

City of Rialto

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



Regular Meeting

Tuesday, December 10, 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
Rod Foster 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.1632 Next Resolution No. 7588

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 [20-0006](#)

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) Equilon Enterprises, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1602980

(b) Phillips 66 Company v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1516839

(c) SFPP, L.P. v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603260

(d) Tesoro Logistics Operations, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603163

(e)David Shepherd v City of Rialto
WCAB SAC0000178763

(f)Todd Brownlee v City of Rialto
WCAB SAC0000181081

(g)Steven Cunningham v City of Rialto
WCAB No's 178780, 178700, 178691, & 178690 (master)

(h)William Wilson v City of Rialto
WCAB SAC0000178839

(i)Mark Brady v City of Rialto
WCAB 1992900038

2 [20-0008](#)

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

- 3 [20-0007](#) Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency designated representatives:

Fred Galante, City Attorney

Rod Foster, City Administrator

Angela McCray, Director of Human Resources &
Risk Management

Jessica Brown, Director of Finance

Employee organizations:

RPBA Management Bargaining Unit

RPBA General Bargaining Unit

- 4 [20-0020](#) Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

(a) Subject: Price and Terms-Real Property Purchase and Sale

Property: 1366 South Riverside Avenue

APN(s) # 0132-101-16, 0132-161-13, 0132-101-15,
0132-101-07, 0132-101-08, 0132-202-06,
0132-111-03

Negotiators: Mathew Schneider, Community Development Director
Newmark-Merill, Companies, LLC. Brad Pearl, Executive
Vice President

6:30 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Andy Carrizales

INVOCATION - Pastor Harry Bratton - Greater Faith Grace Bible Church

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 [20-0009](#) Introduction of New Employee by City Administrator Rod Foster
Deputy City Administrator - Stephen Erlandson
- 2 [20-0027](#) Introduction of a New Business - Covenant Cupcakes - Earline Cameron -
Mayor Deborah Robertson
- 3 [20-0026](#) Resolution of Support - SoCalGas Balance Energy -
Mayor Deborah Robertson
- 4 [20-0015](#) Recognition - Rialto Thunder Soccer Team -
Council Member Rafael Trujillo
- 5 [20-0016](#) Veteran Recognition - Jesse Berumen and Jaime Jorge Valenzuela -
Council Member Rafael Trujillo

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 [20-0028](#) Warrant Resolution No. 20 (11/14/2019)
- B.2 [20-0029](#) Warrant Resolution No. 21 (11/21/2019)
- B.3 [20-0030](#) Warrant Resolution No. 22 (11/27/2019)
- B.4 [20-0017](#) Warrant Resolution No. 23 (12/05/2019)
- B.5 [20-0018](#) Warrant Resolution No. 23a (12/05/2019)

C. APPROVAL OF MINUTES

- C.1 [CC-19-1049](#) Regular City Council Meeting - October 22, 2019
- C.2 [CC-19-1095](#) Regular City Council Meeting - November 12, 2019

D. CLAIMS AGAINST THE CITY

- D.1 [CC-19-1096](#) Infinity Insurance - vehicle damage
- D.2 [CC-19-1097](#) Miguel Torres Contreras - vehicle damage
- D.3 [20-0023](#) SoCalGas - property damage
- D.4 [20-0021](#) Marvin Ochoa - vehicle damage
- D.5 [20-0024](#) Martha Rivera - vehicle damage

E. SET PUBLIC HEARING

- E.1 [CC-19-1083](#) Request City Council to 1) Adopt **Resolution No. 7579** of Findings of Local Necessity; 2) Conduct the First Reading of **Ordinance No. 1630** Amending Chapter 15.28 of the Rialto Municipal Code to Adopt by Reference the 2019 Edition of the California Fire Code and; 3) Set a Public Hearing for **January 14th, 2020**, to Conduct the Second Reading and Adopt the Ordinance.

- E.2 [CC-19-1091](#) Request the Successor Agency to the Redevelopment Agency of the City of Rialto Adopt **Resolution No.7580** which approves the Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions for property owned by the Successor Agency and generally located at the northeast corner of Laurel Avenue and Renaissance Parkway, and more particularly identified as Assessor's Parcel Number 0240-211-21, to Orbis Real Estate Partners, LLC and forward it to the Countywide Oversight Board, and Request City Council set a Public Hearing for **January 14, 2020** to consider an Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions with Orbis Real Estate Partners, LLC, for land that is owned by the City and proposed to be vacated and generally described as APN 0240-211-31 and located at the northwest intersection of Laurel Avenue and Renaissance Parkway.
- E.3 [CC-19-1110](#) Request City Council to Set a Public Hearing for **January 14, 2020**, to consider an Ordinance adding sections to Chapter 18.66 (Conditional Development Permits) of the Rialto Municipal Code and amending other sections of the Rialto Municipal Code to require the approval of a Conditional Development Permit for the development, expansion, or modification of storage warehouses, distribution centers, and similar uses on all industrial zoned land within the City of Rialto.

F. MISCELLANEOUS

- F.1 [CC-19-1035](#) Request City Council Approve the Professional Services Agreement with SFG Retirement Plan Consulting, LLC (SFGRPC) for 457(b), 457(b) OBRA, and 401(a) plan consulting and investment fiduciary services.
- F.2 [CC-19-1053](#) Request City Council to Approve the Purchase of Fifty (50) Microsoft Office Pro Plus Volume Licenses from Crayon Software Experts LLC in the Amount of \$19,649.83.
- F.3 [CC-19-1070](#) Request City Council to Approve **Resolution No. 7581** updating the citywide classification and compensation plan/table repealing and replacing resolution No. 7550 approved August 13, 2019.
- F.4 [CC-19-1078](#) Request City Council to Approve the Purchase of a Konica Minolta AccurioPrint Copy Machine from Konica Minolta in the Amount of \$25,967.75.
- F.5 [CC-19-1080](#) Request City Council to (1) Accept the Annual Slurry Seal Project; City Project No. 180805; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Pavement Coatings Co.

- F.6 [CC-19-1040](#) Request City Council to Adopt **Resolution No. 7582** Approving the 2020/2021 through 2024/2025 Measure I Five-Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Subprogram.
- F.7 [CC-19-1069](#) Request City Council to Approve the Collective Bargaining Memorandum of Understanding by and between the City of Rialto and the Rialto Professional Firefighters of California Local 3688 (3688) for the period covering July 1, 2017 to June 30, 2022.
- F.8 [CC-19-1104](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for August 2019.
- F.9 [CC-19-1105](#) 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 August 2019.
- F.10 [CC-19-1106](#) 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 September 2019.
- F.11 [CC-19-1107](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for September 2019.
- F.12 [CC-19-1108](#) 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 October 2019.
- F.13 [CC-19-1109](#) Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for October 2019.
- F.14 [CC-19-1075](#) Second Reading **Ordinance No. 1627** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE CHAPTER 2.04 REGARDING PERSONNEL CONTROL AND AMENDING REFERENCES TO DEPARTMENTS AND POSITIONS WHOSE TITLES HAVE BEEN MODIFIED," reading by title only and waiving further reading.
- F.15 [CC-19-1076](#) Second Reading **Ordinance No. 1629** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 17.50 TO THE RIALTO MUNICIPAL CODE TO CREATE A PROCEDURE FOR THE APPLICATION FOR AND APPROVAL OF REIMBURSEMENT AGREEMENTS FOR CERTAIN PUBLIC IMPROVEMENTS," reading by title only and waiving further reading.

TAB PUBLIC HEARING

TAB1 [CC-19-1079](#) Request City Council to Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2019; and Adopt **Resolution No. 7583** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.
(ACTION)

TAB2 [CC-19-1092](#) Request City Council to Conduct the Public Hearing and adopt on Second Reading **Ordinance No. 1626** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 15.08 OF THE RIALTO MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODES AND ALL THE APPENDICES IN THEIR ENTIRETY OF THE CALIFORNIA CODE OF REGULATIONS AND OTHER RELATED CODES. TO INCLUDE: 2019 CALIFORNIA ADMINISTRATIVE CODE, 2019 CALIFORNIA BUILDING CODE, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA ENERGY CODE, 2019 CALIFORNIA FIRE CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 CALIFORNIA HISTORICAL CODE, 2019 CALIFORNIA EXISTING BUILDING CODE, 2019 CALIFORNIA REFERENCED STANDARDS, 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE," reading the Ordinance by title only and waiving further reading thereof.
(ACTION)

- TAB3** [CC-19-1103](#) Request City Council Conduct a Public Hearing for Formation of Community Facilities District (CFD) 2019-02 and consider the adoption of the following actions:
1. Adopting **Resolution No. 7584** calling for the of Formation of CFD 2019-02 (Exhibit A); and
 2. Approve the Funding Agreement between the City of Rialto and HNK Associates, LLC (Exhibit B); and
 3. Adopting **Resolution No. 7585** calling for the CFD Special Election (Exhibit C); and
 4. Conducting the CFD Special Election; and
 5. Adopting **Resolution No. 7586** Declaring the Results of the Election (Exhibit D); and
 6. Adopting for first reading **Ordinance No. 1631** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN" reading by title only and waiving further reading thereof (Exhibit E)
- (ACTION)**

NEW BUSINESS

- TAB4** [CC-19-1025](#) Request City Council to Approve the Purchase of Fourteen (14) Ford Explorer Utility, Three (3) Ford Interceptor Utility and One (1) Ford Prisoner Transport Van with Fairview Ford in the Amount of \$685,296.65.
(ACTION)
- TAB5** [CC-19-1081](#) Request City Council to Issue a Purchase Order to 1) LN Curtis & Sons in the Amount of \$131,735.75 for Truck Equipment; 2) Fire Apparatus Solutions in the Amount of \$75,385.02 for Auto Extrication Equipment; 3) Bauer Compressors in the Amount of \$498,266.17 for Self-Contained Breathing Apparatus (SCBA); and 4) Zoll Medical Corporation in the Amount of \$51,450.84 for Medical Equipment.
(ACTION)
- TAB6** [CC-19-1101](#) Request City Council to Approve Submittal of Draft 5th Mid-Cycle Housing Element Update to California State Department of Housing and Community Development
(ACTION)
- TAB7** [CC-19-1093](#) Request City Council to Approve Renewal of Professional Consulting Agreement for Legislative Advocacy Services with David Turch and Associates in an Amount Not to exceed \$78,000 per year (\$156,000 total) for a Two-Year Term Commencing on July 1, 2019 and ending on June 30, 2021.
(ACTION)

- TAB8** [CC-19-877](#) Request City Council to Review and Adopt **Resolution No. 7563** Approving Special Events for the Calendar Year and **Resolution No. 7587** Adopting a Special Events Policy. **(ACTION)**
- TAB9** [CC-19-1085](#) Request City Council to Approve Contract Change Order Nos. 1 & 2 in the amount of \$185,470.12 for the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements Project, City Project 140802. **(ACTION)**
- TAB10** [CC-19-1082](#) Request City Council to Authorize a Purchase Order to Gotham Poured Rubber Corp. in the amount of \$149,800 for Rubberized Mulch per the CalRecycle Rubberized Products Grant Award. **(ACTION)**
- TAB11** [CC-19-1094](#) Request City Council to 1) Award a Construction Contract in the amount of \$866,549.79 to RS Construction & Development, Inc., for Construction of the Community Center Rehab, Building 200, Gym Restrooms, City Project No. CB1804; Basketball Court Improvements, City Project No. CB1901; and Bud Bender Park Sideline Fencing, City Project No. CB1902; 2) Authorize Issuance of Purchase Order with the On-Call PPM Group, Inc. in the Amount of \$139,975 for On-Call Construction Management, Inspection and Materials Testing Services, 3) Delegate Authority to the City Administrator for Project Contingencies in the not-to-exceed amount of \$40,000, 4) Request City Council to direct staff to provide funding options for Alternate Bid 1 for Rialto Community Center Building 300 in the amount of \$360,000 and bring options back to City Council for an award recommendation. **(ACTION)**

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY ADMINISTRATOR:

ADJOURNMENT