

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

MINUTES
March 27, 2018

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, March 27, 2018.

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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 Pro Tem Ed Scott called the meeting to order at 5:01 p.m.

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The roll was called and the following were present: Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo and Council Member Andy Carrizales. Also present were Interim City Administrator Robb Steel, City Attorney Fred Galante, and City Clerk Barbara McGee. Mayor Deborah Robertson and City Treasurer Edward Carrillo were 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) Kathy Thompson v. City of Rialto
WCAB SAC0000178771
- (b) Carl E. Jones, Christopher Hice v. City of Rialto, et al
U.S. District Court, Case No: 5:17-cv-01650-GW-(KKx)
- (c) Nekooe v. City of Rialto
S.B. Superior Court, Case No. CIVDS1614880

CLOSED SESSION

2. LIABILITY CLAIMS. The City Council will discuss the following claim(s) pursuant to Government Code Section 54956.95: Claimants: Alejandra Rodriguez Felix and 2 minors
Agency claimed against: City of Rialto.
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
Robb Steel, Interim City Administrator
Employee organizations:
RPBA Mgmt. Bargaining Unit
RPBA General Bargaining Unit
4. Conference with Legal Counsel - Threat of Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
Claimant: Joe Yancey, JD Yancey Enterprises

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by 4-0 vote to go into Closed Session at 5:02 pm. Mayor Robertson was absent.

Mayor Robertson arrived in Closed Session at 5:21 pm.

Council City Council returned at 6:11 pm.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:15 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 Interim City Administrator Robb Steel, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Council Member Joe Baca Jr. led the pledge of allegiance.
Pastor Mark Baur - First Baptist Church 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 items listed on the Agenda.

- 1a. Kathy Thompson v. City of Rialto. This item was not discussed.
- 1b. Carl E. Jones, Christopher Hice v. City of Rialto, et. al. City Council received an update and provided direction and no further reportable action was taken.
- 1c. Nekoe v. City of Rialto. City Council received an update and no further reportable action was taken.

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

2. Liability Claims. Claimants: Alejandra Rodriguez Felix and 2 minors. City Council received the background of the claim, provided direction and no further reportable action was taken.
3. Conference with Labor Negotiator. City Council received an update on the status of those negotiations. No further reportable action was taken.
4. Conference with Legal Counsel. One threat of litigation by Joe Yancey, JD Yancey Enterprises. City Council received that status update and no further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Proclamation-March 19th Celebrating Women in Public Office Day - Mayor Deborah Robertson

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ORAL COMMUNICATIONS

June Hayes, Rialto resident, expressed her concerns over the post office not delivering mail when people park in front of the mailboxes.

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Daniel Enz, District Director for Congresswoman Norma Torres, announced April 7th will be free tax return preparation workshop and March 30th will be a social security benefits workshop.

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

Interim City Administrator Steel stated due to the direction in Closed Session they will be removing TAB 5 from the Agenda.

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Council Member Carrizales stated that he will need to abstain from Consent Calendar items E.1, E.2, F.5, TAB 2 and TAB 5 due to a conflict with his lease agreement in the Renaissance Project.

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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. 34 (03/08/18)

B.2 Resolution No. 35 (03/15/18)

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting-February 27, 2018

D. CLAIMS AGAINST THE CITY

D.1 John Michael Tefft - Vehicle Damage

D.2 Nigel Rogers-Wright - Late Claim

D.3 Uriah Shawntel Warner - Vehicle Damage

CONSENT CALENDAR

E. SET PUBLIC HEARING

- E.1 Request City Council to Set a Public Hearing for April 10, 2018, to Adopt a Resolution to Approve Purchase and Sale Agreement and Construction Loan Agreement by and between the City of Rialto and Ayala@210LLC.
- E.2 Request City Council to 1) Set a Public Hearing for June 12, 2018 to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt Resolution No. 7304 Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2018/2019; and 3) Adopt Resolution No. 7305 Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting District No. 2 and Conduct a Property Owner Protest Ballot Proceeding On The Matter of the New Assessments Related Thereto Commencing with Fiscal Year 2018/2019.

F. MISCELLANEOUS

- F.1 Request Rialto Housing Authority Board to Adopt RHA Resolution No. 002-18 Approving the Fiscal Year 2016/17 Housing Successor Agency's Housing Activity Report pursuant to Health and Safety Code Section 34176.1(f).
- F.2 Request City Council to Receive and File the January 2018 Treasurer's Report.
- F.3 Request City Council to Authorize the Release of Request for Proposals No. 18-077 for Pavement Management Program Consulting Services.
- F.4 Request City Council to Adopt Resolution No. 7306 Authorizing the Destruction of Certain Municipal Records of the Accounts Receivable Department.
- F.5 Request City Council to Adopt Resolution No. 7307 Approving Parcel Map 19898, a Request to Subdivide a 7.6 Acre Parcel into Six (6) Parcels of Land and Facilitate the Development of a Commercial Center Located at the Northeast Corner of Ayala Drive and Renaissance Parkway in the Freeway Incubator (FI) Zone of the Renaissance Specific Plan.
- F.6 Request City Council to adopt Resolution No. 7308 amending Budget Resolution No. 7303 appropriating funds in the amount of \$64,591.00 for the Professional Service Agreement with Innovative Planning for Planning Contract Services.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to approve the consent calendar. Council Member Carrizales abstained from Items E.1, E.2, and F.5.

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TAB 1 – Conditional Development Permit for Non-Operational Regional Biosolids Processing Facility into a Regional Organic Waste Processing Facility

Rob Steel, Interim City Administrator presented the staff report regarding a Conditional Development Permit for Non-Operational Regional Biosolids Processing Facility into a Regional Organic Waste Processing Facility.

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ORAL COMMUNICATIONS

Mayor Robertson declared the public hearing open.

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Mayor Robertson stated that they covered all the environmental things as it relates to the truck traffic report. At the maximum capacity they are expecting no more than 43 daily truck traffic and no significant impacts. But a recent event happened over the weekend and she concerned about a couple of things and want to include in the conditional development permit. The Fire Marshall and City Engineer recently looked at the facility and this past weekend there was a theft and there was no security on site or surveillance. She wants to make it part of the conditional development permit that there be a surveillance put on site. The theft caused significant impacts that could have caused possible violations with the wastewater treatment plant going down. There was no security on-site. She would like to see some type of surveillance integrated with the police department so there is a way to observe.

She is looking at the truck traffic and she doesn't know what way they coming in. she met with California Resource Board and this falls und the south coast air quality and the City of Riverside. They are trying to figure out the cumulative truck traffic. They need to monitor the level of truck traffic and some level of cooperation.

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Robb Steel, Interim City Administrator stated that they will add a condition to the Conditional Development Permit resolution that will require them to engage in the security surveillance system in a manner acceptable to the Police Chief.

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Mayor Robertson stated looking at the level of operation and sophistication, they are going to need some security on-site. With the theft they were looking for cooper.

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City Attorney Galante stated that the condition would appear in the Resolution approving the CDP, condition 11a. *"Applicant shall install surveillance cameras to continuously monitor this site, in coordination with the Rialto Police Department requirements."*

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

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TAB 1 – Conditional Development Permit for Non-Operational Regional Biosolids Processing Facility into a Regional Organic Waste Processing Facility

Motion by Mayor Pro Tem Scott ,second by Council Member Baca Jr. and carried by a 5-0 vote to (1) Resolution No. 7309 approving Conditional Development Permit No. 2017-0009, a request to allow the re-establishment and conversion of an existing non-operational regional biosolids processing facility into a regional organic waste processing facility, and (2) Resolution No. 7310 certifying the Environmental Impact Report (Environmental Assessment Review No. 2017-0018) prepared for consideration in conjunction with the project.

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Council Member Carrizales left the dais at 6:43 pm

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TAB 2 - Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2

Amy Crow, Public Works Dept. presented the staff report regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2.

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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 4-0 vote to close the public hearing. Council Member Carrizales was absent.

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Mayor Pro Tem Scott stated when looking at the map it appears that it includes the right-of-way or property along the flood control basin. Is the County voting on this tonight?

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Mr. Steel stated that it's all public right-of-way.

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Mayor Pro Tem Scott stated so they are requiring the Renaissance Project to pay? Why would they do that versus asking the County to pay for the landscaping?

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Mr. Steel stated that at this point they are putting it in and they wanted to make sure it was maintained while it was installed. They do have dialogue now with the County to reimburse the City for the costs of the improvements. The maintenance of it will be part of the conversation as well.

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Mayor Pro Tem Scott asked if they say no, then it becomes the responsibility of the developer?

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**TAB 2 - Proposed Annexation of Territory
to the Rialto Landscaping and Lighting
District No. 2**

Robb Steel, Interim City Administrator stated no, it becomes the responsibility of the users that will eventually occupy those parcels.

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Mayor Pro Tem Scott stated that he doesn't think that is right to have the users be responsible for landscaping that is on the other side of the street and directly adjacent to the Flood Control.

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Mr. Steel stated that they wanted to make sure that side of the street was aesthetically enhanced for the customers of the shopping center, in the event that the County refused to participate. They had to make the decision whether to go forward with that landscaping and at the moment they don't have concurrence from the County to pay for that.

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Robert Eisenbeisz, Public Works Director stated that the median and the landscaping across the street will not be 100%, subject to the differential between general benefit and special benefit. The reasoning is on the south side there is a special benefit because it intended for that screening purpose. If they didn't need that then they wouldn't have that finding but because they are trying to make it aesthetically pleasing for the other side.

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Mayor Pro Tem Scott asked what is the special benefit? If he is going to eat the Cracker Barrel, he could care less if there is landscaping over on the flood control basin.

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Mr. Eisenbeisz stated that it's tied back to some conditions that were set to make sure that it had an attractive entry into the project.

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Mayor Pro Tem Scott stated that he doesn't agree with that.

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Mr. Steel asked if there was a way for the County to pick up that obligation subsequent so they can modify the assessments against the parcels?

Mr. Eisenbeisz stated yes, he believes the engineer's report identifies the maximum assessment that can be levied. If there is a reduction of the cost, that can be adjusted.

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Mayor Pro Tem Scott asked, if he was the County why would he agree to do that when they have already assessed it?

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**TAB 2 - Proposed Annexation of Territory
to the Rialto Landscaping and Lighting
District No. 2**

Robb Steel, Interim City Administrator stated that it's the same with the construction of the facility, they are asking them to reimburse them or participate in the cost. The City is doing it and they weren't going to wait on them because they don't move quickly on their decision making. It was either leave it out and leave that side of the street with just the curb and none of the parkway improvements.

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Mayor Pro Tem Scott stated that he agrees they need to put the improvements in there but the County should be paying for the maintenance of it. Why do they let the County of San Bernardino off the hook? Then they nail everybody in that center for the cost of maintaining landscaping across the street. He is not voting for this.

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Mr. Steel stated that they don't have a hook right now with the county because they don't have an application for them. So it's either not do the landscaping and not have the maintenance or move forward with this and ask the County to participate subsequently.

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Mayor Pro Tem Scott stated that he doesn't think it's right and its setting a precedence that is not proper.

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Mayor Robertson stated that she was part of that meeting with the County and shared the items they went through and made them aware of the desire to have them participate in it. They did not get an answer of yay or nay. They not only spoke of the improvements but spoke of broader improvements and coming up with a pathway in between Jerry Eaves Park and the Flood Control panel that comes around towards Jerry Eaves Park. They are open to it and amenable, it's part of taking and developing as part of their Cactus plan, they have to have some trade off. One of the grants they received was to upgrade the Cactus Trails. The cactus trail is on the County Control Channel. They will trade off with them the improvements or the designs to participate with something here. They didn't leave it with a letter with a definite request and time stamped.

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Mayor Pro Tem Scott stated that none of this stuff has anything to do with the Center, where Cracker Barrel, Sonic and Hotel is. He doesn't think it's fair to put that burden on the center.

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Mayor Robertson stated that he is right, she doesn't think it's fair. The developer would like to make sure that their facility looks attractive. If they go out there and see what is adjacent from the center, do they want to leave it? They want it to look top notch.

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**TAB 2 - Proposed Annexation of Territory
to the Rialto Landscaping and Lighting
District No. 2**

Robert Eisenbeisz, Public Works Director stated If they did approve it, when the levies are imposed they can adjust it to reflect the cost.

