Council Member Carrizales stated that he will need to abstain from Items E.1 due to a conflict of interest with his business at the Renaissance Marketplace.

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Council Member Trujillo requested to comment on E.5.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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

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B. APPROVAL OF WARRANT RESOLUTIONS

- B.1 Warrant Resolution No. 35 (3/14/19)
- B.2 Warrant Resolution No. 34 (3/7/19)
- B.3 Warrant Resolution No. 36 (3/21/19)
- B.4 Warrant Resolution No. 36a (3/21/19)

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C. CLAIMS AGAINST THE CITY

- C.1 Eddie D. Jackson - vehicle damage

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D. SET PUBLIC HEARING

- D.1 Request City Council to Adopt Resolution No. 7483 and Set a Public Hearing for April 9, 2019, to Consider Ordering the Abatement of Weeds on Various Properties within the City limits, and to hear any Objections to Imposing the Abatement Cost Therefore as a Lien Against Parcels of Property Set Forth in Exhibit A.

E. MISCELLANEOUS

- E.1 Request City Council to Receive and File the Statement of Income and Expense for January 2019 related to the Construction Loan Agreement with Ayala@210LLC for On-Site Improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.
- E.2 Request City Council to Approve the Purchase of a Changeable Message Sign/Radar Trailer with Myers and Sons Hi-Way Safety, Inc. in the Amount of \$21,715.45.
- E.3 Request City Council to Receive and File the January 2019 Treasurer's Report.
- E.4 Request City Council approval of Resolution No. 7484 increasing the compensation for the members of the Planning Commission from \$40 per meeting to \$100 per meeting for Commissioners, and from \$50 per meeting to \$110 per meeting for the Chair of the Planning Commission.
- E.5 Request City Council to adopt Resolution No. 7485 in support of the 2020 U.S. Census.
- E.6 Request City Council to Approve Resolution No. 7486 in Support of and Participation in the "Wyland National Mayor's Challenge for Conservation".

CONSENT CALENDAR

E.5

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Council Member Trujillo thanked City Clerk McGee for taking the lead on US Census 2020. Adopting this resolution is an important part of a larger effort. This will allow them opportunities to apply for grants and be able to show they have a Census Count Committee in the City.

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E.6

Mayor Robertson stated that this is Rialto's third year participating in the National Challenge for Conservation. The Governor declared they are no longer in a drought but it's important for them to continue to be aware.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the Consent Calendar. Council Member Carrizales abstained from E.1.

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TAB 1 – Tentative Agreement with the Rialto Professional Firefighters California Local 3688

Lucy Garcia, Human Resources Director presented the staff report regarding the Tentative Agreement with the Rialto Professional Firefighters California Local 3688.

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Mayor Pro Tem Scott thanked Mayor Robertson and Council Member Carrizales for spending so much time working on these negotiations.

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Council Member Baca Jr. thanked Mayor Robertson and Council Member Carrizales for working on this. He also thanked Local 3688 for meeting them in the middle. He appreciates what the fire services does and wants to make them competitive to surrounding agencies.

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Mayor Robertson stated for her when, initially looking at this, the numbers and information never seemed at a level of clarity. She was concerned about the vacation accrual because this is a department that has a lot of vacation already and it's hard for them to take their vacation hours. She asked for the numbers to be reevaluated so she can understand why the vacation accrual was so important when they already have so much banked. So they did have a hard time trying to see how things lined up. They do need to recognize they are working a different schedule.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Approve Resolution No. 7487 Approving a Tentative Agreement with the Rialto Professional Firefighters California Local 3688 for the term of July 1, 2017 through June 30, 2022.

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TAB 2 - Temporarily add One Police Captain

Police Chief Mark Kling presented the staff report regarding temporarily add One Police Captain.

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Council Member Baca Jr. thanked Chief Kling for doing everything he can to redirect and build leadership in the department. He congratulated Captain Vega. They need to have a real discussion about adding officers with the new projects as the city grows.

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Council Member Trujillo thanked chief Kling for trying to find a solution and find more opportunities to grow.

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Mayor Robertson stated that she appreciates Chief Kling for thinking this through and bringing someone on the interim.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to Approve Budget Resolution No. 7489 to amend the 2018-2019 Authorized Budgeted Positions to Temporarily add One Police Captain.

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TAB 3 – add One Fire Division Chief

Brian Parks, Interim Fire Chief presented the staff report regarding add One Fire Division Chief.

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Mayor Pro Tem Scott stated that it was a good presentation.

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Mayor Robertson stated that it was great presentation and an opportunity to highlight things people are not aware of that go on in the Fire Department.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Approve Budget Resolution No. 7488 to amend the Fiscal Year 2018-2019 Authorized Budgeted Positions to add One Fire Division Chief.

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TAB 4 - Amendment to the 2018-19 Budget for Community Block Grant Allocations

Jessica Brown, Finance Director presented the staff report regarding Amendment to the 2018-19 Budget for Community Block Grant Allocations.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Authorize an Amendment to the 2018-19 Budget for Community Block Grant Allocations and Approve Budget Resolution No. 7479.

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TAB 5 - Professional Services Agreement with Kimley Horn to Provide Planning Support Services

Robb Steel, Development Services Director presented the staff report regarding Professional Services Agreement with Kimley Horn to Provide Planning Support Services.

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Mayor Pro Tem Scott stated it's become apparent to City Council that there are issues with the Municipal Code in a number of areas. With her expertise to give some advice on those issues.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Approve a Professional Services Agreement with Kimley Horn to Provide Planning Support Services for \$75,000 and Adopt Budget Resolution No. 7490 to appropriate funding.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Robert Eisenbeisz, Public Works Director/City Engineer presented the staff report regarding the Concept Plan for the Cactus Avenue Trail Project and the Proposed Trail Parking Lot.

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Mayor Pro Tem Scott asked about the status of the environmental and CEQA on this project.

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Mr. Eisenbeisz stated that component occurs in the design phase because there is preliminary engineering designed to know exactly what and they need that level of information for the initial study. It will be coordinated with the Planning Department. At this point they are not aware of any impacts that will rise to a level greater than a negative declaration.

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Mayor Pro Tem Scott asked at what point should that document be ready.

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Mr. Eisenbeisz stated ideally they would have that approved as the design is completed.

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Mayor Pro Tem Scott asked who approves that document.

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Mr. Eisenbeisz stated it depends on what the level of the document is, it would typically go to the design review committee unless it rises to an environmental impact. He would need to defer to Planning to make that determination.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Mayor Pro Tem Scott stated that the DRC doesn't have that authority. He would like something back from Mr. Eisenbeisz telling City Council who should be approving this. He finds it hard to believe that a Planner would be in a position to approve this document or a document on a park. He is wondering why there is no one in his department who has the ability to do it. He would also like to see a schedule when these items are going to take place. As for the funding on this, they have Open Space Development impact Fees, can he explain what that is.

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Robb Steel, Development Services Director stated they collect fees from developments on approved schedules that is set aside for the purchase and conservation of open space. Open Space is vaguely defined in the Ordinance. It's basically conservation, so properties they don't want to develop. It's not for parks but for example land for habitat species or just conserving space from development.

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Mayor Pro Tem Scott asked why would they be using those funds for this project.

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Mr. Steel stated that it's a passive activity and it's conserving that corridor from future development.

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Mayor Pro Tem Scott asked about State SB1 Active Transportation Funds. What are those funds allowed to be used for?

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Mr. Eisenbeisz stated that is a specific grant for this specific project as an active transportation program.

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Mayor Pro Tem Scott asked who did the estimates.

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Mr. Eisenbeisz stated the consulting firm KOA prepared the estimates and the grant applications. They believe the estimates are accurate. They do need additional funds for the landscaping component.

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Mayor Pro Tem Scott stated and that estimate is \$1,775,000?

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Mr. Eisenbeisz stated that is correct. They recently applied for the Urban Greening Grant for that dollar amount.

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Mayor Pro Tem Scott asked what if they are not successful in getting that grant?

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Robert Eisenbeisz, Public Works Director/City Engineer stated as mentioned they would consider proceeding with the trail project and build in measures that would allow for a future phase to bring the landscaping in at a later time.

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Mayor Pro Tem Scott stated what concerns him is that they will not be successful in the grant and come back to City Council and want to reach into savings or money they should be using for paving. Because this project is already moving along. There is going to be an assumption they are going to have to do it and yank those dollars from savings.

He wants it on record that if they don't get the grant, he will oppose using any dollars that should be earmarked for police, paving or the necessities of the residents. Too many times they have come back and taken dollars they need for other things and used it because they have a project moving forward. He is going to oppose using funds other than grant money.

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ORAL COMMUNICATIONS

Lupe Camacho, Rialto resident, stated she noticed the location for the parking lot has not been decided but that there is a recommendation on the table by Public Works to go ahead and fund the design of something that is not solidified. She urged caution.

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Council Member Trujillo stated that Option 2 they selected at the Southwest corner, that TELACU – Terra Serrano doesn't allow street parking and they have limited parking. He knows the intent is to have people using the trail to park in that parking lot. If he was to visit his grandmother and parking is restricted in that area. So he was looking at Option 1. He is worried about the option presented to him. If this parking lot is specifically for this trail, Option 2 will have some parking availability for the senior complex.

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Council Member Baca Jr. stated that is he supports this project 110% and feels it's good for the community. Staff makes recommendations and sometimes they need to reject it or fix it. This is a good project and there are things they need to work out. Regarding the Open Space Development Impact Funds. He thought the funds can only be used for unoccupied lands. Technically this not new open space but fixing a path they already have.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Mr. Steel stated yes, it's to prevent land from being developed. Orange groves would have been an appropriate use to preserve from future development. The open space ordinance is vague in terms of eligible uses of funds. It was only clear that it was not to be active parks. In theory something can be developed here, not much. It's a limited configuration.

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Council Member Baca Jr. asked maybe the City Attorney can come back with a legal clarification. It was a good point about the second parking lot on Foothill. It's a good location, which was originally slated for a garden right?

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Mr. Steel stated that it was extra land from TELACU they didn't want. The city made it available for other purposes.

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Council Member Baca Jr. stated one thing that is not considered in the budget, that the other 2 options is they have to acquire the land and come up with a deal. That may have a price tag. Unless they can come up with an agreement. He knows that West Valley owns that portion at Baseline and Cactus.

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Mr. Steel stated that is actually County Flood Control District.

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Council Member Baca Jr. stated that he likes Option 1 because for any pedestrians that sit, will have a buffer. He spoke to KOA a year ago about making sure the landscaping was lower. In the event that there is a safety issue, no one hiding behind bushes. They want to make sure everything is visible to everybody. He likes staying with the bridge theme. In regards to active, static or gamification, he is not sure what the staff recommendation was.

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Mr. Eisenbeisz stated that they were going along with the community outreach recommendation of gamification.

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Council Member Baca Jr. stated that static is outdated. He feels a combination of 1 and 3 would be a good option.

He feels this needs to be vetted out a little more before approval, work out the issues they have.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Mayor Pro Tem Scott stated that he agrees with getting a legal opinion on the open space. Tonight he would be willing to move forward with the design and environmental. They need more answers regarding the parking lot. They should have already approached the County Flood Control District to see if they would be amenable to a parking lot.

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Council Member Baca Jr. stated that he met with staff and KOA a year ago a made those recommendations a year ago.

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Mayor Robertson stated that they need to resume a dialogue. She agrees with all the comments made. She would like the clarification on open space as well. Looking at the parking lot options, even if they did go with Option 2, which is in the middle of the project. Once they construct a parking lot its open to everybody. Maybe look at both options 1 and 2. With the landscaping she doesn't know where that number came from and assumes it's for the entire corridor. She had spoken to community edible garden who have trees they would donate and plant. They can add another element there. They have a program planting a tree in honor of a veteran and tracking that tree. She and Mr. Brents are working with them for the next grove at Jerry Eaves Park. They have resources through a large grant from US Forestry to help with urban forestry. This can help with the unfunded parts of the landscape element. She agrees to move forward with limited caution and have these numbers revisited and make sure they are not missing something. They received funds and there is a need to connect the trails. She is hoping to have a conversation with the County Supervisor for the piece from Baseline going North to Renaissance Parkway between Jerry Park and Cactus Basin.

Also speaking of design and safety she didn't see any lighting. So when they design this, they know what kind of lighting is going to be along the trail in the evening.

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Mr. Eisenbeisz stated that it may not show in the concept but they are following the same theme as the PE trail which has lighting.

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Council Member Carrizales asked if they will have opportunity to have parking along the trail?

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Mr. Eisenbeisz stated yes, they did talk about it before. They are studying the ability to adjust the striping that would allow for parking along Cactus. Then there would need to be opportunities to access the trail but it is a possibility.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Council Member Carrizales stated the other thing is the cars speeding down Cactus Ave.

It excites him to see active projects like this.

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Mayor Robertson stated that there was also an attachment for extra work for the Cactus Trail Parking Lot design services. This was already included?

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Mr. Eisenbeisz stated that it was part of the request for the amendment because the parking lot design was not included.

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Mayor Robertson asked if it was additional cost they have not incurred?

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Mr. Eisenbeisz stated correct. It was originally identified as a separate project but now they are merging the two.

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City Attorney Galante stated it's a true statement, a publically funded parking lot is open to the general public. He will provide City Council with a legal opinion regarding Section 3.33.230(a) of the RMC regarding Open Space Development Fund, established for the cost of acquisition of open space as well as the design, engineering, construction and installation of any infrastructure for the use of such open space by the public necessary or desirable to accommodate new development.

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Mayor Robertson stated that it was indicated that the grant was already submitted. Was that cost covered?

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Mr. Eisenbeisz stated that he will need to check but it may be part of this amendment. They asked KOA to assist them with the grant.

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Mayor Robertson stated that these are things they are having to go back and looks at the costs. Do they know when they will award the grant?

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Mr. Eisenbeisz stated that he will need to check but hopefully in the next couple of months.

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Motion by Council Member Carrizales, second by Council Member Trujillo..... Mayor Pro Scott and Council Member Baca Jr. objected to approving the items as stated.

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TAB 6 - Concept Plan for the Cactus Avenue Trail Project

Mayor Robertson stated she thought they were approving what was previously recommended. Can someone make the motion to what they were approving and not the entire staff recommendation?

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Council Member Baca Jr. stated that he wanted it to be very clear because otherwise they are accepting the budget as is.

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City Attorney Galante stated that the recommendation of staff is to accept the concept plan as presented based on community outreach, recommendations for the final design of the Cactus Trail Improvements and proposed trail parking lot and approve the First Amendment to the Professional Services Agreement with KOA for the project in the amount of \$61,520.

City Council can approve staff's recommendation or make a different motion.

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Mayor Pro Tem Scott asked if this amount includes the design and environmental and project management?

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Mr. Eisenbeisz stated yes, this amount is really for the parking lot add on. The line item shows the total cost all the way through construction. The \$255,545 is the pre-construction.

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Mayor Robertson stated that it seems they are still not clear on what they are making a motion on. Do they want to defer this until a meeting in April or direction to proceed?

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Mayor Pro Tem Scott asked if the first Motion is dead.

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City Attorney Galante stated that the roll call was not completed.

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Council Member Carrizales withdrew his Motion to approve the TAB.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to TABLE this TAB for two weeks so staff can come back with better numbers and answers to the issues they had.

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TAB 7 – Purchase of One Ford F550 for the Public Works Dept.

Robert Eisenbeisz, Public Works Director/City Engineer presented the staff report regarding the Purchase of One Ford F550 for the Public Works Dept.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote Authorize a Purchase Order to Altec Industries Inc., in the amount of \$181,045.38 for One (1) Ford F550 Chassis with a 48' Service Body for the Public Works Department.

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TAB 8 - Purchase and Installation of Replacement Generators at City Buildings

Robert Eisenbeisz, Public Works Director/City Engineer presented the staff report regarding the Purchase and Installation of Replacement Generators at City Buildings.

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Mayor Pro Tem Scott asked if this conclude all the generators in the City that were no good or didn't have.

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Tony Brandyberry, Public Works Dept. stated currently the Fleet Dept. doesn't have a backup generator. They are also looking at adding the Purchasing Division to the Code Enforcement generator. They can do some wiring and add that.

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Mayor Pro Tem Scott asked will there be a backup generator for Station 205?

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Mr. Eisenbeisz stated yes.

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Mayor Robertson asked if the Senior Center and the Community Center buildings have backup generators.

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Mr. Brandyberry stated that the Senior Center, the Community Center and the Fitness Center and the pool were not considered critical essential buildings so they were not added. But they can if they would like. They can get bids and bring those forward. During this process they took bids for all the other Fire Stations to bring them up to full power capabilities. They are considering adding those to the next fiscal year budget.

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Mayor Robertson stated she thought they used the Senior Center as a cooling station? Are they only using the Fire Stations?

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TAB 8 - Purchase and Installation of Replacement Generators at City Buildings

Perry Brents, Community Services Director stated that both the Carl Johnson Center and the Senior Center are still cooling stations.

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Mayor Pro Tem Scott stated in the event of a disaster, wouldn't they use those facilities as emergency centers or Red Cross? So they would need backup generators.

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Mr. Brents stated that he agrees

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Mayor Robertson stated when they install the generators that they coordinate something with Assemblymember Reyes to make some connection to the money she provided.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Authorize Issuance of Purchase Orders with Generac Industrial, Inc., in the Amount of \$103,519.46; Champion Electric in the Amount of \$146,375.00, YC Power Systems in the Amount of \$5,400 for a Total Combined Amount of \$255,294.46 for the Purchase and Installation of Replacement Generators at Fire Station 203 and the Police Annex Building, and a New Generator at the Public Works Maintenance/Human Resources Building.

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REPORTS

Happy Birthday Mayor Pro Tem Ed Scott.

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 9:33 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE