

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

MINUTES
November 12, 2019

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, November 12, 2019.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 5:00 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo and Council Member Andy Carrizales. Also present were City Administrator Rod Foster, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Joe Baca Jr. and City Treasurer Edward Carrillo were absent.

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Subsequent Need Item

City Attorney Galante stated since the posting of the agenda, two items have come to the attention of city staff that would be appropriate for Closed Session.

First item, Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: One Case.

Second item, Public Employee Performance Evaluation pursuant to Government Code Section 54957. Title: City Administrator

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 4-0 vote to add the two subsequent need items. Council Member Baca Jr. was absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.
Number of cases: Two cases
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) Dane Stordahl v. City of Rialto, San Bernardino Superior Court Case No. CIVDS1825596
3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
(a) Property APN# 0240-211-21,31
(Renaissance Parkway/Laurel Avenue)
Negotiators: Rod Foster, City Administrator
County of San Bernardino Oversight Board/State DOF
Thomas Money, Orbis Real Estate Partners
4. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:
Agency designated representatives:
Fred Galante, City Attorney
Rod Foster, City Administrator
Angela McCray, Dir. of Human Resources and Risk Mgmt.
Jessica Brown, Director of Finance
Employee organizations:
CGMA Bargaining Unit
RMMA Bargaining Unit
RCEA Bargaining Unit
RPBA Mgmt. Bargaining Unit
RPBA General Bargaining Unit
RFMA Bargaining Unit
Rialto Firefighters Management Association
Rialto Firefighters Local 3688
5. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: One Case.
6. Public Employee Performance Evaluation pursuant to Government Code Section 54957. Title: City Administrator

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CLOSED SESSION

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

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Council Member Baca Jr. arrived in Closed Session at 5:19 p.m.

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City Council returned from Closed Session at 6:40 p.m.

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CALL TO ORDER

Mayor Pro Tem Ed Scott called the meeting to order at 6:40 p.m.

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The roll was called, and the following were present: Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were City Administrator Rod Foster, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo. Mayor Deborah Robertson was absent.

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Pledge of Allegiance and Invocation

Mayor Pro Tem Ed Scott led the pledge of allegiance.

Pastor Victor Lopez – 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. Conference with legal counsel – anticipated litigation.

As to the first case, Council Member Baca Jr. entered the Closed Session room during that discussion at 5:19 p.m. City Council received a briefing on the threat of litigation, provided direction and no further reportable action was taken. Council Member Carrizales abstained throughout the discussion.

As to the second case, City Council received a briefing and by Motion of Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote, to authorize the filing of a civil abatement action concerning the property at 819 N. Sycamore.

2. Conference with legal counsel – existing litigation. Dane Stordahl v. City of Rialto. City Council received a briefing, provided direction and no further reportable action was taken.

3. Conference with Real Property Negotiator. Concerning the property at Renaissance Parkway/Laurel Avenue, with Council Member Carrizales abstaining and leaving the Closed Session room and not participating. The balance of the City Council received an update and no further reportable action.

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

4. Conference with Labor Negotiator. Concerning all of the employee organizations. City Council received a briefing, provided direction and no further reportable action was taken.
5. Conference with legal counsel – anticipated litigation: significant exposure to litigation. One matter. City Council received a briefing, provided direction and no further reportable action was taken.
6. Public Employee Performance Evaluation. Title: City Administrator. City Council discussed that performance evaluation, provided direction and no further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Introduction of New Employees by City Administrator Rod Foster
Director of Public Works - Savat Khamphou
Director of Community Development - Matt Schneider
2. Recognition of Service - Rialto PD K9 Handler Joseph Maltese and Smoky - Police Chief Mark Kling
3. Certificate of Recognition for Services to the Community – Pastor Gabriel Araya, Casa Del Rey - Council Member Joe Baca Jr.

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ORAL COMMUNICATIONS

Maricela Ferguson, Rialto resident, President of iHELP IE, thanked Perry Brents, Community Services Director for his support of their Annual Senior Day Rally fundraiser.

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John Lenau, International Brotherhood of Electrical Workers Union, encouraged City Council to use Project Labor Agreements so that union and non-union contractors have a fair and level playing field to bid for all the work in Rialto. He explained his trip to Sacramento for the CARA convention and the benefits it can bring for Rialto. He also expressed Riverside Avenue is full of potholes down to Foothill.

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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. 17 (10/24/2019)
- B.2 Warrant Resolution No. 18 (10/31/2019)
- B.3 Warrant Resolution No. 19 (11/07/2019)

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C. CLAIMS AGAINST THE CITY

- C.1 Bryan Velasco - personal injury
- C.2 Alma A. Acosta - personal injury

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CONSENT CALENDAR

D. SET PUBLIC HEARING

- D.1 Request City Council to Set a Public Hearing for December 10, 2019, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 2nd Quarter of the 2019 Calendar Year.
- D.2 Request City Council to Conduct First Reading of Ordinance No. 1626 AMENDING CHAPTER/TITLE 15 OF THE RIALTO MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODES and Set a Public Hearing for December 10th, 2019, to Conduct the Second Reading and Adopt the Ordinance.

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E. MISCELLANEOUS

- E.1 Request City Council to Approve a Storm Water Connection, Transfer, Access and Maintenance Agreement between the City of Rialto and Bridge Point South Rialto, LLC, a California Limited Liability Company.
- E.2 Request City Council/Rialto Utility Authority Approve the Submission of the (1) Bohnert/Banyon Septic to Sewer Project; (2) Lake Rialto Habitat Management and Community Open Space Project; and (3) Bloomington/Rialto Septic to Sewer Feasibility Study to the Disadvantaged Communities Involvement Program.
- E.3 Request City Council to Accept California Citizens Option for Public Safety (COPS) Allocation of 2019/2020 Funding in the Amount of \$162,573.
- E.4 Request City Council Adopt the Sidewalk Vendor Ordinance No. 1625 on second reading entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING, ADDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS OF THE RIALTO MUNICIPAL CODE TO IMPLEMENT SIDEWALK VENDOR REGULATIONS."

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

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TAB 1 – Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2

Savat Khamphou, Public Works Director presented the staff report regarding Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2.

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Mayor Pro Tem Scott 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 4-0 vote to close the public hearing. Mayor Robertson was absent.

TAB 1 – Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2

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City Clerk Barbara McGee opened the four ballots received.

YES - 10

NO - 0

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Mayor Pro Tem Scott asked are these annexations not generally a condition of the project.

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City Attorney Galante stated they are, and the conditions generally require that they consent to the annexation process.

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Mayor Pro Tem Scott stated that he is a little concerned about this because these projects are already under construction. It's hard to stop a project if it's already under construction. It seems like they are behind on having these annexations approved. Can they look into the process of that.

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City Attorney Galante stated he is correct that it should start earlier. The maintenance costs don't begin to start.

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Mayor Pro Tem Scott stated he understands that. Its hard to condition something if it's already under construction.

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Council Member Baca Jr. stated they did have an issue one time where someone did oppose the vote and it became a long drawn out process. They ended up getting them to go with it. He concurs, because all the votes could have been No.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote, Mayor Robertson was absent, to approve the Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2; Request City Council to Adopt a Resolution No. 7570 Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, Commencing in Fiscal Year 2020/2021; and Request City Council to Adopt Resolution No. 7571 Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith, and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2020/2021 for said Annexation.

TAB 2 – General Plan Amendment change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP)

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Daniel Casey, Senior Planner presented the staff report regarding change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP) for project site is located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue.

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Mayor Pro Tem Scott 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 4-0 vote to close the public hearing. Mayor Robertson was absent.

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Council Member Baca Jr. stated that one of them is being zoned from Residential 12 to Support Commercial, any types of clients they have in mind to go in this building now.

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Mr. Casey stated they have a broker for the property, but staff doesn't have any tenant information.

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Council Member Baca Jr. stated the other is Urban Services, can he explain what that is.

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Mr. Casey stated the Urban Services zoning designation accommodates light industrial uses throughout the plan. As he mentioned the property to the West has that same designation, a mini storage facility.

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Council Member Baca Jr. asked if any of these zoning designations would have any large trucks coming through.

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Mr. Casey stated no, there are no trucking operations that would be permitted in the Urban Services.

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Council Member Baca Jr. stated this is great because they have an elementary school close by and glad staff took that into consideration.

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TAB 2 – General Plan Amendment change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP)

Council Member Trujillo asked about the traffic impacts with this change.

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Mr. Casey stated as far as traffic to the site there is a limited amount given its vacancy so traffic will increase once tenants are established. Should there be a change in use with significance, the City will require the preparation of a traffic scoping agreement to ensure there is adequate mitigation taken into account. So those would be looked at as the tenants come in, they will get some of that information in terms of the number of trips that will be generated by each business.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to adopt (1) Resolution No. 7572 approving General Plan Amendment No. 2019-0002, which is a request to change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP), (2) Resolution No. 7573 approving Specific Plan Amendment No. 2019-0001, which is a request to change the zoning designation of approximately 2.17 acres of land from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan, and (3) Resolution No. 7574 approving a Negative Declaration (Environmental Assessment Review No. 2019-0006) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue.

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TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Tom Crowley, Utilities Manager presented the staff report regarding Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services.

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Mayor Pro Tem Scott declared the public hearing open.

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Lynn Summers, Rialto resident, protested against the rate increase.

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Doo Soon Choi, Rialto resident, protested against the rate increase.

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Mi Sang Choi, Rialto resident, protested against the rate increase.

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Calvin McCarty, Rialto resident, protested against the rate increase.

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**TAB 3 - Approving the Proposed
Consumer Price Index Rate Adjustments
for Water and Wastewater Utility Services**

Greg Stafford, Rialto resident, protested against the rate increase.

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Maria Sandoval, Rialto resident, protested against the rate increase.

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Ana Gonzalez, Rialto resident, protested against the rate increase.

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Frank Gonzalez, Rialto resident, expressed concern regarding the rate increase.

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Nita Johnson, Rialto resident, protested against the rate increase.

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Mirna Ruiz, Rialto resident, protested against the rate increase.

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Blanca Vargas, Rialto resident, protested against the rate increase.

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Danyelle Wright, Property Manager in Rialto, expressed concern regarding the rate increase.

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Marco Lopez, Rialto resident, protested against the rate increase.

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Rosa Borja de Jaramillo, Rialto resident, protested against the rate increase.

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John Lenau, Rialto resident, expressed concern regarding the rate increase.

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Ana Bojorquez, Rialto resident, protested against the rate increase.

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Yanira Lopez, Rialto resident, protested against the rate increase.

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Luvia Nava, Rialto resident, protested against the rate increase.

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Frumencio Garibay, Rialto resident, protested against the rate increase.

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Joe Shepard, Rialto resident, expressed concern regarding the rate increase.

TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

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Motion by Council Member Council Member Trujillo, second by council Member Carrizales and carried by a 4-0 vote to close the public hearing. Mayor Robertson was absent.

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Council Member Carrizales asked if there are any low income programs available or for hardships.

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Mr. Crowley stated that there a low income discount and a senior discount for UUT but doesn't apply to the actual water or sewer bill. He is not aware of any programs that are within utilities for disadvantaged or low income.

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Council Member Carrizales asked if that is something they can look at considering.

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Art Griffith, FG Solutions, stated actually, the city does have a low income discount program for utilities, but they don't have the exact reduction amount.

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Council Member Carrizales asked about the recycled water program.

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Mr. Crowley stated currently they deliver recycled water to the I-10 freeway with Caltrans from Pepper Avenue and Cedar Avenue. They are completing a recycled water feasibility study with the State Water Resources Control Board; they had received a grant to do the study. Components in the study identify bringing water back to parks and possible commercial and industrial uses in the South end of the City. Right now, they currently don't have any infrastructure built other than what goes to Caltrans.

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Council Member Carrizales asked, even if those programs were implemented there is nothing that would alleviate some of the stress on this next five year plan.

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Mr. Crowley state that is correct. Recycled water needs a complete separate system so, they would have to invest in infrastructure. It would not save money at this point. It doesn't mean its not a project they wouldn't look at.

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TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Council Member Carrizales asked what is the typical meter size that a Rialto resident has.

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Mr. Crowley stated a 5/8" or 1/4" meter. So, they would be the first two categories which is the basic residential use. On average a residential customer is 1700 cubic feet, which translates to about a \$56 a month bill. This is reasonable as far as the amount of volume metric charges being assessed.

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Council Member Carrizales asked when they compared the cities, did this include the wastewater?

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Mr. Crowley stated that they did do a comparison of water and wastewater to other cities. They surveyed eight different cities. Fontana Water, East Valley Water District, City of Redlands, West Valley Water District, Cucamonga Valley Water District, City of Colton, City of Loma Linda and San Bernardino Municipal Water Department. In water, they found that the City of Rialto falls in the mid-range for the average consumer residential. They did not do the comparison for commercial and industrial. Rialto fits in the average range. On the wastewater side unfortunately, Rialto is considered one of the higher in the area. A good portion of that is due to the debt they had refinanced over a period of time and the investments they made in infrastructure.

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Council Member Trujillo complimented staff on sending out Spanish translated notices. There are a lot of Spanish speakers here, he is hoping in the future they have more support for translation services.

When was the last time they audited the Concession Agreement.

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Mr. Crowley stated they have not done one since the beginning of the Concession Agreement. The auditors do spot check into customer service. It has been advised they initiate a full audit of the Concession Agreement both on procedures and the finances.

Council Member Trujillo asked if any original staff members that worked on the Concession Agreement still with the City today?

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Mr. Crowley stated they have Art Griffith and Stephen Dopudja who were at the beginning when they contemplated the Concession Agreement. They are still with the City as consultants. They do have staff members who retired from the City who they still rely on and part of the Concession Agreement.

TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Tom Crowley, Utilities Manager stated that there were some employees from the operations standpoint that moved over to RWS and Veolia.

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Council Member Trujillo stated he noticed there is less money in the Water, they have available. Looks most of it is tied up, is there a reason for that?

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Mr. Crowley stated when they look at the available cash, the net value of the system, the difference is that many times the money is tied up in a trust account. So, it's basically reserves, an operating reserves within the trust account, that's a good thing. The money that is available beyond that for capital improvements and emergency projects, other programs at the discretion of the City Council. They have very little on the water side about \$1.7 million available to do that. This rate increase brings it up a little bit, so they have some discretion but in no way are they increasing a large revenue stream or a large reserve.

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Council Member Trujillo stated they mentioned grants for infrastructure. Have they been aggressive in pursuing that?

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Mr. Crowley have have got mostly planning grants. There is not a lot of money for new construction, but they are looking at pursuing new construction grants and looking at low interest loans to help pursue some projects and hopefully spread the cost out over time.

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Council Member Trujillo stated looking at the schedule provided is there a way to alter it or push it further into the future instead of having it all in the front end.

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Mr. Crowley stated that they can't go past five years, the Prop. 218 notice only allows them project out the five years. They can always lower that if City Council chooses. If they were to do that, they would have to re-prioritize some of the activities they are doing.

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Council Member Trujillo stated after hearing some of the concerns of the community, it's difficult to see the schedule and he's not able to support it.

