

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

**MINUTES
January 22, 2019**

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, January 22, 2019.

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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 Scott called the meeting to order at 5:02 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 Sean Grayson, 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. Jayd Schroeder v. County of San Bernardino, City of Rialto, et al. (United States District Court, Central District; Case No. ED CV 18-427-DMG (JCx)
 - b. Christopher Newman v. City of Rialto, (San Bernardino Superior Court, Case No. CIVDS1800597)
 - c. Endangered Habitats League, et al. v. (San Bernardino Superior Court, Case No. City of Rialto CIVDS1806755)
 - d. San Bernardino Valley Municipal Water District v. San Gabriel Valley Water d.b.a Fontana Water Company, et al S.B. Superior Court Case No. CIVDS1311085

CLOSED SESSION

2. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency designated representatives:

Fred Galante, City Attorney

Sean Grayson, Interim City Administrator

Employee organizations:

Rialto Firefighters Local 3688

3. PUBLIC EMPLOYMENT - The City Council will discuss the following pursuant to Government Code Section 54957.

Title: Interim City Administrator

4. Conference with Legal Counsel - Anticipated Litigation: Initiation to litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9.

Number of cases: One Case

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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 5:03 pm. Mayor Robertson was absent.

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City Council returned from Closed Session at 6:07 p.m.

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CALL TO ORDER

Mayor Pro Tem Scott called the meeting to order at 6:07 p.m.

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 Sean Grayson, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo. Mayor Deborah Robertson was absent.

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Pledge of Allegiance and Invocation

Council Member Joe Baca Jr. led the pledge of allegiance.

Reverend Richard Casillas, SVD – St. Catherine of Siena Catholic 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 items listed on the Agenda.

1. Conference with Legal Counsel – Existing Litigation.
 - a. Jayd Schroeder v. County of San Bernardino, City of Rialto, et al. City Council received an update and further reportable action was taken.

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

b. Christopher Newman v. City of Rialto. City Council received an update and further reportable action was taken.

c. Endangered Habitats League, et al. v. City of Rialto. City Council received an update and further reportable action was taken.

d. this item was not discussed.

2. Conference with Labor Negotiator regarding Rialto Firefighters Local 3688. City Council provided direction and no further reportable action was taken.
3. This item was not discussed.
4. This item was not discussed.

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**PRESENTATIONS AND
PROCLAMATIONS**

No presentations scheduled for tonight.

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ORAL COMMUNICATIONS

No one came forward to speak.

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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 Warrant Resolution No. 26 (01/10/19)

B.2 Warrant Resolution No. 27 (01/17/19)

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C. CLAIMS AGAINST THE CITY

C.1 Anchor General Insurance - vehicle damage

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D. SET PUBLIC HEARING

- D.1 Request City Council to Set a Public Hearing for February 26, 2019, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2018 Calendar Year.

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E. MISCELLANEOUS

E.1 Request City Council to Accept Public Improvements, Authorize the Recordation of a Notice of Completion related to the Construction of Public Improvements pursuant to the Construction and Credit Agreement with CLDFI Linden LLC.

E.2 Request City Council to Receive and File the November 2018 Treasurer's Report.

CONSENT CALENDAR

- E.3 Request City Council to (1) Accept the Rialto Park Announcers Booth, City Project No. CB1703; (2) Authorize Filing of the Notice of Completion; (3) Authorize Release of Retention to BWW & Company; and (4) Authorize a Purchase Order in the amount of \$8,400 to STK Architecture Inc. for Construction Support Services.
- E.4 Request City Council to Approve Resolution No. 7449 Authorizing an Increase of \$30,000 to Purchase Order 2019-0587 with Roth Staffing (DBA Ultimate Staffing Services) for Temporary Administrative Support in the Human Resources Department for a Total Amount Not To Exceed \$45,000.
- E.5 Request City Council to Approve a Professional Services Agreement with Ralph Andersen & Associates in the amount of \$28,750 for Executive Search Services for the City Administrator position.
- E.6 Request City Council to (1) Accept the Bud Bender Park Field Lights, City Project No. CB1801; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Budget Resolution No. 7450.
- E.7 Request City Council to Adopt Resolution No. 7451 amending the City of Rialto's Conflict of Interest Code.
- E.8 Request City Council to approve Ordinance No. 1612 entitled "AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA, AMENDING THE RIALTO MUNICIPAL CODE SECTION 2.50.060 (AMENDING ORDINANCE 1591) REGARDING COMPETITIVE SERVICE"

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CONSENT CALENDAR

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to approve the Consent Calendar. Council Member Carrizales abstained from Items E.1. Mayor Robertson was absent.

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TAB 1 - Water Facility Improvement Project W13 - Willow Booster Station Valve Replacement

Suzanne Wilcox, Utilities Division presented the staff report regarding the Water Facility Improvement Project W13 - Willow Booster Station Valve Replacement.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to approve a Final Construction Work Authorization in the Amount of \$319,800 to Rialto Water Services for the Water Facility Improvement Project W13 - Willow Booster Station Valve Replacement. Mayor Robertson was absent.

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TAB 2 - Professional Design Services for the Frisbie Park Sewer Lift Station Project

Suzanne Wilcox, Utilities Division presented the staff report regarding Professional Design Services for the Frisbie Park Sewer Lift Station Project.

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Council Member Carrizales left the dais due to a conflict of interest to this item.

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Council Member Baca Jr. stated that it was mentioned that the project would be complete at the end of the year. At the next meeting Frisbie Park approval is coming next meeting. Will this project impact that?

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Ms. Wilcox stated parts will run concurrently but run together as a partnership. They have spoken to Public Works to coordinate the projects.

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Council Member Baca Jr. stated as they continue to delay projects, costs continue to go up. What is the benefit of a lift station versus a tank system?

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Ms. Wilcox stated hooking to the sewer system is more environmentally sound.

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Mayor Pro Tem Scott stated the design phase of the north side of the park to the lift system. Will this be designed at the same time?

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Ms. Wilcox stated yes it's included in this project.

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Mayor Pro Tem Scott asked the Public Works Director if the South side is included in their project.

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Mr. Eisenbeisz stated yes. The mainline will be built by the project and the laterals that need to make connections to the line that will be constructed in the East end.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 3-0 vote to Approve a Professional Services Agreement with Kimley Horn for Professional Design Services for the Frisbie Park Sewer Lift Station Project in the Not to Exceed Amount of \$198,100. Council Member Carrizales abstained. Mayor Robertson was absent.

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Council Member Carrizales returned to the dais.

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TAB 3 - Purchase and Installation of Traffic Signal Battery Backup Systems

Robert Eisenbeisz, Public Works Director presented the staff report regarding Purchase and Installation of Traffic Signal Battery Backup Systems.

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Mayor Pro Tem Scott asked what this included.

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Mr. Eisenbeisz stated that this includes areas that never had battery backups and those that needed to be replaced. The remaining 95 have functional battery backups. All the new ones, it's part of the specifications.

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Mayor Pro Tem Scott asked does he know when the contract comes through for the actual maintenance of the traffic signals in the city.

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Mr. Eisenbeisz stated they have another option year.

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Mayor Pro Tem Scott stated that his preference would be to go out to bid.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to Award a Contract Services Agreement to Siemens Mobility, Inc. in the amount of \$232,327.65 for the Purchase and Installation of Traffic Signal Battery Backup Systems at Sixty-Eight Signalized Locations. Mayor Robertson was absent.

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TAB 4 - Three F-150 Light Duty 4WD Trucks for the Building Division

Robb Steel, Development Services Director presented the staff report regarding purchasing three F-150 Light Duty 4WD Trucks for the Building Division.

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Council Member Baca Jr. stated this is worth keeping the purchase local in San Bernardino County.

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Council Member Trujillo asked will the older vehicles be optioned out through purchasing.

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TAB 4 - Three F-150 Light Duty 4WD Trucks for the Building Division

Robb Steel, Development Services Director stated that typically Purchasing will consign the two older vehicles. There are two replacement vehicles and one new vehicle.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Approve a Purchase Order to Fairview Ford in the amount of \$87,281.12 for 3 F-150 Light Duty 4WD Trucks for the Building Division. Mayor Robertson was absent.

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TAB 5 - Purchase Order Increase for On-Call Civil Engineering Services

Robert Eisenbeisz, Public Works Director presented the staff report regarding Purchase Order Increase for On-Call Civil Engineering Services.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote Approve Resolution No. 7452 Authorizing a Purchase Order Increase in the Amount of \$831,400 to Lockwood Engineering Company for On-Call Civil Engineering Services, increasing the contract authorization to a total cumulative amount of \$1,670,500. Mayor Robertson was absent.

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TAB 6 - Exception to the Reinstatement and Probationary Requirements Under the City's Personnel Rules and Regulations

Lucy Garcia, Human Resources Director presented the staff report regarding an Exception to the Reinstatement and Probationary Requirements Under the City's Personnel Rules and Regulations as it relates to Emergency Dispatch Supervisor.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote Approve Resolution No. 7453 Authorizing an Exception to the Reinstatement and Probationary Requirements Under the City's Personnel Rules and Regulations. Mayor Robertson was absent.

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TAB 7 - Accounting Services in the Finance Department for Fiscal Year 2018-19

Jessica Brown, Finance Director presented the staff report regarding Accounting Services in the Finance Department for Fiscal Year 2018-19.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote Authorize a Purchase Order with Robert Half International in the amount of \$49,000, in the total aggregate amount of \$95,412.02, to Provide Accounting Services in the Finance Department for Fiscal Year 2018-19. Mayor Robertson was absent.

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TAB 8 - Amendment to the Professional Services Agreement for Code Enforcement Management Services

Interim City Administrator Sean Grayson presented the staff report regarding Amendment to the Professional Services Agreement for Code Enforcement Management Services.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Approve an Amendment to the Professional Services Agreement with Richard Freiholtz for Code Enforcement Management Services to Increase Purchase Order 2019-1189 by \$30,000 for a total of \$50,000. Mayor Robertson was absent.

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TAB 9 - Second Amendment to the Construction Contract Agreement Emergency Pothole Repair

Interim City Administrator Grayson introduced the importance of this staff report.

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Tony Brandyberry, Public Works Dept. presented the staff report regarding the Second Amendment to the Construction Contract Agreement Emergency Pothole Repair.

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Council Member Trujillo asked if they had a number of potholes they have already worked on and what is left to be done for the need of this amendment.

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Mr. Brandyberry stated since Thursday they filled 125 potholes. There are some problematic areas that have multiple potholes within a 10 ft. area. They can continue to fill those potholes but the roadway becomes like cobblestone, so when a car drives over it the car shakes. Part of the work they are asking to have done is to grind it down to an inch or inch and a half that will create a smooth surface. Additionally on Willow Ave., North of Walnut, they have a bad alligator cracked situation. They can put down a skin patch material that is about half an inch and makes the area smooth for the tire track area. They were able to get that done yesterday because it was holiday and no kids were in school.

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Council Member Baca Jr. stated that he appreciates this item coming forward to address some issues. He knows that there are still a lot of potholes out there. He doesn't want to get in the habit of filling in potholes for the neighboring cities. He knows that some requests have come in and they fill the potholes and they are not in the city. He had seen an All American Asphalt truck, grind and overlay on Baseline and Sycamore, was that part of this work?

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Robert Eisenbeisz, Public Works Director stated that was work being done for Veolia.

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**TAB 9 - Second Amendment to the
Construction Contract Agreement
Emergency Pothole Repair**

Council Member Baca Jr. stated he knows next week they are having a capital meeting and maybe they can look at making it a bigger priority to get the roads repaired. He knows that City Council approved some road repair items. Now hoping the weather will settle down, do they know when those items are going to begin?

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Mr. Eisenbeisz stated that the most recent award was working on the final traffic control plans. So in the next week or so. There are four different streets, Valley, Merrill, Rialto and Linden. They are also trying to coordinate with Fontana Water for their waterline project. In the next week they will see the start of the project.

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Council Member Baca Jr. asked if they can have something on the website for residents to report potholes.

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Mr. Eisenbeisz stated that there is a general request form and they can indicate pothole and it will go as a service request.

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Council Member Baca Jr. stated with technology today. People can just take a picture and download it on a map so it becomes more technology friendly and be able to respond faster. They end up getting a lot claims because of potholes.

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Council Member Carrizales stated that one of the bigger problems is Pepper Ave. they have met with the Mayor of San Bernardino and he is willing to work with Rialto to get the entire street done. If staff can reach out to San Bernardino and Colton.

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Mr. Eisenbeisz stated the Colton portion is shared by Colton and San Bernardino but the Rialto portion is just Rialto and San Bernardino. They have had conversation with San Bernardino Public Works and provided a map that shows the borders. One of the things they are working on is a rough estimate based on the areas involved so they commit to cooperating on the project.

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Mayor Pro Tem Scott stated that he appreciates they brought this forward but he is concerned about the dollar amount. \$60,000 doesn't patch a lot of potholes. How much money out of this original budget do they still have?

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**TAB 9 - Second Amendment to the
Construction Contract Agreement
Emergency Pothole Repair**

Mr. Brandyberry they are currently at about \$28,000 out of the \$40,000 that was allocated. \$60,000 takes care of the pothole repairs that was recommended which gives them a total of \$100,000 for general repairs.

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Mayor Pro Tem Scott stated that they just had massive rains and a lot of these potholes are going to start popping up in the next few weeks all over the city. They are going to be coming back to Council to ask them for money. His suggestion was not only use city staff to patch potholes but to contract out to patch. He is not comfortable that they have enough money to do it. If they are only adding \$60,000 to a regular pothole project, don't they think they are going to have a lot more potholes? Especially if they have more rain. Sometimes potholes don't appear until after the rain because the water goes under the surface. How did they come up with that number?

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Mr. Eisenbeisz stated that they were just rounding up to the \$100,000 mark but they can certainly use whatever resources are available to them. They have city crews working in conjunction with the contractor. They can get a lot done with the \$60,000 add on. But it's correct they will have to come back if they need additional funds.

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Mayor Pro Tem Scott stated that he would like to see a marked difference in the City so it looks like they addressed this and not have business as usual.

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Mr. Eisenbeisz stated that they wouldn't turn away more resources.

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Interim City Administrator Grayson stated they added to the existing \$40,000 and rounded up to \$100,000.

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Mr. Brandyberry stated if they can make it \$100,000 along with the existing \$40,000 that will get them to a great point by next budget year. They can then talk about adding a new line item for pothole repairs and have a contractor on-call. Additionally they have a lot paving coming around and this was one of the considerations that there will be a lot new streets and wouldn't need as much money for potholes.

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Mayor Pro Tem Scott stated that they are not going to have any new streets if it rains and there will not be paving.

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**TAB 9 - Second Amendment to the Construction Contract Agreement
Emergency Pothole Repair**

Robert Eisenbeisz, Public Works Director stated that was their discussion that they will not just fill individual potholes but patch larger area.

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Mayor Pro Tem Scott stated if they increase the budget by \$100,000 versus \$60,000 could they comfortably use it and fill all the potholes by July?

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Mr. Eisenbeisz stated because of all the rain that they can certainly make a big dent.

They will amend the Resolution to reflect the \$100,000 instead of \$60,000.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to approve Resolution No. 7454 and Approve the Second Amendment to the Construction Contract Agreement with Hardy & Harper, Inc., in the amount of \$100,000 for a total of \$305,000 in Fiscal Year 2018/2019 for Emergency Pothole Repair. Mayor Robertson was absent.

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**City Council Meeting Scheduled for
January 29th**

Mayor Pro Tem Scott stated he thought next week's meeting was a Workshop and not a Special Meeting.

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Council Member Baca Jr. stated that it was understanding that it was a Workshop to discuss CIP items only for recommendations to be approved at a later date.

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Council Member Carrizales stated that he would prefer it stay as a CIP workshop.

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City Clerk McGee explained that it was listed on the last Agenda of January 8th that tonight's meeting was going to be cancelled because the Mayor and some Council Members were going to be out of town. It was also listed that a Special Meeting would be held on January 29th because of the cancelled meeting. Public Hearings were posted in the newspaper for January 29th.

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Interim City Administrator Grayson stated that they can open the public hearings and continue until the next meeting and only discuss the CIP item.

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**City Council Meeting Scheduled for
January 29th**

City Attorney Galante stated that they can certainly do that.

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Interim City Administrator Grayson stated and the Pension Ad Hoc was anticipated to be moved until a February meeting. The Time for Change item can be moved to February as well.

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City Attorney Galante stated that they can word the Public Hearings that there is a recommendation to continue.

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Mayor Pro Tem Scott stated that the CIP item doesn't say workshop, it states recommended to adopt a Resolution finding the Five-Year Capital Improvement Plan in conformance. He is not prepared to do that.

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Council Member Baca Jr. stated that they are going to give staff direction on what their priorities are.

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City Attorney Galante asked is the desire to not have Closed Session either?

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Council Member Baca Jr. asked Closed Session items on what?

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City Attorney Galante stated one item of a threat of litigation, a continuation of an item they have discussed. The other is a follow up to negotiations with Local 3688. They can hold off on those two items.

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CLOSED SESSION

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to return to Closed Session at 7:29 p.m. Mayor Robertson was absent.

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City Council returned from Closed Session at 7:54 p.m.

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

City Attorney Galante stated that City Council returned to closed session to discuss the balance of closed session items.

1. Conference with Legal Counsel – Existing Litigation.
 - d. San Bernardino Valley Municipal Water District v. San Gabriel Valley Water d.b.a Fontana Water Company, et al. City Council received an update to the status and no further reportable action was taken.
3. Public Employment. Title: Interim City Administrator. City Council provided direction and no further reportable action was taken.

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

4. Conference with Legal Counsel – one item of anticipated Litigation: Initiation of litigation. After holding a discussion and receiving information. Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote, Mayor Robertson was absent to agree to initiate a legal action to have a court appointed receiver on the property at the address of 485 W. Jackson – Owner, Rafael Arvalo.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 4-0 vote, Mayor Robertson was absent, to adjourn the City Council Meeting at 8:22 pm.

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MAYOR PRO TEM ED SCOTT

ATTEST:

CITY CLERK BARBARA A. McGEE