

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

**MINUTES  
February 26, 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, February 26, 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 5:00 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. John Tefft v. City of Rialto, et al. (San Bernardino Superior Court, case No. CIVDS 1813893)
  - b. Tyrone Green v City of Rialto WCAB SAC0000178738
  - c. Mark A. Camacho v. City of Rialto, et al. (San Bernardino Superior Court, case No. CIVDS 1600332)

## **CLOSED SESSION**

2. CONFERENCE WITH LEGAL COUNSEL - THREAT OF LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of section 54956.9. Number of cases: One Case.

3. 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 Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by 3-0 vote to go into Closed Session at 5:02 p.m. Council Member Carrizales and Council Member Trujillo were absent.

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Council Member Carrizales arrived in Closed Session at 5:03 p.m.

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Council Member Trujillo arrived at 5:06 p.m.

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City Council returned from Closed Session at 6:10 p.m.

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## **CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:14 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 Andy Carrizales led the pledge of allegiance.

Pastor Jose Vindel – United Methodist 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. John Tefft v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.

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

- b. Tyrone Green v. City of Rialto. This item was not discussed.
- c. Mark A. Camacho v. City of Rialto. City Council received an update and no further reportable action was taken.
- 2. CONFERENCE WITH LEGAL COUNSEL - THREAT OF LITIGATION. City Council held a discussion and no further reportable action was taken.
- 3. Conference with Labor Negotiator. City Council received an update to the status of those discussions and no further reportable action was taken.

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**PRESENTATIONS AND  
PROCLAMATIONS**

Certificate of Recognition to "King" a Wire Fox Terrier, winner of 143<sup>rd</sup> Westminster Kennel Club Dog Show – Best in Show and to Gabriel and Yvonne Rangel, Handlers- Mayor Robertson.

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Certificates of Recognition - Rialto Youth Soccer All Star Team – Council Member Carrizales and Council Member Rafael Trujillo.

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Certificate of Recognition to Angel Magallanes, San Bernardino County Coalition Against Sexual Exploitation (CASE) Coordinator.

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**ORAL COMMUNICATIONS**

Lupe Camacho, Rialto resident, stated they are getting ready for Census 2020 and the importance of getting a complete count. She also asked about when they will bring back the CIP workshop.

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Anna Jaiswal, Omnitrans, spoke about the Adopt-A-Stop Program.

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Jennifer Shaw, SCE, provided Edison updates.

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Stephanie Lewis, Rialto resident, expressed appreciation of the Joe Sampson Park grand opening. She hopes they keep the accessibility at Frisbie Park.

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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. 30 (02/07/2019)

B.2 Warrant Resolution No. 31 (02/14/2019)

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## **CONSENT CALENDAR**

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

- C.1 Maria Teresa Zarate -Personal Injury
- C.2 LIT Franzman Ranch, LLC -Property Damage
- C.3 Dorthy, Ann Saenz -Vehicle Damage
- C.4 Ricardo Verano - Vehicle Damage
- C.5 Sylvia E. Martinez- Vehicle Damage

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### **D. MISCELLANEOUS**

- D.1 Request City Council to Approve a Professional Services Agreement with NBS to Update the Development Services User Fees in the amount of \$30,000.
- D.2 Request City Council to Approve a Service Agreement with Optum Health Care Solutions, LLC, to Provide Access to the Fitness Passport Program for Members and Visitors of the Fitness and Aquatics Center.
- D.3 Request City Council to (1) Accept the Frisbie Park Field Lights, City Project No. CB1803; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to F.E.C. Electric, Inc.
- D.4 Request City Council to Authorize the Release of Request for Bid No. 19-033 for the CDBG Curb, Gutter, and Sidewalk Improvement Project, City Project No. CB1805.
- D.5 Request City Council to (1) Accept the Rialto Community Center ADA Path of Travel, City Project No. 150305; (2) Approve Contract Change Order No.'s 1, 2, 3, and quantity increase to ABNY Engineering, Inc., in the amount of \$5,364.56; (3) Authorize Filing of the Notice of Completion; and (4) Authorize Release of Retention to ABNY General Engineering, Inc.
- D.6 Request City Council to (1) Accept the Joe Sampson Park, City Project No. 150303; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to KASA Construction.
- D.7 Request City Council to (1) Accept the Site Improvements for Concessions and Restroom Facilities at Andreson Park and Frisbie Park, City Project No. 160302; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Fleming Environmental, Inc.
- D.8 Request City Council to Authorize an Amendment to the Professional Services Agreement with Vincent McCoy in the Amount of \$4,800 for Grant Writing Services for Submission of an Application for a U.S. Department of Transportation Nationally Significant Freight and Highway Projects (INFRA) Grant for the I-10/Riverside Avenue Interchange and Riverside Avenue Corridor Project.

## **CONSENT CALENDAR**

- D.9 Request City Council to approve ORDINANCE NO. 1613, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING ZONE CHANGE NO. 2017-0004 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.75 ACRES OF LAND (PORTIONS OF APNS: 0131-111-05,-07,-75, &-76) LOCATED east of sycamore avenue approximately 630 feet north of RANDALL AVENUE from single-family residential (R-1C) to MULTI-FAMILY RESIDENTIAL (R-3).
- D.10 Request City Council to approve ORDINANCE NO. 1614, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO AMENDING PROVISIONS OF THE CITY'S PURCHASING ORDINANCE AT CHAPTER 2.48 OF THE RIALTO MUNICIPAL CODE

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### **ITEM D.8**

City Treasurer Carrillo expressed his concern that they contracted with Mr. McCoy and he has not obtained his business license or presented his insurance requirement. It was stated to him that work would be done by Ms. Luvina Beckley through the contract with Mr. McCoy. The City made the decision to not do business with Ms. Beckley because she is barred from handling grants.

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Robb Steel, Assistant City Administrator stated that there are contracts for the first two grants leading up to the \$15,000. They were prepared under the \$15,000 limit that Department Directors have. It came to City Council when it crossed the \$15,000 threshold.

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City Treasurer Carrillo stated his concern is that he has not complied with the business license or insurance requirements of those contracts.

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Mr. Steel stated he doesn't recall if he provided a business license at the time. He believes he has the certificates of insurance.

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City Attorney Galante stated one of the requirements he has created is a form attachment B to the Amendment that certifies that the consultant under penalty of perjury, certifies accept as noted below "that he or she or any person associated therewith in the capacity of owner, partner, director, or officer and manager" and it explains they are not currently debarred. That form was signed. There is that representation being made as an attachment to the contract.

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Mayor Robertson recommended they pull the item and do some further review of the concerns.

## **CONSENT CALENDAR**

### **ITEM D.8**

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Robert Eisenbeisz, Public Works Director stated those attachments are part of the amendment to the agreement. Which includes the discloser form. For this current amendment they would require the proper business license and insurance to be current in order to proceed.

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Mayor Robertson asked in issuing this contract, they haven't received a current business license from Mr. McCoy?

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Mr. Eisenbeisz stated that there might be an adjustment to that. He would need to work with Business Licensing in terms when they amend the contract does it add a new requirement for an additional business license fees. They would make sure it gets paid prior to initiating the work.

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Mayor Robertson recommended they pull the item until they get it sorted out.

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Motion by Mayor Robertson, second by Mayor Pro Tem Scott and carried by a 5-0 vote to Pull Item D.8.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to approve the Consent Calendar.

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### **TAB 1 – Placement of Liens for Delinquent Refuse Accounts - Third Quarter**

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

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

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

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to approve Placement of Liens for Delinquent Refuse Collection Accounts for the Third Quarter of 2018; and Adopt Resolution No. 7473 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Auditor Controller-Recorder.

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Mayor Pro Tem Scott abstained from TAB 2, due to the proximity to property he owns. He left the dais at 7:09 p.m.

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**TAB 2 – Review Site Selection Process -  
proposed Transitional Housing Project**

Robb Steel, Development Services Director presented the staff report regarding Review and Provide Direction regarding the Site Selection Process for a proposed transitional housing project with the Time for Change Foundation.

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**ORAL COMMUNICATIONS**

Lupe Camacho, Rialto resident, provided an analysis spreadsheet she created from the data she collected from the Council Meeting in September and the Workshop in November.

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Scott Beard, Business Owner, commended City Council and Staff for the new Joe Sampson Park.

He concurs that there are better places for a transitional housing project than in the downtown core business area. Those properties that were acquired by the City were acquired for future expansion of city services and should be retained for those future plans. He stated if they are going to spend city funds they should have a competitive bidding process, as they do for any low income housing. He feels Site K, across from Behavioral Health building, will be an ideal location. He hopes they keep the downtown business owners concerns in mind.

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Council Member Baca Jr. asked if one of the sites was approved for Time for Change what is the obligation of the City.

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Mr. Steel stated they would conduct due diligence on that site as they did on the Olive site. Prepare some concept drawings, host community meeting. There would be some expense for reimbursement. After that they would move to the larger agreements that involve a greater expenditure, such as land acquisition and construction financing.

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Council Member Baca Jr. asked what a project of this magnitude cost. Are they looking for the city to fully fund this project?

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Mr. Steel, stated no, typically the City's role in these is assistance with the land acquisition and the site. They haven't gone far in the deal structuring. Typically they buy the land and donate the land. Time for Change will arrange funding for the construction. The 20 unit project they looked at earlier, was a \$10 million project. All the funding was secured through grants and other loans.

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**TAB 2 – Review Site Selection Process - proposed Transitional Housing Project**

Council Member Baca Jr. stated in previous projects they didn't ask the City for any funding?

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Robb Steel, Development Services Director stated the only thing they had on the table was the \$500,000 and at this point it was not defined as to where it was going to be allocated.

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Council Member Baca Jr. asked if the \$500,000 was from the low-mod?

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Mr. Steel stated yes, it would be old RDA housing bond residuals.

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Council Member Baca Jr. asked how much was left.

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Mr. Steel stated they had \$500,000 that was unencumbered. They have \$4.4 million committed to the Bonneview site right now.

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Council Member Baca Jr. asked about the Willow site.

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Mr. Steel stated Willow/Jackson they are proposing to help fund with NSP program income.

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Council Member Baca Jr. stated that he would supports a potential project like this and have an RFP. He agrees with comments made, and not just from tonight, to not do it downtown. They do need to consider at some point in time with the properties near city hall, is either a new city hall or police station.

He suggests putting it out for an RFP or choosing the most appropriate Site K.

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Council Member Carrizales stated that he concurs with Council Member Baca Jr. and would like to see it go out for RFP. He would of like to see other options in their preference in a site and not just picking one. Along with site K, his other choice would be Site G and Site F. He does want to see a project like this come to Rialto. He feels Time for Change does phenomenal job. He wants to make sure they are in the right location.

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Council Member Trujillo stated that he was looking at Site K a potential location. He was also looking at Site F and Site G. He would like to see an RFP. His initial concern was providing enough services. He did take a tour of the Time for Change facility.



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**TAB 2 – Review Site Selection Process - proposed Transitional Housing Project**

Mayor Robertson stated that this process has been going on for a bit. Now they are talking about an RFP. On the last two where they designated affordable housing, developers participating and planning on bringing their projects forward, did they put those out to RFP?

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Mr. Steel stated that they did a Request for Qualifications for the Bonnieview Project. They selected National Core and the partnership they put together. KDF was before that and TELACU, there were no request for qualifications or proposals. They helped find a site and then negotiated. They have done it different ways. There is no one specific way. Typically you would use an RFP if they had a site specific they want developed. If they are looking to find a site, they do a Request for Qualification. They would then enter into agreement with someone qualified to do the product they want and then look for a site.

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Mayor Robertson asked if they did any RFQ with Willow and Jackson.

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Mr. Steel stated no, because LaBarge Industries is the investor at Park Place. It seemed logical to incorporate it within that project.

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Mayor Robertson asked for Ms. Perez opinion on Site K.

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Vanessa Perez, Time for Change, stated after looking at all the sites, she would have to say no to Site K. these are women and children looking to live safe and decent just as much as every other community member. Those locations are not viable to the plans they have. They are seeking to do permanent affordable housing and transitional housing. This will help those community members get back on their feet and transition to being self-sufficient. They have a very structured program and have helped over 1200 women and children become self-sufficient to date. The comments she is hearing is that people don't want to see a project this in their own backyard. She has heard comments from other community members that the site at Linden and Foothill is not safe. She doesn't want to put the families, who are single working mothers and their children, in an area where current community members don't feel safe. They don't want to settle for less.

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Chris Preiksaitis, Downtown resident, stated Foothill is a goldmine for commerce and a historic street. He sees Foothill as a transit street which can have some exciting businesses. Bringing transitional housing to Foothill wouldn't bring the City revenue. He agrees that Foothill is not safe. He feels Foothill should be reserved for something more grandiose.

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**TAB 2 – Review Site Selection Process - proposed Transitional Housing Project**

Ray Farmer, 55 year Rialto resident, commends the project they are considering. He does have a problem with the location. He feels it's not large enough and it will take up valuable land that was to be used to expand city facilities. Downtown is a place they are looking to revitalize and there are opportunities there with the Metrolink Station expanded city facilities and professional buildings in the future. He disagrees with the Foothill comments. They have already built a senior housing facility on Foothill. He supports going out to bid. He is troubled by the inconsistency. It would be wise for city council, when they look at these projects to take the time to go out to bid.

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TAB 2 Fails due to lack of Action.

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Mayor Robertson stated that the position and location that was originally selected was not a site that everyone felt was appropriate on Olive. She believes the organization ended up being directed over to the site directly across the street. She finds it fascinating that part of the reason they ended up being directed and then the Beautification Commission spent the time and energy to provide as many sites, only for them to come back to this site. It seems ingenious on the City's part to say that is a site to consider. They heard the comments, and doesn't believe that Time for Change will want to move into a community that doesn't seem to affirmatively want to have the project. She is in support of the project and still in support of Time for Change helping women who need a second chance.

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Mayor Pro Tem Scott returned to the dais at 7:57pm.

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Mayor Robertson left the dais at 7:58pm.

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**TAB 3 – Carry Forward Budget – Successor Agency**

Jessica Brown, Finance Director presented the staff report regarding the 17-18 carry forward budget for the Successor Agency and the Rialto Housing Authority.

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Motion by Council Member Baca Jr., second by Council Ember Trujillo and carried by a 4-0 vote to Adopt Budget Resolution No. 7474, and RHA Resolution No. 001-19, to Amend the 2018-19 Budget for the 2017-18 Carry Forward Budget for the City, Successor Agency, and the Rialto Housing Authority. Mayor Robertson was absent.

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Mayor Robertson returned to the dais at 8:01 pm.

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**TAB 4 – One Year Extension of Agreement for Ambulance Billing Services**

Brian Parks, Interim Fire Chief presented the staff report regarding one (1) year Bridge Agreement with Wittman Enterprises LLC for Ambulance Billing and Related Professional Services.

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Motion by Council Member Baca Jr, second by Council member Carrizales and carried by a 5-0 vote to Approve an extension to the one (1) year Bridge Agreement with Wittman Enterprises LLC for Ambulance Billing and Related Professional Services to June 30, 2019 and Approve Budget Resolution No. 7475 increasing ambulance contract services by \$80,000.

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**TAB 5 – Purchase of two Passenger Vans**

Perry Brents, Community Services Director presented the staff report regarding the purchase of two passenger vans.

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Mayor Pro Tem Scott stated that he sees a lot of vans that do advertising. Is there some opportunity for the City to do some advertising to make a little extra revenue? At least advertise events in the City.

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Mr. Brents stated yes, advertise City events. He is not sure City ordinance will allow them monetize it.

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City Attorney Galante stated that he can look into the Ordinances to see what the City authorizes.

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Mr. Brents stated basically, if they want it, they can make it happen. There are also vehicles that have digital displays on top of the vehicles. This is good for advertising as well.

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Council Member Baca Jr. stated that the vans are needed. He looked at the two bids and doesn't know if it matters it's less than \$200 apart between Fairview Ford and Fritts Ford. He does know if it makes a difference to stay in San Bernardino County versus Riverside County.

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Council Member Carrizales stated that he agrees to keep the dollars in San Bernardino County.

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City Attorney Galante stated when looking at the bid, Fritts is the lowest responsive bidder. Is there another way to distinguish the two bidders?

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**TAB 5 – Purchase of two Passenger Vans**

Robert Eisenbeisz, Public Works Director stated that have something in place for a local preference.

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Mayor Robertson stated yes, they did put something in place a while ago. It's a procurement matter and not construction. She doesn't believe there is a problem with them being able to advertise. They collect money from businesses who are advertising in the Rialto Progress Magazine.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Approve a Purchase Order to **Fairview Ford** in the amount of **\$68,533.57**, for two (2) Passenger Vans for the Community Services Department.

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City Attorney Galante stated that the bid documents do reference the Local Preference Ordinance.

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**TAB 6 – Purchase of one Demo Ambulance**

Brian Parks, Interim Fire Chief presented the staff report regarding the the purchase of one Demo Ambulance and the Purchase of Advanced Life Support Equipment and Supplies.

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Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by a 5-0 vote to Approve the Budget Resolution No. 7476 for the purchase of one Demo Ambulance from Braun Northwest, Inc. in the amount of \$164,837.11 and the Purchase of Advanced Life Support Equipment and Supplies for the Demo Ambulance in the Amount not to Exceed \$95,000.

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**TAB 7 – Urgency Ordinance - Moratorium on Any Construction Alternations**

City Attorney Galante presented the staff report regarding a proposed Urgency Ordinance establishing a temporary moratorium on any construction, alterations or improvements.

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Mayor Pro Tem Scott stated that he wanted to make sure that if a resident wanted to build a wall, they would still be allowed to build it at 15 foot versus the 12 foot as the ordinance currently states?

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City Attorney Galante stated that was correct, this ordinance only puts on hold that reduction in the setback.

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**TAB 7 – Urgency Ordinance - Moratorium  
on Any Construction Alternations**

Mayor Pro Tem Scott stated he is not opposed to allowing new residential to build on the 12 foot as long as it matches setbacks and easements.

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Robert Eisenbeisz, Public Works Director stated the current setback is 12 feet but the older properties were at 15 feet. It includes road easements but Planning sometimes have landscape easements that could come into play. He is just talking residential local streets.

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City Attorney Galante stated that he knows Edison will put in some improvements.

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Mr. Eisenbeisz stated they would need to be in the road easement unless they had their own acquired specific easement.

The current standard road easement in a residential area is 12 feet behind the curbs. A 60 foot right-of-way then with a curb at 18 ft. which leaves 12 feet behind the curb. They have older standard street sewer built that have 15 feet.

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Mayor Robertson stated she thinks that is the purpose of the moratorium so they can make sure they prepare in 45 days the correct Ordinance and be clear on all the things they mentioned.

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City Attorney Galante read the title of the Ordinance:

**ORDINANCE NO. 1615**

**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**

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Motion by Mayor Pro tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to adopt Urgency Ordinance No. 1615.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Trujillo, and Council Member Carrizales. NOES: none. ABSTAIN: none. ABSENT: none.

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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 Carrizales and carried by a 5-0 vote to adjourn the City Council Meeting at 8:45 p.m. in memory of:

**Gloria Jean Noble Smith**

Relative of Mayor Robertson

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE