

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

**MINUTES  
March 12, 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, March 12, 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 Deborah Robertson called the meeting to order at 5:01 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., Also present were Interim City Administrator Sean Grayson, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Rafael Trujillo, Council Member Andy Carrizales 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) Tyrone Green v City of Rialto  
WCAB SAC0000178738

(b) Jesus Carrete v City of Rialto  
WCAB SAC0000178674

(c) Equilon Enterprises, LLC v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1602980

- (d) Phillips 66 Company v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1516839
- (e) SFPP, L.P. v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1603260
- (f) Tesoro Logistics Operations, LLC v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1603163

## **CLOSED SESSION**

- 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of section 54956.9. Number of cases: One Case.
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Pursuant to Government Code Section 54957.  
Title: Interim City Administrator
- 4. 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

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Motion by Council Member Trujillo, second by Mayor Pro Tem Scott and carried by 5-0 vote to go into Closed Session at 5:03 p.m.

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City Council returned from Closed Session at 6:17 p.m.

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## **CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:18 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 Sean Grayson, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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## **Pledge of Allegiance and Invocation**

Council Member Rafael Trujillo led the pledge of allegiance.  
Mayor Pro Tem Ed Scott 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. Tyrone Green v City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
  - b. Jesus Carrete v City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
  - c-f. Equilon Enterprises, LLC v. City of Rialto  
Phillips 66 Company v. City of Rialto  
SFPP, L.P. v. City of Rialto  
Tesoro Logistics Operations, LLC v. City of Rialto  
City Council heard a collective briefing on these cases, provided direction and no further reportable action was taken.

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

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. City Council received an update on that potential threat of litigation, provided direction and no further reportable action was taken.
3. City Council conducted the Public Employee Performance Evaluation, title: Interim City Administrator.
4. Conference with Labor Negotiator concerning employee organization: Rialto Firefighters Local 3688. City Council received an update on the status of the negotiations, provided direction and no further reportable action was taken.

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## **PRESENTATIONS AND PROCLAMATIONS**

1. Certificates of Recognition to Rialto High School Boys Soccer Team - Division IV CIF Champions - Council Member Joe Baca Jr.

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## **ORAL COMMUNICATIONS**

Kianna Maldonado, new field representative for supervisor Josie Gonzales, introduced herself to everyone.

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Lupe Camacho, Rialto resident, expressed concerns that were raised by the Budget Advisory Committee last year regarding contracting for engineering services, construction management, project management, and inspection services.

She also inquired about when the CIP workshop will be coming back.

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Robin Austin, Rialto resident, expressed her concerns regarding potholes in the City.

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Robert Eisenbeisz, Public Works Director stated they are trying to get all the patching for the potholes as they occur. City Council directed additional funding and it's been an ongoing effort.

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## **Consider removing items on the Agenda**

Mayor Pro Tem Scott asked that Consent Calendar item E.2 be removed from the Agenda. That this item be sent to the Economic Development Committee for review and discussion on the calculation of impact fees and the effect it has on small business owners.

Additionally, he was asked to abstain from TAB 1 in regards to slurry seal and pavement management due to the street he lives on is being slurry sealed. In his 17 years on City Council, a Council Member has never been asked to abstain from a slurry seal or pavement management. He will be abstaining in protest.

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Council Member Baca Jr. stated for this there is no economic benefit. It benefits the whole neighborhood. It's a benefit to the whole community. If it was asked to only do their block, but that is not what they are doing here. He doesn't want to get into a debate on this.

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Mayor Pro Tem Scott stated that he will be contact personal legal counsel to address the City Attorney and City Administrator.

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Sean Grayson, Interim City Administrator asked that Consent Calendar Item E.1 be pulled from the Agenda.

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Council Member Carrizales abstained from E.3, E.4 and E.6 due to a conflict of interest with his business at the Renaissance Marketplace.

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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. 32 (02/21/19)

B.2 Warrant Resolution No. 33 (02/28/19)

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### **C. CLAIMS AGAINST THE CITY**

C.1 Keith Allen Sutter - vehicle damage

C.2 Southern California Edison - property damage

C.3 Omar Armenta Jr. - vehicle damage

C.4 Irene Castillo - vehicle damage

C.5 Ronald Barron - vehicle damage

C.6 Ismael Jimenez- vehicle damage

C.7 Moises Ramos - vehicle damage

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## **CONSENT CALENDAR**

### **D. SET PUBLIC HEARING**

D.1 Request City Council to Set a Public Hearing for May 14, 2019, to Conduct a Property Owner Protest Ballot Proceeding; Adopt Resolution No. 7477 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 2019/2020; and to Adopt Resolution No. 7478 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 2019/2020.

### **E. MISCELLANEOUS**

E.1 Request City Council to Authorize an Amendment to the 2018-19 Budget for Community Block Grant Allocations and Approve Budget Resolution No. 7479.

E.2 ~~Request City Council to Receive and File the Annual Update to the Development Impact Fees for Fiscal Year 2019/2020.~~  
*Removed from the agenda.*

E.3 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for January 2019.

E.4 Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way, Alder Avenue, and Locust/Laurel/Walnut Escrow Accounts for January 2019.

E.5 Request City Council to Receive and File the Statement of Income and Expense for January 2019 related to the Construction Reimbursement Agreement with Ayala@210LLC for Off-Site Improvements on Renaissance Parkway.

E.6 Request City Council to Receive and File the Statement of Income and Expense for January 2019 related to the Construction Loan Agreement with Ayala@210LLC for On-Site Improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.

E.7 Request City Council City Council authorize the Mayor to execute and transmit the attached letter requesting declassification of the 210 Freeway as a landscaped freeway, from post mile 15.40 to post mile 15.68.

E.8 Request City Council to Approve the Purchase Order of 15 Tablets and Keyboards to Verizon Wireless for \$1,149.99 per Tablet and to Zones Inc. for \$118.57 per Keyboard, to Support the City Council Members and Department Heads for a total not-to-exceed amount of \$20,752.48.

## **CONSENT CALENDAR**

- E.9 Request City Council to Approve an Increase to the Annual Purchase Order with Bio-Tox Laboratories for Fiscal Year 2018/19 for Toxicology Services Through June 2019 for a total cost of \$35,000.
- E.10 Request City Council to Approve an Increase of \$15,000 to the Annual Purchase Order with Paul Wing Investigations for Background Investigation Services through June 2019.
- E.11 Request City Council to Authorize a Second Amendment to the Professional Services Agreement with Willdan Engineering for “On-Call” Public Works Construction Management and Inspection Services, Extending the Term through July 31, 2019.
- E.12 Request City Council to Approve a First Amendment of the Cooperative Agreement with San Bernardino County Transportation Authority for an Extension of Time on the San Bernardino Valley Coordinated Traffic Signal System Operation and Maintenance.
- E.13 Request City Council to Increase the Maximum Purchase Authorization with MIG|Hogle-Ireland for Planning Services to \$340,000 to reflect a Prior City Council Action (no additional funding requested with this action).

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### **E.7**

Council Member Trujillo stated he just wanted to make sure they had the ability for local marketing and events.

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Robb Steel, Development Services Director stated when they come back with the property lease, they can include the PSA requirements.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to approve the Consent Calendar. Council Member Carrizales abstained from E.3, E.4 E.5 and E.6 due to a conflict of Interest with his business at the Renaissance

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Mayor Pro Tem Scott left the dais at 6:52 p.m.

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### **TAB 1 – Annual Pavement Maintenance Project**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Annual Pavement Maintenance Project and Construction Management and Inspection Services for the Project.

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**TAB 1 – Annual Pavement Maintenance Project**

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to (1) Award a Construction Contract to Pavement Coatings Co. in the amount of \$1,442,959.50 for the Annual Pavement Maintenance Project; City Project No. 180805 and (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$98,058 for Construction Management and Inspection Services for the Project.

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Mayor Pro Tem Scott returned to the dais at 6:57 pm.

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**TAB 2 – “On-Call” Public Works Construction Management and Inspection Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding “On-Call” Public Works Construction Management and Inspection Services on a month-to-month basis.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to Authorize a Second Amendment to the Professional Services Agreement with Wallace and Associates for “On-Call” Public Works Construction Management and Inspection Services on a “Month-to-Month” Basis through June 30, 2019, and Authorize Issuance of a Purchase Order Increase in the Amount of \$194,000 for “On-Call” Public Works Construction Management and Inspection Services.

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**TAB 3 - Construction of the Cedar Sidewalk Improvements**

Azzam Jabsheh, Public Works Dept. presented the staff report regarding Construction of the Cedar Sidewalk Improvements and PSA for Construction Management, Inspection and Materials Testing.

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Mayor Pro Tem Scott stated that one of the engineering consultants was one of the evaluators. What company does he work for?

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Mr. Eisenbeisz stated Lockwood Engineering.

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Mayor Robertson stated that she didn’t see where they put the 10% contingency.

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Mr. Eisenbeisz stated the only complexity is the crossing at the Metrolink and having to coordinate with Southern California Regional Rail Authority.

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Mayor Robertson stated she thought they had coordination with SBCTA and Metrolink on this.

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**TAB 3 - Construction of the Cedar Sidewalk Improvements**

Robert Eisenbeisz, Public Works Director stated yes, there has been but once they start to excavate in their area and determine what is underground.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to approve to (1) Award a Construction Contract to BWW & Company Inc. in the Amount of \$251,614.58 for Construction of the Cedar Sidewalk Improvements; (2) Execute a Professional Services Agreement with Willdan Engineering in the amount of \$44,897.83 for Construction Management, Inspection and Materials Testing for the Cedar Avenue Sidewalk Improvements Project, City Project No. 130808.

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**TAB 4 – Transfer of Public Funds to DHCS and accept Supplemental Payments for Medi-Cal Services**

Brian Parks, Interim Fire Chief presented the staff report regarding an Agreement with the California State Department of Health Care Services (DHCS) authorizing transfer of Public Funds and Accept Supplemental Payments for Medi-Cal Services.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Approve and Authorize the Mayor to execute 1) An Agreement with the California State Department of Health Care Services (DHCS) authorizing transfer of Public Funds up to \$1,136,394 to DHCS and Accept Supplemental Payments for Medi-Cal Services of up to \$1,886,008; 2) Health Plan-Provider Agreements with participating Medi-Cal Managed Care Plan Provider(s); 3) An Agreement Authorizing the Payment of a 20% Administrative fee to DHCS; and 4) Adopt Budget Resolution No. 7480.

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**TAB 5 - Professional Services Agreement with LDM Associates to manage the Housing Repair Program**

Robb Steel, Development Services Director presented the staff report regarding a Professional Services Agreement with LDM Associates to manage the Housing Repair Program.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to Approve a Professional Services Agreement with LDM Associates to manage the Housing Repair Program for a maximum of \$75,000 annually for a Term of One Year with 2 Optional One-Year Extensions based Upon Performance, and Adopt Budget Resolution No. 7481 to appropriate \$25,000 for consultant services.

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**TAB 6 - Emergency Slope Repairs at the Rialto Waste Water Treatment Plant**

Sean Grayson, Interim City Administrator presented the staff report regarding Emergency Slope Repairs at the Rialto Waste Water Treatment Plant.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to Approve Rialto Utility Authority Budget Resolution RUA No. 05-19 and Resolution No. 7482 Confirming the Finding of an Emergency Pursuant to the Public Contracts Code, Ratify Issuance of a Purchase Order to Match Corporation in the Amount of \$49,000 for Emergency Slope Repairs at the Rialto Waste Water Treatment Plant and Find that the Emergency Has Terminated Due to the Completion of the Repairs.

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**TAB 7 - Construction of the Alder Avenue and Randall Avenue Street Improvements Projects**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Construction of the Alder Avenue and Randall Avenue Street Improvements Projects.

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Mayor Pro Tem Scott asked if this project includes the undergrounding of utilities.

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Mr. Eisenbeisz stated that the project includes relocating but not undergrounding. There are some development that actually undergrounding on Alder Ave. He knows the question was raised about the undergrounding for the park and that something they will look at to see if they can work with Edison without delaying the project to accomplish undergrounding in front of the park.

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Mayor Pro Tem Scott asked if it's supposed to be undergrounded in front of the park.

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Mr. Eisenbeisz stated that he will have to check to see if that is applicable and knows the general preference is to underground for new development.

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Mayor Pro Tem Scott asked if it was in the original plan for undergrounding?

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Mr. Eisenbeisz stated the original plan was relocation for widening the roadway. It's under the franchise agreement so there really is no cost to the City.

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**TAB 7 - Construction of the Alder Avenue and Randall Avenue Street Improvements Projects**

Mayor Pro Tem Scott asked how much money was spent on Sampson Park?

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Mr. Eisenbeisz stated just over \$5 million.

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Mayor Pro Tem Scott asked if that was a private project would they have required the developer to underground the utilities.

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Mr. Eisenbeisz stated most likely.

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Mayor Pro Tem Scott asked so why wouldn't the City of Rialto underground utilities when they expect every private project to underground.

If he is correct the utilities will be behind the curb face and they will have to dig all that up to underground.

Why does the city have a separate standard than the developers?

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Mayor Robertson stated that was going to be her question as well. The other side of it is they are not even providing their citizens the best end product. She hopes they go back to Edison and find out what it will take to remove the poles and then set them back behind the sidewalk. Either way they have to make something happen.

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Mayor Pro Tem Scott stated they are also impacting the residents across the street because most of the service is from the North side of the street.

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Council Member Baca Jr. asked if there was funding for the undergrounding?

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Mayor Robertson stated that they will need to look at that, because she believes those funds were already expended on another project.

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Mr. Eisenbeisz stated that there wouldn't be a possibility under Rule 20 Project and the short term. With the savings that this project has, there is likely sufficient funds to do the undergrounding. They just want to make sure they are doing it without delaying the project for the widening.

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**TAB 7 - Construction of the Alder Avenue and Randall Avenue Street Improvements Projects**

Council Member Baca Jr. asked how much of the money is grant funded and are there timelines?

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Mr. Eisenbeisz stated that the grant has timelines for the construction. It's about \$2 million they received in the grant. They need to start construction next month and need to be completed within a year.

He thinks they can initiate the undergrounding with So Cal Edison and work that parallel with the project for the widening. There temporarily needs to be overhead until it can be accomplished to allow the final street improvements to occur.

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Mayor Robertson asked to have a status report by the next City Council meeting, estimating the cost, timelines and impacts to residents.

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Council Member Baca Jr. stated aesthetically that he doesn't like the undergrounding not being there but at the same time he doesn't want to lose the \$2 million. He is pleased that the lowest responsive bidder is a San Bernardino County business.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to approve (1) Award a Construction Contract to J.M. Olvera Engineering, Inc. in the Amount of \$4,721,521.74 for Construction of the Alder Avenue and Randall Avenue Street Improvements Projects; (2) Approve the First Amendment to the Professional Services Agreement with Dokken Engineering in the Additional Amount \$197,990.00 for Related Construction, Right-of-Way, and Environmental Support Services.

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**REPORTS**

Mayor and City Council gave their reports.

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**ADJOURNMENT**

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 8:07 p.m.

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE