

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting

Tuesday, January 9, 2018

5:00 PM

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

City Council

*Mayor Deborah Robertson
Mayor Pro Tem Ed Scott
Council Member Joe Baca Jr.
Council Member Rafael Trujillo
Council Member Andy Carrizales
Barbara A McGee City Clerk
Edward Carrillo City Treasurer
Fred Galante City Attorney
Robb Steel Interim City Administrator*

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialtoca.gov Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No.1589

Next Resolution No. 7274

Called to Order By:

ROLL CALL

Rialto – Entering a Second Century of Progress

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

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

5:00 p.m.

CLOSED SESSION

1 [18-003](#) 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) Ortiz v. City of Rialto
USDC Case No. 5:16-cv-01384 GHK
- (b) Mary Thompson v. City of Rialto
SB County Superior Court, Case No. CIVIDS1700704
- (c) City of Colton v. American Promotional Events, Inc, et al
CD Cal Case No. ED CV 09-1864 PSG(SSx) and consolidated cases
- (d) Anderson v. City of Rialto, et al.
USDC Case No. 5:16-cv-01915-JGB-SP

2 [18-004](#) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case
Claimant: Edward Palmer

3 [18-020](#) Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

4 [18-016](#) Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency designated representatives:
Fred Galante, City Attorney
Robb Steel, Interim City Administrator

Employee organizations:
RMMA Bargaining Unit
RCEA Bargaining Unit
RPBA Mgmt. Bargaining Unit
RPBA General Bargaining Unit
RFMA Bargaining Unit
Rialto Firefighters Local 3688

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE-Council Member Joe Baca Jr.**INVOCATION-Pastor Mark Baur-First Baptist Church****City Attorney's Report on Closed Session****PRESENTATIONS AND PROCLAMATIONS**

- 1 [18-007](#) Certificates of Appreciation for Departing Commissioners
Mayor Deborah Robertson
- 2 [18-021](#) Recognition of the Rialto Black History Committee-Dr. Martin Luther King
Jr. Luncheon-Councilmember Rafael Trujillo
- 3 [18-017](#) Presentation-Cardiac Survival in Rialto-Fire Chief Sean Grayson

Attachments: [Seven Tools Result in Dramatic Improvements in Cardiac Arrest Outcomes in Rialto, C:](#)

ORAL COMMUNICATIONS (5-minute time limit)**City Council to consider removing or continuing any items on the agenda***NOTICE TO THE PUBLIC*

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR**A. WAIVE FULL READING OF ORDINANCES (ACTION)**

1. Waive reading in full, all ordinances considered at this meeting.

B. APPROVAL OF WARRANT RESOLUTIONS

B.1 [18-001](#) Resolution No. 24 (12/21/17)
Attachments: [Warrant Resolution No. 24.pdf](#)

B.2 [18-002](#) Resolution No. 25 (01/04/18)
Attachments: [Warrant Resolution No. 25.pdf](#)

C. CLAIMS AGAINST THE CITY

C.1 [18-005](#) Barbara Amezcuita - Vehicle Damage
Attachments: [Claim-Amezquita.pdf](#)

C.2 [18-006](#) Daisy Garcia - Vehicle Damage

Attachments: [Claim - Daisy Garcia.pdf](#)

D. SET PUBLIC HEARING

D.1 [18-008](#) Request City Council to Set a Public Hearing for **January 23, 2018** to: (i) approve the Addendum to the Lytle Creek Ranch Specific Plan (LCRSP) Environmental Impact Report (EAR 2017-0053); and (ii) approve the LCRSP Amendment (SPA 2017-0002) to eliminate Neighborhood I, modify the land use configuration of Neighborhoods II and III, and update the text, tables, charts and maps; and (iii) approve Tentative Tract Map No. 20092 (TTM 2017-0005) to create six (6) lots, one (1) remainder lot and thirteen (13) lettered lots for public open space, utilities and infrastructure on a 188-acre portion of Neighborhood II to facilitate a 672 lot residential subdivision.

Attachments: [Exhibit A - Location Map](#)
[Exhibit B - Admin El Rancho Verde Addendum 2017.10.30](#)
[Exhibit C - Revised Land Use Map](#)
[Exhibit D - Neighborhood II](#)
[Exhibit E - El Rancho Verde TTM 20092](#)
[Exhibit F - Appendix A - GP Consistency_v3](#)
[\(Lytle Creek\) PC Resolution-Addendum](#)
[\(Lytle Creek\) PC Resolution - TPM 20092](#)
[\(Lytle Creek\) PC Resolution - LCRSP Amendment](#)
[\(Lytle Creek\) PC Resolution - Revised Specific Plan](#)

D.2 [17-1158](#) Request City Council to Set a Public Hearing for **February 13, 2018**, to Adopt a Resolution Establishing a Fair Share Fee to Recover Specific Plan/EIR and Infrastructure Improvement Costs for Projects Developed in the Pepper Avenue Specific Plan Area.

E. MISCELLANEOUS

- E.1** [17-1110](#) 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 2017.
- Attachments:* [Exhibit A Miro Way Escrow Statement of Income and Expense.pdf](#)
[Exhibit B CalTrust and FSB Statements for Miro Way Escrow October 2017.pdf](#)
[Exhibit C Alder Avenue Escrow Statement of Income and Expense.pdf](#)
[Exhibit D CalTrust and FSB Statements for Alder Avenue Escrow October 2017.pdf](#)
[Exhibit E Locust Avenue Escrow Statement of Income and Expense for October 2017.p](#)
[Exhibit F CalTrust and FSB Statements for Locust Escrow October 2017.pdf](#)
- E.2** [17-1137](#) Request City Council to adopt **Resolution No. 7267** approving the four dollar (\$4.00) State mandated surcharge on business license applications and renewals, pursuant to Assembly Bill No. 1379 - Disability Access effective January 1, 2018 to December 31, 2023.
- Attachments:* [AB 1379](#)
[Resolution - AB 1379 Business License Fee Increase](#)
- E.3** [17-1160](#) Request City Council to (1) Approve a First Amendment to the Professional Services Agreement with IDS Group, Inc., in the amount of \$36,231 for Civil and Architectural Design Services for Rialto Community Center ADA Path of Travel and Rialto Community Center Rehabilitation of Buildings 200 - 500; and Request City Council to (2) Authorize the Release of Request for Bids No. 18-061 for Rialto Community Center ADA Path of Travel; and (3) Authorize Request for Bids No. 18-062 for Rialto Community Center Rehabilitation Buildings 200 - 500.
- Attachments:* [Attachment 1](#)
[Attachment 2](#)
[Community Center Concept Plan Presentation](#)
- E.4** [17-1161](#) Request City Council to Adopt **Resolution No. 7268** Authorizing the Submission of Grant Applications to the California Transportation Commission for the 2018 Local Partnership Program under the Road Repair and Accountability Act of 2017 (Senate Bill 1) for the Randall Avenue and Alder Avenue Widening Projects; and Authorize issuance of a Purchase Order with KOA Corporation in the Amount of \$5,475 for Related Professional Services.
- Attachments:* [Resolution 01-09-2018](#)

- E.10 [18-019](#) Request Rialto Utility Authority to Approve the First Amendment to the Ground Sublease by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.

Attachments: [Exhibit A Fully Executed Lease Agreement with RBF](#)
[Exhibit B First Amendment to RBF Sublease Rialto FINAL](#)

TAB PUBLIC HEARING

- TAB 1 [17-1150](#) Request City Council to Conduct a Public Hearing Regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2 to Adopt **Resolution No. 7269** Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, Commencing in Fiscal Year 2018/2019; and Adopt **Resolution No. 7270** Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith, and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2018/2019 for Said Annexation.

(ACTION) (POWERPOINT)

Attachments: [Attachment 1 - Engineer's Report](#)
[Attachment 2 - LLD2 Boundary Map](#)
[FY1718 Rialto-LLD2-Annexation PH Reso 1](#)
[FY1718 Rialto-LLD2-Annexation PH Reso 2](#)
[Power Point Presentation LLD2 New Annexations](#)

TAB NEW BUSINESS

TAB 2 [17-1168](#)

Request that City Council approve the following resolutions:

- (i) **Resolution No. 7242** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DECLARING A FISCAL EMERGENCY PURSUANT TO ARTICLE XIII C SECTION 2(b) OF THE CALIFORNIA CONSTITUTION".
- (ii) **Resolution No. 7243**, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION ON APRIL 10, 2018 TO VOTE ON A MEASURE TO CONTINUE THE UTILITY USER TAX FOR 5 ADDITIONAL YEARS IN ORDER TO MAINTAIN THE CURRENT LEVEL OF CITY SERVICES FOR THE RESIDENTS OF RIALTO; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE SPECIAL ELECTION; REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE ADMINISTERED BY THE CITY'S ELECTIONS OFFICIAL AND HELD ON APRIL 10, 2018 AND DIRECTING THE CITY'S ELECTIONS OFFICIAL TO CONDUCT THE ELECTION".
- (iii) **Resolution No. 7244**, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS".
- (iv) **Resolution No. 7245**, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS".
- (v) **Resolution No. 7246**, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING ITS 2017-2018 FISCAL BUDGET FOR THE ELECTION COSTS RELATED TO THE UTILITY USERS TAX MEASURE".

(ACTION)

Attachments: [Exhibit A UT Voting History.pdf](#)
[Exhibit B Rialto Voting Registration.pdf](#)
[Exhibit C Staff Report and Minutes for Declaration of Fiscal Emergency July 2017.pdf](#)
[Exhibit D Staff Report and Minutes for Formation of BAC.pdf](#)
[Exhibit E Utility Tax Polling Results.pdf](#)
[Exhibit F-1 BAC Complete Agenda - October 16, 2017 \(Compressed\).pdf](#)
[Exhibit F-2 BAC Agenda - November 6, 2017.pdf](#)
[Exhibit F-3 BAC Complete Agenda - November 20, 2017.pdf](#)
[Exhibit G BAC Complete Agenda - December 18, 2017.pdf](#)
[Exhibit H Reso re Fiscal Emergency - Extending UUT.docx](#)
[Exhibit I-1 Reso Calling Special and Request for Services- Extending UUT \(April 10, 2018\)](#)
[Exhibit I-2 Ordinance Extending Rialto's Utility Users Tax \(April 10, 2018\)](#)
[Exhibit J Reso Authorizing UUT Arguments and Impartial Analysis \(April 10, 2018\)](#)
[Exhibit K Reso Authorizing UUT Rebuttals \(April 10, 2018\)](#)
[Exhibit L - Budget Resolution for April 10, 2018 Special Election](#)
[Exhibit M Reso re Fiscal Emergency - Extending UUT June 5, 2018](#)
[Exhibit N-1 Reso re Calling Special and Request Consolidation for Extending UUT June 5, 2018](#)
[Exhibit N-2 Ordinance Extending Rialto's Utility Users Tax June 5, 2018](#)
[Exhibit O Reso authorizing UUT arguments and impartial analysis June 5, 2018](#)
[Exhibit P Reso authorizing UUT Rebuttals June 5, 2018](#)
[Exhibit Q Budget Resolution for June 5, 2018 Special Election](#)

TAB 3 [17-1163](#) Request City Council to Adopt **Resolution No. 7271** Appointing Robb Steel as Interim City Administrator and Approving the Interim City Administrator Compensation and Terms Effective December 24, 2017.

(ACTION)

Attachments: [Interim City Administrator Appointment Reso](#)

TAB 4 [17-1147](#) Request City Council to Approve Amendment #1 to Exclusive Right to Negotiate Agreement with NewMark Merrill for the Development of Approximately 15.5 Acres of Property located west of Riverside Avenue and north of Valley Boulevard.

(ACTION)

Attachments: [Exhibit A - ENA Agreement](#)
[Exhibit B - Site Map](#)
[Exhibit C - Option Site Plans](#)
[Exhibit D - ENA Amendment#1 NewMark Merrill 12-6-17 clean](#)

- TAB 5** [17-1080](#) Request City Council to Authorize a Purchase Order (PO) Increase in the Amount of \$544,200 for a cumulative total of \$1,018,200 with Lockwood Engineering Company for “On-Call” Civil Engineering Plan Check and Other Related Engineering Services in Fiscal Year 2017-2018.
(ACTION)
Attachments: [Attachment 1 Completed LD Projects](#)
[Attachment 2 Ongoing LD Projects](#)
[Attachment 3 Future LD Projects](#)
[Attachment 4 - Disclosure Form](#)
- TAB 6** [17-1124](#) Request City Council to Approve a Facilities Relocation Agreement and Joint Use Agreement; and Authorize the Issuance of a Purchase Order to Southern California Edison in the Amount of \$75,000 for Relocation of Utility Poles for the Alder Avenue Phase 2 Widening Improvements, City Project No. 140801.
(ACTION)
Attachments: [Attachment 1 - SCE Final Design](#)
[Attachment 2 - Facilities Relocation Agreement](#)
[Attachment 3 - Invoice](#)
[Attachment 4 JUA](#)
[Attachment 5 - Initial Study, MND](#)
- TAB 7** [17-1162](#) Request City Council to Adopt **Resolution No. 7272** Accepting the California Department of Transportation (Caltrans), Division of Transportation Planning FY2017-2018 Sustainable Communities Grant in the Amount of \$200,000 with Local Matching Funds in the Amount of \$25,912 under the Road Repair and Accountability Act of 2017 (Senate Bill 1) for an Active Transportation Plan, and Authorize the Release of Request for Proposals for Professional Services to Develop the Active Transportation Plan.
(ACTION)
Attachments: [Resolution 01-09-2018 ATP](#)
- TAB 8** [17-1123](#) Request City Council to Authorize Issuance of a Purchase Order Increase to Lynn Merrill and Associates, Inc., in the Not-To-Exceed Amount of \$106,903.25 for a Total Cumulative Amount of \$276,903.25 for Capital Project Management and Support Services during Fiscal Year 2017-2018.
(ACTION)
Attachments: [Attachment 1 - Proposal](#)

TAB 9 [17-972](#)

Request City Council to (1) Adopt **Resolution No. 7273**; (2) Authorizing the Issuance of a Purchase Order to Musco Sports Lighting, LLC in the Amount of \$153,005 for the Design and Fabrication of the Frisbie Park Sports Field Lights; (3) Authorize the Release for Bids to Complete the Installation of the Lights and the Associated Improvements, (4) Authorize the reallocation of \$210,000 for the Bud Bender Sports Field Lights; and (5) Authorize the Issuance of a Purchase Order Change Notice to Musco Sports Lighting, LLC in the Amount of \$136,374 for the Design and Fabrication of the Bud Bender Park Sports Field Lights.

(ACTION)

Attachments: [Resolution 01-09-2018](#)

REPORTS**MAYOR:****COUNCIL MEMBERS:****CITY ATTORNEY:****CITY ADMINISTRATOR:****ADJOURNMENT**