

**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 12, 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, December 12, 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 Pro Tem Carrizales called the meeting to order at 4:30 p.m.

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The roll was called, and the following were present: 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, and City Clerk Barbara McGee.

Mayor Robertson and City Treasurer Edward Carrillo were absent.

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Mayor Pro Tem Carrizales conducted the proceedings.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)
Number of Matters: Three (3)

- (1) Jennifer D' Angelo v. City of Rialto et al.,
SBSC Case No. CIV DS 2017947
- (2) Lelia Deborah Robertson v. City of Rialto,
Rialto Police Department, et al.,
SBSC Case No. CIV SB 2325118
- (3) In Re Rialto Bioenergy Facility, LLC;
United States Bankruptcy Court,
Southern District of California;
Case No. 23-01467-CL11

2. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6
Labor Negotiator: Assistant City Manager Arron Brown,
HR/RM 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

3. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957
Title: City Manager

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Motion by Council Member Trujillo and second by Council Member Scott
and carried by a 4-0 vote to go into Closed Session at 4:32 p.m.
Mayor Robertson was absent.

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CLOSED SESSION

The City Council returned from Closed Session at 5:35 p.m.

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CALL TO ORDER

Mayor Pro Tem Carrizales 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 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 City Clerk Barbara McGee.

Mayor Robertson was absent.

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City Clerk McGee stated Mayor Robertson had an emergency and did not attend Closed Session and would not be attending the Regular City Council session.

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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 – EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)
Number of Matters: Three (3)

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United States Bankruptcy Court,
Southern District of California;
Case No. 23-01467-CL11

The City Council was briefed, and direction was given. There is no reportable action.

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

2. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code section 54957.6
Labor Negotiator: Assistant City Manager Arron Brown,
HR/RM 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

The City Council concluded the session and gave direction to the labor negotiators. There is no additional reportable action.

3. PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code section 54957
Title: City Manager

The City Council deliberated. There is no reportable action.

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**PRESENTATION AND
PROCLAMATIONS**

1. In Memoriam for Elvis Glen Brown – Council Member Trujillo
2. Presentation - The Handtevy Recognition of Excellence in Pediatric Care – Dr. Michael Neeki, DO
3. Recognition - Hero of the Night by Ontario Reign:
Police Captain Anthony Vega – Mayor Pro Tem Carrizales

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ORAL COMMUNICATIONS

Mayor Pro Tem Carrizales asked if anyone wished to speak.

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Joe Baca Jr, San Bernardino County Supervisor, addressed the City Council related to TAB 5 and presented a \$150,000 check to the City of Rialto and Rialto Fire Department and spoke briefly on the development of the project and gave update on the Cactus Trail. He thanked everyone for their partnership on the Easton Avenue and Cactus Avenue project.

He acknowledged and thanked Fire Chief Park for addressing the County Board of Supervisors to discuss the Confire Agreement.

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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. 17

B.2 Warrant Resolution No. 18

B.3 Warrant Resolution No. 19

B.4 Warrant Resolution No. 20

B.5 Warrant Resolution No. 21

C. APPROVAL OF MINUTES

C.1 Special Meeting Minutes – November 8, 2023

C.2 Regular City Council Minutes – November 14, 2023

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D. CLAIMS AGAINST THE CITY

D.1 Deana Morales for R&D Logistics – Damages

D.2 Edward Albert Montoya Jr – Vehicle Damage

D.3 Felicia Renea Manier – Personal Injury

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E. SET PUBLIC HEARING

E. Request that the City Council and Rialto Utility Authority adopt Resolution No. 8172 and RUA Resolution No. 08-25 Set a Public Hearing for February 27, 2024, as Required Under Proposition 218 to Consider the Proposed Water and Wastewater Utility Services Rate Adjustments as supported by the FG Solutions, LLC Financial Rate Analysis.

E.2 Request City Council Approve A Memorandum Of Understanding (MOU) For Mobile Recreation Programming With Willow Village Apartment Complex; And Authorize The City Manager Or Their Designee To Execute All Necessary Documents.

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CONSENT CALENDAR

F. MISCELLANEOUS

- F.1 Request City Council to: (1) Authorize the Release of Bids for Downtown Parking Lot Improvements, City Project No. 230801.
- F.2 Request that the City Council approve an Agreement with San Bernardino County Fire Protection District for the Temporary Transfer of Type 2 Ambulance.
- F.3 Request City Council to Receive and File for Future Audit the Treasurer’s Investment Report as of June 30, 2023.

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Motion by Council Member Baca, second by Council Member Scott and carried by a 4-0 vote to adopt the Consent Calendar.

Mayor Robertson was absent.

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Amy Crow, Administrative Analyst, 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 2nd Quarter of 2023; and (2) Adopt Resolution No. 8173 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 Pro Tem Carrizales asked if anyone wished to speak.

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City Clerk McGee stated no.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 4-0 vote to Close the Public Hearing.

Mayor Robertson was absent.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 4-0 vote to Adopt Resolution No. 8173 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

Mayor Robertson was absent.

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Eric Vail, City Attorney, presented staff report to Request City Council Introduce for First Reading Ordinance No. 1689 Amending Chapter 2.16 of the Rialto Municipal Code by Adding a New Section 2.16.090 Providing for City Council Adoption of Commission Rules of Procedure and Repealing Conflicting Provisions.

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PUBLIC HEARING

TAB 1

Adopt Resolution No. 8173 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts

NEW BUSINESS

TAB 2

Introduce First Reading Ordinance No. 1689 for adoption of Commission Rules of Procedure and Repealing Conflicting Provisions

**TAB 2
Introduce First Reading Ordinance No.
1689 for adoption of Commission Rules
of Procedure and Repealing Conflicting
Provisions**

Council Member Scott asked if approved, what would be the process for educating the various Commissions.

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City Attorney Vail stated that the City Attorney’s office is in the process of developing a presentation before the Planning Commission in January 2024 and then circulate the presentation to each Commission or each Council Member or City Clerk.

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City Clerk McGee stated she will be collaborating with City Attorney Vail.

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Council Member Trujillo emphasized the importance of reaching out to all Commissioners to update them related to rules and conduct.

He asked if the City Council procedures are in conformity with the Brown Act.

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City Attorney Vail stated that the City Council procedural rules are consistent with the Brown Act. They are required to be consistent with the Brown Act. The City Clerk and City Attorney recommend revisiting and updating the rules for a number of reasons other than legal consistency.

He is not aware of any specific rules that any Commission has adopted including the Planning Commission. When this Ordinance is adopted, Commissions will follow City Council procedural rules until they are updated or adopt special ones.

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Public Comment

June Hayes addressed the City Council related to TAB 2 and voiced her concerns about conversations of disbanding and/or combining Commissions. These plans go against City ideals. All Commissions except for the Planning Commission are voluntary. It is important to obtain as much community involvement as possible, so voices are heard. The City Council does not have any term limits, and believes there is no reason to have Commission term limits. Commissions serve at the City Council’s pleasure and can unappoint any Commissioner if necessary.

The City Council represents each and every resident. The community should be allowed access to Council Chambers prior to the meeting to have a transparent spirit-of-the-Brown-Act meeting.

She asked that the City Council not undo the good that the City has done over the decades.

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Mayor Pro Tem Carrizales thanked Ms. Hayes for her years of service as a Commissioner.

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TAB 2

Introduce First Reading Ordinance No. 1689 for adoption of Commission Rules of Procedure and Repealing Conflicting Provisions

ORDINANCE NO. 1689

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 2.16 OF THE RIALTO MUNICIPAL CODE BY ADDING A NEW SECTION 2.16.090 PROVIDING FOR CITY COUNCIL ADOPTION OF COMMISSION RULES OF PROCEDURE, REPEALING SECTION 2.18.050, SECTION 2.22.030, AND SECTION 2.64.060, AND AMENDING SECTION 2.68.060 TO CORRECT THE TITLE THEREOF.

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Motion by Council Member Trujillo, second by Council Member Scott and carried by a 4-0 vote to Introduce for First Reading of Ordinance No. 1689 Amending Chapter 2.16 of the Rialto Municipal Code by Adding a New Section 2.16.090 Providing for City Council Adoption of Commission Rules of Procedure and Repealing Conflicting Provisions.

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

NOES: None. ABSTAIN: None. ABSENT: Mayor Robertson.

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TAB 3

Approve entering into a new 3-year agreement with Microsoft for Enterprise License Agreement; Award a Purchase Order to Dell Marketing LP, and authorize staff to issue annual purchase orders to renew enterprise agreement each fiscal year with applicable "true-up" adjustments

Jonathan Ballard, Information Technology Manager, presented staff report to Request City Council to: (1) Approve entering into a new 3-year agreement with Microsoft for the Enterprise License Agreement via the "Riverside EA." (2) Award a Purchase Order to Dell Marketing L.P., of Round Rock, TX in an amount not to exceed \$ \$125,190.76 annually for a total of \$375,572.28 for the Microsoft Enterprise Agreement, and authorize staff to issue annual purchase orders to renew the enterprise agreement each fiscal year with any applicable "true-up" adjustments thereafter. (3) Authorize the City Manager or designee to Execute All Documents.

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Motion by Council Member Scott and second by Council Member Baca and carried by a 4-0 vote to (1) Approve entering into a new 3-year agreement with Microsoft for the Enterprise License Agreement via the "Riverside EA." (2) Award a Purchase Order to Dell Marketing L.P., of Round Rock, TX in an amount not to exceed \$ \$125,190.76 annually for a total of \$375,572.28 for the Microsoft Enterprise Agreement, and authorize staff to issue annual purchase orders to renew the enterprise agreement each fiscal year with any applicable "true-up" adjustments thereafter. (3) Authorize the City Manager or designee to Execute All Documents.

Mayor Robertson was absent.

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TAB 4
Accept funding Window 1 Mobility
Project Voucher (MVP) under the Clean
Mobility Options program

Cynthia Alvarado-Crawford, Community Services Director and Rodney Schmidt, Administrative Analyst, presented staff report to Request City Council to (1) accept funding Window 1 Mobility Project Voucher (MPV) under the Clean Mobility Options (CMO) program in the amount of \$493,707.48; (2) Authorize the City Manager or their designee to sign all necessary documents to accept the grant funds.

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Council Member Scott requested a comprehensive report on the status of the Clean Mobility Options program to determine its success and asked that it include data on thefts, damage to bikes, police department involvement, bikes remaining versus original quantity, and the City's revenue from the program.

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Director of Community Services Alvarado-Crawford stated she will have the report for the City Council.

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Council Member Trujillo asked if the riders are surveyed to determine the reason for their use.

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Mr. Schmidt stated surveys are constantly taken to determine its star-rating on bike's performance, functionality, and cost. The City reports its findings to the State every three months.

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Council Member Trujillo inquired if surveys ask what the purpose for using bikes for either recreational or work-related purposes.

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Mr. Schmidt stated yes. The State requires that information be included. The surveys are not mandatory, so incentives such as complimentary use of bikes are offered with each completed survey.

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Mayor Pro Tem Carrizales believes more outreach is necessary. He suggests holding a bike event campaign to expose the program and demonstrating its ease of use be held to inform the public.

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Mr. Schmidt stated that is the intention of the program. Last July was the soft launch to determine the response of the public. These funds will take it to the next level. The official launch took place at the Holiday Parade. State representatives attended to promote the program.

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TAB 4
Accept funding Window 1 Mobility
Project Voucher (MVP) under the Clean
Mobility Options program

Council Member Baca agreed with Council Member's Scott suggestion on a comprehensive report and asked if there is any research taking place to determine if the bike stations need to be relocated elsewhere in the City to enhance their use.

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Mr. Schmidt stated location studies are being conducted. One station has been relocated to another district due to theft.

He stated 13 bikes were lost in the first month and-a-half. Four were returned but were heavily damaged.

The focus was redirected to decrease theft. The goal is to have the program in place longer than a year to allow the public to benefit from the program. There have been zero thefts in the last two months.

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Council Member Trujillo asked City Clerk McGee if the bike sharing program will be featured at the Bike Rodeo next year.

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City Clerk McGee stated she will be assisting with outreach.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 4-0 vote to (1) accept funding Window 1 Mobility Project Voucher (MPV) under the Clean Mobility Options (CMO) program in the amount of \$493,707.48; (2) Authorize the City Manager or their designee to sign all necessary documents to accept the grant funds.

Mayor Robertson was absent.

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TAB 5
Adopt Resolution No. 8174 and accept
Discretionary Funding from San
Bernardino County Board of Supervisors

Brian Park, Fire Chief, and San Bernardino County Supervisor Joe Baca Jr., presented staff report to Request City Council to adopt Resolution No. 8174 and accept Discretionary Funding from the San Bernardino County Board of Supervisors in the amount of \$150,000 to acquire a specialized medium-duty response vehicle.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 4-0 vote to adopt Resolution No. 8174 and accept Discretionary Funding from the San Bernardino County Board of Supervisors in the amount of \$150,000 to acquire a specialized medium-duty response vehicle.

Mayor Robertson was absent.

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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 Mayor Pro Tem Carrizales and carried by a 4-0 vote to adjourn the City Council Meeting at 7:38 p.m.

Mayor Robertson was absent.

The City Council adjourned in memory of:

**Elvis Glen Brown,
Husband of**

Rialto Black History Committee Member Althea Brown

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Andy Carrizales

MAYOR PRO TEM ANDY CARRIZALES

ATTEST:

Barbara A. McGee

CITY CLERK BARBARA A. MCGEE