

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

**MINUTES**  
**June 11, 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, June 11, 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 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 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 Real Property Negotiator. The City Council and Successor Agency will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
  1. Subject: Real Estate Lease Renewal  
Property: APN 0130-251-08 (131 South Riverside Avenue)  
Negotiators: Robb R. Steel, Rialto Successor Agency (Lessor)  
Rialto Education Association (Lessee)
  2. Subject: Price and Terms of Real Estate  
Property: APN 0130-271-01,2,3,4,25,26,27,35,36  
(241 South Palm Avenue)  
Negotiators: Robb R. Steel,  
Assistant CA/ Development Services Director  
John Silva, Property Owner

## **CLOSED SESSION**

2. 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) Equilon Enterprises, LLC v. City of Rialto,  
San Bernardino Superior Court, Case No. CIVDS1602980
  - (b) Phillips 66 Company v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1516839
  - (c) SFPP, L.P. v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS1603260
  - (d) Tesoro Logistics Operations, LLC v. City of Rialto  
San Bernardino Superior Court, Case No. CIVDS160316
3. 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 Baca Jr., second by Council Member Trujillo and carried by 4-0 vote to go into Closed Session at 5:03 p.m. Mayor Robertson was absent.

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Mayor Robertson arrived in Closed Session at 5:18 p.m.

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City Council returned from Closed Session at 6:13 p.m.

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## **CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:20 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. City Treasurer Edward Carrillo was absent.

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## **Pledge of Allegiance and Invocation**

Mayor Deborah Robertson led the pledge of allegiance.  
Pastor Joe Vivian – Calvary Chapel Rialto 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 the items listed on the Agenda.

1.2 Conference with Real Property Negotiator concerning the property located at 241 S. Palm Ave., property owner John Silva, with the Mayor being absent for that discussion. City Council held a discussion, provided direction and no further reportable action was taken.

1.1 Conference with Real Property Negotiator concerning the property located at 131 S. Riverside Ave., with negotiating party Rialto Education Association, Mayor entered the Closed Session Room. Mayor Pro Tem Scott abstained and left the Closed Session Room. City Council held a discussion, provided direction and no further reportable action was taken.

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

2. City Council held a discussion on items a-d under the existing litigation matters. City Council received an update and no further reportable action was taken.

3. Public Employee Performance Evaluation: Interim City Administrator. City Council held a discussion, and no further reportable action was taken.

4. 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**

1 Presentation - Rialto Police Citizen's Academy Class 2019-01 – Police Chief Mark Kling

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**ORAL COMMUNICATIONS**

Robin Austin, Rialto resident, expressed concern regarding Mayor Pro Tem Scott have asked how much is in reserves and where it's at and she hasn't heard an answer.

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June Hayes, San Bernardino Valley Municipal Water District, expressed the importance of water.

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**PRESENTATIONS AND  
PROCLAMATIONS**

2 Proclamation – Men's Health Awareness Month – Mayor Deborah Robertson

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**City Council to consider removing or  
continuing any items on the agenda**

Mayor Pro Tem Scott stated that he will need to abstain on item F.2, due to him owning property at 142 S. Riverside Ave. which is within 500 feet of the subject property.

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Council Member Carrizales stated that he will be abstaining from F.7, F.9, F.10, F12, TAB 3 and TAB 10 due to his business in the Renaissance Marketplace.

**City Council to consider removing or continuing any items on the agenda**

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Council Member Trujillo stated that he would like clarification and more information on F.15.

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**Item F.15**

Perry Brents, Community Services Director stated that this is a 3 year grant and Federal Community Corrections put everything out late and it took nine months for the takeoff so they wanted them to extend (1 year) it by resolution.

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Council Member Trujillo asked for a progress report on the program and services being provided.

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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. 46 (05/30/2019)

B.2 Warrant Resolution No. 47 (06/16/2019)

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**C. CLAIMS AGAINST THE CITY**

C.1 Anthony Fabre - vehicle damage

C.2 Tyus Washington - vehicle damage

C.3 Vanessa Sifuentes - vehicle damage

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**D. APPROVAL OF MINUTES**

D.1 Regular City Council Meeting - February 12, 2019

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**E. SET PUBLIC HEARING**

E.1 Request City Council to Set a Public Hearing for June 25, 2019, to Approve and Adopt the Budget Plan for Fiscal Year 2019-20.

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**F. MISCELLANEOUS**

F.1 Request City Council to Adopt a Fraud Policy and Approve Resolution No. 7517.

## **CONSENT CALENDAR**

- F.2 Request City Council to Waive Formal Bidding Procedures required under Rialto Municipal Code Section 2.48 and Award a Construction Contract to Dakeno, Inc. for the Demolition of Two Structures (House and Garage) on the property located at 141 S. Palm Avenue for a cost of \$8,000.
- F.3 Request City Council to Approve a Contract with NEOGOV, Inc to Provide Onboarding (Onboard) and Performance Review (Perform) Software Services to The City of Rialto in an Amount Not to Exceed \$39,043 and Approve Budget Resolution No. 7518.
- F.4 Request City Council to Authorize Release of Request for Bids (RFB) for the Construction of the Frisbie Park Sewer Lift Station.
- F.5 Request City Council to Approve an Increase to the Annual Purchase Order (PO) 2019-0440 for an Additional Amount of \$8,000 for Grafix Systems for Fiscal Year 2018/19 for Police Vehicle Graphics Through June 2019 for a Total PO Amount of \$23,000.
- F.6 Request City Council to Award an Annual Purchase Order to San Bernardino County Sheriff's Department in the Amount of \$23,042.00 for California Law Enforcement Telecommunications Systems (CLETS) Maintenance and Support Services for FY2019/20.
- F.7 Request City Council to Receive and File the Statement of Income and Expense for April 2019 related to the Construction Loan Agreement with Ayala@210LLC for On-Site improvements for the Renaissance Plaza Retail Center on Renaissance Parkway.
- F.8 Request City Council to Approve the Renewal of Nixle 360 Platform in the Amount of \$24,602.27 from Everbridge Inc. for a Community Information Notification System.
- F.9 Request City Council to Receive and File the Statement of Income and Expense for April 2019 related to the Construction Reimbursement Agreement with Ayala@210LLC for Off-Site Improvements on Renaissance Parkway.
- F.10 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 April 2019.
- F.11 Request City Council to Approve the Passenger Amenity Program Agreement with Omnitrans for Bus Stop Facilities in the City of Rialto.
- F.12 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for April 2019.
- F.13 Request City Council to Rescind Resolution No. 7044 and Adopt Resolution No. 7519 Revising the Business License Tax Summary to Rectify an Error on Exhibit A, Business License Tax Summary.

## **CONSENT CALENDAR**

F.14 Request City Council to Adopt Resolution No. 7520 Accepting a Report on the Status of All State-Mandated Annual Fire Inspections in the City of Rialto in conjunction with SB1205 (COMPLIANCE REPORT FOR STATE-MANDATED ANNUAL FIRE INSPECTIONS) and the California Health and Safety Code Section 13146.4.

F.15 Request City Council to Adopt Resolution No. 7521 Extending the End Date of the Board of State and Community Corrections, California Proposition 47 Program Grant Award for one year, including September 30, 2020 to September 30, 2021.

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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. Mayor Pro Tem Scott abstained from F.2. Council Member Carrizales abstained from F.7, F.9, F.10, F12, TAB 3 and TAB 10.

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### **TAB 1 - Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts**

Tom Crowley, Utilities Manager presented the staff report regarding Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts.

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

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

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Council Member Trujillo stated the amounts seem high, how old are these charges?

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Mr. Crowley stated that they did this process last year so it's accumulated over the last year. They do this process annually.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve Resolution No. 7522 Authorizing the Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts.

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### **TAB 2 – Municipal Solid Waste Collection, Recycling and Disposal Service Rates**

Richard Nino, Burrtec Waste, gave the presentation regarding the Municipal Solid Waste Collection, Recycling and Disposal Service Rates.

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**TAB 2 – Municipal Solid Waste Collection, Recycling and Disposal Service Rates**

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

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City Clerk McGee stated that they received two letters protesting the rate increase.

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

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Council Member Baca Jr. thanked Burrtec for the presentation. He understands nobody likes fees raised but the State is pushing a lot of mandates.

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Mayor Robertson thanked Burrtec for the presentation and thanked the Utilities Commission for working on this.

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Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by a 5-0 vote to Adopt a Resolution No. 7491 Approving the Municipal Solid Waste Collection, Recycling and Disposal Service Rates for Fiscal Years 2019/2020 through 2021/2022.

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Council Member Carrizales left the dais at 7:09 p.m.

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**TAB 3 – General Plan Amendment No. 2018-0001 from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay**

Daniel Casey, Development Services, presented the staff report regarding an application submitted for General Plan Amendment No. 2018-0001 from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay.

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Mayor Robertson declared the public hearing open.

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**ORAL COMMUNICATIONS**

Scott Denham, Bridge Development Partners, stated that they have held 2 community meetings and attended 2 Planning Commission meetings. He went over some of the questions raised.

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Sergio Lopez, resident in the neighborhood that would be impacted by this project expressed concerns on the area turning into an industrial zone with increased truck traffic where there are homes and schools.

