

**REGULAR MEETING  
of the  
CITY OF RIALTO**

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

**MINUTES  
Tuesday, September 13, 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, September 13, 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 4:01 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 Andy Carrizales Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail and City Clerk Barbara McGee. Council Member Rafael Trujillo and City Treasurer Edward Carrillo were absent.

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**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Two (2) matters:

1. Heather Lassiter v. City of Rialto, SBSC Case No. CIVSB2109592
2. Blevins v. City of Rialto, SBSC Case No. CIVDS2011961

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Council Member Trujillo arrived at 4:20 p.m.

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## **CLOSED SESSION**

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to Government Code section 54956.8  
Property: Parcel 4 (APN 0264-152-33-000)  
Agency Negotiator: City Manager Marcus Fuller,  
City Attorney Eric Vail  
Negotiating Parties: City of Rialto / Ayala-210  
Under Negotiation: Terms of Second Implementation  
Agreement re sale of  
Parcel 4
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to Government Code section 54956.8  
Property: 274 and 290 West Jackson Street  
(APN 0127-311-15 & 16)  
Agency Negotiator: City Manager Marcus Fuller,  
City Attorney Eric Vail  
Negotiating Parties: City of Rialto; Mary Erickson  
Community Housing,  
Susan McDevitt, Executive Director  
Under Negotiation: Price and Terms of Sale
4. CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION  
Significant exposure to litigation Pursuant to Government  
Code Section 54956.9 (d)(2)  
Number of Matters: Three (3) matters
5. 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 Carrizales and second by Council Member Perez and carried by a 4-0 vote to go into Closed Session at 4:02 p.m.  
Council Member Trujillo was absent.

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

## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:33 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 Pro Tem Scott led the pledge of allegiance.

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Pastor Dr. 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 – EXISTING LITIGATION**

Pursuant to Government Code section 54956.9(d)(1)

Two (2) matters:

1. Heather Lassiter v. City of Rialto, SBSC Case No. CIVSB2109592
2. Blevins v. City of Rialto, SBSC Case No. CIVDS2011961

The City Council received a briefing from the City Attorney's Office. The City Council gave direction. There was no reportable action.

#### **2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Government Code section 54956.8

Property: Parcel 4 (APN 0264-152-33-000)

Agency Negotiator: City Manager Marcus Fuller, City Attorney Eric Vail

Negotiating Parties: City of Rialto / Ayala-210

Under Negotiation: Terms of Second Implementation

Agreement re sale of  
Parcel 4

#### **3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Government Code section 54956.8

Property: 274 and 290 West Jackson Street  
(APN 0127-311-15 & 16)

Agency Negotiator: City Manager Marcus Fuller,  
City Attorney Eric Vail

Negotiating Parties: City of Rialto; Mary Erickson  
Community Housing,

Susan McDevitt, Executive Director

Under Negotiation: Price and Terms of Sale

The City Council gave direction on Items 2 and 3. There was no other reportable action.

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

4. CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION

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

Number of Matters: Three (3) matters

The City Council gave direction on two of the three Items to the City  
Attorney. There was no other reportable action on those two items.

5. 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

The City Council had discussion with labor negotiator and City Attorney,  
and gave direction but there was not reportable action.

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City Clerk McGee stated for the record that Council Member Trujillo  
arrived at 4:20 p.m. during Closed Session.

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**PRESENTATION AND  
PROCLAMATIONS**

1. Aline Langford Dickson - 100<sup>th</sup> Birthday
2. In Memoriam for:  
Jessie Sampson  
Grace Vargas  
Paten Calloway  
Daren Gilbert  
Barbara Chavez
3. Introduction of new employees and Promotions  
by Marcus Fuller, City Manager and  
Shama Curian Deputy Human Resources Director

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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.

## **ORAL COMMUNICATIONS**

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

**F.6: SB1 Trade Corridor Enhancement Program Gant**

Ronald Taylor, expressed his dissatisfaction with current staff and the current youth basketball league for-profit fees and protocol during games.

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Council Member Trujillo would like to pull Item F. 6 for comment.

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Council Member Trujillo stated he is interested in working closer with staff on the technicalities on applying for grants. There should be discussions on the letters of support received and approaches taken. He is requesting the City Council to expand the CDBG Subcommittee to include the technicalities of grant applications or create a new subcommittee. He is requesting this Item be brought before the City Council for discussion at the September 27, 2022, City Council meeting. We want to make certain staff understands the Federal and State Administration priorities and how the City is aligning themselves with those priorities.

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Mayor Robertson emphasized that before applying for any grant it needs to go before the City Council to determine we are getting the proper grants.

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Mayor Pro Tem Scott agreed with Mayor Robertson. He expressed his concern with grants being fully reviewed. He doesn't believe they are being provided with enough information. The information needs to be more out front. Perhaps a committee will be needed. The City Council needs to be more involved.

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Mayor Robertson stated she asked to put this Item on the Consent Calendar related to a current grant authorization.

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Mayor Pro Tem Scott stated he had a concern with interfering with the contract with the union and Omnitrans.

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**TAB 2 and TAB 3  
Recusal of Council Member Carrizales**

Council Member Carrizales recused himself during closed session on TAB 2 and TAB 3 due to a conflict of interest with his business at the Renaissance Marketplace.

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**F.15  
Citywide Classification and Compensation**

City Treasurer Carrillo would like to pull Item F.15 for comment. He stated that City Clerk and the City Treasurer are elected officials. They serve Rialto 24/7 just as any other elected official. He would like to see that part-time indication removed. They are not part time.

**F.15 Resolution No. 7972  
Updating the Citywide Classification and  
Compensation Plan for Full-time and  
Part-Time Employees**

Mayor Pro Tem Scott asked the City Attorney if all City elected officials were considered part-time employees with the exception of PERS Classified and assist full time.

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City Attorney Vail stated PERS classifies any elected official full time. He would have to confer with the City Manager to determine how the City respects that. It does not have anything to do with compensation which is already set by Ordinance.

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Mayor Pro Tem Scott stated if elected officials are full-time, then overtime will need to be compensated.

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City Attorney Vail stated salaried employees don't receive overtime.

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City Manager Fuller stated the correction will be made.

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**A. WAIVE FULL READING OF ORDINANCES**

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**B. APPROVAL OF WARRANT RESOLUTIONS**

B.1 Warrant Resolution No. 7 (08/18/2022)

B.2 Warrant Resolution No. 8 (08/25/2022)

B.3 Warrant Resolution No. 9 (09/01/2022)

B.4 Warrant Resolution No. 10 (09/08/2022)

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**C. APPROVAL OF MINUTES**

C.1 Regular City Council Meeting - July 26, 2022

C.2 Regular City Council Meeting - August 9, 2022

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**D. CLAIMS AGAINST THE CITY**

D.1 Jasmine Calanhan - Vehicle Damage

D.2 Jason Sanders - Vehicle Damage

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## **CONSENT CALENDAR**

### **E. SET PUBLIC HEARING**

- E.1 Request City Council to Set a Public Hearing for City Council meeting of September 27, 2022, to Solicit Public Comments and to Consider and Approve the City's 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER).
- E.2 Request City Council to 1) Set a Public Hearing for September 27, 2022, to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt Resolution No. 7964 Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2022/2023; and to 3) Adopt Resolution No. 7965 Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and Conduct a Property Owner Protest Ballot Proceeding On The Matter of the New Assessments Related Thereto Commencing with Fiscal Year 2022/2023.

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### **F. MISCELLANEOUS**

- F.1 Request City Council to Receive and File for Future Audit the Treasurer's Monthly Reports for the month end of May and June 2022.
- F.2 Request City Council to Receive and File for Future Audit the Treasurer's Monthly Reports for the month end of July 2022.
- F.3 Request City Council to: Approve CIRA Agreement for Apportionment of Retirement Obligations (AB1912); and (2) Authorize the City Manager to Execute All Documents.
- F.4 Request City Council to Adopt Resolution No. 7966 Adopting a Policy on the Use of Community Benefit Funds by City Council Members.
- F.5 Request City Council Approve the Submission of a Sustainable Communities Program Application to the Southern California Association of Governments for Technical and Material Assistance through the Civic Engagement, Equity, and Environmental Justice Call for Projects.
- F.6 Request City Council to: (1) Authorize Staff to Submit an Application for the SB 1 Trade Corridor Enhancement Program (TCEP) Grant for the I/10 Riverside Avenue Interchange Phase 2 Project in the Amount of \$19,800,000 with a Local Match Not-To-Exceed of \$8,500,000 for Construction; and (2) Authorize the City Manager to Execute all Related Documents.
- F.7 Request City Council to: (1) Authorize Staff to Submit an Application for the Safe Streets and Roads for All (SS4A) Grant in the Amount of \$400,000 with a Local Match Not-To-Exceed of \$80,000; and (2) Authorize the City Manager to Execute all Related Documents.

## **CONSENT CALENDAR**

- F.8 Request City Council to Adopt Resolution No. 7967 Approving the 2023/2024 through 2027/2028 Measure I Five-Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Subprogram.
- F.9 Request City Council to Authorize the Release of Request for Bids No. 23-012 for the Traffic Signal Modification and Media Reconfiguration at Riverside Avenue and Senior Way, City Project No. 230806.
- F.10 Request City Council to Adopt Resolution No. 7968 Approving Tract Map 20108 for the Subdivision of Land into 30 Single-Family Lots Located on the East Side of Sycamore Avenue at Alru Avenue and Approving an Associated Subdivision Improvement Agreement.
- F.11 Request City Council to Adopt Resolution No. 7969 Approving Tract Map 20204 for the Subdivision of Land into 130 Single-Family Lots of the Neighborhood II of the Lytle Creek Ranch Specific Plan and Approving an Associated Subdivision Improvement Agreement.
- F.12 Request City Council Adopt Resolution No. 7970 Authorizing a Specific Plan Amendment to change the land use designation of two parcels located at 1364 W Foothill Boulevard and 475 N Linden Avenue within the Foothill Boulevard Specific Plan from Residential-Mixed use (R-MU) to Commercial-Pedestrian (C-P).
- F.13 Request City Council to: (1) Accept the OmniTrans Measure I Regional Mobility Partnership (RMP) Program Grant in the amount of \$477,994 for Transportation Services for Seniors and Disabled Community for Fiscal Years 2022-2023 and 2023-2024; (2) Adopt Resolution No. 7971 Amending the Fiscal Year 2022-2023 Fiscal Year Budget; (3) Approve the Funding Agreement with OmniTrans; and (4) Authorize the City Manager to Execute All Documents.
- F.14 Request City Council to: (1) Approve the Second Implementation Agreement with Ayala & 210 Partners, LLC; and (2) Authorize the City Manager to Execute All Documents.
- F.15 Request City Council to adopt Resolution No. 7972 Updating the Citywide Classification and Compensation Plan for Full-Time and Part-Time Employees, Revising the Authorized Budgeted Positions for Fiscal Year 2022-23.

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## **CONSENT CALENDAR**

F.16 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.

F.17 Request City Council to Adopt by Second Reading ORDINANCE NO.1668 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING CHAPTER 17.46 OF THE MUNICIPAL CODE FOR THE MERGER OF PARCELS.

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Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote to approve the Consent Calendar with specified changes on Item F.15 to the City of Rialto's Classification and Compensation Plan.

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## **PUBLIC HEARING**

### **TAB 1**

**Adopt Resolution No. 7973 Calling a Special Election; Adopt Resolution No. 7974; Adopt Resolution No. 7975; Introduce for First Reading Ordinance No. 1670 Repealing Ordinance No. 1648**

Marcus Fuller, City Manager, presented staff report to Request City Council to: (1) Hold a Public Hearing on the Proposed Modifications to City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde); (2) Adopt Resolution No. 7973 Calling a Special Election to Modify the Rate and Method of Apportionment of the Special Tax Relating to said Community Facilities District, Eliminate the Designation of Improvement Areas, Remove Territory from the Boundaries of the Community Facilities District, Increase the Special Tax Rates, Increase the Maximum Bonded Indebtedness, and Revise the Appropriations Limit of Said Community Facilities District; (3) Hold the Special Election; (4) Adopt Resolution No. 7974 Canvassing the Results of the Special Election Held Within Community Facilities District No. 2020-1 (El Rancho Verde) Regarding Certain Modifications to the District; (5) Adopt Resolution No. 7975 Approving Certain Modifications to the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde), and Approving the Execution and Delivery of an Amended and Restate Funding and Acquisition Agreement in Connection Therewith; (6) Introduce for First Reading Ordinance No. 1670 Repealing Ordinance No. 1648 and Authorizing the Levy of Special Taxes Within the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde); and (7) Authorize the City Manager to Execute All Documents and Actions Necessary.

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Mayor Robertson read the Notice of the Public Hearing into the record.

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City Manager Fuller requested consideration for the first action calling for the Special Election.

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Mayor Robertson asked if anyone wished to speak.

**TAB 1**

**Adopt Resolution No. 7973 Calling a Special Election; Adopt Resolution No. 7974; Adopt Resolution No. 7975; Introduce for First Reading Ordinance No. 1670 Repealing Ordinance No. 1648**

City Clerk McGee stated there are no comments.

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Mayor Robertson asked if there are any questions by any member of the City Council.

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Mayor Robertson asked before formerly closing the hearing, is there any property owner subject to the proposed special tax who wish to file with a written protest. If so, it must be filed with the City Clerk at this time for the purpose of a majority protest. Only written protests are to be considered.

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No public response to a written protest.

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Mayor Robertson closed the public hearing.

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Motion by Mayor Pro Tem Scott second by Council Member Perez and carried by a 5-0 vote to close the Public Hearing.

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Motion by Mayor Pro Tem Scott second by Council Member Trujillo and carried by a 5-0 vote to Adopt Resolution No. 7973 Calling a Special Election to Modify the Rate and Method of Apportionment of the Special Tax Relating to said Community Facilities District, Eliminate the Designation of Improvement Areas, Remove Territory from the Boundaries of the Community Facilities District, Increase the Special Tax Rates, Increase the Maximum Bonded Indebtedness, and Revise the Appropriations Limit of Said Community Facilities District.

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City Clerk McGee conducted the special election and read ballots into the record.

LANDOWNER: AG ESSENTIAL HOUSING CA 4, LP

City of Rialto Community Facilities District No. 2020-1

(El Rancho Verde)

BY: Stephen S. Benson: 119 Votes: Yes

LENNAR HOMES OF CALIFORNIA, LLC

As owner or authorized or representative of such owner of land within City of Rialto Community Facilities District No. 2020-1

(El Rancho Verde)

Geoffrey L. Smith: 6 Votes: Yes

City Clerk McGee stated there was 100 percent of the votes.

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**TAB 1**  
**Action on Item 3 & 4**

Motion by Mayor Pro Tem Scott second by Council Member Carrizales and carried by a 5-0 vote to 3) Hold the Special Election; (4) Adopt Resolution No. 7974 Canvassing the Results of the Special Election Held Within Community Facilities District No. 2020-1 (El Rancho Verde) Regarding Certain Modifications to the District.

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**TAB 1**  
**Action on Item 5**

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to (5) Adopt Resolution No. 7975 Approving Certain Modifications to the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde), and Approving the Execution and Delivery of an Amended and Restated Funding and Acquisition Agreement in Connection.

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**TAB 1**  
**Action on Item 6**

Motion by Mayor Pro Tem Scott second by Council Member Perez and carried by a 5-0 vote to (6) Introduce for First Reading Ordinance No. 1670 Repealing Ordinance No. 1648 and Authorizing the Levy of Special Taxes Within the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde).

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**TAB 1**  
**Action on Item 7**

Motion by Mayor Pro Tem Scott second by Council Member Perez and carried by a 5-0 vote to (7) Authorize the City Manager to Execute All Documents and Actions Necessary.

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**TAB 2**  
**Placement of Liens for Delinquent Collection of**

Amy Crow, Administrative Analyst, presented staff report to Request City Council to: (1) Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the First Quarter of 2022; and (2) Adopt Resolution No. 7976 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

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

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City Clerk McGee stated no.

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Mayor Robertson closed the public hearing.

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Motion by Council Member Carrizales second by Mayor Pro Tem Scott and carried by a 5-0 vote to close the Public Hearing.

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**TAB 2**  
**Placement of Liens for Delinquent**  
**Collection of**

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by 5-0 vote to Adopt Resolution No. 7976 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

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Council Member Carrizales stepped away from the dais at 7:45 p.m.

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**NEW BUSINESS**  
**TAB 3**  
**Approve Third Amendment to**  
**Reimbursement Agreement with Lewis-**  
**Hillwood Rialto Company, LLC for State**  
**Route 210/Alder Avenue Interchange**  
**Project**

Marcus Fuller, City Manager, presented staff report to Request City Council to (1) Approve a Third Amendment to the Reimbursement Agreement with Lewis-Hillwood Rialto Company, LLC, in the amount of \$285,072 for the State Route 210 / Alder Avenue Interchange Project; and (2) Authorize the City Manager to Execute all Related Documents.

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Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by 4-0 vote to (1) Approve a Third Amendment to the Reimbursement Agreement with Lewis-Hillwood Rialto Company, LLC, in the amount of \$285,072 for the State Route 210 / Alder Avenue Interchange Project; and (2) Authorize the City Manager to Execute all Related Documents.

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 7:47 p.m.

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**TAB 4**  
**Authorize Increase to Purchase Order**  
**with Fountainhead Corporation and**  
**Onward Engineering for “On-Call”**  
**Construction Inspection Services**

Marcus Fuller, City Manager, presented staff report to Request City Council to (1) Authorize an Increase to the Purchase Order with Fountainhead Corporation for “On-Call” Construction Inspection Services for an Additional Amount of \$220,000; (2) Authorize an Increase to the Purchase Order with Onward Engineering for “On-Call” Construction Inspection Services for an Additional Amount of \$378,465; and (3) Authorize the City Manager to Execute all Documents.

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Mayor Pro Tem Scott commented that he appreciates all the projects Fountainhead Corporation and Onward Engineering are currently working on for the City.

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**TAB 4**

**Authorize Increase to Purchase Order with Fountainhead Corporation and Onward Engineering for “On-Call” Construction Inspection Services**

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 vote to (1) Authorize an Increase to the Purchase Order with Fountainhead Corporation for “On-Call” Construction Inspection Services for an Additional Amount of \$220,000; (2) Authorize an Increase to the Purchase Order with Onward Engineering for “On-Call” Construction Inspection Services for an Additional Amount of \$378,465; and (3) Authorize the City Manager to Execute all Documents.

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**TAB 5**

**Delegate Additional Authority to City Manager to approve Change Orders for additional work by Sequel Contractors, Inc. for City Project No 210807**

Marcus Fuller, City Manager, presented staff report to Request City Council to 1) Delegate Additional Authority to the City Manager to approve additional Change Orders in the Cumulative Amount of \$300,000 for additional work to be performed by Sequel Contractors, Inc., a California corporation, for the Riverside Avenue from SR-210 to Foothill Boulevard Project, City Project No. 210807; and 2) Authorize the City Manager to Execute all Related Documents.

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Council Member Trujillo asked if there was any damage from the water on Riverside Avenue.

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Mayor Pro Tem Scott stated he has received many calls in regards to Riverside Avenue from Foothill to Baseline Avenue. It’s important to let the community know, the project is not finished. It will get better once the final course is put out.

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Mayor Robertson expressed her concerns when there are change orders and helpful to let the community know what is being done differently but more importantly is it going to withstand the time?

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Mayor Pro Tem Scott stated it is full depth. It’s a different process that the soil creep has to sit for a week.

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Mayor Robertson suggested using fast-forming concrete at the intersections instead of asphalt. She asked if the design was done in-house.

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**TAB 5****Delegate Additional Authority to City Manager to approve Change Orders for additional work by Sequel Contractors, Inc. for City Project No 210807**

City Manager Fuller stated no. The full-depth reclamation with cement-treated base was through Etiwanda, but it was shut down for east-west traffic. He asked the City Council's opinion on whether to do construction at Walnut or include the deep lift asphalt so that it is not disrupted on Walnut.

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Mayor Robertson stated this Item was related to the financial aspect not the technical part. That is me personally, but the City Council can answer that question.

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Mayor Pro Tem Scott stated that in his opinion they would be doing the whole street the way the intersections were done.

He suggested the process be detailed and outlined and from a technical standpoint specify how long it will last one compared to another.

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Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote to 1) Delegate Additional Authority to the City Manager to approve additional Change Orders in the Cumulative Amount of \$300,000 for additional work to be performed by Sequel Contractors, Inc., a California corporation, for the Riverside Avenue from SR-210 to Foothill Boulevard Project, City Project No. 210807; and 2) Authorize the City Manager to Execute all Related Documents.

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**TAB 6****Approve First Amendment Services Agreement with Hardy and Hardy, Inc for Maintenance Services**

Tom Crowley, Utilities Manager, presented staff report to Request City Council/Rialto Utility Authority Board to: (1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects; and (2) Authorize the City Manager to Execute All Related Documents.

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Motion by Mayor Pro Tem Scott second by Council Member Carrizales and carried by a 5-0 vote to (1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects; and (2) Authorize the City Manager to Execute All Related Documents.

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**TAB 7**  
**Approve Reprogramming Funding for the**  
**Rialto CARES Program**

Deputy City Manager, Arron Brown and Lissette Montoya with Avant Garde, presented staff report to Request that the City Council Approve Reprogramming Funding for the Rialto CARES Programs.

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Mayor Pro Tem Scott expressed his concerns in making changes especially if the City Council will go dark in the month of October. He suggested giving the City Manager authority to move funds if necessary, so people do not have to wait for dollars. It is not a fair thing to do to the community.

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Deputy City Manager Brown suggested transferring \$269,000 of CDBG-CV funds to take care of the wait list.

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Council Member Trujillo asked City Attorney Vail about procedures related to granting City Manager authority related to the CARES program.

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City Attorney Vail stated it is better if is pre-authorized as opposed to leaving it to the City Manager's discretion. That way he is acting under direct authority of the City Council to move funds.

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Council Member Trujillo asked if there was a reason why there was not much demand for child care.

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Deputy City Manager Brown stated he wish he knew. He outreached to the Walmart Manager and information was provided in English and Spanish.

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Council Member Trujillo asked about the Ambulance Assistance Program.

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Deputy City Manager Brown stated there were zero Ambulance Assistance applications. They are trying to find a way to properly market the program.

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Council Member Carrizales stated moving ambulance funds down to \$25,000 and the remaining balance to another program with a greater need.

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**TAB 7**

**Approve Reprogramming Funding for the Rialto CARES Program**

Council Member Perez recommends leaving ambulance funds as is to give the community opportunity to apply should they need to. In the future, if there no applications, then move funds toward Rental/Mortgage/Utility Assistance wherever the need is greater.

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Deputy City Manager Brown stated these funds were freed up by the ARPA Program. The City Council has complete discretion as to how it is allocated and modify as it sees fit.

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Council Member Perez agreed with the recommendations provided and revisits based on findings in November and make modifications as needed.

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Deputy City Manager Brown stated these funds will satisfy the waiting list not additional.

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Mayor Pro Tem Scott clarified the reason for giving authority to the City Manager in October is because applicants came in who were turned away and have not applied. It's important to give the City Manager some authority if necessary. If not, we will address it in November.

0o0

Deputy City Manager Brown stated yes sir.

0o0

Council Member Perez asked if we can agree with the recommendations and give the City Manager authority to pull from the other pools on an as-needed basis.

0o0

Mayor Robertson asked about City of Rialto's criteria  
She asked for an explanation on the number of applicants.

0o0

Deputy City Manager Brown stated these are CARES applicants. CDBG was only a footnote at the bottom letting you know there are 55 on the waiting list.

0o0

Mayor Robertson asked for clarification on the number of applications and their eligibility status.

0o0

Deputy City Manager Brown stated the process or guidelines were never modified. We modified where it came from. It's at the discretion of the City Council.



**TAB 7**  
**Approve Reprogramming Funding for the**  
**Rialto CARES Program**

Mayor Robertson asked what guidelines were used for the CARES Program. Were they HUD or CDBG guidelines?

0o0

Ms. Montoya stated once funds were exhausted, applicants were contacted and notified they would be placed on the waitlist. During this time, applications were still being turned in, and once the decision was made to no longer accept applications on the CARES Program, 60 applications have not been reviewed on the CARES Program and 14 applicants waiting.

0o0

Mayor Robertson asked how many people were turned away.

0o0

Ms. Montoya stated staff were still operating with CDBG-CV funds. Those funds have run out.

0o0

Mayor Robertson referenced an applicant whose application has not been processed.

0o0

Ms. Montoya explained the situation with that applicant and made sure to reach out to the applicant.

0o0

Mayor Pro Tem Scott emphasized that residents have been told by City staff that funds are no longer available and they should view City Council meetings to see if more funds will be approved.

That is not the way the public should be treated.

0o0

Council Member Trujillo asked about Small Business Assistance program. He questioned whether that could be the emergency funds they could tap into if necessary.

0o0

Ms. Montoya stated that was just approved. We have no business applications currently outstanding.

0o0

Council Member Trujillo asked if all business applications have been expended.

0o0

Ms. Montoya stated correct. There is a small balance remaining.

0o0

**TAB 7**

**Approve Reprogramming Funding for the Rialto CARES Program**

Mayor Robertson referenced the Small Business Program in the Budget Amendment Recommendation on Page 9 and asked what were the recommendations.

She would like to move enough funds to make certain enough is allocated when the City Council returns in November.

0o0

Deputy City Manager Brown stated that Page 6 indicates the additional \$300,000 so it satisfies the waitlist and additional individuals.

Budget Amendment Recommendations including funds from COVID-19 contingency account. The budget amendment would be \$645,000 instead.

0o0

Mayor Robertson asked if the revised budgeted amount in Rental/Mortgage/Utility Assistance would then be \$2,145,000.

0o0

Deputy City Manager Brown stated correct.

0o0

City Manager Fuller stated if you went with staff recommendations, there is \$155,000 left between Burial, Childcare and Ambulance Support Services. If you were to give me the authority to move some of that \$155,000 into residential assistance until November, that's what I would do depending on the continuing need and the number of applications that are submitted so we are not having people wait.

0o0

Mayor Robertson stated she does not believe \$75,000 is needed in Ambulance Support Services.

0o0

Deputy City Manager emphasized Council Member Carrizales recommended bringing it down to \$25,000 and Council Member Perez recommended leaving it at \$75,000.

0o0

Council Member Trujillo stated he agrees with removing it as well. If there is no demand for it now and HIPPA does not allow to contact anyone, he does not see the need.

0o0

Mayor Robertson inquired if to leave \$600,000 in Small Business Assistance.

0o0

**TAB 7**

**Approve Reprogramming Funding for the Rialto CARES Program**

Deputy City Manager Brown clarified the budget amendment is zero meaning the revised budget is \$600,000. Of that almost everything has been spent. There is \$16,000 remaining.

0o0

Council Member Carrizales recommended moving the entire budget in Burial and Ambulance Support Services to Rental/Mortgage/Utility Assistance. He does not anticipate needing funds from that budget. Should it be necessary, then the City Manager has the authority to use it.

0o0

Council Member Perez stated that burial services are available through FEMA as well.

0o0

Deputy City Manager Brown asked City Attorney Vail if the City Council could authorize the City Manager up to the entire amount in the event something comes in before it's gone, it can be disbursed.

0o0

City Attorney Vail stated you take all of the available funds that are left and authorize the City Manager to move them where they are needed up until November. That would give the City a specifically defined amount and authority.

0o0

City Council Member Trujillo asked about funds for the holidays.

0o0

Deputy City Manager Brown stated we will know if there are additional funds available from the prior budget year.

0o0

Mayor Robertson clarified that they are speaking of people who need applications and not anyone who is coming back requesting assistance for a second time. She stated that going forward, the message needs to be clear.

0o0

Deputy City Manager stated he needed direction on the \$300,000 from the COVID-19 contingency on top of the other amount. If we could approve moving those funds into Rental/Mortgage/Utility Assistance.

0o0

Council Member Carrizales stated he agrees with it.

**TAB 7**  
**Approve Reprogramming Funding for the**  
**Rialto CARES Program**

Mayor Robertson clarified she reads \$345,000 on the presentation.  
Move that over to which account?

0o0

Deputy City Manager Brown stated from the COVID contingency account.

0o0

City Manager Fuller stated the staff recommendation is shown on Table 4, Page 3 of the staff report. It shows the Budget Amendment for Rental/Mortgage/Utility Assistance is adding \$645,000 and dropping the other three as you see there.

Based on the conversation, we would add the recommendation, to give me authority to move the \$75,000 left in Ambulance, \$30,000 in Childcare and 50,000 in Burial up to Rental/Mortgage Assistance if the need is there which I'm assuming there will be a need.

0o0

City Attorney Vail stated or back into the categories if there is an application.

0o0

Mayor Pro Tem Scott stated he would move approval as stated by City Manager Fuller.

0o0

City Attorney Vail stated before you vote Mayor Robertson asked about revising the guidelines for any general fund money.

0o0

Mayor Robertson stated she had asked what were those guidelines.

0o0

City Attorney Vail stated I don't know if they were uttered CDBG.

0o0

Deputy City Manager stated originally the ARPA guidelines were used. Then they were modified when they said you can come back the second time. If you're applying for Rialto CARES, you do qualify if you're getting other assistance now. But you did not in the past.

0o0

Mayor Pro Tem Scott asked when was that changed approximately.

0o0

Ms. Montoya stated approximately three months ago. The last time we came before to the City Council when the guidelines and amounts for all the different programs were updated.

0o0

**TAB 7**  
**Approve Reprogramming Funding for the**  
**Rialto CARES Program**

Mayor Pro Tem Scott stated that if someone came in four months ago, they may not know the guidelines were updated.

0o0

Mayor Robertson requested a copy of the guidelines.

0o0

Deputy City Manager stated absolutely.

They can prioritize the applicants that were denied first that would qualify under the new guidelines if City Council directs that. Then begin to process applications after that.

0o0

Mayor Robertson stated the guidelines are still rather rigid. The guidelines were drafted before going into inflationary times. Let's keep that in mind.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote to approve staff Reprogramming Funding for the Rialto CARES Programs Staff recommendation Table 4; Page 3 Staff Report authority to move the remaining funds from Burial, Childcare and Ambulance Support Services into Rental/Mortgage/Utility Assistance and also authority to visit the program guidelines to remove any barriers or limitations to those applications.

0o0

**TAB 8**  
**End the Moratorium on Water**  
**Disconnections and Late Penalties for**  
**Water and Wastewater Accounts in**  
**Arrears**

Tom Crowley, Utilities Manager, presented staff report to Request City Council/Rialto Utility Authority Board to End the Moratorium on Water Disconnections and Late Penalties for Water and Wastewater Accounts that are in the Arrears in Accordance with SB 998 Requirements Effective January 1, 2023.

0o0

Mayor Pro Tem Scott gave a hypothetical scenario if a resident is behind on their water bill and is placed on an automatic payment plan. He asked what is the length of period of her payment plan and what is her payment.

0o0

Mr. Crowley stated it would be a 12-month plan. The \$1,000 would be divided in 12-monthly payments added to the monthly bill.

0o0

Mayor Pro Tem Scott asked hypothetically the customer pays \$500 towards it which leaves a balance of \$500. Do you stretch that \$500 for 12 months or how does that fit in?

0o0

**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Mr. Crowley believed the \$500 would be applied to the total amount then the amount be readjusted.

0o0

Mayor Pro Tem Scott asked if it can be determined what will be done.

0o0

Mr. Crowley stated he would contact the customer service agent to ascertain how those situations would be resolved. That would apply to any monies received from assistance programs.

0o0

Mayor Pro Tem Scott stated that is important. The payment would obviously drop.

On January 1, 2023 water will be shut off if they are delinquent. What is the process of notification?

0o0

Mr. Crowley stated if a customer becomes delinquent on their automatic payment, SB 998 procedure is applied and give them a 60-day notice from the time that they were delinquent or seven days prior before becoming delinquent to give them an opportunity to become current or renegotiate payment plan so they could meet the requirement.

0o0

Mayor Pro Tem Scott emphasized the same scenario. Should a customer be behind on their water bill, and didn't pay her automatic payments what will she be getting on January 1, 2023.

0o0

Mr. Crowley stated a notification.

0o0

Mayor Pro Tem Scott asked how.

0o0

Mr. Crowley stated a door hanger that would be identified placed on the door with a 7-day warning and give them an opportunity to come to the office.

0o0

Mayor Pro Tem Scott asked what happens if at the end of seven days they don't do anything.

0o0

**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Mr. Crowley stated the water would be turned off.

0o0

Mayor Pro Tem Scott asked instead of 60 days.

0o0

Mr. Crowley stated it is 60 days from the time they went delinquent.

0o0

Mayor Pro Tem Scott stated that is where he has an issue. Because the customer went delinquent a year ago.

0o0

Mr. Crowley stated once the payment plan is issued, the customer is no longer delinquent until they stop paying the payment plan.

0o0

Mayor Pro Tem Scott stated the community needs to understand it. The customer is on a payment plan in September. It's 60 days from September not 60 days from January 1.

0o0

Mr. Crowley stated it would be 60 days from the first opportunity she went delinquent. Customer is on a payment plan and now current. If payment plan is not paid in 30 days or the current amount they become delinquent at the end of the 30-day period.

0o0

City Manager Fuller clarified that what was developed with the City Council's direction was in November we're going to see who is going to see who paid or not paid their bill with the automatic payment plans. Extra time was built in.

0o0

Mayor Pro Tem Scott stated we can't explain to the community how it's going to work and what the timeframe for making it work.

I want somebody to tell me when the person is put on the payment plan, on September 1, and they don't comply with going on the payment plan, and ignore it, how long do they have before their water is going to be turned off?

0o0

Mr. Crowley stated their 60-day period would be over on December 1. They would become delinquent on October 1. Then it would be 60 days from that point.

0o0

**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Mayor Pro Tem Scott asked so they become delinquent on January 1<sup>st</sup>.

0o0

Mr. Crowley stated December 1, but water won't be turned off until after January 1 is what we are requesting.

There's the 60 days then the 7-day possible water shut-off notification process.

0o0

Mayor Pro Tem Scott asked what happens if they still cannot make payments after that.

0o0

Mr. Crowley stated payment plan would be renegotiated to delay a couple of months and do a longer payment plan. It would be based on an individual basis and flexibility to re-establish a payment plan.

0o0

Mayor Pro Tem Scott stated he is not ready to vote on this tonight.

0o0

Council Member Trujillo stated he had a problem with the UUT with a water discount option not being communicated to residents. He asked if customers were aware of the low-income program available.

0o0

Mr. Crowley stated all the payment plan customers received the letter on the low-income water assistance program.

0o0

Council Member Trujillo stated the UUT never came up.

0o0

Mr. Crowley stated the UUT program has been in place for seniors and low-income residents.

0o0

Council Member Trujillo asked if the residents are notified in the process.

0o0

Mr. Crowley stated that they probably lack on communicating the UUT exemption. He will make certain to educate the community.

0o0



**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Council Member Trujillo asked if commercial customers applied for the Small Business programs.

0o0

Mr. Crowley stated he would have to defer to the program director.

0o0

Council Member Trujillo inquired about commercial customers who were in arrears for the Small Business Program.

The presentation makes no reference to commercial customers and Small Business Program. Has there been an effort to reach out to the small businesses.

0o0

Community Services Director Alvarado-Crawford stated any small business on the list received a flyer with all information with the funding available. It included allocations available for Rental/Mortgage/Utility, Small Business, Burial, Childcare.

0o0

Council Member Trujillo emphasized if there was discussion about utility exemption program.

0o0

Community Services Director Alvarado-Crawford stated she joined the project late. She will get back to the City Council with more information.

0o0

Council Member Trujillo emphasized the importance of good customer service for both residential and commercial and all questions have been addressed before the shut-off process.

0o0

City Manager Fuller stated he will cross reference the 60 commercial accounts.

0o0

Mayor Robertson emphasized the importance of cross-coordinating with agencies such as Community Action Partnership (CAP) to assist the public better and improve customer service.

0o0

Council Member Trujillo stated that it is not the best time to implement the shutoff especially during the holidays.

0o0

**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Mr. Crowley stated the recommendation is to wait for the 1<sup>st</sup> of the year.

0o0

Mayor Pro Tem Scott asked if the City Manager or Mr. Crowley met with any member of the City Council to discuss this program and explain what is going to happen.

0o0

Mr. Crowley stated no he did not but had a conversation with Council Member Trujillo.

0o0

City Manager Fuller stated he had not but asked staff.

0o0

Mayor Robertson stated correction. Two of us had a conversation at Subcommittee about part of this.

She referenced the staff report related to the arrearage assistance program process procedures. She asked who is processing payments Veolia-RWS or CAP.

0o0

Mr. Crowley stated it is being delivered to RWS being applied to the account or has been applied.

0o0

Mayor Robertson stated she would like to know what arrangement is set up.

0o0

Mayor Pro Tem Scott requested a report from Mr. Crowley by the first meeting in December with an update on the automatic payment program and that the City Council would not enact a shutoff program until we see where we're at with that program. I don't know if my fellow Council Members agree with that, but I need to see a report before I start shutting people's water off.

Council Member Perez and I may not be here, but I don't know. But I can't agree with voting to shut people's water off right after Christmas when we don't know how effective this program is and where we're standing with everything.

Staff needs to communicate with the City Council. You can't expect people to vote on items who don't sit on committees and know what they're voting on with a lengthy staff report such as this. They're not going to do it. I hope not.

0o0

**TAB 8  
End the Moratorium on Water  
Disconnections and Late Penalties for  
Water and Wastewater Accounts in  
Arrears**

Council Member Carrizales agreed with Mayor Pro Tem Scott. He recommends extending the door hanger to a 14-day period. He would like to see a presentation of the shut-off process so it is clear to the public.

0o0

Council Member Perez asked about customers who want to pay a large portion payment upfront, will they have the option to either keep a 12-month and recalculate the monthly payment to lower it or if it is going to shorten the period at the same payment plan that they were initially provided.

0o0

Mayor Robertson stated I don't think we are taking action on this. Clearly this is a matter that we discussed, and we deferred at the last City Council meeting. It was on the Rialto Record, but it's not because we are shy about having to address it. It's about understanding exactly what people are going to expect. It's a lot. We want to make sure we understand. We need to have it in writing.

0o0

The City Council requested a report by the December 13, 2022, City Council meeting with an update on the automatic payment plan and the shut-off process.

0o0

**Community Services**

Community Services Director Alvarado-Crawford gave a report.

0o0

**REPORTS**

The City Council and gave their reports.

0o0

**ADJOURNMENT**

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 vote to adjourn the City Council Meeting at 9:31 p.m.

The City Council adjourned in memory of:

**First Responders and all lives lost  
in the terrorist attacks of  
September 11<sup>th</sup>, 2001  
21<sup>st</sup> Anniversary**

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE