

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

**MINUTES
November 28, 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, November 28, 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 5:02 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 Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
(a) Darrell "Joe" Harris v. City of Rialto WCAB SAC0000181080
- 2 Conference with Legal Counsel - Anticipated Litigation, Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

CLOSED SESSION

- 3 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 organizations:

RMMA Bargaining Unit, RCEA Bargaining Unit

RPBA Mgmt. Bargaining Unit, RPBA General Bargaining Unit

RFMA Bargaining Unit, Rialto Firefighters Local 3688

- 4 Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
(a) Subject: Price and Terms of Acquisition

Location: 1451 North Linden Ave.

Cell Tower North of Combined treatment Plant

Negotiators: Robb R. Steel, ACA/Development Svs. Dir.
Matthew Kohl, SBA

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by 4-0 vote to go into Closed Session at 5:06 pm. Council Member Trujillo was absent.

Council Member Trujillo arrived at 5:11 pm

City Council returned at 6:15 pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:20 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

Mayor Deborah Robertson led the pledge of allegiance.

Pastor Bob Ruiz – Calvary Chapel Rialto 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.

1. Conference with Legal Counsel – existing litigation. Workers Compensation matter, Darrell "Joe" Harris v. City of Rialto. City Council received an update and gave unanimous direction. No further reportable action was taken.

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

2. Conference with Legal Counsel – one item of anticipated Litigation, Significant exposure to litigation. City held a discussion provided direction and no reportable action was taken.
3. Conference with Labor Negotiator concerning the employee organizations listed on the Agenda. City Council received an update of the negotiations, provided direction and no further reportable action was taken.
4. This item was not discussed.

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**PRESENTATIONS AND
PROCLAMATIONS**

- 1 Presentation-Student of the Month – Damaris Sotelo - Mayor Deborah Robertson
- 2 Resolution of Appreciation-Police Chief Randy DeAnda-Mayor Deborah Robertson
- 3 MADD Presentation to Mayor Pro Tem Ed Scott – Ms. Jackie Townsend

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ORAL COMMUNICATIONS

No one came forward to speak.

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**Consideration of Removing or continuing
any items on the Agenda**

City Administrator Story recommended that TAB2 be pulled and brought back January 9, 2018 City Council Meeting.

Also, TAB 3 to pull and brought back at the next City Council Meeting on December 12th.

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Mayor Pro Tem Scott stated that he thinks individuals may have come to speak on TAB 2. He feels it will be fair to allow them speak and important for City Council to hear from the community.

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Council Member Carrizales stated that he will need to abstain from E.1 due to the proximity of the project to his home.

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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. 6 (08/11/17)

B.2 Resolution No. 6A (08/11/17)

C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting – November 14, 2017

CONSENT CALENDAR

D. CLAIMS AGAINST THE CITY

D.1 Chris Martinez - Vehicle Damage

E. SET PUBLIC HEARING

- E.1 Request that City Council set a Public Hearing for December 12, 2017 to consider a Draft Environmental Impact Report (Environmental Assessment Review 2017-0072) Specific Plan 2017-0001 to establish the boundaries, zoning, infrastructure and design standards for a 101.7-acre site known as the Pepper Avenue Specific Plan (Master Case 2017-0042).
- E.2 Request that City Council Set a Public Hearing for December 12, 2017 to adopt a Resolution approving General Plan Amendment No. 2017-0004 entitled: "A RESOLUTION OF THE CITY COUNCIL ADOPTING THE 2014-2021 HOUSING ELEMENT OF THE RIALTO GENERAL PLAN".

F. MISCELLANEOUS

- F.1 Request City Council to 1) Approve an Increase to Purchase Order No. 2017-1529 in the Amount of \$8,300 to Cover Remaining Costs for the Architectural Design Services and Construction Drawings for an Addition to the Development Services Department, 2) Authorize the Release of Request for Proposals for Construction of the Addition and 3) Approve Budget Resolution No. 7240 in the Amount of \$627,000 for Construction Costs.
- F.2 Request City Council to Authorize the Release of Request for Proposals (RFP) No. 18-046 for Professional Services Related to Construction Management, Inspection, Materials Testing, Value Engineering and Constructability Review for the Frisbie Park Expansion Project, City Project No. 150304.
- F.3 Request City Council to Receive and File the September 2017 Treasurer's Report.
- F.4 Request City Council to Adopt on Second Reading Ordinance No. 1597 entitled: "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).

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to approve the consent calendar. Council Member Carrizales abstained from voting on Item E.1.

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**TAB 1 - Placement of Liens for
Delinquent Refuse Collection Accounts
for the Second Quarter of 2017**

Amy Crow, Public Works Dept. presented the staff report regarding the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2017.

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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 Mayor Pro Tem Scott and carried by a 5-0 vote to close the public hearing.

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Council Member Trujillo asked how many repetitive delinquent bills are there and what do they do to outreach to them.

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Ms. Crow stated a lot of them were placed on advanced billing for being delinquent 4 quarters consecutively. They went through the process to have the bills put on the property tax bill back in July. So most will pay the bill through their property taxes. The delinquent list will get smaller and smaller.

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Richard Nino, Burrtec Waste Industries, stated there are numerous past due notices mailed out to the customers. For the delinquent customers, there are 4 notices sent out and as many as 5-6 notices.

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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 Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2017; and Adopt Resolution No. 7241 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Auditor Controller-Recorder.

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TAB 2

This was pulled and to return on January 9, 2018.

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TAB 3

This item was pulled and to return on December 12th.

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**TAB 4 - Distribution of a Preliminary
Official Statement in connection with the
issuance of bonds to refund the
outstanding Redevelopment Agency of
the City of Rialto Tax Allocation Bonds**

Misty Cheng, Finance Dept. presented the staff report regarding the Distribution of a Preliminary Official Statement in connection with the issuance of bonds to refund the outstanding Redevelopment Agency of the City of Rialto Tax Allocation Bonds.

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TAB 4 - Distribution of a Preliminary Official Statement in connection with the issuance of bonds to refund the outstanding Redevelopment Agency of the City of Rialto Tax Allocation Bonds

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Rialto, Acting as Successor Agency to the Redevelopment Agency, to (1) Adopt Resolution No. SA10-17 approving the form and authorizing the distribution of a Preliminary Official Statement in connection with the issuance of bonds to refund the outstanding Redevelopment Agency of the City of Rialto Tax Allocation Bonds (Merged Project Area) 2008 Series A ("2008 Series A TABs") and approving related documents and actions thereto and (2) Adopt Resolution No. 7248 approving the subordination of its pass-through payments to debt service on the refunding bonds.

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TAB 5 – Amend the FY2017-18 Budget for the FY2016-17 Carry Forward Budget

Kyle Johnson, Finance Manager presented the staff report regarding amending the FY2017-18 Budget for the FY2016-17 Carry Forward Budget for the City, Successor Agency and the Rialto Utility Authority.

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Mayor Pro Tem Scott asked if finance staff met with the budget committee.

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Mr. Johnson stated that they did not and it was an oversight. They can bring it back after meeting with the budget committee.

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Mayor Pro Tem Scott stated that he found it odd that they didn't meet with the budget committee. These are carryovers to complete projects and they are listed on Exhibit A.

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Mayor Robertson asked procedurally, why are they asking for an amendment when they are going to be doing a Mid-Year adjustment.

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Mr. Johnson stated that typically they have been separate items. These are carryovers are actions that City Council has already taken and mid-year are new adjustments.

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Mayor Pro Tem Scott asked how often they meet with the budget committee.

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Mr. Johnson stated they can meet more often.

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TAB 5 – Amend the FY2017-18 Budget for the FY2016-17 Carry Forward Budget

Mayor Robertson stated that she has a problem with the carryovers showing a deficit. Does it balance in the end or do they continue to carry a deficit? She would want to make sure they bring the projects in and close them out. This has been their ongoing conversation as project delivery. But hearing what he is saying, is they receive funds, they have revenue, looks like they have a surplus and then they budget and put themselves back in a deficit. She would like to look at this in the total context of everything else they are looking at. There are things they need to address and know exactly where they are putting the funds.

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Misty Cheng, interim Finance Director apologized for not bringing it to the budget committee. Generally, in cities, mid-year the carryovers is a matter of routine. While she understands, in Rialto it's not a matter of routine this year and next year. They will be much more mindful to bring this to the budget committee to review in detail what makes up the carry forwards.

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TAB 5 was pulled until the December 12th City Council Meeting.

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TAB 6 – Appoint Council Ad-Hoc for Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services

Perry Brents, Community Services Director Appoint a Council Ad-Hoc for Evaluation of Engineering, Landscape Design and Project Management Services for Design of Baca-Turch Park.

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Mayor Pro Tem Scott stated that he is all for an Ad-Hoc committee. But he is questioning why they are moving forward with this and proposing to select engineering and park design people when they don't even know if this park is going to happen. He and the Mayor sit on the EDC and it's been plain from the Lewis companies that the housing there is not ready to move forward. Why would they move forward with a park when the developer doesn't have current intentions of moving forward with housing, which would be the purpose of having the park?

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Mr. Brents stated that it's important for them at this point since the City Council authorized the RFP back in September. Nothing has been expended at this point.

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Mayor Pro Tem Scott stated again, this is the cart before the horse, because Lewis is telling them that it is not a viable residential project as it is currently designed. He questions why they would be spending any money on park design, until they know for sure they will have a park there.

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TAB 6 – Appoint Council Ad-Hoc for Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services

Robb Steel, Development Services Director stated that he does think they will have a park there. In the meeting with Lewis, they stated 2019 as the potential start date for that project. They have about half the money set aside from Airport land sales. It isn't a question of whether they will build the park, they have an obligation with Lewis to build it. It's a question of when. So there is not an urgency to start the design process or create the Ad-Hoc committee. They wanted to have plans that were bid ready when the money started rolling in and not waiting.

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Mayor Pro Tem Scott asked why would have an obligation to Lewis to build the park when they don't have an obligation to build houses.

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Mr. Steel stated that they don't have an obligation to build but they have and obligation to pay. Its only 25% of the costs coming from the residential, most of it they already have set aside coming from other sources. The park wasn't intended to be solely for the benefit of that project. It is a city park, so it will serve other city needs. They wanted to make the amenity available to the whole community even if the residential project isn't fully completed.

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Mayor Pro Tem Scott asked if the size of the park would adjust with the size of the residential component decrease?

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Mr. Steel stated that if they build less units, they would receive less money from the development agreement fees but they would have other sources from land sales proceeds at the discretion of the City Council to make up the loss. But, yes they could downsize. They have been trying to purchase a 3 acre piece and they haven't reached an agreement on that and they might take that out of the project at some point.

Mayor Pro Tem Scott stated that the reality is they could be waiting for housing based on Lewis another 5-8 years. And they want to spend money on a park they have to come back to City Council and want to redesign the park to fit the community at that time.

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Mr. Steel stated that they looked and building the park independent of the residential, in terms of serving that community. It was the revenues from the development to help put the finishing touches on the financing. But they do have other sources if the City Council decides to deploy them to build the park. Then have the park fees come in later to replace that money. So it's a question of when they want to be prepared to get started on the park. During the negotiations of the development agreement, the goal was to strike early and get plans ready for when the financing was in place.

TAB 6 – Appoint Council Ad-Hoc for Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services

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Mayor Pro Tem Scott stated that they moved forward with that on the basis that Lewis would move forward on the housing project. They are now saying that the project is too big to pencil out and work. He is opposed to spending money on consultants on a park they don't even know if they will have residential and when. He would rather spend that money on existing parks that are in shambles. An Ad-Hoc is great but to spend money for design and engineering when they don't know if the park will come to fruition, is wasting taxpayers money.

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Mr. Steel stated that they have an obligation to build that park if the money is provided by Lewis.

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Mayor Pro Tem Scott asked if they can renegotiate that obligation?

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Mr. Steel stated that they could renegotiate anything. They will need to go back to Lewis and talk to them.

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Council Member Baca Jr. asked what is the potential revenue if the residential came in.

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Mr. Steel stated that the number they set on the park was \$22 million. The only portion they are obligated to pay, restricted solely to parks is the \$6.5 million that would come from the first 100 units. There is a fee per unit. Money would come from the land sales and the park development fees.

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Council Member Baca Jr. asked if there was potential to use that money for public use? The land sales money for public use.

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Mr. Steel stated that they would need to renegotiate because they are obligated to spend \$22 million on a park in Renaissance, which is a good park site.

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Mayor Robertson stated that yes, they had a conversation at EDC. She has not heard that it's going to be definite that there will not be residential. The conversation is that there may be a re-mix of the residential or the type of residential. Either way she looks at residential as dwelling units and may not be single-story all the way around as they originally planned. She was concerned about wanting to know how far they needed to go and why they needed to start if the RFP is already on the street.

TAB 6 – Appoint Council Ad-Hoc for Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services

Mayor Robertson stated that she would also like understand why they need to form an Ad-Hoc for the RFP. She is also concerned of having an Ad-Hoc committee of two council members or are they asking city council to appoint people? Who else is included in the review? They are getting to where they are cookie cutting everything and everything is the same. Making decision when they build something that is efficient and manageable for them but not really what they want to see for their residents is two different things. She is not in favor of selecting an Ad-Hoc Committee right now for the purpose of doing the RFP. She is in favor of making sure that two Council Members are on the selection team and to look at whoever they are expecting to be on that team for review. Maybe they need to re-fly the RFP because if it was back in July and they are going into December. How many RFPs have they received?

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Mr. Perry Brents stated that they received five proposals in September.

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Mayor Robertson stated that she can't understand why they only have five firms bidding. They have the park space, acreage and they are trying to build out some of the remaining acreage at Frisbie Park that has been overdue for many years. Then they have the future park plan for Renaissance. They also looked at reducing the open space at Lytle.

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Council Member Baca Jr. stated that he would like to be on this Ad-Hoc committee.

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Mayor Robertson stated that she knows that he has expressed his interest before and she would like to be on it as well. She still feels it's premature to form an Ad-Hoc. She's reading everything they hope to accomplish and she doesn't see anything for dogs. She and Council Member Baca Jr. are there to look at RFPs. She would like to go back see the amount and the time for the RFPs because five bidders seems like a small number.

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Council Member Trujillo stated that as a former Parks and Recreation Commissioner he looks forward to see what is going to happen. He always talked about not having enough park space for the community.

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Mayor Pro Tem Scott stated that he is not opposed to the AD-Hoc Committee but he is voting NO on this item based on the fact that there is an intention to spending funding that he doesn't believe is appropriate at this time.

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TAB 6 – Appoint Council Ad-Hoc for Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to Appoint a Council Ad-Hoc Subcommittee to participate with Staff in the Evaluation and Interview of Written Proposals for Engineering, Landscape Design and Project Management Services for Design of Baca-Turch Park Improvements.

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TAB 7 – Grant Funding for the Cedar Avenue Sidewalk Project

Azzam Jebseheh, Public Works Dept., presented the staff report regarding accepting grant funding from San Bernardino County and State of California for the Cedar Avenue Sidewalk Project.

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Mayor Robertson asked had the addressed the issue that there was something out there obstructing the sidewalk improvement.

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Mr. Eisenbeisz stated that with this additional funding they will be able to do the rail crossing at the same time as the sidewalk. Plans for the sidewalk are ready to go. SCRRRA and Metrolink are now working on the design of the track and gates required.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to Adopt Resolution No. 7250 Accepting the San Bernardino County Transportation Authority Transportation Development Act Article 3 Grant in the Amount of \$250,000 and Adopt Resolution No. 7251 Accepting the Supplemental State of California Safe Routes to School - Cycle 10 Grant Funding in the Amount of \$103,000 for the Cedar Avenue Sidewalk Project; and Amend the Fiscal Year 2017/2018 Budget and Capital Improvement Program.

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TAB 8 - Final Construction Work Authorization - Facility Improvement Project W5, Cedar Reservoir Retrofit

Tom Crowley, Utilities Manager, presented the staff report regarding the Facility Improvement Project W5, Cedar Reservoir Retrofit.

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Council Member Trujillo asked if the public/private partnership has money for this?

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Mr. Crowley stated yes, these are projects in the facility improvement plan. The Concession agreement requires City Council approval of using those funds for capital improvements.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to Approve a Final Construction Work Authorization in the Amount of \$138,914.00 to Rialto Water Services for the Facility Improvement Project W5, Cedar Reservoir Retrofit.

TAB 9 – Final Construction Work Authorization for Water Facility Improvement Project WC – Small Mains Replacement Project

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Tom Crowley, Utilities Manager, presented the staff report regarding Final Construction Work Authorization for Water Facility Improvement Project WC – Small Mains Replacement Project.

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Mayor Pro Tem Scott abstained from voting and left the dais at 7:40pm and returned at 7:45 pm

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote, Mayor Pro Tem Scott abstained from voting, to Approve a Final Construction Work Authorization in the Amount of \$1,263,245.75 to Rialto Water Services for the Water Facility Improvement Project WC – Small Mains Replacement Project.

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TAB 10 - Final Construction Work Authorization for Water Facility Improvement Project W10 - Rialto Well No. 2 Site Rehabilitation Project

Tom Crowley, Utilities Manager, presented the staff report regarding Final Construction Work Authorization for Water Facility Improvement Project W10 – Rialto Well No. 2 Site Rehabilitation Project.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Approve a Final Construction Work Authorization in the Amount of \$61,243.00 to Rialto Water Services for the Water Facility Improvement Project W10 – Rialto Well No. 2 Site Rehabilitation Project.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 8:17 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE