

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

**MINUTES
April 10, 2018**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, April 10, 2018.

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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 5:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, and Council Member Andy Carrizales. Also present were Interim City Administrator Robb Steel, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Joe Baca Jr., Council Member Rafael Trujillo and City Treasurer Edward Carrillo 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) Kathy Thompson v. City of Rialto
WCAB SAC0000178771
- (b) Michael Badin v. City of Rialto
WCAB SAC000017828 (***WAS NOT DISCUSSED***)
- (c) Paul Truffa v. City of Rialto
WCAB SAC0000178664
- (d) Carl E. Jones, Christopher Hice v. City of Rialto, et al
U.S. District Court, Case No: 5:17-cv-01650-GW-(KKx)

CLOSED SESSION

- 2 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 Acquisition
Property: APN 0264-151-50,59,73,79,80,81 (six parcels)
Northeast corner of Ayala Drive & Renaissance Parkway
Negotiators: Robb R. Steel, Interim CA/Development SVS. Director Fernando Acosta, Ayala and 210 Partners LLC
3. Conference with Legal Counsel - Threat of Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case. Claimant: Joe Yancey, JD Yancey Enterprises

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by 3-0 vote to go into Closed Session at 5:06 pm. Council Member Baca Jr. and Council Member Trujillo were absent.

Council Member Trujillo arrived in Closed Session at 5:15 pm.

Council Member Baca Jr. arrived in Closed Session at 5:40 pm.

Council City Council returned at 6:06 pm.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:12 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 Robb Steel, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Council Member Rafael Trujillo led the pledge of allegiance.

Reverend Jose Vindel – Rialto Methodist 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.

1c. Paul Truffa v. City of Rialto. Worker Compensation matter. City Council provided direction and no further reportable action was taken.

1a. Kathy Thompson v. City of Rialto. Worker Compensation matter. City Council provided direction and no further reportable action was taken.

1b. This item was not discussed.

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

- 1c. Carl E. Jones, Christopher Hice v. City of Rialto, et. al. City Council discussed, received an update and no further reportable action was taken.
3. Conference with legal counsel - threat of litigation. Claimant Joe Yancy, JD Yancy Enterprises.
2. Conference with Real Property Negotiator. Regarding property at the Northeast corner of Ayala Drive & Renaissance Parkway. City Council received an update of the negotiations and no further reportable action was taken. Council Member Carrizales abstained and did not discuss the item and left the closed session room.

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**PRESENTATIONS AND
PROCLAMATIONS**

- 1 Resolution-Airbag Recall-Mayor Deborah Robertson
- 2 Presentation-Students of the Month-Mayor Deborah Robertson
- 3 Proclamation-Child Abuse Awareness Month-Mayor Deborah Robertson
- 4 Certificates of Recognition-San Bernardino County Science Fair Winners-Council Member Rafael Trujillo
- 5 Proclamation-National Animal Care and Control Appreciation Week Interim Police Chief Mark Kling
- 6 Proclamation-National Public Safety Telecommunicators Week Interim Police Chief Mark Kling
- 7 Proclamation-National 911 Awareness and Education Month Interim Police Chief Mark Kling
- 8 Recognition of 20 and 25 Years of Employee Service to the City of Rialto Director of Human Resources/Risk Management Lucy Garcia
- 9 Proclamation – DMV/Donate Life California Month – Mayor Pro Tem Ed Scott
- 10 Proclamation - Earth Day – Mayor Deborah Robertson

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ORAL COMMUNICATIONS

June Hayes, Rialto resident, gave San Bernardino Valley Municipal Water District Board Member Update.

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**Consideration of Removing or continuing
any items on the Agenda**

Interim City Administrator Steel stated they would like to continue TAB 1 until the April 24th Meeting.

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Council Member Carrizales stated that he will need to abstain from Consent Calendar items E.2, F.2, F.3, F.4 and TAB 1 due to a conflict with his lease agreement in the Renaissance Project.

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City Attorney Galante stated for the record on E.1, he doesn't have a copy of the Resolution for the record. He understands it on the website and they have a hard copy available.

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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 Resolution No. 36 (03/22/18)

B.2 Resolution No. 37 (03/29/18)

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting-March 13, 2018

D. CLAIMS AGAINST THE CITY

D.1 Lourdes Pinela et. al - Personal Injury

E. SET PUBLIC HEARING

E.1 Request City Council to Adopt Resolution No. 7316 and Set a Public Hearing for April 24, 2018, to Consider Ordering the Abatement of Weeds on Various Properties within the City limits, and to hear any Objections to Imposing the Abatement Cost Therefore as a Lien Against Parcels of Property Set Forth in Exhibit A.

