

City of Rialto

*Council Chambers
150 S. Palm Ave.
Rialto, CA 92376*



Regular Meeting

Tuesday, June 23, 2015

5:00 PM

**CITY COUNCIL, City of Rialto, acting as Successor Agency to the
Redevelopment Agency, RIALTO UTILITY AUTHORITY**

City Council

*Mayor Deborah Robertson
Mayor Pro Tem Joe Baca Jr.
Council Member Edward Palmer
Council Member Shawn O'Connell
Council Member Ed Scott
Barbara A. McGee City Clerk
Edward Carrillo City Treasurer
Fred Galante City Attorney
Mike Story City Administrator*

Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialto.ca.gov Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.

Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No.1562

Next Resolution No.6776

Called to Order By:

ROLL CALL

Rialto – Entering a Second Century of Progress

- *Rialto will be a Family First Community*
- *Rialto Shall Attract High-Quality Development and Improve its Physical Environment*
- *Rialto's Economic Environment will be Healthy and Diverse*
- *Rialto will be an Active Community*

All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RUA," "RHA," which items are being considered and/or acted upon by the Members of the Rialto Utility Authority or Rialto Housing Authority of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein

5:00 p.m.

CLOSED SESSION

1 [15-462](#) Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):

(a) City of Colton v. American Promotional Events, Inc, et al
CD Cal Case No. ED CV 09-01864 PSG(SSx) and consolidated cases

(b) James Bruce v. City of Rialto
WCAB CR-10-0000003, CR-10-0500026 & CR-80-005001

2 [15-463](#) Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency Designated Representatives:
Fred Galante, City Attorney
Mike Story, City Administrator

Employee Organizations:
City Government Management Association

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Ed Palmer

INVOCATION - Pastor Moises Gonzalez, Templo Bautista Monte Calvario

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

1 [15-441](#) Presentation-SCAN Star Awards for Video Programming-Cable Commission Chairperson Roy Mason

2 [15-442](#) Presentation-State MADD Award-Police Chief Tony Farrar

3 [15-443](#) Presentation-Rialto Police Explorer POST 200, Explorer Convention Competition- Police Chief Tony Farrar

ORAL COMMUNICATIONS

City Council to consider removing or continuing any items on the agenda*NOTICE TO THE PUBLIC*

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

CONSENT CALENDAR**A. WAIVE FULL READING OF ORDINANCES**

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

B. APPROVAL OF WARRANT RESOLUTIONS (ACTION)

B.1 [15-439](#) Resolution No. 47 (06/12/15)

Attachments: [Warrant Resoluton No. 47](#)

B.2 [15-440](#) Resolution No. 48 (06/19/15)

Attachments: [Warrnat Resolution No. 48](#)

B.3 [15-460](#) Resolution No. 48A (06/19/15)

Attachments: [Warrant Resolution No. 48A](#)

C. APPROVAL OF MINUTES

C.1 [15-399](#) Regular City Council Meeting - May 26, 2015

Attachments: [May 26, 2015](#)

C.2 [15-461](#) Regular City Council Meeting - June 09, 2015

Attachments: [June 9, 2015](#)

D. SET PUBLIC HEARING

D.1 [15-423](#) Request City Council to Set a Public Hearing for **July 28, 2015** to receive public comment regarding the placement of charges on the County Property Tax Roll for Delinquent Sewer Payments.

Attachments: [W-TAX LIEN LETTERS re -SUBMITTED 5.26.15 v2 EC](#)

E. MISCELLANEOUS

- E.1 [15-390](#) Request City Council to Approve a Travel and Training Request for the Chief of Police to Attend the International Association of Chiefs of Police (IACP) Annual Training Conference on October 24-27, 2015.
Attachments: [Invitation](#)
[Course Schedule](#)
- E.2 [15-391](#) Request City Council to Adopt **Resolution No. 6764** Authorizing the City of Rialto Access to State and Federal Criminal History Information for Employment (Including Volunteers and Contract Employee), Licensing or Certification Purposes.
Attachments: [Resolution](#)
- E.3 [15-416](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for May 2015.
Attachments: [Exhibit A Airport Escrow Statement of Income and Expense](#)
[Exhibit B 1st Am Trust 5312015](#)
[Exhibit C CalTrust May 2015](#)
- E.4 [15-422](#) Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 15-096 for the City Hall Electrical Upgrade Project, City Project No. 150203.
Attachments: [Attachment 1 -Notice of Exemption](#)
- E.5 [15-424](#) Request City Council to Approve the Sick Leave Policy Update to Comply With New Paid Sick Leave Law (AB1522).
Attachments: [Personnel Policy Manual - Paid Sick Leave](#)
- E.6 [15-427](#) Request City Council to Adopt **Resolution No. 6765** approving a modification to add indemnification language to the previously adopted **Resolution No. 6687** for Annexation No. 170 of Lytle Creek Ranch Specific Plan Neighborhoods 2 and 3 as required by the San Bernardino County Local Agency Formation Commission (LAFCO).
Attachments: [Lytle LAFCO Filing CC Resolution indemnification added](#)
[Resolution Exhibit A - Proposed Land Use Plan](#)
[Resolution Exhibit B - Lytle Creek Annexation Plan for Service and Fiscal Analysis](#)
[Annexation Process General Information Handout](#)
- E.7 [15-433](#) Request City Council to Approve the Purchase Order in the amount of \$49,750.00 for M.H.M. and Associates Enterprise, Inc., for year two (2) of the two (2) year agreement for grant fund monitoring, writing and information.
Attachments: [MHM - Status Report](#)

- E.8** [15-445](#) Request City Council to receive and file the 2014 Annual Drinking Water Report (commonly referred to as the Consumer Confidence Report) for the service area served by the City.
Attachments: [Attachment Rialto CCR 2014](#)
- E.9** [15-448](#) Request Rialto Utility Authority to Approve the Seventh Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.
Attachments: [Exhibit A Seventh Extension of Site Use Agreement](#)
- E.10** [15-450](#) Request City Council to Adopt **Resolution No. 6766** Excusing Utilities Commissioner Ayo Akingbemi from Absences from the Utilities Commission Meetings
Attachments: [Resolution Excusing Absences](#)
- E.11** [15-451](#) Request City Council to Accept the Frisbie Park Sport Lighting Improvement Project, City Project No. 140303; Authorize Filing of the Notice of Completion and Release of Retention to Golden Phoenix Construction Co., Inc.
Attachments: [Attachment 1 - Notice of Completion](#)
 [Attachment 2 - GASB34](#)
- E.12** [15-458](#) Request City Council to Approve an Amendment to the Service Agreement between the City of Rialto and Granicus Inc. for electronic Boards and Commissions Management for zero dollars for Fiscal Year 2015/2016 budget and \$9,000 a year, over a two-year term, for a total amount of \$18,000 beginning Fiscal Year 2016/2017.
Attachments: [Upgrade Amendment - Rialto](#)
 [Rialto Boards and Commissions](#)

TAB PUBLIC HEARING

- TAB1** [15-431](#) Request City Council to Conduct a Public Hearing to Consider the Adoption of **Resolution No. 6767** of Necessity to Acquire Portions of APN# 0240-191-16, 30, and 31 for Right of Way related to the Alder Avenue Widening Project from Rosemead Properties Inc.
(ACTION)
Attachments: [Exhibit A - Maps Depicting Rosemead ROW](#)
 [Exhibit B - Notice to Appraise - Rosemead Properties \(Alder\) \(Executed Copy\)](#)
 [Exhibit C - Rosemead Alder Offer ROW](#)
 [Exhibit D - Rosemead - Notice of Public Hearing -RON](#)
 [Exhibit E - Resolution of Necessity - Rosemead\(CA w Exhibits\)](#)

TAB2 [15-429](#) Request City Council to Conduct a Public Hearing Regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2; to Adopt **Resolution No. 6768** Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, Commencing in Fiscal Year 2015/16; and to Adopt **Resolution No. 6769** Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith, and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2015/16 for Said Annexation.

(ACTION)

Attachments: [Resolution 1](#)
[Resolution 2](#)
[Rialto LLD Annexation ER \(PPD 2290\) final](#)
[Signed Consent and Waiver Form](#)

TAB3 [15-430](#) Request City Council to Conduct a Public Hearing and Adopt **Resolution Nos. 6770, 6771, 6772** Approving the Engineer's Reports and Ordering the Levy of Assessments for Fiscal Year 2015/2016 for Street Light Maintenance District No. 1, Landscape Maintenance District No. 1, and Landscaping and Lighting District No. 2.

(ACTION)

Attachments: [Resolution 1 - SLD 1](#)
[Resolution 2 - LMD 1](#)
[Resolution 3 - LLMD 2](#)
[FY1516 City of Rialto LMD 1 Engineer Report Intent](#)
[FY1516 Rialto_LLD 2_Engineer Report Intent](#)
[FY1516 City of Rialto SLD 1 Engineer Report Public](#)

TAB4 [15-444](#) Request City Council to Conduct a Public Hearing to Introduce by first reading of **Ordinance No. 1560** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, AMENDING SECTIONS 12.20.020, 12.20.021, 12.20.022, 12.20.023, 12.20.024, 12.20.040 OF THE RIALTO MUNICIPAL CODE REGARDING WATER CONSERVATION REQUIREMENTS," reading by title only and waiving further reading thereof.

(ACTION)

Attachments: [Attachment 1 - 2010 UWMP](#)
[Date_09_09_2014_Doc.No._1550_Agency_CITY COUNCIL_Meeting Ty](#)
[rs2015_0032_with_adopted_regs](#)
[\(Drought Regulations\) 6-18-15 Revised Draft Ordinance](#)

TAB NEW BUSINESS

- TAB5** [15-404](#) Request City Council to Authorize a Purchase Order in the amount of \$97,756 to West Coast Lights and Sirens for the purchase and installation of equipment on three (3) new fire department command vehicles.
(ACTION)
Attachments: [RFP 15-052 Fire Command Vehicle Modifications](#)
[RFP 15-052 \(Abstract\) Fire Command Vehicle Modifications-ABSTRACT](#)
- TAB6** [15-435](#) Request City Council to Introduce by first reading of **Ordinance No. 1561**, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 3.20.010 OF THE RIALTO MUNICIPAL CODE TO RESCIND THE WARRANT APPROVAL PROCESS UNDER ORDINANCE NO. 1551 AND REINSTATE THE PRIOR WARRANT APPROVAL PROCESS," reading by title only and waiving further reading thereof.
(ACTION)
Attachments: [Ordinance Amending Warrant Process re-instating prior ordinance](#)
- TAB7** [15-453](#) Request City Council to Approve the Settlement Agreement in the matter of *Golden Phoenix Construction Co. vs. City of Rialto*; and appropriate funds required to be paid per the Settlement Agreement in the amount of \$93,136.26.
(ACTION)
Attachments: [\(Golden Phoenix\) Settlement Agreement](#)
- TAB8** [15-459](#) Request that the City Council Adopt **Resolution No. 6773** Amending and Restating the Rules and Procedures for the Conducting of Meetings of the City Council.
(ACTION)
Attachments: [Resolution Updating City Council Rules and Procedures for Council Meetings](#)
- TAB9** [15-446](#) Request City Council Approve an Amendment to the Lease Agreement between the City of Rialto and the DiGiovanni Family Trust for property located at 521 W. Rialto Avenue Unit #B, Rialto, California Authorizing Rental Payments Totaling \$238,536.27 over the 5 Year Term.
(ACTION)
Attachments: [Exhibit A - Executed Lease Agreement](#)
[Exhibit B - Notice of Intent to Exercise Lease Extension #1](#)
[Exhibit C - 521 Rialto - Records Center Lease Extension](#)

TAB10 [15-301](#) Request City Council and Rialto Utility Authority to Adopt **Resolution No. 6774** and **RUA Resolution No. 003-15** Approving a Wastewater Service Agreement by and among the City of Rialto, the Rialto Utility Authority, and the Niagara Bottling Company (Niagara).

(ACTION)

Attachments: [Exhibit A Preliminary Limit Approval](#)
[Exhibit B Niagara Permit 2015-02 - Final Ver 5.0 crg](#)
[Exhibit C Will Serve Letter for Niagara dated 2.26.15](#)
[Exhibit D Pipe Upsizing Costs for Niagara](#)
[Exhibit E 061215 clp1 Niagara Sewer Modeling Summary Memo \(2\)](#)
[Exhibit F \(Niagara\) Wastewater Service Agreement](#)
[Exhibit G City Council Resolution Approving Niagara Sewer Agreement](#)
[Exhibit H RUA Resolution Approving Niagara Sewer Agreement](#)

TAB11 [15-417](#) Request City Council to Approve a Fourth Amendment to a Professional Services Agreement with Willdan Engineering, Inc. for Building Inspections, Fire Plan Check and Structural Plan Check Services during Fiscal Year 2015-16 and Increase Contract Amount by \$391,520 to a total Contract Amount of \$1,120,350 for a 2.5 Year Term.

(ACTION)

Attachments: [Exhibit A. - PROFESSIONAL SERVICES AGREEMENT Vendor Contractor WILLI](#)
[Exhibit B - Fourth Amendment Willdan Profession Agreement Amendment](#)

TAB12 [15-452](#) Request City Council to Approve Construction Contract Change Order No. 4 with Pantano Excavating, Inc., dba Pantano Demolition in the amount of \$19,167 for the Rialto Airport Demolition - Phase 1, City Project No. 130704 for a Total amount of \$199,467.

(ACTION)

Attachments: [Approve CCO#4 - Attachment 1](#)
[Approve CCO#4 - Attachment 2](#)
[Approve CCO#4 - Attachment 3](#)
[Approve CCO#4 - Attachment 4](#)

TAB13 [15-412](#) Request City Council to Approve the Second Amendment to the Contract Services Agreement with Inland Empire Landscape, Inc., a California Corporation, for Landscape and Grounds Maintenance Services for Fiscal Year 2015/2016 at a Total Cost of \$799,087.05.

(ACTION)

Attachments: [1\) Contract Services Agreement](#)
[2\) Second Amendment 06-17-15](#)

TAB14 [15-420](#) Request City Council to authorize the issuance of a Purchase Order in the amount of \$700,000 for the 2015/2016 Fiscal Year for year three of the three year Professional Services Agreement with Willdan Engineering Company for "On-Call" Public Works Construction Management and Inspection Services.

(ACTION)

Attachments: [PSA](#)

TAB15 [15-421](#) Request City Council to Approve the First Amendment to the Contract Services Agreement with West Coast Arborists, Inc., a California Corporation, for Tree Trimming and Removal Services for Fiscal Year 2015/2016 for a Total Cost of \$288,819.

(ACTION)

Attachments: [1\) WCA - Tree Trimming & Removal FY15 Executed Agmt](#)

[First Amendment](#)

TAB16 [15-438](#) Request City Council to Adopt **Resolution No. 6775**, Approving Amendment No. 1 of Fiscal Year 2014-2019 Measure I - Five Year Capital Improvement Plan, the Expenditure Strategy, and appropriation of an additional \$700,000 to the Riverside/San Bernardino Improvement Project.

(ACTION)

Attachments: [Resolution](#)

[Exhibit A- 2014-2019 MICIP](#)

[Exhibit B- Twenty Year Plan](#)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT