

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

MINUTES

Tuesday, December 10, 2024

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376 on Tuesday, December 10, 2024.

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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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ELECTION RECEPTION

Rialto Branch Library, 251 W. 1st Street.

CALL TO ORDER

Mayor Robertson called the meeting to order at 6:30 p.m.

Mayor Robertson stated that after roll call, there will be acknowledgement of presentations following by Item to certify the election.

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The roll was called, and the following were present: Mayor Robertson, Mayor Pro Tem Andy Carrizales, Council Member Ed Scott, and Council Member Joe Baca.

Also, present were Interim City Manager G. Michael Milhiser, City Attorney Eric Vail, and City Clerk Barbara McGee.

Council Member Rafael Trujillo and City Treasurer Edward Carrillo were absent.

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CALL TO ORDER

Mayor Robertson stated acknowledgements for In Memoriam of Hazel Strickland with a celebration of life on December 20th. A certificate of appreciation to Reverend Ricky Dingle for his dedicated service to the military and commitment to the Rialto community with Greater Faith Grace Bible Church and a Certificate of Recognition to Jeffrey Creswell for exemplary veterinarian services to the animals including Rialto canine.

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ROLL CALL

Request City Council to Adopt Resolution No. 8308 Declaring the November 5, 2024, General Election Results.

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Motion by Council Member Trujillo and second by Mayor Pro Tem Carrizales and by carried by a 5-0 vote to Adopt Resolution No. 8308 Declaring the November 5, 2024, General Election Results.

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

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**SWEAR-IN
OF NEWLY ELECTED MAYOR AND
CITY COUNCIL AND
RE-ELECTED COUNCIL MEMBER,
CITY TREASUER, AND CITY CLERK**

City Clerk Barbara McGee called Supervisor Joe Baca Jr. to swear in Mayor Elect Joe Baca

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Supervisor Joe Baca Jr. congratulated newly elected and re-elected City officials and thanked Mayor Robertson and Council Member Trujillo for their years of service to the City of Rialto.

Supervisor Joe Baca Jr. administered the oath to newly elected Mayor Joe Baca.

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Mayor Joe Baca thanked Rialto residents for their support and the candidates who ran for public office, and he congratulated the newly elected officials. He acknowledged his wife and family.

He looks forward to working with all City Council Members as they move the City of Rialto forward. He looks forward in serving as Mayor for the next four years. He encouraged to have faith in everything. God will guide in every step taken.

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City Clerk Barbara McGee administered the oath to newly elected Council Member Karla Perez.

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**SWEAR-IN
OF NEWLY ELECTED MAYOR AND
CITY COUNCIL AND
RE-ELECTED COUNCIL MEMBER,
CITY TREASURER, AND CITY CLERK**

Council Member Karla Perez thanked the residents of Rialto for their vote. She is excited to return as Council Member. She thanked City staff. And thanked her family for their support during the campaign season.

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County Assessor-Recorder-Clerk Josie Gonzalez administered the oath to re-elected Council Member Andy Carrizales.

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Mayor Pro Tem Carrizales thanked his wife and family for their support during the campaign. He congratulated new Mayor Baca, and Council Member Karla Perez and existing Council Member Ed Scott for his mentorship. He and the new City Council will continue to work hard for the City's vision and put community first to make Rialto a better place to live, grow and thrive.

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Deputy City Clerk Maria Rodriguez administered the oath to re-elected City Treasurer Edward Carrillo.

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City Treasurer Carrillo thanked Rialto residents for their vote and re-election. He will continue with his duties as City Treasurer to protect the People's money and work with the new Mayor and City Council.

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Fontana Mayor Acquanetta Warren administered the oath to re-elected City Clerk Barbara A. McGee.

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San Bernardino County Assessor-Recorder-Clerk-elect Josie Gonzalez stated she looks forward to working with Mayor Baca and that together with the new Council Members continue to build a strong San Bernardino County. She stated with the leadership of City Clerk Barbara McGee is the binding that will keep all the City of Rialto working and looking ahead.

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Jessica Torres, CEO, Pallets R Us, recognized Barbara McGee and that she is a true role model for all women.

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City Clerk Barbara McGee thanked her friends and colleagues for their support. She thanked the citizens of Rialto once again for voting her in and being worthy of re-election as City Clerk. She is here to serve the public. The City Clerk's Office is a service office for the community. She congratulated Mayor Baca and the City Officials.

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CLOSED SESSION

Mayor Baca asked City Attorney Vail to briefly explain his duties and responsibilities to the public.

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City Attorney Vail stated that as contracted City Attorney, he represents the City Council and provides legal advice to the City Council. Through them, as designated to any of the department heads, the City Manager, the Treasurer, the City Clerk as is appropriate. My obligation is not to the residents or the members of the community. The City Council represent the residents. My obligation is to the City Council not to any individual member and to provide the legal advice that I see as best serves your interest. I don't make decisions of policy. I only provide legal advice.

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Motion by Council Member Scott and second by second by Council Member Perez and by carried by a 4-0 vote to go into Closed Session.

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The City Council went into Closed Session at 6:50 p.m.

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- 1. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(d)(2)

Number of Matters: One (1)

Rialto Springs LLC, letter threatening litigation

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The City Council returned from Closed Session at 7:38 p.m.

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CALL TO ORDER

Mayor Joe Baca called the meeting to order at 7:38 p.m.

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OPEN SESSION

The roll was called, and the following were present: Mayor Joe Baca, Mayor Pro Tem Andy Carrizales, Council Member Ed Scott, and Council Member Karla Perez.

Also, present were Interim City Manager G. Michael Milhiser, City Attorney Eric Vail, City Treasurer Edward Carrillo, and City Clerk Barbara McGee.

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

- 1. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(d)(2)

Number of Matters: One (1)

Rialto Springs LLC, letter threatening litigation

The City Council had a briefing from legal Counsel. There is no other reportable action.

Pledge of Allegiance and Invocation

City Treasurer Edward J. Carrillo gave the pledge of allegiance.

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Pastor Harry Bratton – Greater Faith Grace Bible Church.

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PRESENTATIONS AND PROCLAMATIONS

1. Recognition to Council Member Rafael Trujillo
2. Presentation – Update on Police Station – Chief Mark Kling
- ~~3. Recognition to Mayor Deborah Robertson~~
4. In Memoriam – Hazel Strickland

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ORAL COMMUNICATIONS

Erlinda Patterson addressed and congratulated the new City Officials and thanked the former Council Members.

She acknowledged Reverend Ricky Dingle, a veteran and Rialto resident.

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Ricky Dingle addressed the City Council related to his acknowledgement and thanked and received the certificate on behalf of all veterans.

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Ana Gonzalez addressed the City Council and thanked Mayor Robertson and Council Member Trujillo for their service and expressed her congratulations to all the newly and re-elected officials and thanked Police Chief Kling and City staff for its progress on the construction of new police station.

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

None.

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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. 19

B.2 Warrant Resolution No. 20

B.3 Warrant Resolution No. 21

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

C.1 Regular City Council Minutes – November 12, 2024

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D. CLAIMS AGAINST THE CITY – FOR INFORMATION ONLY

- D.1 Alexis Rose Sanchez
- D.2 Ginger Rooksby
- D.3 Minyan Vivian Payton
- D.4 Cesar Alberto Ibarra Olarte
- D.5 Jackson Food Stores
- D.6 Albert Ortiz
- D.7 Stephanie Cane and Victoria Queensberry
- D.8 Mellissa Mendoza and Larry Mendez
- D.9 Michael Anthony Peterson
- D.10 Venita Michelle Logan

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E. SET PUBLIC HEARING

- E.1 Request City Council Set a Public Hearing for January 14, 2025, To Receive Community Feedback, And To Discuss And Approve The Naming Of the Rialto Habitat Nature Center the, “Dr. June Hayes and Mayor Deborah Robertson Habitat Nature Center.”

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F. MISCELLANEOUS

- F.1 Request City Council to Authorize Staff to Submit a Grant Application for the 2024 FEMA Assistance to Firefighters Grant (AFG) Program.
- F.2 Request the City Council to approve the Rialto Revive: HOME Rehabilitation Grant Program guidelines and application for the Federal HOME Investment Partnership Program (HOME).
- F.3 Request City Council to Approve the Public Right-of-Way and Facilities Americans with Disabilities Act (ADA) Transition Plan.
- F.4 Request City Council to (1) Adopt Resolution No. 8309 Amending the 2024-2025 Fiscal Year Budget; (2) Accept the Fiscal Year 2023 Homeland Security Grant Program (HSGP) Award in the Amount of \$29,131; and (3) Authorize the Interim City Manager or Designee to Execute all Related Documents. This Grant Requires no Local City Match.

CONSENT CALENDAR

F. MISCELLANEOUS (Cont.)

- F.5 Request City Council to Adopt Resolution No. 8310, Approving the Execution of an Agreement to Receive Funding From the Regional Early Action Planning (REAP) Grant Program of 2021 in the Amount of \$193,000.
- F.6 Request City Council to Approve (1) the Purchase of Five (5) Interview Room Camera Systems, to Include Installation and Warranty, with Axon Enterprise, Inc. (formerly Taser International) in the Amount of \$ 193,008.04 Over Five (5) Years, Beginning in Fiscal Year 2024/2025 (2) the Purchase of One (1) PowerEdge R450 Server, with Dell Technologies, in the Amount of \$13,004.88 and (3) Authorize the Interim City Manager or Designee to Execute all Documents.

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Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 4-0 vote to approve the Consent Calendar.

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NEW BUSINESS

TAB 1

Consider its Previous Action on the Appeal of the Planning Commission’s Decision to Approve Tentative Parcel Map No. 2023-0001, Conditional Permit No. 2023-0011, Precise Plan of Design No. 2023-0018 and an Amendment to EIR for Rialto Airport Specific Plan

Eric Vail, City Attorney, presented staff report to City Council to Consider its Previous Action on the Appeal of the Planning Commission’s Decision to Approve Tentative Parcel Map No. 2023-0001, Conditional Development Permit No. 2023-0011, Precise Plan of Design No. 2023-0018, and an Addendum to the Environmental Impact Report for the Rialto Airport Specific Plan (Environmental Assessment Review No. 2023-0022).

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Motion by Council Member Scott, second by Council Member Perez and carried by a 4-0 vote to continue Item at the next City Council meeting on January 14, 2025.

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TAB 2

Filling a Vacancy on City Council

Eric Vail, City Attorney, presented staff report to Request City Council to Review and Provide Direction Regarding Filling a Vacancy on City Council.

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TAB 2
Filling a Vacancy on City Council

Public Comment

Charmaine Chapman-Morehead addressed the City Council related to the community's ordinance proposal to protect voting rights and establish a clear and concise mandate for filling vacant Council seats eliminating the appearance of cronyism.

The proposed mandate is the next highest vote-getter ordinance establishing the candidate in any Council election with the third highest number of votes as the appointee should a third seat become vacant. The community requests that the City Council refrain from making an appointment in this year's vacant seat until 2025.

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Victoria Holeman addressed the City Council asking that they prioritize the well being of the community on the vote at the last City Council meeting related to the warehouse off Locust Avenue.

She also addressed the City Council related to the vacancy seat and encourages the City Council adopt the runner up from last election or wait for next year when the community is more aware of the vacancy.

She addressed the delay with filling open positions on the Planning, Transportation, and Utilities Commissions. She urges the City Council to expedite the process and appoint individuals who expressed interest in serving the community.

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Ulysses Nora addressed the City Council to oppose the appointment of Council Member Rafael Trujillo back to the City Council. Council Member Trujillo was not a candidate for City Council and would not make sense to appoint him back to the City Council.

He advocates for the new ordinance to appoint the next highest vote earner who ran for the City Council.

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Joshua Holeman addressed the City Council in favor of appointing the next highest-voted candidate for vacant City Council seat. He believes it is the fairest way to move forward.

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Frank Montes addressed the City Council in support of the next highest voter earner. There is no need for another appointment. The voters have spoken. Listen to the voters. That is who the City Council represents.

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Yesenia Ramos addressed the City Council in support to appoint the next highest vote earner who ran for City Council.

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TAB 2
Filling a Vacancy on City Council

Public Comment

Claudia Cuevas addressed the City Council in support to appoint the next highest voter earner who ran for City Council. She walked and knocked on doors and the community expressed support for Ana Gonzales. She does not agree with four people on the City Council who get to decide who takes the seat when over 7,000 votes decided on who they wanted to fill the vacant seat.

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Mirna Ruiz addressed the City Council in support to appoint Ana Gonzalez to the vacant seat.

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Council Member Scott stated he would be receptive to the City Council conducting interviews as in the past and decide in January.

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Mayor Pro Tem Carrizales seconds the motion.

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Council Member Perez stated she agrees with discussing and to reconvene at the January 14, 2025 City Council meeting.

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Mayor Baca stated he would have hoped to appoint the next runner up, but there is a motion and a second on the floor to conduct interviews and return in January.

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Council Member Scott stated he has not made his decision. Ana Gonzalez is one of the three individuals he believes is more than capable. In the past, this community has done a number of processes of making appointments to the City Council going back to 1996.

He recommends a clear and transparent process, that goes through interviews. Anyone who wishes to apply can do so.

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Mayor Baca stated the voices of those who spoke were heard. He would have liked to have gone in the other direction, but he does not have Council support of the vote.

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City Attorney Vail stated the City needs to complete the appointment process within 60 days from today's date. The City Council can have discussions as to whether it wants to hold interviews at a special session or if they want to do that in January at the regular meeting. The City Council can come back in January and decide and execute it between then and the beginning of February. There is some time.

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TAB 2
Filling a Vacancy on City Council

Mayor Pro Tem Carrizales suggested January.

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Mayor Baca stated he would like to hear from Council Member Scott who made the motion to determine if there should be a special session at the January 14, 2025 meeting.

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Council Member Scott suggested holding a special session for interviews before the next City Council meeting. Then make the decision and ratification at the next City Council meeting on January 14, 2024.

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Mayor Baca stated a date will be established and then published and notification will be made public

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Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 3-1 vote provided direction to fill the vacant City Council seat by holding a special session meeting in January 2025 to conduct interviews. The decision and ratification will be made at the January 14, 2025 City Council meeting.

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

NOES: Mayor Baca. ABSTAIN: None. ABSENT: None.

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(Disruption in the proceedings by audience members.)

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Council Member Scott asked Mayor Baca to call order to the meeting.

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Mayor Baca called order and asked to move on to TAB 3.

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TAB 3
Provide Direction to prepare Ordinance to Govern the process to fill future City Council Vacancies

Eric Vail, City Attorney presented staff report to Request City Council to Provide Direction to Staff on the Preparation of an Ordinance to Govern the Process to Fill Future City Council Vacancies.

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Mayor Baca stated that he is asking to develop an ordinance as to how the City should proceed in the future and not pertaining to the current appointment selection.

He recommends drafting an ordinance, hold a public hearing, and return to determine which direction the City should go.

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**TAB 3
Provide Direction to prepare Ordinance
to Govern the process to fill future City
Council Vacancies**

Council Member Scott stated he is not opposed to reviewing an ordinance addressing the matter. He asked that City Attorney's office submit a report prior to the City entertaining an ordinance as to how other California cities or counties follow this same procedure including the State of California.

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Mayor Baca stated the City of Thousand Oaks follows this procedure. It is something that should be explored.

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Mayor Pro Tem Carrizales stated that he will wait on the direction of City Attorney Vail.

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Mayor Baca stated the City Council will direct the City Attorney to draft an ordinance then return before the City Council establishing a public hearing and determine when to take action.

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First Motion

Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 4-0 vote to give direction to the City Attorney to submit a report on how California Counties and Cities govern their vacant City Council seats.

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City Attorney Vail asked for clarification on direction given related to the preparing of an Ordinance to return to the City Council.

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Second Motion

Motion by Council Member Perez, second by Council Member Scott and carried by a 4-0 vote and gave direction to the City Attorney to submit a report on how California Counties and Cities govern their vacant City Council seat; prepare a draft Ordinance to present to the City Council.

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CLOSED SESSION

Motion by Mayor Pro Tem Carrizales, second by Council Member Perez and by carried by a 4-0 vote to go into Closed Session.

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The City Council went into Closed Session at 8:28 p.m.

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OPEN SESSION

The City Council returned from Closed Session at 9:05 p.m. with four members present.

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

2. CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION

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

- Melinda Ferguson v City of Rialto et al.,
SBSC Case No. CIV SB 2226991

There was a briefing from the City Attorney office. The City Council gave direction. There is no other reportable action.

3. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Interim City Manager Milhiser;
Human Resources Director Shama Curian.

Employee Organizations:

- Executive Management Team
- Management Unrepresented Employees
- Rialto City Employee's Association (RCEA)
- Teamsters Mid-Management & Confidential Employee's Union (TMMU)
- Rialto Fire Management Association (RFMA)
- Rialto Police Benefit Association – Management
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Unrepresented Employees

The City Council gave comments and direction to the labor negotiator. There is no other reportable action.

4. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957(b)

One (1) position:

Title: City Manager

The City Council gave direction, but there was no other reportable action.

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Community Services

Fire Chief Park gave the Community Services report.

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REPORTS

Council Members gave their report.

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ADJOURNMENT

Motion by Mayor Pro Tem Carrizales, second by Council Member Perez and carried by a 4-0 vote to adjourn the City Council Meeting at 9:15 p.m.

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MAYOR JOE BACA

ATTEST:

CITY CLERK BARBARA A. McGEE