E.2 Request City Council to 1) Set a Public Hearing for April 24, 2018 to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt Resolution No. 7311 Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2018/2019; 3) Adopt Resolution No. 7312 Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting District No. 2 and 4) Direct Willdan Financial Services, on behalf of the City Clerk, to mail a public notice and official ballot to all affected property owners.

F. MISCELLANEOUS

F.1 Request City Council to Approve the Amended Agreement between the City and Inland Molina Health Care of California (MHCC) to Identify Certain Health Care Services Provided by the City to Medi Cal Managed Care Beneficiaries.

F.2 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for February 2018.

F.3 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 February 2018.

F.4 Request City Council to Receive and File the Statement of Income and Expense for February 2018 related to the Construction Reimbursement Agreement and Amendment #1 with Ayala@210LLC for Off-site Improvements on Renaissance Parkway.

CONSENT CALENDAR

F.5 Request City Council to Approve the Designation of an Art Park and the installation of art along Willow Avenue South of First Street for the National Endowment for the Arts Grant and Adopt Budget Resolution No. 7317 Authorizing expenditures of program grant funds.

F.6 Request City Council to Authorize issuance of a Purchase Order with Rick Engineering for \$21,490 to perform various On-Call Traffic Engineering Services.

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F.5

Council Member Trujillo stated in terms of public art, he suggest they be added to the now drought tolerant medians. Maybe they can designate Bloomington Ave. as a public art corridor for the community.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the consent calendar. Council Member Carrizales abstained from Items E.2, F.2, F.3, and F.4

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Council Member Carrizales left the dais at 7:12 pm.

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TAB 1 – Purchase and Sale Agreement and Construction Loan Agreement by and between the City of Rialto and Ayala@210LLC

Mayor Robertson declared the public hearing open.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to continue the public hearing until the April 24th City Council Meeting. Council Member Carrizales abstained.

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Council Member Carrizales returned to the dais at 7:13 pm.

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TAB 2 – Recruitments of various positions

Lucy Garcia, Human Resources Director presented the staff report regarding Recruitments of Administrative Assistant (DS), Administrative Assistant (PD), Senior Office Specialist (PD), Field Services Worker (PW), Firefighter/Paramedic (Safety/ Fire), Police Captain (Safety/ PD), and Instructor (Part-Time/ CS).

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Mayor Robertson asked about the monthly rate difference of the two Administrative Assistant in Development Services and the Police Department and they are at the same step 4.

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Ms. Garcia stated that they are slightly different rates of pay and belong to two different unions. They are relatable in duties but also different.

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TAB 2 – Recruitments of various positions

Council Member Trujillo requested clarification on the positions that are on hold. Is this for budgetary reasons?

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Ms. Garcia stated yes, right now they are just trying to evaluate as they move into the new budget year and what they can absorb in terms of job duty. If they can carry out the functions without immediately hiring is the direction they are choosing to take at this time.

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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 to Proceed with the Recruitments of Administrative Assistant (DS), Administrative Assistant (PD), Senior Office Specialist (PD), Field Services Worker (PW), Firefighter/Paramedic (Safety/ Fire), Police Captain (Safety/ PD), and Instructor (Part-Time/ CS).

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TAB 3 - Infrastructure Prioritization Report of the Safe Route to School Plan

Katie Nickel, Public Works Dept., presented the staff report regarding the Infrastructure Prioritization Report of the Safe Route to School Plan.

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Kristin Holcomb, Alta Planning, gave an overview of the safe routes to school the past year and a half.

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Min Zhou, Deputy CEO of KOA Corp, provided the report on the infrastructure for tonight's City Council presentation.

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Council Member Trujillo stated that the city has multiple school districts and looking at the map he noticed some schools on the south side, some of the plans are reaching outside the City. Are they collaborating with other surrounding cities to address this?

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Katie Nickel stated that the Mayor brought it to their attention, the Pepper corridor, so they re-evaluated all of the school on Pepper Avenue and it's bordered with San Bernardino and Colton. In reviewing the data. Combined of all the eight schools within a mile of Pepper corridor is \$4million worth of improvements. Today they sent an email to the engineers representing the two cities to start collaborating for the next grant funding coming up.

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Robert Eisenbeisz, Public Works Director stated that they applied to another application to include additional schools that were not RUSD but located within the city. They were not successful but will continue to do that. They need to get those school included in the overall plan.

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**TAB 3 - Infrastructure Prioritization
Report of the Safe Route to School Plan**

Council Member Trujillo stated that some of the school are built on the county islands and are currently being worked out. Are they reaching out to the county?

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Katie Nickel stated that Carter High School is around the County area and some of those improvements have been identified. They haven't reached out to the county yet but they can do that.

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Interim City Administrator Steel stated that they are supposed to annex the islands before there is any grant funding in place.

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Mayor Robertson stated that she is happy they finally have a document that quantifies some of the concerns they have. Knowing there are going to be funds, they will be able to do a little at a time. She noticed at Winchester and Pepper Ave. there is a crosswalk and it wasn't a high priority. If they haven't heard they will be opening the Pepper Ave. interchange on May 1st and it will add more traffic. Safe Routes to School encourages kids to walk to school.

People have criticized the use of the money for this but if they don't take the time to put in an investment into the community and make it sustainable then they will be sitting around upset and wondering why other communities are biking and walking. They need to first make it available and make it safe so people can use it.

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Motion by Mayor Robertson, second by Council Member Trujillo and carried by a 5-0 vote to Approve the Infrastructure Prioritization Report of the Safe Route to School Plan.

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**TAB 4 - 2018/19 Road Maintenance and
Rehabilitation Project List**

Jeffery Schaffer, Public Works Dept., presented the staff report regarding the 2018/19 Road Maintenance and Rehabilitation Account Project List.

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Mayor Robertson stated that they didn't identify the projects on the map.

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Mr. Schaffer stated that they are early in the planning phase and they haven't prepared an actual location map yet.

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Mayor Robertson asked what date they are using to support the justification of the selections.

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TAB 4 - 2018/19 Road Maintenance and Rehabilitation Project List

Jeffery Schaffer, Public Works Dept., stated this is based on the city's pavement management system so it based on the pavement condition indexes for these streets. Most of the streets are arterials and the index was prepared in 2013. At the last city council meeting it was approved to release an RFP to update the Pavement Management System.

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Council Member Trujillo stated that if a resident has a complaint of a street, then Public Works puts them on a list. Is this the list?

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Mr. Schaffer stated that the Pavement Management System is based on an engineering valuation of the street condition. They do receive request from residents and they do take that into account when they are making their final selections.

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Mayor Pro Tem Scott asked if there was any priority for this list?

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Mr. Eisenbeisz stated that they are not in priority order at this point. The city isn't locked into these specific locations. If they determine there is a more important need, there is no restriction of the funds. In October they provide the State a report of the expended funds.

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Mayor Pro Tem Scott stated that he would like for them to establish some priorities. He can see Riverside Ave. from Casa Grande to Locust. That's basically the city limits to Locust Ave. which is in really bad shape. Pepper Avenue with the opening of the 210 ramps, there will be more truck traffic.

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Mr. Eisenbeisz stated that a new pavement management system list is about a six month process.

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Mayor Robertson stated that she would also like to see an updated designated truck routes.

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Council Member Baca Jr. stated he has a problem if they start paving the portions that are not Rialto. There are plenty of projects that are in Rialto. He doesn't want to get in that habit.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Adopt Resolution No. 7318, Adopting the 2018/19 Road Maintenance and Rehabilitation Account Project List.

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TAB 5 - Augmented 2017 Active Transportation Program Grant Funding for Active Transportation Projects

Katie Nickel, Public Works Dept. presented the staff report regarding the Augmented 2017 Active Transportation Program Grant Funding in the Amount of \$1,260,000 for Active Transportation Projects.

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Mayor Pro Tem Scott asked what is Rialto's fair share or is it strictly grants?

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Ms. Nickel stated that the local piece was presented in TAB 3.

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Mr. Eisenbeisz stated that its formula based on population.

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Council Member Baca Jr. stated that he is a big proponent of the Cactus Trail and he would like to be involved in the design of it. He would like to include parking in that portion near the Pacific Electric Trail. Can it be included in this design?

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Ms. Nickel stated that it is included as part of the Cactus Trail design. There are 2 sites they have identified as potential for a parking structure, Foothill/Cactus southwest corner and the southwest corner of Baseline/Cactus.

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Council Member Trujillo stated this is an important corridor that not only connects to the Basin and then Renaissance. He is in full support.

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Mayor Pro Tem Scott stated that he thinks in the plan there should be parking where it connects to the Pacific Electric Trail. They should be able to work out something with the flood control district.

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Mayor Robertson stated they had one initial meeting with the County Elected but she knows they need parking. The Corridor is still owned by SBCTA. It will still remain as something they can't utilize it because it's a spur to where the Orange Lumber line, they also need to coordinate with them to turn their right-of-way into parking.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Adopt Resolution No. 7319 accepting the Augmented 2017 Active Transportation Program Grant Funding for Active Transportation Projects Through the Road Repair and Accountability Act of 2017, Senate Bill 1 (SB1) in the Amount of \$1,260,000; and Approve a Professional Services Agreement with KOA Corporation, in the Amount of \$194,025 for the Cactus Trail Design, City Project No. 170801.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to adjourn the City Council Meeting at 8:48 p.m. in memory of:

Mr. Victor Diaz

Passed on April 5, 2018

Husband of Maria Diaz, owners of Brother's Pizza

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA MCGEE