

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

MINUTES
December 10, 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, December 10, 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 Pro Tem Ed Scott called the meeting to order at 5:00 p.m.

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

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CLOSED SESSION

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) Equilon Enterprises, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1602980
 - (b) Phillips 66 Company v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1516839
 - (c) SFPP, L.P. v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603260
 - (d) Tesoro Logistics Operations, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603163

- (e) David Shepherd v City of Rialto WCAB SAC0000178763
- (f) Todd Brownlee v City of Rialto WCAB SAC0000181081
- (g) Steven Cunningham v City of Rialto WCAB No's 178780, 178700, 178691, & 178690 (master)
- (h) William Wilson v City of Rialto WCAB SAC0000178839
- (i) Mark Brady v City of Rialto WCAB 1992900038

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 Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency designated representatives:

Fred Galante, City Attorney

Rod Foster, City Administrator

Angela McCray, Dir. of Human Resources and Risk Mgmt.

Jessica Brown, Director of Finance

Employee organizations:

RPBA Mgmt. Bargaining Unit

RPBA General Bargaining Unit

4. 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) Subject: Price and Terms-Real Property Purchase and Sale
Property: 1366 South Riverside Avenue

APN(s) # 0132-101-16, 0132-161-13, 0132-101-15,

0132-101-07, 0132-101-08, 0132-202-06, 0132-111-03

Negotiators: Mathew Schneider, Community Dev. Director

Newmark-Merrill, Companies, LLC. Brad Pearl, Executive Vice President

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Council Member Carrizales arrived to the meeting.

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Subsequent Need Item

Mayor Pro Tem Scott asked that an item be added to the Closed Session. Anderson v. City of Rialto case.

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City Attorney Galante stated there was a development this afternoon in the case and it would be appropriate to add it to the Closed Session with 2/3 approval of the body.

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CLOSED SESSION
Subsequent Need Item

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote, Mayor Robertson was absent, to add

- 1j. Conference with Legal Counsel - Existing Litigation. Anderson v. City of Rialto.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by 4-0 vote to go into Closed Session at 5:02 p.m. Mayor Robertson was absent.

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Mayor Robertson arrived in Closed Session at 5:10 p.m.

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City Council returned from Closed Session at 6:35 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:35 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 City Administrator Rod Foster, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo. was absent.

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**Pledge of Allegiance
and Invocation**

Council Member Andy Carrizales led the pledge of allegiance.

Pastor Harry Bratton – Greater Faith Grace Bible 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.

- 1 a-d. Conference with legal counsel – anticipated litigation. Equilon Enterprises, LLC v. City of Rialto, Phillips 66 Company v. City of Rialto, SFPP, L.P. v. City of Rialto, Tesoro Logistics Operations, LLC v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
- 1 e-i. David Shepherd v City of Rialto, Todd Brownlee v City of Rialto, Steven Cunningham v City of Rialto, William Wilson v City of Rialto, Mark Brady v City of Rialto. City Council received a briefing, provided direction and no further reportable action was taken.

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

1. 1j. Before convening into Closed Session, one item was added to the Existing Litigation on the Closed Session agenda. Anderson v. City of Rialto. City Council received an update. As of today, the Court of Appeal unanimously affirmed the dismissal of every single claim brought by former police officer Glen Anderson against the City and confirmed there was no retaliation or violation of section 1983 or the Labor Code, unanimously. That decision was issued today by the Court of Appeal. So, the City is fully dismissed as well as individual defendants are dismissed from that case. The case is over.
2. Conference with Legal Counsel – Anticipated Litigation. One item of initiation of litigation was discussed. Council Member Carrizales abstained and left the Closed Session room. The balance of City Council received an update, provided direction and no further reportable action was taken.
3. Conference with Labor Negotiator was not discussed. There is no report.
4. Conference with Real Property Negotiator concerning the property at 1366 S. Riverside Ave. with the negotiating party being Newmark Merrill. City Council received a briefing. Motion by Council Member Trujillo, second by Mayor Pro Tem Scott and carried by a 5-0 vote to agree to extend the Negotiating Agreement between the City of Rialto and Newmark Merrill for the property referenced until January 31, 2020.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Introduction of New Employee by City Administrator Rod Foster
Deputy City Administrator - Stephen Erlandson
Jessica Brown, Finance Director introduced 2 new employees – Paul Haugan, IT Manager and Aleli Burgos, Finance Manager
2. Introduction of a New Business - Covenant Cupcakes - Earline Cameron - Mayor Deborah Robertson
3. Resolution of Support - SoCalGas Balance Energy - Mayor Deborah Robertson
4. Recognition - Rialto Thunder Soccer Team - Council Member Rafael Trujillo
5. Veteran Recognition - Jesse Berumen and Jaime Jorge Valenzuela - Council Member Rafael Trujillo
6. Responses to Community Inquiries on Water/Sewer Services – Tom Crowley, Utilities Manager

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ORAL COMMUNICATIONS

No one came forward to speak.

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

Council Member Carrizales stated that he will need to abstain from F.8, F.9, F.10, F.11, F.12, and F.13 due to a conflict of interest with his business at the Renaissance Marketplace.

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ITEM E.3

Ana Gonzalez, Rialto resident, asked for clarification regarding this proposed Ordinance. Would it help with the expansion or stop it completely.

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City Attorney Galante stated the action tonight is to simply set a public hearing so there could be a full dialogue and people can come up and speak and express their opinion. In short, what this ordinance seeks to do, all of the uses referenced storage warehouse and distribution centers and similar industrial facilities are authorized by right if they are in the correct zoning and they otherwise meet the standards, then they have a right to develop. This ordinance seeks to do is make them subject to a Conditional Development Permit so both the Planning Commission, and if on appeal, the City Council has that opportunity to place conditions on the various uses and if the uses don't meet certain standards then the Planning Commission or City Council may deny that particular use.

