

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

**MINUTES**  
**March 24, 2020**

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, and via Teleconference on Tuesday, March 24, 2020.

0o0

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.

0o0

**CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:30 p.m.

0o0

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 City Manager Rod Foster, City Attorney Fred Galante, City Treasurer Edward Carrillo and City Clerk Barbara McGee.

0o0

**Pledge of Allegiance  
and Invocation**

City Manager Rod Foster led the pledge of allegiance.  
Council Member Joe Baca Jr. gave the Invocation.

0o0

**ORAL COMMUNICATIONS**

City Clerk McGee received one written Oral Communication from Gil Navarro, Water Board Director, Division II, San Bernardino Valley Municipal Water District.

He wanted to indicate that San Bernardino Valley Municipal Water District does not anticipate a disruption in service or delivery of water to their retailers.

0o0

## **ADDENDUM TO THE AGENDA**

Interim City Attorney Eric Vail stated they have an item that arose after the posting of the Agenda. Ordinance No. 1637 and Ordinance No. 1638 both which implement the Governor's Executive Order prohibiting an eviction of residential properties - Ord. 1638 and for commercial properties – Ord. 1637. If City Council would like to consider these items, they need a Motion and a second to add this item.

0o0

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to add Ordinance No. 1637 and Ordinance No. 1638 as TAB 4 to the Agenda.

0o0

### **TAB 1 – Placement of Liens for Delinquent Refuse Collection Accounts**

Interim City Attorney Eric Vail presented the staff report regarding entering into an agreement with Burke, Williams & Sorensen LLP for Interim City Attorney Services.

0o0

Motion b Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Authorize the City Manager to enter into an Agreement with Burke, Williams & Sorensen, LLP for Interim City Attorney Services.

0o0

### **TAB 2 – Interim Urgency Ordinance No. 1636 – Extending Moratorium on the Establishment, expansion, or Modification of Warehouse Distribution Centers**

Matt Schneider, Community Development Director presented the staff report regarding the extension of the Urgency Ordinance, Moratorium on the Establishment, expansion, or Modification of Warehouse Distribution Centers.

0o0

Mayor Pro Tem Scott stated he believes someone had written some comments on this item.

0o0

City Clerk McGee stated they did receive one oral communication from Bill Blankenship, representing the National Association Industrial Office Parks, Inland Empire (NAIOP).

He submitted 5 pages for the record. He would like for City Council to vote NO for the Interim Urgency Ordinance No. 1636.

0o0

Mayor Pro Tem Scott stated as they recall they brought this forward as an Interim Ordinance for having a rash of warehouses that were starting to pop up very close to residential neighborhoods. Clearly impacting residents who live in the community. He is opposed himself to trucks travelling in and out of residential neighborhoods. They need to be kept of truck routes and they do have some areas that present some problems for them in the City . its his firm belief until they come up with a policy as to how they are going to address those situations that they should pass this ordinance tonight.

**TAB 2 – Interim Urgency Ordinance No. 1636 – Extending Moratorium on the Establishment, expansion, or Modification of Warehouse Distribution Centers**

Mayor Pro Tem Scott stated then they should move expeditiously to come up with some type of policy conditions and requirements for trucks as far as where they can exit on properties and go.

0o0

Council Member Trujillo asked what is the timeline for staff to put together a plan or to be able to fix this issue.

0o0

Mr. Schneider stated that its somewhat difficult, given the current environment with COVID-19 and the issues they are dealing with. Some of the data collection they want to do under normal operation. To some extent they do see that as a critical path. They would like to be more optimistic than negative to get that completed. When they have the data, they can do the geospatial analysis. Where the truck use is the heaviest, where they are at capacity and where it makes the most sense adjacent to residential and educational uses and where it's not, they can put all those uses together and bring it back. He would like to say they would be back before the summer, but they are living in a fluid situation.

0o0

Council Member Trujillo thanked him for the explanation and he fully supports this moving forward and looks forward to being able to fix this issue.

0o0

Council Member Baca Jr. stated he is in support of this Ordinance. It came before in response to some residents who were concerned about truck routes going through residential and the schools. With the current crisis in their country and community, there really is no hurry to start moving forward with warehouses. Its not say that it can't be done in the future, but the safety of the community is number 1 and the concerns they are responding to. Once they come up with a plan, then its something they can look at in the near future. Let's just slow it down and evaluate it, and listen to the residents.

0o0

Council Member Carrizales stated he is also in support of this Ordinance. They really need to take a closer look at what they have now in terms of warehouses, set a path and take their time with it but move expeditiously.

0o0

Mayor Robertson stated she would like to echo Council Member Trujillo stated and she knows that its fluid and they have things to deal with. In the interim she would like to see how much remaining land they have that could be potentially have some come forward and make a request. How much acreage there is , minus the Renaissance area.

**TAB 2 – Interim Urgency Ordinance No. 1636 – Extending Moratorium on the Establishment, expansion, or Modification of Warehouse Distribution Centers**

Mayor Robertson stated and to think of a timeline and the things that could occur. She realizes gathering the data and being able to analyze data, but what are the truck counts taken. That is something they need to coordinate with Public Works or one of the consultants. So, they have a sense and begin to think about some of the routes they want them to take. Can they have some kind of benchmark of what they hope to have accomplished and know they have something within 12 months. If that can be laid out, they won't be locked into it, given they don't know how long things are going to go. They do know there are some people out working, and the ability to take counts should be with equipment these days.

0o0

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 voter to Adopt an interim urgency ordinance entitled, "AN INTERIM URGENCY ORDINANCE NO. 1636 OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, EXTENDING THE PROVISIONS OF ORDINANCE NO. 1634, REQUIRING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF WAREHOUSES, DISTRIBUTION CENTERS, AND RELATED USES THAT ARE LOCATED ADJACENT TO OR ACROSS A STREET OR INTERSECTION FROM EXISTING RESIDENTIAL AND EDUCATIONAL USES WITHIN THE CITY OF RIALTO, EXCLUDING THE RENAISSANCE SPECIFIC PLAN, FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS," reading the ordinance by title only and waving further reading thereof.

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

0o0

**TAB 3 - Update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak**

City Manager Foster stated as they continue on with this current emergency proclamation of COVID-19 also known as the Corona Virus. At the end of the presentation he will be asking for direction on two different items. He would like to hear City Council thoughts on public counter closures. Currently they are closed through the 6<sup>th</sup> of April. The School District shuttered facilities through May 6<sup>th</sup>. The Emergency Response Team believes they should close their public counters through at least May 6<sup>th</sup> and in concert with the Governor, until further notice. Secondly to that is a recommendation to cancel all special events in the City through the end of the fiscal year, June 30, 2020. With hopes of this behind them and to plan a wonderful 4<sup>th</sup> of July event. But they want to give people as much time to understand that at this point in time, even when they get COVID-19 behind them, its going to have a tail at the end. He believes the social distancing they are seeing is going to become a longer norm. at the conclusion of the Fire Chief's report and any questions City Council may have, he would appreciate direction so they can implement tomorrow.

**TAB 3 - Update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak**

0o0

Fire Chief Sean Grayson presented the update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

0o0

Council Member Trujillo thanked the Fire Chief for the presentation. He wants to make sure every decision they make is for the safety of the residents. They keep that in mind as they start to make changes to the schedule. He likes the fact they are going in the same direction as the school district, there is nothing more important than the education of their children. If they are not going to be in session, they really shouldn't be holding events. It will defeat the purpose of them not having classes. He thanked them for taking the City in this direction. He is in support of their vision to get them through this emergency outbreak.

0o0

Mayor Pro Tem Scott stated he is in support of cancelling everything through the fiscal year. As to City Manager Foster's comments about closing the counters. He is not opposed to that. Right now, it's a very good idea. But he doesn't want to slow down projects in the City. So, there are people who are going to need to meet with City staff. His suggestion would be, this seems to be a great system they are using here tonight. He doesn't know why they couldn't use the same system for the departments to have the same type of meetings. He doesn't want to see them slow down if they don't have to. It's important they keep the economy going in Rialto. He thinks it's important that businesses have access to them. He doesn't want to send a message tonight that they are shutting everything down and nothing is going to happen. They still need to protect the community and employees and those who do business with the city. They need to move forward with the City as much as they can.

0o0

Council Member Carrizales stated that he agrees with most of what has been said. The phone lines need to remain open. For some the permitting or some of the stuff that are really urgent such as accepting faxes. For the most part they should go by the Governor's order and the President's as far as closure for most of the things that happen in the City. They should use more of the technology that they can to try to at least push forward and continue to move the big projects because there are a lot of people waiting to build and waiting for permits. He doesn't see why they can't scan things over or fax to keep the ball rolling. They don't want to completely halt some of this permitting or the business that needs to happen.

0o0

**TAB 3 - Update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak**

Council Member Baca Jr. stated a lot of good points were brought up and they want their businesses to continue. They have to be sensitive to their small businesses going through tough economic times. Anything they can do from a staff level to continue to work with them and help them in regards to business licenses and residents with dog licenses. They need to work closely with the community to make sure they help them. They have to do a better job at securing their public facilities and educating people on the importance of the closures. He knows they are considering going from the grab-n-go to delivering to the seniors, especially to the ones who don't have the ability to drive. Anything they can do to work with their seniors becomes important. They may need to have a discussion on the lack of hospital beds, to maybe offer some of their facilities for example the Senior Center or the Johnson Center if necessary and if it gets to that point. They are moving in the right direction and continuing to educate the public and having safe practices is very important. One of the things they need to talk about, and they use the term social distancing, maybe a better word is physical distancing. Because they still need people to get social, some people are having a difficult time at home coping with this virus and how we are having to deal with it. Being home all day with their families. Its important they continue to work with the school district knowing they are out until May 4<sup>th</sup>. The school district is meeting to give further direction, but they are starting to issue laptops to students, to seniors to make sure they continue to graduate. There is a lot to discuss and the community is looking for leadership and direction. He thinks they are starting tonight and to proceed cautiously. This is a tough thing and they don't have answers for it . They are taking steps in the right direction.

0o0

Council Member Trujillo asked how far along are they with teleworking because some of the initial comments he got from employees on social media, they were non-essential, so they were sent home. Many of them felt like they can contribute a lot and still do things teleworking. What is the status of that, have they transitioned into a teleworking workforce at this time with the City?

0o0

City Manager stated he wouldn't say they fully transitioned into teleworking because it's something they never had to plan for in the past. They have technology in order to assist others working at home. He tried his best in terms of non-essential and essential employees. He didn't want to create haves and have nots with those terms. Even though everybody is considered essential, they all would agree that their most essential functions would include public safety; police, fire and those field members of the public works department that do public roadway repairs. It's a process they are growing as they move through this crisis. They are doing everything they can through the department in this platoon style when potentially half the staff is working from home and actually doing measurable work. Those that need VPN or secured connections back into the City actually have it.

**TAB 3 - Update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak**

0o0

Mayor Robertson stated they need to be mindful as it related to seniors is realizing what they need do to help mitigate social isolation. She thanked the Community Services staff in terms of delivering food starting tomorrow and the groups coming together to help on that. iHelpE Seniors and the Inland Lighthouse Church have volunteers that will help. She has received calls that the City is not getting enough information out to them, not only Rialto but San Bernardino County. It's a lot of weblinks and a lot information. The coverage has been sparse. Congressman Aguilar held a townhall meeting, but it was interesting to see the types of questions. A resident had asked her why haven't they informed them about adhering to the no gathering and social distancing. They feel they have, its contained somewhere. Maybe they can bullet the things they are following. The San Bernardino County Health Director stated they have 2 labs up and where to be tested. To Council Member Baca Jr's point, what do they have in place, should they need to do more than what they are doing. From what she got from the County they are just getting ready to open a hospital in the valley. But first to open one in the High Desert. There is a concern on where do people go and how do they go. There are seniors that live alone, and some get by. She is in agreement of them moving forward. She had asked about the teleworking as well. They need to come up with ways to keeping the lines of communication open. As soon as they tell someone they can't go somewhere, they all want to go somewhere.

0o0

Council Member Trujillo stated he wanted to emphasize to staff if there was a way to utilize the local access channel to provide resources to people in need. For examples the student meals and the senior meals. Some residents reached out to see that more on the local channel.

0o0

Motion by Council Member Carrizales, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the recommendations presented.

0o0

City Manager Foster stated they will move forward with closures through May 4<sup>th</sup> but they are still open for business. They will use the technology available and what is still in development. They will work with staff in putting more current information out as it relates to the City and any other aspect in response. They will cancel all events through the fiscal year. They will call all those people starting tomorrow. They will look at the Planning Commission Agenda and see if there is anything they need to act on. If not they will do the cancellation for all commissions.

0o0

Mayor Robertson stated to echo what Mayor Pro Tem Scott said, this is uncharted territory for all of them. They have set precedence, and the Planning Commission may have things so they should be able to hold a meeting in the same way.

**TAB 3 - Update on the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak**

Mayor Robertson stated she knows Developers are hoping and waiting. There is one in particular, his maps will be at the next City Council Meeting. It's important that the housing construction projects move forward. The Governor made sure he exempted housing so they can move forward. They can get creative and keep things moving.

0o0

Council Member Baca Jr. stated in terms of getting more information out. They can reach out to San Bernardino Community College District and also pass information through KVCR.

0o0

**TAB 4 - Ordinance No. 1637 and Ordinance No. 1638**

Interim City Attorney Vail stated this is for consideration if they want to adopt the Governor's Executive Order 28-20 which gives some authority to local jurisdictions to prohibit temporarily, eviction of residential tenants and for commercial tenants for the non-payment of rent based on something directly related to the Corona Virus (COVID-19).

0o0

Mayor Pro Tem Scott stated this was an item he had asked to be brought to City Council. He is in full support of it. Its important that they show the same leadership that the State and the President have shown. They don't want to see anyone end up homeless as a result of this Virus. The community needs to understand that they are still responsible for their rent and if they can pay it, they should be paying it. There are going to be some people that are going to have some tough times. They all know that those of them who either have businesses or own properties in the City, clearly are facing that situation. He thought it was important for them to step forward and support those individuals who might be in commercial or residential so they know they won't end up in the streets and will have an opportunity to catch up. He is solidly in support of this item.

0o0

Council Member Baca Jr. stated this is an important ordinance for many reasons, clearly they are in a pandemic. Many families are being impacted by this and going to have difficult times. Some families don't have the ability to go to work. As government they have the duty to step in and try to help them. This is an opportunity to follow the Governor's Executive Order to show they are looking out for the residents and small businesses. The small businesses stated they are going to shut down for a few weeks, especially the non-essential businesses. He talked to Burrtec and they stated people are cancelling their trash bills. Clearly this is having a ripple effect on their local economy and this is just a way of them doing a small part and giving people a chance to get back on their feet. It's probably going to take a lot longer than a few months.

0o0



**TAB 4 - Ordinance No. 1637 and Ordinance No. 1638**

Council Member Trujillo stated he was concerned about eviction when he heard some people just lost their job. From hospitality, to retail, to construction are the stories they hear. If they drive around, they see all the shopping centers closed and this is affecting their community which is largely a blue collar community. He wants to make sure they are protected and able to stay home during this time.

0o0

Council Member Carrizales stated he is in full support of this. As a community there are things they can do, they can call the local restaurants for pick-up and support the local businesses. There are UberEATS and Postmates and there are services that can bring food and groceries to your door. Everybody knows a lot of businesses have been shut down and with some this is their only income. Its vital to help them in this unprecedented time.

0o0

Mayor Robertson stated they need to ratify everything that is coming from the Federal and State and down to local. With this, they may also have matter going forward or already in a process. She didn't see how they are dealing with foreclosures or how will they be able to utilize this same ordinance they are putting in place. Or if there is a dispute on property, property rights and who should be on the property. This should only be pertaining if a person is indicating they can't pay their rent, commercial or residential, due to perhaps the loss of a job.

0o0

Interim City Attorney Vail stated that is correct, evictions based on failure to pay rent, either residential or commercial tenancy. If that failure to pay rent is directly related to the Corona Virus emergency. It won't affect foreclosures, that is something different. If the City Council wants them to look at a subsequent ordinance that deals with foreclosures they can do that, but it will take a little investigation on their part. The question of, what if there is an eviction going on right now. Well, it's their understanding that the tenant could use as a defense in that eviction process, this Ordinance they are adopting, saying this has to stop. People are not supposed to be unhoused because of the failure to pay rent. Its its an eviction based on some other item; it won't stop that eviction. They mentioned Code Enforcement if some dispute as it relates to a health violation or code enforcement action, it would not necessarily stop that action. Although, he thinks administratively, if they were looking to move someone out of a house, they would revisit it on a case by case basis, even without this ordinance.

0o0

Mayor Robertson stated in addition to the action, who becomes the enforcer?

0o0

**TAB 4 - Ordinance No. 1637 and Ordinance No. 1638**

Interim City Attorney Vail stated its something that is left to the landlord and the tenant. However, if the City becomes aware of a situation where a landlord is evicting a tenant and the tenant says they are being evicted for the failure to pay rent because they were sick, had to stay home, be a caregiver or close their business. The City would be able to assert itself in that eviction process. Notify the landlord and notify the court if need be, of the ordinance.

0o0

Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by a 5-0 vote to adopt Urgency Ordinance No. 1637

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO TEMPORARILY PROHIBITING EVICTIONS OF COMMERCIAL TENANTS ARISING FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE CORONA VIRUS PANDEMIC

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to adopt Urgency Ordinance No. 1638

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO TEMPORARILY PROHIBITING EVICTIONS OF RESIDENTIAL TENANTS ARISING FROM INCOME LOSS OR SUBSTANTIAL MEDICAL EXPENSES RELATED TO THE CORONA VIRUS PANDEMIC

0o0

**REPORTS**

Mayor and City Council gave their reports.

0o0

**ADJOURNMENT**

Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote, to adjourn the City Council Meeting at 8:06 p.m.

0o0

---

MAYOR DEBORAH ROBERTSON

**ATTEST:**

---

CITY CLERK BARBARA A. McGEE