

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

**MINUTES  
July 12, 2016**

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, July 12, 2016.

0o0

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

0o0

**CALL TO ORDER**

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

0o0

The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Baca Jr., and Council Member Ed Palmer. Also present were City Administrator Michael Story, City Attorney Fred Galante, and City Clerk Barbara McGee. Council Member Ed Scott and City Treasurer Edward Carrillo were absent.

0o0

**CLOSED SESSION**

1. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: Two cases.
2. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

## **CLOSED SESSION**

3. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:

Agency designated representatives:

Fred Galante, City Attorney

George Harris, Asst. to the CA./Director of Admin. Svs.

Employee organizations:

RFMA Management Bargaining Unit

4. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):

(a) Timothy Heinemeyer v. City of Rialto

WCAB CR-06-050046

(b) Alexander Rodriguez v. City of Rialto

WCAB CR-050029 & CR-09-050030

(c) Christopher Seelig v. City of Rialto

WCAB CR-09-0500087, CR13-005057

5. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

Subject: Price and Terms - Acquisition of Right of Way

Location: Alder Avenue, South of Renaissance Parkway

Portions of APN#0240-191-15, 16, 30 and 31

Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.

John Murphy, Rosemead Properties

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to go into Closed Session at 5:05 pm. City Council returned at 5:57 pm.

0o0

## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:08 p.m.

0o0

The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Joe Baca Jr., and Council Member Ed Palmer. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante. Council Member Ed Scott was absent.

0o0

## **Pledge of Allegiance and Invocation**

Mayor Pro Tem Joe Baca Jr. led the pledge of allegiance and Pastor Rick Whited – Calvary Chapel Rialto gave the Invocation.

0o0

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

City Attorney Fred Galante stated that City Council met in Closed Session and discussed all items listed on the Agenda.

1. Conference with legal counsel on two items of anticipated litigation; initiation of litigation. No reportable action was taken.
2. There was no discussion on this item, anticipated litigation; exposure to litigation.
3. City Council heard an update from Labor Negotiator and provided direction on the employee organization RFMA bargaining unit and not further reportable action was taken.
4. City Council held a discussion on the three items of existing litigation – workers compensation.
  - (a) Heinemeyer v. City of Rialto. No reportable action was taken.
  - (b) Rodriguez v. City of Rialto. No reportable action was taken.
  - (c) Seelig v. City of Rialto. Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 3-0 vote to agree to settle the entire matter for \$15,525 with one provision to allow the maintenance of future medical care.
5. City Council held a discussion with Real Property Negotiator concerning the property at Alder Avenue, south of Renaissance Parkway. City Council provided direction and no reportable action was taken.

0o0

## **PRESENTATIONS AND PROCLAMATIONS**

1. Certificate of Appreciation-Departing Historical Preservation Commissioner Ruth Roulet-Mendoza-Mayor Deborah Robertson
2. Presentation-New Police Officer and Police Promotions Captain Andrew Karol
3. Presentation-New Customer Service Web Portal-Rialto Water Services

0o0

## **ORAL COMMUNICATIONS**

Joe Britt, Rialto resident, expressed concern regarding illegal dumping at Frisbie Park.

0o0

## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

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

0o0

### **B. APPROVAL OF WARRANT RESOLUTIONS**

B.1 Resolution No. 49 (06/24/16)

B.2 Resolution No. 50 (06/30/16)

0o0

## **CONSENT CALENDAR**

### **C. SET PUBLIC HEARINGS**

- C.1 Request City Council to Set a Public Hearing for July 26, 2016, to consider an Ordinance Implementing Development Code Amendment No. 16-0, a Resolution Making Certain Findings and Approving Modifications to Titles 9 and 18 of the Rialto Municipal Code, Chapters 9.45 Mobile Marijuana Dispensaries and delivery and 18.112 Regulation of Medical Marijuana Dispensaries and Cultivation.
- C.2 Request City Council to Set a Public Hearing for July 26, 2016 to Consider Introduction for First Reading of Ordinance No. \_\_\_\_ entitled "AN ORDINANCE OF THE CITY OF RIALTO APPROVING A DEVELOPMENT AGREEMENT NO. 16-01 BY AND BETWEEN THE CITY OF RIALTO AND ALDER OPPORTUNITY, LLC AND MAKING CERTAIN FINDINGS THEREIN IN CONNECTION THEREWITH," reading by title only and waiving further reading thereof.
- C.3 Request City Council to Set a Public Hearing for July 26, 2016, for Conditional Development Permit No. 816 for a 1,094,900 square distribution center for Monster Energy within the Business Center (B-C) Zone of the Renaissance Specific Plan located at the northeast corner of Locust Avenue and Miro Way.

### **D. MISCELLANEOUS**

- D.1 Request City Council to Authorize the Release of Request for Proposals No. 17-001 for various "On-Call" Professional Design, Plan Check, Inspection, and Civil Engineering Services.
- D.2 Request City Council, Acting as the Rialto Successor Agency to Adopt Resolution No. SA6-16 Approving Amendment #1 to the Purchase and Sale Agreement by and between the Rialto Successor Agency and Fountainhead Shrugged LLC for (APN# 0127-041-45) and Establish a Budget and Authorize the Expenditure of Up to \$25,000 for Soils Tests and Remediation of the Successor Agency Property.
- D.3 Request City Council, Acting as the Rialto Successor Agency to Adopt Resolution No. SA7-16 Approving Amendment #1 to the Purchase and Sale Agreement with PDC OC/IE LLC for three Successor Agency properties (APN 0240-221-02, 03 and 26).
- D.4 Request City Council to Approve a Fifth Amendment to a Professional Services Agreement with Willdan Engineering, Inc. for Fiscal Year 2016-17 for Building Inspections, Fire Plan Check and Structural Plan Check Services and extend the Contract Agreement from July 1, 2016 to August 31, 2016.
- D.5 Request City Council Consideration of Month-to-Month Temporary Use and Rental Agreement by and between the City of Rialto and Aquatech Food Support Systems for the property located at 1449 and 1455 N. Linden Avenue.

## **CONSENT CALENDAR**

D.6 Request City Council to Approve Contract Change Order No. 3 in the Amount of \$28,926.30 for the Metrolink Parking Lot Expansion Project, City Project 120808.

0o0

### **Item C.3**

City Attorney Galante stated that the City Clerk received a letter dated July 12<sup>th</sup>, 2:35 pm concerning Item C.3 – Monster Energy project.

0o0

Mayor Pro Tem Baca Jr. stated that he hopes they follow up with that letter.

He commended staff in regards to the issue of Fountainhead. What would the timeline be?

0o0

Robb Steel, Development Services Director stated by the end of September they should have their entitlements and they may start construction in the new year.

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 3-0 vote to approve the Consent Calendar as presented. Council Member Scott was absent.

0o0

### **TAB 1 – MOU with Rialto City Employees Association (RCEA) Bargaining Unit**

George Harris, Administrative Services Director presented the staff report regarding MOU with Rialto City Employees Association (RCEA) Bargaining Unit.

0o0

Mayor Pro Tem thanked the employees for being patient and all their hard work.

0o0

Mayor Robertson stated that she appreciates all the employees and moving forward working together.

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 3-0 vote to Adopt Resolution No. 6980 Approving the Memorandum of Understanding (MOU) Between the City of Rialto and the Rialto City Employees Association (RCEA) Bargaining Unit for Changes to be Effective from July 1, 2016 through June 30, 2017. Council Member Scott was absent.

0o0

**TAB 2 – Ordinance – Personnel Control –  
Utilities Manager position**

George Harris, Administrative Services Director presented the staff report regarding a proposed Ordinance regarding Personnel Control and establish the Utilities Manager position.

0o0

**ORAL COMMUNICATIONS**

June Hayes, Rialto resident, stated the person hire really needs to know and understand water, they need an expert for this job.

0o0

Mayor Pro Tem Baca Jr. stated that it is important to have someone who is an expert. This will free up others to focus on other things.

0o0

Council Member Palmer stated that it's about time they get somebody in. He likes they it will be an "At-Will" employee. They needs someone there on a full-time basis every day.

0o0

Mayor Robertson stated that this is something they sorely need. They often talk about what they expect this person to do and have the skills. Certifications needs to be stated. Let's not assume it.

0o0

City Attorney Galante read the title of the Ordinances:

**ORDINANCE NO. 1568**

**AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA,  
AMENDING THE RIALTO MUNICIPAL CODE SECITON 2.04.090  
(AMENDING ORDINANCE 1438) REGARDING PERSONNEL  
CONTROL**

**ORDINANCE NO. 1569**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO,  
CALIFORNIA, AMENDING RIALTO MUNICIPAL CODE SECTION  
2.50.060 (AMENDING ORDINANCE 1439) REGARDING  
COMPETITIVE SERVICE**

0o0

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 3-0 vote to Introduce by First Reading of Ordinance No. 1568 and Ordinance No. 1569 reading by title only and waiving further reading thereof; and approve Resolution No. 6981 Establishing the "Utilities Manager" Position and Setting The Basic Compensation Range. Council Member Scott was absent.

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

0o0

**TAB 3 - Month-to-Month Security Guard and Patrol Services**

Police Captain William Wilson presented the staff report regarding the Sixth Amendment to the Contract Services Agreement with Contact Security, Inc. for Month-to-Month Security Guard and Patrol Services.

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 3-0 vote to Approve the Sixth Amendment to the Contract Services Agreement with Contact Security, Inc., a California Corporation, for Month-to-Month Security Guard and Patrol Services for July, August and September 2016, at a Cost of \$79,211.53. Council Member Scott was absent.

0o0

**TAB 4 – Renewal and Upgrade of the Police Body Worn Video Cameras**

Police Captain William Wilson presented the staff report regarding the Renewal and Upgrade of the Police Body Worn Video Cameras.

0o0

Council Member Palmer stated that the staff report says five years. Is it a six year contract?

0o0

Capt. Wilson stated that it's a five-year contract but is being paid over six years because of their relationship with Taser international and the discount they incorporated.

0o0

Council Member Palmer stated that it seems like a lot of money but over a six year period, it's not a lot of money to keep the police officers safe.

0o0

Mayor Pro Tem Baca Jr. stated that he appreciates them being leaders and pioneers with addressing this issue. This protects not only the officer but the public.

0o0

Mayor Robertson asked if they will have the flexibility of that new technology at their disposal over the five-year period?

0o0

Capt. Wilson stated that they are charged by the officer not the unit. They provide the units based on how many officers they have. New technology is automatically implemented and unlimited storage.

0o0

Mayor Robertson asked for a report for the past couple of years they had them in place. How many situations where they didn't have their cameras operating.

**TAB 4 – Renewal and Upgrade of the Police Body Worn Video Cameras**

0o0

Capt. Wilson stated that he can provide the data on what was captured and what was not and whether it was equipment malfunction or operator error.

0o0

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by a 3-0 vote to Approve the Renewal and Upgrade of the Police Body Worn Video Cameras, with Taser International in the Amount of \$ 925,128.12 Over Six (6) Years, Beginning in Fiscal Year 2016/2017 and Approve a \$90,222.78 Purchase Order for the First Year of the Contract. Council Member Scott was absent.

0o0

**TAB 5 - Second Year of a Three Year Professional Services Agreement for “On-Call” Public Works Construction Management and Inspection Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Second Year of a Three Year Professional Services Agreement for “On-Call” Public Works Construction Management and Inspection Services.

0o0

Council Member Scott arrived at the City Council Meeting at 7:04 p.m.

0o0

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to Authorize the Issuance of a Purchase Order in the amount of \$400,000 to Wallace and Associates, Consulting, Inc. for the Second Year of a Three Year Professional Services Agreement for “On-Call” Public Works Construction Management and Inspection Services in Fiscal Year 2016/2017.

0o0

**TAB 6 - “On-Call” Civil Engineering Plan Check and Related Engineering Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding “On-Call” Civil Engineering Plan Check and Related Engineering Services.

0o0

Mayor Robertson stated that she sees they are bringing them all to month-to-month and she didn't think they had any concerns. They put in the language the option to extend unless they had problems. Did they exhaust all the extension options?

0o0

Mr. Eisenbeisz stated that they were looking for consistency with some of the other vendors that are beyond their initial term. Wallace is still in their initial 3-year term. They have been very satisfied with the services. Going out to bid will bring a pool of people when someone else can't do the service.

0o0



**TAB 6 - "On-Call" Civil Engineering Plan Check and Related Engineering Services**

City Administrator Story stated that they want to be able to provide the services and sometimes with one firm the workload is more when they get busy with projects. So it's not based on their performance but to stay consistent.

0o0

Council Member Palmer stated that he agrees they need to honor the terms of the commitment. Does it even need to come back to City Council?

0o0

City Attorney Galante stated that if they believe they met the desires and their performance standards then they can extend it.

0o0

Mayor Robertson stated if they are not performing then that is where they separate it out. Do it on a case by case basis.

0o0

City Attorney Galante stated the recommendation says extend for six months but they can extend the 12 months.

0o0

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to 1) Extend the Contract with Lockwood Engineering Company on a month-to-month basis, not to exceed **12 months**, 2) Authorize the Issuance of Purchase Orders in the amount of \$470,000 for the 2016/2017 Fiscal Year for "On-Call" Civil Engineering Plan Check and Related Engineering Services; and 3) Authorize the Issuance of Change Orders in the amount of \$361,634 for the 2015/2016 Fiscal Year for "On-Call" Civil Engineering Plan Check and Related Services.

0o0

**TAB 7 - "On-Call" Public Works Construction Management and Inspection Services**

Council Member Scott stated in regards to Willdan, he knows they had issues with them in the past but he believes they made a huge effort to get things done.

0o0

1) Authorize an Extension to the current Agreement to be reviewed on a month-to-month basis, not to exceed **12 months**; and 2) Authorize Issuance of a Purchase Order in the amount of \$200,000 for the 2016/2017 Fiscal Year for the Professional Services Agreement with Willdan Engineering Company for "On-Call" Public Works Construction Management and Inspection Services.

0o0

**TAB 8 - Sixth Amendment to the Professional Services Agreement with West Yost Associates**

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to approve the Sixth Amendment to the Professional Services Agreement with West Yost Associates, a California Corporation, Year Four (4) of the Five (5) Year Professional Services Agreement in the Amount of \$658,406 for Fiscal Year 2016/17 and Revise the Total Cumulative Contract Cost to the Amount of \$3,452,927.50.

0o0

**TAB 9 - Janitorial Services on a Month-to-Month Basis**

Robert Eisenbeisz, Public Works Director presented the staff report regarding ABM for Janitorial Services on a Month-to-Month Basis for the next three months.

0o0

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to approve the Issuance of a Purchase Order to ABM for Janitorial Services on a Month-to-Month Basis in the Not to Exceed Amount of \$91,200 for the 2016/2017 Fiscal Year.

0o0

**TAB 10 - Third Amendment to the Contract Services Agreement - Landscape and Grounds Maintenance Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Third Amendment to the Contract Services Agreement for Landscape and Grounds Maintenance Services.

0o0

Mayor Pro Tem Baca Jr. asked if they are satisfied with the work they have done the past several years?

0o0

Mr. Eisenbeisz stated yes they are satisfied.

0o0

Mayor Pro Tem Baca Jr. asked if the price was the same or increased?

0o0

Mr. Eisenbeisz stated that it reflects CPI and how much area they cover.

0o0

Mayor Pro Tem Baca Jr. stated that he hopes they can add to their scope such as the parkway across from Eisenhower High School.

0o0

Council Member Scott stated that he will ask again the median on South Riverside Avenue across the bridge by the Kline property. He believes its Rialto property and can anyone tell him if it is.

0o0

Robb Steel, Development Services Director stated by Santa Ana that it belongs to Colton and further North is Rialto.

0o0

**TAB 10 - Third Amendment to the Contract Services Agreement - Landscape and Grounds Maintenance Services**

Mayor Robertson stated that she had asked to see a map of the areas where they were going to see the reductions or where landscaping was going to be eliminated. Hardscape or arid. So what is the level of service they are providing in certain areas? She has yet to see a map but sees all the annexations listed.

0o0

Mr. Eisenbeisz stated that they can color code all the areas to see what Inland Empire Landscape is maintaining.

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve the Third Amendment to the Contract Services Agreement with Inland Empire Landscape, Inc., a California Corporation, for Landscape and Grounds Maintenance Services for Fiscal Year 2016/2017 in the Amount of \$835,856.01.

0o0

**TAB 11 - National Pollution Discharge Elimination System (NPDES) Support Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Professional Services Agreement National Pollution Discharge Elimination System (NPDES) Support Services.

0o0

Mayor Pro Tem Baca Jr. left the dais at 7:34 p.m. and returned at 7:35 p.m.

0o0

Mayor Robertson stated they can agree that Lynn Merrill is doing good work. She would appreciate if they can bring in an external element to the evaluation panel to help validate.

0o0

Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Award a Professional Services Agreement to Lynn Merrill and Associates, Inc., for National Pollution Discharge Elimination System (NPDES) Support Services, for three years at \$170,000 each year for a cumulative total in the amount of \$510,000.

0o0

**TAB 12 - Phase 1 Engineering, Landscape Design, and Project Management Services**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Phase 1 Engineering, Landscape Design, and Project Management Services for the Frisbie Park Expansion and Cactus/Randall Park Development Projects.

0o0

Tim Maloney, Community Works Design Group gave a presentation for the Frisbie Park Expansion and Cactus/Randall Park Development Projects.

0o0

## **ORAL COMMUNICATIONS**

Rafael Trujillo, Parks and Recreation Commissioner, stated that he supports this Design firm.

0o0

Council Member Palmer stated that there is a lot of opportunity at Frisbie Park. He cautions about the big issue being parking. He is excited about this project.

0o0

Mayor Pro Tem Baca Jr. stated that he is pleased with Community Works Design Group and what they designed for Bud Bender Park. He feels Cactus and Randall is a higher priority for park space. The other issue is they need to look at a dog park. Also, how can they be more drought tolerant? They need to look at having part of the park gated to control the flow and maintenance.

0o0

Mayor Robertson stated that she had asked about priorities and hopes to have more opportunities to get the community engaged and give input. Both projects are needed but feels Cactus and Randall needs to be addressed first. Can the timeline be compressed to move the project along?

0o0

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve a Professional Services Agreement with Community Works Design Group, Inc. for Phase 1 Engineering, Landscape Design, and Project Management Services for the Frisbie Park Expansion and Cactus/Randall Park Development Projects in the Amount of \$227,880.

0o0

## **REPORTS**

City Council gave their reports.

0o0

## **ADJOURNMENT**

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to adjourn the City Council meeting at 8:19 p.m.

0o0