

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

MINUTES
January 23, 2018

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, January 23, 2018.

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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 Pro Tem Scott called the meeting to order at 5:01 p.m.

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

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CLOSED SESSION

- 1 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) Mary Thompson v. City of Rialto
SB County Superior Court, Case No. CIVIDS1700704
- (b) Anderson v. City of Rialto, et al.
USDC Case No. 5:16-cv-01915-JGB-SP

CLOSED SESSION

2. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
 - (a) Subject: Price and Terms-Right of Way Acquisition
Property: Portion of APN 1133-101 -29
2704 N. Linden Ave.
Negotiators: Robert Eisenbeisz,
Public Works Director/City Engineer
Mr. Mansour Alcehayed & Mrs. Albria Alcehayed
 - (b) Subject: Price and Terms-Real Property Acquisition
Property: Portion of APN 0264-211 -15
Southeast Corner of Miro Way & Linden Ave.
Negotiators: Robb R. Steel, Interim CA/Development SVS.
Director
John Wang, Mighty Development
 - (c) Subject: Price and Terms-Real Property Acquisition
Property: Portion of APN 0132-102-13
South Riverside Avenue
Negotiators: Robb R. Steel, Interim CA/Development SVS.
Director
Berglund Trust

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by 4-0 vote to go into Closed Session at 5:03 pm. Council City Council returned at 5:35 pm. Mayor Robertson was absent.

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CALL TO ORDER

Mayor Pro Tem Scott called the meeting to order at 6:00 p.m.

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

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Pledge of Allegiance and Invocation

Council Member Rafael Trujillo led the pledge of allegiance.

Pastor Harry Bratton – Greater Faith Grace Bible Church gave the Invocation.

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

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

- 1a. Mary Thompson v. City of Rialto. This item was not discussed.
- 1b. Conference with Legal Counsel - Existing Litigation. Anderson v. City of Rialto, et al. City Council received an update. No further reportable action was taken.
2. Conference with Real Property Negotiator. Concerning the following properties.
 - a. 2704 N. Linden Ave.. City Council provided direction on potential acquisition. No further reportable action was taken.
 - b. Southeast Corner of Miro Way & Linden Ave. Council Member Carrizales abstained and left the Closed Session room and not participating in the discussion. The balance of the City Council received an update on potential acquisition. No further reportable action was taken.
 - c. South Riverside Avenue. City Council received an update on potential acquisition. No further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

City Council received an update on potential acquisition.

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ORAL COMMUNICATIONS

Greta Hodges, Rialto resident, expressed her concerns regarding a permanent Utility User Tax.

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Mayor Pro Tem Scott stated that the item regarding the UUT was on the last agenda and it was posted. People did have an opportunity to speak on it.

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**Consideration of Removing or continuing
any items on the Agenda**

Mayor Pro Tem Scott requested that Consent Calendar item F.3 be pulled for discussion. F.7 be removed until the next Council Meeting and refer it back to the EDC. Pull F.12 for discussion.

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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 Resolution No. 26 (01/11/18)
- B.2 Resolution No. 27 (01/18/18)

C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting - December 12, 2017
- C.2 Special City Council Meeting - December 15, 2017

D. CLAIMS AGAINST THE CITY

- D.1 Sofia Saucedo-Aparicio - Traffic Safety
- D.2 Integan National Insurance - Vehicle Damage
- D.3 Bennie Antonio Hamilton - False Arrest
- D.4 Keith Westbrook - Towing

E. SET PUBLIC HEARING

- E.1 Request City Council to Set a Public Hearing for February 27, 2018, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2017 Calendar Year.

F. MISCELLANEOUS

- F.1 Request City Council, Acting as the Rialto Successor Agency, to Approve a Purchase and Sale Agreement by and between the Rialto Successor Agency and Rapido Investments 2014, LLC for an RSA parcel located on McWelthy Street (APN 0243-151 -59) for a Sales Price of \$30,000.
- F.2 Request City Council, Acting as Successor Agency to the Redevelopment Agency for the City of Rialto, to Adopt Resolution No. SA1 -18 Approving the Recognized Obligation Payment Schedule and to Adopt Resolution No. SA2-18 Approving the Administrative Budget for Fiscal Year 2018-19.
- F.3 Request City Council to Approve a Professional Services Agreement with KOA Corporation and Authorize the Issuance of a Purchase Order in the Amount of \$34,197.98 for Engineering Design Services for Bike Lanes on Merrill Avenue and South Riverside Avenue Pursuant to a Highway Safety Improvement Program (Cycle 7) Grant.
- F.4 Request City Council to Award Bid #18-053 and Authorize the Issuance of a Purchase Order to Main Street Signs in the Amount of \$28,543.51 for Regulatory Street Signs and Supplies.

CONSENT CALENDAR

- F.5 Request City Council to Authorize an Increase to the Purchase Order with Barr Door for General Door Repairs in the amount of \$10,000 for a total amount of \$25,000 for Fiscal Year 2017-2018.
- F.6 Request City Council to Adopt Budget Resolution No. 7274 Accepting the Fiscal Year 2017 Homeland Security Grant Program (HGSP) and Increasing Estimated Revenue and Appropriating Expenditures in the Amount of \$27,496.
- F.7 Request City Council to Approve Professional Service Agreement Amendment #1 with Kosmont Companies to provide additional real estate services related to County Property at the southwest corner of Casmalia Avenue and Alder Avenue and increase the Purchase Order amount from \$27,000 to \$44,500.
- F.8 Request City Council to Approve an increase of \$15,000 to Purchase Order No. 2018-0101 for a total of \$30,000 to Arrow International for Medical Equipment Supplies for Fiscal Year 2017/18.
- F.9 Request City Council to Approve an increase of \$15,000 to Ballard & Ballard Investigations Purchase Order No. 2018-0145 for a total of \$30,000 for background investigations associated with the recruitment and retention of Paramedics and Emergency Management Technicians (EMT) for the newly implemented Ambulance Operator Program.
- F.10 Request City Council to Approve an increase of \$30,000 to Purchase Order No. 2018-0424 for a total of \$45,000 to Zoll Medical Corp for Medical Equipment Supplies for Fiscal Year 2017/18.
- F.11 Request City Council to (1) Accept the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3); (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Tryco General Engineering, Inc.
- F.12 Request City Council to Adopt Resolution No. 7275 Accepting the National Endowment for the Arts (NEA), Art for Livability Improvement & Fostering Engagement (LIFE) Grant in the Amount of \$20,000 with Local InKind Contributions in the Amount of \$20,000.
- F.13 Request City Council to Adopt Resolution No. 7276 Authorizing the Destruction of Certain Municipal Records of the Finance, Licensing and Purchasing Departments.
- F.14 Request City Council to (1) Approve a Purchase Order Increase to Community Works Design Group in the Amount of \$14,960 for Civil Design Services to Prepare Plans and Specifications for the Frisbie Park Field Lights Project.
- F.15 Request City Council to Receive and File the October 2017 and November 2017 Treasurer's Report.
- F.16 Request City Council to Approve 2018 Investment Policy.

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CONSENT CALENDAR

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to approve the consent calendar. With the exception of F.3, F.7 and F.12. Mayor Robertson was absent.

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ITEM F.3

Mayor Pro Tem Scott stated this item has to do with Bicycle lanes on Riverside Ave. and Merrill Ave. He knows there is paving going on and he wants to make sure they are not jumping the gun on this item and not going to waste money.

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Robert Eisenbeisz, public Works Director stated that the paving will be done before any of the striping of the bike lanes.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to approve Consent Calendar Item F.3. Mayor Robertson was absent.

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ITEM F.12

Perry Brents, Community Services Director, presented the staff report regarding the National Endowment for the Arts (NEA), Art for Livability Improvement & Fostering Engagement (LIFE) Grant for placement of an art piece.

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Council Member Baca Jr. asked what does this mean. Are they given an art piece? Provide city services to put in the art piece?

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Mr. Brents stated the attachments explains the process. It was supposed to be a collaboration with the City and the RUSD, where the kids design a cultural piece to depict a cultural history of the city of rialto. The piece would be placed in an "art park". They will need to figure out where they are going to put in the art piece. First, you either accept it or reject it.

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Council Member Trujillo stated this is a Federal grant, and because of the circumstances of grant management, will they be able to move forward on it.

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Mr. Brents stated there is no grant management with this grant. The only thing is as a city they won the grant and NEA wants to see the city follow through.

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CONSENT CALENDAR

ITEM F.12

City Attorney Galante stated that he will contact NEA with Mr. Brents because city staff intends to fully manage this.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to Adopt Resolution No. 7275 Accepting the National Endowment for the Arts (NEA), Art for Livability Improvement & Fostering Engagement (LIFE) Grant in the Amount of \$20,000 with Local In-Kind Contributions in the Amount of \$20,000, on the condition of contacting NEA. Mayor Robertson was absent.

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TAB 1 - Addendum to the Lytle Creek Ranch Specific Plan

Gina Gibson Williams, Development Services Dept. presented the staff report regarding the Addendum to the Lytle Creek Ranch Specific Plan.

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City Attorney Galante stated given the voluminous nature of the documentation as recent as yesterday, the sense of the City and the applicant for reviewing the environmental assessment on this project, some additional time would be helpful to go through all the comments made. The applicant consented to continue the public hearing.

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Mayor Pro Tem Scott stated that is an appropriate thing to do. He wants a better presentation for the next meeting, spread out on a larger paper so they can take a better look at it.

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ORAL COMMUNICATIONS

Mr. Pharris, Project Developer, stated he was a little disappointed but understands the need to review the documentation.

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Mayor Pro Tem Scott stated that Mr. Pharris' responses to the letters are very lengthy and need to come to City Council prior to the meeting and not the day of the meeting so they have an opportunity to review them.

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Lynn Boshart, Rialto resident, stated that they brought up a bulk of issues to the Planning Commission but they were dismissed. She expressed her concerns and thanked them for taking the time to review the issues.

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Samuel Olden, Rialto resident, expressed his concerns regarding the project due to his breathing condition. He wants to see what they are going to do and the amount of time it's going to take.

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TAB 1 - Addendum to the Lytle Creek Ranch Specific Plan

Mayor Pro Tem Scott encouraged Mr. Olden to meet with Ms. Gibson Williams to go over a larger map.

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Angel Calvo, Rialto resident, expressed his opposition of replacing the golf course with an open space area and taking some of that open space to build more homes. He requested a copy of the amendment.

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Mary Jaramillo, Rialto resident, stated she originally wanted a nature preserve in the wash area. She questioned the fact they kept the same EIR, but since that time a parcel of land was sold to the developer. She is sure that parcel was not included in the EIR.

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Gina Gibson Williams, stated that an EIR is required for the sale of land that is not a CEQA review requirement.

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Jane Hunt Ruble, Muscoy resident, expressed her opposition of the proposed development. She thanked them for taking a time to review the documents.

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Andy Martinez, Rialto resident, supports the project but expressed his concerns. He asked for a website or something to see pictures of the proposed development.

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Ms. Gibson Williams stated yes, it is on the City website.

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Motion by Council Member Baca Jr., second by Council Carrizales and carried by a 4-0 vote to keep the public hearing open and to continue this TAB item until the next City Council Meeting on February 13. Mayor Robertson was absent.

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Council Member Carrizales excused himself from the dais at 7:17 pm due to a conflict of interest with his business in the project area.

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TAB 2 - Amendment #1 to the Construction Reimbursement Agreement with Ayala@210LLC

John Dutrey, Development Services presented the staff report regarding Amendment #1 to the Construction Reimbursement Agreement by and between the City of Rialto and Ayala@210LLC.

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Council Member Trujillo stated he seen permits on the Flood District side, are they working with them?

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TAB 2 - Amendment #1 to the Construction Reimbursement Agreement with Ayala@210LLC

John Dutrey, Development Services Dept. stated they have met with the Flood Control District and discussed the cost of improvements and they will have another meeting to discuss reimbursement back to the City for some of the costs.

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Council Member Baca Jr. stated that he is excited about Cracker Barrel but what about the other tenants.

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Mayor Pro Tem Scott stated the project is near the Flood district wall and he is tired of doing projects near the county flood control basins and they don't participate or pay their fair share. There has to be high level meeting to get them to participate.

His second question, the landscaping going along there, is it city right-of-way or flood control?

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Mr. Dutrey stated that is the city right-of-way so the city would be responsible to maintain it and the same applies to the pilaster fence.

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Mayor Pro Tem Scott asked if the conversation with the flood control district going to be to expand the landscaping over the edge of the basin so it looks it better and get them to annex into the maintenance district.

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Mr. Dutrey stated that the current plan is to landscape the city right-of-way.

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Mr. Steel stated that it's a wide strip and they will landscape up to the pilaster fence. If they can get them to pay for construction costs, that would be a homerun. Getting them to pay for lighting and landscaping district assessments, they can ask.

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Fernando Acosta, talked about the marketing of the project.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Approve Amendment #1 to the Construction Reimbursement Agreement by and between the City of Rialto and Ayala@210LLC and Adopt Budget Resolution No. 7279 Appropriating Funds for maximum cost of \$4,080,227. Mayor Robertson was absent.

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Council Member Carrizales returned to the dais at 7:35 pm

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TAB 3 - Housing Bond Proceeds Expenditure Agreement

John Dutrey, Development Services presented the staff report regarding the Housing Bond Proceeds Expenditure Agreement.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to (1) Adopt Resolution No. SA3-18; and (2) the Rialto Housing Authority to Adopt Resolution No. 001-18 approving the Housing Bond Proceeds Expenditure Agreement between the Successor Agency and the Rialto Housing Authority in the amount of \$544,144 for affordable housing projects. Mayor Robertson was absent.

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TAB 4 – Design of Temporary Living Quarters at Fire Station 205

Fire Chief Sean Grayson presented the staff regarding the Design of Temporary Living Quarters at Fire Station 205.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 4-0 vote to Approve a First Amendment to the Professional Services Agreement with STK Architecture Inc., in the amount of \$12,900 for a total of \$62,890 for the Design of Temporary Living Quarters at Fire Station 205. Mayor Robertson was absent.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to adjourn the City Council Meeting at 7:52 p.m. Mayor Robertson was absent.

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MAYOR PRO TEM ED SCOTT

ATTEST:

CITY CLERK BARBARA MCGEE