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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. 20 (11/14/2019)
- B.2 Warrant Resolution No. 21 (11/21/2019)
- B.3 Warrant Resolution No. 22 (11/27/2019)
- B.4 Warrant Resolution No. 23 (12/05/2019)
- B.5 Warrant Resolution No. 23a (12/05/2019)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting - October 22, 2019
- C.2 Regular City Council Meeting - November 12, 2019

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D. CLAIMS AGAINST THE CITY

- D.1 Infinity Insurance - vehicle damage
- D.2 Miguel Torres Contreras - vehicle damage
- D.3 SoCalGas - property damage
- D.4 Marvin Ochoa - vehicle damage
- D.5 Martha Rivera - vehicle damage

CONSENT CALENDAR**E. SET PUBLIC HEARING**

- E.1 Request City Council to 1) Adopt Resolution No. 7579 of Findings of Local Necessity; 2) Conduct the First Reading of Ordinance No. 1630 Amending Chapter 15.28 of the Rialto Municipal Code to Adopt by Reference the 2019 Edition of the California Fire Code and; 3) Set a Public Hearing for January 14th, 2020, to Conduct the Second Reading and Adopt the Ordinance.
- E.2 Request the Successor Agency to the Redevelopment Agency of the City of Rialto Adopt Resolution No. 7580 which approves the Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions for property owned by the Successor Agency and generally located at the northeast corner of Laurel Avenue and Renaissance Parkway, and more particularly identified as Assessor's Parcel Number 0240-211-21, to Orbis Real Estate Partners, LLC and forward it to the Countywide Oversight Board, and Request City Council set a Public Hearing for January 14, 2020 to consider an Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions with Orbis Real Estate Partners, LLC, for land that is owned by the City and proposed to be vacated and generally described as APN 0240-211-31 and located at the northwest intersection of Laurel Avenue and Renaissance Parkway.
- E.3 Request City Council to Set a Public Hearing for January 14, 2020, to consider an Ordinance adding sections to Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code and amending other sections of the Rialto Municipal Code to require the approval of a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses on all industrial zoned land within the City of Rialto.

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F. MISCELLANEOUS

- F.1 Request City Council Approve the Professional Services Agreement with SFG Retirement Plan Consulting, LLC (SFGRPC) for 457(b), 457(b) OBRA, and 401(a) plan consulting and investment fiduciary services.
- F.2 Request City Council to Approve the Purchase of Fifty (50) Microsoft Office Pro Plus Volume Licenses from Crayon Software Experts LLC in the Amount of \$19,649.83.
- F.3 Request City Council to Approve Resolution No. 7581 updating the citywide classification and compensation plan/table repealing and replacing resolution No. 7550 approved August 13, 2019.
- F.4 Request City Council to Approve the Purchase of a Konica Minolta AccurioPrint Copy Machine from Konica Minolta in the Amount of \$25,967.75.

CONSENT CALENDAR

- F.5 Request City Council to (1) Accept the Annual Slurry Seal Project; City Project No. 180805; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Pavement Coatings Co.
- F.6 Request City Council to Adopt Resolution No. 7582 Approving the 2020/2021 through 2024/2025 Measure I Five-Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Subprogram.
- F.7 Request City Council to Approve the Collective Bargaining Memorandum of Understanding by and between the City of Rialto and the Rialto Professional Firefighters of California Local 3688 (3688) for the period covering July 1, 2017 to June 30, 2022.
- F.8 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for August 2019.
- F.9 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 August 2019.
- F.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 September 2019.
- F.11 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for September 2019.
- F.12 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 October 2019.
- F.13 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for October 2019.
- F.14 Second Reading Ordinance No. 1627 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE CHAPTER 2.04 REGARDING PERSONNEL CONTROL AND AMENDING REFERENCES TO DEPARTMENTS AND POSITIONS WHOSE TITLES HAVE BEEN MODIFIED,. reading by title only and waiving further reading.
- F.15 Second Reading Ordinance No. 1629 entitled .AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 17.50 TO THE RIALTO MUNICIPAL CODE TO CREATE A PROCEDURE FOR THE APPLICATION FOR AND APPROVAL OF REIMBURSEMENT AGREEMENTS FOR CERTAIN PUBLIC IMPROVEMENTS, reading by title only and waiving further reading.

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CONSENT CALENDAR

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

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TAB 1 – Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2019

Savat Khamphou, Public Works Director presented the staff report regarding the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2019

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to close the public hearing.

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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 Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2019; and Adopt Resolution No. 7583 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

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TAB 2 - Proposed Ordinance adopting the 2019 Edition of the California Building Codes

Matt Schneider, Community Development Director presented the staff report regarding proposed Ordinance adopting the 2019 Edition of the California Building Codes.

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Mayor Robertson declared the public hearing open. No one came forward to speak.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to close the public hearing.

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ORDINANCE NO. 1626

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 15.08 OF THE RIALTO MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODES AND ALL THE APPENDICES IN THEIR ENTIRETY OF THE CALIFORNIA CODE OF REGULATIONS AND OTHER RELATED CODES. TO INCLUDE: 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA PLUMBING CODE,

TAB 2 - Proposed Ordinance adopting the 2019 Edition of the California Building Codes

2019 CALIFORNIA ENERGY CODE, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 CALIFORNIA HISTORICAL CODE, 2019 CALIFORNIA EXISTING BUILDING CODE, 2019 CALIFORNIA REFERENCED STANDARDS, 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to adopt on Second Reading Ordinance No. 1626.

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

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TAB 3 - Formation of Community Facilities District (CFD) 2019-02

Linda Daniels, Economic Development Consultant presented the staff report regarding the formation of a Community Facilities District (CFD) 2019-02.

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Mayor Robertson declared the public hearing open. No one came forward to speak.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to close the public hearing.

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Mayor Pro Tem Scott asked regarding police and fire service how much of that dollar amount goes for additional police officers.

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Ms. Daniels stated based on the fiscal impact analysis, she believes the report showed approximately \$181,000 for police and \$160,000 for fire. It's based on the ratios of how money is spent. Again, that would be a policy decision by City Council at build out when these revenues are derived. Its estimated about \$412,000 in recurring revenues and added to that would be \$55,000 from the CFD which will achieve your goal and policy of having the development pay for the services that are expected for the project.

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Mayor Pro Tem Scott stated therein lies the problem, because they build these housing projects. They say there are dollars for additional police officers but when they get to the budget process, they use the money for something else. Mr. Foster told him, this would pay for one additional police officer plus a vehicle. How do they ensure that money that is intended for public safety, goes to public safety.

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TAB 3 - Formation of Community Facilities District (CFD) 2019-02

Rod Foster, City Administrator stated that is great question, and what he is hearing, they need to demonstrate in the budget process how the community has grown and if they are close to build out.

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Mayor Pro Tem Scott stated and the past houses they have built, how many times have they followed through with placing funds that are designated for public safety?

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Mr. Foster stated that he would need to defer to veteran staff be he wants to be clear that these are raising revenues and going into the General Fund. It's the policy decision of the City Council on where to use those. The budget is based upon the expansion of services. The budget needs to be brought forward for City Council to have the opportunity to be transparent and add those services.

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Mayor Pro Tem Scott stated once again, they are asking him to vote tonight for a project, telling the community that there is revenue coming in for additional police and fire services, when that doesn't happen. They get no additional police officers on their streets. They have less police officers today than 10 years ago. If order for him to vote for this, he has to understand how that is going to work and how they can lock that in because that is what they are voting for tonight.

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Mayor Robertson stated she heard that it's a policy decision and they are the policy makers. She came across the Fiscal Impact Analysis and it clearly shows her that fire protection comes out when its built out 26.4% of those dollars should go towards fire protection. For Police protection it should be about 39.6% of the dollars they determined. Why don't they bookmark that tonight in the budget, so they don't have to continue to figure out when it is known when they get to the budget. This will start getting them there because it will be part of the council action.

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Mayor Pro Tem Scott stated that he already checked with the developer that build out will be 24 months.

Council Member Baca Jr. asked when will construction start and anticipated build out of this project.

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Bill Holman, Christopher Development Group stated all the plans are in second plan check and it's their hope that they can get grading permits issued right after the first of the year. Its probably a good two years to absorb 184 units, again it depend on the market.

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TAB 3 - Formation of Community Facilities District (CFD) 2019-02

Council Member Baca Jr. stated he appreciates the answer and also stepping up to do the CFD. They have to be a little bit smarter when they approve projects. Tonight, will be a good sign to earmark police and fire and years pass and they have grown. It's important that they earmark it and two years from now they can hire additional staff. The public needs to understand that when they build homes, there is a cost its not just building the homes and selling them. It's the services they have to provide.

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Council Member Trujillo stated that he also looks forward to the HOA portion to be contributing in terms of video surveillance and security. He would hope that that this HOA would have something similar to Elm Park.

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Mayor Robertson stated she wanted to commend and applaud the effort on working with the Developer, on what she can use as a template. Even down to the detail that 1% should go to animal control. They have been asking to see something like this. This starts to set a tone to operate from. She thanked Christopher Homes for staying focused on moving this project forward. It's going to be a tremendous asset to see the housing development on the north side of Foothill Blvd. she even likes that it has a 5% contingency built into it.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to

1. Adopt **Resolution No. 7584** calling for the of Formation of CFD 2019-02; *Earmark 40.6% for police services and 26.4 % for the fire services.*
2. Approve the Funding Agreement between the City of Rialto and HNK Associates, LLC; and
3. Adopt **Resolution No. 7585** calling for the CFD Special Election; and
4. Conduct the CFD Special Election

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City Clerk McGee opened the one ballot, representing 17 votes for parcels 0128-051-34, 0128-051-27, 0128-051-10.

Vote: YES

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Motion by Mayor Robertson, second by Council Member Baca Jr. and carried by a 4-0 vote, Council Member Carrizales was absent to

5. Adopt **Resolution No. 7586** Declaring the Results of the Election; and
6. Adopting for first reading **Ordinance No. 1631** entitled, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN. reading by title only and waiving further reading thereof .

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TAB 3 - Formation of Community Facilities District (CFD) 2019-02

Roll Call Vote: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Trujillo. NOES: none. ABSTAIN: none. ABSENT: Council Member Carrizales.

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TAB 4 – Purchase of Vehicles for the Police Dept.

Police Chief Mark Kling presented the staff report regarding the purchase of fourteen vehicles for the police department.

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Council Member Trujillo stated he recognizes the efforts of trying to accommodate some of the concerns from other department vehicles they were talking about. What happens with the older vehicles.

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Police Chief Mark Kling stated there is a procurement procedure already in place. The vehicles are released back into Public Works fleet service. Also, through Purchasing they go through a process for disposal.

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Council Member Baca Jr. stated it was nice to see 300 RFPs sent out and one was in San Bernardino. He congratulated the police dept for doing a great job. They have to continue to give them all the tools they need to try to keep the city as safe as they can. Especially now with the holiday season and people being active in the community.

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Mayor Robertson asked if they are moving everyone into an Explorer. She sees they are swapping out the Crown Victorias. How are they making the decision on who will be using the vehicle.

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Police Chief Kling stated all 18 vehicles, including the prisoner transport are going to be assigned to patrol, so they will be black and whites. The question about parking, he will be bringing back a different type of program enhancement in the future. So, vehicles are not Ford Explorers but smaller type vehicles. He has no issue with those types of vehicles going to hybrids.

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Mayor Robertson stated they all need to be looking at their fleet and areas where they have staff doing projects and activities and look at opportunities of hybrids, electric vehicles.

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Council Member Carrizales stated he agrees with all the comments and thanked the Police Chief for his diligence on this. They need to keep their fleet in top shape.

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TAB 4 – Purchase of Vehicles for the Police Dept.

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Approve the Purchase of Fourteen (14) Ford Explorer Utility, Three (3) Ford Interceptor Utility and One (1) Ford Prisoner Transport Van with Fairview Ford in the Amount of \$685,296.65.

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TAB 5 – Purchase of Fire Truck Equipment

Fire Chief Sean Grayson presented the staff report regarding the purchase of fire truck equipment and items that fully outfit the new fire truck coming in 2020.

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Council Member Trujillo stated that he continues to support the Fire Dept. as the leading agency in this industry.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to to Issue a Purchase Order to 1) LN Curtis & Sons in the Amount of \$131,735.75 for Truck Equipment; 2) Fire Apparatus Solutions in the Amount of \$75,385.02 for Auto Extrication Equipment; 3) Bauer Compressors in the Amount of \$498,266.17 for Self-Contained Breathing Apparatus (SCBA); and 4) Zoll Medical Corporation in the Amount of \$51,450.84 for Medical Equipment.

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TAB 6 - Submittal of Draft 5th Mid-Cycle Housing Element Update

Karen Peterson, Interim Planning Manager presented the staff report regarding the Submittal of Draft 5th Mid-Cycle Housing Element Update.

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Dave Barquist, Kimley Horn presented the overview of the draft 5th Mid-Cycle Housing Element.

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ORAL COMMUNICATIONS

Maria Delgado, Inland Counties Legal Services, expressed they were not aware of the community engagement events. They had identified specific items in the Draft they wanted to comment on. They are asking for a reasonable amount of time to make comments before they submit the Draft to HCD.

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Ana Gonzales, Rialto resident, attended one of the workshops. She wanted to know what land is available to build affordable housing and what developers are looking to build affordable housing.

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Mr. Barquist stated yes, the works did occur. In the draft all of the public outreach that happened prior to this round is in the document. I was October/November 2016. As far as the outreach, they didn't do a community engagement prior to the submittal to HCD. It's the same process as they are doing now.

**TAB 6 - Submittal of Draft 5th Mid-Cycle
Housing Element Update**

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Mayor Robertson asked what is the extent of community outreach time period should be.

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Mr. Barquist stated the word are diligent efforts. They believe the process they made was a diligent effort. If somebody wants to come forward during this review process, he is sure that can be accommodated. It doesn't stop the review process, it can happen at the same time. It would be beneficial to both parties.

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Mayor Robertson stated in his presentation he spoke to the cycle and the housing element. To Ms. Gonzales' comment, the housing element doesn't normally get into defining the types of land and what can be on the land, it defines where the residential zones are. Again, the City does not build the housing, it's basically deals with the zoning and look for developers to express their interest to build. When they come back, she encourages them to hold a community meeting to allow people to better understand that the City is not a builder.

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City Attorney Galante stated there is no specific timeline for community outreach in the government code. Mr. Barquist described it correctly. Also, the housing element doesn't specifically provide where the affordable housing is, it just has to make available opportunities for that.

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Council Member Trujillo stated he noticed the listing of affordable units and a couple were missing., such as, Heritage Park. There was some mention of the housing authority and what point do they report on numbers. Is there anywhere in the report where they report the number that currently exist for vouchers, although the complex isn't subsidized housing.

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Mr. Barquist stated a housing choice voucher, yes. He believes in section 6 where they talk about the review of programs, they talk about it. It runs through the County.

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Council Member Trujillo stated he likes to think affordable housing isn't just the complex but these programs as well. He thanked him for the community outreach efforts.

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TAB 6 - Submittal of Draft 5th Mid-Cycle Housing Element Update

Council Member Baca Jr. stated he knows there are some potential projects and one of the developer (Josh LeBarge) applied for a State grant for affordable housing. Housing is a Statewide issue, and taking away Redevelopment agencies has been difficult for them. They want to do everything they can to make it reasonable for residents to live in the City of Rialto.

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Mayor Robertson stated the project Mr. LeBarge is moving forward with is a multi-family facility and its not just for seniors but affordable housing, just South of the Metrolink facility.

She stated the data they put into the report, they pull from Americans community survey and the US Census. The Census doesn't normally update annually. So, it was interesting to see the information. Its before them and it's a matter they need to address by the end of this year.

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Mayor Pro Tem Scott stated he concurs with what everyone has said and the fact the abolition of the Redevelopment Agency has made it very difficult because they no longer have funds to purchase property to convert to affordable housing. Additionally, most of the Federal and State programs have gone away. He did read in the newspaper where Governor Newsome is coming forward with some money. Most of the builder who are building \$400,000 homes is because that is the way it pencils out for them. He too is surprised anyone can afford such homes. he agrees they need to have more affordable housing in the City, especially young people that need housing. They should continue to work on finding grants that can bring funding to the community.

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Mayor Robertson stated the document identifies some of the projects that developers have on the books. Even the Lytle Creek Ranch Specific Plan. They have to make sure that developer moves forward. In the plan there is section of his plan that deal with high density residential. The developer are identifying within their project an integration of low-mod income. She would welcome that conversation in the future to community development and to the city to help the community understand what is available and what they are trying to do. The City is not the ones stopping them, the city is trying to remove all impediments so they can move forward. It's a funding issue.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to approve the submittal of Draft 5th Mid-Cycle Housing Element Update to California State Department of Housing and Community Development.

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TAB 7 - Renewal of Professional Consulting Agreement for Legislative Advocacy Services

Rod Foster, City Administrator presented the staff report regarding renewal of Professional Consulting Agreement for Legislative Advocacy Services with David Turch and Associates.

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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 Renewal of Professional Consulting Agreement for Legislative Advocacy Services with David Turch and Associates in an Amount Not to exceed \$78,000 per year (\$156,000 total) for a Two-Year Term Commencing on July 1, 2019 and ending on June 30, 2021.

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TAB 8 - Approving Special Events for the Calendar Year

Perry Brents, Community Services Director presented the staff report regarding Approving Special Events for the Calendar Year and adopting a Special Events Policy.

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Jessica Brown, Finance Director pointed out a few items in the policy and the purpose of the policy. They are establishing a process in which the actual costs following these events can be reported out. What is listed are the net cost by department for the events they participate in.

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Council Member Trujillo stated comparing the expenditures and putting a column for the revenue to get a better idea on the offset costs as well as the net costs. It's a tool for them to see which events are using more revenue. There are two events that he wants to pull from the list because he has different ideas for them such as more attendance for them.

Run Whatcha Brung and Taste of Rialto.

He is in agreement with the others that are listed. With the two he would like to see how they can work together with City and the leadership of those two events so they can have something greater for the community. He has some ideas and wants to entertain the groups with these ideas. So, he would like to pull these out and have a larger discussion with the budget.

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Council Member Carrizales stated that he agrees. They have ideas they want to bring forward to further embrace the community and demographics of the City of Rialto.

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Mayor Robertson stated as she was looking through the document and appreciates that a policy was put in place. When looking at the list, she wanted to make sure they included Earth to Table.

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Mr. Brents stated its in Exhibit A, but may have been missed in the PowerPoint.

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TAB 8 - Approving Special Events for the Calendar Year

Mayor Robertson asked that they have some uniformity for all departments. If its city sponsored or something they are involved with. She sees departments have different ways of capturing their costs. They discussed Women's Event, MADD Walk and Fire Open House. Does everyone get a particular project number for that activity? She did see that they were beginning to track it. She would like to see standardized way, so everybody knows what to capture. When she seen the costs associated with Run Whatcha Brung, she never seen them really be a co-sponsor but they put a lot of energy and effort into this event. The same for Taste of Rialto. It may be time for them to come up with ways to get greater exposure and for people to benefit and enjoy that activity.

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Rod Foster, City Administrator stated the key part of the sponsorship and co-sponsorship, is what gives them the cover to be able to take part and expend public funds.

As far as standardization, that will be brought forward in the next budget document. They are not going to spread this throughout the budget, they are going to bring it into one program; Special Events. Ms. Brown will decide where it should be. They will be able to standardize it, track it and be able to deliver better on it.

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Mayor Pro Tem Scott stated a lot of the events are not City events. Taste of Rialto is a Chamber of Commerce event. Run Whatcha Brung is not a City event and its one of the largest events they are paying for. He believes at one time they paid for police services. When they look at it \$14,000 for police services, he finds that hard to believe they need that much police service. He is in support of removing them but any other event that is not a City event should be paying its way. So, they need to figure out which is a City event, and which is not a City event.

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Mr. Foster stated in order to meet the bar for them to participate it's a co-sponsored event. If its an outside event completely, then their ability to participate and utilize public funds unless its sponsored or co-sponsored.

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Mayor Pro Tem Scott stated that brings up another question, they have no say so in Taste of Rialto and how its run. They really have no say so in Run Whatcha Brung, it's a Rotary event. They pick the date and do the set up, they decide everything. So that is not a City event and its not a co-sponsored event.

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TAB 8 - Approving Special Events for the Calendar Year

Mr. Foster stated that is the determination of this board and in those cases, those events would pay for those services and reimburse the city for the costs of those services that city provides through its special events process.

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Mr. Brents stated they put that in the policy. The definition for what a city event is and what a co-sponsored event is. If city staff doesn't participate then its not a city event. It can be co-sponsored, but they have to participate in it. This helps them with their policy, it has to be defined that way.

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Mayor Robertson stated and this is the reason they pulled the two they did because they haven't reviewed them for quite some time. They were events the city co-sponsored or they participated in. With Run Whatcha Brung they provide a lot of resources. With Taste of Rialto they have gone down to paying for a sponsorship by way of buying tickets that they then give to the Commissioners. But there are still costs incurred. They have sponsorships, such as placing ads In support of something or an organization where they have no involvement.

They have here things on the list they have done in the past and pretty much adopted previously. What they are doing is recognizing in the past they have added Run Whatcha Brung and Taste of Rialto in that annual adoption which hasn't happened for a while. They need to clarify these two events of the value and decide or how do they make them better as a reflection of the City.

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Council Member Trujillo stated they need to pull them off the list now, having the discussion and bringing it back towards the budget.

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Mayor Pro Tem Scott stated it's a June event, how do they bring it back?

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Mr. Foster stated they can bring it back at Mid-Year.

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Mayor Pro Tem Scott stated that event needs some time to set that up and can't do it in 30 or 90 days. Either they are going to subsidize the event, or they are not.

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Mr. Foster asked the City Attorney for clarification regarding co-sponsorship.

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TAB 8 - Approving Special Events for the Calendar Year

City Attorney Galante stated to be able to expend public funds, which includes dollars, staff resources, equipment, etc. owned by the city, it has to show that it serves some public purpose. A public purpose is broadly defined and at the discretion of the legislative body. It has to be an event that doesn't benefit one person, it has to provide some public benefit. Typically, they would want to put their name on whatever event because they are contributing some dollars. By putting the city logo and calling it a city event, they are demonstrating the city is participating. That is separate and apart from making sure they find there is that public purpose and it benefits the community. That is slightly different than sponsorship.

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Council Member Baca Jr. stated the all these events are good for the community and thinks they are a good public benefit and staff does a great job with these events. He does support the fact that there does need to be clarity. Because they get approached by a lot of organizations to use city facilities or help with events. They have very limited resources and of course they want to help as many people as they can. Most of the events on the list are what the City controls and manages. He would consider that more of a city event than the event where they just put their name on and use a lot of resources. These events are good, and they need to continue to support these events and support staff. They need to also help the events grow and increase attendance.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to Events for the Calendar Year and Resolution No. 7587 Adopting a Special Events Policy. With the exception of Run Whatcha Brung and Taste of Rialto which will be removed from the list for a separate discussion.

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TAB 9 – Contract Change Order Nos. 1 & 2 for the Valley Blvd/Cactus Ave and Linden Ave Street Improvements

Savat Khamphou, Public Works Director presented the staff report regarding Contract Change Order Nos. 1 & 2 for the Valley Blvd/Cactus Ave and Linden Ave Street Improvements.

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Mayor Robertson stated in July they approved this contract to H&H Contractors in the amount of \$1 million plus. Then they discovered they hadn't handled the pavement structure sufficient for the road bed where it has heavy truck traffic. Who did the design work on this project? Was it a consultant. They all know that Valley Blvd has heavy truck traffic and to later come back with \$1,251,000. She is concerned about the purpose of the work in the design. They put the design out to be bid out.

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Mr. Khamphou stated that it was consultant Dokken.

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TAB 9 – Contract Change Order Nos. 1 & 2 for the Valley Blvd/Cactus Ave and Linden Ave Street Improvements

Mayor Robertson stated when they put the A&E out for this project what was it the city asked to be designed.

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John Clemens, Dokken Engineering stated the project included widening the existing roadway and evaluating pavement condition along that stretch of highway. This project date back to July 2014 when they developed the original pavement recommendations and provided those to the City. The City had financial constraints and told them to look at other options. Because of the outside widening they did a full depth in addition to the laden shoulder. When they were looking at the existing pavement, city staff at the time asked them to look at slurry seals which is a thin coat of asphalt. They knew that definitely wouldn't work and because of the financial condition at the time the only other option was to remove 2 inches of asphalt and replace with 2 inches of asphalt. The original design did accommodate a full depth structural section throughout the entire roadway.

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Mayor Robertson stated she hopes there is documentation that supports this. She would like to see what kind of communication occurred.

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Mayor Pro Tem Scott stated that he went out to look at the project and have it explained to him prior to this meeting. Who in the City told him to do that?

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Mr. Clemens stated at the time, Eddie Chan was the City Project Manager and he continued to be a part of the project until November 2015. This was when Hector Gonzales took over. Between Eddie an Hector they went through several exhibits that looked at the grinding. The full depth.

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Mayor Pro Tem Scott stated so Eddie Chan advised the City had financial problems and couldn't do it to Dokken specs.

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Mr. Clemens stated yes.

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Mayor Pro Tem Scott stated and when he later became engaged with Mr. Gonzales, did they explain what Mr. Chan had asked them to do. And did they relay to him that it should be paved to their specs not corners cut.

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**TAB 9 – Contract Change Order Nos. 1 & 2
for the Valley Blvd/Cactus Ave and Linden
Ave Street Improvements**

Mr. Clemens stated the way they provide recommendations to their clients is they provide a list of the recommendations. Due to certain financial conditions the client will have the ability to see which way they would like to go.

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Mayor Pro Tem Scott asked if it was provided to Mr. Gonzales and what was his response.

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Mr. Clemens stated yes. At the time they wanted them to look at a slurry seal, the entire roadway. Then whether a grind and overlay would be acceptable. Then they confirmed that the slurry seal would not work. They clarified that the grind and overlay would be the only recourse if the city wanted to save money on the structural section.

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Mayor Pro Tem Scott asked what was the date of that.

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Mr. Clemens stated 12/9/2015.

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Mayor Pro Tem Scott stated in 2015 this again came up and they made a recommendation to do it one way. Again, they were told the City had financial constraints and could not do that. Even though we know that's not what should be done.

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Mr. Clemens stated yes.

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Mayor Pro Tem Scott asked if they put anybody else on notice. Mr. Gonzales' supervisor on notice about this?

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Mr. Clemens stated they typically work with the City project manager who is the primary contact.

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Mayor Pro Tem Scott asked as a professional don't they think they have an obligation to advise the client that its not a proper procedure because its going to fail. Don't they think they have an obligation to advise the City that it's not a proper thing to do and put them on notice. That they are not going to take responsibility for it.

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Mr. Clemens stated yes that is correct. But they typically do not go beyond the city project manager. The City Engineer was involved December 17, 2015 and Ted Rigoni who is the city consultant.

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TAB 9 – Contract Change Order Nos. 1 & 2 for the Valley Blvd/Cactus Ave and Linden Ave Street Improvements

Mayor Pro Tem Scott stated and they have come back with a change order when it should have been done the right way to begin with.

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Mr. Clemens stated yes.

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Mayor Pro Tem Scott gave a suggestion for future, if they work for the City of Rialto and that happens, and they don't get a response out of the Public Works Director then go to the City Administrator. Send him a letter and advise him. The City holds them accountable for this. They are getting tired of having paving projects that are failing because they haven't been done properly and their name gets associated with it a lot. They are putting Dokken on notice tonight that they are not going to do business as usual. If something isn't being done right they have a responsibility as an engineer to advise them. If the people they are reporting directly to don't want to listen to then they need to go higher up the food chain. In 2014/2015 there was no money issue. They have \$50 million in reserves. They don't have financial problems. They could have easily authorized this, if they came to City Council and explained properly.

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Mayor Robertson stated in the report it speaks to the budget available. She is asking for documentation that the firm advised the city in writing that it was not the recommended. She wants to look under architectural and engineering; errors and omissions. When they hire someone to do a project and they know what should be done and they allow staff to cut back and put in a high traffic area. Because they even have Measure I funds that are available for arterial such as Valley and Cactus. They are to spend that money and apply it to ensure that they give a product that will give them the life expectancy with increased volume. Then it gets into who was the lowest responsible bidder and the fact they come back later on with over 10% change order on this project. She doesn't know what else is going to come before its over with. It looks like they had \$1.9 million encumbered for this project. At the rate they are going they might end up spending all of it. She looked at the map and the area they are talking about and she asks that Public Works goes out and makes sure they are not just doing a corner. They need to make sure they are doing a sufficient road bed to handle truck traffic. Valley is a truck traffic route and they have more warehouse coming up on it. They need to look at errors and omissions and if they need to be sending a letter to Dokken or deciding if they need to continue to have Dokken on their list of potential design firms.

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TAB 9 – Contract Change Order Nos. 1 & 2 for the Valley Blvd/Cactus Ave and Linden Ave Street Improvements

Mayor Pro Tem Scott stated they should have paving and road standards in the city. They should be in compliance with those standards and not cutting corners because somebody thinks they don't have the money to do it the way it needs to be done. That then takes them to these warehouses who paid impact fees. Unless they agree to this change order, the paving is not going to be sufficient to handle the truck traffic. They can't do business like this anymore.

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Council Member Baca Jr. stated that he concurs with what was said, and they have a duty to the residents. These projects are very important, anything with roads and sidewalks are very important. They keep going back and doing change orders and cleaning up all these projects that were done incorrect. Its appalling they have to go back. They shouldn't approve this but the reality is they need it and have to move forward on this. They have to have higher standards. They have to do it and do it right and not have to come back and cost the residents more money. They could be using the money for something else, fix other roads.

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Mayor Robertson stated she is asking counsel to look at the design responsibility and the errors and omissions if they determine there was a duty as a consultant should have dealt with and raised it to the decision makers, and that they will be seeking recovery. They should have delivered the project based on what needs to occur not based on trying to cut back a project because staff is saying it needs to be financially constrained to meet budget.

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Mayor Pro Tem Scott asked if there was anything else that is substandard that needs to be done that isn't being done.

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Mr. Clemens stated at this time he is not aware of anything but he will check back with staff.

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Mr. Khamphou stated there nothing that he is aware of.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve Contract Change Order Nos. 1 & 2 in the amount of \$185,470.12 for the Valley Blvd./Cactus Ave. and Linden Ave. Street Improvement Project, City Project 140802, with the conditions; directing City Attorney to look at the Errors and Omissions and research the project to determine whether or not they need to address anybody's Errors and Omissions or go after anybody's license.

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TAB 10 – Purchase Order for Rubberized Mulch

Savat Khamphou, Public Works Director presented the staff report regarding a purchase order for rubberized mulch.

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Council Member Baca Jr. stated he hasn't seen the Cedar reservoir but knows the Easton Reservoir has been unfinished for quite some time. He wanted to understand why its coming from a Parks account money for a reservoir.

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Mr. Khamphou stated its understanding, per the Concession Agreement, the City is responsible to maintain the landscape areas around the reservoirs and they consider that as Parks.

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Mayor Pro Tem Scott asked if its in the budget that way. He is concerned they are moving park maintenance money over to Public Works because he doesn't think a reservoir is a park.

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Mr. Khamphou stated that he had the same question and they further look into it.

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Mayor Pro Tem Scott stated he is not in support of moving forward with this without having an answer. If they can't answer then the item needs to be pulled.

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Rod Foster, City Administrator asked about the timeline, this is grant funded so its 100% reimbursable.

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Mr. Khamphou stated it is 100% reimbursable. What they are talking about is future maintenance and the grant expires in April so having it delay for one month the schedule will be really tight.

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Jessica Brown, Finance Director stated the way this is reading, the budget is included of \$3.20 from the Parks account because it wasn't adequate for the full \$149,800. So, it's a very small amount that is coming from the Parks budget.

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Mr. Foster stated if City Council wants to change the motion from tabling. They received the grant funds and it goes into capital projects and they will find money within the Public Works department for \$3.20.

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TAB 10 – Purchase Order for Rubberized Mulch

Mayor Pro Tem Scott asked what is the other account for.

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Ms. Brown stated if capital grant funding comes in and that is where the grant money will go.

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Mayor Pro Tem Scott asked if this grant was obtained for parks or was it obtained for reservoir Public Works projects.

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Mr. Khamphou stated that it was not obtained for parks. But he can have staff to clarify.

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Mayor Pro Tem Scott stated they can't come into the meeting and say they are going to clarify it and come back. They should have these answers tonight.

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Tony Brandyberry, Public Works Supervisor stated the \$3.20 was because the advertising budget for the RFP was a little more than what they thought.

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Mayor Pro Tem Scott stated that is not what the question is. The \$149,796.80 is coming from a grant capital project fund. What was that grant for.

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Mr. Brandyberry stated the original intent for the grant for the rubberized mulch was under consideration to put into the center median islands. After further review they discovered they would rather have it behind fencing and not in the center median islands with the roadway travel, they could bounce across the intersections. They decided they can still use that grant for weed control and lessen maintenance activities at the reservoirs.

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Mayor Pro Tem Scott stated so none of the grant money was intended for parks.

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Mr. Brandyberry stated that is correct. It was intended for weed control.

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Mayor Pro Tem Scott stated so when Council Member Baca Jr. asked the question why didn't somebody answer the question.

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TAB 10 – Purchase Order for Rubberized Mulch

Council Member Baca Jr. stated the \$3.20 is odd movement of money and raises questions

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Mayor Pro Tem Scott stated he would like a copy of the grant.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to authorize a Purchase Order to Gotham Poured Rubber Corp. in the amount of \$149,800 for rubberized mulch per the CalRecycle rubberized product grant award without the Park Account money of \$3.20.

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TAB 11 – Award Construction Contract for the Construction of the Community Center Rehab Project

Savat Khamphou, Public Works Director presented the staff report regarding Award Construction Contract for the Construction of the Community Center Rehab Project.

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City Attorney Galante stated staff has been trying to communicate with HUD to get a response to allow the award to the sole bidder. Because they do not have a response today as to whether or not this does meet their guidelines, given the unusual circumstances. The two options City Council has is they can continue this until a future time to see if HUD will approve it or disapprove it. Presumably it would have to be rebid. Alternatively, to try and stay on schedule, he suggests they secure the bidders approval for a conditional award. The Public Works Director did contact the contractor to secure their consent to a conditional approval pending HUDs determination. Part of that condition is that if HUD denies it then the Contractor doesn't hold the City responsible.

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Council Member Baca Jr. stated so part of the problem with the first bid was that all of the items were bid separately, and it was an issue to find a contractor when the items were bid separately.

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Mr. Khamphou stated the first time they decided to bid it separately and they didn't receive any bidders.

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Council Member Baca Jr. stated and the second time around it was packaged up with Building 200, basketball court and the netting for Bud Bender Park.

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Mr. Khamphou stated that is correct.

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TAB 11 – Award Construction Contract for the Construction of the Community Center Rehab Project

Council Member Baca Jr. asked what is the timeline to complete these he knows the clock is ticking. City Council has already approved all these projects through the CDBG process. He knows these projects take time and he wants to make sure they are meeting HUD deadlines.

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Mr. Foster stated these have been on the books for some time. Through the CDBG process they can move the dollars forward if it gets delayed. If they get the waiver from HUD then they can move forward. Otherwise they will need to rebid it.

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Council Member Baca Jr. stated if they approve a conditional approval and HUD tells them no, they can't do it. When will that be rebid. And when do they plan to get an answer from HUD.

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Mr. Khamphou stated he received a response from HUD that the City would get a answer in 2-3 weeks.

They would begin to rebid immediately in January.

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City Attorney Galante stated that they would need to come to City Council to reject the bid and rebid.

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Mayor Pro Tem Scott stated he had a question about alternate Bid 1, building 300. They are asking City Council to direct staff to provide funding options for alternate Bid 1 for Rialto Community Center in the amount of \$360,000. They don't have funding for that?

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Mr. Khamphou stated no, there is a shortfall in the CDBG funds.

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Mayor Pro Tem Scott asked where do they propose on getting that funding from.

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Mr. Khamphou stated they would like direction from City Council to explore funding opportunities and bring it back.

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Mr. Foster stated he thinks they will be looking at other CDBG opportunities in the future or if there are grant opportunities. If its General Fund opportunities they have to decide if they want to plan that into a future budget.

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TAB 11 – Award Construction Contract for the Construction of the Community Center Rehab Project

Mayor Pro Tem Scott stated he wanted to make sure this request is not misconstrued. If once they approve this tonight because he is not supporting taking money out of General Fund or Reserves to fund this. It has to come from a source, either park money or park grants or CDBG.

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Mr. Foster stated that if that is the direction of City Council they will not bring it back if that was the only pot of money they can fund that from.

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ORAL COMMUNICATIONS

The Representative from RS Construction & Development accepted the condition to the approval of the award of Construction Contract, pending an answer from HUD.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve 1) **Conditional** Award of Construction Contract in the amount of \$866,549.79 to RS Construction & Development, Inc., for Construction of the Community Center Rehab, Building 200, Gym Restrooms, City Project No. CB1804; Basketball Court Improvements, City Project No. CB1901; and Bud Bender Park Sideline Fencing, City Project No. CB1902; 2) Authorize Issuance of Purchase Order with the On-Call PPM Group, Inc. in the Amount of \$139,975 for On-Call Construction Management, Inspection and Materials Testing Services, 3) Delegate Authority to the City Administrator for Project Contingencies in the not-to-exceed amount of \$40,000, 4) Request City Council to direct staff to provide funding options, **other than the General Fund or Reserves**, for Alternate Bid 1 for Rialto Community Center Building 300 in the amount of \$360,000 and bring options back to City Council for an award recommendation.

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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 Carrizales and carried by a 5-0 vote to adjourn the City Council Meeting at 10:29 p.m. in memory of:

Rod Campbell

Former RUSD Teacher

Charles Brumbach

Rialto resident and St. Catherine's Church parishioner

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE