

**REGULAR MEETING
of the
CITY OF RIALTO**

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

**MINUTES
Tuesday, July 26, 2022**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376 on Tuesday, July 26, 2022.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:04 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail and City Clerk Barbara McGee.

City Treasurer Edward Carrillo was absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Significant exposure to litigation Pursuant to Government
Code Section 54956.9 (d)(2)
Number of Matters: Two (2) matters

CLOSED SESSION

2. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Marcus Fuller, Arron Brown, Al Ford

Employee Organizations:

- Executive Management Team
- Management Unrepresented Employees
- Rialto City Employee's Association (RCEA)
- Rialto Mid-Management & Confidential Employee's Association (RMMA) Rialto Fire Management Association (RFMA) Rialto Police Benefit Association – Management
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Unrepresented Employees

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CLOSED SESSION

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 vote to go into Closed Session at 5:05 p.m.

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The City Council returned from Closed Session at 6:15 p.m.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:44 p.m.

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OPEN SESSION

The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail, City Treasurer Edward Carrillo and City Clerk Barbara McGee.

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Pledge of Allegiance and Invocation

Mayor Robertson led the pledge of allegiance.

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Pastor Victor Noland – Word in Action Christian Center gave the Invocation.

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City Attorney's Report on Closed Session

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation Pursuant to Government Code Section 54956.9 (d)(2)

Number of Matters: Two (2) matters

The City Council had briefings and gave direction to legal Counsel.

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

2. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Marcus Fuller, Arron Brown, Al Ford

Employee Organizations:

- Executive Management Team
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- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Unrepresented Employees

The meeting concluded. The City Council gave direction to labor negotiator, but there was no other reportable action.

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**PRESENTATION AND
PROCLAMATIONS**

1. Proclamation – 40th Anniversary of Delta Rho Chapter of the National Sorority of Phi Delta Kappa, Inc.

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ORAL COMMUNICATIONS

Mayor Robertson asked if anyone wished to speak.

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City Clerk McGee stated there are none at this time.

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**City Council to Consider removing or
continuing any items on the agenda**

Mayor Pro Tem Scott to requested Item D. 1 be pulled for a separate discussion.

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Council Member Carrizales will be abstaining from TAB 1 due to conflict of interest with his business at the Renaissance Marketplace.

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(Power outage in Council Chambers)

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(Power was restored)

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City Attorney Vail stated he has an informational Item on Consent Calendar E.2. That has to do with certain salaries specifically an amendment to the contract to the City Manager. State law requires that we orally announce the amount of the base salary that's in that agenda item. That's \$354,988 will be the new base salary for the City Manager if that Item is approved.

CONSENT CALENDAR

D.1 Receive Presentation on Citywide City of Rialto Fee Schedule; Provide Direction to Staff; Schedule a Public Hearing for August 9, 2022 to Receive and File the FY 2022-23 City of Rialto Citywide Fee Schedule.

Mayor Pro Tem Scott stated in reading this Item the question comes up whether or not we increase our fees in accordance with inflation per an inflation. I'm actually opposed to that right now. I don't think us adding inflation to inflation helps and it certainly doesn't help with continuing development in the City when people are struggling to buy materials and getting entitlements done. Additionally, we have not done an appropriate fee survey in many years. I'd like to propose that we pull this Item tonight with the intent into the next year we do an appropriate fee survey and bring it back to the City Council for a decision at that time. I just think it's a bad idea to add inflation to inflation.

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Mayor Robertson stated the time set in a public hearing for August 9, I don't think would have been adequate amount of time for people to express some thoughts and concerns. I think we are anticipating some type of recession or listen to what's said every day. I don't think this is not totally pressing and urgent. I would agree that we bring it back after the first of the year. I believe we would be looking at our mid-year and then we'll look to see how things are going. I would assume Rialto has managed to keep ourselves above water. Our reports have indicated that.

I want to also close in memory of a couple of people one being our former Assessor and State Senator Bob Dutton.

The actual property assessment value in this County for this past year is based on real estate development assessed value on property because you can't get assessment on undeveloped land is at 338 billion dollars for San Bernardino County. There's been a lot of activity. It has been to our benefit. Some people may not agree with the type of development but I'm going to say it now and continue to say it. San Bernardino County, is a County that is massive. But we are strategically located and very essential to this California economy if not to all the United States. \$338 billion out of 58 counties in California really says something. Because a lot of them are not building, and we are still moving and we still have a lot to do. I disagree. So why don't we just pull it and put it for next year. Do you guys agree?

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Council Member Trujillo was in agreement to pull Item D.1.

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Council Member Carrizales was in agreement to pull Item D.1.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 2 (07/14/2022)

B.2 Warrant Resolution No.2b (07/14/2022)

B.3 Warrant Resolution No.2c (07/14/2022)

B.4 Warrant Resolution No.3 (07/21/2022)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – July 12, 2022

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D. SET PUBLIC HEARING

D.1 Request City Council to: (1) Receive a Presentation on the Citywide City of Rialto Fee Schedule; (2) Provide Direction to Staff as Appropriate; and (3) Schedule a Public Hearing for August 9, 2022, to Receive and file the FY2022-23 City of Rialto Citywide Fee Schedule.

D.2 Request City Council to Set a Public Hearing for September 13, 2022, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 1st Quarter of the 2022 Calendar Year.

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E. MISCELLANEOUS

E.1 Request City Council Adopt Resolution No.7945 for Revised Guidelines Outlining Vehicle Miles Traveled (VMT) thresholds for California Environmental Quality Act (CEQA) Compliance Related to Transportation Analysis Consistent with the intent of SB743.

E.2 Request the City Council to (1) Adopt Resolution No.7946 Updating the Citywide Class and Compensation Table for Full-Time and Part-Time Employees. (2) Consider and Approve Amendment No. 3 to the Employment Agreement between the City of Rialto and City Manager Marcus Fuller and Authorize the Mayor to Execute the Amendment.

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Motion by Council Member Perez second by Council Member Trujillo and carried by a 5-0 vote to approve the Consent Calendar with the removal of Item D.1.

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Council Member Carrizales stepped away from the dais at 7:00 p.m.

PUBLIC HEARING

TAB 1

**Specific Plan Amendment No. 2021-0002;
Conditional Development Permit No.
2021-0011; Precise Plan of Design No.
2021-0063; Addendum to the June 2016
Renaissance Specific Plan Amendment
Review No. 2021-0059**

Paul Gonzales, Community Development Manager presented staff report to Request City Council Conduct a Public Hearing to consider (1) Specific Plan Amendment No. 2021-0002, a request to change the land use designation of approximately 6.02 gross acres of land from Corporate Center (CC) to Business Center (BC) within the Renaissance Specific Plan, (2) Conditional Development Permit No. 2021-0011, a request to allow the development and operation of a 116,060 square foot industrial warehouse building on approximately 6.02 gross acres of land, (3) Precise Plan of Design No. 2021-0063, a request to allow the development of 116,060 square foot industrial warehouse building on approximately 6.0 gross acres of land, and (4) an Addendum to the June 2016 Renaissance Specific Plan Amendment Subsequent Environmental Impact Report (Environmental Assessment Review No. 2021-0059) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located at the northwest corner of Renaissance Parkway and Locust Avenue.

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Mayor Robertson asked if anyone wished to speak on the Item.

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City Clerk McGee stated there were no speakers.

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Motion by Mayor Pro Tem Scott second by Council Member Trujillo and carried by a 4-0 vote to close the Public Hearing.

Council Member Carrizales was absent due to a conflict of interest with his business at the Renaissance Marketplace.

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Mayor Pro Tem Scott asked if the Applicant has use for the current building or is it a spec.

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Community Development Manager Gonzales stated the building is currently a spec.

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Mayor Pro Tem Scott stated he hoped they are encouraged to find a point of sale business. It not only received property but sales taxes as well. If this is approved tonight, he hopes they would look for that. He asked what is staff's recommendation.

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Community Development Manager Gonzales stated staff is taking the recommendation to Planning Commission for approval. Staff recommends to the Planning Commission to approve the project.

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Mayor Pro Tem Scott asked if that is what he stands by tonight.

**TAB 1
Specific Plan Amendment No. 2021-0002;
Conditional Development Permit No.
2021-0011; Precise Plan of Design No.
2021-0063; Addendum to the June 2016
Renaissance Specific Plan Amendment
Review No. 2021-0059**

Community Development Manager Gonzales stated that would be staff's recommendation, yes.

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Mayor Pro Tem Scott stated thank you.

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Council Member Trujillo asked if there were any reasons for the Planning Commission making those conclusions.

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Community Development Manager Gonzales stated it was traffic and pollution. When they did the addendum, they were reviewed, and determined no further mitigation was required. The minimum was required to meet the addendum.

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Mayor Robertson asked if this project will have designs that require to have a retention catch basin onsite to address water runoff.

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Community Development Manager Gonzales stated every project requires to have all the water that comes on site to be treated and it does have a catch basin.

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Mayor Robertson stated she would like to make certain the project have a catch basin even if it has a storm drain line. She wants to make certain the landscaping is appropriate and drought tolerant, current and consistent than what has been looked at in the past.

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Mayor Pro Tem Scott agreed with Mayor Robertson regarding the landscaping matter. We need to catch up on landscaping.

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Motion by Mayor Pro Tem Scott second by Council Member Trujillo and carried by a 4-0 vote to approve (1) Specific Plan Amendment No. 2021-0002, a request to change the land use designation of approximately 6.02 gross acres of land from Corporate Center (CC) to Business Center (BC) within the Renaissance Specific Plan, (2) Conditional Development Permit No. 2021-0011, a request to allow the development and operation of a 116,060 square foot industrial warehouse building on approximately 6.02 gross acres of land, (3) Precise Plan of Design No. 2021-0063, a request to allow the development of 116,060 square foot industrial warehouse building on approximately 6.0 gross acres of land, and (4) an Addendum to the June 2016 Renaissance Specific Plan Amendment Subsequent Environmental Impact Report (Environmental Assessment Review No. 2021-0059) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located at the northwest corner of Renaissance.

TAB 1

**Specific Plan Amendment No. 2021-0002;
Conditional Development Permit No.
2021-0011; Precise Plan of Design No.
2021-0063; Addendum to the June 2016
Renaissance Specific Plan Amendment
Review No. 2021-0059**

The project site is located at the northwest corner of Renaissance Parkway and Locust Avenue.

Council Member Carrizales recused himself due to a conflict of interest with his business at the Renaissance Marketplace.

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Council Member Carrizales returned to the dais at 7:10 p.m.

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NEW BUSINESS

TAB 2

**Receive an Update and Confirm the
Continued Existence of and Provide
Further Direction to the Local Emergency
in Response to COVID-19 Pandemic;
Continuing "Hybrid" Public Meetings**

Brian Park, Fire Chief, presented staff report to Request City Council to: (1) Receive an Update on and Confirm the Continued Existence of the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Pandemic; (2) Make Findings for Continuing "Hybrid" Public Meetings Pursuant to AB 361; and (3) Provide any Further Direction in Relation thereto.

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Mayor Robertson believed the community needs to take precautionary measures. She asked about the Monkey Pox virus numbers in the County.

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Fire Chief Park stated numbers remain low. The County numbers remain low. It is not a public health threat as of yet. The WHO is taking a different stance due to the circumstances in other countries but it does not raise to the high level of concern in this Country due to health of our population. He will bring back more information at the next meeting.

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Mayor Robertson asked if San Bernardino County has vaccinations available since Los Angeles County has vaccinations.

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Mayor Pro Tem Scott asked about a recent COVID app alert he received on his phone and asked Fire Chief Park if he had heard of the app before.

Fire Chief Park stated you can apply to that application by signing up for alerts on your phones.

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Mayor Robertson stated if there is an app or information people can sign up for, it would be helpful.

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TAB 2
Receive an Update and Confirm the
Continued Existence of and Provide
Further Direction to the Local Emergency
in Response to COVID-19 Pandemic;
Continuing “Hybrid” Public Meetings

Council Member Perez stated she has also received alerts on her phone and wasn't sure how it happened although she had not signed up for any app.

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Council Member Trujillo stated there's an app on the iPhone you can activate. He asked if Rialto Fire is planning on holding an online workshop on how to navigate the Rialto programs.

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Rialto Fire Chief stated he has spoken to Community Services Director Alvarado-Crawford. He stated resources will be offered to obtain new COVID treatment options specific to a person's symptoms as well as information on City programs.

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Motion by Council Member Perez second by Council Member Trujillo and carried by a 5-0 vote to (1) Receive an Update on and Confirm the Continued Existence of the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Pandemic; (2) Make Findings for Continuing “Hybrid” Public Meetings Pursuant to AB 361; and (3) Provide any Further Direction in Relation thereto.

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TAB 3
Cancel City Council meeting on
August 23 for summer recess

Barbara McGee, City Clerk, presented staff report to Request City Council to reconsider its decision to cancel its Regular City Council Meeting on August 23rd for summer recess.

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Mayor Robertson believed that possibly next year should be more in line with those who have taken their children out of school and could be vacationing at the same time. She does not recall a need to have it re-evaluated if the August 23, 2022 meeting is canceled. If somebody thought they should, then she was not aware.

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Mayor Pro Tem Scott stated he suggested considering having the August 23, 2022 meeting since the City Council will be dark in October.

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Mayor Robertson asked City Manager Fuller if there is anything that the City Council will have to address.

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TAB 3
Cancel City Council meeting on
August 23 for summer recess

City Manager Fuller stated the City's executive team has been informed of the limited number of meetings remaining in 2022 so they can plan accordingly. He cannot forecast what will be submitted, so it is hard to make a determination in regards to rescheduling August 23, 2022.

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Council Member Perez stated that if Department Heads are aware of the August 23, 2022 not taking place, she suggested moving forward. Then next year, it can take place in July to align with summer school vacation and not too close to the October dark month.

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Mayor Robertson agreed with Council Member Perez. She emphasized there are grants opening that will need to come before the City Council in October and November. She asked staff to prepare grants with an earlier closing date by the August 9, 2022 City Council meeting.

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Mayor Pro Tem Scott asked if there any upcoming projects needing City Council approval.

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Utilities Manager Crowley stated he has an upcoming project that will be presented at the August 9, 2022 City Council meeting.

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Motion by Council Member Perez, second by Mayor Pro Tem Scott and carried by 5-0 vote to cancel its Regular City Council Meeting on August 23rd for summer recess for 2022 and bring back at the February 2023 City Council meeting to consider the meeting in July for summer recess.

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TAB 4
Award Construction Contract to
Roadway Engineering & Construction
Corp. for Rialto Cemetery Rehabilitation
Project, Project No. 210209; Authorize
Purchase Order to Onward Engineering
for Construction Management Support
Services, and other related actions to the
City's "on-call" agreement for CM,
Inspection, and Materials Testing
Services

Marcus Fuller, City Manager, presented staff report to Request City Council to 1) Award a Construction Contract to Roadway Engineering & Construction Corp., a California corporation, in the amount of \$1,098,961.20 for the Rialto Cemetery Rehabilitation Project, City Project No. 210209; 2) Authorize a Purchase Order to Onward Engineering, a California corporation, in the amount of \$122,394.50 for Construction Management Support Services, and other related actions pursuant to the City's "on-call" agreement for CM, Inspection, and Materials Testing Services; and 3) Authorize the City Manager to Execute all Related Documents.

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TAB 4

Award Construction Contract to Roadway Engineering & Construction Corp. for Rialto Cemetery Rehabilitation Project, Project No. 210209; Authorize Purchase Order to Onward Engineering for Construction Management Support Services, and other related actions to the City's "on-call" agreement for CM, Inspection, and Materials Testing Services

Council Member Trujillo stated this project is long overdue and is glad this project is moving forward.

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Mayor Robertson agreed the project is long overdue and hoped that the concrete ribbon is addressed.

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Council Member Perez asked if the cemetery will remain open and accessible.

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City Manager Fuller stated there will be some minor inconveniences, but the cemetery will remain open.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to 1) Award a Construction Contract to Roadway Engineering & Construction Corp., a California corporation, in the amount of \$1,098,961.20 for the Rialto Cemetery Rehabilitation Project, City Project No. 210209; 2) Authorize a Purchase Order to Onward Engineering, a California corporation, in the amount of \$122,394.50 for Construction Management Support Services, and other related actions pursuant to the City's "on-call" agreement for CM, Inspection, and Materials Testing Services; and 3) Authorize the City Manager to Execute all Related Documents.

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TAB 5

First Reading of Ordinance No. 1668 amending Chapter 1.16 of the Rialto Municipal Code

Eric Vail, City Attorney, presented staff report to Request City Council to Introduce for First Reading of Ordinance No.1668, amending Chapter 1.16 of the Rialto Municipal Code related to Public Nuisances, Violations, and Recovery of Attorneys Fees and Costs.

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Mayor Pro Tem Scott expressed his concern when attorney fees is the primary reason for doing something. He is more interested in why the City is not addressing the issues and habitual violators of the appearance of their property, referring primarily toward commercial properties than residential. One prime example is Valley Boulevard. He's met with staff numerous times and the matter is still not addressed. Staff will reference the Ordinance as their reason for not being able to deal with certain issues, especially illegally parked trucks and trailers on dirt lots that now we cannot deal with. He stated, I need to know that not only do you want to recover your attorney fees, which is another mechanisms to stretch out legal action. People don't take care of their property.

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City Attorney Vail stated he is aware of one property that has to do with trucks and trailers.

TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Mayor Pro Tem Scott stated he is aware of three.

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City Attorney Vail stated that except for the one that I am aware of, that has paused to get this in place, we still have all of the remedies that are in the code to go after other items. I am happy to work with City Manager, Police Chief, and Code Enforcement.

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Mayor Pro Tem Scott asked if that is true, then why aren't we dealing with these problems. Every time I talk to staff, I am told it is tied up in your office.

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City Attorney Vail stated I am not aware of any complaints except for the one truck trailer that was delayed because of our office. Several people do code enforcement work in our office and take an aggressive stance on that. I'm happy to come back with a report along with the City Manager on pending code enforcement actions because I don't think we're delaying things.

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Mayor Pro Tem Scott suggested meeting at the location site to address the matters that he is referencing because it is disgusting.

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City Attorney Vail stated he'd be happy to do that. That is one of the reasons we're trying to make amendments to the code. With regard to attorney's fees. The City is paying whether it's our firm or another firm to do code enforcement litigation work and sometimes administrative advice when you're going through administrative process. But what's not happening, you're not recouping those from the people who are committing that. That's what this is for. This isn't to give attorneys more money. It allows the City to get paid back the fees that it has had to incur because of these violations of the municipal code. Why it wasn't in there for a long time? I don't know. I will add that it's not mandatory. We can pick cases so we don't have to apply it in all cases. But it is a really helpful tool to encourage people to comply with your code and to correct and clean up their property.

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Mayor Pro Tem Scott stated I get that. I just don't want to send a message that it's not just about recouping costs. It's about cleaning up our City.

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City Attorney Vail stated understood and agreed wholeheartedly.

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TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Council Member Trujillo asked how would we address other government agencies in the City that are not being maintained such as the post office, school district, flood control district, the County.

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City Attorney Vail stated the Federal government is exempt from any City ordinances. That's difficult, and it takes the local Congressman to get involved to work with the post office.

With regard to the school and flood control districts, we would work with staff to try clean up their property.

Some entities are also exempt, school districts are going to be an issue. I have to look into the water districts. It doesn't mean we can't apply pressure.

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Mayor Robertson asked in relation to collecting fees, what have we been doing. Our process is not allowing for us to have administrative recovery of everything inclusive of services that you provide and we not recovering it.

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City Attorney Vail stated the City has been seeking recovery of the administrative citations and penalties that it has issued. It just has not been seeking recovery of legal costs.

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Mayor Robertson asked in the contract for the legal services, did we have that expectation as a service, and we chose not to recover the legal cost in contracting with your firm. It seems odd that we would not be recovering the legal aspect of whatever we put in. I'm surprised to hear that we haven't because I'm under the assumption we were.

The other part I'm very concerned with is anytime we start moving this where we give someone the ability to make their own decision to make a call in the field, a citation or infraction. Nonetheless, I am more concerned when people start being very arbitrary about who they chose to give someone a citation versus who they may choose to give an infraction. That would be very concerning to me. We need to be consistent based on the number of notices, not based on how an interaction is going. I feel it leaves us open, to somebody eventually saying they were subjected to something based on condition or ethnicity.

0o0

TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Mayor Robertson asked who holds the appeals rights when we make a decision. Do we have an opportunity for that person to appeal those decisions now, and who handles it?

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City Attorney Vail stated yes. An independent hearing officer.

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Mayor Robertson asked if we select or is it mutually agreed upon.

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City Attorney Vail stated either way. If we don't hear from the cited person, then it's a person that's retained by the City but not a City employee and not an employee of our office.

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Mayor Robertson asked how many times has a hearing officer overseeing the person appealing the administrative citation.

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City Attorney Vail stated I don't have an exact number. We have had hearing officer appeals. I don't know how many.

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Mayor Robertson asked in the last six months.

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City Attorney Vail stated he does not have that information but could provide it.

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Mayor Robertson requested data information for the last six months and last year and the level of the citation.

She's concerned how this will be applied. She would like to see more contract that could help until we get staffed up. We've had this discussion before, and it doesn't seem like anybody notices certain things or they don't have the tools or the ability to address it.

I don't know if I need to vote on this right now until I understand the appeals rights.

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City Attorney Vail stated what we recommended here are necessary changes to help further do exactly what you want to have done. I do recommend that you introduce it tonight. We're not changing or eliminating any of the existing appeal rights through this Ordinance. There are existing appeal rights for a code citation.

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TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Mayor Robertson asked what the current charges are right now.

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Mayor Pro Tem Scott stated the administrative fees can be very high.

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City Attorney Vail stated they can be. There are some citations listed on there for regular code violations.

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Mayor Pro Tem Scott agreed with Mayor Robertson's comments. I do also have a concern that people get targeted when their neighbors don't. We need to be consistent across the board. But we do need to clean up this City. I've noticed that same thing in regard to landscapes but it's probably because of the State's mandate on conserving water. It says commercial businesses don't have to water their grass anymore. But we should have some mechanism to convert to drought tolerant landscaping or vegetation to keep their properties up. We need to start addressing this matter.

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City Attorney Vail stated to address the issues about discretion, the change that I'm referencing is in proposed section 1.16.020 Misdemeanors and Infractions, Paragraph B. I would propose that we strike it. It's not necessary. It is something that is in other codes. Other than that provision, we are not changing the authority of any code enforcement officer or any police officer. Nor, are we investing them with any additional discretion that they have now, that they might exercise in the field when issuing a citation whether administrative or criminal.

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Mayor Robertson referenced code 1.16.020 and asked City Attorney Vail for clarification.

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City Attorney Vail stated any violation of any portion of the code can be cited as a misdemeanor. A misdemeanor is a criminal citation for which somebody can be put into jail for up to six months or fined up to \$1,000. And they have the right to a jury trial. An infraction is like a traffic ticket. You have to go to court, but you have to pay a fine. You don't necessarily do any jail time. Then there's administrative citations, but they're essentially what we use most often. It is a monetary penalty for violating the code to encourage people to comply with the code.

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TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Mayor Robertson asked for an example of a nuisance, code abatement where someone under 18 would be held responsible for how property looks.

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City Attorney Vail stated code abatement is not just public nuisances. It's any violation of your code and it would also include actions by the police department and your City prosecutor to pursue a potential criminal violation.

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Mayor Robertson asked why under 18. Why are we specifically calling out under 18?

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City Attorney Vail stated you have in your City an Ordinance that prohibits riding on a bicycle on the sidewalk on certain areas of the City. That can be enforced by a criminal citation. So if it was a minor riding their bicycle on the street or on the sidewalk, contrary to your ordinance, they could be issued a misdemeanor citation for that. That seems extreme perhaps, for a minor.

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Mayor Robertson emphasized it is better known as pipeline to prison.

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City Attorney Vail stated in this case it would give clear authority to issue an infraction for that.

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Mayor Pro Tem Scott stated which doesn't go on the person's record.

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Mayor Robertson stated what about an incident where it result in a minor having to go to the County D.A.'s office. She is very concerned. She will not continue to look at things with the arbitrary, the discretion can lead to pipeline to prison.

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City Attorney Vail stated I'd be happy to delete it.

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Mayor Robertson emphasized she cannot act on this until she can better understand it.

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TAB 5
First Reading of Ordinance No. 1668
amending Chapter 1.16 of the Rialto
Municipal Code

Mayor Pro Tem Scott suggested to hold Item for two weeks so Mayor Robertson can have an opportunity to meet with City Attorney Vail and Police Chief Kling to discuss misdemeanors and infractions.

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City Attorney Vail stated he would be happy to do so, yes.

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Mayor Pro Tem Scott stated in case any other City Council Members have any questions. If we're going to do this, we have to do it right.

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Council Member Trujillo stated he also want to meet with City Attorney Vail.

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Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote to table Item until the September 13, 2022 City Council meeting.

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TAB 6
Introduce First Reading Ordinance No.
1669, Amending Section 1.04.060 of
Chapter 1.04 of the Rialto Municipal Code

Arron Brown, Deputy City Manager, presented staff report to Request that the City Council Introduce for First Reading Ordinance No.1669, Amending Section 1.04.060 of Chapter 1.04 of the Rialto Municipal Code to Reflect Modifications in the Titles of Certain City Departments and Positions.

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Mayor Pro Tem Scott asked how many people will report to the Director of Engineering Services.

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Deputy City Manager Brown stated the report indicated four employees.

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City Manager Fuller stated the department staff total is 20.

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Mayor Pro Tem Scott asked how many managers.

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City Manager Fuller stated two engineering managers being recruited.

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Mayor Pro Tem Scott asked if it was his understanding that everything had been approved in the last budget.

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TAB 6
Introduce First Reading Ordinance No. 1669, Amending Section 1.04.060 of Chapter 1.04 of the Rialto Municipal Code

Deputy City Manager Brown stated correct. All items were approved. What was not approved was the change to the municipal code. This Ordinance change would allow a signature of the Director of Maintenance and Facilities, if a Public Works Director signature is required.

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Mayor Pro Tem Scott asked if all positions were at-will.

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Deputy City Manager Brown stated that is correct.

0o0

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 vote of First Reading Ordinance No.1669, Amending Section 1.04.060 of Chapter 1.04 of the Rialto Municipal Code to Reflect Modifications in the Titles of Certain City Departments and Positions.

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TAB 7
Adopt the following Resolutions Setting the FY 2022-23 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, and 2019-2: Resolution No. 7948; Resolution No. 7949 Resolution No. 7950; Resolution No. 7951; Resolution No. 752

Request City Council to Adopt the Following Resolutions Setting the Fiscal Year 2022-23 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, and 2019-2:

(1) Resolution No.7948 of The City Council of the City of Rialto, State of California, Community Facilities District 2006-1 (ELM PARK) Establishing Annual Special Tax for Fiscal Year 2022-23.

(2) Resolution No.7949 of The City Council of the City of Rialto, State of California, Community Facilities District 2016-1 (PUBLIC SERVICES) Establishing Annual Special Tax for Fiscal Year 2022-23.

(3) Resolution No.7950 of The City Council of the City of Rialto, State of California, Community Facilities District 87-1 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2022-23.

(4) Resolution No.7951 of The City Council of the City of Rialto, State of California, Community Facilities District 87-2 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2022-23.

(5) Resolution No.7952 of The City Council of the City of Rialto, State of California, Community Facilities District 2019-2 (FOOTHILL/SPRUCE) Establishing Annual Special Tax for Fiscal Year 2022-23.

0o0

TAB 7

Adopt the following Resolutions Setting the FY 2022-23 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, and 2019-2:

**Resolution No. 7948; Resolution No. 7949
Resolution No. 7950; Resolution No. 7951; Resolution No. 752**

Motion by Mayor Pro Tem Scott second by Council Member Carrizales and carried by a 5-0 vote to Adopt the Following Resolutions Setting the Fiscal Year 2022-23 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, and 2019-2:

(1) Resolution No.7948 of The City Council of the City of Rialto, State of California, Community Facilities District 2006-1 (ELM PARK) Establishing Annual Special Tax for Fiscal Year 2022-23.

(2) Resolution No.7949 of The City Council of the City of Rialto, State of California, Community Facilities District 2016-1 (PUBLIC SERVICES) Establishing Annual Special Tax for Fiscal Year 2022-23.

(3) Resolution No.7950 of The City Council of the City of Rialto, State of California, Community Facilities District 87-1 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2022-23.

(4) Resolution No.7951 of The City Council of the City of Rialto, State of California, Community Facilities District 87-2 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2022-23.

(5) Resolution No.7952 of The City Council of the City of Rialto, State of California, Community Facilities District 2019-2 (FOOTHILL/SPRUCE) Establishing Annual Special Tax for Fiscal Year 2022-23.

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TAB 8

Approve the Appointment of Council Members to a Subcommittee to review Rules and Procedures for the Conduct of City Council Meetings

Barbara McGee, City Clerk, presented staff report to Request City Council to approve the appointment of Council Members to a Subcommittee to review Rules and Procedures for the Conduct of City Council Meetings.

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Mayor Pro Tem Scott believed there should be a City Council subcommittee that goes through the rules of the Council meeting since we're the ones that do the Council meeting and that we all be in agreement on that. I had a number of issues with that report. Didn't seem like the rest of the City Council was too much in favor of it themselves. He'd like to see the Subcommittee recommendations that they can all agree upon.

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Mayor Robertson stated her concerns of the Mayor's role even with regard to annual recommendations on the subcommittees. They are recommendations and the City Council ratifies and approves it or not. But it doesn't say that.

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Mayor Pro Tem Scott believed the role of the City Council are that the Mayor appoints all Committees with ratification of the City Council.

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Mayor Robertson stated that's what she believed.

TAB 8

Approve the Appointment of Council Members to a Subcommittee to review Rules and Procedures for the Conduct of City Council Meetings

Mayor Pro Tem Scott stated that's how I think it reads.

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Mayor Robertson stated she does not read it that way.

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Mayor Pro Tem Scott stated the staff report doesn't read that, but I was very clear it needed to return to Mayor Robertson for appointments of a Subcommittee.

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Mayor Robertson asked who would like to be on the subcommittee.

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Mayor Pro Tem Scott stated he would volunteer since he has some history on the City Council.

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Mayor Robertson recommended Mayor Pro Tem Scott to the Subcommittee to review Rules and Procedures for the Conduct of City Council Meetings.

She asked if any other Council Member wanted to volunteer.

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Council Member Trujillo stated he would like to sit on the subcommittee.

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Motion by Council Member Perez, second by Mayor Robertson and carried by a 5-0 vote to appoint Mayor Pro Tem Ed Scott and Council Member Rafael Trujillo to the Subcommittee to review Rules and Procedures for the Conduct of City Council Meetings and return with recommendations.

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Community Services

Community Services Director Alvarado-Crawford gave a report.

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REPORTS

The City Council and gave their reports.

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ADJOURNMENT

Motion by Council Member Perez, second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 8:30 p.m.

The City Council adjourned in memory of:

Paten 'Spider' Callaway, Jr.
Rialto Resident and Retired Correctional Counselor

Bob Dutton
Former San Bernardino County Assessor and
Former State Senator

Jessie Mae Sampson,
Wife of former Council Member Joseph H. Sampson

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE