

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

**MINUTES
December 8, 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, on Tuesday, December 8, 2020.

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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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Mayor Robertson called the meeting to order at 5:03 p.m.

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CALL TO ORDER

**SWEAR-IN
of Re-Elected Mayor and
Council Members**

City Clerk McGee administered the oath to re-elected Mayor Deborah Robertson and Council Member Andy Carrizales.

Council Member Rafael Trujillo was sworn in by Congresswoman Norma Torres.

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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 Acting City Manager Sean Grayson, Interim City Attorney Eric Vail, City Clerk Barbara McGee, and City Treasurer Edward Carrillo was absent.

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CLOSED SESSION

1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957
Title: Acting City Manager

2 LIABILITY CLAIMS
Pursuant to Government Code section 54956.95
Claimant: Bobbington Brandt - Claim #1992900023 Settlement,
Compromise & Release.

CLOSED SESSION

3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: 241 South Palm (APN 0130-271-1,2,3,4); 239 South Orange (APN 0130-271-25,26,27; APN 0130-281-35,56) Agency

Negotiator: Sean Grayson, Acting City Manager Negotiating

Parties: City of Rialto (purchaser); John & Agnes Silva, Trustees of Silva Family Trust (seller)

Under Negotiations: Price and terms of purchase.

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Motion by Mayor Pro Tem Scott., second by Mayor Robertson and carried by 4-0 vote to go into Closed Session at 5:05 p.m.

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City Council returned from Closed Session at 6:27 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:40 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 Acting City Manager Sean Grayson, City Clerk Barbara McGee, Interim City Attorney Eric Vail. City Treasurer Edward Carrillo was absent.

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Pledge of Allegiance and Invocation

Mayor Pro Tem Scott led the Pledge of Allegiance.

Pastor Dr. Victor Noland – Word in Action Christian Center gave the invocation.

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City Attorney's Report on Closed Session

1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code section 54957 Title: Acting City Manager

Interim City Attorney stated that the City Council reviewed and was briefed on anticipated litigation, and there is no reportable action on this item. It was to continue to the January 12, 2021 City Council meeting.

2 LIABILITY CLAIMS

Pursuant to Government Code section 54956.95

Claimant: Bobbington Brandt - Claim #1992900023 Settlement, Compromise & Release.

The City Council reviewed and authorized settlement and approved by a 4-0 vote.

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

3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: 241 South Palm (APN 0130-271-1,2,3,4); 239 South Orange (APN 0130-271-25,26,27; APN 0130-281-35,56) Agency

Negotiator: Sean Grayson, Acting City Manager Negotiating

Parties: City of Rialto (purchaser); John & Agnes Silva, Trustees of Silva Family Trust (seller)

Under Negotiations: Price and terms of purchase

Interim City Attorney stated that the City Council gave Acting City Manager Grayson direction to move forward to enter into and complete negotiations of purchase and sell agreement with the parties for the properties listed on the agenda. Any agreement entered into will return to the City Council's consent calendar to be ratified at a subsequent meeting.

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**PRESENTATIONS AND
PROCLAMATIONS**

Magical Bridge Playground/Prop 68 Grant – Jill Asher

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ORAL COMMUNICATIONS

Che Wright congratulated Mayor Robertson on her re-election.

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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. 20 (11/12/2020)

B.2 Warrant Resolution No. 21 (11/19/2020)

B.3 Warrant Resolution No. 22 (11/26/2020)

B.4 Warrant Resolution No. 23 (12/03/2020)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – November 10, 2020

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D. SET PUBLIC HEARING

D.1 Request City Council to Set Public Hearing for January 12, 2021, for Development Code Amendment 20-004 and Development Code Amendment 20-005 to Regulate Indoor Storage Facilities and Outdoor Storage Uses.

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CONSENT CALENDAR

E. MISCELLANEOUS

- E.1 Request City Council to Adopt **Resolution No. 7689** Declaring the November 3, 2020 Presidential General Election Results.
- E.2 Request City Council to Adopt by Second Reading **ORDINANCE NO.1652** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVING ZONE CHANGE NO. 2019-0002 TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 4.65 ACRES OF LAND (APN: 0131-161-27) LOCATED AT 600-614 S. RIVERSIDE AVENUE FROM MULTI-FAMILY RESIDENTIAL (R-3) TO MULTI-FAMILY RESIDENTIAL (R-4).
- E.3 Request City Council to Authorize a Purchase Order with Dell EMC for a Not-To-Exceed Amount of \$38,392.99 for the Purchase of Additional VxRail Storage Array Drives.
- E.4 Request City Council to Issue a Purchase Order in the Amount of \$32,660.10 to Safariland LLC for Body Armor.
- E.5 Request City Council to Authorize a Purchase Order with LifeScan Wellness to Provide Required Annual Firefighter Medical and Fitness Evaluations for all safety personnel in the amount not to exceed \$35,100.
- E.6 Request City Council Approve Contract Amendment 1 for Van Dermiden Maddux Investigations Law Firm by \$19,000 for a New Total Not-To-Exceed Amount of \$34,000.
- E.7 Request City Council approve the Side Letter Agreements to the Memorandum of Understandings (MOU's) associated with the Rialto Mid-Management & Confidential Employee's Association (RMMA), Rialto Police Benefit Association - Management (RPBA-M), Rialto Police Benefit Association - General (RPBA-G), Rialto City Employee's Association (RCEA), and the Management Unrepresented Employees – Benefits Profile to specifically account for the cost sharing formula as agreed amongst each named unit/group and their PEPRAs employees.
- E.8 Request City Council to Approve an Increase to the Annual Purchase Order with Bio-Tox Laboratories for Fiscal Year 2020/21 for Testing Expenditures Through June 2021 for a total cost of \$35,000.
- E.9 Request City Council to Approve Fiscal Year 2020/21 Purchase Order with Donnoe & Associates, Inc. for Rialto Police Department Employment Testing and Assessment Services for a Total Amount of \$48,000.
- E.10 Request City Council to Approve the Purchase of Bulk Winchester Ammunition from Dooley Enterprises, Inc., in the Amount of \$33,435.05

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CONSENT CALENDAR

- E.11 Request City Council to Consider Resolution No. **7690** Authorizing the City Treasurer serving as the Cemetery Director and the City Engineer to Take All Actions Necessary to Establish and Mark the Location of Plots at the Rialto Park Cemetery and Make Those Plots Available for Interments.
- E.12 Request City Council to (1) Accept the City Facilities Solar and Energy Efficiency Improvement Projects; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Alliance Building Solutions, Inc.
- E.13 Request City Council to Approve the 2021 Investment Policy.
- E.14 Request City Council to Receive an Update on and Confirm the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

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Acting City Manager Grayson asked to pull E.14 for discussion. He also asks that TAB 5 be divided into two separate tabs. 5A will consider an award of a contract with Ipply Global Companies for workforce development. 5B will consider an award of a contract with NCNW Bethune Center for workforce development. TAB 13 will be pulled to bring the Item back to the Community Development Committee and before the City Council in January 2021.

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Mayor Pro Tem Scott will be recusing himself from TAB 1 and TAB 11 due to a conflict of interest. On TAB 1, he has a tenant that lives on his property on Riverside Avenue that has not paid his refuse bill. Additionally, on TAB 11, he has a claim against the City of Rialto related to substandard ADA compliance on Randall Avenue.

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Council Member Trujillo would like to pull D.1 for clarification.

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Mayor Robertson stated she will vote no on payment of warrant 11/10/2020. She cannot find payment for Special Counsel. She would like to pass on the consent calendar with the exception of payment on that warrant. I had previously voted not to act on the payment. I would also like to go back to correct the records. I don't believe I got any direction from Counsel as I asked. I was informed that warrants dated 04/28/2020; 05/26/2020; 07/14/2020; 08/11/2020; 09/08/2020; 11/10/2020. I would like the record to reflect the action I did previously take that I will not be voting to authorize payment to Special Counsel being I was not a party of selection of the Special Counsel.

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CONSENT CALENDAR

Interim City Attorney Vail stated he would confer with City Clerk McGee regarding notation of objection to payments to Manatt, Phelps & Phillips, LLC Special Counsel.

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Mayor Robertson stated she would like the record to reflect she is making that request now. The responsibility was on me to look thoroughly at the warrants. I also noted there was some miscoding. I was not party of action, and I just want the record to reflect that.

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Council Member Trujillo asked if these regulations would apply to existing or new developments.

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D.1 Development Code Amendment to Regulate Indoor and Outdoor Storage Facilities and Uses

Karen Peterson, Acting Community Development Director, stated it will apply to new indoor and outdoor storage facilities that significantly modify not existing.

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Mayor Robertson asked if the applications already in process will be party to the action taken.

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Ms. Peterson stated no.

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E.14 Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Acting City Manager Grayson stated that the San Bernardino County as part of the Southern California region and 70 percent of the State of California is under the regional stay-at-home order through December 27, 2020 in order to improve ICU capacity which is currently at 10 percent and needs to improve up to at least 15 percent. The order intends to eliminate gatherings to reduce the spread. City Parks will remain open. However, indoor and outdoor playgrounds and park amenities will close as well as personal care services, the entertainment and hospitality industry. Retail has a 20 percent capacity limit. Outdoor dining is prohibited, and restaurants are limited to take-out or delivery. Critical infrastructure, medical care, and childcare are the three main areas not impacted.

The City of Rialto has closed to the public with some limited appointment-based services. City Departments remain open by phone and email, other than in-person means. The City's rent/mortgage and utility and small business assistance programs remain available and encourage the community to visit CARES Act information icon at the www.yourrialto.com. On December 16, 2020, the City will host a COVID-19 testing event at the Farmers Market.

E.14

Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Acting City Manager Grayson stated San Bernardino County will also be having a COVID-19 testing site at the Johnson Center. More information will follow as it becomes available. It has been a challenge to keep up with COVID-19 restrictions. The fact is that cases are at an all-time high and hospital availability is at an all-time low. He emphasized best way to protect yourself and your family is to avoid inter-mixing with those not in your household, practice social distancing when outings are essential, wash your hands frequently and wear a mask.

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Mayor Robertson emphasized the importance of staying consistent with the emergency declaration. She noted the concerns from the community. The COVID-19 testing process is very cumbersome and very bureaucratic. Most COVID-19 test sites are drive-by. She stated other counties have home-testing kits available and would like to explore that option for the most vulnerable population to minimize exposure.

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Mayor Robertson expressed her concerns with the Governor's decision, but understands it is a health issue. The data does not show that personal care services is where the spread is found. The Governor's Office attribute this recent outbreak directly to Halloween and a lot of gatherings. The formula has changed, and now it is based on ICU capacity. She is not a business owner and understands that this is hard on business owners. While orders are in place, our community is not an enforcement office community but rather to educate, advise and engage. If the community defies orders, that is something they are choosing to do.

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Acting City Manager Grayson stated education and engagement are the two components in the County's plan that Rialto is participating in. The City of Rialto is not eligible for enforcement.

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Mayor Robertson stated she will be recusing herself from TAB 5. Because TAB 5 was split, she will be recusing herself from voting on the recommendation to approve the Bethune Center out of an abundance of caution due to a conflict of interest. No policy has been delivered or presented that speaks to a comment that was made to the Special Counsel from HUD, but we have not adopted a policy. I am very concerned that we are directing to take action when we have yet to have a product delivered and have spent a considerable amount of money on this being addressed that could have been handled by the General Counsel. The product will not be delivered until the January 12, 2021 City Council meeting for review in Closed Session, which I will not be a part of.

E.14

Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Mayor Robertson stated she will recuse herself on the split and plans on speaking on TAB 5A. We must be the only City that does not have a policy that allows us to operate differently than what most of us have been aware of.

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Council Member Trujillo asked when is the Director of County Public Health going to answer questions or discuss the strategic plan that the County has developed to address the pandemic. He has yet to hear from the County Public Health Director. He asked the City Manager if a meeting could be arranged with the County Public Health Director so he could answer public questions.

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Mayor Robertson agreed with Council Member Trujillo and stated that the request would need to be formalized to host a meeting.

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Acting City Manager Grayson stated that the County has a Public Health Director and a Health Officer. The Office was vacant for a period of time.

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Acting City Manager Grayson stated they will do both a community meeting and individual opportunities for the City Council. Rialto Fire Chief Parks attempted to schedule the meetings, but the City Manager will confirm and get back to the City Council.

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Mayor Robertson asked that the County Public Health Director begin to come out to our community.

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Motion by Council Member Carrizales. second by Mayor Pro Tem Scott and carried by a 4-0 vote to approve the Consent Calendar.

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Mayor Robertson publicly congratulated former Rialto Council Member Joe Baca Jr. who is now San Bernardino County Supervisor Joe Baca Jr. for the County's 5th District. She thanked him and the Rialto Council Members for acknowledging Mayor Robertson's re-election.

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Mayor Pro Tem Scott recused himself from TAB 1 due to a conflict of interest and left the dais at 7:37 p.m.

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PUBLIC HEARING

TAB 1

Delinquent Refuse Collection Account; Adopt Resolution 7691

Michal Tahan, Interim Public Works Director, presented the staff report requesting the City Council to Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2020; and Adopt Resolution No. **7691** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Recorder-Clerk.

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Mayor Robertson declared the public hearing open.

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Motion by Council Member Carrizales second by Council Member Mayor Robertson and carried by a 3-0 vote to close the public hearing. Mayor Pro Tem Scott was absent.

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Motion by Council Member Carrizales, second by Mayor Robertson and carried by a 3-0 vote to approve the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2020; and Adopt Resolution No. **7691** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Recorder-Clerk.

Mayor Pro Tem Scott was absent.

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Mayor Pro Tem Scott returned to the dais at 7:40 p.m.

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NEW BUSINESS

TAB 2

Vacancy on the City Council

Eric Vail, Interim City Attorney, presented the staff report requesting the City Council to Review and Provide Direction Regarding Filling an Anticipated Vacancy on the City Council.

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Mayor Robertson stated that the estimated cost to hold a Special Election in November is approximately \$700,000. The City Council knew there would be a vacancy. She stated that the candidate in the last election who came in 3rd, would be the better choice.

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City Clerk McGee stated there are oral communications, three letters and eleven messages.

