

# City of Rialto

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



## Regular Meeting

## **ACTION AGENDA**

**Tuesday, July 12, 2016**

**5:00 PM**

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

### **City Council**

*Mayor Deborah Robertson  
Mayor Pro Tem Joe Baca Jr.  
Council Member Edward Palmer  
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](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.1570**

## **Next Resolution No.6983**

**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      [16-476](#)      Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: Two cases.
- 2      [16-477](#)      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.
- 3      [16-486](#)      Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency designated representatives:

Fred Galante, City Attorney

George Harris, Asst. to the CA./Director of Admin. Svs.

Employee organizations:

RFMA Management Bargaining Unit

- 4      [16-487](#)      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) Timothy Heinemeyer v. City of Rialto  
WCAB CR-06-050046
  - (b) Alexander Rodriquez v. City of Rialto  
WCAB CR-050029 & CR-09-050030
  - (c) Christopher Seelig v. City of Rialto  
WCAB CR-09-0500087, CR13-005057

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 3-0 vote to approve settlement agreement with Christopher Seelig in the amount of \$15,000. Council Member Scott was absent.**

- 5      [16-488](#)      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:

Subject:              Price and Terms - Acquisition of Right of Way

Location:            Alder Avenue, South of Renaissance Parkway  
Portions of APN#0240-191-15, 16, 30 and 31

Negotiators:        Robb R. Steel, Asst.CA/Development Svs. Dir.

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John Murphy, Rosemead Properties

**6:00 p.m.**

**Called to Order By:**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE-Mayor Pro Tem Joe Baca Jr.**

**INVOCATION-Pastor Rick Whited - Calvary Chapel Rialto**

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

**PRESENTATIONS AND PROCLAMATIONS**

- 1        [16-496](#)        Certificate of Appreciation-Departing Historical Preservation  
Commissioner Ruth Roulet-Mendoza-Mayor Deborah Robertson
- 2        [16-480](#)        Presentation-New Police Officer and Police Promotions  
Captain Andrew Karol
- 3        [16-497](#)        Presentation-New Customer Service Web Portal-Rialto Water Services

**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 (ACTION)**

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

**B. APPROVAL OF WARRANT RESOLUTIONS**

**B.1**     [16-478](#)             Resolution No. 49 (06/24/16)

**B.2**     [16-479](#)             Resolution No. 50 (06/30/16)

**C. SET PUBLIC HEARING**

**C.1**     [16-464](#)             Request City Council to Set a Public Hearing for **July 26, 2016**, to consider an Ordinance Implementing Development Code Amendment No. 16-0, a Resolution Making Certain Findings and Approving Modifications to Titles 9 and 18 of the Rialto Municipal Code, Chapters 9.45 Mobile Marijuana Dispensaries and delivery and 18.112 Regulation of Medical Marijuana Dispensaries and Cultivation.

**C.2**     [16-465](#)             Request City Council to Set a Public Hearing for **July 26, 2016** to Consider Introduction for First Reading of Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE OF THE CITY OF RIALTO APPROVING A DEVELOPMENT AGREEMENT NO. 16-01 BY AND BETWEEN THE CITY OF RIALTO AND ALDER OPPORTUNITY, LLC AND MAKING CERTAIN FINDINGS THEREIN IN CONNECTION THEREWITH," reading by title only and waiving further reading thereof.

**C.3**     [16-493](#)             Request City Council to Set a Public Hearing for **July 26, 2016**, for Conditional Development Permit No. 816 for a 1,094,900 square distribution center for Monster Energy within the Business Center (B-C) Zone of the Renaissance Specific Plan located at the northeast corner of Locust Avenue and Miro Way.

**D. MISCELLANEOUS**

- D.1**     [16-388](#)     Request City Council to Authorize the Release of Request for Proposals No. 17-001 for various "On-Call" Professional Design, Plan Check, Inspection, and Civil Engineering Services.
- D.2**     [16-417](#)     Request City Council, Acting as the Rialto Successor Agency to Adopt **Resolution No. SA6-16** Approving Amendment #1 to the Purchase and Sale Agreement by and between the Rialto Successor Agency and Fountainhead Shrugged LLC for (APN# 0127-041-45) and Establish a Budget and Authorize the Expenditure of Up to \$25,000 for Soils Tests and Remediation of the Successor Agency Property.
- D.3**     [16-463](#)     Request City Council, Acting as the Rialto Successor Agency to Adopt **Resolution No. SA7-16** Approving Amendment #1 to the Purchase and Sale Agreement with PDC OC/IE LLC for three Successor Agency properties (APN 0240-221-02, 03 and 26).
- D.4**     [16-425](#)     Request City Council to Approve a Fifth Amendment to a Professional Services Agreement with Willdan Engineering, Inc. for Fiscal Year 2016-17 for Building Inspections, Fire Plan Check and Structural Plan Check Services and extend the Contract Agreement from July 1, 2016 to August 31, 2016.
- D.5**     [16-431](#)     Request City Council Consideration of Month-to-Month Temporary Use and Rental Agreement by and between the City of Rialto and Aquatech Food Support Systems for the property located at 1449 and 1455 N. Linden Avenue.
- D.6**     [16-470](#)     Request City Council to Approve Contract Change Order No. 3 in the Amount of \$28,926.30 for the Metrolink Parking Lot Expansion Project, City Project 120808.

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 3-0 vote to approve the Consent Calendar. Council Member Scott was absent.**

**TAB NEW BUSINESS**

**TAB1**    [16-440](#)       Request City Council to Adopt **Resolution No. 6980** Approving the Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto City Employees Association (RCEA) Bargaining Unit for Changes to be Effective from July 1, 2016 through June 30, 2017.  
**(ACTION)**

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 3-0 vote to approve Tab 1. Council Member Scott was absent.**

**TAB2**    [16-444](#)       Request City Council to Introduce by First Reading of **Ordinance No. 1568** entitled "AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA, AMENDING THE RIALTO MUNICIPAL CODE SECITON 2.04.090 (AMENDING ORDINANCE 1438) REGARDING PERSONNEL CONTROL;" and **Ordinance No. 1569** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITYOF RIALTO, CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE SECTION 2.50.060 (AMENDING ORDINANCE 1439) REGARDING COMPETITIVE SERVICE", reading by title only and waiving further reading thereof; and approve **Resolution No. 6981** Establishing The "Utilities Manager" Position and Setting The Basic Compensation Range.  
**(ACTION)**

**Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by 3-0 vote to approve Tab 2. Council Member Scott was absent.**

**TAB3**    [16-426](#)       Request City Council to Approve the Sixth Amendment to the Contract Services Agreement with Contact Security, Inc., a California Corporation, for Month-to-Month Security Guard and Patrol Services for July, August and September 2016, at a Cost of \$79,211.53.  
**(ACTION)**

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 3-0 vote to approve Tab 3. Council Member Scott was absent.**

**TAB4**    [16-468](#)       Request City Council to Approve the Renewal and Upgrade of the Police Body Worn Video Cameras, with Taser International in the Amount of \$ 925,128.12 Over Six (6) Years, Beginning in Fiscal Year 2016/2017 and Approve a \$90,222.78 Purchase Order for the First Year of the Contract.  
**(ACTION)**

**Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by 3-0 vote to approve the Consent Calendar. Council Member Scott was absent.**

**TAB5**    [16-364](#)

Request City Council to Authorize the Issuance of a Purchase Order in the amount of \$400,000 to Wallace and Associates, Consulting, Inc. for the Second Year of a Three Year Professional Services Agreement for "On-Call" Public Works Construction Management and Inspection Services in Fiscal Year 2016/2017.

**(ACTION)**

**Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by 4-0 vote to approve Tab 5.**

**TAB6**    [16-365](#)

Request City Council to 1) Extend the Contract with Lockwood Engineering Company on a month-to-month basis, not to exceed six months, 2) Authorize the Issuance of Purchase Orders in the amount of \$470,000 for the 2016/2017 Fiscal Year for "On-Call" Civil Engineering Plan Check and Related Engineering Services; and 3) Authorize the Issuance of Change Orders in the amount of \$361,634 for the 2015/2016 Fiscal Year for "On-Call" Civil Engineering Plan Check and Related Services.

**(ACTION)**

**Motion by Council Member Palmer, second by Council Member Scott and carried by 4-0 vote to approve Tab 6.**

**TAB7**    [16-367](#)

Request City Council to 1) Authorize an Extension to the current Agreement to be reviewed on a month-to-month basis, not to exceed six (6) months; and 2) Authorize Issuance of a Purchase Order in the amount of \$200,000 for the 2016/2017 Fiscal Year for the Professional Services Agreement with Willdan Engineering Company for "On-Call" Public Works Construction Management and Inspection Services.

**(ACTION)**

**Motion by Council Member Palmer, second by Council Member Scott and carried by 4-0 vote to approve Tab 7.**

**TAB8**    [16-393](#)

Request City Council to Approve the Sixth Amendment to the Professional Services Agreement with West Yost Associates, a California Corporation, Year Four (4) of the Five (5) Year Professional Services Agreement in the Amount of \$658,406 for Fiscal Year 2016/17 and Revise the Total Cumulative Contract Cost to the Amount of \$3,452,927.50.

**(ACTION)**

**Motion by Council Member Palmer, second by Council Member Scott and carried by 4-0 vote to approve Tab 8.**



**TAB9** [16-394](#)

Request City Council to Approve the Issuance of a Purchase Order to ABM for Janitorial Services on a Month-to-Month Basis in the Not to Exceed Amount of \$91,200 for the 2016/2017 Fiscal Year.

**(ACTION)**

**Motion by Council Member Palmer, second by Council Member Scott and carried by 4-0 vote to approve Tab 9.**

**TAB10** [16-406](#)

Request City Council to Approve the Third Amendment to the Contract Services Agreement with Inland Empire Landscape, Inc., a California Corporation, for Landscape and Grounds Maintenance Services for Fiscal Year 2016/2017 in the Amount of \$835,856.01.

**(ACTION)**

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 4-0 vote to approve Tab10.**

**TAB11** [16-416](#)

Request City Council to Award a Professional Services Agreement to Lynn Merrill and Associates, Inc., for National Pollution Discharge Elimination System (NPDES) Support Services, for three years at \$170,000 each year for a cumulative total in the amount of \$510,000.

**(ACTION)**

**Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr., and carried by 4-0 vote to approve Tab 11.**

**TAB12** [16-459](#)

Request City Council to Approve a Professional Services Agreement with Community Works Design Group, Inc. for Phase 1 Engineering, Landscape Design, and Project Management Services for the Frisbie Park Expansion and Cactus/Randall Park Development Projects in the Amount of \$227,880.

**(ACTION)**

**Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by 4-0 vote to approve Tab 12.**

**REPORTS**

**MAYOR:**

**COUNCIL MEMBERS:**

**CITY ATTORNEY:**

**CITY ADMINISTRATOR:**

**ADJOURNMENT**