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City Attorney Galante stated that it would automatically adjust if they have contributions from the County but that doesn't address the point what the Mayor Pro Tem said.

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Mayor Pro Tem Scott stated that contributions to the improvements are entirely different than the maintenance of the property over the next 25 years.

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City Attorney Galante stated if the County contributed the maintenance, it would reduce the cost that is correct in saying that if the county knows it is part of an assessment, and their incentive can go away.

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Mr. Steel stated that they have no intention of developing the south side Renaissance Parkway.

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Mr. Eisenbeisz stated they can still remove that cost at some point.

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Mayor Pro Tem Scott stated why wouldn't they have included that in the vote and either allow them to vote for it or against it.

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Mr. Eisenbeisz stated because of the interest in time in trying to get the map. It would be more problematic to do this after the map.

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Mr. Steel stated he never seen where somebody did not have a condition of approval to require annexation, would be annexed into the district. They could have given them an opportunity to vote on a district when they don't have an application pending.

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The condition is because they are requiring the condition they vote in favor of the annexation. If the county doesn't want to do it, they vote no. they would want to get them to commit.

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Mr. Steel stated then there would be 2 votes, one would be Yes and one would be No.

They will redouble first with the county to get them to participate both in construction and O&M going forward. That would reduce the assessment if they are successful going forward.

**TAB 2 - Proposed Annexation of Territory
to the Rialto Landscaping and Lighting
District No. 2**

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Robert Eisenbeisz, Public Works Director stated if City Council desire is to remove those costs on the south side then it can still be don prior to the levy.

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City Attorney Galante stated they still need ongoing maintenance costs from the County, ideally from this assessment. Or some ongoing agreement with the County.

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Mr. Steel said removing the assessment from the project would mean the district has to pick it up or the City.

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Mayor Robertson asked are they including the County's land in here? They definitely need to see it improved but she didn't know they hadn't included them in terms of being noticed. She knows they wanted to file the maps so they can move forward and have the developer proceed and develop. She suggests they move forward and make adjustments with the County.

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Mayor Pro Tem Scott stated that he is still going to vote against this. The landscape maintenance district has nothing to do with the developer moving forward on the project. Whether he maintains it or in the district. He doesn't think it's appropriate to require a developer or a shopping center to maintain property that abuts a county piece of property that either the County or the City should take care of. He doesn't think anybody is taking care of the center Riverside Avenue other than the City of Rialto why would they require this applicant to take care of that.

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City Attorney Galante stated if the direction is to redraw the map to exclude that portion, is there a sense that the development would be delayed?

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Mr. Steel stated no, if they re-drew it, it means they would not build the improvements so they wouldn't have the maintenance costs or they would have to find another way to pay for the maintenance costs. It would be the city until they can shift that burden to somebody else.

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Mayor Pro Tem Scott asked why wasn't this brought to EDC to discuss. What they discussed was the improvements, they never discussed the applicant being responsible for maintaining it.

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TAB 2 - Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2

Robb Steel, Interim City Administrator stated that its always been the intention because this had to be maintained if they were going improve that side of the street, there should be a method of paying for it.

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Mayor Pro Tem Scott asked if Lewis is paying to maintain the East side of Cedar Ave?

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Mr. Steel stated no.

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Mayor Pro Tem Scott asked then why are they requiring this Developer to do it when they are not requiring Lewis to do it.

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Mr. Steel stated that there are some improvements on the east side but this side is sad looking.

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Mayor Pro Tem Scott stated so is the east side of Ayala Ave. along the Flood Control Basin. Yet they are not requiring the Lewis Companies to maintain that. There is no consistency.

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Robert Eisenbeisz, Public Works Director stated they can re-do the map and leave it out. Typically it includes the median but it's not 100% cost of the median. They can make that zero cost on that side. They can take that cost out of that assessment.

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Mayor Robertson stated it sounds like they are not ready if they need to sort this out at the dais. She recommends continuing the public hearing.

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City Attorney Galante stated they can continue it but it's the same engineers report and maps, etc.

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Council Member Trujillo recommended this item to go back to EDC to go over the details.

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City Attorney Galante stated that he doesn't see how they can amend the map now without the process being redone.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Pull the item. No action. Council Member Carrizales was absent.

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Council Member Carrizales returned to the dais at 7:07 pm

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TAB 3 - Appointing an Interim Director of Finance

Lucy Garcia, Human Resources Director presented the staff report regarding the appointment of an Interim Finance Director.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Adopt Resolution No. 7313 Appointing an Interim Director of Finance and Approve the Employment Agreement with Ronald L. Carr.

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TAB 4 – Increase Purchase Order for Sales Tax Audit Services

Robb Steel, interim City Administrator presented the staff report regarding an Increase to the Purchase Order for Sales Tax Audit Services.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Approve an Increase to the Purchase Order #2018-0233 for HdL Companies for Sales Tax Audit Services in the Amount of \$25,000, for a Total Not to Exceed Amount of \$90,000.

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Council Member Carrizales left the dais at 7:12 pm

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TAB 5 - Purchase and Sale Agreement with Rialto Successor Agency

John Dutrey, Development Services presented the staff report regarding the Purchase and Sale Agreement with the Rialto Successor Agency for conveyance of property.

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Mayor Pro Tem Scott asked for clarification that the money will be reimbursed back to the Reserves upon the sale of the property.

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Mr. Dutrey stated overall the six parcels that will be created, the city will be receiving \$3,400,000. Overall the city will invest \$3 million for the purchase of this parcel along with the purchase of the County Flood Control parcel that was closed in September.

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Mr. Steel stated the first closing is scheduled to occur in May for Cracker Barrel. So that will be the first money they see coming back.

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Mr. Dutrey stated that it's about \$1.5 million.

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**TAB 5 - Purchase and Sale Agreement
with Rialto Successor Agency**

Council Member Baca Jr. stated that it's important that the general public knows they are getting reimbursed for this investment. It's a good investment if they look at the economic return they are going to get. People are excited about Cracker Barrel.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Adopt Joint Resolution No. 7314 related to a Purchase and Sale Agreement between the City of Rialto and the Rialto Successor Agency for maximum cost of \$1,342,000. Council Member Carrizales was absent.

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Council Member Carrizales returned to the dais at 7:17 pm

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**TAB 6 – Mobile Source Air Pollution
Reduction Review Committee (MSRC)
Clean Transportation Grant**

Katie Nickel, Public Works Dept. presented the staff report regarding the Mobile Source Air Pollution Reduction Review Committee (MSRC) Clean Transportation Grant and request RFPs for Feasibility Study, Planning, and Implementation of a Proposed Bike Sharing Program.

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Council Member Trujillo stated that he had the opportunity to meet with the residents and at they are excited. He asked about the security issues and vandalism.

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Ms. Nickel stated that staff has done some research with other cities. As they do this type of sharing they are going to see the vandalism. Part of this study is to see how to avoid that and see what kind of system will work for them. Part of why they were successful in this grant is that they were going to work with local businesses. It will be a process they will need to work with PD.

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Mayor Robertson stated the City of San Diego deployed both the dock bikes and the dockless bikes. To the point of almost 40,000 throughout the City. The vandalism and activities is being addressed by the vendor. There is a vendor that covers all the costs and the cities don't have any costs incurred for maintenance or vandalism. And it's free to the communities. They have been looking at this and trying to move this grant along for over a year.

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**TAB 6 – Mobile Source Air Pollution
Reduction Review Committee (MSRC)
Clean Transportation Grant**

Motion by Council member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to Accept the Mobile Source Air Pollution Reduction Review Committee (MSRC) Clean Transportation Grant in the Amount of \$463,216; Approve the Agreement with MSRC; Adopt Budget Resolution No. 7315, and Authorize the Release of Request for Proposals (RFP) for Professional Services Related to the Feasibility Study, Planning, and Implementation of a Proposed Bike Sharing Program.

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REPORTS

Mayor and City Council sent their thoughts and prayers to Max Tidler and family.

Mayor and City Council gave their reports.

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Council Member Baca left the dais at 7:32 pm.

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ADJOURNMENT

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote, Council Member Baca Jr. was absent, to adjourn the City Council Meeting at 7:47 p.m. in memory of:

Linda Brown

Plaintiff in 1954 Brown v. Board of Education
Symbol of Landmark Desegregation Case

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA MCGEE