

**REGULAR MEETING  
of the  
CITY OF RIALTO**

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

**MINUTES  
Tuesday, August 8, 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, August 8, 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, Mayor Pro Tem Andy Carrizales, Council Member Ed Scott, and Council Member Joe Baca.

Also, present were Interim City Manager Henry Garcia, City Attorney Eric Vail, and Deputy City Clerk Maria Rodriguez.

Council Member Trujillo and City Treasurer Edward Carrillo was absent.

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**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(d)(1)  
One (1) matter:  
(1) People of the State of California ex rel.  
City of Rialto v. Arevalo  
SBSC Case No. CIVDS 1931632
2. PUBLIC EMPLOYEE APPOINTMENT  
Pursuant to Government Code section 54957 (b)  
Title: City Manager

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## **CLOSED SESSION**

Council Member Trujillo arrived at 5:01 p.m.

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

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The City Council returned from Closed Session at 6:25 p.m.

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## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:30 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 Interim City Manager Henry Garcia, City Attorney Eric Vail, City Treasurer Edward Carrillo, and Deputy City Clerk Maria Rodriguez.

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### **Pledge of Allegiance and Invocation**

Mayor Deborah Robertson led the pledge of allegiance.

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Pastor Mark Baur – First Baptist Church

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

1. CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(d)(1)  
One (1) matter:  
(2) People of the State of California ex rel.  
City of Rialto v. Arevalo  
SBSC Case No. CIVDS 1931632

City Council received briefing from City Attorney's Office. There is no reportable action.

2. PUBLIC EMPLOYEE APPOINTMENT  
Pursuant to Government Code section 54957(b)  
Title: City Manager

City Council gave direction. There is no reportable action.

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## **PRESENTATION AND PROCLAMATIONS**

1. Proclamation In Memoriam of Darrell Vaughn.

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## **ORAL COMMUNICATIONS**

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

Chris Preiksaitis addressed the City Council related to replanting of Cedar trees on Cedar Avenue between Foothill Boulevard and Rialto Avenue.

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Council Member Scott asked to pull D.1, D.2, and D.3 for a separate vote.

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Council Member Baca stated that he believes that the City Council minutes of July 25, 2023, do not totally reflect a lot of the comments made by the public.

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Mayor Pro Tem Carrizales recused himself from D.3 due to zoning and his business on Foothill Boulevard.

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Council Member Baca recused himself from D.2 due to a possible conflict of interest due to residential proximity.

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### **D.1 Adopt Ordinance No. 1681**

Mayor Robertson asked if Council Member Scott wished to have separate votes for D.1, D.2, and D.3.

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Council Member Scott stated separate votes. No discussion. Strictly a vote.

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Mayor Robertson asked for a motion on D.1

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Motion by Council Member Trujillo, second by Council Member Baca and carried by a 4-1 vote to adopt Ordinance No. 1681 AN ORDINANCE OF THE CITY COUNCIL OF CITY OF RIALTO, CALIFORNIA, AMENDING TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD CHAPTER 18.116 ESTABLISHING A RESIDENTIAL OVERLAY ZONE TO ACCOMMODATE HOUSING AND MODIFYING PERMITTED LAND USES AND RESIDENTIAL DENSITIES IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT AND APPLYING THE RESIDENTIAL OVERLAY TO PROPERTIES IN THE VICINITY OF BASELINE ROAD AND RIVERSIDE AVENUE, IN THE GATEWAY SPECIFIC PLAN, AND THE CENTRAL AREA SPECIFIC PLAN.

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

NOES: Council Member Scott. ABSTAIN: None. ABSENT: None.

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

Council Member Baca stepped away from the dais at 6:44 p.m.

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**D.2 Adopt Ordinance No. 1682**

Mayor Robertson asked for a motion to act on D.2.

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Motion by Council Member Trujillo, second by Mayor Robertson and carried by a 3-1 vote to adopt Ordinance No. 1682 AN ORDINANCE OF THE CITY COUNCIL OF CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA D (PROPERTIES LOCATED NEAR NORTH RIVERSIDE AVENUE AND EASTON STREET) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.

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

NOES: Council Member Scott. ABSTAIN: None. ABSENT: None. Council Member Baca recused himself.

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Council Member Baca returned to the dais at 6:45 p.m.

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Mayor Pro Tem Carrizales left the dais at 6:45 p.m.

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**D.3 Adopt Ordinance No. 1683**

Mayor Robertson asked for a motion on D.3.

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Motion by Council Member Baca, second by Council Member Trujillo and carried by a 3-1 vote to Request City Council to Adopt by Second Reading ORDINANCE NO.1683 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA E (PROPERTIES LOCATED IN THE FOOTHILL BOULEVARD SPECIFIC PLAN) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.

### **D.3 Adopt Ordinance No. 1683**

The vote was AYES: Mayor Robertson, Council Member Baca, Council Member Trujillo.

NOES: Council Member Scott. ABSTAIN: None. ABSENT: None. Mayor Pro Tem Carrizales recused himself.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

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### **B. APPROVAL OF MINUTES**

B.1 Regular City Council Meeting – July 27, 2023

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### **C. CLAIMS AGAINST THE CITY**

- C.1 Andrew Demetri Rodriguez - Vehicle Damage
- C.2 Abner Caal - Guardian
- C.3 Mercury Insurance (Thaira Awad)

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### **D. MISCELLANEOUS**

- D.1 Request City Council to Adopt by Second Reading ORDINANCE NO.1681 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD CHAPTER 18.116 ESTABLISHING A RESIDENTIAL OVERLAY ZONE TO ACCOMMODATE HOUSING AND MODIFYING PERMITTED LAND USES AND RESIDENTIAL DENSITIES IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT AND APPLYING THE RESIDENTIAL OVERLAY TO PROPERTIES IN THE VICINITY OF BASELINE ROAD AND RIVERSIDE AVENUE, IN THE GATEWAY SPECIFIC PLAN, AND THE CENTRAL AREA SPECIFIC PLAN.
- D.2 Request City Council to Adopt by Second Reading ORDINANCE NO.1682 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA D (PROPERTIES LOCATED NEAR NORTH RIVERSIDE AVENUE AND EASTON STREET) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.

## **CONSENT CALENDAR**

- D.3 Request City Council to Adopt by Second Reading ORDINANCE NO.1683 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA E (PROPERTIES LOCATED IN THE FOOTHILL BOULEVARD SPECIFIC PLAN) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.
- D.4 Request the Council to 1) Approve the MS4 National Pollution Discharge Elimination (NPDES) System Joint Defense Agreement between the City, the County of San Bernardino as Principal Permittee and the 15 Area Cities as Co-Permittees; and 2) Authorize the Interim City Manager to Execute all Related Documents.
- D.5 Request City Council to Adopt Resolution No. 8125, Adopting the Fiscal Year 2023/2024 - 2027/2028 Measure I - Five-Year Capital Improvement Plan and Expenditure Strategy.
- D.6 Request City Council to Adopt Resolution No. 8126 Approving the 2024/2025 through 2028/2029 Measure I Five-Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Subprogram.
- D.7 Request City Council to: (1) Adopt Resolution No. 8127 to Amend Fiscal Year 2023/2024 Budget and Approve Appropriations in Fund 2223 in the amount of \$82,100; (2) Approve a Cooperative Agreement with the County of San Bernardino for Reconstruction of Easton Street from about 0.01 miles west of North Brampton Avenue to Filmore Avenue as part of the Various Streets Reconstruction Project, City Project No. 210804; (3) Authorize the Interim City Manager to Execute All Related Documents and Any Future Amendments to the Cooperative Agreement for Easton Street from about 0.01 miles west of North Brampton Avenue to Filmore Avenue.

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Mayor Pro Tem Carrizales returned to the dais at 6:46 p.m.

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Motion by Council Member Trujillo, second by Council Member Scott and carried by a 5-0 vote to adopt the Consent Calendar with the exception of D,1, D.2 and D.3.

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**PUBLIC HEARING**

**TAB 1**

**Adoption of Resolution No. 8095;  
Resolution No. 8096; Resolution 8097**

Paul Gonzales, Community Development Manager, presented staff report: 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 asked if anyone wished to speak.

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Deputy City Clerk Rodriguez stated no.

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

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Council Member Baca stated the beautification of the area will enhance the City and its outlook and change image of the City. He appreciates City staff addressing the City Council concerns such as the parking matter.

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Council Member Scott asked about comments sent back to the City by the community.

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Mr. Gonzales stated no comments were received.

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Council Member Scott asked about an email related to the project would not be allowed to park at the parking lot near the trail.

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Mr. Gonzales stated there were initial discussions in reference to a parking lot on the southwest corner of Cactus Avenue and Foothill Boulevard. There will not be a parking lot on the west side.

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**TAB 1**  
**Adoption of Resolution No. 8095;**  
**Resolution No. 8096; Resolution 8097**

Council Member Scott asked if a parking lot will ever be built.

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Mr. Gonzales stated currently there is no plan.

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Council Member Scott emphasized that the City Council has a plan to build a parking lot at that location.

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Mayor Robertson agreed.

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Council Member Scott asked when a parking lot is built by the direction of the City Council, will residents or visitors of the complex be allowed to park at that location.

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Mr. Gonzales stated it will be a public parking lot. Conditions on the parking lot can be placed such as hours of operation.

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Council Member Scott stated that should it become a public parking lot, anyone can park in that parking lot. He asked for clarification of the lot was a public parking lot.

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Mr. Gonzales stated yes.

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Council Member Scott emphasized that the City would have to determine to restrict parking hours on a public parking lot which he does not foresee happening.

He asked if the units have additional parking space in front of the unit besides the two spaces in the garage.

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Mr. Gonzales stated there are a few parking spaces at the rear and in front of the site. Nothing on the drive aisle.

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Council Member Scott asked if street parking allowed.

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Mr. Gonzales stated no. There will be a condition placed in front of the project site indicating "no parking will be permitted".

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**TAB 1**  
**Adoption of Resolution No. 8095;**  
**Resolution No. 8096; Resolution 8097**

Council Member Scott asked for the width of the streets through the project.

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Mr. Gonzales stated 26 feet wide.

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Council Member Trujillo stated there are no parking signs on both sides of Cactus Avenue. Residents of the area park on the embankment. He asked about the possibility of residents parking at local store parking lots. He asked what the parking restrictions would be in that scenario.

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Mr. Gonzales stated currently there are no restrictions on private parking lots. They are allowed if the property owner allows it.

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Council Member Trujillo stated it's an area with a lot of parking tension. There is hardly anything available. He hopes there is a resolution to the limited parking. He believes there may not be enough parking, and it would add more problem to the situation. He hopes for efforts to add a public parking lot to ease the tension.

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Mayor Robertson agreed that parking is limited and made clear that the parking lot to be built will be public access.

She asked about assigned parking spaces for each unit or is it first-come, first-served.

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Mr. Gonzales stated each unit will have a two-car enclosed garage. It's only required to have a one-car enclosed garage, but two were provided. Additional parking is for guests.

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Mayor Robertson expressed concerns related to the apartment units individually turned into separate units and sold. It is understood that property owner would need to agree on placing parcel restrictions prohibiting the subdivision of the parcels unless the City agrees to it.

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Mr. Gonzales stated that's correct.

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Council Member Scott stated the agreement is in the package.

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**TAB 1**  
**Adoption of Resolution No. 8095;**  
**Resolution No. 8096; Resolution 8097**

Mayor Robertson expressed her concerns related to community comments received if public notice had not been distributed to the community of the pending project. If there were no community meetings, how would community comments be received.

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Mr. Gonzales stated one resident attended at the June 13, 2023, City Council meeting and expressed concerns of a wall. He received the notice. He was within 660 feet.

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Mayor Pro Tem Carrizales asked which City Council meeting did the resident attend.

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Mr. Gonzales believed it was June 13, 2023, City Council meeting.

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Mayor Robertson suggested residents share with their neighbors of pending construction. She recommends City staff notify the public of the upcoming project.

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Mr. Gonzales stated City staff can visit the area and speak to residents and inform them in person.

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Mayor Robertson asked shouldn't it be the developer's responsibility.

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Council Member Scott stated they should be provided with the construction schedule, so they are informed.

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City Attorney Vail stated legal notice was given to residents within 660 feet of the project.

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Mr. Gonzales stated yes.

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Mayor Robertson stated she was informed the City had not.

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City Attorney clarified Mr. Gonzales comments that property owners within 660 feet were given separate notice twice.

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**TAB 1**  
**Adoption of Resolution No. 8095;**  
**Resolution No. 8096; Resolution 8097**

Mayor Robertson emphasized that the construction schedule should be provided so the community is well informed and who they should be contacting regarding the project.

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Council Member Scott agreed with Mayor Robertson.

He stated of the new state regulations on apartment complexes where the number of parking spaces required are being reduced to ultimately decrease the number of cars.

He requested that City staff provide the City Council information on the parking requirements and reduction of parking requirements. It's important for the City Council to be aware of the new law.

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Interim City Manager Garcia stated it will be provided this week.

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Council Member Trujillo asked if there will be plenty of trees on the property line.

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Mr. Gonzales stated the City has been provided a landscape plan. There will be trees planted.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to (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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**TAB 2**  
**Approve Agreement with the County of**  
**San Bernardino for Construction of the**  
**Cactus Avenue Easton Street Traffic**  
**Signal Project**

Art Cervantez, Engineering Manager, presented staff report to Request City Council to: (1) Approve a Cooperative Agreement with the County of San Bernardino for Construction of the Cactus Avenue at Easton Street Traffic Signal Project; and (2) Authorize the Interim City Manager to Execute All Related Documents

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**TAB 2**

**Approve Agreement with the County of San Bernardino for Construction of the Cactus Avenue Easton Street Traffic Signal Project**

Council Member Scott asked about the timeframe for the County installing the signals.

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Mr. Cervantes stated the County's design phase is close to completion. It will then go to bid. He estimates the project will be completed in 12 months.

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Council Member Scott asked on the status of the signals at Willow Avenue and San Bernardino Avenue.

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Mr. Cervantes confirmed the project was awarded to Baker Electric at the July 25, 2023, City Council meeting. Currently waiting on receiving documentation from contractor to obtain signatures through DocuSign.

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Council Member Scott asked if the Easton Street and Cactus project will include left-turn signals.

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Mr. Cervantes stated there will be stripping modifications to allow a left-turn.

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Motion by Council Member Baca, second by Mayor Robertson and carried by a 5-0 vote to 1) Approve a Cooperative Agreement with the County of San Bernardino for Construction of the Cactus Avenue at Easton Street Traffic Signal Project; and (2) Authorize the Interim City Manager to Execute All Related Documents

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**Community Services**

Director of Community Services Alvarado-Crawford gave the report.

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**REPORTS**

The 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 7:27 p.m.

Special Budget Workshop Meeting for August 17, 2023, at 5:00 p.m. at Council Chambers.

The City Council adjourned in memory of:

**Darrell Vaughn,  
Brother of Rialto City Clerk Barbara A. McGee**

**Josh Bischof,  
Cal Fire Assistant Chief**

**Tim Rodriguez,  
Cal Fire Captain**

**Tony Sousa,  
Pilot**

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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DEPUTY CITY CLERK MARIA RODRIGUEZ