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TAB 2
Vacancy on the City Council

ORAL COMMUNICATION

The City Council received voice messages in support of Stacy Augustine to the City Council open seat from the following:

Stephanie Augustine

Armando Amador

Angelica Lopez

Chris

Greg Orona

Jesus

Teresa McBride

Milele Robertson

Rialto Resident

Rialto Resident

Danny

City Clerk McGee read letters of support to appoint Stacy Augustine to the City Council open seat from the following constituents:

Jose Alvarez

Daphne A. Hawkins

Stacy Augustine

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Mayor Robertson stated Stacy Augustine also received the support of the Inland Empire Business Association and the Rialto Police Benefit Association and recommends the City Council make the appointment tonight.

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Council Member Trujillo stated he was also approached by various people interested in the City Council seat. He stated it is not necessarily the third-place finisher that gets to be appointed to the City Council.

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Council Member Trujillo also stated he finds himself questioning the public health aspects direction of the City Council related to the pandemic. He had discussions with a former candidate and found compelling this individual's health and housing experience. He asks the City Council to consider Karla Perez for the vacancy. She has history of working with non-profit organizations. Karla Perez would bring a lot to the City Council. He made a motion to nominate Karla Perez to the Rialto City Council vacant seat.

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Mayor Robertson asked if she was a former Rialto City Council candidate.

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Council Member Trujillo stated Karla Perez ran for City Council office in 2018.

NEW BUSINESS
TAB 2
Vacancy on the City Council

Council Member Carrizales stated that the City Council Members were approached by very qualified candidates that would have the best interest in the City. Ms. Perez is a 30-year Rialto resident. She has had over 20 years of experience in healthcare advocacy. One of the biggest challenges facing in 2021 is the vaccinations and addressing the underserved members of the community and the healthcare advocacy needed. Karla Perez will be a great asset to the City Council. He seconded Council Member Trujillo's motion.

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Mayor Pro Tem Scott stated he, too, was approached by several qualified people. He stated Ms. Perez came in third place in the 2018 Election and would also be a good candidate. Additionally, she is a female Latina and would complement the current City Council and could use her perspective. She is well qualified as the other individuals named. He did not make any nomination.

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Mayor Robertson stated she applauds those candidates who put their effort and time into running for election. Mayor Robertson made a counter nomination for Stacy Augustine, the third-place finisher in the 2020 election. Mr. Augustine is a strong representative in the community. She felt it was the appropriate thing to do.

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Mayor Robertson made a substitute motion to nominate Stacy Augustine to the City Council vacant seat. Hearing no second, motion failed.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to fill the vacancy on the City Council by appointing Karla Perez.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Trujillo, Council Member Carrizales.

NOES: None ABSTAIN: None: ABSENT None.

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Interim City Attorney Vail stated that the City Council has acted to appoint Karla Perez to the open seat for the remainder of the term. Ms. Perez will need to formally accept the appointment. Once she accepts appointment, she can either be sworn in prior to or at the January 12, 2021 City Council meeting.

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Mayor Robertson stated that procedurally, Ms. Perez, will need to accept appointment. Then it is the duty of the City Clerk's Office to determine when Ms. Perez would like to be sworn in.

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TAB 3:
Agreement with NewMark Merrill

Karen Peterson, Acting Community Development Director and Sanford Sigal with NewMark Merrill, presented the staff report requesting the City Council to Approve an Exclusive Right to Negotiate Agreement with NewMark Merrill for the Development of Approximately 15.5 Acres of Property Located West of Riverside Avenue and North of Valley Boulevard

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Interim City Attorney Vail reminded the City Council that they are acting as the Successor Agency to the previous Redevelopment Agency. That's important because when you act as the Successor to the Redevelopment Agency and you deal with a disposition of a property that is on an approved, long-term management plan, there's an exception to the Surplus Land Act that we fall under. We can enter into the exclusive negotiating agreement tonight and be exempt from the Surplus Land Act provided that we have a binding agreement, a disposition and development agreement, purchase and sell agreement by December 31, 2021 and then there has to be closed escrow and transfer of title by December 31, 2022. I just want to put it out there that's reflected in your ENA, but it is helpful for the City Council, City staff and the public to keep those dates in mind.

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Mayor Pro Tem Scott thanked NewMark Merrill for their presentation and was pleased with the prospects of a Sprouts Farmers Market. It will bring a great addition to the City. The nearby housing project is also a good idea and will help with all the shopping centers.

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Mayor Pro Tem Scott asked if the parking lot between Ross and the current project will not be connected with Walmart due to their restrictions.

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Mr. Sigal stated that is correct.

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Council Member Carrizales thanked Newmark Merrill for the presentation and stated that the Sprouts Farmers Market will be a big attraction to Rialto. Rialto deserves these amenities and stores coming into the City. He is looking forward to this project moving forward.

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Council Member Trujillo stated that he is pleased a location was found for this project and is looking forward to it. He hopes the City will continue to attract high-quality businesses to Rialto. He thanked the Economic Development Committee bringing it to fruition. This is a great way to show that businesses can come and flourish in Rialto.

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TAB 3:
Agreement with NewMark Merrill

Mayor Robertson thanked the team for finding things that will benefit and support our community. She hopes the City will explore other commercial opportunities.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 4-0 vote to Approve an Exclusive Right to Negotiate Agreement with NewMark Merrill for the Development of Approximately 15.5 Acres of Property Located West of Riverside Avenue and North of Valley Boulevard.

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TAB 4:
No Place Like Home Funding for Metrolink South Housing Project

Karen Peterson, Acting Community Development Director and Joshua LaBarge, Chief Executive Officer with LaBarge Industries with presented the staff report requesting City Council and Rialto Housing Authority to Provide Direction on the Use of No Place Like Home (NPLH) Funding for the Metrolink South Affordable Housing Project.

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Motion by Mayor Pro Tem Scott second by Council Member Carrizales and carried by a 4-0 vote to approve the No Place Like Home (NPLH) Funding the Metrolink South Affordable Housing Project.

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TAB 5:
Agreement with Ipply Global Companies, LLC and NCNW Bethune Center for Workforce/Job Training Services

Interim City Manager stated that TAB 5 will be split in the order appearing on the agenda.

TAB 5A: Approval of an Agreement with Ipply Global Companies, LLC for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

TAB 5B: Approval an Agreement with NCNW Bethune Center for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

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TAB 5A:
Agreement with Ipply Global Companies, LLC

Stephen Erlandson, Deputy City Manager, and Del Lewis with Ipply Global Companies, LLC presented the staff report requesting City Council to 1) Approve an Agreement with Ipply Global Companies, LLC for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

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Mayor Robertson asked about the process for reviewing in the procurement and reference checks with the organizations listed and where State records are located.

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TAB 5A:
Agreement with Ipply Global Companies,
LLC

Deputy City Manager Erlandson stated he provided letters of reference from non-profit group Olive Crest who provided educational and career-counseling services to at-risk youth under the age of 18. There are also letters of reference from the State of California Department of Rehabilitation.

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Mayor Robertson asked if the organization had contracts with the Department of Rehabilitation and expressed concerns and asked for better understanding on how services are being delivered by these organizations. She asked Deputy City Manager Erlandson if communication had been made.

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Deputy City Manager Erlandson stated he received a letter of recommendation from Olive Crest.

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Mayor Robertson asked if Olive Crest was included in the proposal and when was the letter of recommendation received.

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Deputy City Manager Erlandson stated it was not in the proposal. It came in subsequently. The letter of recommendation was received December 8, 2020. He offered copies to the City Council.

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Mayor Robertson expressed her concerns and recommends the City Council review documents generated on the day of, not part of the package and why letters of recommendations were not received from the other organizations, fact finding and State of California registration as a foreign entity.

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Mayor Pro Tem Scott asked who was Salon Petros.

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Mayor Robertson stated it is a Rialto resident who assisted the Mayor in providing information.

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Mayor Pro Tem Scott asked what is the normal vetting procedure of for-profit/and 501(c)(3) individuals to verify that their information and history is correct. Is LDM used? He asked what vetting has been done. He asked if a representative from Ipply Global Companies, LLC was present to answer questions.

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**TAB 5A:
Agreement with Ipply Global Companies,
LLC**

Deputy City Manager Erlandson stated LDM is not involved in the CARES Act funding. Del Lewis with Ipply Global Companies, LLC is available via Zoom.

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City Clerk McGee stated Mr. Lewis was unable to join the meeting on Zoom.

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Mayor Pro Tem Scott recommends TAB 5A be brought back to the January 12, 2021 City Council meeting until this can be vetted and the information asked for is provided. He asked who will be vetting. It is City staff's responsibility to do the vetting.

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Acting City Manager Grayson asked if there was any impact on funds as allocated by the City Council on the timeliness of this action.

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Deputy City Manager Erlandson stated there was not.

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Acting City Manager Grayson stated TAB 5A will be brought back to the City Council at the January 12, 2021 meeting with a description of the process used to vet the application and relate back to the existing practice of how CDBG applications are vetted and share the results with the City Council.

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Mayor Pro Tem Scott stated a similar concern has been brought up with that process as well. He does not believe there is an acceptable process. He stated that before entering into agreements, vetting needs to take place with companies or individuals that are seeking to do business with the City. These are Federal funds. He asked if the Mayor agreed with the recommendation.

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Mayor Robertson stated that if the action moves forward, we will begin the process of the scope of work. She agrees to holding the Item until January 12, 2021 City Council meeting until there is better understanding.

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Motion by Mayor Pro Tem Scott, second by Mayor Robertson and carried by a 4-0 vote to hold TAB5A until the January 12, 2021 City Council meeting until sufficient business vetting is performed of the proposal, background, and references.

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Mayor Robertson recused herself from TAB 5B due to a conflict of interest and left the dais at 8:48 p.m.

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**TAB 5B:
NCNW Bethune Center for Workforce/
Job Training Services**

Stephen Erlandson, Deputy City Manager presented staff report requesting the City Council to Approve an Agreement with NCNW Bethune Center for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

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Mayor Pro Tem Scott asked if this grant fits within the scope of the CDBG CARES Act funds.

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Acting City Manager Grayson stated yes it did.

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Council Member Trujillo asked if the additional funding provided will allow the Bethune Center the opportunity to keep their doors open. He asked what the hours of operation at the Rialto Resource Center would be.

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Acting City Manager Grayson stated this would be a project as opposed to a specific activity or allowance for any one facility. Due to COVID-19 restrictions, the Bethune Center has been working on an appointment basis. Hours of operation would not be the scope of this agreement.

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Council Member Trujillo asked if the members of the community would be informed about these services.

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Acting City Manager Grayson stated the City will do a better job of engaging the community across the board especially with the at-risk youth.

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ORAL COMMUNICATION

Barbara Williams, Program Director for the NCNW Bethune Center, stated that the new program, would allow the Bethune Center to accommodate the community on appointment basis during the pandemic.

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Deborah Smith Gilbert, President of NCNW, is in favor of the grant. The organization has been serving the community for over 25 years and has been very successful with grant recipients with the City of Rialto for over 10 years. It is much needed service for the community during this pandemic.

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**TAB 5B:
NCNW Bethune Center for Workforce/
Job Training Services**

Margo Williams, Program Director, IE NCNW Bethune Center is in support of the workforce grant. It is much needed service.

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Che Wright NCNW Board Member called in support of the workforce development grant.

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Milele Robertson, past president IE NCNW Bethune Center is in favor of the workforce development grant.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 3-0 vote to Approve an Agreement with NCNW Bethune Center for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

Mayor Robertson was absent.

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Mayor Robertson returned to the dais at 8:59 p.m.

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**TAB 6:
Agreement with Global CTI**

Stephen Erlandson, Deputy City Manager presented staff report requesting the City Council to Approve an Agreement with Global CTI for the Acquisition, Installation, Maintenance, and Support of a Voice over Internet Protocol System (VoIP) for a Not-To-Exceed Amount of \$875,213.37.

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Council Member Carrizales asked about the transition period.

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Mr. Erlandson stated the transition period which includes installation and training will be approximately four to five months.

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Council Member Carrizales asked if there was a one-year technical service fee and about its compatibility with Apple products.

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Mr. Erlandson stated yes there is support maintenance. And then possibly subsequent multi-year agreements for \$23,500 approximately for one-year. It is compatible with Apple products.

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Council Member Trujillo asked if City staff have referenced this service with other municipalities using the system and how it fared.

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TAB 6:
Agreement with Global CTI

Mr. Erlandson stated reference checks were performed by the former Interim Purchasing Manager and came back favorably. Mr. Erlandson shared his personal experience with a similar system, and there were no issues. A lot of positive feedback was received.

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Council Member Carrizales asked if there was a back up system to the former landline if the Internet went down.

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Mr. Erlandson stated that even if the Internet went out, the phone system would still work.

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Mayor Robertson expressed the importance of fiber optic technology and asked about City Hall's current usage and stressed the need for a fiber optic master plan.

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Acting City Manager Grayson stated he will provide the City Council an update on the fiber optic program. Currently, there is fiber optics at Civic Center Campus, Human Resources and Public Works Departments.

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Acting City Manager Grayson stated the rest of the City buildings do not have fiber optic connectivity.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 4-0 vote to Approve an Agreement with Global CTI for the Acquisition, Installation, Maintenance, and Support of a Voice over Internet Protocol System (VoIP) for a Not-To-Exceed Amount of \$875,213.37.

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TAB 7:
Professional Services Agreement with
LWP Claims Solutions, Inc. Worker's
Compensation program

Angela McCray, Director of Human Resources & Risk Management, presented staff report to Request City Council to Approve a two-year Professional Services Agreement with LWP Claims Solutions, Inc. as the City's third-party administrator for the City's Self-Insured Worker's Compensation program.

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Mayor Pro Tem Scott asked how long LWP had been partnering with the City and if they also investigate potential Worker's Compensation fraud and how many instances of fraudulent activity were identified.

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Ms. McCray stated LWP has partnered with the City since 2016. They do identify Worker's Compensation fraud. Currently one case is being investigated for fraud.

TAB 7:
Professional Services Agreement with
LWP Claims Solutions, Inc. Worker's
Compensation program

Mayor Pro Tem Scott asked if the investigative work was enough to consider prosecution.

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Ms. McCray stated the current claim has been sent to the D.A.'s office for review. The City is waiting for further instructions from the D.A's Office.

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Mayor Pro Tem Scott asked how LWP's cost compared to the previous providing company.

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Ms. McCray stated she would research that information and get back to the City Council.

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Mayor Robertson asked if since 2016, has LWP's agreement with the City had opportunities for renewal without going back out for an RFP.

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Ms. McCray stated that in 2019 there was a one-year renewal without an extension, which expired in 2020; and are now asking for an extension.

Mayor Robertson asked if after the one-year extension, an RFP will be considered.

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Ms. McCray stated that if that is the direction of the City Council, the RFP can be arranged.

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Interim City Attorney clarified that it is a two-year contract.

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Mayor Robertson asked for an explanation on indemnity benefits and if LWP assist with the calculations.

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Ms. McCray stated that is the program paid to employees who are on leave. LWP does assist the with calculations.

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Mayor Robertson inquired about the recent inappropriate calculations.

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TAB 7:
Professional Services Agreement with
LWP Claims Solutions, Inc. Worker's
Compensation program

Ms. McCray stated that it was discovered in the Human Resources Department. When we receive a claim and report the average weekly wages, prior to my administration and shortly thereafter, those numbers were being reported inaccurately. They have been previously, including premium payments, in the base wages for that reporting and it should not.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 4-0 vote to Approve a two-year Professional Services Agreement with LWP Claims Solutions, Inc. as the City's third-party administrator for the City's Self-Insured Worker's Compensation program.

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TAB 8:
Purchase of DuraTech USA, Inc. Tablet
Mobile Data Computers

Mark Kling, Chief of Police, presented the staff report requesting City Council to Approve the Purchase of Forty (40) Getac K120 Rugged Tablet Mobile Data Computers from DuraTech USA, Inc. in the Amount of \$238,714.62.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales, and carried by a 4-0 vote to approve the Purchase of Forty (40) Getac K120 Rugged Tablet Mobile Data Computers from DuraTech USA, Inc. in the Amount of \$238,714.62.

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TAB 9:
Purchase of Vigilant Solutions, LLC
ReaperHD Cameras; Agreement with
Pacifica

Mark Kling, Chief of Police, presented the staff report requesting City Council to approve the Purchase and Installation of Fifteen Fixed ALPR ReaperHD Cameras from Vigilant Solutions, LLC., in the Amount of \$222,629.64; and to enter into a shared cost agreement with Pacifica Companies in the amount of \$125,884.88 for reimbursement to the City for the expense of the installation of ALPRs at the Gateway Plaza Shopping Center.

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Mayor Robertson acknowledged Mayor Pro Tem Scott and Chief King for their efforts and is glad that there was a compromise with Pacifica.

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Mayor Pro Tem Scott stated he is glad the City found a way to make this happen. He wants to engage with NewMark Merrill on the Sprouts Farmers Market property, to let them know what the City wants to see. It saves a lot of police manpower. He hopes Renaissance Shopping Center participates in a program because it saves a lot of money. He thanked Chief King and Staff for all their hard work.

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TAB 9:

**Purchase of Vigilant Solutions, LLC
ReaperHD Cameras; Agreement with
Pacifica**

Motion by Mayor Robertson second by Council Member Carrizales, and carried by a 4-0 vote to approve the Purchase and Installation of Fifteen Fixed ALPR ReaperHD Cameras from Vigilant Solutions, LLC., in the Amount of \$222,629.64; and to enter into a shared cost agreement with Pacifica Companies in the amount of \$125,884.88 for reimbursement to the City for the expense of the installation of ALPRs at the Gateway Plaza Shopping Center.

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TAB 10:

**Professional Services Agreement with
TKE Engineering, Inc.; City Project No.
200813**

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council Approve a Professional Services Agreement with TKE Engineering, Inc. for the Design of the Terra Vista Drive Neighborhood Safe Routes to School Infrastructure Implementation ATPSB1L-5205(029), City Project No. 200813, and the Design of Ayala Drive and Fitzgerald Avenue Traffic Signal and Lighting Improvements, City Project No. 190810, in the amount of \$115,042.

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Mayor Robertson asked when will the project start. She would like for it to begin soon due to the concerns in the area with the neighboring community.

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Mr. Tahan stated that with the City Council approval, design will start immediately. Construction will begin approximately April or May of 2021.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales, and carried by a 4-0 vote to Approve a Professional Services Agreement with TKE Engineering, Inc. for the Design of the Terra Vista Drive Neighborhood Safe Routes to School Infrastructure Implementation ATPSB1L-5205(029), City Project No. 200813, and the Design of Ayala Drive and Fitzgerald Avenue Traffic Signal and Lighting Improvements, City Project No. 190810, in the amount of \$115,042.

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Mayor Pro Tem Scott recused himself from TAB 11 due to a conflict of interest and left the dais at 9:38 p.m.

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TAB 11:

**Professional Services Agreement to
Ardurra Group, Inc.; Purchase Order for
Access Services Plus; First Amendment
with Berg & Berg Associates, Inc.;
Authorize Change Orders to City Project
Nos. 140801 & 140809**

Michael Tahan, Interim Public Works Director, Request City Council to 1) Award a Professional Services Agreement to Ardurra Group, Inc. in the amount of \$191,685; 2) Approve an Increase to the Purchase Order for Access Services, Plus in the amount of \$12,000; 3) Approve a First Amendment to the Professional Services Agreement with Berg & Associates, Inc., in the Amount of \$152,995.88; and 4) Authorize the City Manager to Approve Change Orders for the Construction Contract and Amendments for Related Professional Services within appropriated project budget to Complete the Projects and Provide for Randall Avenue Enhancements, related to City Project Nos. 140801 & 140809.

TAB 11:

Professional Services Agreement to Ardurra Group, Inc.; Purchase Order for Access Services Plus; First Amendment with Berg & Berg Associates, Inc.; Authorize Change Orders to City Project Nos. 140801 & 140809

Mayor Robertson asked for clarification on the order of the construction contract.

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Mr. Tahan stated the project had challenges due to the location. Ardurra Group, Inc. assisted with the analysis and enhancements needed to address the challenges after the design phase. Actions have been taken to close the project in the upcoming few months.

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Council Member Carrizales asked about the unforeseen changes related to east of Joe Sampson Park and funds allocated to them.

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Mr. Tahan stated it is for the work on the three-way intersection by Randall /Lilac and Cactus Avenue that they are trying to address.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 3-0 vote to 1) Award a Professional Services Agreement to Ardurra Group, Inc. in the amount of \$191,685; 2) Approve an Increase to the Purchase Order for Access Services, Plus in the amount of \$12,000; 3) Approve a First Amendment to the Professional Services Agreement with Berg & Associates, Inc., in the Amount of \$152,995.88; 4) Authorize the City Manager to Approve Change Orders for the Construction Contract and Amendments for Related Professional Services within appropriated project budget to Complete the Projects and Provide for Randall Avenue Enhancements, related to City Project Nos. 140801 & 140809.

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Mayor Pro Tem Scott returned to the dais at 9:46 p.m.

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TAB 12:

Valley Boulevard/Cactus and Linden Avenue Street Improvements; Construction Contract Change Order No. 3; Notice of Completion; Release of Retention to H & H General Contractors

Michael Tahan, Interim Public Works Director, presented the staff report to request City Council to 1) Accept the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements, City Project No.140802; 2) Approve Construction Contract Change Order No. 3 in the amount of \$96,041.97; 3) Authorize the Filing of the Notice of Completion; and 4) Authorize Release of Retention to H & H General Contractors, Inc.

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Council Member Trujillo asked if there has been any collaboration with the Colton Unified School District for this project or communication with other surrounding school districts.

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TAB 12:
Valley Boulevard/Cactus and Linden
Avenue Street Improvements;
Construction Contract Change Order
No. 3; Notice of Completion; Release of
Retention to H & H General Contractors

Mr. Tahan stated that during the construction phase which ended in July 2020, there had been communication as part of their public relations work. It is now in the final release of completion filing and change orders were needed.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo, and carried by a 4-0 vote to 1) Accept the Valley Boulevard/Cactus Avenue and Linden Avenue Street Improvements, City Project No.140802; 2) Approve Construction Contract Change Order No. 3 in the amount of \$96,041.97; 3) Authorize the Filing of the Notice of Completion; and 4) Authorize Release of Retention to H & H General Contractors, Inc.

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TAB 13:
Professional Services Agreement with
West Yost Associates for Sewer System
Inventory Assessment Project.

Thomas Crowley, Utilities Manager, presented the staff report to request City Council Approve a Professional Services Agreement with West Yost Associates for the Sewer System Inventory and Assessment Project for an estimated cost of \$2,393,640, and a Budget Resolution for the Appropriation.

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Mayor Robertson stated that there are upcoming EDC meetings to address TAB 13 and would like to have discussions prior to that because it needs to be addressed from an economic perspective.

Mayor Pro Tem Scott stated he does not want to move forward with TAB 13 but only have a brief discussion on the alternative to it. The scope of work was expanded and cost more. It was recommended that notices be sent out to residents to determine their sewer/water bill reflects the correct charge.

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Mayor Robertson stated she is not opposed to pulling TAB 13. She was hoping to give direction to Staff and further look at alternatives that could have been presented.

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TAB 13:
Professional Services Agreement with
West Yost Associates for Sewer System
Inventory Assessment Project.

Mayor Pro Tem Scott stated that notices have been very effective with other agencies and something similar could be done in Rialto. He would like to see the cost of that alone.

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TAB 13:
Professional Services Agreement with
West Yost Associates for Sewer System
Inventory Assessment Project.

Mayor Robertson stated that everything will need to be visited.

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TAB 13 was pulled to be discussed at a future City Council meeting.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 4-0 vote, to adjourn the City Council Meeting at 10:18 p.m.

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE