



Legislation Text

File #: CC-19-240, **Version:** 1, **Agenda #:** TAB7

For City Council Meeting [February 26, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Fred Galante, City Attorney

Request City Council to Consider and Adopt an Urgency **Ordinance No. 1615**, entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON ANY CONSTRUCTION, ALTERNATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS AS ESTABLISHED BY RIALTO MUNICIPAL CODE SECTION 18.56.030," reading the ordinance by title only and waving further reading thereof.

(ACTION)

BACKGROUND:

On or about December 8, 2009, the Council, by Ordinance No. 1458, amended Rialto Municipal Code (RMC) section 18.56.030 to reduce the required front, side and rear yard setbacks in residential zones ("reduced setback areas") and permit construction of fences, hedges, walls and pilasters within said setbacks subject to the conditions specified in RMC Section 18.56.030. The reduced setback areas changed from the 15 foot setback previously set as the standard throughout all residential neighborhoods to 12 feet. In reviewing Ordinance No. 1458 (**Attachment A**), the attendant staff report (**Attachment B**) and minutes of the Council action approving said Ordinance (**Attachment C**), however, there is no discussion of the referenced reduction of the setbacks, let alone an explanation as to why the reduction was warranted.

It is likely that any new construction, alterations, or improvements in the reduced setback areas could be in conflict with other standards and impact utility easements within such reduced setback, which may interfere with the provision of utility services and may result in a threat to public health, safety and welfare.

Pursuant to Government Code Section 65858, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses, facilities, or improvements that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

ANALYSIS/DISCUSSION:

To avoid any of the aforementioned adverse impacts, City Staff recommends that the City Council consider adopting a moratorium on any construction, alterations or improvements in, the aforementioned residential reduced setback areas ("Moratorium"). The Moratorium would allow for a measured approach to study and develop appropriate regulations for permitting construction,

alternations, or improvements in the reduced setback areas consistent with State and federal law.

To achieve this goal, the City Attorney has prepared the Urgency Ordinance attached as **Attachment D** for City Council consideration. Per Government Code section 65858, the Urgency Ordinance requires an affirmative vote of 4/5th of the City Council to be adopted. If passed, the Urgency Ordinance will continue in effect 45 days and, thereafter, will be of no further force and effect, unless, the City Council extends the Moratorium. Any ordinance extending the moratorium requires a noticed public hearing and can be for up to an additional 10 months and 15 days. Thereafter, the Moratorium may be extended again for 1 additional year.

During the period of this Moratorium, and any extension thereof, the City Administrator or his designees must: (1) consider whether any construction, alterations, or improvements made in the residential reduced setback areas established by Rialto Municipal Code Section 8.56.030 may result in a threat to public health, safety and welfare, and (2) issue a written report describing the measures which the City has taken to address the conditions which led to the adoption of this Ordinance. The report must be issued at least 10 days before the expiration of this Moratorium, or any extension thereof and made available to the public. The City Council will, in turn, analyze the report and determine whether conditions continue to exist to justify further extensions to the Moratorium.

ENVIRONMENTAL IMPACT:

The requested action does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Additionally, pursuant to Section 15061(b)(3), the proposed Moratorium is exempt from CEQA review as there is no possibility that the Moratorium may have a significant effect on the environment, insofar as it prohibits the construction, alterations and improvements within the reduced setback areas established by RMC section 18.56.030.

GENERAL PLAN CONSISTENCY:

Approval of this action complies with the following City of Rialto Guiding Principles, General Plan Goals and Policies:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW:

The City Attorney prepared this staff report and Ordinance.

FINANCIAL IMPACT:

Adoption of the Urgency Ordinance is not anticipated to have a financial impact as any fees due by developers for such improvements will continue to be paid to the City for future use.

RECOMMENDATION:

Staff recommends that the City Council consider and adopt an Urgency Ordinance, entitled “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA,

ESTABLISHING A TEMPORARY MORATORIUM ON ANY CONSTRUCTION, ALTERNATIONS, OR IMPROVEMENTS WITHIN THE REDUCED SETBACK AREAS AS ESTABLISHED BY RIALTO MUNICIPAL CODE SECTION 18.56.030,” reading by title only and waiving further reading thereof.

1 property line, the fence line shall extend at a forty-five degree angle to a point intersecting with the
2 permitted fence line along the public street;

3 4. A fence, hedge or wall exceeding three and one-half feet in height located within
4 the street side building setback shall not extend forward of that portion of the main structure which is
5 nearest to the side yard, except:

6 a. That a fence or wall may be approved to provide security for side doors,
7 windows, air conditioning units and other necessary architectural features determined to warrant
8 security, and

9 b. That such security fences and walls shall not in any way restrict traffic
10 sight distance at the street intersection, and


11 c. That plans and elevations of such security fences and walls shall be
12 approved by the planning division before building permits may be issued for their construction;

13 5. A fence, hedge or wall within the front yard or portion of side or rear yard not
14 abutting a public street shall be permitted as in subsection "A" above.

15 C. No barbed or razor wire shall be used or maintained in any residential zone, and no sharp
16 wire or points shall project at the top of any fence or wall less than six feet in height.

17 Section 2: This ordinance shall take effect thirty (30) days after its date of adoption.

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19 PASSED, APPROVED AND ADOPTED this 8th day of December, 2009.

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24 GRACE VARGAS, Mayor
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ATTEST:


BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:


JIMMY L. GUTIERREZ, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO)ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. 1458 was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the 8th day of December, 2009.

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8 Upon motion of Councilmember Baca Jr., seconded by Councilmember
9 Palmer, the foregoing Ordinance No. 1458 was duly passed and adopted.

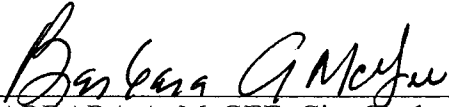
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11 Vote on the Motion:

12 AYES: Mayor Vargas, Council Members Robertson, Baca Jr., Scott & Palmer

13 NOES: None

14 ABSENT: None


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16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
17 Rialto, this 22nd day of December, 2009.

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21 BARBARA A. McGEE, City Clerk

CITY OF RIALTO

AGENDA REPORT

For City Council Meeting of November 24, 2009

TO:	Honorable Mayor and City Council
APPROVAL:	Henry T. Garcia, City Administrator
FROM:	Michael E. Story, Director of Development Services 
SUBJECT:	Adoption of an Ordinance Amending Section 18.56.030 of the Rialto Municipal Code as it Pertains to Fences, Hedges and Walls.
DATE:	November 5, 2009

BACKGROUND:

The Development Services Department receives several inquires per day regarding the height regulations for fences, hedges, walls and pilasters. Currently the Municipal Code prohibits fence heights greater than 42 inches (3 ½ feet) in the front yard setback of residential zones. The requirement was established to provide visibility for pedestrians and vehicles at intersections. Residents have requested permission to construct fences that exceed 42 inches (3 ½ feet) in the front yard setback provided that fences, hedges, walls and pilasters are non-view obstructing (i.e. wrought iron, tubular steel or block pilasters).

On September 23, 2008, the City Council held a workshop with the Code Enforcement Division. At the workshop, direction from the Council was given to address the height of fences, hedges, and walls in the front and side yards of residential areas. On September 30, 2009, the ordinance was reviewed by the EDC. The Committee recommended that the ordinance be approved and scheduled for review by the Planning Commission and the City Council. At the Committee's direction, the Planning Commission reviewed the proposed ordinance at the October 28, 2009 public hearing and voted to recommend approval of the ordinance to the City Council.

ANALYSIS/DISCUSSION:

The text has been modified to establish a maximum height for fences, hedges, walls and pilaster in the front yard and to regulate the type of fencing that will be allowed in residential communities. Specifically, hedges, fencing or fencing with pilasters will be allowed in the front yard up to a height of six (6) feet. This is similar to many of the adjacent cities in the area which were surveyed.

Enforcement of Municipal Code regulations is handled by the Code Enforcement Division of the Development Services Department. If violations of the RMC section occur, property owners will be given an opportunity to correct the problem and are only subject to fines and/or prosecution if the matter is not handled in an appropriate timeframe.

The proposed modifications to the text are shown below. Additions are shown in bold text. Deletions are shown with a line drawn through the text.

18.56.030 Fences, hedges and walls.

A. On interior lots where no portion of side or rear yard abuts a public street right-of-way, a fence, hedge or wall may be located within the front, side or rear yard setback. The maximum height of any fence, hedge or wall shall be six feet above the ground level within the required side or rear yards. *Within the required front yard setback, the maximum height of any solid fence or wall shall not exceed three and one-half feet above the curb along the front setback, provided, however, that a hedge, chain link fence wrought iron fence or block pilasters may be constructed to a maximum height of six feet. In the event that block pilasters are constructed within the front yard setback, they shall be no closer than six feet on center.*

B. On corner and other lots where any portion of side or rear yard abuts a public street right-of-way, a fence, hedge, or wall may be located within the portion of side or rear yard abutting the public street, in accordance with the following provisions:

1. The maximum height permitted above ground level shall not exceed six feet;
2. The fence, hedge or wall shall be located a minimum of ~~fifteen~~ twelve feet from the adjacent curb face of the public street;
3. On a reverse corner lot where the rear property line is the side property line of the adjacent lot to the rear, any fence within the rear yard setback exceeding three and one-half feet above ground level shall have a corner cutoff to provide sight distance and visibility for the rear lot. At the point where the required building setback line along the side public street intersects with the rear property line, the fence line shall extend at a forty-five degree angle to a point intersecting with the permitted fence line along the public street;
4. A fence, hedge or wall exceeding three and one-half feet in height located within the street side building setback shall not extend forward of that portion of the main structure which is nearest to the side yard, except:
 - a. That a fence or wall may be approved to provide security for side doors, windows, air conditioning units and other necessary architectural features determined to warrant security, and
 - b. That such security fences and walls shall not in any way restrict traffic sight distance at the street intersection, and

c. That plans and elevations of such security fences and walls shall be approved by the planning division before building permits may be issued for their construction;

5. A fence, hedge or wall within the front yard or portion of side or rear yard not abutting a public street shall be permitted as in subsection 'A' above.

C. No barbed wire or razor wire, shall be used or maintained in any residential zone, ~~in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of the lines,~~ and no sharp wire or points shall project at the top of any fence or wall ~~less than six feet in height.~~

ENVIRONMENTAL IMPACT:

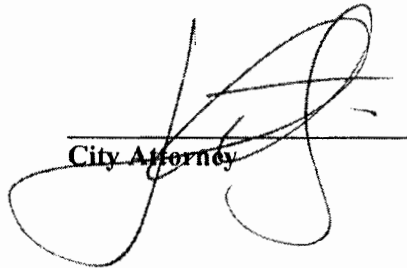
The California Environmental Quality Act ("CEQA") applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (Section 15061(b)(3) of Title 14 of the California Code of Regulations.) Adoption of the ordinance amending the city's regulations governing signs will not have a significant effect on the environment. It is therefore exempt from CEQA pursuant to Section 15061(b)(3) of the California Code of Regulations.

LEGAL REVIEW:

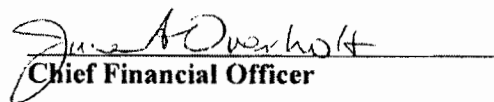
The City Attorney has reviewed and approved the staff report and ordinance.

FINANCIAL IMPACT:

Code Enforcement costs are unknown.



City Attorney



Chief Financial Officer

STAFF RECOMMENDATION:

It is recommended that the City Council:

Move to introduce, read by number and title only and waive reading in full the Ordinance amending Section 18.56.030 of the Rialto Municipal Code as it pertains to Fences, Hedges and Walls to the Rialto Municipal Code

Attachments:

1) Ordinance amending Section 18.56.030, Fences, Hedges and Walls

Report prepared by: Gina M. Gibson, Senior Planner

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF RIALTO, CALIFORNIA, AMENDING
SECTION 18.56.030 OF THE RIALTO MUNICIPAL
CODE PERTAINING TO FENCES, HEDGES AND
WALLS.**

The City Council of the City of Rialto does hereby ordain as follows:

Section 1: Section 18.56.030 of the Rialto Municipal Code is hereby amended to read as follows:

18.56.030 Fences, Hedges and Walls.

A. On interior lots where no portion of side or rear yard abuts a public street right-of-way, a fence, hedge or wall may be located within the front, side or rear yard setback. The maximum height of any fence, hedge or wall shall be six feet above the ground level within the required side or rear yards. Within the required front yard setback, the maximum side height of any solid fence or wall shall not exceed three and a half feet above the level of the curb along the front yard setback, provided, however, that a hedge or chain link fence, wrought iron fencing and block pilasters may be constructed to a maximum height of six feet. In the event that the block pilasters are constructed within the front yard side back, they shall be no closer than six feet on center.

B. On corner and other lots where any portion of side or rear yard abuts a public street right-of-way, a fence, hedge, or wall may be located within the portion of side or rear yard abutting the public street, in accordance with the following provisions:

1. The maximum height permitted above ground level shall not exceed six feet;
2. The fence, hedge or wall shall be located a minimum of twelve feet from the adjacent curb face of the public street;
3. On a reverse corner lot where the rear property line is the side property line of the adjacent lot to the rear, any fence within the rear yard setback exceeding three and one-half feet above ground level shall have a corner cutoff to provide sight distance and visibility for the rear lot. At the point where the required building setback line along the side public street intersects with the rear

1 property line, the fence line shall extend at a forty-five degree angle to a point intersecting with the
2 permitted fence line along the public street;

3 4. A fence, hedge or wall exceeding three and one-half feet in height located within
4 the street side building setback shall not extend forward of that portion of the main structure which is
5 nearest to the side yard, except:

6 a. That a fence or wall may be approved to provide security for side doors,
7 windows, air conditioning units and other necessary architectural features determined to warrant
8 security, and

9 b. That such security fences and walls shall not in any way restrict traffic
10 sight distance at the street intersection, and

11 c. That plans and elevations of such security fences and walls shall be
12 approved by the planning division before building permits may be issued for their construction;

13 5. A fence, hedge or wall within the front yard or portion of side or rear yard not
14 abutting a public street shall be permitted as in subsection "A" above.

15 C. No barbed or razor wire shall be used or maintained in any residential zone, and no sharp
16 wire or points shall project at the top of any fence or wall less than six feet in height.

17 Section 2: This ordinance shall take effect thirty (30) days after its date of adoption.
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19 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2009.
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GRACE VARGAS, Mayor
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1 ATTEST:

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BARBARA McGEE, City Clerk

5 APPROVED AS TO FORM

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8 _____
9 JIMMY L. GUTIERREZ, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO)ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the _____ day of _____, 2009.

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8 Upon motion of Councilmember _____, seconded by Councilmember
9 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

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11 Vote on the Motion:

12 AYES:

13 NOES:

14 ABSENT:

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16 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
17 Rialto, this _____ day of _____, 2009.

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21 BARBARA A. McGEE, City Clerk
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**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
RIALTO HOUSING AUTHORITY**

**MINUTES
November 24, 2009**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday November 24, 2009.

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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 Vargas called the meeting to order at 5:00 p.m.

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The roll was called and the following were present: Mayor Vargas, Council Members Robertson, Baca Jr., Scott (via teleconference from Phoenix, AZ) and Palmer. Also present were Acting City Administrator Robb Steel, City Attorney Jimmy Gutierrez and City Clerk Barbara McGee.

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CLOSED SESSION

1. Conference with Legal Counsel - Existing Litigation - The City Council and Redevelopment Agency Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):

- (a) City of Rialto v. U.S. Department of Defense, et al. (Perchlorate)
(United States District Court Case No. EDCV 04-79 PSG(SSx))

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to go into Closed Session.

City Council went into Closed Session at 5:01 p.m. and returned at 5:15 p.m.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:00 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Baca Jr., Council Members Robertson and Palmer. Also present were Acting City Administrator Steel, City Attorney Gutierrez and City Clerk McGee. Council Member Scott was absent.

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Pledge of Allegiance and Invocation

Council Member Robertson led the pledge of allegiance and Pastor Sunny Phillips – St. Paul Family Ministries gave the invocation.

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**CITY ATTORNEY'S REPORT
ON CLOSED SESSION**

City Attorney Jimmy Gutierrez stated that the City Council discussed the following items under Closed Session.

Item 1, City of Rialto v. United States Department of Defense, pertaining to perchlorate contamination. City Council heard a report but no action was taken.

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PRESENTATIONS

Richard Nino, Burrtec Waste Industries gave an update regarding a more comprehensive listing of recyclable items on decals for rubbish/recycling barrels for commercial businesses.

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Mayor Vargas presented a Proclamation for Red Ribbon Week to Police Chief Mark Kling.

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Mayor Vargas presented Certificates of Recognition to all the volunteers who volunteer in the Police Department.

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Mayor Pro Tem Baca Jr. gave a presentation regarding the LA Dodgers Essay Contest for a grant to make improvements at the old Rialto Middle School for the community. He presented a Certificate of Recognition to Darrell Thomas for bringing the idea of a Dodger Dream Field to Rialto.

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Mayor Vargas and Mayor Pro Tem Baca Jr. presented a Proclamation to Jerry Pareza, Representative of San Manuel Band of Serrano Mission Indians in support of Native American Heritage Day.

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PRESENTATIONS

Mayor Pro Tem Baca Jr. presented a video presentation where 10 people were inducted in the Rialto Hall of Fame that was held on November 14th.

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Mayor Vargas invited Manuel Rodriguez a 10 yr. old student who is a Michael Jackson impersonator to give a demonstration of what she seen on Halloween Hi-Jinks Night.

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Gary Cohoe, SANBAG Director of Freeway Construction gave a Riverside/I-10 Interchange Project Update.

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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

1. Resolution No. 18 (11/06/09)

2. Resolution No. 19 (11/13/09)

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C. APPROVAL OF MINUTES

1. Regular RDA/RHA/City Council Meeting–November 10, 2009

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D. SETTING OF PUBLIC HEARINGS

1. Request City Council to authorize the issuance of a purchase order for the production of the 2010 Annual Community Calendar.
2. Request City Council to authorize the City to conduct the Holiday Parade and Vendor Fair with temporary road closures, temporary "No Parking" zones, traffic diversion and street closure.
3. Request City Council to approve **Resolution No. 5771** and **Resolution No. 5772** modifying the current employee and employer paid PERS deductions, and allowing these deductions to be pre-tax.
4. Request City Council to approve Amendment No. 1 to the Contract for Third Party Administration for Workers Compensation with York Insurance Group Services, Inc. (formerly Gregory B. Bragg and Associates).

CONSENT CALENDAR

1. Request City Council to adopt **Resolution No. 5773** to authorize the Mayor to sent a letter to the Governor opposing the Draft Renewal Waste Discharge Requirements for the Area-Wide Urban Storm Water Run-Off Management Program.
2. Request City Council to adopt **Resolution No. 5774** authorizing the submission of a grant application to the State of California Resources Agency and Caltrans for the Cactus Trail Project.
3. Request City Council to award a Professional Services Agreement to the Hillwig-Goodrow, Inc. for design of the Alley Reconstruction Project in the amount of \$31,060.
4. Request City Council to approve a Notice of Completion for the Traffic Signal Project on Linden Avenue at Carter High School, Project Number 070805-00.
5. Request City Council to approve a First Amendment to the Construction Contract for Spectraturf for Park Refurbishment Program at Alec Fergusson Park Project in the amount of \$16,708.
6. Request the Redevelopment Agency to approve an increase to purchase order for FY 09-10 with Ajilon Professional Staffing, LLC to provide Administrative Support related to Foreclosure Home Evaluation Program.
7. Request City Council to approve a Lease with Edward and Lisa Graves to maintain City monitoring equipment.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 4-0 vote to approve the Consent Calendar as presented with the exception of D-7. Council Member Scott was absent.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Robertson and carried by a 3-0 vote to approve Consent Calendar Item D-7. Council Member Palmer abstained and Council Member Scott was absent.

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PUBLIC HEARING

**TAB 1 – proposed Ordinance No. 1456
– Wireless Telecommunications
Facilities**

Mike Story, Development Services Director stated that July 2009 the Economic Development Committee directed staff to prepare an ordinance to regulate wireless telecommunication facilities. The planning commission drafted an Ordinance that addresses placement design and relocation of these facilities and sets forth specific findings that the Planning Commission must make prior to approving any facilities. The ordinance was reviewed by the City Attorney and modifications were made to address specific removal and relocation of these facilities. In September the EDC reviewed the draft Ordinance and indicated their support. The Planning Commission recommends City Council approve this Ordinance. The Ordinance will require all new wireless telecommunication facilities to be stealth (disguised to appear as a natural or artificial object that exists in the surrounding environment or which is architecturally integrated in a building or structure), such as a clock tower or palm tree. A conditional development permit will still be required to construct a wireless facility and be reviewed by the planning commission. The ordinance includes specific findings the commission must make prior to approval of the wireless facility and design requirements such as landscaping, decorative block walls and other aesthetic requirements are included to insure compatibility with the surrounding or adjacent land uses. Regarding environmental impacts the proposed code amendment will not have a significant affect on the environment because it will prohibit a specific land use and reduce potential significant environmental impacts and is therefore exempt from CEQA.

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

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City Attorney Gutierrez read the title of the Ordinance:

ORDINANCE NO. 1456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 18.111 OF THE RIALTO MUNICIPAL CODE REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES

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Motion by Council Member Robertson, second by Council Member Palmer and carried by a 4-0 vote to introduce and pass to second reading of proposed ordinance No. 1456. Council Member Scott was absent. The vote was: AYES: Mayor Vargas, Council Members Robertson, Baca Jr. and Palmer. NOES: none. ABSTAIN: none. ABSENT: Council Member Scott.

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PUBLIC HEARING

TAB 2 – proposed Ordinance No. 1457 – Permitted Sidewalk Signs

Mike Story, Development Services Director stated that in September 2008 at a Workshop the City Council directed staff to modify the municipal code to allow the use of sidewalk or A frame signs with specific development standards. Currently these signs are prohibited within the sign ordinance. On September 30, 2009 the draft Ordinance was reviewed by the EDC and they recommended that the Ordinance be approved and schedule for review by the Planning Commission and City Council. The Planning Commission reviewed the draft Ordinance at the October 28, 2009 meeting where they voted to recommend City Council approval of the Ordinance. A new section of the sign Ordinance has been created to allow sidewalk A frame signs. They may be located in front of commercially zones businesses on private property and they may be also located on the public sidewalk in front of commercially zoned businesses along Riverside Ave. and the downtown area between the Pacific Electric right-of-way on the north and the Metrolink right-of-way in the south provided that the sign does not obstruct any required walkway, entry crosswalks, public seating areas or impede the view of vehicular traffic. The proposed ordinance states that signs shall be removed from the sidewalk area at the close of each business day. Those businesses opened past 6:00 p.m. shall remove signs from the sidewalk by 9:00 p.m. each day. The signs will be limited to six square feet and a maximum height and width of 4'x2'. Nothing can be attached to the sign. Cardboard and paper cannot be used to make a sign. These signs will require a permit similar to the temporary banner and subject to review by the Planning Division. A one time only fee of \$75 will be charged for the permit and a sticker will be issued to the applicant and placed on the sign to identify that a permit has been issued.

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Council Member Palmer asked what criteria are they going to use for approving the signs.

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Mike Story, Development Services Director stated that they will come into the department with the sign so they can be issued a permit. This doesn't prohibit people from making their own sign. It only establishes the criteria and if they can meet the criteria to it. They are trying to avoid taking two pieces of plywood and slap them together and put butcher paper over and write on it.

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

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PUBLIC HEARING

**TAB 2 – proposed Ordinance No. 1457
– Permitted Sidewalk Signs**

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 4-0 vote to close the public hearing. Council Member Scott was absent.

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City Attorney Gutierrez read the title of the Ordinance:

ORDINANCE NO. 1457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 18.102.060 OF THE RIALTO MUNICIPAL CODE ADDING SUBSECTION 18.102.060 (L) PERMITTED SIGNS – SIDEWALK SIGNS (“A” FRAME)

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 4-0 vote to introduce and pass to second reading of proposed **Ordinance No. 1457** amending Section 18.102.60 of the Rialto Municipal Code adding subsection 18.102.060 (L) permitted signs – sidewalk signs (“A” frame). The vote was: AYES: Mayor Vargas, Council Members Robertson, Baca Jr. and Palmer. NOES: none. ABSTAIN: none. ABSENT: Council Member Scott.

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PUBLIC HEARING

**TAB 3 – proposed Ordinance No. 1458
– Fences, Hedges and Walls**

Mike Story, Development Services Director stated that currently the RMC prohibits fences, hedges and walls heights greater than 42” in the front yard set backs of residential zones. In September 2008 the City Council held a workshop and directed staff to address the heights of fences, hedges and walls in front and side yard areas of residential zones. In September 2009 the Ordinance was reviewed by Economic Development Committee and they recommended that the Ordinance be approved and scheduled for review by the planning Commission and City Council. The Planning Commission reviewed the proposed Ordinance and they voted to recommend approval of the Ordinance by City Council. The text has been modified to establish a maximum height for fences, hedges, walls and pilasters in the front yard and to regulate the types of fences that will be allowed in residential zones specifically heights, hedges, fences and fencing with pilasters will be allowed in the front yard set back area at a height of 6’. This is similar to adjacent cities in the area which they surveyed. They are talking about not solid fences, chain link, and rod iron. It has to be able to be seen through by recommendation of the Police Department.

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Mayor Vargas declared the Public Hearing open. No one came forward.

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PUBLIC HEARING

**TAB 3 – proposed Ordinance No. 1458
– Fences, Hedges and Walls**

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 4-0 vote to close the public hearing. Council Member Scott was absent.

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City Attorney Gutierrez read the title of the Ordinance:

ORDINANCE NO. 1458

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 18.56.030 OF THE RIALTO MUNICIPAL CODE PERTAINING TO FENCES, HEDGES AND WALLS

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 4-0 vote to introduce and pass to second reading of proposed **Ordinance No. 1458** amending Section 18.56.030 of the Rialto Municipal Code as it pertains to fences, hedges and walls. The vote was: AYES: Mayor Vargas, Council Members Robertson, Baca Jr. and Palmer. NOES: none. ABSTAIN: none. ABSENT: Council Member Scott.

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Mayor Vargas stated that she has a question because her neighbors have 6' walls on both sides of her and she is lower. Will she need a permit to get her fence up to 6'?

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Mike Story, Development Services Director stated that the fence portion such as rod iron or chain link does not require a permit. The only thing that requires a permit is the pilaster because it's made of block. If she decides to increase that then they would send an inspector. They are preparing information for the website and mailers to the residents to answer those types of questions.

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NEW BUSINESS

TAB 4 – Acceptance of COPS Grant

Police Chief Kling stated that this is for acceptance of the California Citizen option for Public Safety (COPS) Grant for fiscal year 2009/2010 in the amount of \$154,950. Cities are now required to submit an expenditure plan to the County of San Bernardino defining how the funds are going to be expended. They are looking at better ways of smart policing so these funds will help them look at different ways of creating different technological advances for the Police Department in delivering services to the community.

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Council Member Robertson stated when they attended the National League of Conferences there were many vendors with different types of technology for intelligent policing.

NEW BUSINESS

TAB 4 – Acceptance of COPS Grant

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 4-0 vote to adopt **Resolution No. 5775** accepting the California Citizen Option for Public Safety (COPS) Grant for 2009/2010 in the amount of \$154,950. Council Member Scott was absent.

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ORAL COMMUNICATIONS

Winifred Hanson, 212 E. Valencia St., announced a Christmas Benefit Show by the Rialto Community Players "Songs, Stories and Santa" on December 4, 5 and 6. This for families and young children. This is a fundraiser for the Friends of the Library - \$5 or Rialto Child Assistance - Five Cans of Food or Salvation Army - \$5 toy or Adopt a Platoon - Shoe Box Donation for the troops overseas.

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Ghassan Nassar, 101 S. Riverside Ave., expressed his concern that Downtown Rialto has been affected by the economy with many businesses closed or going out of business. They need to work together to come up with creative ideas to market themselves and sustain themselves.

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Margie Jean Goldie, Resident, expressed her concern regarding a home being built for the mentally disturbed at the Corner of Riverside Ave. and Holly St.

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Council Member Robertson stated that Code Enforcement went out to investigate and there is no group home there and the property is vacant. She suggested that Ms. Goldie speak to Director Mike Story and maybe add more information. All group homes are required to notice the City and they need to review it.

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Mike Story, Development Services Director stated that the property owner has obtained a permit to construct a new two car garage on the property. It's currently vacant and they checked with the State of California Community Care Licensing and no application has been filed on that location to operate a group home. It's true there are no local controls for those types of group homes. They check weekly California Community Care Licensing if any group homes are coming to the City and they also receive notice. If neighbors feel this is a bad location they need to forward those concerns to the California Community Care Licensing Riverside Office.

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ORAL COMMUNICATIONS

Richard Ambrosini, Reliant Land Services Company, expressed his concern regarding the Wireless Telecommunications Facilities Ordinance, making all facilities "stealth" and in some situations it may not be reasonable and requested City Council to review that section of the Ordinance.

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CHIEF FINANCIAL OFFICER REPORT

June Overholt, Chief Financial Officer gave the financial report ending June 30, 2009.

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REPORTS

Council Member Palmer stated he had the opportunity to go to the PD check points they had for the past couple of weeks. Accidents are down in Rialto because of the check points.

He attended the Rialto Hall of Fame Ceremony where many were honored for their contribution in Rialto and athletes that started in Rialto.

He stated with Thanksgiving coming up they need to stop and reflect on those in the military. He wished everyone a Happy Thanksgiving.

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Council Member Robertson stated that she attended the National League Cities Conference. They had been working on since last March was to avail themselves a discount drug program they will provide in the City and will hopefully launch by the end of December with an outreach campaign. This will mean they will be one of 14 cities in California going through the NLC to offer residents an opportunity to have up to 20% discount on any pharmaceuticals at any Pharmacies in Rialto. Also, while she was there she ran into a young man, Pvt. Spcl. Ramcheck, assisting with Army recruitment and was he was surprised to run into people from Rialto. He was graduated from Arroyo Valley High School in San Bernardino and relatives in Rialto.

She announced the 3rd Annual AIDS 5K Walk on December 5th in the south parking lot at City Hall.

She stated that Ms. Lindsay Davis, Rialto's very own Ice Skating Champion, has made it to the "Nationals" 2010 U.S. Figure Skating Championships in January in Washington.

She wished a Happy Birthday to her son in San Diego.

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Council Member Robertson left the dais at 7:50 p.m.

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REPORTS

Mayor Pro Tem Baca Jr. stated in regards to Mr. Ambrosini's comment. The reason this Ordinance was brought forward was because they are tired of people coming into the community and putting up junk. They want to make sure they put up a beautifully aesthetic cell site because the City deserves it.

Mayor Pro Tem Baca Jr. stated in regards to the A frame signs this will help beautify and motivate the businesses but also making sure there are quality and standards.

He also responded to Mr. Nassar who talked about beautifying the downtown. They are chipping away on trying to beautify the City. He met with the Eisenhower High School Future Business Leaders of America. They have volunteer for different projects throughout the City. He appreciates that partnership with the students of the community.

He wished Council Member Scott well who is tending to his family in Arizona.

He stated in regards to the Rialto Sports Hall of Fame, he feels there is one person who is deserving of a park named after is John Silva who has dedicated over 36 years to the kids in the community. He knows there has been a recommendation to create a committee for the naming of things in the City but he would like to make a motion to name the John Silva Football Field in Rialto Park.

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Council Member Palmer stated that he was the one who suggested a committee to get some standards. He feels Mr. John Silva deserves it.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 3-0 vote to name the Rialto Park Football Field after John Silva. Council Members Scott and Robertson were absent.

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Mayor Vargas stated that she has known John Silva for many years and didn't realize how many years he dedicated to the youth in the community. She agrees that the football field should be named after John Silva.

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Mayor Pro Tem Baca Jr. wished everyone a Happy Thanksgiving and the Joe Baca Foundation was able to give over 600 turkeys to needy families throughout the Inland Empire.

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REPORTS

Mayor Vargas wished everyone a Happy Thanksgiving.
She wished Mr. Gandy well and a speedy recovery.

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ADJOURNMENT

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 3-0 vote to adjourn the City Council Meeting. Council Member Scott and Council Member Robertson were absent.

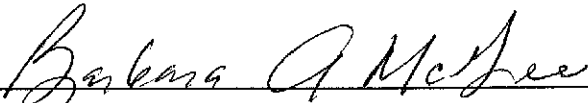
The City Council adjourned at 7:55 p.m.

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MAYOR GRACE VARGAS

ATTEST:



CITY CLERK BARBARA A. MCGEE

1 **WHEREAS**, the City has determined that any new construction, alterations, or
2 improvements in the aforementioned reduced setback areas could be in conflict with other
3 standards and impact utility easements within such reduced setback, which may interfere with
4 the provision of utility services and may result in a threat to public health, safety and welfare;
5 and

6 **WHEREAS**, the City has determined that any new construction, alteration, or
7 improvements made in the reduced setback areas will have adverse impacts on the
8 environment, traffic, aesthetics, and visual quality of surrounding properties and on the
9 economic vitality within the City, and such impacts constitute and pose a current and
10 immediate threat to the public health, safety, or welfare; and

11 **WHEREAS**, City staff requires time to study and develop appropriate regulations for
12 permitting construction, alternations, or improvements in the reduced setback areas consistent
13 with State and federal law; and

14 **WHEREAS**, the City desires to establish, on an urgency basis, a temporary moratorium
15 on any construction, alteration, or improvements within the reduced setback areas through the
16 adoption of this Ordinance to further the purposes stated herein.

17 **NOW, THEREFORE**, the City Council of the City of Rialto finds and ordains as follows:

18 **SECTION 1. Recitals Incorporated.** The City Council finds the recitals contained in
19 this Ordinance to be true and correct, relies upon them in passing this Ordinance, and
20 incorporates them herein as though set forth in full herein.

21 **SECTION 2. Construction Moratorium.** The City hereby finds that any construction,
22 alterations, or improvements made in the residential reduced setback areas established by
23 Rialto Municipal Code Section 8.56.030 may result in a threat to public health, safety and
24 welfare. This Ordinance is necessary as an urgency measure to address said threats to public
25 health, safety and welfare.
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1 Accordingly, the Rialto City Council hereby adopts a construction moratorium pursuant
2 to California Government Code Section 65858 on any construction, alterations or
3 improvements in, the aforementioned residential reduced setback areas (“Moratorium”).

4 **SECTION 3. Duration of Ordinance.** This Moratorium is enacted pursuant to the
5 authority conferred upon the City Council of the City of Rialto by Government Code Section
6 65858, and therefore shall be in full force and effect immediately upon its adoption by a four-
7 fifths (4/5) vote of the City Council. This Moratorium shall continue in effect for forty-five (45)
8 days from the date of its adoption and shall thereafter be of no further force and effect, unless,
9 after notice pursuant to Government Code Section 65090 and a public hearing, the City
10 Council extends the Moratorium for an additional period of time pursuant to Government Code
11 Section 65858.

12 **SECTION 4. Enforcement.** The City of Rialto may enforce any provision of this
13 Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of
14 competent jurisdiction.

15 **SECTION 5. Environmental Review.** Pursuant to Section 15378(b)(5) of the
16 California Environmental Quality Act (CEQA), this Ordinance is an organizational or
17 administrative activity of the City that will not result in direct or indirect physical changes in the
18 environment, and therefore not a project. Additionally, pursuant to CEQA Guidelines Section
19 15061(b)(3), this Ordinance is exempt from CEQA review because there is no possibility that
20 the Moratorium may have a significant effect on the environment, insofar as it prohibits the
21 construction, alterations and improvements within the reduced setback areas established by
22 RMC section 18.56.030. Furthermore, even if the Ordinance is considered a project, the
23 proposed moratorium is categorically exempt under CEQA Guidelines Section 15308,
24 because it is clear that the moratorium will not create an environmental impact and the action
25 will assure the maintenance, enhancement, or protection of the environment through the
26 eventual adoption of regulations and development standards on self-storage facilities.
27 Accordingly, no further environmental review is necessary.
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1 Furthermore, as the Ordinance is an administrative procedure related to uses, facilities,
2 and regulations identified in the Rialto Municipal Code and General Plan, and given that the
3 proposed Ordinance is not related to a specific project, the Ordinance (i) by virtue of the
4 location of affected improvements, will not impact a sensitive environmental resource of
5 hazardous or critical concern; (ii) will not have a cumulative impact on the environment through
6 successive projects of the same type, in the same place, over time; (iii) does not have any
7 unusual circumstances that will have a significant effect on the environment; (iv) does not
8 impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not
9 adversely impact a historical resource. Accordingly, none of the exceptions to categorical
10 exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this Ordinance.

11 **SECTION 6. Severability.** Every section, provision, or part of this Ordinance is
12 declared severable from every other section, provision, or part of this Ordinance. If any section,
13 provision, or part of this Ordinance is adjudged to be invalid by a court of competent
14 jurisdiction, such judgment shall not invalidate any other section, provision, or part of this
15 Ordinance.

16 **SECTION 7. Effective Date.** This Ordinance shall take effect immediately and
17 shall be of no further force and effect forty-five (45) days thereafter unless the City Council
18 extends such Ordinance following a noticed public hearing.

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20 **PASSED, APPROVED AND ADOPTED** this ____ day of February, 2019.

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23 _____
Deborah Robertson, Mayor

24 ATTEST:

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Barbara McGee, City Clerk

28 APPROVED AS TO FORM:

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Fred Galante, Esq., City Attorney
Aleshire & Wynder, LLP