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Mr. Crowley stated okay, are they looking at alternating years? They can only project out five years. They can look at reducing the percentage CPI increase, set it a maximum number that City Council would like.

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TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Council Member Baca Jr. thanked the public for coming and voicing their concerns and they are listening.

He sees they have \$1.7 million in reserves. If they keep the rates as is, would that amount increase over a period if time? Or would they burn out of the reserves.

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Mr. Crowley stated that they would burn out of those reserves. They have increase that are increasing the expenditures over time. If they didn't mirror those increases with a rate adjustment, then it would dwindle down over time.

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Council Member Baca Jr. asked how long would that take?

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Mr. Crowley stated two years.

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Council Member Baca Jr. stated looking at the projects that were done throughout the time, one of the things is seismic retrofit. They had to meet earthquake standards for some of the projects that were outdated. How much to date have they spent on infrastructure since 2012 since they had the first increase.

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Mr. Crowley stated when they did the increase in 2012, they allocated \$41 million for the improvement. For the wastewater they allocated \$28 million, and to date they spent the \$28 million and the City has kicked in through reserves another \$4 million. So, by the end of the S1 project, wastewater treatment plant improvement project they would have invested \$32 million. On the water side they had \$13 million, with \$4 million left for capital improvement projects for the water side so they invested \$9 million in water projects.

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Council Member Baca Jr. asked if they had done none of those things, what would their water system be today?

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Mr. Crowley stated all the improvements made were critical because they were high priority. On the wastewater side they have a plant that is made up of five individual plants. The first was built in the 50's and it has now been decommissioned. Plants 2, 3 and 4 were built in the 70's and late 90's. they are requiring a lot of maintenance from wear and tear. The new project was taking the newest plant, plant 5 and they are improving that. So, had they not made that investment, they would be struggling meeting their regulatory requirements at the wastewater treatment plant.

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TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Council Member Baca Jr. asked if the City would be in violation of Federal and State fines if they hadn't met those regulatory requirements?

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Mr. Crowley stated correct, be he doesn't know what those fines would be, it depends on the violation. Its not just the fine but the ability to meet the requirements as a community to the environmental community, they would be responsible.

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Council Member Baca Jr. asked what is the quality of water they serve to their customers?

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Mr. Crowley stated they are serving water that meets all the Federal and State requirements. With regard to the schools, there was a program that RWS, Veolia and the City participated in where they tested every school for lead. All the schools they are involved with, none came back with water quality issues. There are other school districts having the problem, but they didn't, all the schools meet or exceeded the requirements.

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Council Member Baca Jr. stated that he knows they did some comparisons to other water agencies; how do their residential rates compare to Fontana Water Company which represents a southern portion of the city.

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Mr. Crowley stated that Fontana Water actually serves the west edge of Rialto and they are significantly higher. To compare, a resident in Fontana would be paying \$93.78 and the City of Rialto it would be \$56.05.

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Council Member Baca Jr. asked about West Valley Water District.

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Mr. Crowley stated West Valley would be \$59.61 and Rialto is \$56.05. that is of course without the UUT. That is just the straight meter service charge.

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Mayor Pro Tem Scott asked the audience to refrain from outbursts. At the end they will make a decision.

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TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Council Member Baca Jr. thanked Mr. Crowley for doing the comparison. Its important that the residents understand the comparisons.

If they vote no on this tonight, and he is prepared to vote no, what would happen in the near future as far as projects and infrastructure.

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Mr. Crowley stated that they would go back and look at their budget and look to see where they can find ways to reduce their costs because the rates would be fixed if they didn't move forward. This rate increase did not contemplate creating revenue for capital improvements other than the additional reserves that were going to be generated. For the water they would utilize what they have remaining developed though the rate increase. On the wastewater side they have a lot more flexibility because they can see they have almost \$20 million in reserves. If they didn't do anything, they wouldn't generate that additional revenue that can go into projects.

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Council Member Baca Jr. stated that they need to know that low income number. He thinks it's important that the public knows what that threshold is. He appreciates Mr. Gonzalez comment about putting together a workshop and notifying the public on where and how the money is being spent.

He is not going to vote for this tonight. He concurs that they should have bilingual services and have a workshop in English and Spanish.

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Mayor Pro Tem Scott asked when did the Prop. 218 notice go out?

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Mr. Crowley stated they went out September 13th.

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Mayor Pro Tem Scott stated that he did not get a Prop. 218 notice and some people in the back didn't either.

He agrees with comments made by the audience tonight about community outreach. There has been no community outreach regarding this. People have questions, they want to know what they spent all this money on. They want to know if the water is safe, someone think school kids are drinking contaminated water. The fact is that they are not drinking contaminated water. They treat all wells that have any contamination. They are shut down or treated. They are not doing a good job communicating, the City and RWS. To have this many people with so many questions, he is concerned about that. The gentleman's comment about sewer standby, he agrees that people who are not connected to sewer should be made to pay a standby fee. Additionally, he believes they should be proactive on getting those on septic system to connect to sewer and doing it without costing them a lot of money.

TAB 3 - Approving the Proposed Consumer Price Index Rate Adjustments for Water and Wastewater Utility Services

Mayor Pro Tem Scott stated that he lives in South Rialto, he is probably the only one sitting there who is on Rialto Water and he knows how expensive it is. His wife has a garden and keeps the grass green, the bill is almost \$300 a month. He too is on social security and the stipend he gets for being on City Council. He knows what it is to struggle and pay bills. He sits on the committee and he was very clear with them that he opposed any increases of any kind. His main concern with water is an earthquake, and you have to have money to be able to react. He is concerned about the lack of outreach. Then he as a resident himself didn't get a notice, which makes him wonder how many didn't get a notice. He is adamantly against this tonight.

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City Administrator Foster stated while there is a senior discount in water, 65 years old and older for a 20% discount. There is a low income discount as well. For those 80% of the median income, there is a process to apply for it, for the 20% discount. They are not combinable. He wanted to be clear those programs are available. He hears a consensus of the City Council and would like to defer to the City Attorney if City Council decided to continue this item.

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Mayor Pro Tem Scott stated he wanted to point out one other thing, Mr. Gonzalez is a City Commissioner and he doesn't have the answers. They should have gone to all the commissions and talked about this. They should at least be informed so they can talk to their neighbors and tell their neighbors what's going on. They are not doing a good job communicating.

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City Attorney Galante stated the options they have, they can continue this hearing, keep the public hearing open, continue it to a date certain so they can get some of the answers and outreach. They can certainly vote against it. The City Clerk informed him, she has a stack of protests that should be made part of the record.

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Mayor Pro Tem Scott asked how many.

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City Clerk McGee stated she received 28 by mail and 2 tonight for a total of 30.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote, Mayor Robertson was absent, to not approve TAB 3 – proposed water and wastewater rate increase.

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TAB 4 – Ordinance regarding Personnel Control and Department and Position Title Modifications

City Attorney Galante presented the staff report regarding personnel control and department and position title modifications.

He read the title of the Ordinance No. 1627

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE CHAPTER 2.04 REGARDING PERSONNEL CONTROL AND AMENDING REFERENCES TO DEPARTMENTS AND POSITIONS WHOSE TITLES HAVE BEEN MODIFIED

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Motion by Council Member Baca Jr. ,second by Council Member Trujillo and carried by a 4-0 vote to Introduce for First Reading Ordinance No. 1627.

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

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TAB 5 – Ordinance Extending A Moratorium on The Establishment, Expansion, or Modification of Truck Terminals, Truck/Container Storage Yards and Truck/Container Parking

City Attorney Galante presented the staff report regarding Extending A Moratorium on The Establishment, Expansion, or Modification of Truck Terminals, Truck/Container Storage Yards and Truck/Container Parking.

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ORAL COMMUNICATION

Gary Grossich, Vice Chair of the Bloomington Municipal Advisory Council, expressed support of Rialto taking action on this issue.

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Mayor Pro Tem Scott stated part of the reason they recommended the moratorium was to stop people from parking trucks on dirt lots, refusing to do any improvements and really not being good community citizens. They all understand that trucks move their goods and but at the same time they need to comply with their requirements in the City. As they have sat on DRC, individuals come forward not wanting to put in security lights or pave their lot. Not wanting to put up fences, they just want to park trucks. Those trucks are bringing no revenue to the City and yet they have huge impacts on their streets. They need to come up with a formula, so those individuals pay their fair share if they are going to be in the City.

He encouraged Mr. Grossich to talk to County Supervisor Josie Gonzales about Code Enforcement continuing to give extensions to those people in Bloomington who are already illegally parked. He knows of situations where they were given an 18 months extension.

He hopes Rialto doesn't allow extensions. They are either in compliance or have to move. He would hope that the County would follow suit with that. He has been bombarded with calls from trucking companies since the moratorium. If they are going to park in the City, its needs be done correctly, on paved and lit parking lots with fences and security.

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TAB 5 – Ordinance Extending A Moratorium on The Establishment, Expansion, or Modification of Truck Terminals, Truck/Container Storage Yards and Truck/Container Parking

City Attorney Galante read the title of Ordinance No. 1628

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK TERMINALS, TRUCK/CONTAINER STORAGE YARDS, AND TRUCK/CONTAINER PARKING AND RELATED USES IN THE CITY OF RIALTO FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS

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Motion by Council Member Baca Jr. ,second by Council Member Trujillo and carried by a 4-0 vote to Introduce for First Reading Ordinance No. 1628.

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

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TAB 6 – Ordinance to Create a Procedure for Reimbursement Agreements for certain Public Improvements

Tom Crowley, Utilities Manager presented the staff report regarding an Ordinance to Create a Procedure for Reimbursement Agreements for certain Public Improvements.

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City Attorney Galante read the title of Ordinance No. 1629
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 17.50 TO THE RIALTO MUNICIPAL CODE TO CREATE A PROCEDURE FOR THE APPLICATION FOR AND APPROVAL OF REIMBURSEMENT AGREEMENTS FOR CERTAIN PUBLIC IMPROVEMENTS

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Motion by Council Member Baca Jr. ,second by Council Member Trujillo and carried by a 4-0 vote to Introduce for First Reading Ordinance No. 1629.

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

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TAB 7 – First Quarter Budget Report

Jessica Brown, Finance Director presented the staff report regarding the 19/20 First Quarter Budget Report.

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Council Member Trujillo stated he was looking at the increases, these were funded from the General Fund?

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TAB 7 – First Quarter Budget Report

Ms. Brown stated they have \$2.1 million that is being released from committed fund balance of the DALSIIC. That would increase the operating fund reserve. However, they have a use of operating fund reserve of \$442,000 for General Fund requests which primarily included the transfer of funds for the Frisbie Sewer Lift Station. As well as a Construction Loan Agreement that was omitted from the budget in error.

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Council Member Trujillo stated that he was looking at the revenue and its still as predicted.

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Ms. Brown stated that revenues are trending well. She waiting to see the current fiscal year data is updated before they present any figures to City Council. She doesn't want to set them on a trend that is not going to materialize. She will report that out with the second quarter.

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Council Member Baca Jr. asked about the mid-year budget.

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Ms. Brown stated that she is planning on bringing that in February.

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Council Member Baca Jr. stated that he seen they made a few adjustments do they anticipate anymore adjustments for mid-year?

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Ms. Brown stated at this point she does not, but it depends on the department needs. Moving forward as she works with the departments, they will truly understand their budgets and will be able to get a full budget put together through the budget cycle. She did expect the changes to occur in this first year because they made changes in the budget cycles.

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Council Member Baca Jr. stated the goal would be to have an on time balanced budget.

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Mayor Pro Tem Scott stated its nice to see them go through the quarterly budget process. He is concerned that they are in November and they don't know what budget is for Special Events. He had questions and has not received answers on it. They can't even figure out who in the City has those answers. He is going to be prepared at Mid-Year to shut everything down. City Council has a right to know what they are spending. He stated he appreciated the effort of the quarterly report.

TAB 7 – First Quarter Budget Report

Mayor Pro Tem Scott stated the other issue is the water agreement and the operations and audit of it. He knows the auditors did an audit of the water several years ago. He thinks they need to be doing a better job in that. A speaker brought up they are paying money for FOG that is not even happening. They need to do a better job managing their money.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 4-0 vote to approve the First Quarter Budget Report, a) Resolution No. 7576 and Rialto Utility Authority Resolution No. 10-19 for the First Quarter Budget Adjustments; b) Resolution No. 7577 adjusting the City's General Fund committed fund balance of June 30, 2019. Mayor Robertson was absent.

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TAB 8 – Mid-Cycle Update to the 5th Cycle Housing Element

Karen Peterson, Interim Planning Manager presented the staff report regarding Mid-Cycle Update to the 5th Cycle Housing Element and authorize Second Amendment to PSA with Kimley-Horn and Associates, Inc. for community outreach.

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Council Member Trujillo stated that he was one of the three people who attended the community meeting because he wanted to see what the feedback was. He knows some of the attendees were here earlier tonight. He looks forward to them doing more outreach where the community is located as opposed to try and get them to come to her.

Mostly because of the housing crunch with the senior citizen community, they tend to be the more energetic voices when it comes to housing.

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Council Member Baca Jr. stated he seen they are eligible for \$310,000 grant funding. Is this only going to be used for planning purposes. Anything else they can use the grant for?

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Ms. Peterson stated the SB2 Planning Grant is mainly for planning and establishing policies that will facilitate housing production.

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Council Member Baca Jr. asked if they expect to go through the whole \$310,000.

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Ms. Peterson stated the zoning code amendments would be \$32,500 and that is being proposed as part of the PSA with Kimley-Horn. That is something they have to do anyway. So, they are hoping to get that reimbursed. The housing element is approximately \$200,000 or more. They are hoping to allocate \$75,000 to get Trak-It up and running.

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TAB 8 – Mid-Cycle Update to the 5th Cycle Housing Element

Mayor Pro Tem Scott asked if there are any matching funds in relation to the grant. Kimley-Horn will write the grant?

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Ms. Peterson stated no matching funds. Yes, Kimley-Horn will write the grant and have the expertise.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to Housing and Community Development; (3) Authorize Second Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc. for Community Outreach, Preparation of an SB 2 Planning Grant Application, and Preparation of Municipal Code Amendments to Ensure Housing Element Compliance. Mayor Robertson was absent.

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TAB 9 – One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services

Karen Peterson, Interim Planning Manager presented the staff report regarding One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services.

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Mayor Pro Tem Scott stated that he understands that Ms. Peterson was not here but they have had a lot of conversations about contract services, yet he continues to see them spend a lot of money on contract services. Inspection services, they talked about bringing in-house employees versus outside individuals. They seem to be approving a lot for inspection services. Where are they at with having in-house employees for inspection services.

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City Administrator Foster stated that is something they are going to continue to study with the arrival of the new Community Development Director. They are going to be looking from the standpoint of how they can municipalize those services or different ways they can provide them. They would not be ready to address at the Mid-Year Review but at the next Budget they will be able to discuss the way they process work in that department. They would consider all the positions that are provided contractually. They will look to see if it is better for those to be inside as opposed to outside. Normally he tends to contract if they don't have time or expertise. They figure out what the baseline is, and they contract for the blips as needed.

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Mayor Pro Tem Scott asked if the employees being used for permit technician and inspection services, are they being rotated within the companies.

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TAB 9 – One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services

City Administrator Foster stated they started that this year to ensure there is a rotation, not only with the services provided but also those inspection services that reside in Public Works.

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Mayor Pro Tem Scott stated as you know, not necessarily specific to building services but specific to public services. They have had some bad plan checking, bad inspections and some bad management. Its continuing to this very day. What are they doing internally to make sure they are getting their dollars' worth on these services. That they have quality inspections, quality plan checks and quality management services.

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James Caro, Building Services Division, stated that he pays close attention to plan check and permit techs and to the inspection. He looks at every bill and every plan that comes through Building. The consultant approves it first and then he approves it.

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Mayor Pro Tem Scott asked what is the turn around time for a plan check?

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Mr. Caro stated for a contract its 10 days and then he takes a couple of days to look at it. So, they turn around the first plan check in 14 days.

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Mayor Pro Tem Scott stated les say they have a 100,000 square foot warehouse, how many times does it go through plan check before it gets approved, on average?

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Mr. Caro stated on average three times but has seen as many as six or seven. There are always variables and California has a higher standard across the nation.

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Mayor Pro Tem Scott stated that he doesn't think that is true, but he will take his word for it or not. He continues to have a concern about this, and he is voting against this tonight because they don't seem to be getting out of this rut. To see that much money being expended on inspection services he can't figure out why they can't get out of their own way.

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City Administrator Foster stated that Mr. Caro answered from the standpoint of how he holds those contractors responsible. Its incumbent upon the department directors as well as himself to ensure that staff is doing their jobs.

TAB 9 – One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services

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Mayor Pro Tem Scott asked does that include Public Works? Because if there is another Randall Ave. its not going to be good.

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City Administrator Foster stated that its all departments.

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Mayor Pro Tem Scott stated that he continues to run into people who have a terrible time getting permits done in a timely manner. If they are sending plan checks back 11 times, there is something wrong.

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Council Member Carrizales asked compared to last year's contract what is the work load projected for next year. Is this contract more than they did last year?

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Mr. Caro stated last year they did \$1.5 million and this year they are asking for \$800,000 and they are already a couple of months through this fiscal year. They scaled down almost half.

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Council Member Carrizales asked if that is consistent with the workload they have right now. He knows last year and the years prior they had a lot of businesses opening and a lot of construction.

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Mr. Caro stated that it has scaled down but its still very busy. There were multiple people in the Building Dept that have retired, and they haven't filled some positions.

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Council Member Carrizales stated he too continues to get the small business owners complaining it is taking too long. They continue to talk about how other cities quickly turn things around. He is trying to figure out why they are spending all this money and they are still taking too long and getting these responses.

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Mr. Caro stated because he hasn't been able to fill the staff positions and it's a lot of reasons why they are busy. When plan checks come through, they look at them, he doesn't just rubber stamp them. He looks at every plan check.

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Mayor Pro Tem Scott asked why does he have Willdan if he has to look at the plan checks.

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TAB 9 – One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services

Mr. Caro stated that he spot checks them, and not a full plan check, and he catches things.

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Council Member Carrizales stated at what point does he decide there is a change or at what point does he decide it just needs to go out.

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Mr. Caro stated things over the counter doesn't go through a plan check. They come in and they go out. Anything they takes, multiple sets of plans, they send out for plan check and he spot checks after it comes back.

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Council Member Carrizales stated when its small things like outlets and a few lights, he doesn't see why it should be going out and taking so long. Time is money and when it goes out and takes another 10 days, that is a lot of money small businesses are having to spend.

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Mr. Caro stated that he doesn't have an in-house plan checker. He is the only in-house plan checker. The small stuff he does, and some of his inspectors inspect but he doesn't have an in-house plan checker.

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Council Member Baca Jr. asked when will this contract begin.

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Mr. Caro stated as soon as they can get everything signed.

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Council Member Baca Jr. stated so it would be approved for one year starting today?

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Mr. Caro stated no, it would be this fiscal year which ends in June 2020.

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Council Member Baca Jr. stated so technically they expended this money already?

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Mr. Caro stated correct.

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Council Member Baca Jr. stated in the past they would list the projects they are working on, can he name a few.

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TAB 9 – One Year Agreements for Permit Technician Services, Building Plan Check Services and Inspection Services

Mr. Caro stated some of the housing projects, anything happening on Renaissance East, all of FedEx, the Walmart and Crestwood Development and first Hobbs.

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Council Member Baca Jr. stated that Mr. Foster said that by the next fiscal year they should have staff or staff in motion. Instead of recommending the staff recommendation, he will make the motion to do a one year extension in hopes they will have staff in place by the time this fiscal year is up, and they can make a decision or potentially look for another contract.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 3-1 vote, to approve a Professional Services Agreement for a One Year Contract with no extensions CSG Consultants; Interwest Consulting Group; and Willdan Engineering, Inc. for Permit Technician services, Building Plan Check services, and Inspection services. Council Member Carrizales vote No. Mayor Robertson was absent.

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TAB 10 - Replaster of the Community Pool and Spa at the Tom Sawyer Aquatics Center

Savat Khamphou, Director of Public Works presented the staff report regarding the Replaster of the Community Pool and Spa at the Tom Sawyer Aquatics Center.

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Council Member Trujillo asked how the Center, specifically the pool, generating funds in comparison to the rest of the competition? They are investing into the Fitness Center but how are they doing in terms of competition. Are they pulling in the revenues?

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Perry Brents, Community Services Director stated the pool pays for itself. They are probably the only pool in the specific area that operates year-round. Most pools operate only during the summertime.

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Council Member Trujillo stated he was saying they have a lot of gyms in the City and knows there are a couple that have a pool.

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Mr. Brents stated the fitness center pieces, they are losing revenue. They are talking about things to enhance their ability repurpose some of the fitness center. Repurpose meaning they have the basketball courts, the tennis courts, weight rooms and memberships are declining. Maybe changing their dynamics or demographics instead of getting younger people in, get older people in.

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TAB 10 - Replaster of the Community Pool and Spa at the Tom Sawyer Aquatics Center

Council Member Carrizales asked how much much they were spending on the pool, now with \$299,000 are they still going to be able to pay that.

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Mr. Brents stated that the Replaster is for the repair of the inside of the pool. What Council Member Trujillo was referring to was the deck. They finished up the deck. This is a second piece of a capital project.

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Council Member Carrizales stated so what are they doing with the gym. Its tied to the pool and seeing them spend money on this.

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Mr. Brents stated he is correct that they are tied, and the pool is going better than their fitness.

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Council Member Baca Jr. stated that he has been to the pool and witnessed some of the activity. Many of the seniors swim during the day and they do physical therapy there. They also have the ability to drop the disabled into the pool, which many pools do not have. He feels this is a good investment for their residents. They do need to have a discussion on the full fitness center, but they need to keep the pool open.

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Mayor Pro Tem Scott stated they say the pool is making money and the seniors use it, he is all for that. When they calculate their profit and loss on the pool, are they calculating the \$299,000 over 10 years? That's \$29,000 a year they need to calculate into the profit and loss of the pool. Do they account for chemicals in the profit and loss of the pool? He is not convinced they are making money on the pool.

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Mr. Brents stated chemicals are in their budget. They are paying for their staff costs when he says is paying for itself.

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Mayor Pro Tem Scott stated that is not making money. The maintenance and upkeep of facilities should be included in the profit and loss of that facility. \$300,000 is a lot of money for a pool. They may be breaking even and hopefully they are.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote Award a Construction Contract to Condor, Inc. of El Monte, CA in the amount of \$299,000 for the Replaster of the Community Pool and Spa at the Tom Sawyer Aquatics Center, City Project No. 190208. Mayor Robertson was absent.

TAB 11 - Annual GIS Support and Implementation

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Savat Khamphou, Public Works Director presented the staff report regarding Citywide Enterprise Geographic Information System Support and Implementation.

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Andrew Minor, Geovironment Consulting, gave a presentation of the support services for GIS.

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Council Member Trujillo stated when looking at the new version of the Agreement he wanted to know what corrections were made.

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Mr. Minor stated there were supposed to be just minor corrections. The main one was the date of the City Council Meeting. One was typo in terms of the contract costs. There were other things that were highlighted that didn't need to be there.

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Council Member Trujillo stated he gets some of the projects they are working on and they will be collecting data from across the City. Will they be gathering data from employees or will there be mechanism where the public can put in their information. For example, some report a pothole on such street, will it be that interactive.

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Mr. Minor stated that it will be public for the public to report issues to the City and staff will be able to manage it from there.

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Council Member Trujillo stated they have an app for trash and if they are starting to have apps for certain City services why wouldn't they have an app for these other city services. Hopefully in the future they will have one app for all the city services.

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Mr. Minor stated they can get there, they need to build the back end first and the user interface can come later.

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Council Member Trujillo stated that is his only concern is that technology keeps advancing.

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Mr. Minor stated this is the reason for doing this. All that data is not there, and the City can capitalize by getting that information in and utilizing it.

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TAB 11 - Annual GIS Support and Implementation

Council Member Carrizales stated he supports this and agrees they shouldn't have so many different apps. They will be capturing all the data and centralizing it.

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Mayor Pro Tem Scott asked what is the difference between what they do and ESRI.

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Mr. Minor stated that ESRI makes the software and they implement it.

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Mayor Pro Tem Scott stated that he seen the integration with Trak-It.

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Mr. Minor stated he is working with the Trak-It team to make sure the data is compatible, being shared and updated correctly.

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Mayor Pro Tem Scott stated so at some point they will be able say what is wrong with Trak-It.

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Mr. Minor stated no, he is not familiar with Trak-It.

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Mayor Pro Tem Scott stated nobody knows Trak-It, it doesn't work, they just have it.

He stated that the trash app is a great app, he would hope they can consolidate.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to Award a Citywide Enterprise Geographic Information System (GIS) Support Professional Service Agreement (PSA) with Geovironment Consulting, LLC in the amount of \$89,500 for the Annual GIS Support and Implementation.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to adjourn the City Council Meeting at 10:50 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE