

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

**MINUTES**  
**June 8, 2021**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, June 8, 2021.

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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 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, Council Member Andy Carrizales and Council Member Karla Perez.

Also present were Acting City Manager Sean Grayson, City Attorney Eric Vail, and City Clerk Barbara McGee.

City Treasurer Edward Carrillo was absent.

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**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(d)(1)  
Two matters:

(1) Leban v. City of Rialto, S.B. Sup. Court Case No.  
CIVDS1916555

(2) Gillespie, et al. v. City of Rialto, et al., S.B. Sup. Court Case  
No. CIVSB2026516

## **CLOSED SESSION**

2. CONFERENCE WITH LEGAL COUNSEL –  
ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to  
Government Code section  
54956.9(d)(2).  
Two (2) matters.
3. EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code section 54597  
Title: Acting City Manager
4. CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(d)(1)  
One (1) matter  
Daniel Alvarez v City of Rialto Case No. CIVDS2012369

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by 5-0 vote to go into Closed Session at 5:03 p.m.

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City Council returned from Closed Session at 6:41 p.m.

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## **CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 6:50 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, Council Member Andy Carrizales and Council Member Karla Perez. Also present were Acting City Manager Sean Grayson, City Attorney Eric Vail, and City Clerk Barbara McGee. City Treasurer Edward Carrillo was absent.

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## **Pledge of Allegiance and Invocation**

Council Member Andy Carrizales led the Pledge of Allegiance. Pastor Bob Ruiz – Calvary Chapel Rialto.

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

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9(d)(1)  
Two matters:

(1) Leban v. City of Rialto, S.B. Sup. Court Case No.  
CIVDS1916555

(2) Gillespie, et al. v. City of Rialto, et al., S.B. Sup. Court Case  
No. CIVSB2026516

The City Council had report on legal counsel on both of the listed Items,  
gave direction to the City Attorney's Office. There was no other  
reportable action on that Item.

**2. CONFERENCE WITH LEGAL COUNSEL –  
ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to  
Government Code section  
54956.9(d)(2).  
Two (2) matters.

The City Council completed the Item, gave direction to legal counsel  
and the City Attorney's Office on both of those Items.

**3. EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 54597  
Title: Acting City Manager

Item has been continued over to the end of the regular session today.

**4. CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9(d)(1)  
One (1) matter  
Daniel Alvarez v City of Rialto Case No. CIVDS2012369

The City Council heard a report from legal counsel and gave direction.  
No other reportable action.

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**PRESENTATIONS AND  
PROCLAMATIONS**

None.

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**ORAL COMMUNICATIONS**

None.

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

Mayor Robertson abstained from Voucher 218104 from Warrant Resolution No. 46 (05/027/2021) NCNW payment; will recuse from TAB 1; pull Items D.2; D.6 and D.8. She would like to pull those Items for the second meeting in June 22, 2021.

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Acting City Manager Grayson stated that Item. D.8, the Waste Delivery Agreement, is an Item on the County Board of Supervisors' Agenda on the day of June 22, 2021, and it would be in advance of that and they anticipate it would have been ratified by the City Council at this point.

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Mayor Robertson expressed her concerns for pulling the Item and had questions before moving forward.

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Mayor Pro Tem Scott agreed with Mayor Robertson. It has not been discussed with anyone in a policy-level area. He has serious concerns with their agreement with the County of San Bernardino. The County needs to discuss it with the City Council.

He recommended making a motion to pull Items D.2, D.6, and D.8.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to pull Items D.2, D.6, and D.8 from the agenda.

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**CONSENT CALENDAR**

**A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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**B. APPROVAL OF WARRANT RESOLUTIONS**

B.1 Warrant Resolution No.46 (05/27/2021)

B.2 Warrant Resolution No.47 (06/03/2021)

B.3 Warrant Resolution No.47a (06/03/2021)

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**C. APPROVAL OF MINUTES**

C.1 Regular City Council Meeting - April 13, 2021

C.2 Regular City Council Meeting - April 27, 2021

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## **CONSENT CALENDAR**

### **D. MISCELLANEOUS**

- D.1 Request City Council to Approve the First Amendment to the Agreement with Fire Apparatus Solutions and Approve an In-Kind Trade of Surplus Equipment in Exchange for a Credit of \$25,560 toward the Purchase Order for Preventative Maintenance and Repair of Fire Department Apparatus.
- D.2 Request City Council Authorize a Training Agreement with the San Bernardino Community College District for Training and Instructional Services.
- D.3 Request City Council to Approve a Onetime Retro Payment to Inland Counties Emergency Medical Agencies (ICEMA) in the Amount of \$19,200 for Accumulated Medical Control Fees and Medical Compliance Fees Associated with our Emergency Medical Services (EMS) Apparatus.
- D.4 Request City Council Adopt Resolution No. 7731, Adopting a List of Projects for Fiscal Year 2021/2022 Funded by SB 1: The Road Repair and Accountability Act of 2017.
- D.5 Request City Council to Authorize the Release of Request for Bids for the 2020/2021 Street Overlay & Reconstruction Project, City Project Nos. 180807 (Riverside Avenue from I-10 to the City's South Boundary) and 210807 (Riverside Avenue from SR-210 to Foothill Boulevard).
- D.6 Request City Council to Approve a Services Agreement with Judge Netting Inc. of Garden Grove, CA in the amount of \$19,900 for Replacement of the Outfield Baseball Netting at Frisbie Park.
- D.7 Request City Council to Approve the Issuance of a Purchase Order to Pacific Park & Playground, Inc. of Huntington Beach, CA in the Amount of \$27,051.30 for Pneumatic Truck Blown-in Certified Playground Mulch at Parks Citywide.
- D.8 Request City Council 1) Approve Amendment No. 7 to the Waste Delivery Agreement between the City of Rialto and San Bernardino County, Division of Solid Waste, Extending the Term from June 30, 2021 to June 30, 2026 and 2) Authorize the City Manager to Execute the Agreement.

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## **CONSENT CALENDAR**

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

Mayor Robertson abstained from Voucher 218104 from Warrant Resolution No. 46 (05/027/2021).

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## **PUBLIC HEARING**

### **TAB 1**

**Public Hearing to Approve Consolidated Plan 2021-2022 One-Year Action Plan; Budget Extra \$18,392 for Six Public Service Organization that did not receive full request during CDBG Committee Allocation Process.**

Stephen Erlandson, Deputy City Manager, and Sean Grayson, Acting City Manager, presented staff report to Request City Council to (1) Hold a Public Hearing to Solicit Public Comments from Interested Citizens and to Consider and Approve the City's Consolidated Plan 2021-2022 One-Year Action Plan and (2) Consider and Direct Staff to Budget the Extra \$18,392 Equally Amongst the Six Public Service Organizations that did not Receive their full Request During the City's CDBG Ad-Hoc Committee Allocation Process, Resulting in the Six Organizations Receiving an Equal Allocation of \$13,244.67.

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Mayor Robertson recused herself from TAB 1 and left the dais at 7:00 p.m.

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Mayor Pro Tem Scott declared the public hearing open.

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### **Public Comment**

Maribel Nuñez with Inland Equity Partnership is available for any questions.

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

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Council Member Trujillo stated subcommittee meetings were accessible and transparent to the public. The package and diversity created more partnerships within the community, and he is pleased with it.

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Council Member Perez thanked all the participating applicants and are excited to see what they will be giving back to the community.

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Mayor Pro Tem Scott asked about the Community Center building, 400, if it is that a building under work or a new project.

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Interim Public Works Director Tahan stated Building 400 was recommended by Community Services which is the next building in line to improve that building with the program.

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Mayor Pro Tem Scott asked who is currently occupying the building and if there are offices in the building.

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**TAB 1  
Public Hearing to Approve Consolidated  
Plan 2021-2022 One-Year Action Plan;  
Budget Extra \$18,392 for Six Public  
Service Organization that did not receive  
full request during CDBG Committee  
Allocation Process.**

Interim Public Works Director Tahan stated currently community groups. And there are no offices in the building.

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Mayor Pro Tem Scott asked about which skatepark needed fencing.

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Interim Public Works Director Tahan stated he believed it is Margaret Todd Park.

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Mayor Pro Tem Scott asked if is currently fenced.

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Interim Public Work Director Tahan stated no.

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Mayor Pro Tem Scott asked what the necessity of the fencing is.

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Interim Public Works Director Tahan stated it was for park operational purposes in managing the youth at the park.

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Mayor Pro Tem Scott asked if there are Community Services Park DIF funds to do this work.

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Acting City Manager Grayson stated parks Development Impact Fee (DIF) funds, no. The General Fund loaned funds to the Park DIF to complete Frisbie Park Project which leaves a remainder of zero in the DIF Park fund.

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Mayor Pro Tem Scott asked about funds for sidewalk projects.

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Interim Public Work Director Tahan stated that funds were to be used at the cemetery.

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Mayor Pro Tem Scott asked if Second Street is in the map area and if there are any sidewalks that need to be fixed.

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Interim Public Works Director Tahan stated a project couldn't be made from the whole area.

**TAB 1**

**Public Hearing to Approve Consolidated  
Plan 2021-2022 One-Year Action Plan;  
Budget Extra \$18,392 for Six Public  
Service Organization that did not receive  
full request during CDBG Committee  
Allocation Process.**

Mayor Pro Tem Scott stated funds are to be used for the community. Sidewalks are more important than a skatepark fence. Priorities need to be looked at in the City. The residents in this City are the number one priority. I have a problem with a couple of these Items. On the rest, the Committee has done a fine job. He commended Council Members Trujillo and Perez for the groups that came onboard. He is hoping for success updates to be able to appoint additional funds if successful.

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Council Member Trujillo asked when the recurring loan payment for Bud Bender is going to expire.

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Deputy City Manager Erlandson stated approximately \$2 million dollars left on the principal payment and should be paid down five-six years based upon a \$300,000 payment annually approximately – less interest.

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Acting City Manager Grayson asked should the City Council decide to defer the items under capital improvements, modify them and/or allow them to go tonight with the intention of doing a subsequent amendment, are there any issues therein.

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Deputy City Manager Erlandson stated not at this point in time they're not.

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Council Member Trujillo stated he supports Mayor Pro Tem Scott's recommendation with moving skateboard fencing funding to focus on the infrastructure with the sidewalks.

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Mayor Pro Tem Scott stated there is \$1,261,000 being used for capital city improvements administration and only \$189,000 allocated towards public service groups.

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Council Member Trujillo recommends taking the motion underneath the fencing and place it under curbs, sidewalks, gutter.

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Acting City Manager Grayson asked if the City was at a maximum for the program's allocation to public service portion. Can capital be moved into public service.

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**TAB 1**

**Public Hearing to Approve Consolidated Plan 2021-2022 One-Year Action Plan; Budget Extra \$18,392 for Six Public Service Organization that did not receive full request during CDBG Committee Allocation Process**

LDM Representative, Frank Perez, stated that public service under regulatory CDBG requirements, there is a cap of 15 percent. That cap has already been met with the \$189,000.

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Mayor Pro Tem Scott asked if that cap has been met.

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LDM Representative, Frank Perez, stated that is correct.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to Approve the City's Consolidated Plan 2021-2022 One-Year Action Plan and (2) Consider and Direct Staff to Budget the Extra \$18,392 Equally Amongst the Six Public Service Organizations that did not Receive their full Request During the City's CDBG Ad-Hoc Committee Allocation Process, Resulting in the Six Organizations Receiving an Equal Allocation of \$13,244.67 with the change of moving the skatepark fencing project funding, to curbs, gutters and sidewalk Project in the CDBG area.

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

NOES: None. ABSTAIN: None. ABSENT: Mayor Robertson

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Mayor Robertson returned to the dais at 7:31 p.m.

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**TAB 2**

**Public Hearing related to Placement of Sewer Service Charges for Delinquent Accounts and approve City Resolution No. 7732 and RUA Resolution No. 02-21.**

Tom Crowley, Utilities Manager, presented staff report to Conduct a Public Hearing to Receive Public Comments Related to the Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts and Approve City Resolution No. 7732 and RUA Resolution No. 02-21 Authorizing the Placement of Delinquent Wastewater Payments on the County Property Tax Roll.

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Mayor Robertson declared the public hearing open.

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No one came forward to speak.

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**TAB 2**  
**Public Hearing related to Placement of**  
**Sewer Service Charges for Delinquent**  
**Accounts and approve City Resolution**  
**No. 7732 and RUA Resolution No. 02-21.**

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

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Mayor Pro Tem Scott asked if there were County addresses.

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Mr. Crowley stated all addresses are within the service area.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to Receive Public Comments Related to the Placement of Sewer Service Charges on the County Property Tax Roll for Delinquent Accounts and Approve City Resolution No. 7732 and RUA Resolution No. 02-21 Authorizing the Placement of Delinquent Wastewater Payments on the County Property Tax Roll.

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**NEW BUSINESS**

**TAB 3**  
**Purchase Five (5) Motorola APX 6500**  
**Mobile Radios, Five (5) Motorola APX**  
**6000 Portable Radios from Solutions, Inc.**  
**and Five (5) Getac K120 Rugged Tablet**  
**Mobile Data Computers from DuraTech**

Mark Kling Police Chief, presented staff report to Request City Council to Authorize Purchase Orders for Five (5) Motorola APX 6500 Mobile Radios and Five (5) Motorola APX 6000 Portable Radios from Motorola Solutions, Inc., and Five (5) Getac K120 Rugged Tablet Mobile Data Computers from DuraTech USA, Inc., for a Combined Purchase Amount of \$95,399.86.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve Five (5) Motorola APX 6500 Mobile Radios and Five (5) Motorola APX 6000 Portable Radios from Motorola Solutions, Inc., and Five (5) Getac K120 Rugged Tablet Mobile Data Computers from DuraTech USA, Inc., for a Combined Purchase Amount of \$95,399.86.

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**TAB 4**  
**Adopt Resolution No. 7733;Services**  
**Agreement to Drop Mobility for Bike**  
**Sharing Plan Program; Authorize Second**  
**Amendment with Alta Planning Design**  
**Modifications for Project.**

Michael Tahan, Interim Public Works Director, and Libby Nachman with Alta Planning presented staff to Request City Council to 1) Adopt Resolution No. 7733 Accepting the Clean Mobility Options (CMO) Voucher Pilot Program Grant in the Amount of \$1,000,000; 2) Award the Professional Services Agreement to Dropbike Corp, dba Drop Mobility, in the Amount of \$1,100,000 for the Bike Sharing Plan and Implementation Program, City Project No. 170810; and 3) Authorize the Second Amendment with Alta Planning + Design for any Future Task Modifications for the Project in the Amount of \$49,865 for a Total Not-to-Exceed Amount of \$236,197.

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**TAB 4  
Adopt Resolution No. 7733; Services  
Agreement to Drop Mobility for Bike  
Sharing Plan Program; Authorize Second  
Amendment with Alta Planning Design  
Modifications for Project.**

Council Member Trujillo asked if the Bike Share Program is interconnected with other regionally or only within City limits.

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Mr. Tahan stated the funding requested is for the City of Rialto. It is not a joined application. It is within Rialto jurisdiction. Anyone from outside the City may use the program.

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Council Member Trujillo asked if it is possible to leave the City with the bikes.

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Amber Wason with Drop Mobility stated that the bikes can be ridden out of the Bikeshare System in Rialto, but the trip would not be able to be ended outside of the City.

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Mayor Pro Tem Scott stated that Rialto is ahead of the curve compared to the surrounding cities. If it is successful, he envisions other neighboring cities doing the same. The consultants did a great job. He hopes it's successful. He hopes the community respects the bikes and keeps them in good shape. Rialto is the first in our region to do something. It shows good leadership on the part of this City Council. He commended the team and City staff for moving the project quickly.

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Council Member Carrizales asked how they are tracked and returned when they are done being ridden to make certain it is not left outside City boundaries.

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Ms. Wason stated that Drop Mobility works with the City to outline the actual service area. The bikes are GPS connected. Anytime a user would try to end the trip outside the service area, they would be notified that they cannot end their trip and must take it back in within their geographical bounds that we have set to end their trip.

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Council Member Perez asked if the bikes are monitored to deter vandalism.

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Ms. Wason stated that the system is monitored and work with the City to determine what fines to impose to regulate and deter vandalism.

**TAB 4**

**Adopt Resolution No. 7733; Services Agreement to Drop Mobility for Bike Sharing Plan Program; Authorize Second Amendment with Alta Planning Design Modifications for Project.**

Mayor Robertson applauded the City staff for spearheading events such as the Bike Rodeo, bike lanes and educating the community. She is asking the information to be revisited by going to the locations to determine appropriate stations.

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Mr. Tahan agrees with Mayor Robertson. Locations will need to be revisited and rethink.

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Motion by Council Member Carrizales, second by Council Member Perez and carried by a 5-0 vote to 1) Adopt Resolution No. 7733 Accepting the Clean Mobility Options (CMO) Voucher Pilot Program Grant in the Amount of \$1,000,000; 2) Award the Professional Services Agreement to Dropbike Corp, dba Drop Mobility, in the Amount of \$1,100,000 for the Bike Sharing Plan and Implementation Program, City Project No. 170810; and 3) Authorize the Second Amendment with Alta Planning + Design for any Future Task Modifications for the Project in the Amount of \$49,865 for a Total Not-to-Exceed Amount of \$236,197.

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**TAB 5**

**Approve Agreement with CASC Engineering and Consulting for Consultant Services for Three (3) Year Term.**

Michael Tahan, Interim Public Works Director presented staff report to Request City Council to Approve a Professional Services Agreement with CASC Engineering and Consulting for Technical Consultant Services to Assist with the National Pollution Discharge Elimination System Program for a Three (3) Year Term at \$201,345.27 Each Year for a Total of \$604,035.81.

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Mayor Robertson stated she would like to be advised and noticed of major spills and pollutants.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to Approve a Professional Services Agreement with CASC Engineering and Consulting for Technical Consultant Services to Assist with the National Pollution Discharge Elimination System Program for a Three (3) Year Term at \$201,345.27 Each Year for a Total of \$604,035.81.

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**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council to 1) Accept Fire Station 205 Phase 1 and Phase 2 Improvements, City Project Nos. 170203 and 190211; 2) Authorize the Filing of the Notice of Completion for Fire Station 205 Phase 1 Improvements and Phase 2 Improvements; 3) Approve Contract Change Order No. 11 for \$97,630.70 for Pacific Hydrotech for Phase 1, City Project No. 170203; 4) Approve Third Amendment to the Professional Services Agreement to STK Architecture Inc. in the amount of \$49,060 for Construction Management Services for Fire Station 205 Phase 1 and Phase 2; 5) Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Robert Clapper Construction Services, Inc. for Phase 2 Improvements; and 6) Authorize a Professional Services Agreement with GSSI Inc. and Authorize a Purchase Order Increase in the Amount of \$125,000 for Security Services at Fire Station 205 for a Total Not to Exceed Amount of \$205,000.

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Council Member Trujillo asked the members of the subcommittee if there had been any field trips to the project location.

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Mayor Pro Tem Scott stated he had a couple of trips to the project site and is refusing to vote tonight to accept the completion of this project. He has a lot to say on it.

Mayor Pro Tem Scott asked and addressed a lot of incomplete and unfinished projects at the Fire Station 205. He and the Fire Department staff is dissatisfied with the product. He inquired about the security assigned to the Fire Station and about the length of the project and why it is taking so long. He inquired about the lights for the building and if the City Council had approved the funding for the lights.

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Interim Public Works Director Tahan stated the City Council did not approve the lights.

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Interim City Manager Grayson stated it would be included in the authorization previously provided and they were subsequently removed from the project at some point.

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Mayor Pro Tem Scott asked about the security system for the building.

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Interim Public Works Director Tahan stated the cameras were part of the overall program working with the Police Department to look at the whole City for a security program.

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**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Mayor Pro Tem Scott asked if hiring security is the answer to this. He doesn't understand how a Fire Station was designed with missing items. He asked if the locking doors have been fixed.

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Interim Public Works Director Tahan stated they are being fixed. Waiting on parts to come in.

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Mayor Pro Tem Scott asked about the situation with the fencing.

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Interim Public Works Director Tahan stated he was not aware. He will look into it.

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Mayor Pro Tem Scott stated he has a lot of photos of the location and has previously expressed his concerns to the Interim Public Works Director and the Acting City Manager and there's still no resolution.

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Interim Public Works Director stated he agreed with Mayor Pro Tem Scott's concerns.

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Mayor Pro Tem Scott stated this Item should have been pulled from the agenda and brought at later time. He inquired who is over retention.

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Interim Public Works Director Tahan stated both contractors Pacific Hydrotech and Robert Clapper Construction Services, Inc.

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Mayor Pro Tem Scott asked is the work that we contracted those two entities to do have they completed their work as per the plans that they bid on. Should they be paid their retentions?

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Interim Public Works Director stated yes, that is correct.

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Mayor Pro Tem Scott stated he has been out on job walks with architects, project managers, contractors, the fire department, and it has all been ignored. He will vote tonight to pay their retentions, but he will not vote for anything else. If my colleagues are satisfied with the Fire Station and its lack of management and want to vote for it, so be it. The City Council has been asking for days and has not received answers. Something needs to be done.

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Mayor Robertson emphasized that a report is being presented before the City Council while not yet prepared. The responsibility lies on the Acting City Manager when a staff report is not ready for presentation. It needs to be pulled when not prepared. The report clearly is not complete. I am not prepared and will not vote on any of it. There are a lot of unanswered questions. Is it done or not?

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Mayor Pro Tem Scott asked how long does the existing security company's contract last.

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Interim Public Works Director Tahan stated July.

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Mayor Pro Tem Scott asked who will be guarding the Fire Station if the funds are not approved tonight.

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Interim Public Works Director Tahan stated arrangements have been made to begin the flood lights installation.

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Mayor Robertson asked who made the decision to remove the flood lights from the schedule if they were part of the design.

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Council Member Carrizales also asked about the removal of the flood lights.

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Mayor Pro Tem Scott shared about his experience on a recent job walk and thought the lighting had gone before the City Council for approval. There is a training area with no lights in it, which have caused break-ins.

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Council Member Carrizales asked if the security system was in place or never added. It should have been part of the design. Is this a question for the design group?

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GV Salts, STK Architecture Inc., explained their role in the security systems related to ID card readers to exterior doors and gates to identify where j-box and conduits are to be placed back to a home computer.

0o0

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Council Member Carrizales asked about the camera system.

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Mr. Salts stated they do not specify. They provide locations and a low-voltage power port. That is another specialized system coming from the owner.

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Council Member Carrizales asked about exterior of the building for the camera locations.

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Mr. Salts stated there's locations and conduits, but not an actual camera system. It is not part of their scope of work.

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Council Member Carrizales asked if there are separate conduits – power and extra camera surveillance system.

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Mr. Salts stated a lot is low-voltage wiring. It does not require an extra conduit.

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Mayor Pro Tem Scott asked if lines were added.

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Mr. Salts stated not that he is aware of. He once again explained their role with wire installation related to the doors with card readers leading out the light poles in the parking lot.

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Mayor Pro Tem Scott asked if the Fire Department or Public Works Department specify anything related to security cameras or security systems in the plans. I know it's not your responsibility, but it should have been specified by somebody in the City.

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Mr. Salts stated it was not them. It was a coordination for security for which of the ID card reader-activated doors to be located.

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Council Member Trujillo emphasized that they would hope City staff would respect the role of the subcommittee and work out many of these issues before coming to the City Council.

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Mayor Pro Tem Scott stated the last time the subcommittee met was before the bids were being issued. All these matters were discussed. They then should have been delegated to the appropriate department for review and make changes to the plans.



**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Mayor Pro Tem Scott asked if there was Fire Staff during construction.

0o0

Interim Public Works Director Tahan stated Cory Cisneros attended.

0o0

Interim Fire Chief Park stated at the last site walk through with Sergeant Lindsey last July, they identified fortifying the perimeter, increasing perimeter lighting and interior lighting, door locks, security cameras.

0o0

Mayor Pro Tem Scott asked who was part of that job walk.

0o0

Interim Fire Chief Park stated Superintendent Tony Brandyberry and former Public Work Director Savat Khamphou. The City was looking at holistic cameras throughout the City. And a new camera system that would meet the City's application. The City was looking for a City-wide approach to cameras.

0o0

Mayor Pro Tem Scott stated the City-wide approach revolved around camera systems at the wastewater plants and parks and eventually expand throughout the City. It was never a direction from anybody that we just wait and come up with a City-wide system so meanwhile anything that get built or doesn't have it, we don't put it on. That was never any direction from anybody here.

I don't understand how a building can be moved into that didn't have any security and a camera system and without locked doors.

0o0

Mayor Robertson expressed her position. She requested the scope of work that was given to the general contractor. Somebody has a responsibility for the design built and who is going to take the lead and what we wanted them to build.

0o0

Mayor Pro Tem Scott stated the new policy in Public Works, when we ask questions, they bombard us with millions of pages of documents a couple of days before the City Council to have the weekend to review. I don't see not approving the dollars for security. Otherwise, there won't be any security, and we'll put our firefighters at risk.

0o0

Interim Public Works Director Tahan stated the \$125,000 stated covers some of the existing cost for the last couple of months.

0o0

Mayor Pro Tem Scott stated spending money without approval is not a good thing.

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Acting City Manager Grayson stated it was initially approved by the Director of Emergency Services, former City Manager Rod Foster, to get them out there when the problems were identified.

0o0

Mayor Pro Tem Scott stated we all would like to see the general scope of work.

0o0

Mayor Robertson stated that because full disclosure that a previous City Manager under some authority of EMS, authorized something which gives the authorization to also pay for services when you've exceeded whatever is in the budget, she will not be voting in favor of it. She will let the Council Members take that action.

0o0

Mayor Pro Tem Scott asked City Attorney Vail what the authority is of any City Manager in regard to Emergency Services. I don't see what this money has to do with COVID-19.

0o0

City Attorney Vail stated he will have to review which contracts were approved.

0o0

Mayor Robertson stated that in the absence of clarity, she will keep her position.

0o0

Council Member Trujillo stated there was CARES Act funds through the State that went to the City budget. He is requesting staff for a pandemic sheet on money that wasn't publicly issued. He is requesting the City to send a copy of State derived CARES Act funds went to in all operations.

0o0

Mayor Robertson stated she understands the authority of the Emergency Management Services, but this is ongoing construction. Security has not been ample. Vandalism happened before pandemic. How do you stretch that as part of Emergency Management Services responsibility?

0o0

Mayor Pro Tem Scott stated Pacific Hydrotech have done the work and are finished. I have a problem with not paying their change order and they did their work and weren't contracted to do this other work. It's unfair to punish them.

0o0

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Interim Public Works Director Tahan stated that the \$97,000 plus change order has two components. One is for \$18,500 for the rolling gate accident that Pacific Hydrotech fixed on the City's behalf and they're trying to recollect money from the insurance company. Reimbursement for fixing the gate with the accident about \$18,500.

Mayor Pro Tem Scott clarified a rolling gate accident? Who hit it?

0o0

Interim Public Works Director Tahan stated there was a rolling gate accident hit by GSSI's security guard.

0o0

Mayor Pro Tem Scott asked why is GSSI paying for it.

0o0

Interim Public Works Director Tahan stated they are paying for it through their insurance. Pacific Hydrotech fixed the gate to make sure it is functional, and they are recapturing their money. They filed a claim with their insurance company to collect money.

0o0

Mayor Pro Tem Scott asked why we don't deduct that money from that bill that they're owed and pay Pacific Hydrotech instead of waiting for the insurance company.

0o0

Interim Public Works Director Tahan stated that is what we are waiting on right now. But we can work on that.

0o0

Mayor Robertson asked who hit the gate.

0o0

Mayor Pro Tem Scott stated GSSI.

0o0

Interim Public Works Director Tahan stated the \$79,000 is for a flood control permit for a 24-inch line.

0o0

Acting City Manager Grayson stated it was overflow for the retention into the flood control channel.

0o0

Mayor Pro Tem Scott asked if that was left out of the plans.

0o0

Acting City Manager Grayson stated no.

0o0

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Interim Public Works Director Tahan stated it wasn't left out of the plans. Engineering resources obtained all the paperwork for it. In-house staff did not follow-up with the permits. When permits were obtained, ERC, Matt, worked to obtain all permits, and the 24-inch pipeline was part of the requirement to issue the permit.

0o0

Mayor Pro Tem Scott asked because in-house staff didn't do their job, we're going to punish Pacific Hydrotech? I cannot go for that.

0o0

Interim Public Works Director Tahan stated he understands. That is why they are going to be doing this work after they get the retention release. This took place in 2018 and 2019. And I'm trying to find a way to finish and close it.

0o0

Mayor Robertson clarified the gate got hit by a staff person who worked for the security company who we are wanting to pay while we wait for the security company or somebody to pay \$18,500 back.

0o0

Mayor Pro Tem Scott stated meanwhile we are going ahead and pay their bill while we wait for their insurance company to not pay us. Interesting.

0o0

Mayor Robertson asked if the insurance company is going to honor the claim.

0o0

Interim Public Works Director Tahan stated the work was performed in January and February and they filed the claim a month ago.

0o0

Mayor Pro Tem Scott asked what insurance they have. USAA?

0o0

Interim Public Works Director Tahan stated he doesn't have the information.

0o0

Mayor Pro Tem Scott stated we pay Pacific Hydrotech. We pay GSSI, but we deduct the amount of the repair out of their bill. It still leaves a problem with spending money that was not authorized to spend and using the guise of former City Manager approving it. But I believe that will be investigated. My motion would be to pay Pacific Hydrotech; pay the security bill, less the amount of the damages and then we should be caught up, right?

0o0

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

Interim Public Works Director Tahan asked about Robert Clapper Construction retention too.

0o0

Mayor Pro Tem Scott asked if he had completed everything he was required to do.

0o0

Interim Public Works Director Tahan stated yes, for his work yes.

0o0

Mayor Pro Tem Scott stated then they should be paid too.

0o0

Council Member Carrizales stated he would second the amended motion.

0o0

Mayor Pro Tem Scott stated the amended motion is we pay Robert Clapper Construction; Pacific Hydrotech,\$97,630.70; we pay GSSI Inc. for security services less the dollar amount they did to the gate of which we could pay them once their insurance company pays them.

I am stuck on STK Architecture because I have issues with the project.

0o0

City Attorney Vail clarified that the City Council will release all the retention but will not accept the Fire Station.

0o0

Mayor Pro Tem Scott stated no, we are not accepting the fire station. He stated that he would hope that at the next City Council meeting, you have a plan for completion including cameras and security systems.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 4-1 vote to approve 3) Approve Contract Change Order No. 11 for \$97,630.70 for Pacific Hydrotech for Phase 1, City Project No. 170203; 5) Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Robert Clapper Construction Services, Inc. for Phase 2 Improvements; and 6) Authorize a Professional Services Agreement with GSSI Inc. and Authorize a Purchase Order Increase in the Amount of \$125,000 for Security Services at Fire Station 205 for a Total Not to Exceed Amount of \$205,000 less the dollar amount of the damages they did to the gate of which we could pay them once their insurance company pays them. (with the price adjustment)

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

NOES: Mayor Robertson. ABSTAIN: None. ABSENT:

0o0

**TAB 6**

**Accept Fire Station 205 Phase 1 and Phase 2 Improvements; Notice of Completion; Approve Contract Change Order No. 11; Approve Third Amendment to the Services Agreement to STK Architecture Inc. for Fire Station 205; Authorize Release of Retention to Pacific Hydrotech Corporation for Phase 1 Improvements and Phase 2 Improvements; Authorize Services Agreement with GSSI Inc. and Authorize Purchase Order for Security Services at Fire Station 205**

City Attorney Vail stated TAB 6 is as amended stated by Mayor Pro Tem Scott because it's less the amount of the damages.

0o0

City Clerk McGee stated that will be in the motion.

0o0

**TAB 7**

**Resolution No. 7734; Amend Construction Contract for Elecnor Belco Electric, Inc. to construct bid; Authorize City Manager to approve amendments for Project Management Administration and Potential Change Orders for City Project 170811**

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council to 1) Adopt Resolution No. 7734 to Accept Additional Funding in the amount of \$300,430 from the Highway Safety Improvement Program (HSIP) Grant Funding Administered by Caltrans; 2) Amend the Construction Contract for Elecnor Belco Electric, Inc. to construct Bid Schedule C in the Amount of \$334,596; and 3) Authorize the City Manager to Approve Amendments for Project Management, Administration and Potential Change Orders in the Not-to-Exceed Amount of \$148,165 all for the Protected-Only Left Turn Signal Phasing and Signal Hardware Improvements, City Project 170811.

0o0

Mayor Pro Tem Scott stated there is an amount not to exceed \$148, --

0o0

Interim Public Works Director Tahan stated -- \$148,165.

0o0

Mayor Pro Tem Scott asked for potential change orders, correct?

0o0

Interim Public Works Director Tahan stated for additional cost in the project.

0o0

Mayor Pro Tem Scott asked if the contractor has been told how much he can charge in potential change orders. Then you want the City Manager, the prior City Emergency Director to approve without the approval of the City Council. I will not vote to give the authorization to the City Manager. Any change orders, I believe, should come back to this City Council. Who is the project manager on this project?

0o0

Interim Public Works Director Tahan stated Rudy Victorio, in-house staff has been handling that.

**TAB 7**

**Resolution No. 7734; Amend  
Construction Contract for Elecnor Belco  
Electric, Inc. to construct bid; Authorize  
City Manager to approve amendments for  
Project Management Administration and  
Potential Change Orders for City Project  
170811**

Mayor Pro Tem Scott asked when all this gets done and there's stuff in the middle of the sidewalk impeding disabled people, who's going to take responsibility.

0o0

Interim Public Works Director Tahan stated we will.

0o0

Mayor Pro Tem Scott stated remember you said that tonight.

0o0

Mayor Robertson asked if there were public comments.

0o0

No one came forward to speak.

0o0

Mayor Robertson asked if all the left turns completed on Baseline at Sycamore and Acacia. There was an accident at Baseline and Acacia, and everything was on flash.

0o0

Interim Public Works Director Tahan stated the grant that the City applied for was for the intersection Baseline/Sycamore Baseline/Eucalyptus Etiwanda, Riverside/Alder.

0o0

Mayor Robertson asked if there has been a reduction in collisions at these intersections. Speed is a great factor on Baseline.

0o0

Council Member Trujillo stated Pepper Avenue gets a lot of attention. He asked if that Etiwanda and Pepper have been investigated.

0o0

Mayor Robertson stated I thought we were already doing a study at Etiwanda and Pepper. There's a big stretch from Etiwanda and Pepper all the way to Baseline. There's nothing that stops the traffic. I thought that was considered for speed.

0o0

Interim Public Works Director Tahan stated that the Police Department brought another intersection to their attention at which Cedar and Merrill. There have been a lot of accidents and it needs to be addressed.

0o0

Mayor Pro Tem Scott asked when we started putting contingency dollars back in contracts. It has been City policy not to do that.

0o0

**TAB 7  
Resolution No. 7734; Amend  
Construction Contract for Elecnor Belco  
Electric, Inc. to construct bid; Authorize  
City Manager to approve amendments for  
Project Management Administration and  
Potential Change Orders for City Project  
170811**

Interim Public Works Director Tahan stated we don't, but in this situation because we have the \$148,165 within the grant because we have enough spending staff time.

0o0

Mayor Pro Tem Scott asked do you realize how bad that answer sounded.

0o0

Mayor Robertson stated there is extra money, so it goes in the contingency pot. Wrong answer. At best it's been at five percent contingency.

0o0

Mayor Pro Tem Scott asked what the contingency amount is.

0o0

Interim Public Works Director Tahan stated there was no contingency amount.

0o0

Mayor Pro Tem Scott asked if the \$148,165 is the contingency amount. How of that is project management and administration? Let's say none is administration. How much is project management?

Can I make a motion?

0o0

Mayor Robertson stated yes, please.

0o0

Mayor Pro Tem Scott stated I make the motion that we approve this project less the \$148,165 which will need to come back to the City Council for any approval.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to 1) Adopt Resolution No. 7734 to Accept Additional Funding in the amount of \$300,430 from the Highway Safety Improvement Program (HSIP) Grant Funding Administered by Caltrans; 2) Amend the Construction Contract for Elecnor Belco Electric, Inc. to construct Bid Schedule C in the Amount of \$334,596; the \$148,165 come back to the City Council for approval.

0o0



**TAB 8**

**Service Contract to Endelos Energy for Electric Vehicle Charging Stations; Purchase Order to Rotolo Chevrolet for Bolt Electric Vehicles Project No. 190209**

Amy Crow, Public Works Administrative Analyst, presented staff report to Request City Council to 1) Award a Service Contract to Endelos Energy in the Amount of \$20,372 for Electric Vehicle Charging Stations and 2) Authorize a Purchase Order to Rotolo Chevrolet in the Amount of \$194,556 for 2022 Chevrolet Bolt Electric Vehicles, Project No. 190209.

0o0

Council Member Perez asked for clarification in the amount difference for the Diaz Electric than Endelos charging stations.

0o0

Ms. Crow stated once the bids amount come in, staff reviews the bids for completeness, accuracy and all the necessary documents required per bid and those that do not qualify are then removed as qualified bidders then based on those who submitted qualified bids.

0o0

Council Member Trujillo asked can the charging stations locations be moved. He believed it is not benefitting if it not visible.

0o0

Ms. Crow stated it is a grant and to move them would not qualify them as acceptable use of funds and we have to install new stations publicly accessible. Since those are already installed, it would not cover the cost of the relocation.

0o0

Council Member Trujillo stated it is a benefit to our residents. However, the parking lot is very isolated. There should have been more foresight as to station location. Where in the Renaissance Marketplace will the stations be located?

0o0

Ms. Crow stated they still need to be identified.

0o0

Mayor Pro Tem Scott stated by the Olive Garden Restaurant.

0o0

Council Member Trujillo stated his concerns about public awareness and knowledge.

0o0

Ms. Crow stated the grant requires outreach and advertisement, so the public is aware of the locations.

0o0

Mayor Pro Tem Scott asked if there is any record of the charging station's use at the Metrolink parking lot in comparison to the others.

**TAB 8**

**Service Contract to Endelos Energy for  
Electric Vehicle Charging Stations;  
Purchase Order to Rotolo Chevrolet for  
Bolt Electric Vehicles Project No. 190209**

Ms. Crow stated she could obtain information from ChargePoint.

0o0

Mayor Pro Tem Scott asked about the individual's bid who was disqualified.

0o0

Ms. Crow stated she does not have that information but would provide to the City Council.

0o0

Mayor Pro Tem Scott stated he would like to see it in the staff report.

0o0

Interim Public Works Director Tahan stated when we reached out to confirm their bid items, they realized they did not write the correct numbers. They had misrepresented that.

0o0

Mayor Pro Tem Scott stated it should be indicated on the staff report to know why they are disqualified.

0o0

Mayor Robertson asked if these charging stations will be paid charging stations.

0o0

Ms. Crow stated that these charging stations will be replacing the current four charging stations that are free to charge.

0o0

Mayor Robertson asked about the difference in bid amount.

0o0

Ms. Crow stated that the bids were verified and explained the price gap.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to 1) Award a Service Contract to Endelos Energy in the Amount of \$20,372 for Electric Vehicle Charging Stations and 2) Authorize a Purchase Order to Rotolo Chevrolet in the Amount of \$194,556 for 2022 Chevrolet Bolt Electric Vehicles, Project No. 190209.

0o0

**TAB 9  
Approve Final Construction Work  
Authorization (FCWA) for Water Facility  
Improvement Project W15 – Fencing at  
Miro Well #3 Project**

Tom Crowley, Utilities Manager, presented staff report to Request City Council/Rialto Utility Authority Board Approve the Final Construction Work Authorization (FCWA) in the Not-to-Exceed Amount of \$134,988 for the Water Facility Improvement Project W15 – Fencing at Miro Well #3 Project.

0o0

Mayor Pro Tem Scott asked is this is part of the Hart clamp system

0o0

Mr. Crowley stated Miro is part of the County wells. A permanent block wall is replacing a fence.

0o0

Mayor Pro Tem Scott asked who entered into that agreement.

0o0

Mr. Crowley stated it was part of the City's Bunker Hill Water Supply Agreement almost 20 years ago. It was the second agreement that amended the use of the property.

0o0

Mayor Pro Tem Scott stated M. Hart was supposed to take of all this, and I don't know how we missed this. The County should be paying for all of this. Did we attempt to negotiate with the County?

0o0

Mr. Crowley stated that there is an agreement coming up on another matter with the County. But not on this issue.

0o0

Mayor Pro Tem Scott recommend waiting and have the County add a wall around it.

0o0

Mr. Crowley stated during building construction on Miro Way and Linden, we waited until it was completed.

0o0

Mayor Pro Tem Scott asked who's building it was and why didn't the developer build the wall around it.

0o0

Mr. Crowley stated he cannot answer that question.

0o0

Mayor Robertson asked why a gated wall wasn't around the well when the developer improved the land and put in the sidewalks.

0o0

**TAB 9  
Approve Final Construction Work  
Authorization (FCWA) for Water Facility  
Improvement Project W15 – Fencing at  
Miro Well #3 Project**

Mr. Crowley stated the sidewalks won't be touched and further explained.

0o0

Mayor Robertson believed there needs to be further conversation.

0o0

Mayor Pro Tem Scott asked if it was on Locust.

0o0

Mr. Crowley stated it is on Miro Way west of Linden Avenue.

0o0

Mayor Pro Tem Scott asked the specifics of the block wall.

0o0

Mr. Crowley stated it is a block wall similar to Miro 2; 6-foot; split space block wall, 200 feet. It includes all the design.

0o0

Mayor Pro Tem Scott is concerned about the access.

0o0

Mayor Robertson suggested TAB 9 be pulled. She asked about Veolia's participation.

0o0

Mayor Pro Tem Scott asked what is "unforeseen" in putting up a block wall up.

0o0

Mr. Crowley stated that could be removed.

0o0

Mayor Pro Tem Scott asked if there is a standard markup amount 20 percent.

This was on a City development project that was our property. It was the airport. Why is Veolia doing and subbing it out to another contractor? Why are we not doing this ourselves as part of the Renaissance Development Project or RUA?

0o0

Mr. Crowley stated we can do that. We thought it would be more efficient this way.

0o0

Mayor Pro Tem Scott asked why it is more efficient.

0o0

Mr. Crowley stated Veolia has the staff to do it.

0o0

**TAB 9**  
**Approve Final Construction Work**  
**Authorization (FCWA) for Water Facility**  
**Improvement Project W15 – Fencing at**  
**Miro Well #3 Project**

Mayor Pro Tem Scott stated he would like TAB 9 to go back to the Water Sub-committee.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to be pulled from agenda and go back to the Water Sub-committee and discuss with the San Bernardino County.

0o0

**TAB 10**  
**Continued Local Emergency COVID-19**  
**Outbreak**

Acting City Manager Sean Grayson presented staff report to Request City Council to Receive an Update on, Confirm the Continued Existence of, and Provide any Further Direction in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

0o0

Council Member Perez recommended to continue the local emergency.

0o0

Council Member Trujillo asked if it is possible to make improvements through Zoom when making public comments.

0o0

Acting City Manager Grayson stated that the Brown Act is not the regulation on how we interact with the community. That's at the City Council discretion. We will look at best practices at what other cities have done.

0o0

City Attorney Vail stated we anticipate that the Governor Newsom is going to extend or keep in place his Executive Order that puts in the social media, Zoom-like exceptions to the Brown Act. Basing that on the letter that his Office wrote to the Association of Counties indicating that he wasn't going to remove it as of the June 15 and that local agencies would have some warnings in advance of that exception being removed. We're thinking we are going to get to the 15<sup>th</sup>, and still have that in place for another 30 to 60 days. That does not mean you have to continue to have the meetings on Zoom or in a mixed format. We're anticipating that on the 15<sup>th</sup>, you'll have the freedom to have some regular meetings. Acting City Manager mentioned, parts of your organization will still have to comply with the emergency OSHA rules that are in place. OSHA is supposed to have an emergency special tomorrow night to take back that issue again. So, we will update you when we find out what they're deciding to do.

0o0

Council Member Trujillo asked how much money is left from the 2019 CARES Act that the CDBG Committee proposed to the City Council from the different programs to help the residents.

**TAB 10**

**Continued Local Emergency COVID-19  
Outbreak**

Acting City Manager Grayson stated he can obtain an update for the City Council on that information.

0o0

Council Member Trujillo asked about the 30 million dollars expected to be coming up in the next fiscal year.

0o0

Acting City Manager Grayson stated it will happen relatively quickly so it can be considered in the future budget and/or continued resolution.

0o0

Council Member Trujillo also asked about the State derived CARES ACT funds \$625,260. He asked if all funds have been spent.

0o0

Acting City Manager Grayson stated he would have to confirm with Finance Department, but essentially all those funds taken in as reimbursement for the cost of public safety expenses in response to COVID-19. They became general fund dollars and were expended in that fashion.

0o0

Acting City Manager Grayson stated he would provide an accounting of State, County, and Federal program.

0o0

Mayor Pro Tem Scott asked if the COVID-19 funds were taken as public safety dollars.

0o0

Acting City Manager Grayson stated not as public safety dollars but to reimburse the City's general fund for its expenditures in response to COVID-19.

0o0

Mayor Pro Tem Scott asked if the expenditures that were incurred were that much money.

0o0

Acting City Manager Grayson stated far exceeded that much money.

0o0

Mayor Pro Tem Scott asked for a list of expenditures that were incurred in response to COVID-19.

0o0

Acting City Manager Grayson stated yes. He stated that the CARES Act allows the of the Fire, Police, and EMS response expenses.

0o0

**TAB 10**  
**Continued Local Emergency COVID-19**  
**Outbreak**

Mayor Pro Tem Scott emphasized for a list of expenditures. If we had dollars already budgeted for police and fire department and you replaced them with CARES Act funds, which you can do. Then you have excess general fund dollars, and I want to know where those dollars are and what we are going to do with those dollars.

Mr. Vail, under HIPPA, what requires any employee to disclose whether they have been vaccinated or not.

0o0

City Attorney Vail stated nothing requires an employee to disclose that. Although it is acceptable for public employers to ask employees in certain situations. For example, under the existing OSHA rules, one of the rules, is that you can have unmasked meetings if everybody in the room has been vaccinated.

0o0

Mayor Pro Tem Scott asked so where is the requirement to disclose.

City Attorney Vail stated there isn't.

Mayor Pro Tem Scott asked what if I come to the meeting and I refuse to tell you.

0o0

City Attorney Vail stated that either they have to excuse you from the meeting, or everybody must wear their mask.

0o0

Mayor Pro Tem Scott stated he believed that is a violation of somebody's civil rights.

0o0

City Attorney Vail stated that is OSHA's rules.

0o0

Mayor Pro Tem Scott asked is anybody is testing OSHA rules in court.

0o0

City Attorney Vail stated not to my knowledge at this point. I haven't been tracking.

0o0

Mayor Pro Tem Scott asked do you think that they should.

0o0

City Attorney Vail stated I am not going to touch that question. I am not aware of any violation.

0o0

**TAB 10**  
**Continued Local Emergency COVID-19**  
**Outbreak**

Mayor Pro Tem Scott stated that we as a community have to stand up to what is going on in this State. We have to get back to business. If you don't want to come into this room because you're afraid somebody might have COVID, then don't come into the room. But on the other hand, it is not healthy for us to be up here wearing masks especially when we've all either had COVID, been vaccinated or had both.

0o0

Mayor Robertson stated outreach and efforts are not clear and who is making decisions, State, Federal or City. She asked about the status on the moratorium on evictions. Will it be extended?

0o0

City Attorney Grayson stated the City's commercial and residential ordinance is tied to the Governor's Executive Order. When the Governor rescinds his Executive Order, the City will no longer be in effect.

0o0

City Attorney Vail stated that is speculated that he will end on June 15, 2021.

0o0

Council Member Trujillo attended a recent workshop with Inland County Legal Services and stated that the moratorium at the State level will be ending at the end of June 2021 with all the rent due August 1, 2021. There is a workshop that outlines all the deadlines.

0o0

Mayor Robertson stated we need to be briefed and understand what that means in terms of the impact and evictions.

0o0

Motion by Council Member Perez, second by Council Member Carrizales and carried by a 5-0 vote to Receive an Update on, Confirm the Continued Existence of, and provide any further direction in relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

0o0

**REPORTS**

None.

0o0

**CLOSED SESSION**

Motion by Council Member Trujillo second by Council Member Carrizales and carried by a 5-0 vote to return to Closed Session at 9:58 p.m.

0o0

**OPEN SESSION**

City Council returned from Closed Session at 11:02 p.m. with all member present.

0o0



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

3. EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code section 54597  
Title: Acting City Manager

City Attorney Vail stated that the City Council thanked and excused Sean Grayson from the position of Acting City Manager and has welcomed and thanked City Clerk Barbara McGee as your Acting City Manager until June 21, 2021. The permanent City Manager Marcus Fuller begins on June 21, 2021.

0o0

**ADJOURNMENT**

Motion by Council Member Carrizales second by Council Member Perez and carried by a 5-0 vote to adjourn the City Council Meeting at 11:05 p.m.

The City Council adjourned in memory of:

**Alexis Morales  
Rialto Resident**

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE