

**REGULAR MEETING
of the
CITY OF RIALTO**

CITY COUNCIL

**City of Rialto, acting as Successor Agency to the
Redevelopment Agency**

MINUTES

Tuesday, June 13, 2023

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, June 13, 2023.

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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 Robertson called the meeting to order at 5:00 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Council Member Ed Scott, and Council Member Joe Baca. Also, present were Acting City Manager Arron Brown, City Attorney Eric Vail, and City Clerk Barbara McGee.

Mayor Pro Tem Andy Carrizales, Council Member Rafael Trujillo and City Treasurer Edward Carrillo was absent.

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1. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Significant exposure to litigation Pursuant to Government
Code section 54956.9(d)(2)

Number of matters: Five (5) Matters

- IDR (Ford)
- IDR (Russo)
- Potential City claim against engineering firm related to street project

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CLOSED SESSION

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Three (3) matters:

- (1) Center for Community Action and Environmental Justice,
et al., v. City of Rialto, et al.,
SBSC Case No. CIVSB2311760
- (2) Joseph Shepherd, et al., v. City of Rialto, et al.
SBSC Case No. CIVSB2311005
- (3) Supporters Alliance for Environmental Responsibility v.
City of Rialto, et al.,
Camfield Partners, et al., Real Parties in Interest
SBSC Case No. CIVSB2303227

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: APN: 0264-211-15 & 17; and

0264-211-44, 45, 46, & 54;

Agency Negotiator: Acting City Manager Arron Brown;

Deputy City Attorney Robert Messinger

Negotiating Parties: City of Rialto,

City of Rialto as Successor Agency;

TE Newland Investments, LLC

Under Negotiation: Price and Terms Sale

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957(b)

Two (2) positions:

Title: Acting City Manager

Title: City Attorney

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Mayor Pro Tem Carrizales arrived at 5:01 p.m.

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Motion by Council Member Scott and second by Mayor Pro Tem Carrizales and carried by a 4-0 vote to go into Closed Session at 5:02 p.m.

Council Member Trujillo was absent.

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The City Council returned from Closed Session at 6:46 p.m.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:47 p.m.

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OPEN SESSION

The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Andy Carrizales, Council Member Ed Scott, Council Member Rafael Trujillo, and Council Member Joe Baca. Also, present were Acting City Manager Arron Brown, City Attorney Eric Vail, City Clerk Barbara McGee, and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance.

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Pastor Harry Bratton – Greater Faith Grace Bible Church.

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City Attorney's Report on Closed Session

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government Code section 54956.9(d)(2)
Number of matters: Five (5) Matters
 - IDR (Ford)
 - IDR (Russo)
 - Potential City claim against engineering firm related to street project

The City Council gave direction. There is no reportable action. Fifth item was resolved prior to the City Council meeting.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code section 54956.9(d)(1)
Three (3) matters:
 - (1) Center for Community Action and Environmental Justice, et al., v. City of Rialto, et al.,
SBSC Case No. CIVSB2311760
 - (2) Joseph Shepherd, et al., v. City of Rialto, et al.
SBSC Case No. CIVSB2311005
 - (3) Supporters Alliance for Environmental Responsibility v. City of Rialto, et al.,
Camfield Partners, et al., Real Parties in Interest
SBSC Case No. CIVSB2303227

The City Council gave direction. There is no reportable action.

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

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code section 54956.8
Property: APN: 0264-211-15 & 17; and
0264-211-44, 45, 46, & 54;
Agency Negotiator: Acting City Manager Arron Brown;
Deputy City Attorney Robert Messinger
Negotiating Parties: City of Rialto,
City of Rialto as Successor Agency;
TE Newland Investments, LLC
Under Negotiation: Price and Terms Sale

The City Council received a briefing. There is no reportable action.

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957(b)
Two (2) positions:
Title: Acting City Manager
Title: City Attorney

The City Council conducted and concluded items. There is no reportable action.

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Council Member Baca acknowledged and wished Mayor Robertson a Happy Birthday.

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**PRESENTATION AND
PROCLAMATIONS**

1. In Memoriam for Brittany Augustine
2. Proclamation - Fatherhood Awareness Month –
Mayor Robertson
3. Proclamation - Juneteenth Recognition - Mayor Robertson
4. Proclamation - 50th Anniversary of the Black Voice News
5. Summer Reading Program - Signing up for Summer Reading
Program and presentation of bags
Connie Bottini - Youth Services Lead
Janet Monterrosa - Branch Manager
6. Bike Share Program Launch Presentation

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ORAL COMMUNICATIONS

June Hayes, with San Bernardino Municipal Water District addressed the City Council to inform the public of the upcoming community workshops on June 22, 2023, taking place in Mentone related to the water district's Master Plan project to obtain public input.

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ORAL COMMUNICATIONS

Margaret Lomeli addressed the City Council related to re-establishing the Historical Preservation Commission prior to COVID and about adopting the Mills Act in the City of Rialto which would benefit many resident homeowners with maintenance for historical homes.

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Jose Juarez addressed the City Council related to volunteering services to establish a Historical Preservation Commission.

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Brenda Parker addressed the City Council related to the public vending and suggested forming a committee to have public vendors have a safe place to vend and expressed concerns with safety issues.

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Lupe Camacho addressed the City Council in support of the Mills Act program and offered her assistance to help with historical homes.

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Lynn Summers addressed the City Council related to the composting fees Burrtec will be collecting and suggested money returns to the City.

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Ana Gonzales addressed the City Council to congratulate Black Voice News on their 50th Anniversary and commending the City of Rialto for acknowledging Juneteenth and hopes this will bring awareness to racial injustice locally and nationally.

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Frank Montes addressed the City Council related to building more small and medium-sized buildings for commercial use rather than large mega-warehouses.

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Steven Figueroa addressed the City Council opposition to TAB 4, the Pepper Avenue Specific Plan and asked the City Council to reconsider their vote.

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

Mayor Robertson abstained from Warrant Resolution No. 46 Voucher No. 230936 made out to the National Council of Negro Women totaling \$7,099.99.

She also asked to have TAB 1 tabled.

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

Council Member Scott asked to table TAB 5 to the June 27, 2023 City Council meeting relating to the budget as it relates to Mayor and City Council salaries.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to table TAB 1 and TAB 5 to the City Council meeting on June 27, 2023.

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City Attorney Vail suggested removing Item D.1 and continue to the City Council meeting on June 27, 2023 so that the full support for the claim is included in package and be brought back to the City Council.

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Council Member Trujillo asked to pull Item F.2 for comment.

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Mayor Robertson requested to pull Item F.6 for comment.

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Council Member Trujillo asked staff in collaboration with the City of Fontana to create opportunities for Rialto residents outside of the Rialto Unified School District to also take benefit of the grant applications project.

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Council Member Baca stated it should also include Rialto High School and Joe Baca Middle School.

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Mayor Robertson stated Jehue Middle School is in the City of San Bernardino but is part of the Rialto Unified School District.

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Acting City Manager Brown stated the police department requested TAB 9 to be pulled and bring back to the June 27th, 2023, City Council meeting.

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Mayor Robertson commended Shama Curian, Director of Human Resources and Risk Management who drafted Item F.6 and determined it go through City Council action without having it being a bargaining unit matter.

She encouraged the public to take time to understand the history behind Juneteenth and the sacrifice people made to move down south from Texas into Mexico.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 42 (05/04/2023)

B.2 Warrant Resolution No. 42a (05/05/2023)

B.3 Warrant Resolution No. 43 (05/11/2023)

B.4 Warrant Resolution No. 44 (05/18/2023)

B.5 Warrant Resolution No. 45 (05/25/2023)

B.6 Warrant Resolution No. 46 (06/01/2023)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – May 9, 2023

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D. CLAIMS AGAINST THE CITY

D.1 ~~Leila D. Robertson – Damages~~ (Removed)

D.2 Alejandrina Colon - Damages

D.3 Keana Darshell Baugh - Damages

D.4 Juan Madrigal - Property Damage

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E. SET PUBLIC HEARING

E.1 Request City Council/Rialto Utility Authority Board to Set a Public Hearing for June 27, 2023, to Receive Public Comment Related to the Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts.

E.2 Request City Council to: (1) Adopt Resolution No. 8074, Adopt Resolution No. 8075, and Adopt Resolution No. 8076 Related to Street Light Maintenance District No. 1; (2) Adopt Resolution No. 8077, Adopt Resolution No. 8078, and Adopt Resolution No. 8079 Related to Landscape Maintenance District No. 1; (3) Adopt Resolution No. 8080, Adopt Resolution No. 8081, and Adopt Resolution No. 8082, Related to Landscaping and Lighting Maintenance District No. 2; and (4) Set a Public Hearing for June 27, 2023, to Consider the Levy and Collection of Annual Assessments Therein.

CONSENT CALENDAR

- E.3 Request City Council Postpone the Public Hearing previously scheduled for (1) Tentative Parcel Map No. 2020-0001 (TPM 20195), a request to subdivide a 31.61 gross acre parcel of land into two (2) new parcels of land, (2) Conditional Development Permit No. 2020-0002, a request to allow the development and use of two (2) new industrial warehouse buildings, (3) Precise Plan of Design No. 2020-0012, a request for site and architectural review of a proposal consisting of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building on 31.61 gross acres of land, and (4) an Environmental Impact Report (Environmental Assessment Review No. 2020-0003) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue.
- E.4 Request City Council to Adopt Resolution No. 8083 Declaring The Intention to Annex Territory (Cedar Villas) to Community Facilities District No. 2016-1 (Public Services) and set a Public Hearing for July 25, 2023.

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F. MISCELLANEOUS

- F.1 Request City Council to 1) Adopt Resolution No. 8084 Approving Parcel Map 19680 for the Subdivision of Three (3) Parcels of Land (APN 0240-191-34, 0240-191-35 & 0240-191-43), Located at the Northwest Corner of Alder Avenue and Renaissance Parkway, into Four (4) Developable Parcels and One (1) Non-developable Remainder Parcel; and 2) Authorize the City Manager to Execute all Related Documents.
- F.2 Request City Council to: 1) Authorize the Submission of Grant Applications to the San Bernardino County Transportation Authority for the Transportation Development Act Article 3 Funds for the Frisbie Middle School SRTS Project and Bemis Elementary SRTS Project; and 2) Authorize the City Manager to Execute all Related Documents.
- F.3 Request City Council/Rialto Utility Authority Board Adopt City Council Resolution No. 8085 and Rialto Utility Authority Board RUA Resolution No. 04-23 Approving an Extraterritorial Wastewater Service Agreement with Shorecliff Capital, LLC, for the property located at northeast corner of Cedar Avenue and San Bernardino Avenue, Bloomington, CA, Assessor's Parcel Number 0250-101-76-0000.
- F.4 Request City Council to Adopt Resolution No. 8086, Adopting a List of Projects Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 for Fiscal Year 2023/2024.

CONSENT CALENDAR

- F.5 Request City Council to Adopt Resolution No. 8087 Summarily Vacating and Abandoning a 30-Foot Wide Road Easement within Lot 20 of Tract Map 3598 Located at 530 S. Bloomington Avenue.
- F.6 Request City Council to Adopt Resolution No. 8088, A Resolution of the City Council of the City of Rialto Establishing Juneteenth National Independence Day, A Federal Holiday, to be an Officially Observed Holiday for the City of Rialto.
- F.7 Request City Council Approve the Submission of an Application to the Southern California Association of Governments for Consultant and Technical Assistance through the Housing Infill on Public and Private Lands Program.
- F.8 Request City Council, Rialto Housing Authority, Rialto Utility Authority, and Successor Agency to Accept, Review, and file the Fiscal Year 2021-2022 Annual Comprehensive Financial Report and Related Documents.

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Motion by Council Member Trujillo, second by Council Member Baca and carried by a 5-0 vote to adopt the Consent Calendar with the following conditions: Table TAB 1 and TAB 5 and remove Item D.1 and bring back to the June 27, 2023 City Council meeting. And F.2 asking staff to collaborate with the City of Fontana to create opportunities for Rialto residents outside of the Rialto Unified School District to also take benefit of the grant applications project.

Mayor Robertson abstained from Warrant Resolution No. 46 Voucher No. 230936 made out to the National Council of Negro Women totaling \$7,099.99.

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PUBLIC HEARING

Lupe Camacho addressed the City Council related to D.1 which was pulled from the agenda. She stated that the Items on the website for D.1 are not complete. There is no supporting information.

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Mayor Robertson stated that documents should be available to see on Legistar when posted. She thanked Ms. Camacho for pointing it out.

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PUBLIC HEARING

TAB 1

City's Fiscal Year 2023-23 Proposed Annual Budget

TAB 1 was pulled from the City Council Agenda

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TAB 2

Adopt No. 8094 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts

Amy Crow presented staff report to Request City Council to: (1) Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the 4th Quarter of 2022; and (2) Adopt Resolution No. 8094 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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Mayor Robertson opened the Public Hearing.

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No one came forward to speak.

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Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to close the Public Hearing.

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Council Member Baca emphasized that residents need to be notified as to why there could be a lien on their property. He asked what is being done before producing list.

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Michael Heftman with Burrtec stated letters and courtesy calls are made after account becomes delinquent are made. It is part of the process.

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Council Member Baca stated problems arise when notifications are sent to the elderly who may not read their correspondence. He expressed his concerns.

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Mayor Robertson stated a few years ago, residents were given the option to have an automatic trash lien placed on their home. Residents could opt out if they choose not to be on the list.

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Mr. Heftman stated the program is still effective and they can certainly reach out to the customer to explain the program before getting to the final steps in the process.

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Council Member Baca stated he appreciated that.

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Motion by Council Member Baca, second by Council Member Trujillo and carried by a 5-0 vote to Adopt Resolution No. 8094 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 3

**Specific Plan Amendment No. 2022-0001
Adopt Resolution No. 8095;
Resolution No. 8096 Precise Plan of
Design No. 2022-0025; Resolution No.
8097 Environmental Assessment Review
No. 2022-0037**

Daniel Rosas, Associate Planner, presented staff report to request City Council on the Specific Plan Amendment No. 2022-0001: Request the City Council Conduct a Public Hearing to consider Adoption of (1) Resolution No. 8095 approving Specific Plan Amendment No. 2022-0001, a request to change the specific plan zoning designation of approximately 1.67 acres of land from Commercial - Mixed Use (C-MU) to Residential – High Density (R-HD), (2) Resolution No. 8096 approving Precise Plan of Design No. 2022-0025, a request for site and architectural review for the development of a 21-unit apartment complex with 5 Accessory Dwelling Units and (3) Resolution No. 8097 approving an Addendum to the Foothill Boulevard Specific Plan Mitigated Negative Declaration (Environmental Assessment Review No. 2022-0037) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard.

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Mayor Robertson opened the Public Hearing.

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No one requested to speak.

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

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Council Member Scott asked if the project was apartments.

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Mr. Rosas stated yes.

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Council Member Scott asked if they were stand-alone buildings on separate lots.

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Mr. Rosas stated it would remain one parcel. Eight individual buildings.

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Council Member Scott stated that when the project was going before the EDC, it was presented as townhomes.

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Mr. Rosas stated the designer's intention was to create apartments with a home feel to them.

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TAB 3
Specific Plan Amendment No. 2022-0001
Adopt Resolution No. 8095;
Resolution No. 8096 Precise Plan of
Design No. 2022-0025; Resolution No.
8097 Environmental Assessment Review
No. 2022-0037

Council Member Scott stated they were never presented as rental units.

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Council Member Scott expressed his concerns for the ability to break up the lots and sell them individually and have four individual four-lot apartments. There has been a history of problems with the City having those type of projects due to absentee owners.

He asked how the City intends to prevent it.

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Mr. Rosas stated a conditional approval could be put in place. The matter would have to be brought up to Council to determine possibility in the future.

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Council Member Scott expressed to City Attorney Vail that he cannot support the Item as it currently stands. They can return in a few years and break the buildings and sell them as individual buildings. He asked if there was a way to require it to be maintained and kept as an apartment complex.

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City Attorney Vail stated that in order to be sold as individual units, it would require to process a parcel map or subdivision map subject to the discretionary approval of the City.

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Council Member Scott stated he is aware, but it becomes a huge problem for the City.

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City Attorney Vail stated if City Council chooses to prohibit in the future, the Item would have to be continued and refer to planners.

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Council Member Scott asked if it can be deed restricted.

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City Attorney Vail stated they would have to determine if a deed restriction would be effective.

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Council Member Scott made a motion to continue the Item until questions are answered at a future meeting.

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TAB 3

**Specific Plan Amendment No. 2022-0001
Adopt Resolution No. 8095;
Resolution No. 8096 Precise Plan of
Design No. 2022-0025; Resolution No.
8097 Environmental Assessment Review
No. 2022-0037**

Council Member Trujillo inquired about parking conditions and asked if cars would be parked on Cactus Avenue.

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Mr. Rosas stated the design accommodates two spaces per unit. The ADU requirement is 48 spaces. Sixty-two are being provided.

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Council Member Trujillo expressed his concern with parked cars in a busy thoroughfare and to bring answers to the EDC.

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Mayor Robertson agreed with Council Member Scott and expressed the same concerns with the project originally presented as townhomes, adequate parking and density within the space.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to Continue Item 3 to the June 27, 2023 City Council meeting.

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NEW BUSINESS

TAB 4

**Adopt Resolutions 8098, Resolution
8099, Resolution 8100, Resolution 8101
and Resolution 8102 a request to amend
the Pepper Avenue Specific Plan**

Eric Vail, City Attorney, presented staff report to Request City Council to (1) Adopt Resolution No. 8098 approving Specific Plan Amendment No. 2020-0002, a request to amend the Pepper Avenue Specific Plan to allow a new "Light Industrial" land use designation and development standards, divide Planning Area 1 into two (2) Planning Areas - Planning Area 1 (2.63 acres) and Planning Area 10 (11.64 acres), change the land use designations of Planning Areas 2, 3, and 10 from Community Commercial to Light Industrial, add various traffic circulation improvements, and textual and graphical amendments, (2) Adopt Resolution No. 8099 approving Conditional Development Permit No. 2020-0008, a request to allow the development and use of a 470,000 square foot industrial warehouse building on approximately 23.82 acres of land within Planning Areas 2 & 3 of the Pepper Avenue Specific Plan, (3) Adopt Resolution No. 8100 approving Precise Plan of Design No. 2020-0014, a request for site and architectural review for a proposed 470,000 square foot industrial warehouse building on approximately 23.82 acres of land within Planning Areas 2 & 3 of the Pepper Avenue Specific Plan, (4) Adopt Resolution No. 8101 certifying a Subsequent Environmental Impact Report (Environmental Assessment Review No. 2020-0010) prepared for the project, in accordance with the California Environmental Quality Act (CEQA)., and (5) Adopt Resolution No. 8102 authorizing the Acting City Manager to Execute a Community Benefits Agreement with Howard Industrial Partners, LLC.

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TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

Mayor Robertson emphasized that she was not at the previous meeting, but she is the presiding officer. She stated if there is a need to call upon law enforcement to take action, it will not come from Counsel. It will come from the Mayor.

The Mayor is the presiding officer. The Mayor conducts the meeting. She is here because she works for the members of the community.

She asked if anyone wishes to speak.

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Deputy City Clerk Rodriguez stated yes.

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Public Comment

Evalia Sands addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan.

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Frank Gonzales addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and asked the City Council to reconsider.

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Brenda Parker addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and asked the City Council to reconsider.

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Ira Lino addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and asked the City Council to reconsider.

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Gerry Michelle Sanchez addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and asked the City Council to reconsider.

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Ana Gonzales addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and ask Council Member Carrizales to recuse himself related to a potential conflict of interest.

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John Puekert addressed the City Council and expressed opposition to the current plan on TAB 4 and recommends the Pepper Avenue Specific Plan remain as it was originally approved and not be changed because effects it will cause on the community.

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Frank Montes addressed the City Council related expressed opposition to the current Pepper Avenue Specific Plan

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TAB 4
Adopt Resolutions 8098, Resolution
8099, Resolution 8100, Resolution 8101
and Resolution 8102 a request to amend
the Pepper Avenue Specific Plan

Dave Aston addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan.

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Claudia Cuevas addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and to make a good decision on behalf of the children and youth.

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Lupe Camacho addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and stated that the community will be heard through a referendum and petitions. She urges the City Council to reconsider and not go against staff and the Planning Commission's recommendations.

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Yolanda Smith addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan to voice her concerns because her students are worth it. She asked the City Council to value what the community values and allow them to vote on the matter.

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Angel Ramirez addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and believed it is not fair for the children, and they deserve to live in a clean-air community.

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Maria Velazquez addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan. She stated she is willing to secure signatures from the community. She urges the City Council to reconsider and have the community take it to a vote.

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Jevanny Aguilera addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan as a Bloomington resident.

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Mirna Ruiz addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and asked the City Council to reconsider.

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Juanita Chan addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and expressed her concern for the negative impact on air quality and asked the City Council to take these matters into account.

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TAB 4
Adopt Resolutions 8098, Resolution
8099, Resolution 8100, Resolution 8101
and Resolution 8102 a request to amend
the Pepper Avenue Specific Plan

Steven Figueroa addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and the health impacts on the community. He voiced concerns related to the violation of the First Amendment and Americans with Disabilities Act for the absence of certified Spanish and sign-language interpreters. He believed the Brown Act is being violated. He is asking the City Council to rethink their vote.

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Sandra Healy addressed the City Council and expressed opposition to the current Pepper Avenue Specific Plan and her desire in making Rialto pretty and not filled with warehouses.

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Mayor Robertson stated she listened to public concerns, and they did not fall on deaf ears. She stated she voted her concerns and her convictions and will continue to do so. She expressed her concerns with the report and asked staff for clarification. She inquired related to the community benefits that were not within Rialto's jurisdiction and would not require City Council action and asked about modifications in the report that did not pertain to Rialto although the report indicating the City of Rialto as the approval authority for the community benefits agreement. She raised questions related to building a project when the community is against it.

She asked City Attorney Vail why it was in the document.

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City Attorney Vail stated it is in the document because developer volunteered to make them and in drafting the community benefit agreement wanted to tie them to certain actions. The City doesn't have jurisdiction or authority on money the developer gives to the school district or a non-profit. The developer proposed the Items to be in the package.

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Mayor Robertson emphasized she is not in favor of the project and quoted the staff report "The Mayor shall sign as to the passage and adoption of this resolution and thereupon the same shall take effect and be enforced."

She emphasized that statement is either taken out or not take ownership to it because we have been bought. She resents the school district making a plan behind the community's back and proposed a plan and is now in the agreement. She stated she agrees to disagree with her colleagues. She can only vote what her conscious is. She believed it should go out to the people. Let the people speak for what they want in their own community.

She believed there should be certified Spanish and sign language interpreters. She asked who the keeper is of not violating the Brown Act and the Americans with Disabilities Act.

TAB 4**Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101, and Resolution 8102 a request to amend the Pepper Avenue Specific Plan**

Council Member Trujillo concurred Mayor Robertson related to the Spanish interpreter. For years it was something the City Council has been asking for. There had been staff members assisting with interpretation, but not certified in interpretation. He hopes the City moves in that direction to be able to accommodate the residents.

He stated it is nice to see an active community engaging on issues they care about. He's heard and responded to residents' concerns.

He emphasized his repeated requests to staff related to including a community benefit agreement into the ordinance benefitting the City and its services, but it has not come to completion. He is leaning towards a moratorium to create a community benefit Ordinance to bring benefits to the City in a very specific manner to focus on the City's precise needs. He believed there needs to be an agreement among Council Members to determine the exact benefits the City needs and invite community members to be part of the discussion.

The workforce development is the key issue and help young workers be prepared so they are not replaced by robots. It is difficult to replace workers who are skilled with workforce talents. He emphasized that he does not vote in favor of every warehouse. The previous warehouse project did not include a community benefit agreement and was not interested in devoting any assets to the Rialto community but still interested in utilizing City roads.

He is willing to postpone the project until it is determined how these projects will benefit the community. He hopes to have further discussions with the community on this project.

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Council Member Baca also agreed with establishing Spanish and sign language interpreters. It will be good for the citizens of Rialto, so they are aware of what they are doing.

He believed it is not the responsibility of the any City Council to ask a developer for community benefits for an organization or school or police department. If a member participates in such activities, it is in violation of Federal law.

He thanked all those who have spoken on this project. Any action that is taken is in the best action for the City. He believed the warehouse project is not in the best interest of the City. The City has a responsibility for what is best for the citizens of Rialto today and in the future and what impact it will have. That is why he opposes this project. He hopes members of the City Council will reconsider their vote and turn this project or table it. He emphasized that the Planning Commission made recommendations against this project. The recommendations were for commercial, retail and housing. It did not include warehouses. The City staff gave the same recommendations. He stressed that this project would impact safety on the Pepper Avenue extension main artery to access Arrowhead Medical Regional Center.

TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

Council Member Baca stated it is unclear if there is a conflict of interest, but it is yet to be determined. He hoped that his colleagues will reconsider, vote to table it, or allow the residents to vote on this project.

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Council Member Scott thanked the community for everything that was said. He asked City Attorney Vail if the action on the Item is to either approve the resolutions or not approve the resolutions as written.

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City Attorney Vail stated correct.

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Council Member Scott asked if the community benefit agreement is strictly voluntary on the part of the developer.

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City Attorney Vail stated yes.

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Council Member Scott inquired related to the community benefit agreement being modified from originally \$5 million towards a charter school to \$5 million towards the Rialto Unified School District and asked if Mr. Daniel Casey, Senior Planner requested the developer to make that change.

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Mr. Casey stated the change was not requested by staff.

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Council Member Scott asked if he is aware who requested the change.

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Mr. Casey stated staff is not aware.

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Council Member Scott stated he is displeased. He does not believe the Rialto Unified School District should receive funds through a community development agreement for a project built in Rialto.

He is unaware who made that request. He is opposed to it and will continue opposing to give the school district money.

When the Redevelopment Agency was dissolved, the sales of properties through the RDA are divided among taxing agencies. The RUSD receives a large portion of that money. RUSD will have received approximately \$14 million through the Redevelopment Agency while the City of Rialto will receive \$7 million. He requested to have exact figures. He asked how will the \$5 million of the community benefit agreement to the Rialto Unified School District be paid.

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TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

City Attorney Vail stated the agreement expressly states the developer shall pay the lump sum payment of \$5 million dollars to the Rialto Unified School District.

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Council Member Scott asked if it was a direct payment to the Rialto Unified School District.

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City Attorney Vail stated it is a direct payment to them.

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Council Member Scott verified that the City had not requested that change.

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Mr. Casey stated that is correct.

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Council Member Scott stated based on that information, he will make a motion to approve Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102.

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Mayor Robertson inquired related to funds paid by developer to the RUSD and asked why the staff report indicates that funds to the RUSD will be paid in full upon building permit issuance. Why are they written in City documents and action taken on them?

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Mr. Casey stated the staff will require proof of those payments to the school district – that the developer has made those payments to the school district prior to the staff issuing a building permit.

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Mayor Robertson clarified that the City is entwined in the agreement.

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Mr. Casey stated as far as receiving proof of payment.

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Mayor Robertson clarified that the City issues a permit and then confirms that the developer pays the school district.

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Mr. Casey stated those are the terms agreed to by the applicant on the community benefit agreement.

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TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

Mayor Robertson expressed her concerns. She asked if a special election can be held on a matter that allows the community to vote upon prior to a general election in 2024.

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City Attorney Vail stated the cost of the election by referendum or initiative would be on the City. This is not proposing a tax limited to only every two years. The election code provides if the community submitted a referendum and went to the voters, there is a certain time schedule allowing for a special election. Should the City Council decide to add the general specific plan amendment to the voters, through a direct initiative, there are ways to do it. The City would have to bear the cost.

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Mayor Robertson stated she understands and is prepared for the City to bear the cost. She asked if the City could initiate a special election on behalf of the residents to determine who the citizens feel about the project.

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City Attorney Vail stated Election Code 9222 allows an initiative for the City to submit any Ordinance to the voters. In this case, the specific plan amendment is a legislative action that could be submitted to the voters. There might be legal consequences vis-à-vis the developer.

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Mayor Robertson emphasized that prior to acting, the City Council would consider and absorb the cost to hold an election and let the residents vote on it. It gives the developer an opportunity to file a litigation against the City for delaying the project, but there has been no action on this project. There now have been modifications to the original document. There is a lot that the City Council has no control over.

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Council Member Baca asked if the project can be rejected today and not only the additional dollars.

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City Attorney Vail stated a motion requires three affirmative votes to pass a resolution.

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Council Member Baca asked yes or no.

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TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

Council Member Scott stated he called for the question.

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City Attorney Vail reiterated his response and stated that is the question. The motions require three affirmative votes. If you don't have three affirmative votes, it does not pass.

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Council Member Trujillo seconds the call for the question.

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Mayor Robertson asked if Council Member Trujillo second the motion.

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Council Member Trujillo stated correct.

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Council Member Baca moved to table the Item.

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Council Member Scott stated Council Member Baca made a motion. There is a motion on the floor.

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Mayor Robertson stated there is a motion on the floor. It has been seconded by Council Member Trujillo.

Council Member Baca is making a subsequent motion.

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Council Member Baca stated he makes a subsequent motion to table the Item.

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Mayor Robertson stated she will second the motion to table the Item.

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Council Member Scott stated he called for the question on the first motion and asked for a roll call.

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City Attorney Vail stated the subsequent motion needs to be acted on first. There was a motion and a second to table the Item. That will require a vote first.

If it does not pass, it returns to Council Member Scott's motion.

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TAB 4

Adopt Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan

Motion by Council Member Baca, second by Mayor Robertson and carried by a 2-3 vote to table the Item 4 to a subsequent meeting.

The vote was AYES: Mayor Robertson and Council Member Baca.

NOES: Mayor Pro Tem Carrizales, Council Member Scott, Council Member Trujillo. ABSTAIN: None. ABSENT: None.

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City Attorney Vail stated the motion failed. Now return to the motion on the floor. Roll call on that motion.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by 3-2 vote to approve Resolutions 8098, Resolution 8099, Resolution 8100, Resolution 8101 and Resolution 8102 a request to amend the Pepper Avenue Specific Plan.

The vote was AYES: Mayor Pro Tem Carrizales, Council Member Scott, Council Member Trujillo.

NOES: Mayor Robertson and Council Member Baca. ABSTAIN: None. ABSENT: None.

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City Attorney Vail stated with that motion passing, that concludes the agenda item.

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TAB 5

**First Reading Ordinance No. 1686
Adjust Salary of the Mayor, City Council Members, City Clerk and City Treasurer of the City of Rialto**

TAB 5 was pulled from the City Council Agenda to continue at the June 27, 2023, City Council meeting.

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Mayor Robertson and Council Member Baca stepped away from the dais at 10:39 p.m.

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Mayor Pro Tem Carrizales conducted the meeting.

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TAB 6

Approve Contract Services Agreement with Securitas Electronic Security

Mike Orona, Acting Public Works Superintendent, presented staff report to Request City Council to: (1) Approve a Contract Services Agreement with Securitas Electronic Security, Inc. for Annual Access and Intrusion Alarm System Monitoring, Maintenance and Repair Services in the Not to-Exceed Amount of \$154,104.68 for Fiscal Year 2023/2024; and (2) Authorize the City Manager to Execute All Related Documents.

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TAB 6
Approve Contract Services Agreement
with Securitas Electronic Security

City Attorney Vail stated for the record that Mayor Robertson and Council Member Baca are not present at the dais, but there is still a quorum.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 3-0 vote to (1) Approve a Contract Services Agreement with Securitas Electronic Security, Inc. for Annual Access and Intrusion Alarm System Monitoring, Maintenance and Repair Services in the Not to-Exceed Amount of \$154,104.68 for Fiscal Year 2023/2024; and (2) Authorize the City Manager to Execute All Related Documents.

Mayor Robertson and Council Member Baca were absent.

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Council Member Baca returned to the dais at 10:42 p.m.

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TAB 7
Approve the Third Amendment to the
Professional Services Agreement

Vicente Giron, Engineering Manager, presented staff report to Request City Council to: (1) Approve the Third Amendment to the Professional Services Agreement with Engineering Resources of Southern California for On-Call Plan Check Services; (2) Approve the Third Amendment to the Professional Services Agreement with Willdan Engineering for On-Call Plan Check Services; and (3) Authorize the City Manager to Execute All Documents.

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Motion by Council Member Baca, second by Council Member Scott and carried by a 4-0 vote to (1) Approve the Third Amendment to the Professional Services Agreement with Engineering Resources of Southern California for On-Call Plan Check Services; (2) Approve the Third Amendment to the Professional Services Agreement with Willdan Engineering for On-Call Plan Check Services; and (3) Authorize the City Manager to Execute All Documents.

Mayor Robertson was absent.

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TAB 8
Maintenance Service Agreement to
Inland Empire Landscape, Inc.; Authorize
Issuance of Purchase Order for
FY 2023/2024

Mike Orona, Acting Public Works Superintendent, presented staff report to Request City Council to: (1) Award a Maintenance Services Agreement to Inland Empire Landscape, Inc., a California Corporation for Landscaping and Ground Maintenance Services for Landscape Maintenance Districts, Parkways and Median Islands; (2) Authorize the Issuance of a Purchase Order in the Not-to-Exceed Amount of \$925,496 for Fiscal Year 2023/2024; and (3) Authorize the City Manager to Execute all Related Documents.

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Council Member Scott inquired related to landscape areas on Riverside Avenue and asked about the provision to replace bark or is it a separate capital-type item.

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**TAB 8
Maintenance Service Agreement to
Inland Empire Landscape, Inc.; Authorize
Issuance of Purchase Order for
FY 2023/2024**

Mr. Orona stated it is a separate item under the Parks maintenance division, and it performed annually on an as-needed basis.

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Council Member Scott asked why it would fall under Parks maintenance rather than the weekly landscaping service.

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Mr. Orona stated it is maintained for various City events.

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Council Member Scott stated those have not been replaced and it is beginning to appear shabby.

He asked for a report to determine when a bark schedule replacement will take place. It needs to be maintained on a periodic basis.

He asked if Burrtec is supplying the bark every year.

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Mr. Orona confirmed bark is supplied through Burrtec Waste Industries.

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Council Member Scott requested a report to the City Council related to the replace bark schedule.

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Mr. Orona stated he will.

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Motion by Council Member Baca, second by Council Member Scott and carried by a 4-0 vote to 1) Award a Maintenance Services Agreement to Inland Empire Landscape, Inc., a California Corporation for Landscaping and Ground Maintenance Services for Landscape Maintenance Districts, Parkways and Median Islands; (2) Authorize the Issuance of a Purchase Order in the Not-to-Exceed Amount of \$925,496 for Fiscal Year 2023/2024; and (3) Authorize the City Manager to Execute all Related Documents.

Mayor Robertson was absent.

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Acting City Manager Brown asked Council Member Scott if a Receive and File Report on Consent Calendar will be acceptable since the request was made in open session.

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Council Member Scott stated it will not require to be on the agenda. An email from Director of Maintenance & Facilities Sullivan will suffice.

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TAB 9
Professional Services with Social Work
Action Group; Approve Purchase Order
for FY 2023-2024

TAB 9 Item was pulled to continue at the June 27, 2023, City Council meeting.

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TAB 10
Adopt Resolution No. 8103 Amending the
Capital Improvement Program

Cynthia Alvarado-Crawford, Community Services Director, presented staff report to Request City Council to: (1) Adopt Resolution No. 8103 Amending the Capital Improvement Program to Appropriate \$1,617,950 to the Birdsall Park Improvement Project, City Project No. 210304; (2) Approve a Funding Agreement with the County of San Bernardino related to the Birdsall Park Improvement Project; (3) Transfer \$1,000,000 Initially Allocated for the Fitness Center Conversion to the Birdsall Park Improvement Project, and (4) Authorize the City Manager to Execute all Necessary Documents.

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Council Member Trujillo asked about a needs assessment for the parks system.

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Community Services Director Alvarado-Crawford stated that a study was performed in 2016. The Sick City Park Project was presented to the City Council. The list is currently being updated. Projects that have been brought before the City Council are originating from that specific list.

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Council Member Trujillo requested the list be shared with the City Council.

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Community Services Director Alvarado-Crawford stated yes.

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Mayor Robertson returned to the dais at 10:50 p.m.

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Motion by Council Member Baca, second by Council Member Scott and carried by a 5-0 vote to (1) Adopt Resolution No. 8103 Amending the Capital Improvement Program to Appropriate \$1,617,950 to the Birdsall Park Improvement Project, City Project No. 210304; (2) Approve a Funding Agreement with the County of San Bernardino related to the Birdsall Park Improvement Project; (3) Transfer \$1,000,000 Initially Allocated for the Fitness Center Conversion to the Birdsall Park Improvement Project.

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REPORTS

The City Council gave their reports.

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Community Services

Director of Community Services Alvarado-Crawford gave the report.

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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 11:12 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:



CITY CLERK BARBARA A. MCGEE