

City of Rialto

Council Chambers
150 S. Palm Ave
Rialto, CA 92376



Regular Meeting

Tuesday, April 9, 2024

CLOSED SESSION TIME: 5:00 PM
OPEN SESSION TIME: 6:30 PM

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

City Council

Mayor Deborah Robertson
Mayor Pro Tem Andy Carrizales
Council Member Rafael Trujillo
Council Member Ed Scott
Council Member Joe Baca

Barbara A. McGee City Clerk
Edward Carrillo City Treasurer

Eric Vail City Attorney
David N. Carmany City Manager

HOW TO REVIEW THE AGENDA. ALL AGENDAS ARE POSTED IN THE CITY HALL ADMINISTRATION BUILDING (150 SOUTH PALM AVENUE, RIALTO) AT LEAST 72 HOURS IN ADVANCE OF THE MEETING. ALL WRITINGS THAT RELATE TO AN OPEN SESSION AGENDA ITEM AT A REGULAR COUNCIL MEETING DISTRIBUTED TO ALL, OR A MAJORITY, OF THE COUNCIL MEMBERS WILL BE MADE AVAILABLE AT THE SAME TIME BUT AT LEAST 72 HOURS BEFORE A REGULAR MEETING, FOR PUBLIC INSPECTION ON THE CITY'S WEBSITE AT www.yourrialto.com AND IN THE OFFICE OF THE CITY CLERK LOCATED AT 290 WEST RIALTO AVENUE, RIALTO, CALIFORNIA (909-820-2519) FROM 7:00 A.M. TO 6:00 P.M., MONDAY THROUGH THURSDAY. ANY PERSON HAVING A QUESTION CONCERNING ANY AGENDA ITEM MAY CALL THE CITY CLERK'S OFFICE TO MAKE INQUIRY CONCERNING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.

ITEMS ADDED TO THE AGENDA. CONSISTENT WITH THE RALPH M. BROWN ACT, ADDITIONAL ITEMS MAY BE ADDED TO THE AGENDA AND ACTED UPON BY THE CITY COUNCIL ONLY IF IT IS CONSIDERED TO BE A "SUBSEQUENT NEED" OR "EMERGENCY" ITEM AND IS ADDED BY A TWO-THIRDS VOTE. MATTERS RAISED UNDER ORAL COMMUNICATIONS MAY NOT BE ACTED UPON AT THAT MEETING OTHER THAN AS PROVIDED ABOVE.

NEED ADA ASSISTANCE? IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DIRECTOR OF MAINTENANCE & FACILITIES AT (909) 421-7279. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING (28 CAR 35.102-35.104 ADA Title II).

HOW TO ATTEND THE MEETING.

- (1) Members of the public may attend the meeting in person.*
- (2) Watch live streaming video of the Meeting at <https://www.yourrialto.com/183/Rialto-Network>*
- (3) Council Meetings are broadcast live on the City's television station, Rialto Network. Spectrum Channel 3 and AT&T Channel 99.*

HOW TO MAKE A PUBLIC COMMENT.

- (1) Appear at the meeting and speak during the public comment period. We request that you complete a Public Speaker Form and submit it to the City Clerk before the meeting. There is a 5 minute time limit.*
- (2) You may submit a public comment in writing to the City Clerk by email at CITYCLERK@RIALTOCA.GOV.*

Rialto – Entering a Second Century of Progress

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

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

Next Ordinance No. 1693

Next Resolution No. 8201

CLOSED SESSION**5:00 p.m.****Called to Order By:****ROLL CALL**

1 [24-1310](#) **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

2 [24-1311](#) **PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE**
Pursuant to Government Code section 54957
Title: City Manager

3 [24-1278](#) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code section 54957
Title: City Manager

4 [24-1275](#) **CONFERENCE WITH LABOR NEGOTIATOR**
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

OPEN SESSION

6:30 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Rafael Trujillo

INVOCATION - Pastor Joel Booker - Inland Lighthouse Church

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

1	<u>24-1317</u>	Presentation - In Memoriam of Bishop Roxie Smith - Mayor Deborah Robertson
2	<u>24-1279</u>	Presentation - In Memoriam of Victor Orihu - Mayor Deborah Robertson
3	<u>24-1325</u>	Presentation - In Memoriam of Mr. Marion Black, Jr. - Mayor Deborah Robertson
4	<u>24-1314</u>	Proclamation - National Arbor Day - Mayor Deborah Robertson
5	<u>24-1315</u>	Proclamation - Earth Day - Mayor Deborah Robertson
6	<u>24-1302</u>	Proclamation - OneLegacy/Donate Life for April 2024 - Mayor Deborah Robertson

ORAL COMMUNICATIONS

CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

The Council hereby waives the full reading of any ordinance to be introduced or approved at this meeting and such ordinance shall be read by title only.

B. APPROVAL OF WARRANT RESOLUTIONS

B.1 [24-1308](#) Consideration of Warrant Resolution No. 36

RECOMMENDATION

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

B.2 [24-1309](#) Consideration of Warrant Resolution No. 37

RECOMMENDATION

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

C. CLAIMS AGAINST THE CITY

C.1 [24-1318](#) Stephanie Cane and Victoria Quesenberry - Damages

C.2 [24-1319](#) Javier Navarro - Vehicle Damages

C.3 [24-1320](#) Julie Ann Ortega - Vehicle Damages

C.4 [24-1321](#) Myesha Cummings - Damages

C.5 [24-1322](#) Natalie Duarte - Vehicle Damages

C.6 [24-1323](#) Larry H. Ta - Damages

C.7 [24-1324](#) Maria de Jesus Gonzalez Magana - Damages

D. SET PUBLIC HEARING

D.1 [24-1316](#) 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 [24-1312](#) 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 [24-1296](#)

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

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 [24-1261](#)

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.
- 2) Approve the City Manager to Execute All Documents

E.4 [24-1305](#) 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.

E.5 [24-1299](#) 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 [24-1297](#) 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.
- 3) 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 [24-1294](#) 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
- 2) Authorize the City Manager to Execute all Documents.

E.8 [24-1063](#) Consideration a 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.

NEW BUSINESS

1 [24-1300](#) Consideration of a letter in response to a Cease and Desist Letter received from the Channel Law Group. **(ACTION)**

RECOMMENDED ACTION:

It is recommended that the City Council:

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

2 [24-1303](#) 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). **(ACTION)**

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"

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY MANAGER:

ADJOURNMENT