

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

**MINUTES**  
**February 12, 2019**

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, February 12, 2019.

0o0

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.

0o0

**CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 5:02 p.m.

0o0

The roll was called and the following were present: Mayor Deborah Robertson Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Attorney Fred Galante, and City Clerk Barbara McGee. City Treasurer Edward Carrillo was absent.

0o0

**CLOSED SESSION**

1. 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. San Bernardino Valley Municipal Water District v. San Gabriel Valley Water d.b.a Fontana Water Company, et al S.B. Superior Court Case No. CIVDS1311085
2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: One case
3. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9. Number of cases: One case

**CLOSED SESSION**

- 4. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency designated representatives:

Fred Galante, City Attorney

Sean Grayson, Interim City Administrator

Employee organizations:

Rialto Firefighters Local 3688

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by 5-0 vote to go into Closed Session at 5:05 pm.

0o0

City Council returned from Closed Session at 6:12 p.m.

0o0

**CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:15 p.m.

0o0

The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

0o0

**Pledge of Allegiance and Invocation**

Council Member Joe Baca Jr. led the pledge of allegiance.

Pastor Mark Baur – 1<sup>st</sup> Baptist Church of Rialto gave the Invocation.

0o0

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

City Attorney Fred Galante stated that City Council met in Closed Session and discussed items listed on the Agenda.

- 1. Conference with Legal Counsel – Existing Litigation. San Bernardino Valley Municipal Water District v. San Gabriel Valley Water d.b.a Fontana Water Company, et al. Council Member Trujillo abstained and the Closed Session Room. The balance of City Council received an update. Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote, Council Member Trujillo abstained, to agree to settle this matter on the following terms.

- 1. The defendants in this action will pay to Valley District to replenish the basin with 61,000 acre feet of water, for which Rialto will benefit.

- 2. The defendants will pay to the City of Rialto, \$3 million in cash and either \$2,250,000 now or \$6 million in 20 years to be put in an escrow account.

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

3. A Groundwater Council will be formed to manage the Basin with Valley District's influence minimized. Finally, the Standby Water Lease between the City of Rialto and Fontana Water Co. will be amended to allow Rialto to collect additional revenue consistent with inflation.
2. Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation has not been discussed. City Council intends to recess back onto Closed Session
3. Conference with Legal Counsel – Anticipated Litigation, Initiation of Litigation. City Council heard a briefing and further reportable action was taken.
4. Conference with Labor Negotiator, concerning the employee organization Rialto Firefighters Local 3688. City Council received an update, provided direction and further reportable action was taken.

0o0

**PRESENTATIONS AND  
PROCLAMATIONS**

Presentation – Lewis Hillwood Rialto – Renaissance Marketplace Update.

0o0

**ORAL COMMUNICATIONS**

Tony – expressed concern regarding people hanging around at night in the alleyway near Tudor Plaza causing problems.

0o0

Luis Martinez, resident expressed concern regarding transients causing problems near Tudor Plaza.

0o0

**CONSENT CALENDAR**

**A. WAIVE FULL READING OF ORDINANCES**

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

0o0

**B. APPROVAL OF WARRANT RESOLUTIONS**

B.1 Warrant Resolution No. 28 (01/24/2019)

B.2 Warrant Resolution No. 29 (01/31/2019)

0o0

**C. CLAIMS AGAINST THE CITY**

C.1 George Carranza - Personal Injury

C.2 ACT Transport Inc. - Cross Complaint/Traffic Accident

C.3 National Railroad Passenger Corp.-Cross Complaint/Traffic Accident

C.4 Kevin Sumner - Personal Injury

C.5 Rachel Galindo - Vehicle Damage

C.6 Rodney Reid - Vehicle Damage

C.7 Jeri Jones - Defamation of Character

## **CONSENT CALENDAR**

- C.8 Phillips 66 Co - Refund
- C.9 Tesoro Logistics Operations LLC - Refund
- C.10 Brandon Gontol - Vehicle Damage
- C.11 Melina Olmedo - Vehicle Damage
- C.12 Sheila Anderson - Vehicle Damage
- C.13 Miguel Morales - Vehicle Damage

0o0

### **E. MISCELLANEOUS**

- E.1 Request City Council to Adopt Resolution No. 7455 Accepting Dedication of Lot 1 of Tract No. 19916 as Part of the Landscape and Lighting Maintenance District No. 2, Special Districts Annexation.
- E.2 Request City Council to Consider a Billboard Removal and Relocation Agreement by and among the City of Rialto, San Bernardino County Transportation Authority, and Lamar Central Outdoor.
- E.3 Request City Council to Approve Amendment #3 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.
- E.4 Request City Council to Approve an Increase to Purchase Order #2019-0609 in the Amount of \$5,000.00 with KCALS for Youth and Adult Basketball and Volleyball Officiating Services Through June 2019 for a Total Purchase Order of \$19,999.
- E.5 Request City Council to Adopt Resolution No. 7456 Approving Parcel Map 19639, a Request to Consolidate Six Parcels of Land into One Parcel of Land totaling 24.34 Acres, Located at the Northeast Corner of Willow Avenue and Santa Ana Avenue.
- E.6 Request City Council to Receive and File the Statement of Income and Expense for December 2018 related to the Construction Reimbursement Agreement with Ayala@210LLC for Off-Site Improvements on Renaissance Parkway.
- E.7 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for December 2018.
- E.8 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 December 2018.
- E.9 Request City Council to Receive and File the Statement of Income and Expense for December 2018 related to the Construction Loan Agreement with Ayala@210LLC for On-site Improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.

**CONSENT CALENDAR**

- E.10 Request City Council to Receive and File the December 2018 Treasurer’s Report.
- E.11 Request City Council to Approve Amendment #1 to Exclusive Right to Negotiate Agreement with RV Spa for the Development of Approximately 6 Acres of Property located southwest of Casmalia Avenue and Alder Avenue.
- E.12 Request City Council to Approve a Professional Service Agreement for Biological Services for Habitat and Species including the Delhi Sands Flower Loving Fly for the Rialto Gateway Plaza parcel for maximum amount of \$42,200.
- E.13 Request City Council to Authorize a Purchase Order Change Notice (2019-0638) of \$25,000 with Roth Staffing Companies, LP in the amount of \$25,000 to provide Temporary Staff Support Services in the Information Technology & Code Enforcement Divisions for a total Purchase Order of \$40,000 for the remainder of Fiscal Year 2018-19 and Approve Budget Resolution No. 7457.
- E.14 Request City Council to Adopt Resolution No. 7458 Approving Parcel Map 19966, a Request to Subdivide 0.44 Acres of Land into Two (2) Single-Family Lots Located at 1081 North Riverside Avenue.

0o0

**CONSENT CALENDAR**

Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the Consent Calendar. Council Member Carrizales abstained from Items E.3, E.6, E.7, E.8, E.9 and E.12.

0o0

**TAB 2 - Annex Certain Territory to CFD 2016-1 (Public Services)**

Jessica Brown, Finance Director presented the staff report regarding the Annexation of Certain Territory to CFD 2016-1 – Etiwanda Homes Project.

0o0

City Attorney Galante clarified that this item requires three separate motions.

0o0

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to adopt Resolution No. 7462 Stating Intention to Annex Certain Territory to CFD 2016-1 and to conduct the Public Hearing to Consider Said Annexation.

0o0

Mayor Robertson declared the public hearing open. No one came forward.

0o0

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

0o0

**TAB 2 - Annex Certain Territory to CFD 2016-1 (Public Services)**

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Adopt Resolution No. 7463 Authorizing the Annexation of Territory to Community Facilities District No. 2016-1 (Public Services) (Annexation No. 2), Authorizing the Levy of a Special Tax, and Submitting the Levy of Tax to the Qualified Electors; and (4) Adopt Resolution No. 7464, Calling a Special Election and Submitting to the Voters of Annexation No. 2 of City of Rialto Community Facilities District No. 2016-1 (Public Services) Propositions Regarding the Annual Levy of Special Taxes within Annexation No. 2 to Finance Public Services, and the Establishment of an Appropriations Limit.

0o0

City Clerk McGee opened the ballots received.

	PROP A	PROP B
1. YES	<u>  X  </u>	<u>  X  </u>
2. YES	<u>  X  </u>	<u>  X  </u>

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to adopt Resolution No. 7465, Making Certain Findings, Certifying the Results of an Election and Adding Property to Community Facilities District No. 2016-1 (Public Services), Annexation No. 2.

0o0

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

Gina Gibson Williams, Development Services presented the staff report regarding the General Plan Amendment No. 2018-0002, which is a request to change the land use designation of approximately 4.75 acres of land from Residential 6 to Residential 12. From Single Family Residential to Multi-Family Residential.

0o0

Mayor Robertson declared the public hearing open. No one came forward.

0o0

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

0o0

Council Member Trujillo asked what height they are asking for that separation between the new development and the existing residents.

0o0

Ms. Williams stated the minimum is 6 feet but they will need to take into consideration of the grade. The site slopes, higher in the back and slopes down to the front. When they get the grading plans they will know exactly what the height will be.

0o0

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

Council Member Baca Jr. stated the development impact fees they are potentially collecting a little over \$1 million. Of that will it goes towards a new police station, library expansion, or park expansion?

0o0

John Dutrey, Development Services stated that there are 8-9 different categories, police, fire, general facilities, water, sewer etc. they go into separate accounts and city council can allocate the funds to projects.

0o0

Council Member Baca Jr. stated that one of their long term plans is to get a police station.

0o0

Mayor Pro Tem Scott stated that they have had adequate fire protection for this project but how do they intend to fund additional police protection.

0o0

Ms. Williams stated in addition to the development impact fees this particular development will have to do an additional mitigation because they are going to receive a higher density than what would normally be approved. The DIF are appropriate to the project but the funds go into the pool of monies. She has not done the cost analysis to see if the police services are sustained entirely within the fees collected.

0o0

Mayor Pro Tem Scott stated that they are now at a point in the city where they are now requiring additional police protection. If the projects cannot fund that protection, they should not be approving them.

0o0

City Attorney Galante stated that there is a condition in the Tentative Tract Map Resolution, it states the City shall prepare a fiscal impact analysis report at the applicant's cost. The report shall analyze a project's impact to the General Fund. The applicant shall be required to mitigate any negative fiscal impacts identified in the report through formation of a community facilities district, paying a municipal service fee or other acceptable mitigation measure. The condition requires the applicant to pay a fair share.

0o0

Ms. Williams stated she thought his question was asking for the dollar amount.

0o0

Mayor Pro Tem Scott asked if the applicant is aware of that?

0o0

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

Gina Gibson Williams, Development Services stated yes the applicant is aware of that condition.

0o0

Mayor Pro Tem Scott asked if they give a report on other projects they recently approved and what those numbers were and how that money is separated out so they know it goes to the appropriate agency within the City. He doesn't see any new police officers added on and yet they keep building projects. All he hears is that they don't have the money for police officers but they keep approving projects. When a project comes for approval they should know exactly how they are going to fund and pay for police officers on the streets who have to protect the residents.

0o0

Ms. Williams stated that she will prepare that report requested and for future have a fiscal impact analysis done with this document so City Council can have that information.

0o0

Council Member Baca Jr. stated over the last few years they have added a lot of projects and they do need to look at that. They are going to put a bigger burden on the police.

0o0

Council Member Trujillo asked if there will be a stop sign for pedestrians.

0o0

Ms. Williams stated that there is controlled access at the gated entryway. There are no crosswalks there now but she will send that information to the school district and the safety team to take a look at it at the DRC level.

0o0

Mayor Robertson stated that they do need to address their housing needs. This will be a market rate product and a multi-family within this as well?

0o0

Ms. Williams stated not with in it, just the multi-family designation for the density.

0o0

Mayor Robertson stated ok, its 32 units. Along with addressing the concern of tracking the monies and development impact fees, she wants to know what the developer is going to be providing onsite. They recently begun to condition their commercial developments for having an integrated external surveillance program. This assists law enforcement. They need to go beyond leaving it to each individual person who buys the home to put in ADT or Ring.

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

Mayor Robertson asked if this developer is going to make the homes SMART connected. If not, do they need to condition it here? If they do not have someone put in the surveillance aspects then they will find themselves behind the 8-ball. Is this something the developer has agreed to do?

0o0

Ms. Williams stated unlike most times when this lot is subdivided they normally know who is going to construct the homes. In this case the developer who is constructing the homes and who is separating the lots is different. There are two opportunities to address this. One would be in the CC&R document with the Homeowners Association. The other would be at the condition of approval stage. They would need to infer that to the person who is subdividing. Letting them know that City Council wishes to have that as a condition of approval and that is something they should consider.

0o0

Mayor Robertson stated that they need to do more and get it locked in because it was stated the developer may not know who is going to build. They can't wait for the developer to negotiate that with the builder.

0o0

Ms. Williams stated that they can add that as a condition of approval. It would be appropriate to put it in the tentative tract map condition.

0o0

City Attorney Galante stated that there is currently a condition #13 in the Tentative Tract Map resolution that says *"the applicant shall submit covenants, conditions and restrictions for a homeowners association to the Planning Division for review and approval"*. The theory is they can expand on that to include surveillance or security.

0o0

Mayor Robertson stated she wants to make it very clear.

0o0

City Attorney Galante suggested making it very broad and say to include security measures for the development.

0o0

Mayor Robertson stated she is talking about a certain level of technology security. She is not talking about them having the option to get a private security company.

0o0

City Attorney Galante stated they can specify automated surveillance.

0o0

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

Gina Gibson Williams, Development Services stated that they will modify the one they use for commercial and change the language to reflect residential.

0o0

City Attorney Galante stated so condition #13 will be modified to read?

0o0

Ms. Williams stated there is language that talks about security systems and specific language the Police Department developed. She will modify that language to reflect residential.

0o0

Mayor Robertson stated its time for them to move to make sure their community is a safe community. She feels it's a hodge-podge and they are working hard to coordinate all this. She wants to make sure it's on record that they expect something greater than everybody hire their own service to cover their own home. Especially of an HOA to understand they expect a little more comprehensive. Including the mailboxes should be the safest mailbox to prevent theft.

0o0

Ms. Williams stated they can modify it to include those two conditions.

0o0

City Attorney Galante read the title of the Ordinance:

**ORDINANCE NO. 1613**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75, & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1C) TO MULTI-FAMILY RESIDENTIAL (R-3)"**

0o0

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 3-2 vote to adopt Resolution No. 7459 Approving General Plan Amendment No. 2018-0002, which is a request to change the land use designation of approximately 4.75 acres of land from Residential 6 to Residential 12, (2) Resolution No. 7460 Approving Tentative Tract Map No. 2017-0006 (TTM 20108), which is a request to allow the subdivision of approximately 4.75 acres of land into thirty-two (32) single-family lots, one common lot and stormwater retention basin, and

**TAB 1 – General Plan Amendment No. 2018-0002 to Residential 12**

(3) introduce for first reading Ordinance No. 1613 approving Zone Change No. 2017-0004, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75, & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1C) TO MULTI-FAMILY RESIDENTIAL (R-3)” [Reading by title only and waiving full reading thereof], and (4) Resolution No. 7461 Approving a Mitigated Negative Declaration (Environmental Assessment Review No. 2017-0066) included for consideration in conjunction with the project.

Roll Call Vote: AYES: Mayor Robertson, Council Member Trujillo, and Council Member Carrizales. NOES: Mayor Pro Tem Scott and Council Member Baca Jr. ABSTAIN: none. ABSENT: none.

0o0

**TAB 3 – Appointment of a Mayor Pro Tem**

City Clerk McGee presented the staff report regarding the appointment of a Mayor Pro Tem.

0o0

Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to appoint Council Member Ed Scott as Mayor Pro Tem.

0o0

**TAB 4 – Council Member Appointments to Internal and External Committees**

City Clerk McGee presented the staff report regarding Council Member Appointments to Internal and External Committees.

0o0

Mayor Robertson asked the Council Members for their interests and received feedback. Basically all the committees will stay the same with the exception of these changes:

SBCTA Representative

Deborah Robertson and Andy Carrizales

Design Review Committee

Deborah Robertson and Ed Scott

Budget and Audit Committee

Deborah Robertson and Rafael Trujillo

City Commission Selection Committee

Deborah Robertson and Joe Baca Jr.

0o0

**TAB 4 – Council Member Appointments to Internal and External Committees**

June Hayes, San Bernardino Valley Municipal Water Dist. stated that residents in the west end of the Valley District be represented and heard, so their needs are served by way of the SBVMWD Advisory Committee. She doesn't see it on the list and it's rare they have anybody there. It's important to have a primary and alternate to attend the quarterly meetings.

0o0

Mayor Robertson stated yes, they have attended in the past. If there has been a formal request from SBVMWD to have an identified representative. They will add that to the list upon receiving something from San Bernardino Valley Municipal Water District.

0o0

City Clerk McGee stated it is on the list showing Mayor Robertson and Council Member Carrizales as representatives.

0o0

Mayor Robertson stated then the appointments shall remain and the next meeting is April 11<sup>th</sup>.

0o0

Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve Mayor's Appointments of Council Members to Internal and External Committees.

0o0

**TAB 5 – Ordinance updating City's Purchasing Ordinance and Resolution adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds**

Jessica Brown, Finance Director presented the staff report regarding an Ordinance updating City's Purchasing Ordinance and Resolution adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds.

0o0

Mayor Robertson stated she appreciates them bringing this forward.

0o0

City Attorney Galante read the title of the ordinance:

ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY COUNCIL, CITY OF RIALTO, AMENDING PROVISIONS OF THE CITY'S PURCHASING ORDINANCE, CHAPTER 2.48.370 OF THE RIALTO MUNICIPAL CODE.

0o0

**TAB 5 – Ordinance updating City’s Purchasing Ordinance and Resolution adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds**

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Introduce for First Reading, Ordinance No. 1614, amending Chapter 2.48.370 of the Rialto Municipal Code to update the City’s Purchasing Ordinance, and Adopt Resolution No. 7466 Adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds.

Roll Call Vote: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Carrizales, Council Member Trujillo and Council Member Baca Jr. NOES: none. ABSTAIN: none. ABSENT: none.

0o0

**TAB 6 - Inter-fund transfer regarding the Frisbie Park Expansion Project**

Robert Eisenbeisz, Public Works Dept. presented the staff report regarding the Inter-fund transfer, Award Construction Contract and Construction Management PSA regarding the Frisbie Park Expansion Project.

0o0

**Oral Communications**

Shay Kulkarni, Attorney for Silverstrand Construction, expressed his concerns that RC Graves Construction Bid must be rejected.

0o0

Matthew Kraus, Representative for RC Graves, expressed support of the approval of the award of bid.

0o0

City Attorney Galante stated that the comments by Mr. Kulkarni were disingenuous because the argument that the City Council cannot approve this contract to the lowest bidder really misses an important document. Through the eight exhibits that were put together in this document, as part of the Notice of Inviting Bids that is conveniently missing. That document makes it very clear and it when it’s in the portion of the bid where the contractor actually splits out the various components of the work to be done by subcontractors, entitled bid schedule. The line items at various places have an “S” and its explained “specialty work item – see full description within section 2-3.2 of the green book.” That one section that was pulled out on this exhibit, nowhere in that section does it say it trumps the green book. The speaker knows the green book controls all public works bids in the State of California unless expressly overruled. The green book states, “2-3.2. *Self-performance. The contractor shall perform with its own organization contract work amounting to at least 50% of the contract price except that any designated specialty items may be performed by sub-contract in the amount of any such specialty items so performed will be deducted from the contract price before computing the amount required to be performed by the contractor within its own organization.*”

This means when they compute the 50% they exclude the specialty items. He finds it amazing that someone would speak and highlight all the portions of the bid that really don’t apply. It’s clear the green book applies.

**TAB 6 - Inter-fund transfer regarding the Frisbie Park Expansion Project**

City Attorney Galante stated he has not seen any valid basis for not awarding this bid to the lowest responsible bidder – RC Graves Construction. The bid document and the green book have the language.

0o0

Council Member Trujillo stated if they proceed on with this item do they foresee themselves paying an amount of litigation?

0o0

City Attorney Galante stated the way these lawsuits work is that each party bears their own fees. They are not responsible for the other attorney fees. If a court does not find that the specific language in the green book and bid documents win the day, and he has every confidence they do. There is a reason why the rest of the bid documents were not presented in exhibit 2.

0o0

Council Member Trujillo stated that it's unfortunate they find themselves at this discussion again. Many residents are asking when this project will be done.

0o0

City Attorney Galante stated this a \$15 million+ contract and he has found that almost the majority of time when it's a big contract like this, bid protests come in. There is no disadvantage to people submitting a bid protest, it's a big job. He just doesn't find any of their arguments persuasive and certainly not compelled by law.

0o0

Council Member Baca Jr. stated they are getting close to the grand opening of Sampson Park. When that project was put out to bid were there specialty items?

0o0

Mr. Eisenbeisz stated yes, there were a number of similar items such as the lighting and electrical and playground equipment. They had a similar schedule identifying the specialty items.

0o0

Council Member Baca Jr. asked them to explain what a specialty items is compared to the base bid.

0o0

Mr. Eisenbeisz stated with the parks there are a number items that have unique features they want. The subcontractor is specialized in those areas and has that expertise and familiarity so they end up with an acceptable product. It's to ensure better quality control on the specialty items. For instance on the skate park, it's like a pool contract type work which is a specialty but can fall under the concrete licensing but different than doing flat work.

**TAB 6 – Inter-fund transfer regarding the Frisbie Park Expansion Project**

0o0

Council Member Baca Jr. stated for example at Fergusson Park they had a skate park built and they didn't have that listed as a specialty item. What happened was the people who had constructed it and there were mistakes because there are certain specifics for a skate park. The City had to go back and fix it and spend more money. It's important to have specialty items, if the contractor doesn't have the expertise they find someone who does. The City wants it done right. The public is the ones suffering from this project not moving forward. He is comfortable moving forward with this tonight.

0o0

Mayor Pro Tem Scott stated he wants to make sure everybody understands that there is no changes made out there without it coming back to City Council.

0o0

Council Member Carrizales stated that he is comfortable moving forward with this. The community has been waiting for this.

0o0

Mayor Robertson stated that they had a number things they looked at for this project and got the community's input. It was understood and they were supposed to go back and check about items that were requested by the community but hard choices had to be made and items were dropped off. She appreciates they are trying to accommodate most of the community. She has talked to staff that there was a request for a dog park in that area. Somewhere along the way it got dropped off. She wants to go on record that they expect to have a dog park similar to what is at Andreson Park.

0o0

Council Member Baca Jr. stated that he agrees they have a dog loving community. As they get closer to the end and see where things are at with the budget and they can cost it out.

0o0

Mayor Robertson stated it's something they can and they will add. It's a \$15 million+ project and they should not expect themselves to go out and find \$10,000 grants to provide a quality product. She doesn't want to talk about if they look for the money. They need to understand they will put a dog park in there.

0o0

Mayor Pro Tem Scott stated there were savings on the septic systems so perhaps that will cover it.

0o0

**TAB 6 – Inter-fund transfer regarding the Frisbie Park Expansion Project**

Mayor Robertson stated she doesn't want it to appear they are giving anybody any direction thinking if they find the money when they get done. It will be a design change.

0o0

Mayor Pro Tem Scott stated that he lives near Andreson and knows that residents from the north end go to the dog park.

0o0

Motion by Council member Carrizales, second by Council Member Baca Jr. and carried by a 5-0 vote to adopt Resolution No. 7516 approving the Inter-fund transfer of \$17,499,195 from General Fund to Park Development Impact Fund; Award a Construction Contract to RC Graves Construction in the Amount of \$15,081,000 for Construction of the Frisbie Park Expansion; and Execute Phase II of the Professional Services Agreement with Griffin Structures, Inc., in the Amount of \$630,165 for Construction Management, Inspection, and Materials Testing Services for the Frisbie Park Expansion, City Project No. 150304.

0o0

**TAB 7 – Construction Management, Inspection and Materials Testing Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding awarding a Professional Services Agreement for Construction Management, Inspection and Materials Testing Services.

0o0

Mayor Pro Tem Scott stated that they made some accommodations at Sampson Park for this entire project. Now he goes out there and the park looks beautiful and there is this ugly unfinished road in front of it with a bunch of poles sitting in the middle of the street. He is disappointed in that. Is that stretch going to be a priority? What are they going to do about getting Edison to move their poles so they don't end up with another Walmart situation where the poles are still there three years after?

0o0

Mr. Eisenbeisz stated that they have been coordinating with Edison and it has been two years of planning and coordinating. There is an approve plan to move the poles. They are going to sit down with Edison because there are other areas that need to be relocated. The quick answer is that the poles will be moved as soon as possible but they probably need to prepare some other areas of the widening so they can move them all. If there is a way to move those poles sooner, they will do that. The first order of work is to get a schedule.

0o0

Mayor Pro Tem Scott stated yes, there is a way.

0o0

**TAB 7 – Construction Management, Inspection and Materials Testing Services**

Council Member Baca Jr. stated that he looks forward to having the poles moved.

0o0

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Award a Professional Services Agreement to Berg CM Corporation in the amount of \$584,292.40 for Construction Management, Inspection and Materials Testing Services for the Alder Avenue and Randall Avenue Street Improvements Projects.

0o0

**TAB 8 - Authorizing the Prepayment of Development Impact Fees by Ayres Hotel Rialto LLP for PPD 2018-0059**

John Dutrey, Development Services presented the staff report regarding Authorizing the Prepayment of Development Impact Fees by Ayres Hotel Rialto LLP for PPD 2018-0059.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Approve Resolution No. 7467 Accepting and Authorizing the Prepayment of Development Impact Fees by Ayres Hotel Rialto LLP for PPD 2018-0059 with the Condition that Ayres Hotel Rialto pulls Building Permits and Commences Construction not later than May 29, 2019.

0o0

**TAB 9 - Community Development Block Grant Consulting Services**

Perry Brents, Community Services Director presented the staff report regarding the Community Development Block Grant Consulting Services.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to approve a Professional Services Agreement with LDM & Associates Inc. for Community Development Block Grant Consulting Services in the amount of \$115,000 annually for One (1) Year with Two (2) Optional One Year Extensions Based Upon Performance.

0o0

**TAB 10 – Purchase Orders for Advance Life Support Medical Equipment**

Joe Powell, EMS Coordinator presented the staff report regarding Purchase Orders for Advance Life Support Medical Equipment.

0o0

Council Member Trujillo thanked staff for bringing this forward.

0o0

Mayor Robertson stated that it was mentioned to her that 17 other cities have adopted the way they are going about responding in their cardiac program.

0o0

**TAB 10 – Purchase Orders for Advance Life Support Medical Equipment**

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Approve Budget Resolution No. 7468 in the amount of \$207,902.64 and Issue a Purchase Order to Zoll Medical Corporation in the amount of \$200,852.15 and issue a Purchase Order to Handtevy Pediatric Emergency Standards in the amount of \$7,050.49 for Advance Life Support Medical Equipment.

0o0

**TAB 11 - Purchase Order Change Notice for Audit Accounting Services in the Finance Department**

Jessica Brown, Finance Director presented the staff report regarding the Purchase Order Change Notice for Audit Accounting Services in the Finance Department.

0o0

Mayor Pro Tem Scott stated that normally when they approve contracts like this, they like to have the contractor in the audience if they have questions.

0o0

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Authorize a Purchase Order Change Notice (2019-1059) with Robert Half International, Office Team in the amount of \$98,000 to Provide Audit Accounting Services in the Finance Department for Fiscal Year 2018-19, increasing the Purchase Order to a total of \$130,000, for a total aggregate amount of \$193,412 and Approve Budget Resolution No. 7469.

0o0

**TAB 12 - Purchase Order Change Notice for Accounting Services in the Finance Department**

Jessica Brown, Finance Director presented the staff report regarding the Purchase Order Change Notice for Accounting Services in the Finance Department.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to authorize of Purchase Order Change Notice (2019-0926) with Rahban CPA & Consulting in the amount of \$35,000 to Provide Accounting Services in the Finance Department for Fiscal Year 2018/19 for a total Purchase Order of \$85,000 and Approve Budget Resolution No. 7470.

0o0

**TAB 13 - Submission of a Grant Application for Landscape Improvements on the Cactus Trail Project**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Submission of a Grant Application for Landscape Improvements on the Cactus Trail Project.

0o0

Council Member Baca Jr. stated that this is a good idea to not put any burden on other monies to apply for this grant. They had put together a general design, not approved but it's an opportunity to get this grant.

0o0

**TAB 13 - Submission of a Grant Application for Landscape Improvements on the Cactus Trail Project**

Council Member Trujillo stated that it's a welcome change, because residents have commented that it's turning it a dust bowl. What kind of vegetation are they looking at?

0o0

Mr. Eisenbeisz stated that it will be similar to the Pacific Electric Trail with drought tolerant design. He knows the grant is called the urban greening but it has to meet all the drought tolerant requirements. The intent is to get some vegetation in the landscape.

0o0

Council Member Carrizales stated that he is in support of this grant submission. The community is more active, the trails are welcomed. He hopes to one day to connect it all the way to the Las Colinas area.

0o0

Mayor Robertson stated that she supports that it should mirror what they have on the Pacific Electric Trail. She recalls they talked about what they can do with the landscaping and with parking.

0o0

Mr. Eisenbeisz stated yes, one of the challenges was the cost of the project. So at least they can fund the landscaping with this grant.

0o0

Mayor Robertson stated that she would appreciate they reference the subcommittee in the staff reports so they know it's already been reviewed.

0o0

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Adopt Resolution No. 7471 Authorizing the Submission of a Grant Application for \$1,788,000 to the Urban Greening Program through the State of California Natural Resources Agency for Landscape Improvements on the Cactus Trail Project.

0o0

**TAB 14 - First Amendment to the Reimbursement Agreement with Lewis-Hillwood regarding the Phase II Alder Interchange Preliminary Engineering Evaluation Report**

John Dutrey, Development Services Dept. presented the staff report regarding the First Amendment to the Reimbursement Agreement with Lewis-Hillwood regarding the Phase II Alder Interchange Preliminary Engineering Evaluation Report.

0o0

**TAB 14 - First Amendment to the Reimbursement Agreement with Lewis-Hillwood regarding the Phase II Alder Interchange Preliminary Engineering Evaluation Report**

Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to Approve (1) the First Amendment to the Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company LLC dated November 8, 2016 and (2) Adopt Budget Resolution No. 7472 appropriating funding in the amount of \$224,456 for the Phase II Alder Interchange Preliminary Engineering Evaluation Report.

0o0

**ORDINANCE REQUEST**

Mayor Pro Tem Scott requested that they bring back Ordinance No. 1458 pertaining to fences and front yards. They made an adjustment to the Ordinance in 2009 because the ordinance at that time specified front yard fences had to be no more than 42 inches and because they don't make chain link fences 42 inches, they had adjusted to 48 inches. However, somebody arbitrarily also changed setbacks in that ordinance. From 15 feet to 12 feet. He has no issue with setbacks being at 12 feet in new projects. But it presents an issue in existing housing projects when they change it from 15 feet to 12 feet because it doesn't make fences along side streets uniform. City Council needs to review that ordinance and make proper adjustments. They should make sure setbacks are in agreement with utility easements and one is not infringing on the other.

0o0

City Attorney Galante stated as a zoning Ordinance it first would need to be considered by the Planning Commission. Would they like to hear it at EDC first?

0o0

Mayor Pro Tem Scott asked if they can do a moratorium on setbacks at the next City Council meeting.

0o0

City Attorney Galante stated certainly, a moratorium on installation of improvements within that reduced setback.

0o0

**CLOSED SESSION**

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to return to Closed Session at 8:35 p.m.

0o0

City Council returned from Closed Session at 10:05 p.m.

0o0

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

City Attorney Galante stated that City Council returned to closed session to discuss the balance of closed session items.

2. Conference with Legal Counsel – one item of anticipated Litigation: Significant exposure of litigation. City Council received an update, provided direction and further reportable action was taken.

0o0

**REPORTS**

Mayor and City Council gave their reports.

0o0

**ADJOURNMENT**

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 10:07 p.m.

0o0

---

MAYOR DEBORAH ROBERTSON

**ATTEST:**

---

CITY CLERK BARBARA A. McGEE