

# **REGULAR MEETING of the CITY OF RIALTO**

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

### **MINUTES Tuesday, July 25, 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, July 25, 2023.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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#### **CALL TO ORDER**

Mayor Robertson called the meeting to order at 4:31 p.m.

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

Also, present were Acting City Manager Arron Brown, City Attorney Eric Vail, and City Clerk Barbara McGee.

City Treasurer Edward Carrillo was absent.

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#### **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL –  
ANTICIPATED LITIGATION  
Significant exposure to litigation Pursuant to Government  
Code section 54956.9(d)(2)  
Number of matters: Seven (7) Matters
  - Workers Compensation Claim - James Bender
  - Workers Compensation Claim - Jose Munoz
  - Workers Compensation Claim - Eric Bluff-Hop
  - Industrial Disability Retirement - Donna Crow
  - Potential Litigation Item - Cactus Basin
  - Claim - Deborah Robertson
  - Initiative Measure

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## **CLOSED SESSION**

### 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Two (2) matters:

(1) Brandyberry v. City of Rialto et al.,

SBSC Case No. CIV SB 2209443

(2) Angulo v. City of Rialto et al.,

SBSC Case No. CIV SB 2218619

### 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: APN: 0264-211-15 & 17; and

0264-211-44, 45, 46, & 54

Agency Negotiator: Acting City Manager Arron Brown;

Assistant City Attorney Robert Messinger

Negotiating Parties: City of Rialto,

City of Rialto as Successor Agency;

TE Newland Investment LLC.

Under Negotiation: Price and Terms Sale

### 4. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Arron Brown and Al Ford

Employee Organizations:

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

### 5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

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Motion by Council Member Trujillo, and second by Mayor Pro Tem Carrizales, and carried by a 5-0 vote to go into Closed Session at 4:33 p.m.

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The City Council returned from Closed Session at 6:33 p.m.

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## **CALL TO ORDER**

Mayor Pro Tem Carrizales called the meeting to order at 6:36 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 Acting City Manager Arron Brown, City Attorney Eric Vail, and City Clerk Barbara McGee.

Mayor Deborah Robertson and City Treasurer Edward Carrillo were absent.

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

Council Member Rafael Trujillo led the pledge of allegiance.

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Pastor Baron Sovory – Valley Fellowship SDA Church

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

#### **1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation Pursuant to Government  
Code section 54956.9(d)(2)

Number of matters: Seven (7) Matters

- Workers Compensation Claim - James Bender
- Workers Compensation Claim - Jose Munoz
- Workers Compensation Claim - Eric Bluff-Hop
- Industrial Disability Retirement - Donna Crow
- Potential Litigation Item - Cactus Basin
- Claim - Deborah Robertson
- Initiative Measure

The City Council had discussions with City Attorney and Special Council. No other reportable action.

#### **2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

Two (2) matters:

(1) Brandyberry v. City of Rialto et al.,  
SBSC Case No. CIV SB 2209443

(2) Angulo v. City of Rialto et al.,  
SBSC Case No. CIV SB 2218619

The City Attorney gave report on both items, gave direction. There was no other reportable action.

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

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: APN: 0264-211-15 & 17; and  
0264-211-44, 45, 46, & 54  
Agency Negotiator: Acting City Manager Arron Brown;  
Assistant City Attorney Robert Messinger  
Negotiating Parties: City of Rialto,  
City of Rialto as Successor Agency;  
TE Newland Investment LLC.  
Under Negotiation: Price and Terms Sale

There was no action by the City Council on Item.

4. CONFERENCE WITH LABOR NEGOTIATOR  
Pursuant to Government Code section 54957.6  
Labor Negotiator: Arron Brown and Al Ford  
Employee Organizations:
  - Executive Management Team
  - Management Unrepresented Employees
  - Rialto City Employee's Association (RCEA)
  - Rialto Mid-Management & Confidential Employee's Association (RMMA)
  - Rialto Fire Management Association (RFMA)
  - Rialto Police Benefit Association – Management
  - Rialto Police Benefit Association – General
  - Rialto Professional Firefighters of California – Local 3688
  - Unrepresented Employees

The City Council had a discussion with Acting City Manager Arron Brown and gave direction. There is no reportable action.

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code section 54957  
Title: City Attorney

The City Council engaged with the City Attorney related to Item.

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Mayor Robertson arrived at 6:40 p.m.

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**PRESENTATION AND  
PROCLAMATIONS**

1. In Memoriam for Genetha Thompson
2. Congressional Recognition Detective Watson received from Congressman Pete Aguilar - Presented by Curt Lewis
3. Proclamation - US Conference of Mayor's Playball Program
4. Proclamation - Never Give Up Day

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## **ORAL COMMUNICATIONS**

Marlanda Johnson, Field Representative, with County Supervisor Joe Baca Jr. office inviting the public to the National Night Out event at the Ayala Community Center in Bloomington on August 1, 2023.

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Lupe Camacho addressed the City Council related to the increased number of vehicular accidents on Riverside Avenue and Third Avenue. She also addressed the matter of the new City Manager and expressed public concerns with City Managers turnover rate. The City Council manages the City Manager. The City needs to improve the management of the City Manager to avoid discontinuity of information and work productivity.

She also requested additional comfortable chairs inside Council Chambers and as well as Spanish translation services.

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Edgar Montes addressed the City Council and asked if a Spanish-language translator was available. Mr. Montes interpreted in propria persona in Spanish.

He addressed the City Council in support of labor, trades, City Council, and small business. He acknowledged Mayor Pro Tem Carrizales for being cleared of conflict of interest. He lends his support in any way possible and respects the City Council decisions.

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Bob Gieniel addressed the City Council related to the Pepper Avenue Specific Plan and thanks Mayor Robertson for her position on the project and supports her 100 percent.

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Luis Ojeda addressed the City Council and encouraged the public to do their homework related to the impact projects have on a community and find ways to work together mediate, between those in favor and against the Pepper Avenue Specific Plan project.

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

Mayor Robertson asked to move TAB 13 to TAB 5 after completing all the Public Hearings.

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Mayor Pro Tem Carrizales recused himself from TAB 4; Section 5 due to a conflict of interest with his business on 119 E. Foothill Avenue.

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Council Member Baca recused himself from TAB 4; Section 4 due to a conflict of interest due to residential proximity on Riverside Avenue and Easton Avenue.

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

(Disruption in proceedings.)

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City Clerk McGee asked the audience members to silence their phones so it does not interfere with recording.

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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. 49

B.2 Warrant Resolution No. 49a

B.3 Warrant Resolution No.50

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### **C. APPROVAL OF MINUTES**

C.1 Regular City Council Meeting – June 27, 2023

### **D. CLAIMS AGAINST THE CITY**

D.1 Maria Benitez (Guardian)

D.2 Jocelyn Navarette - Vehicle Damage

D.3 Clifford Moss Jr. - Vehicle Damage

D.4 Lidia Herrera - Vehicle Damage

D.5 Mercury Insurance (Omar Alanis) - Vehicle Damage

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### **E. SET PUBLIC HEARING**

E.1 Request City Council to Set a Public Hearing for August 8, 2023 to consider (1) Specific Plan Amendment No. 2022-0001, a request to change the land use designation on a 1.67-acre parcel of land (APN: 0130-013-02) located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard from Commercial - Mixed Use (C-MU) to Residential - High Density (R-HD), (2) Precise Plan of Design No. 2022-0025, a request to allow the development of a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of eight (8) two-story buildings and associated paving, landscaping, lighting and drainage improvements, and (3) an Addendum to the Foothill Boulevard Specific Plan Mitigated Negative Declaration (Environmental Assessment Review No. 2022-0037) prepared for the project, in accordance with the California Environmental Quality Act (CEQA).

## **CONSENT CALENDAR**

- E.2 Request City Council to Set a Public Hearing for August 22, 2023, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 1st Quarter of the 2023 Calendar Year.
- E.3 Request City Council to Set a Public Hearing for August 22, 2023 to consider (1) Tentative Parcel Map No. 2020-0001 (TPM 20195), a request to subdivide a 31.61 gross acre parcel of land into two (2) new parcels of land, (2) Conditional Development Permit No. 2020-0002, a request to allow the development and use of two (2) new industrial warehouse buildings, (3) Precise Plan of Design No. 2020-0012, a request for site and architectural review of a proposal consisting of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building on 31.61 gross acres of land, and (4) an Environmental Impact Report (Environmental Assessment Review No. 2020-0003) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue.

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## **F. MISCELLANEOUS**

- F.1 Request City Council to (1) Approve the Purchase of Upgraded Digital Analysis Hardware and an Annual Software Subscription in the Amount of \$128,836.18 with Cellebrite, Inc.; and (2) Authorize the Acting City Manager or his Designee to Execute all Documents.
- F.2 Request City Council Receive and File the 2022 Consumer Confidence Drinking Water Report.
- F.3 Request City Council to Approve Renewal of Professional Consulting Agreement for Federal Legislative Advocacy Services with David Turch and Associates in the Amount Not to Exceed \$78,000 per year (\$156,000) for a Two-Year Term Commencing on August 1, 2023.
- F.4 Request City Council to (1) accept a donation valued at \$43,893 from Canvus for Park Furniture made from retired Materials at no cost to the city; (2) Approve the Acting City Manager to execute all necessary documents to accept the donation.
- F.5 Request City Council to: (1) Approve a grant application for Window 1 Mobility Project Voucher (MPV) under the Clean Mobility Options (CMO) Program; (2) Authorize the Acting City Manager to sign all necessary documents to complete the grant submission
- F.6 Request City Council to Adopt Resolution No. 8111 Setting the Fiscal Year 2023/2024 Tax Rate for PERS Retirement Cost at \$0 (zero).

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## **CONSENT CALENDAR**

### **PUBLIC HEARING**

#### **TAB 1**

#### **Adopt Resolution No. 8112**

#### **Authorizing the Placement of Solid Waste Handling Service Charges and fee on the Property Tax Roll**

Motion by Council Member Baca, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to adopt the Consent Calendar.

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Amy Crow, Administrative Analyst, presented staff report to Request City Council to: (1) Conduct a Public Hearing to Consider the Placement of Solid Waste Handling Service Charges on the Property Tax Roll; and (2) Adopt Resolution No. 8112 Authorizing the Placement of Solid Waste Handling Service Charges and Fees on the Property Tax Roll.

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Mayor Robertson asked if anyone wished to speak.

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City Clerk McGee stated no.

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

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Council Member Trujillo asked about the format of the report.

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Ms. Crow stated the columns shifted when the report was uploaded to Legistar and changed the format.

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Council Member Trujillo asked if there are addresses.

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Ms. Crow stated it does.

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Motion by Council Member Trujillo, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to Adopt Resolution No. 8112 Authorizing the Placement of Solid Waste Handling Service Charges and Fees on the Property Tax Roll.

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**TAB 2**

**Adopt Resolution No. 8113; Adopt  
Resolution No. 8114; Adopt Resolution  
No. 8115**

Daniel Casey, Senior Planner, presented staff report to Request City Council to: (1) Conduct a Public Hearing and Take Public Comment, and (2) Adopt Resolution No. 8113, Authorizing The Annexation Of Territory To Community Facilities District No. 2016-1 (Public Services) (Annexation No. 7) And Authorizing The Levy Of A Special Tax And Submitting The Levy Of Tax To The Qualified Electors; (3) Adopt Resolution No. 8114, Calling A Special Election And Submitting To The Voters Of Annexation No. 7 Of City Of Rialto Community Facilities District No. 2016-1 (Public Services) Propositions Regarding The Annual Levy Of Special Taxes Within Annexation No. 7 To Finance Public Services, And The Establishment Of An Appropriations Limit; (4) Hold A Special Election by Opening Ballots; (5) Following The Election Adopt Resolution No. 8115 Making Certain Findings, Certifying The Results Of The Election And Adding Property To Community Facilities District No. 2016-1 (Public Services) (Annexation No. 7).

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Mayor Robertson asked if anyone wished to speak.

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City Clerk McGee stated no.

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

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City Clerk McGee read ballot for the record as follows:

Community Facilities District No. 2016.-1 (Public Services)

Annexation No. 7

PROPOSITION A: YES

PROPOSITION B: YES

Number of votes: 4 Property Owner: MV AMCV LLC

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to adopt Resolution No. 8113.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to adopt Resolution No. 8114.

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Motion by Council Member Scott, second by Council Member Baca and carried by a 5-0 vote to adopt Resolution No. 8115.

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**TAB 3**  
**Adopt Resolution No. 8116 Ratifying**  
**Adoption of the City of Rialto 2021-2029**  
**(Sixth Cycle) General Plan Housing**  
**Element Update**

Siri Champion, Senior Planner and City Attorney Vail, presented staff report to Request City Council to Conduct a Public Hearing to Adopt Resolution No. 8116 (Attachment A) Ratifying Adoption of the City of Rialto 2021-2029 (Sixth Cycle) General Plan Housing Element Update (General Plan Amendment No. 2021-0002).

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Mayor Robertson opened the Public Hearing.

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**Public Comment**

Maria Delgado with Inland County Legal Services addressed the City Council related to their opposition to the ratification of the adoption of the 6<sup>th</sup> Cycle Element based on the deficiencies identified in prior correspondence.

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

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Motion by Council Member Scott, second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to Adopt Resolution No. 8116 (Attachment A) Ratifying Adoption of the City of Rialto 2021-2029 (Sixth Cycle) General Plan Housing Element Update (General Plan Amendment No. 2021-0002).

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

Siri Champion presented staff report to Request City Council to Conduct a Public Hearing to Consider and Adopt the Residential Overlay Program Pursuant to the 2021-2029 (Sixth Cycle) General Plan Housing Element Comprised of the following:

**Item 1; Item 2; Item 3**

1. To adopt Resolution No. 8043 (Attachment B) approving an Addendum to the previously adopted Mitigated Negative Declaration for the 2021-2029 (6th Cycle) General Plan Housing Element Update (Environmental Assessment Review No. 2022- 0083) for the proposed project.
2. To introduce for the First Reading, Ordinance No.1681 (Attachment C) that would approve Zoning Code Amendment No. 2022-0004 to amend the Rialto Municipal Code by adding Chapter 18.116 (Residential Overlay), modifying Section 18.22.020 (Permitted Uses), and adding Section 18.56.09 (Affordable Housing Projects).
3. To adopt Resolution No. 8045 (Attachment D) approving Specific Plan Amendment No. 2022-0007 to establish a residential overlay in the Central Area Specific Plan and to adopt the attached Resolution No. 8046 (Attachment E) approving Specific Plan Amendment No. 2022-0008 to establish a residential overlay in the Gateway Specific Plan.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 1; Item 2; Item 3**

**Public Comment**

Mayor Robertson opened the public hearing.

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Melissa May with CCAEJ addressed the City Council related to her opposition to the adoption to the Residential Overlay Program (Sixth Cycle) General Plan Housing Element.

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City Attorney Vail acknowledged the correspondence from Inland County Services referencing TAB 3 and TAB 4. Letter will be incorporated into the record on both TABS.

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Maria Delgado with Inland County Legal Services addressed the City Council related to their opposition to the adoption to the Residential overlay Program (Sixth Cycle) General Plan Housing Element. She urged the City to make the corrections identified in the residential overlay to comply with Housing Element law.

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Motion by Mayor Pro Tem Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to close the Public Hearing.

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City Clerk Read Ordinance No. 1681 into the record.

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**ORDINANCE NO. 1681**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD CHAPTER 18.116 ESTABLISHING A RESIDENTIAL OVERLAY ZONE TO ACCOMMODATE HOUSING AND MODIFYING PERMITTED LAND USES AND RESIDENTIAL DENSITIES IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT AND APPLYING THE RESIDENTIAL OVERLAY TO PROPERTIES IN THE VICINITY OF BASELINE ROAD AND RIVERSIDE AVENUE, IN THE GATEWAY SPECIFIC PLAN, AND THE CENTRAL AREA SPECIFIC PLAN.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 1; Item 2; Item 3**

Motion by Council Member Trujillo second by Council Member Baca and carried by a 4-1 vote to the following:

1. Adopt Resolution No. 8043 (Attachment B) approving an Addendum to the previously adopted Mitigated Negative Declaration for the 2021-2029 (6th Cycle) General Plan Housing Element Update (Environmental Assessment Review No. 2022- 0083) for the proposed project.
2. To introduce for the First Reading, Ordinance No.1681 (Attachment C) that would approve Zoning Code Amendment No. 2022-0004 to amend the Rialto Municipal Code by adding Chapter 18.116 (Residential Overlay), modifying Section 18.22.020 (Permitted Uses), and adding Section 18.56.09 (Affordable Housing Projects).
3. To adopt Resolution No. 8045 (Attachment D) approving Specific Plan Amendment No. 2022-0007 to establish a residential overlay in the Central Area Specific Plan and to adopt the attached Resolution No. 8046 (Attachment E) approving Specific Plan Amendment No. 2022-0008 to establish a residential overlay in the Gateway Specific Plan.

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

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

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Council Member Baca stepped away from the dais at 8:02 p.m.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 4**

Siri Champion, Senior Planner, presented staff report to Request City Council to Conduct a Public Hearing to Consider and Adopt the Residential Overlay Program Pursuant to the 2021-2029 (Sixth Cycle) General Plan Housing Element Comprised of the following:

4. To introduce for the First Reading, Ordinance No.1682 (Attachment F) that would approve Zoning Code Amendment No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area D (Properties Located Near North Riverside Avenue and Easton Street).

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Motion by Council Member Scott by Mayor Pro Tem Carrizales and carried by a 3-1 vote to open the Public Hearing.

Council Member Baca recused himself.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 4**

Mayor Robertson opened the public hearing.

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Mayor Robertson asked if anyone wished to speak.

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No one came forward.

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Motion by Council Member Scott, second by Council Member Trujillo and carried by a 3-1 vote to close the Public Hearing.

Council Member Baca recused himself.

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**ORDINANCE NO. 1682**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA D (PROPERTIES LOCATED NEAR NORTH RIVERSIDE AVENUE AND EASTON STREET) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.

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Motion by Mayor Pro Tem Carrizales second by Mayor Robertson and carried by a 3-1 vote to introduce for the First Reading, Ordinance No.1682 (Attachment F) that would approve Zoning Code Amendment No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area D (Properties Located Near North Riverside Avenue and Easton Street).

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

NOES: Council Member Scott. RECUSED: Council Member Baca. None. ABSENT: None.

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Mayor Pro Tem Carrizales stepped away from the dais at 8:05 p.m.

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Council Member Baca returned to the dais at 8:05 p.m.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 5**

Siri Champion, Senior Planner, presented staff report to Request City Council to Conduct a Public Hearing to Consider and Adopt the Residential Overlay Program Pursuant to the 2021-2029 (Sixth Cycle) General Plan Housing Element Comprised of the following:

5. To introduce for the First Reading, Ordinance No.1683 (Attachment G) that would approve Zoning Code Amendment. No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area E (Properties Located in the Foothill Boulevard Specific Plan) and to adopt the attached Resolution No. 8044 (Attachment H) approving Specific Plan Amendment No. 2022-0006 to establish a residential overlay in the Foothill Boulevard Specific Plan.

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Motion by Council Member Scott by Council Member Trujillo and carried by a 3-1 vote to open the Public Hearing.

Mayor Pro Tem Carrizales recused himself.

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Mayor Robertson opened the public hearing.

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Mayor Robertson asked if anyone wished to speak.

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No one came forward.

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Motion by Council Member Scott second by Council Member Trujillo and carried by a 3-1 vote to close the Public Hearing.

Mayor Pro Tem Carrizales recused himself.

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Council Member Scott inquired about the EDC request that the project be completely overlayed, and it was impossible to do that.

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Ms. Champion stated the CEQA document prepared for this project cannot accommodate the addition of more properties. The CEQA process would need to start over again. It's important to finish this portion of the implementation action for the 6<sup>th</sup> cycle housing element to obtain approval from the State Department of Housing and Community Development.

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Council Member Scott asked if a property on Foothill Boulevard is commercial and choose to remain commercial, is there a requirement for them to build mixed-use.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 5**

Ms. Champion stated there is no requirement that they build mixed-use. They do not have to build residential. They may remain commercial.

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Council Member Scott asked if any Community Development staff inquire of RWS and West Valley Water -- if all this was converted to housing -- as to whether or not they can comply to will-serve all properties for water.

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Ms. Champion stated the Utilities Manager worked with water departments to analyze whether or not sufficient water would be available to provide for the housing units. It was found that there would be sufficient water.

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Council Member Scott emphasized that it is unfair of the City to require certain properties on Foothill Boulevard to be mixed use and not others. It seems discriminatory. It changes property values and allows some to have an advantage that others do not.

He will be asking the Utilities Manager to produce the documentation that shows he can produce the water supply to 8,000 units.

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Ms. Champion stated that in the housing element, the City is required to accommodate water supply for 8,272 units.

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Council Member Scott stated he will challenge the Utilities Manager if that is feasible. Council Member Scott does not believe it is possible.

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Council Member Trujillo noted that on the Foothill Specific Plan, government entities are included on the overlay such as the County Behavioral Center. He clarified that it is not strictly commercial.

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Ms. Champion stated it is not all commercial. There are opportunities to provide for a mixture of services and housing on public sites as well as opportunities for residential on private sites.

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Council Member Trujillo stated related to the water plan, he requested documentation as to how that came to completion.

He asked if traffic was part of the component.

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Ms. Champion stated that was part of the CEQA analysis.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 5**

Mayor Robertson expressed concerns with the coordination of agencies to deliver water as well as utility services to all units. She also expressed the multiple concerns on the Foothill Specific Plan's overlay designation inconsistencies.

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Ms. Champion stated a few considerations were made based on the site's selection capacity. The size of property was a determining factor.

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Mayor Robertson asked for an explanation about the possibly proposed overlay on a vacant lot area on Foothill Boulevard by the TELACU Senior Project.

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Ms. Champion stated the site selection was completed in advance of receiving the entitlement application and the reason it is still reflecting in the residential overlay.

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Council Member Baca asked if it is required by law that an overlay plan is established by a target date.

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Ms. Champion stated there was a deadline for adopting the residential overlay related to grant funding. The deadline has passed.

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Council Member Baca emphasized the concerns expressed by the public in oral communications and that they be taken into consideration and corrected.

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Council Member Trujillo asked about the possibility of adding to the current overlay in the future.

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Ms. Champion stated staff recommends action be taken tonight on the items presented. In 2024, it can return to the City Council with the addition of more sites.

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Council Member Trujillo asked if there is also ability to remove properties from the overlay in the future.

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**TAB 4**  
**Adopt the Residential Overlay Program**  
**(Sixth Cycle) General Plan Housing**  
**Element**

**Item 5**

Ms. Champion stated it is possible to remove sites from the overlay. The implications would need to be discussed with consultant. If sites are lost, they would need to be made up somewhere else. This is a component on implementing the 2021-2029 Housing Element.

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Council Member Trujillo verified that sites can be added but removing is problematic.

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Ms. Champion stated it's challenging at that point because there needs to be consistency within the adopted housing element.

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**ORDINANCE NO. 1683**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.116.020 (APPLICATION) OF TITLE 18 (ZONING) OF THE RIALTO MUNICIPAL CODE TO ADD A ZONING MAP FOR AREA E (PROPERTIES LOCATED IN THE FOOTHILL BOULEVARD SPECIFIC PLAN) TO ACCOMMODATE HOUSING IN ACCORDANCE WITH THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT.

Council Member Scott asked if the motion includes Resolution No 8044.

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Mayor Robertson stated yes.

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City Clerk McGee stated it will include Resolution No. 8044.

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Motion by Mayor Robertson second by Council Member Trujillo and carried by a 3-1 vote to introduce for the First Reading, Ordinance No.1683 (Attachment G) that would approve Zoning Code Amendment. No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area E (Properties Located in the Foothill Boulevard Specific Plan) and to adopt the attached Resolution No. 8044 (Attachment H) approving Specific Plan Amendment No. 2022-0006 to establish a residential overlay in the Foothill Boulevard Specific Plan.5.

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

NOES: Council Member Scott. RECUSE: Mayor Pro Tem Carrizales  
None. ABSENT: None.

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## **NEW BUSINESS**

### **TAB 13**

#### **Discuss and Consider placing Council Ballot Initiative on March 5, 2024 Special Election to affirm Resolution No. 8098**

Mayor Pro Tem Carrizales returned to the dais at 8:24 p.m.

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Arron Brown, Acting City Manager, presented staff report to request City Council to discuss and consider placing a council ballot initiative on the March 5, 2024 Special Election for registered voters of the City of Rialto to affirm Resolution No. 8098, adopted on June 13, 2023, that amended the Pepper Avenue Specific Plan.

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Mayor Robertson asked how many speakers wished to speak.

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City Clerk McGee stated 29 speakers.

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Mayor Robertson asked City Attorney Vail to provide intent and clarifications that are expected to be before the City Council.

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City Attorney Vail referenced the City Council agenda and read as follows:

“City Council to discuss and consider placing a council ballot initiative on the March 5<sup>th</sup>, 2024 Special Election for registered voters of the City of Rialto to affirm Resolution No. 8098, adopted on June 13, 2023, that amended the Pepper Avenue Specific Plan.”

I believe that there were some errors in that description and that it should have read as follows:

“City Council to discuss and consider placing a Council ballot initiative on the November 2024, Regular Election for registered voters of the City of Rialto to repeal Resolution No. 8098 adopted on June 13, 2023 that amended the Pepper Avenue Specific Plan.”

He stated this is simply a discussion item for Council to give direction to staff as to whether to do a City Council initiated initiative to repeal the Resolution No. 8098, which was the resolution that amended the Pepper Avenue Specific Plan.

My opinion is that you have the ability to discuss affirming it, appealing it, putting it on in March, putting it on in November. It would take three affirmative votes to move forward with a City initiative with this regard. But you're open to discussion and give us direction and of course take public comments on this Item.

Any other questions, I'd be happy to address them.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

Mayor Robertson stated it was a request on her behalf for the November 2024 election not a March 5<sup>th</sup>, 2024 election. It would be a discussion to repeal.

In order to have 29 public comments, it would be at two minutes each.

There needs to be a discussion to either vote to affirm to place it on the November 2024 election as an Item to repeal the action. She asked City Attorney to explain why the action must be “repeal” versus to “affirm” the action for the Specific Plan previously adopted. The previous action was amending the Specific Plan.

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City Attorney Vail stated it's a motion to repeal or an initiative to repeal. The City Council has already previously approved this Specific Plan by a majority vote.

An initiative is different than a referendum. When people do a referendum, as we know there is a referendum petition currently circulating for signature that requires it phrased the opposite, that the Council affirm, approving the Resolution.

If there will be an initiative, it would be to repeal because the City Council has already adopted it. When the people do it as a referendum, they have to vote for what the City Council has already voted for.

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Mayor Robertson clarified that the referendum the people have to obtain is that they need to secure 6,000 signatures in order for the referendum to be considered.

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City Attorney Vail stated the actual number is 5,313 valid registered voters.

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City Clerk McGee stated yes.

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Mayor Robertson clarified the referendum is required because the action has been taken. The referendum is requiring they gather votes to place it on a ballot to overturn the Council's action.

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City Attorney Vail emphasized to “approve” it. Should the referendum fail to secure enough signatures, then the action stands. The City Council's previous approval stands.

If the referendum effort obtains sufficient signatures, then the City Council has an opportunity to either repeal the Ordinance that's in place or submit it to the voters.

If it's submitted to the voters, the voters have to approve that Ordinance for it to be valid. If the voters don't approve it, it's essentially repealed.

**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

The initiative is different. If the City Council moves forward with the initiative, an initiative can be started, initiated by the City Council themselves requiring three votes in favor. At which point, we will have to come back to your first meeting in August with a staff report, with a resolution that places this Item on the November 2024 election and states the ballot question. It will take three City Council Members to make certain that it passes at that time.

Once you have done that, then it's deemed submitted to the voters then other laws go into effect about who can do something in favor and who can do an argument against. The City cannot advocate; only educate the public.

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Mayor Robertson emphasized the clarification on what is before the City Council and what can and cannot be done.

There are 29 people requesting to speak on the Item. We need to make certain we are speaking to – it's not a matter of speaking to, do we have a project that moves forward or not. That's already moving forward. It's already affirmed by majority of the City Council. The projects proceed unless the signatures are collected in a timeframe that will put the matter to voters to decide if they will approve or appeal. That's the part that's not clear. What will the referendum do?

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City Attorney Vail stated if the referendum moves forward, they have to approve the Item.

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Mayor Robertson asked they have to approve the action the City Council took or disapprove it.

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City Attorney Vail stated they have to approve it. If it's on the ballot and it doesn't get approved, in effect, it repeals the Ordinance. That is what State law says.

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Mayor Robertson asked if that was clear.

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City Attorney Vail stated tonight before the City Council will make a decision as to whether the City wants to initiate its own initiative to repeal that order, that Ordinance.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

Mayor Robertson clarified to consider to giving direction to City Attorney to return in August with a staff report of how it would move forward as an initiative.

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City Attorney Vail stated with a resolution to be placed on the ballot in November, correct.

I don't recommend that you take that action, but this is a policy decision for the City Council to make.

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Mayor Robertson emphasized it's a policy decision, and this is a policy body.

If the City Council has a decision now, then public comments are after the fact. When the public has already stated they wish to speak, you cannot just void the public's desire to speak on the Item.

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City Attorney Vail stated the Brown Act does afford the members of the public an opportunity to speak before the City Council takes action on any Item.

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Mayor Robertson stated, the clarification will be that is what will be before the City Council if any Council Member proceed any way and it's affirmative of a simple majority one way or another.

The public who has signed up and others who would like to come forward to speak, that process needs to begin. In the interest of time, it will be at two minutes.

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**PUBLIC COMMENT**

Farah addressed the City Council related to the Pepper Avenue Specific Plan and expressed disappointment that Council's disregard for the Pepper project that previously took place. Because of this, an unnecessary election.

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Mayor Robertson reminded the importance of public comments staying under two minutes in order to get through all the comments.

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Shane Ysais with CCAEJ addressed the City Council related to the Pepper Avenue Specific Plan on behalf of the thousands of people who signed the petition to overturn this ruling. He stands in solidarity to start an initiative to repeal actions done by the City Council. It's a horrible project of public health. It's a start of a movement to take back their City from people that have accepted money from developers while endangering public health. It's time to listen to the people.

0o0

**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

**PUBLIC COMMENT**

Cindy Nemeek addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She believes there are enough warehouses. She is asking for a repeal or allow the people to vote. Allow the neighborhood have a say.

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Jose Garcia with Liuna, addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He urges the City to use the money wisely.

0o0

Thomas Ruiz with Labors International Union of North America addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and expressed support of the project and industrial development.

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Michael Lopez addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and expressed support of the project and industrial development. It would help the people in the surrounding area.

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Hugo Galvan addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and expressed support of the project. It allows the opportunity to improve his financial state.

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John Peukert addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He encourages the City Council to put it in the hands of the voters so that a decision is not made by a couple of individuals.

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Jayson Baiz with Labors International Union of North America addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and expressed support of the project. The project creates jobs and investors. He fully opposes the March election ballot.

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Michelle Sanchez addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She referenced a letter related to Section 9222. The project is not a good idea.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

**PUBLIC COMMENT**

Eric Rojas addressed the City Council related to the amendment of the Pepper Avenue Specific Plan because it jeopardizes the safety and wellbeing of the community. It's a matter that should go to a public vote and urges the City Council to have it placed on the ballot for a thorough and transparent evaluation by the residents of the City.

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Stacy Ramos addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and urges the City Council to support the ballot initiative. The health of the community is more important than the dollar.

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Brenda Parker addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She asked what the current developer has that no other developer had that would cause local officials and counsel to turn against the community. The Pepper Avenue Specific Plan was affirmed up until recently. She asked the City Council to allow the people to take it to the ballot.

0o0

Luis Franco addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He believes some members of the City Council are not taking the public into consideration.

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Crystal Magaña addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She supports the ballot initiative. She believes the project impacts environment and health. The voice of Rialto residents must be prioritized.

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Roxana Vilchez addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She supports the ballot initiative. She believes there are too many environmental repercussions.

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Alexa Franco addressed the City Council related to the opposition to the amendment of the Pepper Avenue Specific Plan. She is in support of the ballot initiative. She believes there are many safety concerns. It is the public's right what happens in the City.

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Jessica Mercado addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She provided the City Council with statistics on the number of warehouses in the City, traffic and road conditions and property value.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

**PUBLIC COMMENT**

Yolanda Smith addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She emphasized those supporting the ballot initiative are also in favor of jobs and labor and schools as well as representation on the voters of Rialto to make decisions. They are not against warehouses; only where they are being placed. They are one Rialto and will stand together.

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Marven Norman addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He believes the City Council should stick with community input after it has been given.

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Jose Estrada addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He believes it will bring opportunities for labor workers to provide for their families.

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Jovanny Aguilera with CCAEJ addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He is in favor of the ballot initiative. The public should decide.

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Lawrence Jenkins addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He believes, it is not who's right; it's what's right.

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Alexandra Diaz addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She encourages the Council Members to allow residents to vote on the issue.

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Jessica Rodriguez addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and encourage the City Council to honor their vote and expressed its benefits to the community should they honor the original Pepper Avenue Specific Plan.

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Gloria Camacho allotted Lupe Camacho her two-minute time.

Lupe Camacho addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She referenced a letter to the Rialto City Council from the developer's attorney. She stated it was a letter of intimidation to the City Council with threats of legal repercussions.

She addressed Integrity of Benevolence of the developer and asked why a letter was sent to the City Council and placing pressure for Item to be removed from the agenda.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

**PUBLIC COMMENT**

Alex Artiaga addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He opposes the ballot initiative. He urges the City Council to approve the project so that members can work.

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Jon Shardlow addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He expressed the benefits of industrial projects.

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(Disruption by audience members.)

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Mayor Robertson stated every person is entitled to speak either in Oral Communications or a TAB Item under Public Comment.

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Luis Ojeda addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. He stated this is a democracy and need to be respectful in every issue.

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Lupe Camacho addressed the City Council related to the amendment of the Pepper Avenue Specific Plan. She detailed monetary contributions made to several of the City Council Members from Howard Industrial Partners and Timothy and Kimberly Howard in late 2022 and explained current FPPC campaign limit contributions. She encouraged the public to vote.

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Edgar Montes addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and addressed some of the accusations from other public speakers.

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(Disruption by audience members.)

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Mayor Robertson reminded the audience to remain civil.

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Chad Nemecek addressed the City Council related to the amendment of the Pepper Avenue Specific Plan and expressed concerns with the current state of local politics for personal political gain.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

Mayor Robertson appreciated public comments and referenced Resolution 7773 requesting an agenda item. The City Council needs to answer to the public. She suggested the Item be considered for the November 2024 election. She stated this is a land of laws. If people do not agree with the laws, then work is needed to change the laws. The laws have allowed what has happened. There has to be other processes.

0o0

City Attorney Vail stated he believed that the motion Mayor Robertson is considering making is that the City Council place a ballot initiative on the November 2024 Regular Election for registered voters of the City of Rialto to repeal Resolution No. 8098 adopted on June 13, 2023 that amended the Pepper Avenue Specific Plan. If that motion is passed tonight, and we'll come back in the first meeting in August with a resolution and staff report that places the matter on the ballot in November and has the ballot question.

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Mayor Robertson asked that would be moving to bring in an "initiative" matter.

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City Attorney Vail stated correct.

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Mayor Robertson stated that is my motion. She asked for a second.

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Council Member Scott stated he had comments.

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Council Member Baca second the motion.

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Council Member Scott thanked everyone for their attendance at the last couple of City Council meetings to express their beliefs and views. He encouraged the public to obtain a copy and read the Pepper Avenue Specific Plan. He emphasized that the Specific Plan states that industrial uses are allowed. This is one of the problems with overlays.

He addressed Ms. Lupe Camacho's campaign contribution statements on the FPPC's \$250.00 contribution ruling. That is incorrect. He referenced AB 1439 passed by the legislature. Then the FPPC came down with a ruling that the law could not be retroactive. It came into place on January 1<sup>st</sup> and applies to any contribution after January 1<sup>st</sup>.

**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

Council Member Scott stated Ms. Lupe Camacho mentioned three members of the City Council but failed to mention other monetary contributions to Mayor Robertson from Tim Howard and contribution to Council Member Baca from the Vice President of Howard Industrial Partners and various contributions. Every member of the City Council accepted a monetary contribution from Mr. Howard.

She asked Ms. Camacho to provide real facts to the public and also about how she obtained employment as the County of San Bernardino Special Projects Manager.

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(Disruption by audience members.)

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Mayor Robertson stated the audience was out of order.

She stated the 460 Campaign Statements are filed according to instructions for Council Members.

She emphasized checks received by Mr. Howard were returned because they were unsigned. Howard Industrial Partners was informed. She stressed that despite this, she still had not voted for this project.

She reiterated that there is a motion on the floor and asked for the question.

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Council Member Scott asked for roll call.

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Council Member Baca asked for the floor.

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Mayor Robertson stated she had called for the question.

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Council Member Baca asked for personal privilege.

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Council Member Scott stated the question is on the floor.

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Mayor Robertson stated to call for the vote and proceed. She requested a roll call vote.

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**TAB 13**

**Discuss and Consider placing Council  
Ballot Initiative on March 5, 2024 Special  
Election to affirm Resolution No. 8098**

Motion by Mayor Robertson second by Council Member Baca and carried by a 2-3 vote to place a ballot initiative on the November 2024 Regular Election for registered voters of the City of Rialto to repeal Resolution No. 8098 adopted on June 13, 2023 that amended the Pepper Avenue Specific Plan.

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

NOES: Mayor Pro Tem Carrizales, Council Member Scott, Council Member Trujillo. ABSTAIN: None. ABSENT: None.

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Mayor Robertson stated that the Item will not move forward and there will be no report coming back.

She thanked the public.

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A recess in the proceedings was taken at 9:59 p.m.

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The City Council returned from recess at 10:07 p.m.

Mayor Robertson was absent.

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Mayor Pro Tem Carrizales conducted the proceedings.

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**TAB 5**

**Adopt Resolution No. 8117  
Appointing Interim City Manager**

Eric Vail, City Attorney, presented staff report to Recommend the City Council to Adopt Resolution No. 8117, A Resolution of the City Council of the City of Rialto, California, Appointing Henry Garcia as Interim City Manager and Approve Corresponding Employment Agreement.

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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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Council Member Scott stated Mr. Garcia was previously the City Manager with the City of Rialto for over 10 years. He did great work and looks forward to his return. He recounted the different City Managers the City has gone through and emphasized that there has not been a lot of City Managers as claimed by a speaker earlier.

He acknowledged and thanked Acting City Manager Arron Brown for his work and for his continued work as Assistant City Manager.

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**TAB 5**  
**Adopt Resolution No. 8117**  
**Appointing Interim City Manager**

Motion by Council Member Baca second by Council Member Trujillo and carried by a 4-0 vote to Adopt Resolution No. 8117, A Resolution of the City Council of the City of Rialto, California, Appointing Henry Garcia as Interim City Manager and Approve Corresponding Employment Agreement.

Mayor Robertson was absent.

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Mayor Robertson returned to the dais at 10:11 p.m.

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**TAB 6**  
**Approve one-year Agreement for**  
**Professional Services with Social Work**  
**Action Group; Approve Purchase Order**  
**for FY 2023/2024**

Mark Kling, Police Chief, presented staff report to Request City Council to: (1) Approve a one-year Agreement for Professional Services with Social Work Action Group; (2) Approve a Purchase Order for \$708,712 for Fiscal Year 2023/2024; (3) Authorize the Acting City Manager, or his Designee, to Execute All Documents.

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Mayor Robertson addressed that it would be helpful to know the points of contact during the day versus the evening between SWAG team and response call.

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Chief Kling stated that in the absence of SWAG, it falls on the police department, based on Council's decision to place homeless outreach into the police department versus Community Services. The program is working. A response call in the evening is then followed up by a SWAG team member to meet with the individual for either treatment or permanent housing. It's a 24-hour operation. The numbers speak volumes over the City Council's action. The path can only be improved moving forward.

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Council Member Trujillo expressed his appreciation and work flexibility especially during the past winter months.

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Chief Kling stated in conjunction with SWAG staff, needs were identified to make the proper adjustments. It's a multi-prong approach that the City Council decided on and has worked.

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Council Member Baca complimented and thanked the SWAG team for their efforts in assisting the homeless population. He shared his personal experience who needed assistance and appreciated SWAG's prompt response.

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**TAB 6**

**Approve one-year Agreement for Professional Services with Social Work Action Group; Approve Purchase Order for FY 2023/2024**

Mayor Pro Tem Carrizales complimented the entire SWAG organization for looking out and addressing the homeless needs. He commended the Rialto Police Department and the SWAG team coordination to meet these specific needs.

He suggested changing the schedule once or twice a month to perform sweeps at night. He is in support of the program and moved for approval.

0o0

Motion by Council Member Baca second by Council Member Trujillo and carried by a 5-0 vote to: (1) Approve a one-year Agreement for Professional Services with Social Work Action Group; (2) Approve a Purchase Order for \$708,712 for Fiscal Year 2023/2024; (3) Authorize the Acting City Manager, or his Designee, to Execute All Documents.

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**TAB 7**

**Authority for Change Orders to Calmex Engineering Inc for the Street Overlay & Reconstruction City Project No. 180807**

Art Cervantes, Engineering Manager, presented staff report to Request City Council to: (1) Delegate Additional Authority for Change Orders in the Cumulative Amount of \$500,000 to Calmex Engineering Inc., a California Corporation for the Street Overlay & Reconstruction Project Riverside Avenue from I-10 to the Southern City Boundary, City Project No. 180807; and (2) Authorize the Acting City Manager to Execute all Related Documents.

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Motion by Council Member Scott second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to (1) Delegate Additional Authority for Change Orders in the Cumulative Amount of \$500,000 to Calmex Engineering Inc., a California Corporation for the Street Overlay & Reconstruction Project Riverside Avenue from I-10 to the Southern City Boundary, City Project No. 180807; and (2) Authorize the Acting City Manager to Execute all Related Documents.

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**TAB 8**

**Award Construction Contract to Baker Inc. for City Project No. 230805**

Art Cervantes, Engineering Manager, presented staff report to Request City Council to 1) Award a Construction Contract to Baker Electric Inc. in the Amount of \$609,162 for the Willow Avenue and San Bernardino Avenue Traffic Signal and Lighting Improvements Project, City Project No. 230805; and 2) Authorize the Acting City Manager to Execute all Related Documents.

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**TAB 8  
Award Construction Contract to Baker  
Inc. for City Project No. 230805**

Motion by Council Member Scott second by Council Member Baca and carried by a 5-0 vote to 1) Award a Construction Contract to Baker Electric Inc. in the Amount of \$609,162 for the Willow Avenue and San Bernardino Avenue Traffic Signal and Lighting Improvements Project, City Project No. 230805; and 2) Authorize the Acting City Manager to Execute all Related Documents.

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**TAB 9  
Adopt Budget Resolution No. 8118;  
Award Construction Contract to IE  
General Engineering Inc. for City Project  
No. 170812; Award Professional Services  
Agreement to Transtech Engineers, Inc  
for City Project No. 170812**

Art Cervantes, Engineering Manager, presented staff report to Request City Council to: (1) Adopt Budget Resolution No. 8118 Amending the 2023-2024 Fiscal Year Budget to Accept Additional HSIP Grant funds in the Amount of \$577,710 and Appropriate \$265,028 from the Local Measure I Fund; (2) Award a Construction Contract to I E General Engineering Inc., a California Corporation in the amount of \$1,391,338.00 for the Base Bid Schedule for the Baseline Road Median Project, City Project No. 170812, Federal Project No. HSIP 5205-027; (3) Award Professional Services Agreement to Transtech Engineers, Inc. in the amount of \$136,200 for Construction Management, Inspection and Materials Testing Services for the Baseline Road Median Project, City Project No. 170812; Federal Project No. HSIP 5205-027; (4) Delegate Authority to the City Manager to Approve Contract Change Orders in the Cumulative Amount of \$200,000; and (4) Authorize the Acting City Manager to Execute all Related Documents.

0o0

Mayor Robertson stated the importance that the community is made aware of the exact project on Baseline Avenue.

0o0

Motion by Mayor Robertson second by Council Member Baca and carried by a 5-0 vote to (1) Adopt Budget Resolution No. 8118 Amending the 2023-2024 Fiscal Year Budget to Accept Additional HSIP Grant funds in the Amount of \$577,710 and Appropriate \$265,028 from the Local Measure I Fund; (2) Award a Construction Contract to I E General Engineering Inc., a California Corporation in the amount of \$1,391,338.00 for the Base Bid Schedule for the Baseline Road Median Project, City Project No. 170812, Federal Project No. HSIP 5205-027; (3) Award Professional Services Agreement to Transtech Engineers, Inc. in the amount of \$136,200 for Construction Management, Inspection and Materials Testing Services for the Baseline Road Median Project, City Project No. 170812; Federal Project No. HSIP 5205-027; (4) Delegate Authority to the City Manager to Approve Contract Change Orders in the Cumulative Amount of \$200,000; and (4) Authorize the Acting City Manager to Execute all Related Documents.

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**TAB 10**

**Adopt the Following Resolutions Setting the Fiscal Year 2023-2024 Special Tax Levies for Community Facilities District 2006-1, 2016-1, 87-1, 87-2, 2019-2, and 2020-1:**

**Resolution No. 8119**

**Resolution No. 8120**

**Resolution No. 8121**

**Resolution No. 8122**

**Resolution No. 8123**

**Resolution No. 8124**

Katherine Stevens, Director of Finance, presented staff report to Request City Council to Adopt the Following Resolutions Setting the Fiscal Year 2023-24 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, 2019-2, and 2020-1:

(1) Resolution No. 8119 of The City Council of the City of Rialto, State of California, Community Facilities District 2006-1 (ELM PARK) Establishing Annual Special Tax for Fiscal Year 2023-24.

(2) Resolution No. 8120 of The City Council of the City of Rialto, State of California, Community Facilities District 2016-1 (PUBLIC SERVICES) Establishing Annual Special Tax for Fiscal Year 2023-24.

(3) Resolution No. 8121 of The City Council of the City of Rialto, State of California, Community Facilities District 87-1 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2023-24.

(4) Resolution No. 8122 of The City Council of the City of Rialto, State of California, Community Facilities District 87-2 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2023-24.

(5) Resolution No. 8123 of The City Council of the City of Rialto, State of California, Community Facilities District 2019-2 (FOOTHILL/SPRUCE) Establishing Annual Special Tax for Fiscal Year 2023-24.

(6) Resolution No. 8124 of The City Council of the City of Rialto, State of California, Community Facilities District 2020-1 (EL RANCHO VERDE) Establishing Annual Special Tax for Fiscal Year 2023-24.

0o0

Motion by Council Member Scott second by Mayor Robertson and carried by a 5-0 vote to Adopt the Following Resolutions Setting the Fiscal Year 2023-2024 Special Tax Levies for Community Facilities District 2006-1, 2016-1, 87-1, 87-2, 2019-2, and 2020-1:

Resolution No. 8119; Resolution No. 8120; Resolution No. 8121 Resolution No. 8122; Resolution No. 8123; Resolution No. 8124.

0o0

**TAB 11**

**Approve Professional Services Agreement with David Taussing Associates Inc. for consulting services**

Paul Gonzales, Community Development Director, presented staff report to Request City Council to: (1) Approve a Professional Services Agreement with David Taussig Associates Inc. (DTA) for consulting services for a comprehensive citywide Development Impact Fee Study, User Fee Study and Nexus Study Services; and (2) Authorize the Acting City Manager to Execute All Documents.

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Mayor Robertson stated this is needed and long overdue.

0o0

Council Member Trujillo asked if the surrounding areas is where the consultant has done work.

0o0

Mr. Gonzales stated the consultant, yes.



**TAB 11**  
**Approve Professional Services**  
**Agreement with David Taussing**  
**Associates Inc. for consulting services**

Motion by Mayor Robertson second by Council Member Scott and carried by a 5-0 vote to (1) Approve a Professional Services Agreement with David Taussig Associates Inc. (DTA) for consulting services for a comprehensive citywide Development Impact Fee Study, User Fee Study and Nexus Study Services; and (2) Authorize the Acting City Manager to Execute All Documents.

0o0

**TAB 12**  
**Approve the Permitting Services One**  
**Stop Project**

Request City Council to approve the Permitting Services One Stop project in concept and authorize staff to initiate conceptual architectural, space programming and floor plan design with BOA Architecture in the amount of \$18,300.

0o0

Council Member Trujillo stated he looks forward to having the one site to get permits and inspections all paid for.

0o0

Acting City Manager Brown stated Stage 1 for the ERP is complete. Stage 2 is almost complete. Next is Stage 3, the Land Management System.

0o0

Motion by Council Member Scott second by Mayor Pro Tem Carrizales and carried by a 5-0 vote to Request City Council to approve the Permitting Services One Stop project in concept and authorize staff to initiate conceptual architectural, space programming and floor plan design with BOA Architecture in the amount of \$18,300.

0o0

**REPORTS**

The City Council gave their reports.

0o0

**Community Services**

Director of Community Services Alvarado-Crawford gave the report.

0o0

**ADJOURNMENT**

Motion by Council Member Scott, second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 11:11 p.m.

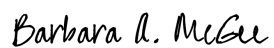
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MAYOR DEBORAH ROBERTSON

**ATTEST:**



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CITY CLERK BARBARA A. MCGEE