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**TAB 3 – General Plan Amendment No. 2018-0001 from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay**

Lupe Camacho, Rialto resident expressed that she has heard from other residents that Rialto is turning into a warehouse city. She agreed there are a lot of trucks in that area. She expressed concerns with maintenance of the landscaping and security.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 4-0 vote to close the public hearing. Council Member Carrizales abstained.

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Mayor Pro Tem Scott stated he doesn't recall this change from residential to industrial coming to EDC.

He heard \$136,000 is going into the General Fund, how much is allocated to public safety.

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Mr. Steel stated that 65% is for public safety. 40% to police and the rest to fire. So about \$55,000-\$60,000 to the police dept. annually.

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Mayor Pro Tem Scott stated he was contacted by a representative of the developer. He was informed they met with two other council members and he was disturbed by that. He let the representative know that he would not meet with him or discuss the project with them.

He believes this project impacts the neighborhood. Which is county. He has a problem approving this tonight because its in a residential neighborhood. He is concerned they had a 3-3 vote on the Planning Commission, and they didn't take it back. To bring it forward after that vote is questionable.

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City Attorney Galante stated if there aren't enough votes to pass this tonight, his staff can be directed to present a resolution that adopts all the findings and some of the information he has heard about the concern.

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Council Member Baca Jr. thanked Sergio Lopez for coming and voicing his opinion.

There is a housing crisis in this country not just in Rialto or State of California. There are doing a lot more than warehouses. He is not in support of this project at this point in time.

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Council Member Trujillo stated he understands the concerns from the residents. He is concerned with the switch from residential.

He wondered if this can go back for further discussion. There are too many questions.



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**TAB 3 – General Plan Amendment No. 2018-0001 from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay**

City Attorney Galante stated that a denial of the project would be appropriate because he is a hearing a fundamental change to the project is desired.

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Mayor Robertson stated in EDC they seen a preliminary presentation and to this level of detail. She didn't recall needing to change this designation. If they did, it should be in the minutes. She does recall the entrance being off Vineyard and Locust and making sure that would be the way they go. Some improvement was already done on Vineyard and they discussed with the developer on where they can make their contribution. They did not get to the back side of the project. They talked about mitigation through improvements on Locust and Casmalia. They talked about this project being in one of the county pockets and whatever projects they move forward on it will trigger them having to absorb the county islands. This is why she stressed the entrance should be on Vineyard and no access to the back, except employee vehicles. She knows the developer wanted to meet with her and she didn't understand the need for an individual conversation. they were in danger of violating the Brown Act.

Has there been a residential proposal brought forth to the land owner? The zoning allows for single family homes. They mentioned mitigation fees and she sees there was a letter from the Rialto Unified School District. There was a list of the impact fees and other annual fees. They always have this situation where there are mitigation fees paid to RUSD and those fees go to improve a facility. Does the developer know how much mitigation fees would have to be paid to the School District?

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Mr. Casey stated that the developer should have that number, the school district would require a certain dollar amount per square foot. For industrial it's about 57 cents per square foot, that will be required to be paid to Rialto Unified School District.

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Mayor Robertson stated asks because they wrote the letter of concern. The public needs to know the schools receives fees and the City doesn't control decision they make with those fees. They are usually not for hiring teachers but infrastructure.

She would like to know the original owner of the land.

She mentioned concerns about route to school. She didn't see anything but a notation about RUSD working with the City on a Safe Routes to School plan. There was no mention of what the plan was identified even before the Developer came along in terms of improving the movement and how people, kids are traveling on the route to school.

**TAB 3 – General Plan Amendment No. 2018-0001 from Residential 6 (R6) to Light Industrial (LI) with a Specific Plan Overlay**

Mayor Robertson knows they talked about congestion impact fees, and knows they talked about how to impose those fees. Her concern is not the one-time fees but the ongoing impacts. When they received the comments and concern from the community, why didn't the engineers go back and eliminate the access points on the backside. Have the traffic moving in and out from Vineyard. She is concerned with that fact there seems to be no adjustment upon hearing the concerns of the community. If they close out the two points in the cul-de-sac but they improve the road as their condition.

To clarify to the public, they don't get to see the Agenda until the Thursday when its posted. She is concerned that no one ever brought to their attention that the commission came to a 3-3.

She is not in a position to move on this tonight.

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City Attorney Galante stated we only have resolutions of approval and if City Council wants to deny this project, they will need to have a Resolution of Denial of this project. They will incorporate all the findings and testimony and place it on Consent Calendar at the next City Council Meeting.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to deny the Project and bring back a Resolution of Denial. Council Member Carrizales abstained.

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Council Member Carrizales returned to the dais at 8:11 p.m.

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**TAB 4 – Interim Urgency Ordinance – Moratorium on Construction of, Alterations and Improvements to, the Roadway Median Island on Riverside Ave**

Robb Steel, Development Services Director presented the staff report regarding an Interim Urgency Ordinance, Moratorium on Construction of, Alterations and Improvements to, the Roadway Median Island on Riverside Ave.

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

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

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Mayor Pro Tem Scott asked why this is a one-year Urgency Ordinance. They wanted to eliminate the medians on Riverside Ave., south of the 10 Freeway. Now they are going to pay a consultant more money to come back to City council in 2020. They gave clear direction of no medians for a number of reasons.

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**TAB 4 – Interim Urgency Ordinance –  
Moratorium on Construction of,  
Alterations and Improvements to, the  
Roadway Median Island on Riverside Ave**

Robb Steel, Development Services Director stated that it is in the General Plan that an island is a street standard there. By the General Plan they need to prepare the necessary documentation to amend the circulation element, so this is the process.

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Mayor Pro Tem Scott stated that City Council has the right to amend a Specific Plan or a General Plan.

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Mr. Steel stated they do and its just a matter of getting them the right documentation to do it.

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City Attorney Galante stated that can be presented to City Council for approval.

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Mayor Pro Tem Scott asked why is this a one-year process going back through the commissions when the City Council has given direction.

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Mr. Steel stated that there is possible CEQA analysis they need to do to present the documentation to City Council. They have not made much progress on the scope of work they had presented last time. They need to present to City Council the changes to the street specifications and then the CEQA analysis.

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Mayor Robertson asked about the urgency of this.

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Mr. Steel stated because it's going to expire and then they would be bound by the General Plan to require the median.

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Mayor Robertson asked why they don't have in-house staff to do some of this work.

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Mr. Steel stated that was the task of the Planning Manager and he currently doesn't have one since February. He has engaged someone to complete the consultant RFP to complete the documentation.

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Mayor Robertson stated again as Mayor Pro Tem Scott said why go through all the commissions again for the purpose of what.

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**TAB 4 – Interim Urgency Ordinance –  
Moratorium on Construction of,  
Alterations and Improvements to, the  
Roadway Median Island on Riverside Ave**

Robb Steel, Development Services Director stated that it has been their past practice, a change in the circulation element.

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City Attorney Galante stated that he will be happy to work with staff to expedite the process. Find an expedited CEQA process.

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Mayor Robertson stated that she understands the CEQA process but with removing a raised median of an existing right-of-way, the environment is already disturbed. She can appreciate needing to look at circulation and could have additional traffic. For them to extend another year, what has happened from the time they placed the moratorium until now.

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Mr. Steel stated the Citywide Traffic Analysis is now completed which is an input and should have been converted to the next stage which is the changes to circulation element in the accompanying CEQA document. So, they are behind schedule.

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City Attorney Galante stated that City Council can shorten the extended time of this Urgency Ordinance.

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Mayor Robertson agreed that this needs to be expedited.

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Mayor Pro Tem Scott asked how does this change the circulation element when all those businesses are already in business. How is there an update.

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Mr. Steel stated that there will be a diagram showing the street sections, which shows a median island as a required condition of new development. There is one new construction going on right now just south of Agua Mansa Rd. and there is another just North of Santa Ana, where they removed the condition for the median island because of the moratorium.

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City Attorney Galante stated that they condense the schedule to less than a year.

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**TAB 4 – Interim Urgency Ordinance –  
Moratorium on Construction of,  
Alterations and Improvements to, the  
Roadway Median Island on Riverside Ave**

**INTERIM URGENCY ORDINANCE NO. 1619**

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OF, OR ALTERATIONS AND IMPROVEMENTS TO, THE ROADWAY MEDIAN ISLAND LOCATED ON RIVERSIDE AVENUE BETWEEN THE 1-10 FREEWAY AND THE SOUTHERN MOST BORDER OF THE CITY

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to to Extend Urgency Ordinance No. 1605 from June 24, 2019 to June 23, 2020 by adopting interim Urgency Ordinance No. 1619.

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

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**TAB 5 – Billboard Relocation Agreement**

Robb Steel, Development Services Agreement presented the staff report regarding Billboard Relocation Agreement and property leases.

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

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

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Mayor Pro Tem Scott stated at the Cactus location, he wants to make sure, because there is a senior housing project there, that the sign is not so bright that it will keep people from being able to sleep.

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Brian Smith, Lamar Advertising, stated that they can place vertical louvers on digital displays so it's just black on the sides. They can provide simulations.

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Mayor Pro Tem Scott stated that if they receive complaints, he wants assurance that they will address the complaints.

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Mr. Smith stated that if they receive complaints and it's not suitable as they move forward, they will seek to find an alternate location at their own expense.

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## **TAB 5 – Billboard Relocation Agreement**

Council Member Baca Jr. stated that this is a good opportunity for the city. Clearly two of the sites are going to generate revenue and they are looking for a third site. This is also a good way to promote their city events.

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Council Member Trujillo stated that they had plans for that lot for the Cactus Trail Parking Lot.

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Mr. Steel stated they want to make sure they don't diminish the value of the remaining property by leasing 600 sq. ft. would be one of their concerns as well.

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Council Member Carrizales stated that he concurs that they stay connected with the community. There are so many amazing city events, and this would be a perfect opportunity.

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Mayor Robertson stated that she heard they can do PSA's 3 times a year. Can they do more?

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Mr. Smith stated at times there are advertising gaps and they work with all their public sectors.

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Mayor Robertson stated that Lamar is going to be taking one of their billboards down.

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Mr. Smith stated that is their final board in the city's sphere of influence, outside of city boundaries.

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Mayor Robertson stated that she knows they talked about the things that were prohibited. How much revenue do they get from the tobacco industry?

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Mr. Smith stated that they don't take tobacco.

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Mayor Robertson stated she can see in the staff report they put adult entertainment, drug paraphernalia and obscene messaging and to add tobacco as prohibited.

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Mr. Smith stated that they can add to that.

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**TAB 5 – Billboard Relocation Agreement**

Robb Steel, Development Services Director stated tobacco products is already listed in the agreement.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by by a 5-0 vote to Adopt Resolution No. 7526 Approving (1) a Billboard Relocation Agreement and (2) Property Leases by and between the City of Rialto and Lamar Central Outdoor LLC for Two City Owned Properties including the lot immediately north of the Rialto Senior Center and the Southwest Corner of Alder Avenue and Casmalia Street and Rialto Housing Authority Adopt RHA Resolution No. 003-19 Approving a Property Lease by and between the Rialto Housing Authority and Lamar Central Outdoor LLC for an RHA Owned Property located at the Southwest Corner of Foothill Boulevard and Cactus Avenue.

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**TAB 6 – City’s 2019-2020 Annual Action Plan (CDBG)**

Frank Perez, LDM and Associates presented the staff report regarding the City’s 019-2020 Annual Action Plan (CDBG).

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

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

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Council Member Trujillo stated that he has seen advertisement of the services separately. Can the City provide a guide book for residents to know what services are provided?

Regarding a landlord/tenant situation, such as if a building is red-tagged to give the tenant some information on landlord/tenant information that can assist them. He came upon a situation where the complex just wanted to cut their losses and didn’t really want to accommodate any tenants affected by a fire or other disaster.

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Mayor Pro Tem Scott stated that this plan is due on Friday, and if they had a situation where they didn’t approve it, what would happen?

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Mr. Rudy Munoz, LDM and Assoc. stated that if the Action Plan was not submitted by the 14<sup>th</sup> then their agreement with HUD would be delayed. Meaning the delay of availability of funds for these programs.

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**TAB 6 – City’s 2019-2020 Annual Action Plan (CDBG)**

Mayor Pro Tem Scott stated that he doesn’t disagree with any of this, but it appears they are assuming they will just rubber stamp this and that is a bad perception. Additionally, they use to get a binder full of all the requests and they didn’t get this until tonight. In future he wants to see this item ahead of time enough that if there are some issues there is another Council Meeting to deal with it. He would like a little more information on who is applying and what they are asking for. He has full confidence in the committee, but he would still like to know what is going on. The repayment of the Section 108 Loan. Senior Center?

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Mr. Munoz stated that its two projects, the Senior Center and Bud Bender Park. The Senior Center should be paid off in 2022.

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Council Member Baca Jr. stated that this item was brought before City Council a month ago and for some reason it was not ready.

The things he wants to make sure gets done, there were three items that were approved last year. The fencing at Bud Bender Park, The resurfacing of the Carl Johnson outdoor basketball court and the beginning of one of the buildings at the Carl Johnson Center. These have not been brought back to City Council for bids. That needs to come hopefully before next Council Meeting. So, they can begin the next round of projects on July 1<sup>st</sup>

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Robert Eisenbeisz, Public Works Director stated that he can provide updated schedule. He knows they are working on the final plan check with Building Dept. on the tentative improvements on both Wing 200 and the shade structures. They will be able to go out to bid after.

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Mayor Robertson stated that the funds they have for public services is very limited and they try to stretch the dollars. To Mayor Pro Tem Scott’s point, perhaps they were accustomed to seeing it in a written document. They realize it’s a lot of paperwork when they are allocating to an agency. They try and make sure they go no less than \$10,000.

She agrees with Council Member Trujillo that they need a brochure of the services, it would be helpful.

She would also like to see a report on their delivery of service.

She is fine with the proposal and read there was some carryover from the capital side.

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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 City’s 2019-2020 Annual Action Plan (CDBG).

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## **TAB 7 – Appointments to City Commissions**

### **ORAL COMMUNICATIONS**

City Clerk Barbara McGee presented the staff report regarding appointments and reappointments to City Commissions.

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Robin Austin, Rialto resident stated she had difficulty understanding why Stacy Augustine was being appointed to the Transportation Commission over Lupe Camacho who has come to City Council Meetings to talk about transportation issues.

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Lupe Camacho, Rialto resident stated that she submitted her application in September 2018 for the Planning Commission, Transportation Commission and Historical Commission and she thought she would have an interview with the committee.

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June Hayes, Utilities Commissioner since 1995, stated the commissions represent the residents with different personalities and different points of view and not just areas of expertise. If everyone thinks alike then there would be no thinking.

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Mayor Robertson stated these are the appointments that the sub-committee is recommending to the rest of the City Council.

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Council Member Baca Jr. stated there are a lot of qualified people and the appointments they are recommending are a diverse group of people.

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Mayor Robertson stated when they look at the applications, commissions are a volunteer effort and are looking for residents who have the desire to get involved.

Since she has been Mayor, they have not held interviews. They look at the material and the background to see what they are bringing. Its not say they don't value the residents who apply their expertise. She also looks at their involvement in the community. She is hoping to revisit this as vacancies become available.

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Council Member Trujillo stated that he has encouraged diverse people to apply to the commissions. He noticed they are missing someone from the disabled community on their commissions. Previously serving on the Parks Commission he had noticed not a lot of Latinos serving on commissions. His question to the committee, is there a running list of applicants that maybe didn't make this cut.

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**TAB 7 – Appointments to City Commissions**

Mayor Robertson stated that they didn't have a great big turnout of applicants, but they can only appoint to the commissions that are vacant. They had eight vacancies. Three of the appointments she believes are of Latino background. She thinks they did the best balance with the applicants and the vacancies that were available.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve the Appointments and Reappointments of Rialto Residents on Various City Commissions, as Recommended by the Council Sub-Committee and Authorize the City Clerk to Provide Appropriate Written Notification.

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Mayor Robertson left the dais at 9:21 p.m.

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Council Member Carrizales left the dais at 9:25 p.m.

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**TAB 8 - Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Christopher Development Group**

John Dutrey, Development Services presented the staff report regarding Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Christopher Development Group.

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Mayor Pro Tem Scott stated this is a good project for the City, it will bring new housing to the City on Foothill in a blighted area.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 3-0 vote to Adopt Resolution No. 7527 Approving a Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Christopher Development Group, Inc. and Adopt Budget Resolution No. 7528 amending the FY18/19 Budget to increase expenditures of \$850,734 for Regional Traffic Fee Street Improvements and \$7,677 for Street Median Fee Improvements and to increase Revenues of \$522,042 for the Regional Traffic Fee and \$7,677 for the Street Median Fee. Mayor Robertson and Council Member Carrizales were absent.

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Council Member Carrizales returned to the dais at 9:26 p.m.

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Mayor Robertson returned to the dais at 9:28 p.m.

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**TAB 9 – On-Call PSA for On-Call Construction Management, Inspection and Materials Testing Services**

Hector Gonzalez, Public Works Dept. presented the staff report regarding On-call Construction Management, Inspection and Materials Testing Services.

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Lupe Camacho, Rialto resident stated that the BAC had recommended to City Council to try and limit these contracts and limit the terms. She is concerned about this situation.

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Mayor Pro Tem Scott asked why was Ms. Camacho removed from the interview panel.

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Robert Eisenbeisz, Public Works Director stated that he can provide substantial detail on that. Basically, the interaction reached an inappropriate stage with staff and it became counterproductive. To keep this process moving forward because they need to have the services to continue to move the construction projects forward. The agreements are only three years with 2 one-year extensions. Having multiple firms allows them to get away from having all the needs under one consultant.

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Mayor Pro Tem Scott asked if Mr. Eisenbeisz provided the City Administrator with documentation of what he had called “inappropriate behavior”?

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Mr. Eisenbeisz stated yes, there is some level of that.

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Mayor Pro Tem Scott asked the City Attorney that the subject be placed on the next Closed Session agenda. He would like Mr. Grayson to provide whatever documentation Mr. Eisenbeisz has supplied.

Looking at this, he appreciates that they added more engineering companies and they all appear to be qualified. He is a little concerned about the three years and 2 one-year extensions. His suggestion is that they approve a one-year contract with each consultant with the potential of having 2 one-year extension until they have time to evaluate them.

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City Attorney Galante stated that section 3.4 of each of the agreements will be revised to say *“one-year term, not to exceed two additional terms.”*

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**TAB 9 – On-Call PSA for On-Call Construction Management, Inspection and Materials Testing Services**

Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by a 5-0 vote to 1) Approve On-call Professional Services Agreements (PSA) with PPM Group, Inc.; Berg & Associates, Inc.; Willdan Engineering; TKE Engineering, Inc.; Transtech Engineers; and Wallace and Associates for On-call Construction Management, Inspection and Materials Testing Services and 2) Authorize the Issuance of Purchase Orders in the Amount of \$100,000 Each. For a one-year term, not to exceed two additional terms.

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**TAB 10 - Accept Public Improvements - related to the Miro Way Improvement Project**

Robb Steel, Development Services Director presented the staff report regarding Accept Public Improvements, Approve GASB 34 Report for the Project, Authorize Release of Final Payment Request for \$531,591.59 all related to the Miro Way Improvement Project

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Motion by Council member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Accept Public Improvements, Approve GASB 34 Report for the Project, Authorize Release of Final Payment Request for \$531,591.59 all related to the Miro Way Improvement Project, and Certify Final Project Costs of \$11,735,342.53. Council Member Carrizales abstained.

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**TAB 11 - Contract Amendment No. 1 - Third-Party Administration of Workers' Compensation to LWP Claims Solutions, Inc.**

Paula Mohan, Human Resources Dept. presented the staff report regarding Contract Amendment No. 1 – Third-Party Administration of Workers' Compensation to LWP Claims Solutions, Inc.

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Mayor Robertson stated that she is concerned, is this the first amendment to this contract?

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Ms. Mohan stated yes, the original contract was back in 2016, for a three-year term and a three-year renewal.

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Mayor Robertson asked if they explored going out to bid for this? The contract just automatically came forward with a three-year renewal?

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Ms. Mohan stated yes, it's based on satisfactory performance. The reason they didn't consider going out for an RFP is because LWP is providing very good service to the employees and employer. It's good to have the longevity and continuity of the services. As they know claims can extend over several years so it's good to retain a knowledge base.

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**TAB 11 - Contract Amendment No. 1 - Third-Party Administration of Workers' Compensation to LWP Claims Solutions, Inc.**

Mayor Robertson stated but it was not guaranteed that it was a three-year renewal?

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Ms. Mohan stated no, it was not guaranteed.

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Mayor Robertson stated ok, because she is very concerned about that and would like for them to look at reassessing the contract. When is the renewal date?

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Ms. Mohan stated its by fiscal year, so it expires June 30<sup>th</sup>.

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Mayor Robertson stated that she questioned why they are bringing so many items at the end of the fiscal year and along with the fact they have the budget they need to adopt. She doesn't want to act on a three-year contract but would like to at least do a one-year renewal, so they have a chance to evaluate this. She understands that there are automatic escalators in the figures if they just continue to go with that.

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Mayor Pro Tem Scott stated that he has the same concerns. He thinks they have got into the habit of just renewing contracts. As he looks at the staff report he doesn't see any evaluation and what is the criteria for evaluation on the quality of work. He agrees they need to renew the contract for one year.

He continues to be very concerned on why they just arbitrarily renew contracts, and, in some cases, there doesn't appear to be any accountability for job performance.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve Amendment No. 1 One-Year Renewal, for for Third-Party Administration of Workers' Compensation to LWP Claims Solutions, Inc. for an Amount Not to Exceed \$220,644 for FY2019/2020.

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**TAB 12 – Labor Agreement – Community Compliance Manager**

Sean Grayson, Interim City Administrator presented the staff report regarding Terms of a Labor Agreement with Justin Edson, Community Compliance Manager.

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Mayor Pro Tem Scott wanted to make sure who the Community Compliance Manager will be reporting to.

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**TAB 12 – Labor Agreement – Community Compliance Manager**

Sean Grayson, Interim City Administrator stated that he would be reporting to the City Administrator.

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Mayor Pro Tem Scott stated that he had the chance to meet Mr. Edson and feels he is very qualified. He thinks he has some great idea and thinks he will take Community Compliance in a whole different direction for the City.

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Motion by Council Member Carrizales, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the Terms of a Labor Agreement between the City of Rialto and Justin Edson, Community Compliance Manager.

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**TAB 13 - Sustainable Communities Planning Grant for the Pacific Electric Trail Expansion Feasibility Study**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Sustainable Communities Planning Grant for the Pacific Electric Trail Expansion Feasibility Study.

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Council Member Baca Jr. left the dais at 10:01 pm

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 4-0 vote, Council member Baca Jr. was absent, to (1) Adopt Resolution No. 7529 Accepting the Sustainable Communities Planning Grant for the Pacific Electric Trail Expansion Feasibility Study through the SB-1 Road Maintenance and Rehabilitation Account, Administered by the California Department of Transportation – Division of Transportation Planning in the amount of \$299,000; and (2) Authorize the Release of a Request for Proposals for Professional Consultant Services Related to the Pacific Electrical Trail Expansion Feasibility Study.

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**TAB 14 – Agreement - Three School Resource officers**

Police Chief Mark Kling presented the staff report regarding an Agreement with Rialto Unified School District for three School Resource Officers.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote Approve an Agreement between the Rialto Unified School District and the City of Rialto for three (3) School Resource Officers.

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**TAB 15 - City of Rialto Safe Routes to School Program Plan**

Katie Nickel, Public Works Dept. presented the staff report regarding the Safe Routes to School Program Plan.

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Council Member Trujillo stated that his concerns were the schools in the City that were not addressed because they were not in the Rialto Unified School District. He had some feedback from residents about Maple School that was a lot of traffic on Merrill Ave. He wondered what the process was with these school sites.

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Ms. Nickel stated with this grant they focused on the 29 schools within the Rialto Unified School District. They are pursuing additional grant funding for other schools within the Rialto boundary. They discovered some of the private schools are not eligible for the type of grant funding they are going after.

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Mayor Robertson stated she wanted to know how they partner with the cities that have schools in the Rialto Unified School District.

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Ms. Nickel stated that they partnered with Colton and San Bernardino to go after Active Transportation Cycle 4 for the Pepper Ave. Corridor which covered multiple safe routes to school in their plan. However, they were not successful with that. The partnership type activity makes it possible with this plan to enter into a partnership with outline cities for other grant opportunities.

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Council Member Trujillo stated because they are focused on schools outside if the city, does this make them liable for future claims.

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Ms. Nickel stated that the Safe Routes to School Plan is a guiding tool that lists all the improvements discovered through the process. It puts them on a good platform to go after grants to help them fix the infrastructure they discovered that needs to be funded. They are not liable, but it lists all the deficiency gaps they need to fix.

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City Attorney Galante stated in regards to liability, the fact that its outside City jurisdiction is the beginning and end, and they are not responsible. If they do extend and maintain some of the improvement made outside the city boundaries under a joint use agreement, that is where they can get into some issues if there is faulty maintenance.

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**TAB 15 - City of Rialto Safe Routes to School Program Plan**

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to approve the City of Rialto Safe Routes to School Program Plan.

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**TAB 16 - Technical and Engineering Consulting Services for Rialto Utility Authority and Utilities Division**

Tom Crowley, Utilities Manager presented the staff report regarding a Professional Services Agreement for Technical and Engineering Consulting Services for Rialto Utility Authority and Utilities Division.

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**ORAL COMMUNICATIONS**

Lupe Camacho, Rialto resident, expressed concern regarding the process of how it was done to give so much work to this one consultant.

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June Hayes, Rialto resident, stated that there are a few people that know the history of the water and wastewater of the City. This is a very specialized service and it would take a lot of time and money to get someone up to the standard of knowledge that Mr. Dopudja and his firm have. Several years ago, they tried to have another firm do a Master Plan. Mr. Crowley is doing a good job, but he can't do it all.

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Mayor Pro Tem Scott stated most of the items listed are related to the Concession Agreement which is a 30-year agreement and they are 6 years into it.

He asked if in this fee, is any of the effluent coming out of the Wastewater Plant.

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Mr. Crowley stated no, none of these fees include that. It would be in addition.

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Mayor Robertson concurred with June Hayes, that this is a very specialized area. They gone through many things before coming to a private/public partnership. They have specific tasks they want to accomplish and in this case it's the institution of knowledge. They had West Yost recreate the history they needed to be able to document their systems. There were a number of people who worked for them that had all the knowledge in their head. Sometimes its wise to keep someone who has the continuity of knowledge that they have all been looking for and understanding.

She just wants to say she appreciates Mr. Dopudja's services and technical knowledge.

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**TAB 16 - Technical and Engineering Consulting Services for Rialto Utility Authority and Utilities Division**

Motion by Council Member Carrizales, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the Professional Services Agreement with West Yost Associates to Provide Technical and Engineering Consulting Services for Rialto Utility Authority and Utilities Division in the Amount of \$1,520,000.

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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 10:41 p.m. in memory of:

**GERALDINE "JERRY" WILKIN**

Past President of the Ladies Auxiliary - American Legion Post 422

**KENT TAYLOR**

Former Board Member for the Colton Joint Unified School District

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE