

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL  
City of Rialto, acting as Successor Agency to the  
Redevelopment Agency**

**MINUTES  
October 24, 2017**

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, October 24, 2017.

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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 5:00 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 Baca Jr., and Council Member Andy Carrizales. Also present were City Administrator Michael Story, City Attorney Fred Galante, City Treasurer Edward Carrillo and City Clerk Barbara McGee. Council Member Rafael Trujillo was absent.

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**CLOSED SESSION**

1. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency designated representatives:

Fred Galante, City Attorney

Mike Story, City Administrator

Employee organization:

RMMA Bargaining Unit

RCEA Bargaining Unit

RPBA Mgmt. Bargaining Unit

RPBA General Bargaining Unit

RFMA Bargaining Unit

Rialto Firefighters Local 3688

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by 5-0 vote to go into Closed Session at 5:10 pm.  
City Council returned at 6:05 pm.

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## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:10 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 Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were City Administrator Michael Story, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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## **Pledge of Allegiance and Invocation**

Council Member Rafael Trujillo led the pledge of allegiance.  
Dr. Patterson – Moving Waters Ministries gave the Invocation.

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

City Attorney Fred Galante stated that City Council met in Closed Session and discussed the item listed on the Agenda.

Conference with Labor Negotiator. Concerning the Employee Organizations listed on the Agenda. City Council held a discussion, provided direction and no further reportable action was taken

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## **PRESENTATIONS AND PROCLAMATIONS**

- 1 Proclamation-Law Enforcement Records and Support Personnel Day-Mayor Deborah Robertson
- 2 Presentation-Pride Platoon Recognition for Service to Youth Award by the Juvenile Justice and Delinquency Prevention Commission of San Bernardino County-Police Chief Randy DeAnda
- 3 Resolution-Takata Airbag Recall-Mayor Deborah Robertson
- 4 Certificate of Appreciation for Recreation and Parks Commissioner Clifford Devost-Mayor Deborah Robertson
- 5 Presentation-Walking School Bus Event Recap-Public Works Program Coordinator Katie Nickel

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## **ORAL COMMUNICATIONS**

Gwendolyn Saunders, introduced her new non-profit for disadvantaged youth ages 8-24 who want to be part of an arts program and sports. She presented Mayor Robertson a Mayor of the Year Award for 2017 from Citril Starz.

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Julian Vega Morales, thanked Rialto for their continued support and allowing him to start his business.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

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

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### **B. APPROVAL OF WARRANT RESOLUTIONS**

- B.1 Resolution No. 5 (08/04/17)
- B.2 Resolution No. 5A (08/04/17)

### **C. APPROVAL OF MINUTES**

- C.1 Regular City Council Meeting – October 10, 2017

### **D. CLAIMS AGAINST THE CITY**

- D.1 Warren Reeves - Property Damage
- D.2 Christopher Jindrich - Property Damage

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

- E.1 Request City Council to Set a Public Hearing for November 14, 2017 to Consider “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO TO ESTABLISH CHAPTER 15.64 OF THE RIALTO MUNICIPAL CODE ENTITLED ELECTRIC VEHICLE CHARGING STATION STREAMLINED PERMITTING PROCESS AND AMEND VARIOUS SECTIONS OF THE RIALTO MUNICIPAL CODE (TITLE 18-ZONING)” (Development Code Amendment No. 2017-0006).
- E.2 Request City Council to Set a Public Hearing for November 14, 2017 to consider Environmental Assessment Review No. 2017-0055; Specific Plan Amendment No. 2017-0003; Tentative Parcel Map No. 2017-0007; Conditional Development Permit Nos. 2017-0029 And 0033; Variance No. 2017-0010; and Precise Plan of Design Nos. 2017-0066 And 0074 (MC Nos. 2017-0056 and 0063): A request to determine the adequacy of an Addendum to the 2010 certified Renaissance Specific Plan Final EIR; amend the Renaissance Specific Plan to modify the street cross section for Renaissance Parkway; subdivide a 7.6 acre parcel into six developable lots; develop a 10,486 sq. ft. restaurant (Cracker Barrel), a 2,720 sq. ft. restaurant (Sonic), three multi-unit commercial buildings and a 100 + room hotel for the 80,000 sq. ft. Renaissance East commercial center located at the northeast corner of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) zone of the Renaissance Specific Plan.
- E.3 Request City Council to Set a Public Hearing for November 28, 2017, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 2nd Quarter of the 2017 Calendar Year.

## **CONSENT CALENDAR**

### **F. MISCELLANEOUS**

- F.1 Request City Council, acting for the Successor Agency to the Redevelopment Agency of the City of Rialto, to Approve Second Amendment to the Purchase and Sale Agreement by and between the Successor Agency to the Redevelopment Agency of the City of Rialto and Morin Family Trust to revise the Anti-Speculation Penalty commence date to October 24, 2017 related to Buyer's property (APN 0240-201-60).
- F.2 Request City Council to Receive and File the August 2017 Treasurer's Report.
- F.3 Request City Council to Approve a Professional Service Agreement for \$27,000 with Kosmont Companies for real estate and economic analysis and a Professional Service Agreement for \$19,500 with Lockwood Engineering Company for land survey services related to County Property at southwest corner of Casmalia Avenue and Alder Avenue.
- F.4 Request City Council to Approve Agreement for Conveyance of Real Property from SP Assets, LLC, a California Limited Liability Corporation for \$31,956.00 for the San Bernardino Avenue, Riverside Avenue and Willow Avenue Street and Storm Drain Improvements, City Project No. 13080.
- F.5 Request City Council to Adopt Resolution No. 7214 Authorizing the Destruction of Certain Municipal Records of the Public Works Department.
- F.6 Request City Council, acting for the Successor Agency, Approve Professional Services Agreement Amendment #1 with Colantuono and Levin for Legal Services to the Oversight Board to increase maximum amount from \$30,000 to \$40,000.
- F.7 Request City Council to Approve Resolution No. 7215 Amending the City's Personnel Rules and Regulations to Establish a Veterans' Preference Program Related to Employment with the City of Rialto.
- F.8 Request City Council to Accept the Grant Assistance Program (GAP) Administered by the Department of Alcoholic Beverage Control in the Amount of \$25,000 and Adopt Budget Resolution No. 7216 to Appropriate Funding for Fiscal Year 2017/18.
- F.9 Request City Council to Authorize the Release of Request for Bids for the Bud Bender Park Monument Sign Project, City Project No. CB1802.
- F.10 Request City Council to Approve an Increase to Existing Purchase Order 2018-0553 with Roth Staffing Companies, L.P., for Administrative and Cashiering support in the Development Services Department by \$31,680, which Increases the total Purchase Order amount from \$15,000 to \$46,680 for Fiscal Year 2018.

## **CONSENT CALENDAR**

## **F. MISCELLANEOUS**

F.11 Request City Council to Approve a Budget Resolution No. 7217 increasing appropriations in the Storm Drainage Fund in the amount of \$22,000 and decreasing appropriations in the Traffic Fund, as part of the Construction Reimbursement Agreement by and between the City of Rialto and Ayala@210LLC for the East Renaissance Project.

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Council Member Carrizales stated due to a Conflict of Interest, he will need to abstain from voting on ITEMS E.2 and F.11.

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Motion by Council Member Baca Jr, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the consent calendar. Council Member Carrizales abstained from voting on Items E.2 and F.11.

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## **ITEM F.7**

Council Member Trujillo wished a Happy Veteran's Day to all military veterans. They created a veteran preference program citywide. This helps veterans gain employment.

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## **TAB 1 – Amendment to Parking Requirements for Multi-Family Residential Development**

Gina Gibson Williams, Development Services, presented the staff report regarding the Amendment to Parking Requirements for Multi-Family Residential Development as it pertains to carports.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to close the public hearing.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve First Reading Ordinance No. 1593 entitled: "AN ORDINANCE OF THE CITY COUNCIL APPROVING MODIFICATIONS TO SECTION 18.58.060(B)(1) (CARPORT ALTERNATIVE) OF THE RIALTO MUNICIPAL CODE AS IT PERTAINS TO PARKING REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL (R-3 AND R-4) DEVELOPMENT" (Development Code Amendment No. 2017-0004).

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Trujillo and Council Member Carrizales. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 2 – Establishing Regulations  
Regarding Marijuana Uses and Activities**

Gina Gibson Williams, Development Services, presented the staff report regarding Establishing Regulations Regarding Marijuana Uses and Activities.

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Mayor Robertson declared the public hearing open.

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**ORAL COMMUNICATIONS**

Christopher Henry, SC4 (Southern California Cannabis Chamber of Commerce), they work with cities to provide workshops and help regulate. They help structure an ordinance that works for the City. The biggest threat is losing control of the regulations.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to close the public hearing.

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Mayor Robertson stated that they indicated they put some information in the report on what other cities are doing but she didn't see the information.

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Ms. Williams stated that she took it out of the attachments and put it in the agenda report. It's under the financial impact section. There is a chart that lists all the cities that have done a ballot measure and have various amounts of revenue that have been generated.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to first reading Ordinance No. 1594 entitled "AN ORDINANCE OF THE CITY COUNCIL TO PROHIBIT COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY, PROHIBIT OUTDOOR PERSONAL CULTIVATION OF MARIJUANA, AND ESTABLISH REASONABLE REGULATIONS FOR THE INDOOR PERSONAL CULTIVATION OF MARIJUANA, BY ADDING CHAPTER 18.115 (MARIJUANA USES AND ACTIVITIES PROHIBITED) TO TITLE 18 (ZONING) AND CHAPTER 9.53 (PERSONAL CULTIVATION OF MARIJUANA) TO DIVISION V OF TITLE 9, OF THE RIALTO MUNICIPAL CODE; AND REPEALING VARIOUS SECTIONS OF TITLE 18 (ZONING) AND CHAPTER 9.45 (MOBILE MARIJUANA DISPENSARIES) OF DIVISION V OF TITLE 9, OF THE RIALTO MUNICIPAL CODE (Development Code Amendment No. 2017-0003); BY REPEALING ORDINANCE NO.1570 AND FINDING AN EXEMPTION FROM CEQA.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Trujillo and Council Member Carrizales. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 3 – Regulation of Off-Sale of Alcoholic Beverages**

Gina Gibson Williams, Development Services, presented the staff report regarding continuing a public hearing of Regulation of Off-Sale of Alcoholic Beverages.

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City Administrator Story stated the request would be to continue the public hearing until the November 28<sup>th</sup> City Council Meeting.

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Council Member Baca Jr. asked if it had to be agendized to get the questions answered?

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City Administrator Story stated they set the public hearing on October 10<sup>th</sup>. On October 11<sup>th</sup> the Planning Commission had some questions and they continued their public hearing. They were ahead of the game by setting the public hearing. The Planning Commission hasn't formally taken any action on this so this would be the only reason to do this.

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Council Member Baca Jr. stated that he has a hard time having items on the Agenda that haven't been vetted out. He doesn't like making policy on the dais. He has a problem assuming they may have passed this and in reality they could be against it. It makes it look like they don't know what they are doing.

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Mayor Robertson stated that she appreciates his opinion and when she read the title of canceling the public hearing and they discussed it with staff they don't have a cloud on the items they were putting on the Agenda.

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Mayor Pro Tem Scott asked in regards to the 100 ft. requirement, if he remembers correctly, the ABC requires the 100ft. distance from the back door of any facility and residential. He doesn't see how the Planning Commission or City Council can modify that. Secondly, in relationship to the change of types of license, to give him an example.

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Ms. Williams stated right now beer and wine would be a Type 20 and if they wanted to go to hard alcohol that would be a 41 or 42. Right now it requires approval to do that. This particular code amendment would strike that language. If they had a beer and wine license they would be allowed to upgrade to 41 or 42 without having to go through the process.

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**TAB 3 – Regulation of Off-Sale of Alcoholic Beverages**

Mayor Pro Tem Scott asked why would they do that, because they wouldn't want a beer and wine facility changing to a full liquor license and becoming a nightclub near certain residential areas. He knows this discussion came about because of a liquor store. How have they got to this broad of an interpretation?

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Ms. Williams stated that the nightclub component requires a separate development permit.

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Mayor Pro Tem Scott stated that needs to be stated very clearly. One of the problems they have had when people leave and retire, there is a different interpretation of the Ordinance.

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City Attorney Galante stated the Ordinance currently just speaks of the off-sale licenses. So, in scenario of converting a bar to a nightclub would be for the on-sale liquor license types. The provision of the Ordinance, B2 speaks to the establishments which have been engaged in the off-sale of alcoholic beverages prior to the effective date can transfer.

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Mayor Pro Tem Scott stated that he wants to make sure that is clarified because he saw the word brew-pub. He wants to make its correct and accurate on what they are allowing and not allowing. He agrees that these staff reports shouldn't be on the agenda until they are vetted through the Planning Commission. They continue to ask for Planning Commission votes and they still have not seen it.

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Ms. Williams stated in this case they did not take a vote.

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Mayor Robertson stated with all that discussion she is now confused on what they want to do with this item.

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City Attorney Galante stated that staff suggestion was to cancel the public hearing. However, because it was formally noticed the obligation is allow members of the public to speak. He is hearing concern and by moving it to another date certain there is some assumption again that the Planning Commission will take action. In light of what City Council has said, he doesn't recommend moving it to another date certain. City Council could end up in the same spot if the Planning Commission doesn't take action.

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**TAB 3 – Regulation of Off-Sale of Alcoholic Beverages**

City Administrator Story stated that he was the one who asked Ms. Williams to set the public hearing and didn't anticipate the Planning Commission continuing with questions. They will make sure it is vetted through the Planning Commission before setting the public hearing.

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Mayor Pro Tem Scott asked if there are any projects in the area that they questioned that are critical?

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Ms. Williams stated yes, it has a potential to affect Renaissance and Lytle Creek. They measured it out and it might not matter if there is re-tenancy. They wanted to provide the clarification as they asked. In relation to liquor store and new residential. Right now with the Renaissance Specific Plan, all the tenants have been set and vetted. If there was a re-tenancy that occurred prior to the residential section that will be adjacent to the marketplace. They wanted to make sure new residential coming in wouldn't be impacted by anything that was already in place.

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Mayor Pro Tem Scott stated that the 100 ft. requirement is the Renaissance project itself, it would be the distance for the door of the facility to the residential. That is State law.

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Ms. Williams stated that it back up south of the property line of the marketplace is the north property line of the proposed residential. They don't know the mapping as of yet. They want to make sure it doesn't impact it, which is the goal.

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Mayor Pro Tem Scott stated that is the property line, which ABC doesn't look at. Is the City ordinance different?

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Ms. Williams stated it is not, it's just that they were adjacent.

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Mayor Pro Tem Scott stated maybe they are not communicating here. Too many times in the City they don't do things according to ABC law. He has experienced it himself. They are specific with distances. The 100 feet is from the door and not the property line if it sits in a big project. They are questioning the 2 property lines. Are they trying to pass an Ordinance that is different from ABC law?

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**TAB 3 – Regulation of Off-Sale of Alcoholic Beverages**

Ms. Williams stated that the question came up at the Planning Commission and she didn't have the lot study to answer. She could have said yes, it won't be 100 ft. because the door and building footprint is more than that. They didn't have the map to answer that question. They are not changing anything.

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Mayor Robertson asked how will Lytle Creek have a question that would be raised when the plan doesn't have any commercial aspects of it and where it is, it's behind further residential.

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Ms. Williams stated that the Planning Commission was concerned about it so, the staff wanted to get the maps and show them their concerns are not warranted in this case. Since they asked the questions, they decided to table it and not take action on it.

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City Administrator Story stated that they will go back to the Commission and explain that the City Ordinance will mirror the ABC law and requirements, defining the 100 ft. separation.

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City Attorney Galante stated that the current version of the Ordinance, that is not proposed to be changed says *"for purposes of this section all measurements shall be made by the following: by following the shortest direct route from the property line of the point or location in question to the nearest point upon the outside wall of the building establishment offering sale of alcohol."*

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Mayor Pro Tem Scott stated that is parcel property line correct?

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City Attorney Galante stated it's the property line from the location. So it's the residential zone to the wall of the alcohol serving establishment. The building wall.

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City Administrator Story stated so it's different than ABC.

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Mayor Pro Tem Scott asked if the parcels for the restaurants in the Renaissance Project, individual parcels or one continuous parcel.

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Gina Gibson Williams, Development Services Dept. stated they are all individual.

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**TAB 3 – Regulation of Off-Sale of Alcoholic Beverages**

Mayor Pro Tem Scott stated so the property line is the parcel property line and not the back wall of the Renaissance Project.

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Ms. Williams stated that is correct. The parcels along the back wall are also individual parcels. The question was about re-tenancy. Right now the commercial establishments, some could be restaurants or places that might sell alcohol and if that case there was a slight concern brought up by the Planning Commission. The goal was to get the map and show them their concerns were not warranted in both instances and then come back to City Council to get the ordinance approved.

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Mayor Pro Tem Scott stated in that case there is a variance process they can go through.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Cancel the Public Hearing Scheduled to introduce for first reading Ordinance No. 1595 entitled "AN ORDINANCE OF THE CITY COUNCIL APPROVING AN AMENDMENT TO SECTIONS 18.110.020 AND 18.110.050 OF CHAPTER 18.110 "REGULATION OF THE OFF-SALE OF ALCOHOLIC BEVERAGES" OF TITLE 18 IN THE RIALTO MUNICIPAL CODE" (Development Code Amendment No. 2017-0007) reading by title only and waiving further reading thereof.

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**TAB 4 – Establishing a Minor Variance Administrative Approval Procedure**

Gina Gibson Williams, Development Services Dept. presented the staff report regarding Establishing a Minor Variance Administrative Approval Procedure.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 to close the public hearing.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to introduce for first reading Ordinance No. 1596 entitled "AN ORDINANCE OF THE CITY COUNCIL APPROVING AN AMENDMENT TO CHAPTER 18.64 OF TITLE 18 OF THE RIALTO MUNICIPAL CODE TO ADD SECTION 18.64.090, "MINOR VARIANCE" ESTABLISHING A MINOR VARIANCE ADMINISTRATIVE APPROVAL PROCEDURE" (Development Code Amendment No. 2017-0005) reading by title only and waiving further reading thereof.

**TAB 4 – Establishing a Minor Variance Administrative Approval Procedure**

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Carrizales, Council Member Trujillo. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 5 - Advance Life Support Medical Equipment**

Fire Chief Grayson presented the staff report regarding purchase of Advance Life Support Medical Equipment.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Approve a Budget Resolution No. 7218 and Issue a Purchase Order to Zoll Medical Corporation in the amount of \$87,692.88 for Advance Life Support Medical Equipment.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Misty Cheng, Contract Financial Officer presented the staff report regarding Financing Contracts related to the Solar CREB Lease Financing.

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Lance Holman, President of Holman Capital Corp.- Lessor, gave a presentation regarding the financing of equipment and infrastructure of facilities of counties and cities.

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City Attorney Galante stated that a question had been raised by the City Treasurer about the registration of Holman Capital as a business qualified to do business in California. They have looked into it and based on their analysis they believe this is exempt from registration under the California Department of Business Oversight. They are going to suggest that Holman Capital provide some certification from their legal counsel.

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Mayor Robertson stated what came to her attention was the bank went from a California bank and merged and moved to an Arizona bank. The questions that were raised was about the fact that it appeared that Mohave was in California. Then there was a notice that the banking activity was moved to Arizona.

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Mr. Holman stated that Mohave State Bank had always been based in Lake Havasu, AZ. They have been doing business with Mohave State Bank for three years. They have never been a California bank but they do business with California banks. On this transaction they have two banks that are involved. Mohave and Mega Bank, which is common to participate in loans. So Mega Bank is based in San Gabriel and they are also an investor. They will be funding \$3.1 million of this loan. This is an agreement between Mohave State Bank and Mega Bank.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

City Treasurer Carrillo stated that he communicated with the City Attorney about his conversation with the Chief Counsel of the Department of Business Oversight. His question was whether Holman Capital was in compliance with State regulations as far registering and being licensed with that entity. The City Attorney and staff looked at the Code and they are satisfied that Holman Capital is exempt from that. Although the conversation with the Assistant Chief Counsel he believes the interpretation is not correct. The agreement is that Mr. Holman is going to through either himself or his legal counsel obtain something from the Department of Oversight that will state they are exempt from registration and licensing through the State Department of Business Oversight. The other issue was regarding registration of Holman Capital with the Secretary of State as a foreign corporation. Mr. Holman explained that has been handled.

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Mayor Robertson stated that this seemed to have brought forth some questions. On the financing package. Now the action they are taking with some of the thing that had been raised, it states in #4 that this not required a waiver of any investment policies because it is an account set up in connection with bonds and is permitted by State law to hold accounts at out of state banks in connection with bonds. So as long as the City Treasurer and the City Council approves. When they first went forward with this arrangement and the City Treasurer and the finance manager had done their due diligence. She is now surprised he did some further investigation to question Holman Capital. She is trying to get a feel from what is going on.

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City Treasurer Carrillo stated that is inaccurate. He has never been involved in the process. He first learned about it when they had the false alarm meeting and after that meeting, Robb Steel had asked him to stay for a meeting with Misty Cheng and Mike Story. They advised him this was going to require his approval or waiver of the investment policy in order to do business with Mohave State Bank. He had no prior knowledge.

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Mayor Robertson asked if he was aware in the report now they have to have the City Treasurer concurrence to move forward with this?

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City Treasurer Carrillo stated he was not aware of that. Again, when he left the meeting, his understanding was that Mr. Holman had proposed Mega Bank out of San Gabriel Valley instead of Mohave State Bank. Now they are back to Mohave State Bank, which he found out today.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Misty Cheng stated originally last week, the proposal set forth by Mr. Holman was for a sinking fund to be held at Mohave State Bank in Arizona. That is when city staff and the City Attorney were alerted to this and had concerns because it does violate their investment policy that they need to invest their monies in California related banks. After further discussion with Mr. Holman, he did explain that they do have a relationship with Mohave State bank and Mega bank, a California bank. This still didn't satisfy the part that the sinking fund, the \$6.1 million has to be paid back by the City two times a year over the next 20 years. The payments will be held over the next 20 years over there at Mohave and the loan doesn't decrease over time. At the end of the 20 years then the whole \$6.1 million is paid off. That was the concern the city had. They asked Mr. Holman to go back and come up with different options so that an out of state bank is not holding the money over the next 20 years. The final product of that is, no more sinking fund, it will be like any normal debt service. If they have \$6.1 million of a loan and they make certain payments then the outstanding loan balance will decrease like a normal loan balance. The Assistant City Attorney was able to find language that stated "if the City Council and City Treasurer were in approval of the out of state bank, not holding the money but collecting the money and drawing down on the balance.

This is why it states in #4 that they longer need a waiver of the investment policy but an approval from City Council and City Treasurer to move forward.

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Mayor Robertson since money in the escrow fund will be expended quickly on the project. Likely within one year. The city staff nor the City Treasurer is not concerned with any waiver.

She wants to make sure that the City Treasurer is on record saying he concurs and he is not concerned with any waivers.

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City Treasurer Carrillo stated as Mayor Pro Tem Scott stated, they don't like surprises and this is a surprise to him. This is something he had not been consulted about nor given any prior notice of the process or the requirement by him.

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Mayor Robertson stated to Mr. Holman that this matter was brought to her attention last Tuesday. Staff was assured that, she had told them they needed to make sure that Mayor Pro Tem Scott had been apprised of what appeared to be a concern that was brought to their attention. Especially more with the \$750,000, she thought was the essence of the action they were taking today was to figure out how to effectively allow for Mr. Chapman to handle advancing the \$750,000 and they figure out how to reimburse so they could cover his costs for material he had already purchased.

## **TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Mayor Robertson stated she reads the report and sees, because other staff reports don't normally speak to the City Council and the City Treasurer needing to make some actions. Nor is she accustomed to seeing the staff put in concerns of any waivers. Yet, last Tuesday there was a lot of concerns that the staff had and she doesn't feel they have been adequately addressed for her concerns in her mind. And now they are talking about moving \$6.8 million as well as a reminder of having an investment policy. So when these come up about money being held in Arizona without them having any insurance that if the bank went belly up. They were wondering how they do whatever they need to do to ensure they don't lose \$6 million or what insurance or any other policy they need to take out even if they needed to pay more on the interest. They make calculated risks but not a risk of \$6.8 million. She doesn't feel it's been adequately resolved.

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Mayor Pro Tem Scott stated that he is assuming that they asked that advise him what is going on based on the fact he sits on the EDC. But what he finds more interesting is that nobody on city staff had discussed this with him whatsoever. He became aware of it through the Mayor and Mr. Chapman. He asked City Administrator Story about it and the issue seemed to be the Mohave Bank and whether the money is secure and protected. They clearly know how he stands on that, it needs to be protected. They have to rely on the City Treasurer and finance dept. to assure City Council that it happens. He sits here tonight and doesn't appear to him that the City Treasurer knows anything about this or agrees with it.

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Mr. Holman stated when any bank funds a loan into escrow that is their capital. Whether it be Bank of America that is based out of North Carolina, US Bank based out of Minneapolis, MN or Mohave State Bank based out of Lake Havasu, AZ. A bank is funding money, their capital into an escrow account to build a project on behalf of the borrower. The bank is being secured by the funds in the escrow account until the project is installed. The City isn't taking any investment risk because it isn't the City's capital in the escrow account. The capital is earmarked for the project to be built, which the city own on day one. As the escrow account is depleted, the project is being installed and completed. The initial question was, if they were to maximize a subsidy from the Federal Government, what would be the best way to do it. What they initially came up with was, is a sinking fund contribution which is essentially, the City is making an interest payment and a principal payment but they don't call the principal portion, principal. They call it a sinking fund. The reason they did this was to maximize the subsidy from the Federal Government and further lower the interest rate to the City. There was a question regarding the sinking fund, is it permissible to keep the sinking fund with an out-of-state bank. They eliminated the sinking fund altogether. And what they are left with is an escrow account. There is no investment concern because there is no investment vehicle.

**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Mr. Holman stated that it was designed to lower the cost to the City. What they did was go back and get as close as they possibly can and reduce wherever they can their profit on the transaction to get the City as close as possible so the City can have a solar project.

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Mayor Robertson thanked Mr. Holman for taking the time to go through that explanation. But for her that is not what this whole TAB was supposed to be about. Clearly when they had the first presentation they didn't get into the details of the financing package when it was first presented. The thing before them on Tuesday was figuring out how to advance or fill the gap that was \$750,000. Mr. Holman's explanation and all they worked on from Tuesday to today is all the conversation they probably should have had at EDC. It should go back to EDC before acting on it or going any further on the whole financing package. She was not under the impression that they were addressing on Tuesday when they went over staff agenda review. Again, she clearly said they needed to speak to Mayor Pro Tem Scott to make him aware of the concerns. As well as the City Treasurer's name was somewhat thrown in vain, because it was assumed someone did their due diligence on this financial proposal. Even when they had it before them in May. So shame on her for making that assumption that the City Treasurer had played a role as the investment overseer for them. Right, she was ready to deal with how do they resolve a problem which was to get Mr. Chapman his \$750,000 with the understanding they were going to come back and bring clarify on the amount of money they needed to act on. She is not clear, and she hears what Mr. Holman is saying and appreciates it but there are other things on the table that apparently didn't get addressed in the first report on how this was aligned with their investment policy. They need to bring this back after it goes to the EDC.

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Mayor Pro Tem Scott stated that he doesn't know if needs to go back to the EDC but obviously Finance and the City Treasurer need to be connected on this. In agreement that the transaction is proper and moving forward in a safe way for the city. As to Mr. Chapman's issue, somebody needs to explain to him today how they were authorized to go buy \$750,000 worth of material without an approval of money.

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Mayor Robertson stated that she thought the expenditure was \$300,000.

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Misty Cheng, Finance, stated that the invoice that Mr. Chapman needs to get paid is \$1.6 million. These are for the solar panels that were ordered.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Mr. Chapman, Alliance Building Solutions, stated what happened what when they had the first approval of the project, there was some things in the CREBs funding that came out. Simultaneous to that there was an action from a couple of companies back East in the solar panel manufacturing world. They asked that a tariff be put in place on solar panels because they thought solar panels coming in from Asia as an unfair advantage and be put out of business. There was a panel of 12 people who voted on the tariff. as they saw that coming, so any projects they were working on, they went out and bought solar panels before the tariff came into effect because there will be quite a substantial price increase. What they did and not expecting any issues to come about, was order those panels at risk. The CREBs funding is used to lower the cost to the City. They didn't see any issues come about and they didn't know about the out-of-state bank issue until Friday of last week. What he explained was when they buy the panels, they have a 30-day payment period so they are on the hook to pay it. On anticipation of approval, they submitted an invoice to the City, not asking for payment now however if this gets approved could they expedite the payment. The panels are sitting in a secure warehouse and all the pictures have been shown to staff. They have been approved and inspected. They can use the panels on other projects. He was trying to save the City a few hundred thousand dollars because the tariff took effect. They have a 12-0 vote going to Washington DC to let the President and his panel vote on it. In anticipation of all that, all the panel prices have gone up.

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Mayor Pro Tem Scott stated he wants to be clear that no one from the City told him to buy the panels?

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Mr. Chapman stated that is correct, he purchased them at risk.

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Mayor Robertson stated that she stands corrected won what she was stating about the 750, the actual was \$1.3 million and Misty was willing to advance the funds and was needing to get a payment. They would then repay that money over a three year period, and only a 1/3 was being requested.

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Misty Cheng stated since the last time they spoke, things have changed, because originally in addition to the \$1.6 million invoice that needed to be paid. The first payment was \$317,000 and thereafter was \$108,000. Then Mr. Chapman stated that he would accept \$750,000 over five years, being \$150,000 each year. That was acceptable to him. It's no longer the \$317,000 that needs to be paid by the end of the month. Now the \$1.6 million, as stated in the invoice that they are not on the hook for. However, if they decide to go with the project at a later date, then he would charge 20% more which equates to \$1.9 million.

**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Misty Cheng stated in the essence of trying to save the City money, they came up with this type of financing with \$6.1million and the \$750,000 and to get that paid sooner than later, so they don't have to pay an additional \$300,000.

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Mayor Robertson stated that she would like to go on record acknowledging just what Ms. Cheng said. Because conversations and subsequent things occurred after their conversation. They had no subsequent conversation on the status of how they are going to resolve it. She sees there is an attachment for the arrangement of an O&M Agreement and the amounts they talked about and possibly a payment plan of \$750,000. Again, this is some of the comments made earlier, this is no way for them to sit at this point and then try to get the clarity and it stating to get the City Treasurer concurrence.

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Misty Cheng stated for instance when they do bond financing, they either get the Successor Agency or the City Council to concur. This is similar to that, they want the City Council and the City Treasurer to concur that they are recommencing to go forward with a private placement financing. Essentially, language was found that eludes to that fact. That is the piece they were trying to explain.

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Mayor Pro Tem Scott asked the City Treasurer if he concurs with this?

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City Treasurer Carrillo stated no.

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Attorney Anita Luck, Aleshire & Wynder, stated this is a little different transacting than a normal bond transaction. The concept of having the City Treasurer approval may be set conditions for holding for contracting with the out-of-state bank. It's something that is required in connection with the way the transaction is structured. The documentation provides certain requirements for holding the escrow funds for distributing the escrow funds for the banks security. The bank is giving you this money. The concern with the various funds with the bank holding the sinking fund because that was City's money to pay off the loan.

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Mayor Robertson stated there are so many attachments, but is there an opinion from counsel that is part of this that supports what she is saying? Or any reference to Attorney Luck in the staff report? Because she is explaining all that they talked about behind the scenes. She is in support of them moving forward and advancing their renewable energy. She is not opposed to that. It's how, and the way they are doing it and the explanations. They are sitting there listening and she is reading the report. Did counsel have a conversation with the City Treasurer?

**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

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Attorney Luck stated no, she didn't have a conversation with the City Treasurer.

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City Attorney Galante stated when a bond issue is made, there are several discussions between the Finance staff and he is not in line for those communications.

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Mayor Robertson stated that she doesn't make the money that everybody they pay makes. The staff they look to do this. When they put statements down that they reviewed it and concur and when they write it in a report that the City Treasurer reviewed and concurred and they are saying no. She can't do anything with this item now. She is recommending that this thing goes back for further vetting and making sure that everybody who is in the report and has a role, has reviewed and concurred. Her other note was when Mr. Holman said it will take them 20 years to pay off. What is the life expectancy of the solar panels? Truth be told when they pay them off in 20 years will the equipment be current?

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City Attorney Galante stated that he raised concerns when he first read the report. The process of eliminating the sinking fund, the report changed. He didn't see the last version and he hadn't seen that the City Treasurer consent would still be required. That was a condition of waiving the investment policy. That was removed from the transaction. There was a suggested waiver of the investment policies because of the sinking fund. Which would have required the City Treasurer approval. That no longer exists,

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Mayor Pro Tem Scott stated that the report still says it needs City Treasurer consent.

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City Attorney stated right, had he seen the final version of the staff report. The initial transaction was very different.

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Mayor Pro Tem Scott stated that he thinks this needs to go back to the Finance Department and the City Treasurer, whether he needs to concur or not. Because this has been brought out publically and nobody seems to know what is in the staff report what shouldn't be in the staff report. This just needs to go back and come back in a proper way. He is getting tired of hearing that staff members are supposed to talk to him about things and they don't.

**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Mayor Pro Tem Scott stated, lastly, in regards to the solar panels that have already been purchased, he doesn't know if they can make a decision tonight to be able to secure that price or lose that price and pay another \$300,000. He agrees with the Mayor that they pay some staff in the City a lot of money to do a job. They messed up tonight, and he doesn't understand it.

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Mr. Chapman stated that he would like to clarify a few things. The confusion is where they tried to do something right and save the City money and it was combined with a Friday conference call of an out-of-state bank. What they did was buy the solar panels at risk. The \$750,000 with CREB financing, the IRS had some very specific rules and when their legal counsel got together with City's legal counsel and Holman Capital legal counsel, there was concerns on the IRS version of cloud based software and software that runs things into the cloud. To save time and get this project installed and get the City to get some money going, they pulled out \$750,000 from the CREB funding to make all the legal counsel happy and ABS (Alliance Building Solutions) is taking that at 0%. The reason they accelerated that from 10 years to 5 years is that from a bonding standpoint they have to close this job out. Until they get all that \$750,000 the job remains open. The negotiation was that they would do it at 0% but close at 5 years, instead of 10 years.

He thinks the issue was the sinking fund which to his understanding, having the City Treasurer involved was when it was a sinking fund and that money was sitting in that account. That has been taken away so that shouldn't be an issue anymore. If some of that language didn't get changed then he apologizes. There are three item that got lumped into one.

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Mayor Robertson stated that she appreciates Mr. Chapman's explanation. She doesn't think that is the issue either. Even when they resolved the sinking fund, and they may figure there are no more questions. The fact that the City Treasurer is an elected official sitting up there. He plays a role, it doesn't sound like anyone spoke to him about how they resolved what would have been a concern on a sinking fund and then they have changed it. He is not sitting here affirmatively saying he has had a conversation with anyone on these matters. This is what is concerning her.

She stated to Mr. Holman that the concern the City Treasurer did raise, is not a concern to her personally but more of a concern if they asked him to pay a business license because obviously they are in the State of California an doing business.

There are roles they play, and they look to the City Treasurer for investment decisions and strategies. She doesn't think that happened today. They still have a plan to move forward but later on down the road she is not going to vote yes, if he said publically that he hasn't had the opportunity to assess and review.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

City Administrator Story stated on the financing component and the action they have are two pieces. The financing contractual obligation with Holman Capital is one piece and the second half of the action was the approval of the services contract with ABS supplementing Resolution No. 7122 with Resolution No. 7220. And authorizing designating money from reserves for the \$750,000. It's separate from the financing.

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Misty Cheng stated that the \$750,000 is separate from the financing of Holman Capital.

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Mayor Robertson stated that the reason the \$750,000 was sitting out there is because it's the part of that Federal tax credit wouldn't cover which is O&M. So in her mind, it is connected. It has a relation as to why it's sitting out there all of a sudden. It's part of what CREB wouldn't cover, the O&M side.

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Mayor Pro Tem Scott asked how does this address the \$1.6 million?

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Ms. Cheng stated so they wouldn't have to pay \$300,000 at a later date. if City Council wanted to take a modified action they could undesignate fund balance in General Fund at the reserve contingency account in the amount of \$1.6 million. Because they haven't budgeted for the \$1.6 anywhere. Originally it was going to come out of the financing if that had been approved tonight. That would be the mechanism for how they would pay ABS. if the financing is not approved tonight, then in order to save the City money from not having to pay a higher price later on, she would encourage City Council to undesignate fund balance reserve General Fund contingency account in the amount of the \$1.6 million in order to be able to pay ABS. as Mr. Story mentioned there are separate issues here. They could also have City Council approve the \$750,000 at 0% for the next five years and then come back at a later time with regard to the CREB financing.

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Attorney Luck stated that piece could be subject to the financing taking place, the \$750,000.

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Mayor Pro Tem Scott asked where in the staff report is the \$1.6 million?

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Misty Cheng, Finance, stated that she doesn't believe it's on there because it's an invoice to be paid if the financing were approved tonight. There would be several invoices and that was progress payment #1.

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Mr. Chapman stated that the \$750,000 is for later down the road on the install. They don't have to look at that tonight. His concern was for the City that the tariff was going to come in. He guessed at the 20%. If it's more, then it's more or if it's less, then it will be less. That is the \$1.6 million and he is not worried about the 0% of \$750,000. They can wait until all the financing is approved at that point.

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Mayor Pro Tem Scott stated he had a conversation with Mr. Story and Mr. Steel that his proposal was to pay the \$1.6 million out of reserves until such time financing got into place. Where in these documents does it state that? How do they approve that tonight?

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City Administrator Story stated without it being agenized tonight, then you can't.

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Attorney Luck stated they do have a contract with ABS for the amount of the solar financing and the other financing. They do have a contract to purchase that equipment.

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Mayor Robertson stated that the question is what is in the report, it states "staff recommends City Council un-designate fund balance from General Fund Account Reserve for contingencies in the amount of \$750,000". It doesn't say where they would cover the \$1.6 million with General Funds. That action has to happen because they are basically going beyond the City Administrator authority.

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City Administrator Story asked Mr. Chapman will he be able to hold the equipment until they bring it back for the formal approval or will he sell it to someone else if they don't it approve tonight and they can't bring it back November 14<sup>th</sup>.

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Mr. Chapman stated he doesn't think they can hold it until November 14th. It's too big of a cost for them to incur.

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Mayor Pro Tem Scott stated well that mean they just pay another \$300,000.

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**TAB 6 – Financing Contracts related to the Solar CREB Lease Financing**

Mayor Pro Tem Scott asked can he have an answer as to why wasn't this put on the agenda as he was informed on Thursday?

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City Administrator Story stated that it was his understanding moving forward that all the components of \$1.6 million, the \$750,000 and the agreement with Holman Capital was ready to go when they agendaized it. Obviously the three things he thought were in there, are not in there.

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Misty Cheng apologized for not having met with Mayor Pro Tem Scott. Secondly, the \$1.6 million wasn't placed on the staff report because they were under the assumption that if they brought the whole item back to City Council for the financing that the \$1.6 million and any payment thereafter in progress payments would then be covered by City Council action approving the Holman Capital financing.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to continue this item until the November 14<sup>th</sup> City Council Meeting. In the interim that staff meets with everyone in EDC and they come back with a financing package that is both acceptable to City Council and City Treasurer.

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**TAB 7 - Contract for Third Party Administration for General Liability**

Lucy Garcia, Human Resources/Risk Management Director presented the staff report regarding the Contract for Third Party Administration for General Liability.

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Mayor Robertson stated the cap is 75, what has been the number they have been handling?

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Ms. Garcia stated they are averaging about 75 over the last four years.

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Motion by Council Member Baca Jr., second by Council Trujillo and carried by a 5-0 vote to Approve Contract for Third Party Administration for General Liability with Carl Warren & Company in an Amount not to Exceed One Hundred Twenty-Seven Thousand One Hundred Ten Dollars (\$127,110) for the Entire Term of January 1, 2018 Through June 30, 2020.

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**TAB 8 – Second Amendment to the PSA for Additional Services Related to the Efficiency-based, Water Rate Study**

Tom Crowley, Utilities Manager presented the staff report regarding the Second Amendment to the PSA with FG Solutions for Additional Services Related to the Efficiency-based, Water Rate Study.

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Mayor Robertson stated that if they are looking at the rate study, in the course of it they need to be able to measure if they can determine if they received or acquired any efficiencies thus far with the improvements they were to make in the first four years with the rate increases. How would they determine if the citizens benefited from their advancement of a rate increase? And now they are doing a study for another rate increase.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to approve of the Second Amendment to the Professional Services Agreement with FG Solutions, LLC for Additional Services Related to the Efficiency-based, Water Rate Study in the Amount of \$50,230 increasing the total agreement cost to \$125,980.

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**TAB 9 - Contract Change Order No. 1 - S4 - Sewer Mains Replacement on Willow Avenue Project**

Tom Crowley, Utilities Manager presented the staff report regarding Contract Change Order No. 1 - for the Final Construction Work Authorization - S4 - Sewer Mains Replacement on Willow Avenue Project.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to Approve Contract Change Order No. 1 in the Amount of \$253,856.15 for a Total Project Amount of \$1,104,005.15 for the Final Construction Work Authorization Identified As S4 - Sewer Mains Replacement on Willow Avenue Project.

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**TAB 10 - New Pedestrian Signal, Signs and Striping at the Pacific Electric Inland Empire Trail at Maple Avenue**

Azzam Jebseh, Public Works presented the staff report regarding New Pedestrian Signal, Signs and Striping at the Pacific Electric Inland Empire Trail at Maple Avenue.

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Motion by Council Member Baca Jr. second by Council Member Trujillo and carried by a 5-0 vote to Approve a Cooperative Agreement with the City of Fontana for the Construction of a New Pedestrian Signal, Signs and Striping at the Pacific Electric Inland Empire Trail at Maple Avenue and Issuance of a Purchase Order in the Amount of \$117,500 for the City's Portion of the Construction Costs.

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**TAB 11 – Fifth Amendment to PSA for 2017/18 Street Overlay Project, City Project No. 180804**

Jeff Schaffer, Public Works Dept. presented the staff report regarding the Fifth Amendment to PSA for 2017/18 Street Overlay Project, City Project No. 180804.

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Council Member Trujillo wanted to make sure they were coordinating with the other projects going on.

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Robert Eisenbeisz, Public Works Director stated that they would really want the concrete work done and they are on track to do that.

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Mayor Robertson stated that the question was along the same line, she knows they are working on bicycle lanes on Merrill. Are they going to stripe after they overlay?

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Mr. Eisenbeisz stated that is a good point and they would want to coordinate. Its currently being designed and once it's ready, they would want to wait until the paving is done

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Mayor Robertson stated she would like to schedules and compare them.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Approve a Fifth Amendment to the Professional Services Agreement with Harris & Associates in the Amount of \$99,967 for the 2017/18 Street Overlay Project, City Project No. 180804, and a Cumulative Contract Amount of \$746,424.

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**TAB 12 – Professional Services Agreement for Construction Management and Inspection Services for the Construction of Joe Sampson Park, City Project No. 150303**

Hector Gonzales, Public Works Dept. presented the staff report regarding the Professional Services Agreement for Construction Management and Inspection Services for the Construction of Joe Sampson Park, City Project No. 150303.

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Mayor Pro Tem Scott stated that he was surprised that they didn't have a big sign saying that a new park is coming.

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Mr. Gonzales stated that they will start working on it.

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**TAB 12 – Professional Services Agreement for Construction Management and Inspection Services for the Construction of Joe Sampson Park, City Project No. 150303**

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to (1) Adopt Resolution No. 7221 Appropriating Park Development Impact Fee Funding in the amount of \$267,000; (2) Award a Professional Services Agreement to Wallace and Associates Consulting, Inc., for Construction Management and Inspection Services for the Construction of Joe Sampson Park, City Project No. 150303, in the Not-to Exceed amount of \$300,000; (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders for Unforeseen Conditions and Contract Changes in the Work, in the Amount of \$130,000 for the Construction of Joe Sampson Park.

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**TAB 13 - Purchase of a Prefabricated Restroom for Placement at Joe Sampson Park, City Project No. 150303**

Hector Gonzales, Public Works Dept. presented the staff report regarding the Purchase of a Prefabricated Restroom for Placement at Joe Sampson Park, City Project No. 150303.

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Council Member Trujillo stated that they discussed buying these in bulk. Why they are they doing a single purchase.

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Mr. Gonzales stated that the construction contract had been awarded and they want to purchase it because it can take 90-120 days to receive.

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Mayor Robertson asked what other products are out there and how do they compare? Now they are doing a cookie cut on all the bathrooms.

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Mr. Gonzales stated that staff found the nine companies that do this product and the best bang for the buck. They get a good quality building at the spec they want.

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Mayor Robertson stated that they only have one other opportunity to build a park and she would like to see a matrix of the product and what they have to offer on what they are making a decision on.

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Council Member Baca Jr. stated the real question is what do they want in the restroom facilities. Where are they at with Frisbie Park? They purchased a pre-fab restroom. Is that project almost completed?

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Mr. Eisenbeisz stated that the construction is mostly complete and the contractor is working on some correction items which shouldn't hold up opening ceremonies.

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**TAB 13 - Purchase of a Prefabricated Restroom for Placement at Joe Sampson Park, City Project No. 150303**

Mr. Perry Brents, Community Services Director stated that the league is not ready for the snack bar and they are by passing it for the opening ceremonies.

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Mr. Eisenbeisz stated that they were trying to sign off on it this week but there were some items rejected.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Authorize the Issuance of a Purchase Order with Public Restroom Company, Inc. for the Purchase of a Prefabricated Restroom for Placement at Joe Sampson Park, City Project No. 150303, in the Amount of \$256,057.

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**REPORTS**

Mayor and City Council gave their reports.

Mayor Pro Tem Scott left the meeting at 9:18 pm. He gave no report.

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**ADJOURNMENT**

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to adjourn the City Council Meeting at 9:29 p.m. Mayor Pro Tem Scott was absent.

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE