

# City of Rialto

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



## Regular Meeting

**Tuesday, December 12, 2017**

**5:00 PM**

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

## City Council

*Mayor Deborah Robertson  
Mayor Pro Tem Ed Scott  
Council Member Joe Baca Jr.  
Council Member Rafael Trujillo  
Council Member Andy Carrizales  
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](http://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. 1598**

## **Next Resolution No. 7267**

### **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      [17-1131](#)      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) Robert Williams III v. City of Rialto  
WCAB SAC0000178758 & SAC0000178736
- (b) Geoffrey v. City of Rialto  
WCAB SAC0000178701 & SAC0000180256
- (c) Carl E. Jones, Christopher Hice v. City of Rialto, et al  
U.S. District Court, Case No: 5:17-cv-01650-GW-(KKx)
- 2      [17-1139](#)      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:  
Interim City Administrator, Unrepresented  
RMMA Bargaining Unit  
RCEA Bargaining Unit  
RPBA Mgmt. Bargaining Unit  
RPBA General Bargaining Unit  
RFMA Bargaining Unit  
Rialto Firefighters Local 3688
- 3      [17-1140](#)      Conference with Legal Counsel - Anticipated Litigation: Significant exposure to 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-Mayor Pro Tem Ed Scott**

**INVOCATION-Pastor Harry Bratton-Greater Faith Grace Bible Church**

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

**PRESENTATIONS AND PROCLAMATIONS**

- 1      [17-1141](#)      Resolution-In Memoriam of Vernon Thompson Jr.  
Mayor Deborah Robertson
- 2      [17-1146](#)      Certificate of Recognition-Marion Black  
Mayor Deborah Robertson
- 3      [17-1142](#)      Certificate of Recognition-Jr. Peewee Panthers Championship  
Council Member Joe Baca Jr.

**ORAL COMMUNICATIONS****(5-minute time limit)****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      [17-1128](#)      Resolution No. 8 (08/25/17)  
  
                 Attachments:      [Warrant Resolution No. 8.pdf](#)
- B.2      [17-1129](#)      Resolution No. 8A (08/25/17)  
  
                 Attachments:      [Warrant Resolution No. 8A.pdf](#)

**C. APPROVAL OF MINUTES**

- C.1      [17-1132](#)      Regular City Council Meeting - November 28, 2017  
  
                 Attachments:      [November 28 2017 minutes.pdf](#)

**D. CLAIMS AGAINST THE CITY**

- D.1      [17-1134](#)      Claim Equilon - Appeal Measure U.  
  
                 Attachments:      [Claim-Equilon-Appeal Measure U.pdf](#)

**E. MISCELLANEOUS**

- E.1     [17-1043](#)     Request City Council to Approve Agreements for Temporary Construction Easements with Three (3) Property Owners on Randall Avenue between Cactus Avenue and Riverside Avenue in the Total Amount of \$13,250.00 for the Randall Avenue Widening Project, City Project No. 140809.
- Attachments:     [Attachment 1-Agreement-APN-0132-011-17](#)  
                              [Attachment 2-Agreement-APN-0132-031-09](#)  
                              [Attachment 3-Agreement -APN-0132-031-21](#)  
                              [Attachment 4-NOD Randall](#)  
                              [Attachment 5-IS-MND-Randall](#)
- E.2     [17-1081](#)     Request City Council to (1) Accept the Baseline Road and Acacia Avenue Traffic Signal Upgrade Project , City Project 140815; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Old Republic Surety Company.
- Attachments:     [Attachment 1-Old Republic Surety Agreement](#)  
                              [Attachment 2-Notice of Completion-Baseline and Acacia](#)  
                              [Attachment 3-CCO 1](#)  
                              [Attachment 4 - Notice of Exemption](#)  
                              [Attachment 5 GASB34 BaselineAcacia TS](#)
- E.3     [17-1082](#)     Request City Council to (1) Adopt **Resolution No. 7252** Authorizing the Public Works Director/City Engineer to Execute Various Documents Required for Transportation Projects with State and Federal Funding, Including Right-of-Way Certifications; (2) Adopt **Resolution No. 7253** Adopting the Caltrans Local Assistance Procedures for Architectural and Engineering Consultant Selection and Procurement for Services Related to Federal- and State-Funded Transportation Projects.
- Attachments:     [Attachment 1-Resolution No.5700](#)  
                              [Attachment 2-LAPM Chapter 10](#)  
                              [Resolution-Master and Supplement Agreements](#)  
                              [Resolution-LAPM 11-21-17](#)
- E.4     [17-1085](#)     Request City Council to (1) Accept the Riverside Avenue and Linden Avenue Traffic Signal and Street Improvement Project, City Project 120802; (2) Approve Contract Change Order No. 1 in the Amount of \$44,395.50; (3) Authorize Filing of the Notice of Completion; and (4) Authorize Release of Retention to Vance Corporation, Inc.
- Attachments:     [Attachment 1-Notice of Completion -Riverside and Linden.](#)  
                              [Attachment 2-CCO No 1.](#)  
                              [Attachment 3-Notice of Determination](#)  
                              [GASB34 120802](#)

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|-----|-------------------------|---|
| E.5 | <a href="#">17-1109</a> | Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for October 2017.<br><br><i><u>Attachments:</u></i> <a href="#">Exhibit A Airport Escrow Statement of Income and Expense October 31 2017.pdf</a><br><a href="#">Exhibit B CalTrust and FSB Statements for Airport Escrow October 2017.pdf</a><br><a href="#">Exhibit C CalTrust and FSB Statements for Protocol Account October 2017.pdf</a><br><a href="#">Exhibit D Protocol Account Income and Expense CY 2017.pdf</a>   |
| E.6 | <a href="#">17-1114</a> | Request City Council to Accept a Donation in the Amount of \$7,483.48 from the Lorne Eastwood Rescue Equipment Trust Fund, Adopt <b>Budget Resolution No. 7254</b> and Direct Staff to Restrict the Use of the Funds to the Purchase of Rescue Equipment.<br><br><i><u>Attachments:</u></i> <a href="#">Budget Resolution- Rescue Equipment.doc</a>   |
| E.7 | <a href="#">17-1118</a> | Request City Council to Adopt <b>Resolution No. 7255</b> Approving the Summary Vacation of Existing Excess Right-of-Way Along Easton Street on the Northeast Corner of the Intersection of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) Zone of the Renaissance Specific Plan.<br><br><i><u>Attachments:</u></i> <a href="#">Attachment 1 - Ayala &amp; 210_Vacation Letter</a><br><a href="#">Attachment 2 - RSP Mobility Plan Element</a><br><a href="#">Attachment 3 - Location, Legal &amp; Plat</a><br><a href="#">Attachment 4 - Resolution Summary Street Vacation of Easton 11-28-17</a><br><a href="#">Exhibit A - Location, Legal &amp; Plat</a> |
| E.8 | <a href="#">17-1122</a> | Request City Council to Approve an Increase to Purchase Order No. 2018-0725 with Law Office of Kathy M. Gandara in the Amount of \$13,350 for a Total of \$28,350 to Cover Additional Costs Associated with Personnel Investigative Services.<br><br><i><u>Attachments:</u></i> <a href="#">Budget - Gandara, Kathy</a><br><a href="#">Scope of Services - K. Gandara</a>   |
| E.9 | <a href="#">17-1130</a> | Request City Council to Adopt <b>Resolution No. 7256</b> Authorizing the Destruction of Certain Municipal Records of the Finance Department.<br><br><i><u>Attachments:</u></i> <a href="#">Finance Destruction Reso.pdf</a>   |

- E.10     [17-1113](#)     Request City Council to Adopt **Resolution No. 7257** Approving a Ground Lease with LHR Renaissance Marketplace South, LLC for the installation of three freeway-oriented signs on City property situated north of Renaissance Parkway, just east of Linden Avenue.

Attachments:     [Exhibit A Freeway Sign Locations.pdf](#)  
                         [Exhibit B - Sign Design](#)  
                         [Exhibit C - Ground Lease \(12.5.17\) FINAL](#)  
                         [Exhibit D - Resolution](#)

## TAB     PUBLIC HEARING

- TAB1     [17-1112](#)     Request City Council to Conduct a Public Hearing Approving **Resolution No. 7258** for the Draft Environmental Impact Report (Environmental Assessment Review 2017-0072) and **Resolution No. 7259** for Specific Plan 2017-0001, commonly known as the Pepper Avenue Specific Plan (Master Case 2017-0042).

**(ACTION) (POWERPOINT)**

Attachments:     [Exhibit A - Transportation Commission Minutes 05-04-16](#)  
                         [Exhibit B - Planning Commission Resolution No. 17-49 SP 2017-0001](#)  
                         [Exhibit C - Pepper Avenue Land Use Plan](#)  
                         [Exhibit D - Pepper Avenue Specific Plan](#)  
                         [Exhibit E - Pepper-Avenue-Specific-Plan-Draft-EIR](#)  
                         [Exhibit F - Pepper Avenue FEIR -RTC and Mitigation Monitoring](#)  
                         [Exhibit G - Future 2035 Noise Levels](#)  
                         [Exhibit H - Letter from BBC](#)  
                         [Exhibit J - CEQA EIR CC Resolution](#)  
                         [Exhibit K - SOC Pepper Ave SP](#)  
                         [Exhibit L - Specific Plan CC Resolution](#)  
                         [Pepper Avenue Specific Plan PPT -CC \(REVISED 12-7-2017\)](#)

- TAB2**    [17-1119](#)       Request City Council to Conduct a Public Hearing to Adopt **Resolution No. 7260** Approving General Plan Amendment No. 2017-0004 entitled “A Resolution of The City Council Adopting the 2014-2021 Housing Element of the Rialto General Plan”.

**(ACTION) (POWERPOINT)**

Attachments:    [Exhibit A - Final Draft 2014-2021 Rialto Housing Element](#)  
[Exhibit B - HCD Approval letter](#)  
[Exhibit C - Rialto\\_Housing\\_Element\\_Spanish\\_flyer](#)  
[Exhibit D - Rialto\\_Housing\\_Element\\_flyer](#)  
[Exhibit E - Rialto Housing Element PC Resolution.docx](#)  
[Exhibit F - Rialto Housing Element CC Resolution](#)  
[CC Powerpoint](#)

**TAB    NEW BUSINESS**

- TAB3**    [17-1105](#)       Request City Council to Approve the Second Amendment to the Professional Services Agreement for Contract Financial Officer Services with MV Cheng & Associates in an Amount Not to Exceed \$50,000 for a Total Contract Amount of \$100,000.

**(ACTION)**

Attachments:    [PSA Second Amendment - MV Cheng & Associates](#)  
[Exhibit A - PSA MV Cheng & Associates](#)  
[Relationship Disclosure](#)

- TAB4**    [17-1104](#)       Request City Council to Approve Advantage Business Forms as print vendor to facilitate the production of the Annual Calendar along with the winter/spring and summer 2018 issues of the *Rialto Progress Magazine* in the Amount of \$64,000.

**(ACTION)**



**TAB5**    [17-1008](#)

Request Rialto Housing Authority Approve (1) the First Amendment to the Affordable Housing, Financing and Disposition and Development Agreement by and between the Rialto Metrolink South Housing Partners LP and the RHA, and (2) the Amendment to the Promissory Note between the Rialto Metrolink South Housing Partners LP and the Rialto Housing Authority increasing the Debt from \$250,000 to \$450,000; Request the City Council Authorize (3) the Release of Request for Bid No. 18-052 for the Metrolink Parking Lot Expansion Project, City Project No. 170808; Request the City Council and the Rialto Housing Authority Approve a (4) Purchase and Sale Agreement conveying a portion of Rialto Housing Authority property situated on the north side of Bonnie View Drive and west of Riverside Avenue (APN 0130-021-33 and APN 0131-021-40) to the City of Rialto for total cost of \$359,000.

**(ACTION)****Attachments:**[Exhibit A - Map](#)[Exhibit B - Affordable Housing Agreement](#)[Exhibit C - Revised Site Plan](#)[Exhibit D - Letter](#)[Exhibit E - Predevelopment Budget](#)[Exhibit F - Appraisal](#)[Exhibit G - First Amendment to DDA \(Rialto\)](#)[Exhibit H - Promissory Note Amendment](#)[Exhibit I - RFB 18-052 Notice Inviting Bids](#)[Exhibit J - PSA City-Authority 12-1-17](#)[Disclosures](#)**TAB6**    [17-1117](#)

Request City Council and Rialto Utility Authority Consideration and Approval of Joint **Resolution No. 7261** Temporarily Reducing Sewer Connection Fees for Hotels with and without Restaurants until June 30, 2018.

**(ACTION)****Attachments:**[Exhibit A Black & Veatch Study 2002](#)[Exhibit B - Joint Resolution](#)

**TAB7**    [17-1127](#)

Request City Council to (1) Adopt **Resolution No. 7262** Approving a Construction and Credit Agreement by and between the City of Rialto and **Caprock Partners LLC**, and (2) Adopt **Budget Resolution No. 7263** amending the FY17/18 Budget to Appropriate \$396,700 from Specified Development Impact Fee Accounts.

**(ACTION)****Attachments:**[Exhibit A FINAL \(CapRock\) Construction and Credit Agreement.docx](#)[Exhibit B Resolution Approving Construction Fee Credit Agreement with CapRock III.](#)[Exhibit C Budget Resolution for CapRock Construction Fee Credit Agreement.docx](#)**TAB8**    [17-1083](#)

Request City Council to (1) Adopt **Resolution No. 7264** Approving a Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and **Lewis-Hillwood Rialto Company LLC**, and (2) Adopt **Budget Resolution No. 7265** amending the FY17/18 Budget to Appropriate \$14,550,000 from Various Development Impact Fee Accounts.

**(ACTION)****Attachments:**[Exhibit A LHR Fee Credit Agreement Project Map.pdf](#)[Exhibit B FINAL \(LHR\) Construction, Credit and Reimbursement Agreement.pdf](#)[Exhibit C Resolution Approving Construction Fee Credit Agreement with LHR.docx](#)[Exhibit D Budget Resolution for LHR Construction Fee Credit Agreement.docx](#)**TAB9**    [17-1101](#)

Request City Council to Approve a Third Amendment to the Professional Services Agreement with Willdan Engineering, Inc., Reducing the Contract Amount from \$530,620 to \$450,620; and Approve a Second Amendment to the Professional Services Agreement with Interwest Consulting Group, Increasing the Contract Amount from \$50,000 to \$130,000, to Reallocate Costs for Building Services from Willdan Engineering Inc. to Interwest Consulting Group for Fiscal Year 2017/18.

**(ACTION)****Attachments:**[Exhibit A](#)[Exhibit B](#)

**TAB10** [17-1121](#)

Request City Council to Approve **Resolution No. 7266** of the City Council of the City of Rialto Ratifying and Confirming the Adjustments of Water and Sewer Rates effective February 1, 2018 and **Resolution No. 005-17** of the Rialto Utility Authority Ratifying and Confirming the Adjustments of Water and Sewer Rates effective February 1, 2018.

**(ACTION)**

**Attachments:** [Attachment 1 - Resolution No 6119](#)  
[Attachment 2 - Resolution No 005-15](#)  
[Attachment 3 - City Council Resolution](#)  
[Attachment 4 - RUA Resolution](#)

**TAB11** [17-1091](#)

Request City Council to Award a Professional Services Agreement to KOA Corporation and Authorize the Issuance of a Purchase Order in the amount of \$83,130 for Engineering Design of the Etiwanda Corridor Active Transportation Program Improvements Project, City Project No. 160805.

**(ACTION)**

**Attachments:** [Attachment 1-ATP CYCLE 2 RFP](#)  
[Attachment 2 - PSA KOA 11-21-17](#)  
[Disclosure Form 11-27-17](#)  
[Attachment 3 - Etiwanda Corridor Map](#)

**TAB12** [17-1124](#)

Request City Council to Approve a Facilities Relocation Agreement, Joint Use Agreement, and Authorize the Issuance of a Purchase Order to Southern California Edison in the Amount of \$75,000 for Relocation of Utility Poles for the Alder Avenue Phase 2 Widening Improvements, City Project No. 140801.

**(ACTION)**

**Attachments:** [Attachment 1 - SCE Final Design](#)  
[Attachment 2 - Facility Relocation Agreement](#)  
[Attachment 3 - Invoice](#)  
[Attachment 4 JUA](#)

**REPORTS****MAYOR:****COUNCIL MEMBERS:****CITY ATTORNEY:****CITY ADMINISTRATOR:**

## ADJOURNMENT