

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

**MINUTES**  
**August 13, 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, August 13, 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 5:02 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., and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Rafael Trujillo and City Treasurer Edward Carrillo were absent.

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**SUBSEQUENT NEED ITEM**

City Attorney Galante stated that the City received a threat of litigation after the posting of the Agenda.

Conference with Legal Counsel – Anticipated Litigation. Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): one case.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote to add the subsequent need item to the Agenda. Council Member Trujillo was absent.

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**CLOSED SESSION**

Mayor Pro Tem Scott stated that he will be abstaining from 1a. because the property in question and the property owner of that property is within 500 ft. of a building he owns – 142 S. Riverside Ave. and Item 3a. regarding the property at 131 S. Riverside Ave. is within 500 ft. of his property.

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1. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
  - (a) Palmer et al. v. City of Rialto (San Bernardino Superior Court, Case No. CIVDS1905795)
  - (b) John Michael Tefft v. City of Rialto, et al. (San Bernardino Superior Court Case No. CIVDS1813893)
2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9. Number of cases: One case
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
  - (a) Property APN# 0130-251-08 (131 South Riverside Avenue)  
Negotiators: Robb R. Steel, Assistant CA/Development Services Director  
County of San Bernardino Oversight Board/State DOF
  - (b) Property APN# 0240-211-21, 31 (Renaissance Parkway/Laurel Avenue)  
Negotiators: Robb R. Steel, Assistant CA/Development Services Director  
Thomas Money, Orbis Real Estate Partners
4. Conference with Legal Counsel – Anticipated Litigation. Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2): one case. *Subsequent Need Item.*

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by 4-0 vote to go into Closed Session at 5:05 p.m. Council Member Trujillo was absent.

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Council Member Trujillo arrived in Closed Session at 5:19 p.m.

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City Council returned from Closed Session at 6:17 p.m.

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**CLOSED SESSION**

**CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:21 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**

Mayor Pro Tem Scott led the pledge of allegiance.  
Pastor Mark Baur – 1<sup>st</sup> Baptist Church 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 the items listed on the Agenda.

- 1a. Conference with legal counsel – existing litigation. Palmer et. al. v. City of Rialto. With Mayor Pro Tem Scott abstaining. City Council received an update, provided direction and no further reportable action was taken.
- 1b. Conference with legal counsel – existing litigation. John Michael Tefft v. City of Rialto. City Council received an update and no further reportable action was taken. Council Member Trujillo was not present for this discussion and arrived at 5:19 p.m.
- 2. Conference with legal counsel –anticipated litigation, initiation of litigation. City Council received an update, provided direction and no further reportable action was taken.
- 3a. Conference with Real Property Negotiator. Concerning the property at 131 S. Riverside Ave. with Mayor Pro Tem Scott abstaining, leaving the conference room and not participating. City Council held a discussion, provided direction and no further reportable action was taken.
- 3b. This item was not discussed.
- 4. Subsequent Need Item - Conference with legal counsel – anticipated litigation. One item of significant exposure to litigation. City Council held a discussion, provided direction and no further reportable action was taken.

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**PRESENTATIONS AND  
PROCLAMATIONS**

- 1. Certificate of Recognition for June Hayes: for being recognized as one of Assemblymember Reyes’ 2019 Veteran of the Year Honorees – Mayor Deborah Robertson
- 2. Certificate of Appreciation for Officer Mark Aguirre - Mayor Deborah Robertson
- 3. Proclamation - Energy Upgrade California - Mayor Deborah Robertson

**PRESENTATIONS AND PROCLAMATIONS**

- 4. Proclamation - US Conference of Mayors "Let's Play Ball" – Mayor Deborah Robertson
- 5. 2020 Census Update - Lupe Camacho - Partnership Specialist

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**ORAL COMMUNICATIONS**

No one requested to speak.

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

City Attorney Galante stated that they requested TAB 9 be pulled from the Agenda for future consideration.

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Council Member Carrizales stated that he will be abstaining from E.7, E.8, E.9 and E.10 due to a conflict of interest with his business at the Renaissance Marketplace.

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Council Member Trujillo stated that he need to abstain from TAB 5, he lives near the Bethany Presbyterian Church.

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City Administrator Foster stated that staff requested that TAB 11,12, and 13 be the first business for approval.

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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. 4 (07/25/2019)
- B.2 Warrant Resolution No. 4a (7/25/2019)
- B.3 Warrant Resolution No. 5 (08/01/19)
- B.4 Warrant Resolution No. 5a (07/31/19)
- B.5 Warrant Resolution No. 6 (08/08/2019)

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**C. APPROVAL OF MINUTES**

- C.1 Regular City Council Meeting - May 28, 2019
- C.2 Regular City Council Meeting - June 11, 2019

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## **CONSENT CALENDAR**

### **D. SET PUBLIC HEARING**

- D.1 Request the City Council and the Rialto Housing Authority Board to Set a Public Hearing on September 10, 2019, to Conduct a Joint Public Hearing to Consider Approving: (1) an Affordable Housing Agreement between the Rialto Housing Authority and Rialto Jackson LP, and (2) the Purchase and Sale Agreement between Rialto Jackson LP and the City of Rialto (acting for the Rialto Successor Agency) for a proposed affordable housing project at the northeast corner of Willow Avenue and West Jackson Street.
- D.2 Request City Council to Set a Public Hearing for September 10, 2019 to consider (1) General Plan Amendment No. 2019-0001, which is a request to change the general plan land use designation of approximately 8.74 net acres of land to Residential 12, (2) Zone Change No. 2019-0001, which is a request to change the zoning designation of approximately 8.74 net acres of land to Multi-Family Residential (R-3), (3) Tentative Tract Map No. 2019-0001 (TTM 20237), which is a request to allow the subdivision of approximately 8.74 net acres of land into sixty (60) single-family lots and twelve (12) common lots, and (4) a Mitigated Negative Declaration (Environmental Assessment Review No. 2019-0002) prepared for the project, in accordance with the California Environmental Quality Act (CEQA).
- D.3 Request City Council to Set a Public Hearing for September 10, 2019 to: (i) Repeal Resolution No. 7277 and approve a Revised Addendum to the Lytle Creek Ranch Specific Plan (LCRSP) Final Environmental Impact Report; (ii) Repeal Ordinance No. 1598 and re-approve the LCRSP Amendment (SPA 2017-0002) to eliminate Neighborhood I, modify the land use configuration of Neighborhoods II and III, and update the text, tables, and maps; and (iii) Repeal Resolution No. 7278 and re-approve Tentative Tract Map No. 20092 (TTM 2017-0005) to create six (6) developable lots, one (1) remainder lot, and thirteen (13) lettered lots for public open space, utilities, and infrastructure on a 188-acre portion of Neighborhood II to facilitate a 776 lot residential subdivision.

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### **E. MISCELLANEOUS**

- E.1 Request City Council to Authorize the Issuance of a Purchase Order with Home Depot in the amount of \$49,000 for Fiscal Year 2019/2020.
- E.2 Request City Council to Approve the Issuance of a Purchase Order to Johnson Controls for Fire Alarm Systems Monitoring and Repair Services in the Total Amount of \$35,000 for the 2019/2020 Fiscal Year and Release a Request for Proposal (RFP) for Fire Alarm Monitoring Services, Including New Equipment.

## **CONSENT CALENDAR**

- E.3 Request City Council to Authorize the Release of Request for Bids No. 20-002 for the Construction of the Casa Grande Drive Traffic Calming Plan, City Project No 190809.
- E.4 Request City Council to Authorize the Release of Request for Bids No. 20-004 for the Etiwanda Corridor Infrastructure Improvements, City Project No 160805.
- E.5 Request City Council to Approve the Purchase of Ten (10), Project 7 Entry Vests, Xtreme Level 3A with attachments for Rialto Police Inland Valley SWAT (IVS) Operators, Aardvark in the Amount of \$31,968.25.
- E.6 Request City Council to Issue a Purchase Order for FY19/20 with Siemens Mobility, Inc. in the amount of \$34,258.34 for the Purchase and Installation of the Backup Battery System, City Project 190803.
- E.7 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for June 2019.
- E.8 Request City Council to Receive and File the Statement of Income and Expense for June 2019 related to the Construction Reimbursement Agreement with Ayala@210LLC for Off-Site Improvements on Renaissance Parkway.
- E.9 Request City Council to Receive and File the Statement of Income and Expense for June 2019 related to the Construction Loan Agreement with Ayala@210LLC for On-Site Improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.
- E.10 Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way, Alder Avenue, and Locust/Laurel/Walnut Escrow Accounts for June 2019.
- E.11 Request City Council to Adopt Resolution No.7550 Establishing the New Classifications of Director of Community Development, Deputy City Administrator, and Extra Help Retired Annuitant, and Setting the Basic Compensation Rates Effective August 13, 2019; and Deleting the Classification of Assistant City Administrator/Director of Development Services effective October 31, 2019.
- E.12 Request City Council to Approve an Exclusive Right to Negotiate an Agreement with Orbis Real Estate Partners for the Purchase of Approximately 2.84 Acres of Rialto Successor Agency Property and 0.29 acres of City owned Property at the intersection of Renaissance Parkway and Laurel Avenue.
- E.13 Request City Council to Authorize the Issuance of a Purchase Order to Willdan Financial in the Amount of \$25,075 for Administration of Annexations to Community Facility Districts and Lighting and Landscaping Districts, and the General Administration related thereto.
- E.14 Request City Council to Adopt Resolution No. 7551, A Resolution of the City Council of the City of Rialto Opposing Assembly Bill 1486, a Bill Amending the Surplus Land Act, and request the City Clerk to distribute the adopted resolution to the League of California Cities and the City's State Legislators.

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**CONSENT CALENDAR**

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 items E.7, E.8, E.9 and E.10.

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**TAB 11 - Rialto Utility Authority 2019-20 Proposed Budget and Authorize capital expenditures in 2019-20**

Jessica Brown, Finance Director presented the staff report regarding the Rialto Utility Authority 2019-20 Proposed Budget and Authorize capital expenditures in 2019-20.

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Tom Crowley, Utilities Manager gave an overview of the Capital Improvement Projects for wastewater and water.

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Mayor Pro Tem Scott asked how much money they have left in Reserves in the water and wastewater.

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Mr. Crowley stated in the reserves is based upon what they saw in the fund balance. That identifies the majority of reserves in the fund balance. Some of the fund balance is money identified and can't be touched. He can't really say what is left in reserves for capital. In the water fund there is a \$1.5 million and the wastewater fund is significantly more.

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Ms. Brown stated the wastewater has approx. \$30.3 million. However, some of that is reserved so they need to break out that fund balance and let them know what is available. She believes it's over \$20 million of restricted funds.

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Mayor Pro Tem Scott stated so roughly \$10 million available. Are there projects that are going to come forward throughout the next 12 months?

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Mr. Crowley stated yes, the idea would be to bring the list that has been identified by RWS and staff to the water subcommittee to discuss which projects they can afford to do at this point in time.

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Mayor Pro Tem Scott asked if any of those are projects are upgraded security and SCADA at their facilities.

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Mr. Crowley stated built into the S1 project is the SCADA for the wastewater treatment plant. Security isn't identified in any of those projects at this point. They currently just have alarm systems that let them know if something is being tampered with.

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**TAB 11 - Rialto Utility Authority 2019-20  
Proposed Budget and Authorize capital  
expenditures in 2019-20**

Mayor Pro Tem Scott stated that Rancho Santa Margarita have offered to assist or educate Veolia employees on their SCADA system. It would be smart to send some people down there and observe how and what they are doing. They really need to have better security on their facilities. He looks forward to seeing the projects list as they come forward.

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Council Member Trujillo stated that he noticed a lot of increases in operation expenses, what is that attributed to?

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Mr. Crowley stated the water fund increased operating expenses by \$400,000 and wastewater side \$500,000. They have standard escalations built into the expenses that are required of the concession agreement. In addition, they identified in the wastewater side some operating repair and replacement. On the water side similar but lesser amounts.

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Mayor Robertson stated she noticed in the expenditures by category in the water and wastewater there was not cost for personnel expenses. But when they look to the bottom and see net positions and net costs. She was trying to understand what the costs were for personnel.

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Mr. Crowley stated that the service fees identify RWS/Veolia component of the labor. In his budget they didn't identify any additional labor negotiations until they bring those forward for discussions with City Council and the subcommittee. This budget continues to escalate with the CPI, the existing labor numbers that were put in the original concession agreement.

They still have no new staff members planned on the city side.

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Mayor Robertson stated that she sees a reduction in net positions and wanted to know what had changed.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to 1. Approve the Rialto Utility Authority 2019-20 Proposed Budget; 2. Adopt RUA Resolution No. 07-19 for the City's 2019-20 Proposed RUA Budget and authorization for adjustments for final fund balance; 3. Authorize capital expenditures in 2019-20 only for approved Capital Improvement Projects that are being carried forward from 2018-19 that are already in design or construction and suspend all new Capital Improvement Projects from commencing until they are presented and approved by City Council/Rialto Utility Authority.

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**TAB 12 – Increase purchase orders Citywide**

Jessica Brown, Finance Director presented the staff report regarding the increase of purchase orders citywide.

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Mayor Pro Tem Scott stated he already contacted the departments he had questions on and received satisfactory answers. He appreciates them lumping this together to clean this up and it's a lot easier. He appreciates this report.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Approve Increases to 24 Purchase Orders citywide in the total amount of \$274,479.23 as detailed in Attachment A for Fiscal Year 2018-19.

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**TAB 13 - Purchase Orders with Dell EMC for equipment and software**

Jessica Brown, Finance Director presented the staff report regarding Purchase Orders with Dell EMC in the total amount of \$295,591.29 plus tax for the Purchase of five (5) Replacement Servers, (4) PowerSwitch S3100 network switches, associated equipment and software, and five (5) year service warranty.

They were waiting on a spam filter quote and it was received today in the amount of \$36,936 plus tax for three-year spam filter service. She requested to add this critical component for approval. She provided a copy of the quote for City Council review.

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Council Member Baca Jr. thanked City Administrator Foster and Ms. Brown for bringing this item forward. It's important to get their technology updated because it continues to change, and it's been neglected for many years. It's been a painful process for staff but eventually will help staff be more efficient. Most important be more responsive to resident needs.

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Mayor Pro Tem Scott stated he echoes what Council Member Baca Jr. has said. He is in support of the Barracuda Spam Filter and they certainly need to upgrade the system.

He hopes they put a plan in place to upgrade the system on a regular basis instead of waiting 11 years.

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Dalove Thomas, IT Consultant stated that it's been about 8 years since he was at the City. There was an IT Master Plan provided but it was never followed. The goal is to get everything up to standard and then create a brand-new IT Master Plan for the next five years. This makes the expenditures much easier.

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**TAB 13 - Purchase Orders with Dell EMC for equipment and software**

Mayor Pro Tem Scott stated that they need that Plan and to keep that Plan in place.

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City Administrator Foster stated part of Mr. Thomas' services is the whole overall assessment of where they are and where they need to go.

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Council Member Carrizales stated that they need to stay on top of the technology and not having Plan means they will keep pushing it out. Creating a plan now is a good approach.

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Mayor Robertson stated that it's been an unfortunate situation they found themselves in the past month. The who and how and why they handled the Plan from eight years ago is for another day.

She also wants to make sure they don't just put together a plan and not follow the plan. the frustration of the lost work and productivity they have had has been difficult. It's a lesson learned.

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Motion by Council Member Carrizales, second by Mayor Pro Tem Scott and carried by a 5-0 vote to Approve Purchase Orders with Dell EMC in the total amount of \$295,591.29 plus tax for the Purchase of five (5) Replacement Servers, (4) PowerSwitch S3100 network switches, associated equipment and software, and five (5) year service warranty and additional item for Barracuda Spam Filter in the amount of \$36,936 plus tax for a Total Revised amount of \$332,527 plus tax.

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**TAB 1 - Second Amendment to the Contract Services Agreement with ABM Industry Groups, LLC, for Janitorial Services**

Sean Grayson, Acting Public Works Director presented the staff report regarding Second Amendment to the Contract Services Agreement with ABM Industry Groups, LLC, for Janitorial Services.

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Council Member Trujillo asked if there was something on the website that a resident can report a complaint about a facility?

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Mr. Grayson stated that its not a specific function but its something they are looking to develop. But they can put in a request for Public Works.

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City Administrator Foster stated via the Trak-It app they use in Development Services. They are looking to see if they can automate for Community Compliance. They will look to see how they can develop an overall type app, so it brings it all together.

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**TAB 1 - Second Amendment to the Contract Services Agreement with ABM Industry Groups, LLC, for Janitorial Services**

Mayor Robertson stated that she knows Development Services has Trak-It and there were trying to roll it out externally.

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Robb Steel, Development Services Director stated the first component is going to be the Community Compliance and they hope to get that eTrak-It function up in the next few weeks. And then rolling it out for the other functions such as scheduling inspections.

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Mayor Robertson stated they have had it for a long time and trying to get it in place internally but also externally. People are calling in is one thing but to have a sense that it will be processed and followed up.

She thought she heard them say there was a recognition that the janitorial had not been doing any cleaning at the Metrolink.

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Mr. Grayson stated that they acknowledged that and gave a credit for services that weren't rendered. He applied the credit for the floor resurfacing in the new PD Watch Commander's office, which was a pending project.

The janitorial is back on track with cleaning the Metrolink.

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Tony Brandyberry, Public Works Dept. stated that currently they are cleaning the Metrolink station twice a day. When Public Works is notified, they respond right away.

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Mayor Robertson stated the Café is open from 7am -3pm and she doesn't know how its monitored after with all the activity after 3pm.

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Mr. Brandyberry stated that they can clean it three times a day if needed.

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Mayor Pro Tem Scott stated that the issue is the security not doing their job at the Metrolink. He would like a report back in 60 days on the conditions of the Metrolink and what they have done to improve the security and the janitorial.

He commended Mr. Grayson for doing a good job in Public Works and getting stuff done.

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City Treasurer Carrillo asked if janitorial services in his office is just the emptying of trash cans.

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**TAB 1 - Second Amendment to the Contract Services Agreement with ABM Industry Groups, LLC, for Janitorial Services**

Sean Grayson, Acting Public Works Director stated there is much more to the scope than that in the Finance Building.

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Mr. Brandyberry stated that it contains emptying of trash cans, vacuuming, dusting. It also include Monday, Tuesday, Wednesday and Thursday for City Hall offices. In 2016 they backed off on some of the services to try and get a lesser price. But if any office needs additional services or sees something not getting done to please call him. They have gone down to the minimum and will try and creep up to have good quality at a good price.

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City Treasurer Carrillo stated then he welcomes someone to visit his office and he can share with them what his concerns are.

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Motion by Council Member Trujillo second by Mayor Pro Tem Scott and carried by a 5-0 vote to Approve a Second Amendment to the Contract Services Agreement with ABM Industry Groups, LLC, for Janitorial Services for Fiscal Year 2019/2020 in the amount of \$433,549.

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**TAB 2 - Landscape and Grounds Maintenance Services for Landscape Maintenance District 1, Landscape Maintenance District 2, Medians and Parkways**

Sean Grayson, Acting Public Works Director presented the staff report regarding the Landscape and Grounds Maintenance Services for Landscape Maintenance District 1, Landscape Maintenance District 2, Medians and Parkways.

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Council Member Trujillo stated at the last council meeting they chose to keep the previous year's rates. Are these numbers based on what was approved with the rates.

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Mr. Grayson stated the recommendation for the rates is generated by the total expenditures within the districts. The \$26,000 increase that City Council did not approve is offset by reserve funds. They will still provide all the maintenance, but they do want to take a critical look to see if they can reduce any expenditures.

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Council Member Baca Jr. stated that it was pointed out that it's a one-year contract will give them an opportunity to evaluate the performance of the contractor. These are good points to point out to the public.

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**TAB 2 - Landscape and Grounds Maintenance Services for Landscape Maintenance District 1, Landscape Maintenance District 2, Medians and Parkways**

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Approve a First Amendment to the Contract Services Agreement with Inland Empire Landscape, Inc., a California Corporation, in the Amount of \$774,433 for Landscape and Grounds Maintenance Services for Landscape Maintenance District 1, Landscape Maintenance District 2, Medians and Parkways for Fiscal Year 2019/2020.

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**TAB 3 – Contract Change Orders for the Alder Avenue and Randall Avenue Street Improvements Project**

Sean Grayson, Acting Public Works Director presented the staff report regarding Contract Change Orders for the Alder Avenue and Randall Avenue Street Improvements Project.

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Mayor Pro Tem Scott stated that they are catching things and coming back to ask for money, he is in support of that. He hopes they can get to the point where they are catching stuff during the design bid process and coming forward with a complete project. He commends Public Works staff for doing this the right way

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Council Member Baca Jr. stated that he concurs, they have spent a lot of time coming back to clean up projects. He hopes in the future they take a little more time to think these through. Of course, things are going to happen and there will be change orders.

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Mayor Robertson asked for clarification on the last one about the curb and gutter.

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Mr. Grayson stated the staff direction when this project was initiated was to base the project on anticipated available funds, so they excluded curb, gutter and sidewalk. So, there was no direction from City Council.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote Approve Contract Change Order Nos. 1, 2, and 3 in the amount of \$240,000.64 for the Alder Avenue and Randall Avenue Street Improvements Project, City Projects 140801/140809.

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**TAB 4 – Purchase Order for Street Marking Paint**

Sean Grayson, Acting Public Works Director presented the staff report regarding Purchase Order for Street Marking Paint.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Authorize the Issuance of a Purchase Order with Svevia USA Inc., in the amount of \$60,000 for Fiscal Year 2019/2020 for Street Marking Paint.

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**TAB 5 - Cancellation of the Bethany Presbyterian Church Garden Agreement and Reallocation of the Remaining Funds**

Sean Grayson, Acting Public Works Director presented the staff report regarding Cancellation of the Bethany Presbyterian Church Garden Agreement and Reallocation of the Remaining Funds.

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Mayor Robertson stated so they will end up with one additional dump day.

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Mr. Grayson stated this is four times a year with the community clean up. The dump days coincide with the community clean up.

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Council Member Baca Jr. stated when they have their dump days to identify areas that are hot spots and make sure they inform the public that residents are allowed two curbside pickups a year. They want to make sure the city is clean. They need to address the illegal dumping in the community.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Approve the Cancellation of the Bethany Presbyterian Church Garden Agreement and Reallocation of the Remaining Funds from the Community Garden Capital Project to Support a Free Dump Day Program for Rialto Residents.

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**TAB 6 - Contract Services Agreement with St. Francis Electric for one (1) year**

Sean Grayson, Acting Public Works Director presented the staff report regarding Contract Services Agreement with St. Francis Electric for one (1) year.

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Mayor Pro Tem Scott asked if they can explain the huge difference in the bid versus the next 3 bidders. They essentially left \$15,000 on the table. This send a red flag. It either tells him he they will cut corners and not have quality work.

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Mayor Robertson stated when she looks at Table 2, the positions and rates they propose to pay for people, and she sees the other bidders at approx. \$150 above on hourly rates on an industry standard for the position of Engineering Technician.

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Azzam Jebshah, Public Works Dept. stated that St. Francis is here to explain the bi-monthly maintenance shown in the tables.

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**TAB 6 - Contract Services Agreement with St. Francis Electric for one (1) year**

Jill Petrie, Manager of St. Francis Electric stated in regard to the Engineering Technician, they use an engineering firm for timing issues or other issues the City may want them to address. They use AGA which is a very reputable company, it's basically their cost plus 15%.

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Mayor Robertson stated so they are contracting out and she can't figure out the others, maybe its based on in-house staff. It still just justify the \$250 an hour price.

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Ms. Petrie stated that realistically, over the last eight years the engineering has always been done by the city or a firm they have consulted with. She thinks that the other firms are aware that the City doesn't use that classification so they came in with a lower rate based off thinking the City will never use that classification.

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Mayor Pro Tem Scott asked how often do they use that classification.

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Ms. Petrie stated that they never billed the City for that classification.

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Mayor Pro Tem Scott asked why is it part of the bid.

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Ms. Petrie stated that a lot of bids are often copied from other bids and other cities.

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Mayor Robertson stated its sounds like the City package the bid and used a boiler plate.

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Mayor Pro Tem Scott asked if they can get an answer to that. Why are they bidding a position if they are not using the position?

He asked the St. Francis Representative why they left so much money on the table.

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Ms. Petrie stated they have taken care if the City for the last eight years. Five years was through Siemens Industry and part of that was Republic. And 3 years by St. Francis.

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Mayor Pro Tem Scott stated they are going to have their eyes on St. Francis because there are some who are not happy with the traffic signals and how they are maintained. St. Francis needs to give the best services and the same services everybody else would have given or he won't vote for this next year.

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**TAB 6 - Contract Services Agreement with St. Francis Electric for one (1) year**

Council Member Trujillo stated he noticed recently that there are a lot less traffic lights that are damaged by winds.

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Ms. Petrie stated its every four years they have a good wind storm that will rip through 20 intersections.

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Council Member Trujillo stated this is why he is concerned about the low bid. If there is an emergency will they be able to cover the cost.

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Ms. Petrie stated over the last three years they have been providing the services, responding and getting things taken care of. Its based on what she knows what it takes to take of Rialto and adjusting to unexpected activity.

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Mayor Pro Tem Scott stated then he wonders why they are so unhappy if that is true. He doesn't think the response times are what Ms. Petrie claims they are.

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Mayor Robertson asked how many are actual in-house employees of St. Francis versus contract services.

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Ms. Petrie stated that everything except the engineering technician if they need assistance with timing.

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Mayor Robertson asked if the St. Francis bought out Siemens.

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Ms. Petrie stated that the City went out to RFP.

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Mayor Robertson asked if St. Francis was in existence.

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Ms. Petrie stated yes, they have been in business for 70 years.

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Mayor Robertson stated that it's very concerning when she sees such a gap in the annual preventive maintenance at \$44,000 versus the other at almost \$95,000 at the highest.

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**TAB 6 - Contract Services Agreement with St. Francis Electric for one (1) year**

Mayor Pro Tem Scott stated there are disclosures at the back of the document, who are all those listed?

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Ms. Petrie stated that they are subcontractors that had been utilized in the City over the last 10 years.

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Mayor Pro Tem Scott asked if the City dictates that to them?

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Ms. Petrie stated yes, through the bid process.

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Mayor Pro Tem Scott asked if its done with all the contractors that bid on this?

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Mr. Grayson stated yes, they would all have that same performance criteria.

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Mayor Pro Tem Scott stated he needs to know why they dictate what electricians people use to do work. That seems odd to him.

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Ms. Petrie stated it's a manufacturer, the City dictates the manufacturer to support.

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Mayor Pro Tem Scott stated so Sierra Pacific Electrical Contracting is a manufacturer?

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Ms. Petrie stated no, they use Sierra for large underground work or pulling fiber. It may not be something the City uses but they list them.

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Mayor Pro Tem Scott stated to City Administrator Foster that this is one of the items that needs to be on the list for evaluation. He is real concerned by this.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to (1) Approve a Contract Services Agreement with St. Francis Electric for one (1) year with the option of two (2) additional one (1) year extensions, with the initial year amount of \$343,935 for Fiscal Year 2019/2020.

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**TAB 7 – Annual Maintenance Agreements - Tritech Software Systems in the Police Dept.**

Police Chief Kling presented the staff report regarding Annual Maintenance Agreement with Tritech Software Systems in the Police Dept.

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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 a Records Management System, Mobile Data, Computer Aided Dispatch, Property/Evidence Systems, CrimeMapping.com, CrimeView Desktop and Dashboard Annual Maintenance Agreement with Tritech Software Systems in the Amount of \$154,089.11 for Fiscal Year 2019/2020.

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**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Brian Parks, Acting Fire Chief presented the staff report regarding formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot.

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**ORAL COMMUNICATIONS**

John Kelly, Vice President of TNT Fireworks, gave an overview of the company. He expressed his support of continuing the sale of safe and sane fireworks.

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Midge Zupanic, Rialto resident, expressed her concern about placing this on the ballot and her support for safe and sane fireworks in the City of Rialto.

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Esther Thomas, Rialto Resident, expressed her concern about removing safe and sane fireworks. Her church uses the sale of fireworks as a fundraiser to help needs in the community.

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Deborah Inge Pinkham expressed her support for the sale of safe and sane fireworks.

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Dr. Victor Nolan, expressed his support for the sale of safe and sane fireworks.

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Amelia Moore, President for the Lions Baseball Booster Club - Carter High School Baseball, expressed the sale of safe and sane fireworks fundraiser helps the kids in the off season.

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Mayor Pro Tem Scott asked how many citations did they write this year.

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**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Brian Parks, Acting Fire Chief stated they wrote nine citations and a lot of the focus was on confiscation. They streamlined the adjudication process because it was too timely, and people were not showing up to court to pay the fines. Police Capt. Adams came in and found a new process, which the fines are streamlined. They have yet to yield the results because its too early.

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Mayor Pro Tem Scott stated can they tell him last year and the year before how much they recovered in fines.

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Brian Parks, Acting Fire Chief stated collectively they would not collect anywhere near the amount of the fines given. He can get them that number.

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Mayor Pro Tem Scott asked if they know how much they spent in legal fees?

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Brian Parks, Acting Fire Chief stated historically they have lost to that process. Which is why they have streamlined that process.

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Mayor Pro Tem Scott stated that he wished they had those numbers tonight because it's hard for them to react without specific numbers. He asked if they have a social host ordinance. And can it be used for this?

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Police Chief Kling stated they do but he believes no, it's a different social host ordinance.

Also, regarding the process, the amount of costs that the City incurred going through the Municipal Code with prosecutions at a \$1000 fine which is what the Ordinance states. The reality is that when it gets to court the judge often times limit that and not fine the individual the full \$1000. Its cost the City and extraordinary amount of money to get it to that particular case, only for judge to reduce the fine.

What they did this year, instead of going through the City Attorney's office for prosecution, they used a host of health and safety code violations which was strategic to get this into the court under misdemeanors for prosecution by the District Attorney's Office. The reason they don't have those stats tonight is because they are misdemeanors and its only 5 weeks since July 4<sup>th</sup>. It will take several months for the District Attorney's office to decide what they are going to do with those cases.

**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Police Chief Kling stated those do not cost the City any amount of money because the DA's Office prosecutes the health and safety code violations. Any type of fines that are assessed go through the normal fines and a portion will come back through the County and back to the City. This is the first year they went this route but when they start looking at the increased seizures, they had recovered 24,000 pounds of explosive material fireworks. They tried taking it a whole different approach and when they start adding the amounts of resources that both fire and police departments expend is expensive for the City.

He understands Mr. Kelly's points about about what they have done or what they haven't done from a pet's standpoint. When they look at the totality from animal control and the fireworks are exploding and the increase it put on their animal control.

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Mayor Pro Tem Scott stated this why he had asked for last year's stats.

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Brian Parks, Acting Fire Chief stated last year, the fines paid to the City at 31 citations was \$10,500 and it was \$18,000 in legal fees and costs. Which is why they changed the process this year.

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Mayor Pro Tem Scott stated and those costs didn't include police and fire going to court?

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Brian Parks, Acting Fire Chief stated no, those are not personnel costs. Last year it was about \$25,000 for police and \$15,000 for fire. Which is enforcement and court overtime incurred by personnel.

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Mayor Pro Tem Scott asked if the Task Force did any research on cities that have no safe and sane fireworks versus the cities who have them in relationship to illegal fireworks?

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Brian Parks, Acting Fire Chief stated they paneled cities up and down the State and they got responses back from 30 different fire agencies. The closest one to them in comparison to fireworks vendors was to compare was Chino Hills. Chino permits safe and sane fireworks and Chino Hills does not. What they found was a significant difference in the impact of fireworks in Chino versus Chino Hills. Chino allows all fireworks and there is a significant impact on their services compared to Chino Hills.

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Mayor Pro Tem Scott stated those two are not a good comparison because of the different socioeconomics

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**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Brian Parks, Acting Fire Chief stated it was recommended they take a look at those because of the proximity and the fact that one has it and one doesn't.

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Mayor Robertson asked about the surrounding areas?

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Mayor Pro Tem Scott asked if Colton has safe and sane fireworks.

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Brian Parks, Acting Fire Chief stated yes Colton does. Redlands and Yucaipa don't have the fireworks problem Rialto has. The task force and the commissions established was that communities that allow safe and sane fireworks have a bigger problem with the impact on the City than the communities that do not allow it.

They do have one of the first drone programs in the State for enforcement. They do have a social host program and streamlined the adjudication process. They are tackling every single piece that can and leaving no stone unturned with the education, enforcement, equity and engineering that they can to address the problem.

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Mayor Pro Tem Scott asked if there is anyone in the audience tonight FOR not having fireworks legal.

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Chris Preiksaitis, Rialto resident, stated that for many years he was against the fireworks because they were so explosive and loud. Last it seemed to have toned down and to hear everyone come up and say what they for the community.

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Manuel Ortegon, Rialto resident, expressed support of the sale of safe and sane fireworks.

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Lupe Camacho, stated she is now in the fence For and Against making fireworks illegal in the City.

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Mayor Pro Tem Scott stated he receives calls and messages from those who want fireworks illegal. Yet every time there is a meeting none of them show up and it's a little disheartening. This year he had to turn his phone off because it was all night for 3 nights. He agrees there is a problem with illegal fireworks, but he doesn't see enough conclusive proof that by banning legal fireworks (safe and sane) that it gets rid of the illegal fireworks. He was told by a police officer that in order for them to write a citation or an arrest they need physically see the individual lighting the firework.

**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

If they go into a neighborhood and there are ten people standing there and they just shot off a firework, unless you can show and prove who lit the firework, they can't write a citation or make an arrest.

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Police Chief Kling stated that new code sections they used this year which is new to the City. A cheat sheet that will be sent to every officer. Its five pages of potential violations they can use. The ones that the officer is referring to, he would say is accurate as far as seeing it as a misdemeanor committed in their presence. But also, he would say they have creatively five other pages of health and safety codes violations they can utilize depending on the situation.

Again, to address Council's question, total cost for staff overtime for enforcement in the police department was \$23,665.

He personally sat at Cactus and the 210 freeway and watched the city's event and watched to compare the illegal to the safe and sane. He couldn't see the safe and sane, only the ones being launched into the sky which competed with the city event. It was pretty telling that there is a lot of activity in the north end. Then compile that with the amount of calls for service from police and fire have increased.

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Mayor Pro Tem Scott stated the speaker stated that he never sees police officers in his neighborhood, and he agrees with that. Going back to the old days, during those days they would see rolling fire trucks through the neighborhoods. Do they not do that anymore?

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Brian Parks, Acting Fire Chief stated that they don't do patrols but are running calls. That is by far their busiest day of the year and those units are going call to call for medical aid, fires, different types of calls.

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Council Member Baca Jr. stated that he is glad this is on the agenda. Over the last year there were meetings, a task force and he never really had a discussion or answers. Putting this on the agenda allows them to have a discussion. Interesting listening to the speakers but he didn't hear any strong support for banning fireworks in the City.

There are two separate issues, dealing with enforcement of illegal fireworks and the second is the non-profits that rely on fundraisers like fireworks booths. They need to look at better educating the community. Continue to look at better ways of enforcement. He was initially in support of putting it on the ballot, then he started looking at the cost of \$75,000. He doesn't think that would be appropriate at this time. He would be in favor of tabling this item. He want to continue to help the non-profits and give them every resource they can because it's hard to raise money in this community.

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**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Council Member Carrizales stated that he is not in support of placing this on the ballot because the voters may be misled into thinking all the illegal fireworks will be gone and that is the case. They need to focus on the illegal fireworks that are purchased everywhere. When fining they need to figure out a way not to be negative \$8000 for enforcing illegal fireworks. They need to figure out how they can use their resources to fight. So many organizations are helped, and many non-profits rely on this money.

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City Attorney Galante stated in regard to the social host ordinance, it's a no-fault ordinance. If the owner is not aware but the police officer is able to witness illegal fireworks coming from that property, they can be criminally prosecuted.

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Council Member Trujillo stated that over the years he has volunteered with the Rialto Black History Committee at their fireworks booth. He has seen both sides but wishes they received more updates throughout the process. Never was there a discussion about taking this new route of health and safety code violations to start addressing the illegal fireworks. Tabling this item is the best right now and see how the new approach took effect. Right now, he doesn't see the numbers coming together.

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Mayor Robertson stated that it was important that they address this and address this early, so they are not putting themselves in a bind. They have heard the concerns and the concerns during the forums. They heard from the non-profits and not the citizens who wanted this addressed. There are people who call on 4<sup>th</sup> of July and say what are they doing and why aren't they doing something. It's a resource issue and the cost. They need to look at the type of calls and how many calls. They heard the concerns of the community and how the community feels as their role as non-profits are helping the community and its tough to raise the money. The problem she has is at what point the role of the non-profit and the decisions to form a non-profit, for her is to not just have the fireworks booth as the fundraising effort. She thought they were supposed to ask every year what are the documents that show exactly how the non-profits are engaged and fundraising in the community. The reason it came up is that not all the non-profits were making the same amount of money because they increased the number of permits for fireworks booth and it was not as beneficial for some. She thinks the information is still to come in and understand the process the city goes through to ask for annual documents to give them some sense of how those non-profits have operated throughout the year and how successful this effort has been. She too has listened to citizens come and tell them about it, right after 4<sup>th</sup> of July. She agrees they didn't really have anyone come and speak to it.

**TAB 8 - formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot**

Mayor Robertson stated that she would like to hear from the other group besides saying why they need to keep it. She would like to hear some collaboration on what are some other solutions they can do something different, so they are not feeling like they need to stop something to address a resource issue. The consensus is to table it, but she doesn't think this conversation is going away. She is asking how do they work and employ some of the things they heard tonight.

She doesn't think they have come to any decision tonight. It doesn't seem like its cost effective to spend \$75,000 to place it on the ballot.

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City Administrator Foster stated this can be an advisory measure or a binding measure. If they were going down that road, they would dive deeper into that. Part of language that they put into the recommendation was if the City Council wanted and asking to help him manage the workload. If there was any other item, they wanted them to research, knowing they have a deadline of October 25<sup>th</sup> for the March ballot. Otherwise they will consider the motion to table.

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Mayor Robertson stated because she doesn't think they have enough time to vet anything out. The discussions they've had, have been premature but she is good with tabling this.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Table TAB 8.

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**TAB 9 – proposed Urgency Ordinance**

TAB 9 was Pulled from the Agenda.

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**TAB 10 - Authorize Additional Services in the Development Services Department**

Robb Steel, Development Services Director presented the staff report regarding Authorizing Additional Services in the Development Services Department.

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Lupe Camacho, Rialto resident, requested clarification on the amount of the increase and the average monthly cost.

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Mr. Steel stated in the July report they mentioned they were intending to be at this meeting to authorize the new contracts. In reality the \$50,000 is only intended for the month of July and not the whole month for Willdan. Unfortunately, it's been delayed, and they are looking at the four-month period and the average is the \$65,000 for Willdan produces the approximate \$250,000 contract authorization. The \$25,000 a month produces the \$100,000 for Interwest.

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**TAB 10 - Authorize Additional Services in the Development Services Department**

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to (1) Authorize Additional Services in accordance with Section 2.3 of the Professional Service Agreement between the City of Rialto and Willdan Engineering and Increase Maximum Contract/Purchase Order Authorization by \$200,000 for the period from July 1, 2019 to October 31, 2019, and (2) Authorize Additional Services in accordance with Section 2.3 of the Professional Service Agreement between the City of Rialto and Interwest Consulting Group and Increase Maximum Contract/Purchase Order Authorization by \$50,000 for the period from July 1, 2019 to October 31, 2019.

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**REPORTS**

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 10:00 p.m. in memory of:

**Andre Maurice Moye Jr.**

California Highway Patrol Officer – Riverside Area

Fatally shot during a traffic stop

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE