

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

**MINUTES
July 23, 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, July 23, 2019.

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

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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 were absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Gov. Code § 54956.9(d)(1)):
(a) Jose Munoz v City of Rialto
WCAB SAC0000178652
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

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CLOSED SESSION

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by 5-0 vote to go into Closed Session at 5:03 p.m.

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City Council returned from Closed Session at 5:58 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:08 p.m.

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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.

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Pledge of Allegiance and Invocation

Father Jacob Thomas - Vettathu, M.S. - St. John XXIII Catholic Church Council Member Joe Baca Jr. led the pledge of allegiance.

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City Attorney's Report on Closed Session

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

- 1a. Conference with legal counsel – existing litigation. Jose Munoz v. City of Rialto. City Council received an update on the status of the case. No further reportable action was taken.
2. Conference with legal counsel – one case of anticipated litigation, significant exposure. City Council commenced the discussion and intends to reconvene after the open session.

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PRESENTATIONS AND PROCLAMATIONS

1. Mayor Robertson announced the birth of a new Rialto resident Bella Rose Schwartz.

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ORAL COMMUNICATIONS

Marie Abernathy, Rialto resident expressed her issue with animal control services and not picking up stray cats, illegal dumping in the fields near where she lives and the cars driving too fast in her residential area.

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Council Member Baca Jr. expressed his concern regarding a newspaper article about police officer training. He asked the Police for some clarification on what really happened.

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Police Chief Kling clarified and gave an update on continuing professional training in the department. The department got pegged for something that occurred in fiscal year 2016/2017 when it was under 99 officers and at a time when they did everything they could to fill their shifts. He doesn't want there to be any confusion that they don't have minimally trained officers. They exceed the standard continuously.

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

City Administrator Foster stated TAB 10 has been pulled from the Agenda and referred back to staff.

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Item E.1

Council Member Trujillo requested that Consent Calendar Item E.1 be pulled for discussion.

He asked if the request for an extension is to meet the deadlines.

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Sean Grayson, Acting Public Works Director stated yes that is correct. In order complete everything awarded in the grant, they need more time. It was because of both the project and the timing of acquiring the grant.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 2 (07/11/2019)

B.2 Warrant Resolution No. 3 (07/18/2019)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - May 14, 2019

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D. SET PUBLIC HEARING

D.1 Request City Council to Set a Public Hearing for September 10, 2019, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 1st Quarter of the 2019 Calendar Year.

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E. MISCELLANEOUS

E.1 Request City Council to Approve the First Amendment of the Cooperative Agreement between the City of Rialto and Mobile Source Air Pollution Reduction Review Committee (MSRC) to extend the expiration date of the Cooperative Agreement to February 2, 2023.

CONSENT CALENDAR

- E.2 Request City Council to Adopt the Following Resolutions Setting the Fiscal Year 2019-20 Special Tax Levy for Community Facilities District 2006-1, 2016-1, 87-1, and 87-2:
- Adopt Resolution No.7542 Establishing the Special Tax Rate for Community Facilities District 2006-1 (Elm Park).
 - Adopt Resolution No.7543 Establishing the Special Tax Rate for Community Facilities District 2016-1 (Public Services).
 - Adopt Resolution No.7544 Establishing the Special Tax Rate for Community Facilities District 87-1 (Las Colinas).
 - Adopt Resolution No.7545 Establishing the Special Tax Rate for Community Facilities District 87-2 (Las Colinas).
- E.3 Request City Council to Adopt a Resolution No.7546 to Add the Chino Valley Independent Fire District and Apple Valley Fire Protection District as Party to Consolidated Fire Agencies ("CONFIRE") Joint Powers Agreement.
- E.4 Request Mayor and City Council to cancel the regular meeting dates of August 27, November 26 and December 24.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve the Consent Calendar.

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TAB 1 - Ordering the Levy of Assessments for Fiscal Year 2019/2020 for Street Light Maintenance District No. 1, Landscape Maintenance District No. 1, Landscaping and Lighting District No. 2

Sean Grayson, Acting Public Works Director presented the staff report regarding the LMD and SLD assessment rolls. He re-capped the questions from City Council at the last meeting.

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Rod Foster, City Administrator stated that he is going to ask staff to look over the next year, what would be the cost if they converted the drought tolerant area to decorative synthetic turf. This could be one to control costs. Second, do the math for the contract services versus if they brought the services in-house. By this time next year, they will be able to provide the internal analysis.

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

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

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Council Member Baca Jr. stated he appreciates the clarification of the questions. The thinking of being drought tolerant would save them a lot of money but it's the maintenance. He agrees they need to look at the decorative turf. They need to be careful on where they do it and get the most for their money.

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TAB 1 - Ordering the Levy of Assessments for Fiscal Year 2019/2020 for Street Light Maintenance District No. 1, Landscape Maintenance District No. 1, Landscaping and Lighting District No. 2

Council Member Trujillo stated that he knows the City of Chino has turf, but they have trees and they still need maintenance of the leaves. When an HOA has their own agreement with their own landscaping maintenance, this has been maintained a lot more often. It may be beneficial to them to be removed from the LMDs. He would like to see the HOA's taken out, but it was mentioned that costs would go up for the rest of the residents.

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Mr. Grayson stated the cost for the rest of the residents would go up as well as the cost for that HOA would be higher because they would go out to bid on a very small project. They could bring back something that would look at the Landscape Maintenance portion of it, separate out the tree trimming and street lights because it would be difficult for an HOA to maintain.

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Council Member Trujillo asked if they looked at the formulas to see if they are objective.

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Mr. Grayson stated yes for the most part as they will see in Willdan's report it adjusts the EBU. There are two significant developments, the \$18 he referenced is only on 20 lots. Those are behind Frisbie Park and they have more landscape infrastructure placed around the houses and they pay for that maintenance of that enhancement.

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Mayor Robertson stated that she appreciates the explanation. If they are going to be looking at something over the next year, she would like to look at the HOA's. When the Developer comes in for a gated community, they can further define what they can be taking care of. Why shouldn't they take some time to look at that. They need to have the conversation at the front end through Economic Development and what they can take on through the HOA.

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Motion by Council Member Baca Jr.

Motion failed due to lack of a second.

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City Attorney Galante stated the creation of these districts were conditions of approval of various projects with the theory that if all the steps are addressed the city would approve and accept all these improvements. The result of not approving it would be that the individual developments would have to address them separately. They would have to be paid separately or not maintained if the developers don't take on the maintenance.

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TAB 1 - Ordering the Levy of Assessments for Fiscal Year 2019/2020 for Street Light Maintenance District No. 1, Landscape Maintenance District No. 1, Landscaping and Lighting District No. 2

Mayor Robertson stated every year they have the same discussion and a year from now it's the same. They need to stop and decide what is causing them to do this annually.

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Mayor Pro Tem Scott he thinks if they don't vote on an increase then it moves forward as it is. He is not voting for any increase without having the questions he had asked answered. The poor answers they got were not accurate. Nobody in the City attempted to contact him on this item when they knew he had questions and concerns about it. He is not going to continue to vote on taxing the residents when staff doesn't want to respond to the elected officials who have to respond to the community. He doesn't represent the employees, he represents the people who live in the community. He does not intend on voting on this item tonight.

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Mr. Grayson stated that there is a timeliness in submitting the rate structure to the County before the next meeting in August. If it's their desire to not increase rates and leave things status quo and give time for them to satisfactorily answer the questions. They can approve no rate increase and have that be the rate structure.

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City Attorney Galante stated that they can approve the annual assessment and not the increase. The resolutions will need to be revised to remove any increase to the assessment.

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Council Member Baca Jr. stated that he doesn't have a problem with that, but does this change the amount they will need to draw down from the General Fund.

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Mr. Grayson stated that it would change the amount they would need to draw down from the reserves of LLMD2 by \$30,000. SLD and LMD1 are fixed rates and already supplemented by the General Fund. There are reserves that can cover this fiscal year and it would be a challenge for next fiscal year.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott vote No, to Resolution No. 7539 Approving the Engineer's Reports and Ordering the Levy of Assessments for Fiscal Year 2019/2020 for Street Light Maintenance District No. 1, Resolution No. 7540 for Landscape Maintenance District No. 1, and Resolution No. 7541 for Landscaping and Lighting District No. 2 with not an increase and to maintain current assessment rate.

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**TAB 2 – Conditional Development Permit
No. 2018-0020 - development of a vehicle
fuel station**

Robb Steel, Development Services Director presented the staff report regarding a Conditional Development Permit No. 2018-0020 - development of a vehicle fuel station.

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Mayor Robertson declared the public hearing open.

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Lupe Camacho, Rialto resident has questions about the level of service once the project goes in.

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

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Mayor Pro Tem Scott stated this is bitter sweet because it takes down the old barn, and El Kiosko but progress has to move on. This a good project for the city and that neighborhood. This will bring services needed there.

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Council Member Baca Jr. stated that he is pleased that they are taking the extra step to make it aesthetically pleasing.

El Kiosko was a staple in the community and it's hard to see it go.

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Council Member Carrizales stated that he supports this project because the area has been neglected. He hopes it encourages the neighboring conveniences store to clean up their area.

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City Treasurer Carrillo stated he doesn't see in the staff report that it went to the Historical Preservation Commission. When he visited Mr. Minick before his death, he indicated that the area was a former World War I Army barracks. He didn't know if the Commission looked at that and the possibility of preserving that building.

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Council Member Trujillo stated that he visited the one in Temecula and it's very nice so, he is in full support. Will the Rialto location have a child play area too?

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Daniel Casey, Development Services stated no, there will be no play area or kid area. It will only be a convenience goods area.

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**TAB 2 – Conditional Development Permit
No. 2018-0020 - development of a vehicle
fuel station**

Mayor Robertson stated regarding the traffic concerns, in the report it states that it will be less than significant. But with the nature of the activity, they could expect increased traffic added to Riverside Ave.

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Mr. Casey stated that the traffic study did indicate that there would be increased number of trips generated by this project. However, it also did indicate that all levels of service of all the intersections in the area would remain at an acceptable level of service.

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Mayor Robertson asked if they would be making any improvements to the intersection with the regard to signals?

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Mr. Casey stated that there are some fair share improvements included in the traffic study.

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Mayor Robertson stated that maybe they need to look at a left turn signal and there is also a bus indication there.

As to the historical aspect, they can further investigate locally. She has been in Mr. Minick's home and there had been some modifications. They can have the Commission look into it and maybe put up a sign.

She also asked the developer to salvage some of Mr. Minick's fencing for city art.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adopt Resolution No. 7547 approving Conditional Development Permit No. 2018-0020, which is a request to allow the development of a vehicle fuel station consisting of a 5,460 square foot canopy and ten (10) fuel dispensers on 2.07 gross acres of land (APNs: 0132-031-03 & -21) located at the southwest corner of Riverside Avenue and Randall Avenue within the Neighborhood Commercial (C-1) zone.

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Mayor Pro Tem Scott left the dais at 7:15 p.m.

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**TAB 3 - First Amendment to the
Construction Fee Credit and
Reimbursement Agreement with Sirwin
Enterprises LLC**

Robb Steel, Development Services Director presented the staff report regarding the First Amendment to the Construction Fee Credit and Reimbursement Agreement with Sirwin Enterprises LLC.

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TAB 3 - First Amendment to the Construction Fee Credit and Reimbursement Agreement with Sirwin Enterprises LLC

Motion by Council Member Baca Jr. second by Council member Carrizales and carried by a 4-0 vote, Mayor Pro Tem Scott was absent, to Approve the First Amendment to the Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Sirwin Enterprises LLC.

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Mayor Pro Tem Scott returned to the dais at 7:17 p.m.

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TAB 4 - Construction Fee Credit and Reimbursement Agreement - CDRE Holdings 11, LLC

Robb Steel, Development Services Director presented the staff report regarding Construction Fee Credit and Reimbursement Agreement - CDRE Holdings 11, LLC.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Adopt Resolution No. 7548 Approving a Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and CDRE Holdings 11, LLC.

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TAB 5 – Ambulance Billing Services

Brian Park, Acting Fire Chief presented the staff report regarding Ambulance Billing Services.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Award a one-year contract with four optional one-year extensions based on continued satisfactory performance to Wittman Enterprises, LLC, for ambulance billing and related professional services not to exceed \$156,000 annually and Issue a Purchase Order in the amount not to exceed \$156,000 for Fiscal Year 2019/20.

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TAB 6 - Landscape and Grounds Maintenance Services for City Facilities and Parks

Sean Grayson, Acting Public Works Director presented the staff report regarding Landscape and Grounds Maintenance Services for City Facilities and Parks.

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Council Member Trujillo stated he didn't see the Metrolink Station in the Contract.

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Tony Brandyberry, Public Works stated the Metrolink is part of the other contract. When they separated the contracts, they wanted one contractor to take care of the traffic control delineation type areas which is part of the Inland Empire Landscaping contract as other services. This contract is the parks and city facilities. Anything that is not in a traffic area.

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**TAB 6 - Landscape and Grounds
Maintenance Services for City Facilities
and Parks**

Council Member Trujillo stated with some of these facilities are they moving toward drought tolerant as well?

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Mr. Brandyberry stated that they had been focused on the streets being drought tolerant. They have done some minor areas, but they can look into it.

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Mayor Pro Tem Scott stated the restrooms in the contract, who goes out and checks the restrooms.

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Mr. Brandyberry stated they currently have Sam Sung, the Landscape contract specialist and a Public Works employee who go out daily and talk with them daily.

The other contract will be presented at the next Council Meeting.

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Mayor Pro Tem Scott stated that maybe they need to talk about maintaining the restrooms before their contract comes forward.

He is opposed to anymore drought tolerant if there is not a cost savings. He is not convinced that its more work to maintain drought tolerant.

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Mr. Brandyberry stated that he can personally take them on a drive so he can show them what they are doing.

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Council Member Trujillo stated that he knows there are State regulations coming down on cities having to take out turf, what point are they at right now complying with existing State regulations.

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Mr. Brandyberry stated a few years ago, and its still current, cities are not allowed to water center median islands with potable water. They can use non-potable or reclaimed water. Those are the areas where they started the drought tolerant conversions first back in 09/10. Currently they have done drought tolerant on the sides of the road as needed. There is legislation floating around that the State is wanting to have the cities, if there is parkway from the curb to the sidewalk, they want that converted from turf to drought tolerant.

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Mayor Robertson stated about the parks, they are maintaining the restrooms Monday through Friday, but don't they have a high use on the weekend?

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TAB 6 - Landscape and Grounds Maintenance Services for City Facilities and Parks

Tony Brandyberry, Public Works stated he was mistaken, that its seven days a week. Its an extra cost for extra needs such as a tournament and they need extra services. The Contractor works well with the City.

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Mayor Robertson stated how they made the decision to take facilities out and move it to the other contract in high high traffic usage.

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Mr. Brandyberry stated it's for areas where the contractor needs to block off areas for the employees to work and be safe. such as the Metrolink Station where there is landscaping in the parking lot. They felt it would be more cost effective to put the station with the other contractor.

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Mayor Robertson asked about pest control in the areas they are in and how frequently is it handled.

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Mr. Brandyberry stated for internal facility pest control, it's a a different contractor. The pest control they are talking about in the contract is, white flies on a tee limb, ants in the grass, so it's more plant-based pests. Or gophers that come up in the parks, they take care of them.

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Council Member Carrizales asked about the amount of services for Frisbie Park that is currently closed for construction.

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Mr. Grayson stated they will not pay for the services but its still included in the Scope of Work for when the park is completed.

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Council Member Carrizales stated it doesn't look right having it in the contract when they know it will be more than a year before its completed.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to approve the First Amendment to the Contract Services Agreement with Willowbrook Landscape, Inc., a California Corporation, in the amount of \$371,548 for Landscape and Grounds Maintenance Services for City Facilities and Parks for Fiscal Year 2019/2020 and remove the Frisbie Park portion and CPI.

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TAB 7 – Purchase Orders for vehicle parts and services

Sean Grayson, Acting Public Works Director presented the staff report regarding the issuance of purchase orders to four different vendors.

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TAB 7 – Purchase Orders for vehicle parts and services

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Authorize Issuance of Purchase Orders for Fiscal Year 2019/2020 with:

1. Factory Motor Parts for Vehicle Parts in the Amount of \$40,000
2. Fairview Ford for Vehicle Parts and Services in the Amount of \$45,000
3. Fritts Ford for Vehicle Parts and Services in the Amount of \$45,000
4. Sunrise Ford for Vehicle Parts and Services in the Amount of \$45,000

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TAB 8 – Construction of the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements Project

Sean Grayson, Acting Public Works Director presented the staff report regarding Construction of the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements Project.

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Mayor Pro Tem Scott asked if a signal light is going in at Spruce/Valley.

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Mr. Grayson stated yes.

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Mayor Pro Tem Scott asked how far into the intersection are they paving?

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Azzam Jebbsheh, Public Works stated just the curb returns on Spruce about 50 ft., but they are not paving Spruce northbound off Valley.

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Mayor Pro Tem asked if they can get with the County to pave the entire intersection because that street is in terrible condition.

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Mr. Jebbsheh stated that he will look into it.

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Mayor Robertson stated that a ¼ of the intersection is County, but they are not contributing?

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Robb Steel, Development Services Director stated that Panattoni is picking 100% of the cost and then will bring back a fee credit agreement to get 75% back so they would wait until the County picked up the other 25%.

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TAB 8 – Construction of the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements Project

Motion by Council Member Baca Jr. second by Council Member Carrizales and carried by a 5-0 vote to (1) Award a Construction Contract to H & H General Contractors, Inc. in the Amount of \$1,065,905.30 for Construction of the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements Project; (2) Approve the Second Amendment to the Professional Services Agreement with Dokken Engineering in the Amount of \$51,950 for Construction -and Environmental Support Services; (3) Increase Purchase Order with Transtech Engineers, Inc. in the amount \$166,940 for Construction Management, Inspection and Material Testing Services for the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements, City Project No. 140802.

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Council Member Carrizales left the dais at 7:50 p.m.

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TAB 9 – Professional Consulting Services for Rialto's Safe Routes for Active Play, Work, and Live Rialto!

Sean Grayson, Acting Public Works Director presented the staff report regarding Professional Consulting Services for Rialto's Safe Routes for Active Play, Work, and Live Rialto!

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote Adopt Resolution No. 7549 Accepting the California Department of Transportation - Division of Transportation Planning Award of SB-1 Road Maintenance and Rehabilitation Account - Active Transportation Program Cycle 4 Grant and Authorize the Release of a Request for Proposals for Related Professional Consultant Services for Rialto's Safe Routes for Active Play, Work, and Live Rialto! for \$549,000, and Terra Vista Drive Neighborhood SRTS Infrastructure for \$663,000; and Authorize staff to Release a Request for Proposals for Related Professional Consultant Services. Council Member Carrizales was absent.

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TAB 10

This TAB was pulled from the Agenda.

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TAB 11 – Contracts to Facilitate Organizational Development and Professional Services Agreement with Harvey M. Rose Associates LLC

City Administrator Foster presented the staff report regarding Contracts to Facilitate Organizational Development Improvement and Professional Services Agreement with Harvey M. Rose Associates LLC.

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Mayor Pro Tem Scott stated that he thought when they approved the City Administrator the money, they also gave him the authority?

They don't have time to wait every 2-4 weeks for approvals. He is in support of this. He has done a good job of keeping City Council informed.

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TAB 11 – Contracts to Facilitate Organizational Development and Professional Services Agreement with Harvey M. Rose Associates LLC

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to 1) Provide Authority to the City Administrator to Select, Negotiate and Execute Professional Services Contracts and other Agreements and to Issue Purchase Orders to Facilitate Organizational Development; and 2) Approve the Professional Services Agreement with Harvey M. Rose Associates, LLC to Conduct an Assessment of the City's Public Works, Engineering, and Utilities Functions and Issue a Purchase Order in an Amount Not-to-Exceed \$77,600.

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Closed Session

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to adjourn back into Closed Session at 7:55 p.m.

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City Council returned to open session at 9:39 p.m. with all members present.

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City Attorney's Report on Closed Session

City Attorney Galante stated City Council held a discussion on

2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Significant exposure to litigation. City Council received an update, provided direction and no further reportable action was taken.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 9:41 p.m. in memory of:

Jose Luis

24 yr. old Rialto Resident
who passed away in a car crash

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE