of the CITY OF RIALTO CITY COUNCIL

City of Rialto, acting as Successor Agency to the Redevelopment Agency

MINUTES May 28, 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, May 28, 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 5:02 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., and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Rafael Trujillo and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

- 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) on the following case:
- 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. Equilon Enterprises, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1602980
- c. Phillips 66 Company v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1516839
- d. SFPP, L.P. v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603260
- e. Tesoro Logistics Operations, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603163

CLOSED SESSION

- 2. PUBLIC EMPLOYEE APPOINTMENT(pursuant to Government Code Section 54957) Title: City Administrator
- PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957 Title: Interim City Administrator
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Attorney

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Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by 4-0 vote to go into Closed Session at 5:05 p.m. Council Member Trujillo was absent.

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Council Member Trujillo arrived in Closed Session at 5:07 p.m.

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City Council returned from Closed Session at 6:05 p.m.

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Mayor Deborah Robertson called the meeting to order at 6:10 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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Council Member Joe Baca Jr. led the pledge of allegiance.

Pastor Harry Bratton – Greater Faith Grace Bible Church gave the Invocation.

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City Attorney Fred Galante stated that City Council met in Closed Session and discussed the items listed on the Agenda.

- 1.a Jayd Schroeder v. County of San Bernardino. City Council received an update from Attorney Christensen, provided direction and no further reportable action was taken.
- 1.b-e Equilon Enterprises, LLC, Phillips 66 Company, SFPP, L.P., Tesoro Logistics Operations V. City of Rialto were discussed collectively. City Council received an update, provided direction and no further reportable action was taken.

CALL TO ORDER

Pledge of Allegiance and Invocation

City Attorney's Report on Closed Session

City Attorney's Report on Closed Session

- 2. Public Employee Appointment: City Administrator. City Council was provided an update and no further reportable action was taken.
- 3. Public Employee Performance Evaluation: Interim City Administrator. City Council held a discussion, provided direction and no further reportable action was taken.
- Public Employee Performance Evaluation: City Attorney. City Council held a discussion, provided direction and no further reportable action was taken.

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PRESENTATIONS AND PROCLAMATIONS

Presentation - Congressional Art Competition Winner Joel Martinez
 Council Member Rafael Trujillo

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ORAL COMMUNICATIONS

Lupe Camacho, Rialto resident, stated in regards to last meeting comments she promised Mr. Matich she will review the numbers and she will report at the next Council Meeting.

She expressed concerns regarding a slurry flyer she received in her mailbox and she shared photos of her street. She had concerns with the money spent.

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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. 44 (05/16/2019)
- B.2 Warrant Resolution No. 45 (05/23/2019)

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C. CLAIMS AGAINST THE CITY

- C.1 Jennique Venable vehicle damage
- C.2 Grace Reyes personal injury
- C.3 Virginia Magana personal injury
- C.4 Saro Hatzakortzian vehicle damage

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D. APPROVAL OF MINUTES

- D.1 Regular City Council Meeting January 8, 2019
- D.2 Regular City Council Meeting January 22, 2019
- D.3 Special City Council Meeting January 29, 2019

CONSENT CALENDAR

E. SET PUBLIC HEARING

- E.1 Request City Council to Set a Public Hearing for June 11, 2019 to consider General Plan Amendment No. 2018-0001, which is a request to change the general plan land use designation of approximately 16.55 gross acres of land from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay, Specific Plan Amendment No. 2019-0002, which is a request to change the boundary of the Rialto Airport Specific Plan to include approximately 16.55 gross acres of land and to change the prezoning designation of said 16.55 gross acres of land from Single-Family Residential (R-1A) to Planned Industrial Development (I-PID) within the Rialto Airport Specific Plan. This project includes a Mitigated Negative Declaration (Environmental Assessment Review No. 2018-0081) for consideration in conjunction with the project.
- E.2 Request City Council to Set a Public Hearing for June 11, 2019 to Receive Public Comment Related to the Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts.

F. MISCELLANEOUS

- F.1 Request City Council to Receive and File the 2018 Consumer Confidence Drinking Water Report.
- F.2 Request City Council to Approve an Increase to the Annual Purchase Order No. 2019-0380 with Galls, LLC for Fiscal Year 2018/19, in the Amount of \$11,000 for Uniforms and Safety Equipment Through June 2019 for a total Purchase Order Amount of \$26,000.
- F.3 Request City Council to Adopt Resolution No. 7514 Accepting Workers' Compensation Coverage for Off-Duty, Out-of-State Peace Officer Injuries Pursuant to Assembly Bill No. 1749.
- F.4 Request City Council to Receive and File the March 2019 Treasurer's Report.
- F.5 Request City Council to adopt on Second Reading of Ordinance 1617, Entitled "An Ordinance of the City Council of the City of Rialto, California, Adding Chapter 11.20 of the Rialto Municipal Code Relating to Wireless Telecommunications Facilities within the Right-Of-Way.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve the Consent Calendar.

TAB 1 - Placement of Liens for Delinquent Refuse Collection Accounts for the Fourth Quarter of 2018

Amy Crow, Public Works Dept. presented the staff report regarding the Placement of Liens for Delinquent Refuse Collection Accounts for the Fourth Quarter of 2018.

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

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to close the public hearing.

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Mayor Robertson questioned the address listed number 19. She knows the address was an opt-out. Why would it be on a fourth quarter lien list?

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Ms. Crow stated that if they opted out of the tax roll billing then that means they get quarterly bills in the mail they have to pay. If they are not paying the bills then they are going to lien. They can check on the address.

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Mayor Robertson stated she thinks they should check, then she will need to abstain because she is not going to vote to put herself in a lien. It's not her primary residence but to check on it.

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Mayor Pro Tem Scott asked on the commercial side those are not on the tax rolls.

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Ms. Crow stated no, they get billed monthly.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote, Mayor Robertson abstained, to approve the Placement of Liens for Delinquent Refuse Collection Accounts for the Fourth Quarter of 2018; and Adopt Resolution No. 7515 Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Auditor Controller-Recorder.

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TAB 2 – Urgency Ordinance - Temporary Moratorium to prohibit truck traffic on Ayala Dr.

Robb Steel, Development Services Director presented the staff report regarding an Urgency Ordinance establishing a temporary moratorium to prohibit truck traffic on Ayala Dr.

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Mayor Robertson declared the public hearing open.

TAB 2 – Urgency Ordinance - Temporary Moratorium to prohibit truck traffic on Ayala Dr.

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

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Mayor Pro Tem Scott asked how much longer the trucks will be coming from the Cactus Basin and tearing up the streets.

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Robert Eisenbeisz, Public Works Director stated that the current operation is approximately another month. But there is also the contract for the basin 4 improvements. He can get an estimate on that. On the permit side they can require a bond for any repairs for damage. They have not come in for that permit yet, right now they have been doing all their construction work onsite. As they get to the removal stage they will need that haul permit.

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Mayor Pro Tem Scott stated regarding the signs they put up there, is the size dictated by State law?

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Mr. Eisenbeisz stated that the State has minimum size signs, and they can always go larger. They are a little bigger than the minimum now.

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Mayor Pro Tem Scott stated that they are small. They need signs that people can read.

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Council Member Trujillo stated that he has seen some trucks but is there outreach being done for local businesses so they can be educated with the moratorium who need commercial trucks.

Mr. Steel stated no, they haven't done any outreach. Second, there will be some trucks because they have not prohibited local deliveries. Trucks servicing Renaissance Marketplace are still permitted.

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City Attorney Galante read the title of the Ordinance:

Interim Urgency Ordinance No. 1618

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM TO PROHIBIT TRUCK TRAFFIC ON AYALA DRIVE BETWEEN THE I-210 FREEWAY AND BASELINE ROAD WITHIN THE RENAISSANCE SPECIFIC PLAN OF THE CITY OF RIALTO

TAB 2 – Urgency Ordinance - Temporary Moratorium to prohibit truck traffic on Ayala Dr.

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Extend Interim Urgency Ordinance No. 1608 from June 8, 2019 to June 7, 2020 by adopting Interim Urgency Ordinance No. 1618.

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

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TAB 3 – Employment Agreement with Rod Foster for City Administrator

City Attorney Galante presented the staff report regarding an Employment Agreement with Rod Foster for City Administrator.

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Mr. Rod Foster introduced himself and looks forward to working with Rialto.

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Mayor and City Council welcomed Mr. Foster to the City of Rialto.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 to approve an Employment Agreement between the City of Rialto and Rod Foster for City Administrator Position.

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TAB 4 - Workshop to Review the Proposed Five-Year 2020-2024 Capital Improvement Program (CIP)

Robert Eisenbeisz, Public Works Director presented the Draft Five-Year 2020-2024 Capital Improvement Program (CIP).

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ORAL COMMUNICATIONS

Lupe Camacho, Rialto resident stated that the Budget Advisory Committee advised last year to revamp the CIP and not just adding and adding. She asked if there will be additional workshops to address questions and issues.

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Mayor Pro Tem Scott asked when this document was delivered to City Council.

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Mr. Eisenbeisz stated they were delivered Friday the week before last.

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Mayor Pro Tem Scott stated that it's a good document but it would have been nice if someone told them the document was there. He picked up the document today and it was buried on his desk. Generally, for documents like this they are called or it gets delivered to their homes. It appears staff doesn't want them to be ready to ask questions. He appreciates the book and will spend time looking at the book and looks forward to discussing it at the next meeting.

Mayor Pro Tem Scott stated that the slideshow document he has in his hands doesn't match with the document on Legistar. Why do they have documents out in the public that do not match.

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Mr. Eisenbeisz apologized and that it was a last minute correction they made.

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Mayor Pro Tem Scott asked why Baca-Turch Park \$4,086,000 shows as a proposed project. Who is proposing it?

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Mr. Eisenbeisz stated that it was proposed back when there was effort to get started so they didn't get caught by surprise with the development. They went out with an RFP to solicit design and they just did not go forward. They received feedback from City Council that the project needs to wait.

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Mayor Pro Tem Scott stated then it should be on a page that says projects on hold and not a proposed project. What is the \$4,086,000 for? Is that money spent or proposed to be spent.

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Mr. Eisenbeisz stated that is what was previously appropriated. There was money spent to buy the land, about \$2.4 million.

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Mayor Pro Tem Scott asked if that is included in the \$4 million?

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Mr. Eisenbeisz stated the remainder is whatever the difference is there.

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Mayor Pro Tem Scott stated at the last EDC they spoke of \$1.3 million that is still sitting to be used for capital improvements on Foothill as a result of the Caltrans acquisition. Is that in the document?

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Mr. Eisenbeisz stated that it's shown in a few places in the book but not in the spreadsheet. The spreadsheet doesn't include every single project. Foothill Blvd. is neither new or proposed, its continuing funds budgeted in prior years.

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Mayor Pro Tem Scott stated once again that is dollars that is out in Neverland and City Council was shown. It's an actual project to be used for curb, gutter, sidewalks correct?

Mr. Eisenbeisz stated they are recommending to widen along with curb, gutter, sidewalks to finish the edges would be the appropriate use of those funds.

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Mayor Pro Tem Scott stated ok, that's a proposed project that is not in the document.

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Mr. Eisenbeisz stated that it should have been presented as a proposed revised project.

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Mayor Pro Tem Scott stated that he also mentioned the community garden center across from City Hall that City Council approved.

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Mr. Eisenbeisz stated no, he was saying they received a request to include that.

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Mayor Pro Tem Scott stated projects should be vetted through City Council before they show up on a report. As part of that waste management fund, he believes that amount of was over \$1 million, where is the rest of that money.

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Mr. Eisenbeisz stated that was returned to the waste management fund and they talked about programs for addressing illegal dumping, crating free dump days for residents. Working with Burrtec to reprogram that into a use that would be more in line with what City Council was suggesting in terms of the dumping problems.

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Mayor Pro Tem Scott stated that when he looked at the report months ago it showed a community garden on Riverside Ave. at \$1.3 million. They reprogrammed \$250,000 of that for something across the street.

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Mr. Eisenbeisz stated no, it's a request at this time.

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Mayor Pro Tem Scott stated that they haven't shown what they did with the rest of the money. Theoretically it's still sitting on a project on Riverside Ave.

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Mr. Eisenbeisz stated that if they were to adopt as is, it would go back into the fund it came from because the project is being deleted.

Mayor Pro Tem Scott stated that he hopes they are not going to adopt this tonight.

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Mr. Eisenbeisz stated no, he wanted to mention it because it's the only project being deleted. If a project is deleted then the funds get returned.

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Mayor Pro Tem Scott asked if he got Council direction to do that?

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Mr. Eisenbeisz stated that he feels he got enough feedback.

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Mayor Pro Tem Scott stated that is his point, Mr. Eisenbeisz gets feedback from them on committees and then that becomes the word and the rest of City Council is never told anything. This is not a proper way to do business. He warned him 6 months ago that he was going to start questioning this. Before he votes, he wants the program to match up with the budget. He wants to know where all the funds are.

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Jessica Brown, Finance Director stated that she was able to go through and reconcile all the funds that are being proposed. There are some discrepancies based upon what has been recommended for 19-20 budget. They were understanding with final decision from City Council those would be reconciled. She didn't do some projection for year-end for fund balances for all the funds.

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Mayor Pro Tem Scott asked final decision on what?

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Ms. Brown stated once City Council comes back and decides how they would like to put the various projects programmed.

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Mayor Pro Tem Scott stated he wants to know where the money is. What account it's in and how much is in reserves. He wants to know dollars versus investment versus projects.

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Ms. Brown stated she is tracking and all that will be reconciled with the final project as they come forward from Public Works.

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Mayor Pro Tem Scott asked why is the Foothill project on hold for 10 years.

TAB 4 - Workshop to Review the Proposed **Five-Year 2020-2024 Capital Improvement** of what is the best direction for that project. Program (CIP)

Robert Eisenbeisz, Public Works Director stated that there is uncertainty

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Mayor Pro Tem Scott asked how many other funds do they have that are for projects they may think is now not be the best use for where Capital Improvement money is not being touched.

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Mr. Eisenbeisz stated to the best of his knowledge it's the Foothill Project, the Community Garden at Bethany Church and Baca Turch Park. These are uncertain of moving forward and have existing funds carried over from previous years.

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Mayor Pro Tem Scott asked if this is a receive and file report tonight?

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Mayor Robertson stated they are asking for direction.

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Mayor Pro Tem Scott stated direction to what?

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Council Member Baca Jr. stated which projects to move on with.

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Mayor Pro Tem Scott stated to do that he needs correct documents that match what is on the website.

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ORAL COMMUNICATIONS

Robin Austin, Rialto resident expressed her concerns regarding the CIP.

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Council Member Trujillo asked where in the document is the Cemetery asphalt project.

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Mr. Eisenbeisz stated the asphalt is part of the reoccurring facilities paving. There is a project in there to have funding for annual resurfacing at various city facilities. The two that were earmarked are the Civic Center and Police Dept. parking lot.

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Mayor Robertson stated she is talking about how they have facilities broken down by areas and categories but there is nothing on the street for the cemetery as a category, which is a whole facility.

Council Member Trujillo stated he sees they are working on buildings that are not city property. They are making improvements to one of the day cares. Are they leasing it? Are they improving an asset that is not going to be the city's because it's on school district property.

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Perry Brents, Community Services Director stated that the City owns those buildings but they are on school property. The history he has says the city owns the building at Preston Elementary.

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Council Member Trujillo stated that he seen roof replacements and saw it listed the museum and church.

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Mr. Eisenbeisz stated that is a city facility and the project was recently completed.

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Council Member Baca Jr. stated that he and the Mayor serve on the CDBG committee and there is concern on the length of time on some of the projects. Last month they were supposed to award the new projects for the following year and they haven't started these. So as they pick projects for CDBG money, they need to make sure they continue to move expeditiously.

There are some good things on here and he doesn't want them to think it's all negative.

He asked when will construction begin for the Frisbie Park Expansion?

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Mr. Eisenbeisz stated that the contractor is ready to go. Logistically a few things had to be moved. But they can schedule a groundbreaking.

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Council Member Baca Jr. stated they completed some good things this year.

They received a grant letter today for \$250,000 for the Cactus Trail but its important they have the entire project budgeted. He doesn't want to piece-meal it.

They need to a have a later discussion about the Baca Turch Park, in his opinion they need to hold on that and get some other things moving forward.

He believes it's important they add the cemetery to the facilities pavement project. Because it was cracked they had a resident that fell. He would like to see next year making sure they meet ADA in their parks. He knows they are limited on funds so they need to prioritize.

Another things is County Health coming down hard on the leagues with safety standards running the snack bars. At the older parks he knows the facilities are outdated.

Council Member Baca Jr. stated the roads need a lot of work. They have taken a beating with all the rain.

He concurs that they need to know how much they have in each category.

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Mayor Robertson stated there is a list of unfunded projects and costs from 2011. They need a breakdown of what percentages of the DIF is going into these categories. These numbers need to be better understood.

The cemetery is a special enterprise fund and why it's not listed as a special facility to track. They spent money for a consultant to design an irrigation system and it's not listed in the CIP.

She sees the community garden for \$1.3 million and it was only proposed and not acted on. They still need to decide what to do with the house on that site which may have asbestos. The last conversations they had was to not spend the money on other people's property but bring the garden back to city property. A plan has not been put forward but there was the desire to us the dirt there.

Regarding CDBG, she is concerned they keep moving community dollars from prior year funds.

She is concerned they don't know how much they need to complete the community services improvement project.

She stated it's hard to match the numbers to the projects.

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Mayor Pro Tem Scott asked if the cemetery has an endowment fund and what is that money used for.

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City Treasurer Carrillo stated yes it's for the maintenance and upkeep of the cemetery. It's about \$26,000 and it generates very little income. This is why the General Fund subsidizes the Cemetery.

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Mayor Pro Tem Scott asked if City Treasurer submits a budget for things like the paving.

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City Treasurer Carrillo stated that he never submitted a budget for the cemetery and no one has ever asked him to.

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Mayor Pro Tem Scott stated then maybe the new City Administrator will talk to him about that. The cemetery needs some desperate work and it's their obligation to take care of it. Many don't understand that City Treasurer is in charge of the cemetery.

City Treasurer Carrillo stated if they can at least patch the potholes at the cemetery. The priority for him from the last CIP meeting was the expansion. The remapping of the area that was formerly known as the K-9 training area. The Police Dept. has since vacated over a year ago. He met with Public Works who got proposals for the mapping and then the next question was the funding. He worked with Finance and they identified funding but since then he doesn't know if they re-mapped the area. It's not in any of the reports but it's a priority.

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Mayor Robertson stated that it's listed as the expansion plan adopted in 2012. However the land used by the K-9's was in the last couple of years. The plan from 2012 included that land?

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City Treasurer Carrillo stated the other issue was the encroachment from Bud Bender Park. To cut off the park and rededicate the land now will probably be impossible but the priority is still the mapping.

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Council Member Carrizales asked about the Pepper Ave. repaving and if they connected with Colton and San Bernardino.

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Mr. Eisenbeisz stated right now the project is north of the Colton line from San Bernardino to Rialto Ave. South to the 10 freeway would be between Colton and San Bernardino.

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Council Member Carrizales stated in the past they asked about listing grants and when they are going to expire.

Regarding the replacements of the AC units at the Police station to make sure they can reuse them if they are talking about a new station.

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Mayor Pro Tem Scott asked how old Station 202 is. Do they know why it would be on the CIP unfunded list for future construction of \$5 million?

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Acting Fire Chief Parks stated that it opened in 2015.

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Mayor Pro Tem Scott stated that there are projects that need to come off. There are items from 2011. Should they really be on there? Why does that page exist?

Interim City Administrator Grayson stated list should be represented as projects relative to the current CIP. They are the funding basis for the current development impact fees.

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Mr. Eisenbeisz stated in some cases they may be recovering expenditures that have already been expended through the fees and they have to continue to show them in the Master Plan.

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Interim City Administrator Grayson stated they will revamp the page.

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Mayor Pro Tem Scott stated that he is ok with the projects as they are. He is not favor of g moving forward with new projects, he doesn't know where the money is coming from. Cactus Trail is a perfect example, all of a sudden they are \$2 million short and they want to take it out of the General Fund. He is not in favor of doing that.

He stated the number one priority is police officers on the street. Number two is paving their streets.

He doesn't want it to seem like they are approving projects tonight that they don't have funding for.

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Interim City Administrator Grayson stated that they are not looking for approval tonight but they are looking for direction.

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Mayor Robertson stated she would like to see a document come back with the projects that are currently scheduled. Take away things they are adding in and haven't figured out. They need to stay within the resources they have available.

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Mayor and City Council gave their reports.

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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 9:05 p.m.

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REPORTS

ADJOURNMENT

	MAYOR DEBORAH ROBERTSON
ATTEST:	
CITY CLERK BARBARA A McGFF	