

City of Rialto

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



Regular Meeting - Final

Tuesday, February 12, 2019

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 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
Sean Grayson Interim 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. 1615

Next Resolution No. 7473

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 [CC-19-188](#) 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) on the following cases:
 1. San Bernardino Valley Municipal Water Dist., et al. v. San Gabriel Valley Water Co., et al., San Bernardino Superior Court, Case No. CIVDS1311085
- 2 [CC-19-189](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: One case
- 3 [CC-19-190](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.
Number of cases: One case
- 4 [CC-19-191](#) CONFERENCE WITH LABOR NEGOTIATORS. Pursuant to Gov't Code Section 54957.6:
City designated negotiator/representative:
 Sean Grayson, Interim City Administrator
 Fred Galante, City Attorney
Employee organizations:
 Rialto Firefighters Local 3688

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Joe Baca Jr.

INVOCATION - Pastor Mark Baur - 1st Baptist Church of Rialto

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

[CC-19-219](#) Presentation - Lewis Hillwood Rialto - Renaissance

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

B.1 [CC-19-186](#) Warrant Resolution No. 28 (01/24/2019)

B.2 [CC-19-187](#) Warrant Resolution No. 29 (01/31/2019)

C. CLAIMS AGAINST THE CITY

C.1 [CC-19-205](#) George Carranza - Personal Injury

C.2 [CC-19-206](#) ACT Transport Inc. - Cross Complaint/Traffic Accident

C.3 [CC-19-208](#) National Railroad Passenger Corp. - Cross Complaint/Traffic Accident

- C.4 [CC-19-209](#) Kevin Sumner - Personal Injury
- C.5 [CC-19-210](#) Rachel Galindo - Vehicle Damage
- C.6 [CC-19-211](#) Rodney Reid - Vehicle Damage
- C.7 [CC-19-212](#) Jeri Jones - Defamation of Character
- C.8 [CC-19-213](#) Phillips 66 Co - Refund
- C.9 [CC-19-214](#) Tesoro Logistics Operations LLC - Refund
- C.10 [CC-19-215](#) Brandon Gontol - Vehicle Damage
- C.11 [CC-19-216](#) Melina Olmedo - Vehicle Damage
- C.12 [CC-19-217](#) Sheila Anderson - Vehicle Damage
- C.13 [CC-19-218](#) Miguel Morales - Vehicle Damage

E. MISCELLANEOUS

- E.1 [CC-19-015](#) Request City Council to Adopt **Resolution No. 7455** Accepting Dedication of Lot 1 of Tract No. 19916 as Part of the Landscape and Lighting Maintenance District No. 2, Special Districts Annexation.
- E.2 [CC-19-088](#) Request City Council to Consider a Billboard Removal and Relocation Agreement by and among the City of Rialto, San Bernardino County Transportation Authority, and Lamar Central Outdoor.
- E.3 [CC-19-116](#) Request City Council to Approve Amendment #3 to Exclusive Right to Negotiate Agreement with NewMark Merrill for the Development of Approximately 15.5 Acres of Property located west of Riverside Avenue and north of Valley Boulevard.
- E.4 [CC-19-118](#) Request City Council to Approve an Increase to Purchase Order #2019-0609 in the Amount of \$5,000.00 with KCALS for Youth and Adult Basketball and Volleyball Officiating Services Through June 2019 for a Total Purchase Order of \$19,999.
- E.5 [CC-19-128](#) Request City Council to Adopt **Resolution No. 7456** Approving Parcel Map 19639, a Request to Consolidate Six Parcels of Land into One Parcel of Land totaling 24.34 Acres, Located at the Northeast Corner of Willow Avenue and Santa Ana Avenue.

- E.6 [CC-19-132](#) Request City Council to Receive and File the Statement of Income and Expense for December 2018 related to the Construction Reimbursement Agreement with Ayala@210LLC for Off-Site Improvements on Renaissance Parkway.
- E.7 [CC-19-135](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for December 2018.
- E.8 [CC-19-136](#) Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way, Alder Avenue, and Locust/Laurel/Walnut Escrow Accounts for December 2018.
- E.9 [CC-19-139](#) Request City Council to Receive and File the Statement of Income and Expense for December 2018 related to the Construction Loan Agreement with Ayala@210LLC for On-site Improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.
- E.10 [CC-19-156](#) Request City Council to Receive and File the December 2018 Treasurer's Report.
- E.11 [CC-19-157](#) Request City Council to Approve Amendment #1 to Exclusive Right to Negotiate Agreement with RV Spa for the Development of Approximately 6 Acres of Property located southwest of Casmalia Avenue and Alder Avenue.
- E.12 [CC-19-161](#) Request City Council to Approve a Professional Service Agreement for Biological Services for Habitat and Species including the Delhi Sands Flower Loving Fly for the Rialto Gateway Plaza parcel for maximum amount of \$42,200.
- E.13 [CC-19-095](#) Request City Council to Authorize a Purchase Order Change Notice (2019-0638) of \$25,000 with Roth Staffing Companies, LP in the amount of \$25,000 to provide Temporary Staff Support Services in the Information Technology & Code Enforcement Divisions for a total Purchase Order of \$40,000 for the remainder of Fiscal Year 2018-19 and Approve Budget **Resolution No. 7457**.
- E.14 [CC-19-143](#) Request City Council to Adopt **Resolution No. 7458** Approving Parcel Map 19966, a Request to Subdivide 0.44 Acres of Land into Two (2) Single-Family Lots Located at 1081 North Riverside Avenue.

TAB PUBLIC HEARING

TAB1 [CC-19-146](#) Request City Council to Conduct a Public Hearing to consider Adoption of (1) **Resolution No. 7459** Approving **General Plan Amendment No. 2018-0002**, which is a request to change the land use designation of approximately 4.75 acres of land from Residential 6 to Residential 12, (2) **Resolution No. 7460** Approving **Tentative Tract Map No. 2017-0006 (TTM 20108)**, which is a request to allow the subdivision of approximately 4.75 acres of land into thirty-two (32) single-family lots, one common lot and stormwater retention basin, and (3) introduce for first reading **Ordinance No. 1613** approving **Zone Change No. 2017-0004**, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05, -07, -75, & -76) LOCATED EAST OF SYCAMORE AVENUE APPROXIMATELY 630 FEET NORTH OF RANDALL AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1C) TO MULTI-FAMILY RESIDENTIAL (R-3)" [Reading by title only and waiving full reading thereof], and (4) **Resolution No. 7461** Approving a Mitigated Negative Declaration (**Environmental Assessment Review No. 2017-0066**) included for consideration in conjunction with the project.
(ACTION)

TAB2 [CC-19-164](#) Request City Council to: (1) Adopt **Resolution No. 7462** Stating Intention to Annex Certain Territory to CFD 2016-1 and Setting February 12, 2019 for a Public Hearing to Consider Said Annexation, and (2) Conduct a Public Hearing and then, following the Closing of Public Hearing (3) Adopt **Resolution No. 7463** Authorizing the Annexation of Territory to Community Facilities District No. 2016-1 (Public Services) (Annexation No. 2), Authorizing the Levy of a Special Tax, and Submitting the Levy of Tax to the Qualified Electors; and (4) Adopt **Resolution No. 7464**, Calling a Special Election and Submitting to the Voters of Annexation No. 2 of City of Rialto Community Facilities District No. 2016-1 (Public Services) Propositions Regarding the Annual Levy of Special Taxes within Annexation No. 2 to Finance Public Services, and the Establishment of an Appropriations Limit; (5) Following Adoption of Resolutions above, Hold Election by Opening Ballots; (6) Following Election, if more than 2/3 of landowners vote in favor, Adopt **Resolution No. 7465**, Making Certain Findings, Certifying the Results of an Election and Adding Property to Community Facilities District No. 2016-1 (Public Services), Annexation No. 2.
(ACTION)

NEW BUSINESS

- TAB3** [CC-19-114](#) Request Mayor and City Council to Concur with the Appointment of a Mayor Pro Tem.
(ACTION)
- TAB4** [CC-19-145](#) Request City Council to Confirm the Mayor's Appointments of Council Members to Internal and External Committees.
(ACTION)
- TAB5** [CC-19-008](#) Request City Council to Introduce for First Reading, **Ordinance No. 1614**, Amending Chapter 2.48.370 of the Rialto Municipal Code to update the City's Purchasing Ordinance, and Adopt **Resolution No. 7466** Adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds.
(ACTION)
- TAB6** [CC-19-054](#) Request City Council to Adopt Resolution approving the Inter-fund transfer of \$17,499,195 from General Fund to Park Development Impact Fund; Award a Construction Contract to RC Graves Construction in the Amount of \$15,081,000 for Construction of the Frisbie Park Expansion; and Execute Phase II of the Professional Services Agreement with Griffin Structures, Inc., in the Amount of \$630,165 for Construction Management, Inspection, and Materials Testing Services for the Frisbie Park Expansion, City Project No. 150304.
- TAB7** [CC-19-108](#) Request City Council to Award a Professional Services Agreement to Berg CM Corporation in the amount of \$584,292.40 for Construction Management, Inspection and Materials Testing Services for the Alder Avenue and Randall Avenue Street Improvements Projects.
(ACTION)
- TAB8** [CC-19-120](#) Request City Council to Approve **Resolution No. 7467** Accepting and Authorizing the Prepayment of Development Impact Fees by Ayres Hotel Rialto LLP for PPD 2018-0059 with the Condition that Ayres Hotel Rialto pulls Building Permits and Commences Construction not later than May 29, 2019.
(ACTION)
- TAB9** [CC-19-133](#) Request City Council to Approve a Professional Services Agreement with LDM & Associates Inc. for Community Development Block Grant Consulting Services in the amount of \$115,000 annually for One (1) Year with Two (2) Optional One Year Extensions Based Upon Performance.
(ACTION)

- TAB10** [CC-19-141](#) Request City Council to Approve **Budget Resolution No. 7468** in the amount of \$207,902.64 and Issue a Purchase Order to Zoll Medical Corporation in the amount of \$200,852.15 and issue a Purchase Order to Handtevy Pediatric Emergency Standards in the amount of \$7,050.49 for Advance Life Support Medical Equipment.
(ACTION)
- TAB11** [CC-19-160](#) Request City Council to Authorize a Purchase Order Change Notice (2019-1059) with Robert Half International, Office Team in the amount of \$98,000 to Provide Audit Accounting Services in the Finance Department for Fiscal Year 2018-19, increasing the Purchase Order to a total of \$130,000, for a total aggregate amount of \$193,412 and Approve Budget **Resolution No. 7469**.
(ACTION)
- TAB12** [CC-19-162](#) Request City Council to Authorize of Purchase Order Change Notice (2019-0926) with Rahban CPA & Consulting in the amount of \$35,000 to Provide Accounting Services in the Finance Department for Fiscal Year 2018/19 for a total Purchase Order of \$85,000 and Approve **Budget Resolution No. 7470**.
(ACTION)
- TAB13** [CC-19-166](#) Request City Council to Adopt **Resolution No. 7471** Authorizing the Submission of a Grant Application for \$1,788,000 to the Urban Greening Program through the State of California Natural Resources Agency for Landscape Improvements on the Cactus Trail Project.
(ACTION)
- TAB14** [CC-19-170](#) Request City Council to Approve (1) the First Amendment to the Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company LLC dated November 8, 2016 and (2) Adopt Budget **Resolution No. 7472** appropriating funding in the amount of \$224,456 for the Phase II Alder Interchange Preliminary Engineering Evaluation Report.
(ACTION)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT