

City of Rialto

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



Regular Meeting

Tuesday, September 22, 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.rialtoca.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.1563

Next Resolution No. 6832

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 [15-678](#) 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) City of Rialto v. San Gabriel Valley Water Co.
S.B. Superior Court Case No. CIVDS1512045
 - (c) Laurie Ruiz v. City of Rialto
S.B. Superior Court Case No. CVIDS1006829
 - (d) Victor Gregory v. City of Rialto
WCAB CR-03-010003, CR-11-000006,
CR-14-005044,CR-14-005038
- 2 [15-688](#) Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE-Council Member Shawn O'Connell

INVOCATION-Pastor Rick Whited,Calvary Chapel Rialto

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 [15-689](#) Presentation-Park Field Usage Update-Community Services Director
Perry Brents
- 2 [15-690](#) Presentation-2014 Cable Commission Annual Report
Chairperson Roy Mason
- Attachments: [Cable Commission Annual Report 2014](#)

- 3 [15-691](#) Proclamation-National Breast Cancer Awareness Month
Mayor Deborah Robertson
- 4 [15-692](#) Proclamation-Fire Prevention Week-Mayor Deborah Robertson

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 [15-684](#) Resolution No. 10 (09/11/15)
Attachments: [Warrant Resolution No. 10](#)
- B.2 [15-685](#) Resolution No. 11 (09/18/15)
Attachments: [Warrant Resolution No. 11](#)

C. APPROVAL OF MINUTES

- C.1 [15-683](#) Regular City Council Meeting - September 08, 2015
Attachments: [September 8 2015](#)

D. MISCELLANEOUS

- D.1 [15-578](#) Request City Council to Approve Encroachment License Agreement No. 15-01 with Emhart Industries Inc. for Installation of Private Water Line Facilities in Ayala Drive and the Miro Way Street and/or Utility Corridor.
Attachments: [Exhibit A PPD No 2356 Approval Letter - Signed](#)
[Exhibit B Final License Agreement for Emhart 9.22.2015](#)

- D.2** [15-660](#) Request City Council to Adopt **Resolution No. 6827**, Approving an Extraterritorial Wastewater Service Agreement with JBM, LLC for the Multi-Unit Commercial site located at 18790 Valley Boulevard, Bloomington, CA.
- Attachments:* [Extra Territorial Wastewater Agreement](#)
 [Resolution JBM](#)
- D.3** [15-662](#) Request City Council to (1) Approve **Resolution No. 6828** to waive permit and plan check fees for GRID Alternative applicants for small rooftop residential solar systems; and (2) to continue collecting permit and plan check fees for small rooftop residential solar systems from all other applicants.
- Attachments:* [Exhibit A - Oct. 28, 2008 and Aug. 28, 2012 Staff Reports](#)
 [Exhibit B - April 28, 2015 Staff Report](#)
 [Exhibit C - Resolution](#)
- D.4** [15-664](#) Request City Council to Award a Construction Contract to J. Kim Electric, Inc., a California corporation, in the amount of \$15,000 for the Civic Center Electrical Power Upgrade Project, City Project No. 150203.
- Attachments:* [Attachment 1 - License & Reference Check](#)
 [Attachment 2 - Construction Contract](#)
 [Attachment 3 - Notice of Exemption CP150203](#)
- D.5** [15-668](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for August 2015.
- Attachments:* [Exhibit A Airport Escrow Statement of Income and Expense 8.31.15](#)
 [Exhibit B CalTrust Statement for Aug 2015](#)
 [Exhibit C FSB Statement for Aug 2015](#)
- D.6** [15-669](#) Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for August 2015.
- Attachments:* [Exhibit A Miro Way Escrow Account Statement Aug 2015](#)
 [Exhibit B FSB.CalTrust Statements for Miro Way Aug 2015](#)
 [Exhibit C Alder Avenue Escrow Statement of Income and Expense Aug 2015](#)
 [Exhibit D FSB.CalTrust Statements for Alder Avenue Aug 2015](#)
- D.7** [15-670](#) Request City Council to Accept the Underground Storage Tank (UST) Removal Project at the former Rialto Airport, (Project No. 130704-45); Authorize Filing of the Notice of Completion to Tafoya and Associates, Inc.
- Attachments:* [Attachment 1 - Notice Of Completion - UST Removal](#)
 [Exhibit B - SA Budget FOR FY16 \(Second Half\)](#)

- D.8** [15-672](#) Request Rialto Utility Authority to Approve a Purchase Order in the Amount of \$15,854.00 with Lockwood Engineering for Land Survey Services Related to the Wastewater Treatment Plant
Attachments: [Exhibit A Original Scope](#)
- D.9** [15-635](#) Request City Council to Approve the Construction Plans and Contract Specifications to Authorize the Release of Request for Bids No. 15-094 for the Ayala Drive Widening, City Project No. 090804.
- D.10** [15-677](#) Request City Council to Adopt on second reading of **Ordinance No. 1562**, entitled "AN ORDINANCE OF THE CITY OF RIALTO TO AMEND THE MUNICIPAL CODE BY ADDING CHAPTER 15.05 TO PROVIDE FOR AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS"
Attachments: [Ordinance - Residential Roof Solar](#)

TAB PUBLIC HEARING

- TAB1** [15-676](#) Request City Council to Conduct the Public Hearing to consider an appeal of the Planning Commission decision denying ***Conditional Development Permit No. 769*** and ***Variance No. 709*** requesting a Type 21 (Off-Sale General) liquor license from the California Department of Alcoholic Beverage Control for the sales of general alcoholic beverages for off-site consumption at an existing convenience market located at 509 W. Foothill Boulevard within the C-P (Commercial Pedestrian) zone of the Foothill Boulevard Specific Plan.
(ACTION)
Attachments: [Exhibit A - Location Map](#)
 [Exhibit B - July 8, 2015 Staff Report](#)
 [Exhibit C - Planning Commission Resolution of Denial for CDP No. 769](#)
 [Exhibit D - Planning Commission Resolution of Denial for VAR No. 709](#)
 [Exhibit E - Notice of Hearing](#)
 [Exhibit F - Draft Resolution](#)
- TAB2** [15-687](#) Request City Council to Continue the Public Hearing to **October 13, 2015**, to consider Development Agreement No. 15-01 by and between the City of Rialto and PDC OC/ IE LLC, related to the development of a 742,514 square foot warehouse distribution facility on a 33 +/- acre site located at the northeast corner of Baseline Road and Alder Avenue in the Employment Zone of the Renaissance Specific Plan.
(ACTION)
Attachments: [Exhibit A - Agenda item D-2 \(08.25.2015\)](#)
 [NOTICE OF PUBLIC HEARING - PDC OC-IE LLC DA \(I-210 LOGISITIC III DA\)](#)

TAB NEW BUSINESS

TAB3 [15-624](#) Request City Council to Approve Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto Fire Management Association Bargaining (RFMA) Unit for Changes to be Effective from July 1, 2015 through June 30, 2016.

(ACTION)

Attachments: [RFMA MOU 2015-2016](#)

TAB4 [15-640](#) Request City Council, Acting as Successor Agency to the Redevelopment Agency for the City of Rialto, to Adopt **Resolution No. SA15-15** Approving the Recognized Obligation Payment Schedule known as ROPS 15-16B and **Resolution No. SA16-15** Approving the Administrative Budget, both for the period of January 1, 2016 to June 30, 2016.

(ACTION)

Attachments: [Exhibit A - Copy of Rialto_ROPS_15-16B](#)
[Exhibit B - SA Budget for FY 16 \(First Half\)](#)
[Exhibit C - 2005 Official Statement](#)
[Exhibit D - 2008 Bond Series A Official Statement](#)
[Exhibit E - Administrative Budget July to Dec 2015](#)
[Exhibit F - RSA Resolution ROPS](#)
[Exhibit G - Administrative Budget Resolution](#)

TAB5 [15-654](#) Request City Council to Adopt **Resolution No. 6829** and the City Council, acting as the Governing Board for the Successor Agency to Adopt **Resolution No. SA17-15** Approving the Bond Proceeds Expenditure Agreement between the City of Rialto and the Successor Agency to fund \$720,000 for the Bud Bender Park improvement project from the 2008 Series A Bond Proceeds.

(ACTION)

Attachments: [Exhibit A - Bond Expenditure Agreement 2008 A Bond](#)
[Exhibit B - City Bond Proceeds Expenditure Resolution](#)
[Exhibit C - SA Resolution](#)

TAB6 [15-680](#)

Request City Council to Authorize Procurement of a Pollution Legal Liability Policy from Alliant Insurances Services Inc. for a One-Time Premium Amount of \$266,256 to Satisfy the City's Obligations in accordance with the Second Amended and Restated Contract of Sale for Areas B, C, and D, dated as of September 25, 2012, with Lewis-Hillwood Rialto LLC, Execute the Surplus Lines Disclosure, and Decline Terrorism Risk Insurance.

(ACTION)

Attachments: [Exhibit A PLL Policy](#)
[Exhibit B Surplus Lines Disclosure](#)
[Exhibit C Terrorism Risk Insurance Option](#)

TAB7 [15-665](#)

Request City Council to (1) Find the Bid Submitted by Griffith Company, a California Corporation, as Non-responsive and Reject the Bid (2) Award a Construction Contract to Match Corporation, a California Corporation, in the Amount of \$3,536,000 for the San Bernardino Avenue, Riverside Avenue and Willow Avenue Street and Storm Drainage Improvements, City Project No. 130801; and (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$707,200.

Attachments: [Attachment 1 - Agenda item tab 10](#)
[Attachment 2 - Bid Protest Letter](#)
[Attachment 3 - Griiffith Non-Responsive Letter](#)
[Attachment 4 - Bid Summary](#)
[Attachment 5 - License & Reference Check](#)
[Attachment 6 - Construction Contract](#)

TAB8 [15-648](#)

Request City Council to Accept a Grant Funding Contract with the Santa Ana Watershed Project Authority and Adopt **Resolution No. 6830**, Amending the 2015/2016 Fiscal Budget to Appropriate \$215,030 for investigation and possible implementation of an efficiency-based water rate structure.

(ACTION)

Attachments: [Subagreement - 09 01 2015 clean](#)
[Attachment A- 2015-7-27 Prop 84 DWR Agreement IRWM Implementation Grant 7-2](#)
[Attachment B- Progress Report Template Water Rates](#)
[Resolution](#)
[Efficiency Based Rates Presentation for 092215](#)

TAB9 [15-661](#) Request City Council to Approve the Fifth Amendment to the Contract Services Agreement with Contact Security, Inc., a California Corporation, for Security Guard and Patrol Services on a Month-to-Month Basis, Not to Exceed Nine (9) Months at a Cost of \$232,974.69 with a Total Contract Amount of \$310,625.41 for Fiscal Year 2015/2016.

(ACTION)

Attachments: [Amendment No. 5 to CSI Security Contract Amended by Council 9-14-15](#)

TAB10 [15-671](#) Request City Council to Adopt **Resolution No. 6831** approving the 2016/2017 through 2020/2021 Measure I Five Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Sub-Program.

(ACTION)

Attachments: [Resolution](#)

[EXHIBIT 'A' -FIVE YEAR PLAN FY2016-2017 through FY2020-2021](#)

TAB11 [15-674](#) Request City Council to receive and file a status update on the Concession Agreement Water and Wastewater Capital Improvement Program; provide direction to staff as appropriate and approve staff to file a status update on the Concession Agreement Water and Wastewater Capital Improvement Program for the next three months on December 22, 2016.

(ACTION)

TAB12 [15-663](#) Request City Council to Approve a Third Amendment to the Contract Services Agreement with Commercial Cleaning Systems to Provide Janitorial Services on a Month-to-Month Basis in the Not to Exceed Amount of \$8,307.72 per month and total amount of \$33,230.88 for the Extended Term.

(ACTION)

Attachments: [Attachment 1 - CCS Third Amendment 09-14-15](#)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT