

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

**MINUTES
April 23, 2019**

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, April 23, 2019.

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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 Deborah Robertson called the meeting to order at 5:012p.m.

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

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CLOSED SESSION

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) Gary Cunningham v City of Rialto

WCAB No's 18929000006; SAC0000196563 & SAC0000179054

(b) Dane Stordahl v. City of Rialto

San Bernardino Superior Court Case No. CIVDS1825596

(c) Equilon Enterprises, LLC v. City of Rialto

San Bernardino Superior Court, Case No. CIVDS1602980

(d) Phillips 66 Company v. City of Rialto

San Bernardino Superior Court, Case No. CIVDS1516839

CLOSED SESSION

(e) SFPP, L.P. v. City of Rialto

San Bernardino Superior Court, Case No. CIVDS1603260

(f) Tesoro Logistics Operations, LLC v. City of Rialto

San Bernardino Superior Court, Case No. CIVDS1603163

2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of cases: Two cases

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Motion by Council Member Trujillo, second by Council Member Carrizales 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 6:14 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:18 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 Joe Baca Jr., Council Member Rafael Trujillo, and Council Member Andy Carrizales. Also present were Interim City Administrator Sean Grayson, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Mayor Pro Tem Scott led the pledge of allegiance.

Rev. Briccio Tamoro SVD-St. Catherine of Siena Catholic 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 items listed on the Agenda.

1. Conference with Legal Counsel - Existing Litigation.
 - a. Gary Cunningham v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
 - b. Dane Stordahl v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
 - c-f. Equilon Enterprises, LLC, Phillips 66 Company, SFPP, L.P., Tesoro Logistics Operations, LLC v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.

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

2. Conference with Legal Counsel - Anticipated Litigation. Two Cases. City Council was informed of potential litigation, provided direction on each case and no further reportable action was taken.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Certificates of Recognition - International Denim Day - Council Member Rafael Trujillo
2. Presentation - "Art in the Park" Contest Winner - Rialto Lions Club
3. Presentation - Prescription Drug Take Back Program - Police Chief Mark Kling

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ORAL COMMUNICATIONS

Diane Shields, President of Woman's Club provided City Council with a statistical report they give to the State Federation of Women Clubs.

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June Hayes, San Bernardino Valley Municipal Water District stated that they just celebrated 50 years of the Santa Ana River Watermaster judgments.

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Lupe Camacho, Rialto resident, expressed her concern regarding the project on Merrill Ave. and Valley Blvd. awarded to Match.

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Michael and Olivia Mosley, Rialto residents, expressed concern regarding trash containers left outside by neighbors. They wanted to know if the City was going to continue to enforce that code. Keeping trash containers behind a gate or fence helps to keep the community clean.

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Mayor Robertson stated that is not an item on their agenda tonight.

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Gerald Steward, Soul Food, expressed concern regarding trying to obtain new restaurant building information.

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Robb Steel, Development Services Director stated that he did speak to him today and would talk to the developer about it.

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Consider removing items on the Agenda

Mayor Pro Tem Scott stated that he will need to abstain from TAB 7 due to him owning commercial property at 142 S. Riverside Ave.

He also would like to pull Item E.1 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 Warrant Resolution No. 39a (04/09/2019)
- B.2 Warrant Resolution No. 39 (04/11/2019)
- B.3 Warrant Resolution No. 40 (04/18/2019)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting - November 13, 2018

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D. SET PUBLIC HEARING

- D.1 Request City Council to Set a Public Hearing for May 14, 2019, to Consider and Approve the City's 2019-2020 Annual Action Plan (CDBG).
- D.2 Request City Council to Set a Public Hearing for May 28, 2019, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 4th Quarter of the 2018 Calendar Year.

E. MISCELLANEOUS

- E.1 ~~Request City Council to Approve Professional Services Agreement with Stanley R. Hoffman & Associates to Prepare a Citywide Fiscal Impact Analysis for the Purpose of Establishing a Mitigation Fee Schedule in the amount of \$20,000.~~ **REMOVED**
- E.2 Request City Council Adopt Resolution No. 7498 Approving the Summary Vacation of Existing Excess Right-of-Way Along north Fitzgerald Avenue, north of Leiske Drive within the Employment (EMP) zone of the Renaissance Specific Plan.
- E.3 Request City Council to Adopt Resolution No. 7499, Adopting a List of Projects for Fiscal Year 2019/2020 Funded by the Road Repair and Accountability Act of 2017.
- E.4 Request City Council to Approve Amendment #2 to Exclusive Right to Negotiate Agreement with RV Spa for the Development of Approximately 6 Acres of Property located southwest of Casmalia Avenue and Alder Avenue.
- E.5 Request City Council to Approve an Increase with The Counseling Team International in an Amount Not To Exceed \$33,800.

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CONSENT CALENDAR
ORAL COMMUNICATIONS
E.3

Lupe Camacho, Rialto resident, expressed her concerns regarding the list of road repair projects.

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City Attorney Galante stated that he is looking into components of the issue that was raised.

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Mayor Robertson stated that she can appreciate what Ms. Camacho has said but she would like for them to look at what was put out on the street when they bid the project.

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Mayor Pro Tem Scott asked if this item can be held over for two weeks.

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Robert Eisenbeisz, Public Works Director stated to meet the deadline of May 1st the list can be amended. The actual reporting occurs in October on what was spent on which streets. The legislation does allow for the city to make changes and amend as needed. They want to get the list in to maintain their eligibility to get the Gas Tax funds.

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Mayor Pro Tem Scott asked how long they have had this to bring forward to City Council.

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Mr. Eisenbeisz stated the projects they see are projects already identified. They are a continuation of the same projects. The two being added are ones that were identified with City Council. Pepper Ave. additions and Riverside Ave., south of the I-10. The other projects are streets they already had in the five-year plan.

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Mayor Pro Tem Scott asked if this was due May 1st why wasn't this brought to City Council previously, in case they chose not to approve tonight.

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Mr. Eisenbeisz stated they can make that happen. It's due every year on May 1st. they can bring it sooner next year and it can be changed anytime.

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Mayor Pro Tem Scott stated bringing things to City Council at the last minute because they know they have no choice is not a good thing to be doing. In light of the fact that these issues have just arisen, he is extremely concerned with moving forward. Can they modify the list?

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CONSENT CALENDAR

E.3

Robert Eisenbeisz, Public Works Director stated yes, it's based on information he has received through workshops, the League of Cities and when the legislation was being passed. Cities can actually amend the list. What is the critical issue is the October reporting of the actual expenditures and which streets. This is all part of the tracking of the SB1 funds.

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Mayor Pro Tem Scott asked why are they bidding out projects with one scope of work and then come back around behind and do a different scope of work.

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Mr. Eisenbeisz stated the scope of work is essentially the same. They are still going to have the same amount of area paved.

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Mayor Pro Tem Scott stated why are they specifying work to be one way and then come back after the project is awarded to a contractor and change that spec. If this was the preferred spec. why wasn't it bid out that way?

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Mr. Eisenbeisz stated the contract documents have in Section 3 of the specifications has a provision for the contractor to submit a cost reduction proposal for consideration. The type of process being used is more labor intensive and found to be at a higher cost due to the cement treated base. The contractor submitted a cost reduction proposal that would decrease the amount of time and have the paved street sooner and open to the public quicker. Combining it with Valley ends up with a slight reduction in costs. It was favorable decision based on that cost reduction proposal. The specs provide for an equivalent structural section that will have the equivalent 20 year life.

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Mayor Pro Tem Scott stated one of the negative aspects of this whole thing is, they are grinding up asphalt down there which is coming into yards and homes. It's a mess down there. They are subjecting residents to not good environmental conditions. There is very little traffic control. It's a nightmare on Merrill Ave. right now.

He continues to be concerned why they are allowing a Contractor to change the specs on a project. They should be requiring the best spec they can on their streets. Especially streets that have truck traffic should have A1 paving. Why are they changing after its been bid out?

He asked that the City Attorney's office be directed to open an investigation into this and to get outside individuals to review these projects and to give advice on whether they are doing the proper thing.

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CONSENT CALENDAR

E.3

City Attorney Galante stated that he understands the request.

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Mayor Robertson stated with regard to the item that is on the Consent Calendar to move forward. Perhaps they should just remove the two added items off the list.

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Mr. Eisenbeisz stated the added projects were added because they thought they were a priority to City Council. Pepper Ave and South Riverside being a higher priority because of the nature of it. They can stay with the relisting list but they can add them.

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Mayor Robertson stated then add them. She knows that South Riverside Ave is important and she doesn't think they would want to have the option to have someone come in and do the grind process. She doesn't know if the recycling is really going to hold up. Especially for the situation at Slover and Riverside.

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Council Member Baca Jr. stated that he agrees with the specs not being changed after the fact. In regards to this resolution, if they were not to adopt it tonight and miss the deadline, how much money is Rialto in jeopardy of losing?

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Mr. Eisenbeisz stated they are expecting to receive \$1.8 million from the RMRA (Road Maintenance and Rehabilitation Program). This is how they maintain their eligibility by providing that list to the CTC (California Transportation Commission) every May 1st.

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Mayor Pro Tem Scott stated they should move forward with this because they don't want to lose the money. But he would like for it to come back as a discussion on the list.

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Mayor Robertson stated to be clear, they are not just looking at this one particular project but are looking to see if this is a pattern and if this pattern is acceptable.

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E.1

Mayor Pro Tem Scott stated if part of the staff report is unreadable, how are they expected to vote on this. He asked if this was impact fees.

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CONSENT CALENDAR

E.1

Robb Steel, Development Services Director stated that these are service mitigation fees to offset the cost of public services primarily for new residential development.

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Mayor Pro Tem Scott asked if there is going to be any input from the home builders that are working on projects.

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Mr. Steel stated that they can reach out to the home builders. Renaissance and Lytle have already agreed to this fee in their development agreements. The smaller builders are paying it now.

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Mayor Pro Tem Scott asked if this needs to go through tonight.

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Mr. Steel stated no, it doesn't need to go tonight.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Table this item so staff can fix the tables in the staff report.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve the balance of the Consent Calendar, including the conditions set for item E.3.

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TAB 1 - City Owned Property on the North Side of 210 Freeway, Westerly of Alder

Robb Steel, Development Service Director presented the staff report regarding City Owned Property on the North Side of 210 Freeway, Westerly of Alder Ave.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to close the public hearing.

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Mayor Pro Tem Scott asked if there is an actual exhibit in the staff report that shows the billboard.

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Mr. Steel stated no, there is only the location of the site. He has seen a conceptual drawing. They haven't gone into in-depth detail of the billboard.

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TAB 1 - City Owned Property on the North Side of 210 Freeway, Westerly of Alder

Mayor Pro Tem Scott stated that he wanted to make sure there was a City marker on the billboard.

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City Attorney Galante stated that they can add that requirement to the lease.

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Mayor Robertson stated that she recalls the City recognition discussion for the billboard.

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City Attorney Galante stated that the approval will be going to the Planning Commission so it can be a directive.

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Council Member Baca Jr. stated that he too would like to see a City logo. This is an oblong shaped property that wouldn't have been used for anything else but they will be able to generate some revenue.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Adopt Resolution No. 7500 Approving a Property Lease by and between the City of Rialto and Lamar Central Outdoor for a City Owned Property on the north side of the 210 Freeway, westerly of Alder Avenue.

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way

Attorney Christy Lopez presented the staff report regarding an Urgency Ordinance for Wireless Telecommunications Facilities within the Right-of-Way.

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Mayor Pro Tem Scott stated that Edison owns a lot of transmission poles in the City right-of-way. Does this moratorium include them?

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Attorney Lopez stated it does. When she stated private property, she meant the parcel itself as privately owned nothing of structure.

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Mayor Pro Tem Scott asked if they permitted any already?

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Robb Steel, Development Services Director stated no but they have had several applications all waiting to see what the City would do with it.

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way

Mayor Robertson asked if they determined how many will need to be put in the right-of-way and what that would look like.

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Mr. Steel stated that they have not made that calculation. But sounds like it would be a very large number at 300ft-600ft.

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Mayor Robertson stated that if they have two carriers here how would they end up co-existing? Are they talking about each one having their own apparatus? Is it first come, first serve?

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Attorney Lopez stated that co-location is where two carriers are on the same infrastructure is encouraged by the Ordinance. They have provisions to encourage co-locations to minimize the amount of vertical infrastructure they will have in the right-of-way. They can't require it by law because it could be technologically infeasible. The distance between the two antennas is such that now instead of having a light standard and an antenna on top of that will have a light standard that is 20 ft. taller than every other light standard in the right-of-way. So there may be some aesthetic reasons why the City might not want it. Another point is that there are four major wireless carriers and each one is entitled to be in the City right-of-way to meet their needs. If one has met their needs doesn't mean they can say no to the next that comes in.

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Mayor Robertson asked if there can be some partnership in making the facility available to any activities or services the City may need in the community.

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Attorney Lopez stated that she has seen public/private partnerships in some cases. The issue will come under the FCC order whether or not the wireless carrier is bearing some kind of cost unrelated to the installation. If it's a separate project then they can run afoul of the FCC order but there are ways to negotiate.

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Mayor Pro Tem Scott stated that they are basically putting their structures on the City's structures that the taxpayers paid for. He has two of them in his yard. So residents have no say so about this.

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way

Attorney Lopez stated that there is a process upon which the applicant would notify, or the City depending on how the City chooses to handle it. Right now it's set for the applicant to notify residents within 300 ft. the requirement of the notice is what the proposed site would look like, general description and location, when the final decision will be made and that a public hearing will not be held because of the short deadlines but the Director will take in all written comments from the community.

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Mayor Pro Tem Scott asked who has the authority to approve or deny.

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Attorney Lopez stated in Rialto's case it's with the Development Services Director.

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Mayor Pro Tem Scott asked if there is any kind of compensation considering it's on a City pole.

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Attorney Lopez stated on a separate FCC order they decided that cities cannot act as landlords even with its own vertical infrastructure. Its dictated how much the City can charge for use of its light standards or other city owned infrastructure. There are certain safe-harbor provisions the City can charge which the FCC has deemed reasonable fees. They are well below what most cities already receive for pole attachments. What the City will ultimately receive is a big question for how this gets resolved under the FCC order.

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Mayor Pro Tem Scott asked who determines the structural stability of that pole.

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Attorney Lopez stated that is part of the application process and they would require that an engineer submit the wind load analysis and the structural integrity of the pole is sufficient. If the pole is not structural sound to withstand the additional weight then the City would require that the pole be removed and replaced with a new structurally sound pole. The City would not bear the cost.

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Council Member Trujillo stated regarding the aesthetics is that going to be approved by each application by the City?

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Attorney Lopez stated exactly, its context specific. The idea is that it's compatible with the existing structure the City already has. They would not want them to propose a new wooden utility pole in an area where they don't have them. Or a light standard that doesn't match existing ones.

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way

Council Member Trujillo asked is it possible to do the palm tree look for the multiple carriers.

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Attorney Lopez stated that she hasn't seen any good small cells that looks good as a palm tree. There are aesthetic options that cities do have. There are tower companies that design light standards, designed to house the antenna facility and the light standard all in one and placed on the City right-of-way. It is designed to match what is common to many cities pre-existing light standards.

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Council Member Trujillo asked what the worst case scenario is when it comes to multiple carriers and co-locations.

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Attorney Lopez stated that she hasn't seen one, they are usually able to work with the carriers in order to negotiate something the City will recommend approval.

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City Attorney Galante stated for clarification the proposed Ordinance states, "unless a matter is referred to the Development Services Director, the City Engineer is responsible for administering that." City Council can designate the Development Services Director to administer.

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Mayor Robertson stated she knows this will go to EDC and she would like to know the number of poles and wooden poles and which right-of-ways they would propose. Another question is regarding those in special districts such as the lighting district. The owner has already been assessed a special fee for the services. How are the courts addressing that?

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Attorney Lopez stated that is something she is sure they will delve into once they do get into the litigation. The FCC order was entirely silent with respect to that issue. Local jurisdictions do see where that is going to create a problem. They did clarify that the City is not entitled to actual cost recovery. If the City were to choose a consultant that was expensive, the carrier can challenge the City's use of that consultant and not be required to pay back the City the costs incurred. They don't don't know yet how the court will handle reasonable costs.

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way
ORAL COMMUNICATIONS

Julio Figueroa, Director of External Affairs for AT&T, explained the reason for small cell deployment is due to customer usage. Regarding the number of poles for AT&T over the next five years, no more than 50 poles. The coverage for the pole can be anywhere from 400 ft. to 1500 ft. depending on obstruction of the signal. They did meet with Rialto last year in their interest in deploying and unfortunately there was some staff changes on who they were dealing with. They had shared designed and feels the City will be happy with the design.

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Council Member Carrizales asked if there has been any studies on radiation.

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Mr. Figueroa stated yes, that has come up again and FCC still has jurisdiction over the emissions. For example if there are four cell towers nearby and a new applicant comes in then that applicant will need to do a cumulative reading from all five towers. That is always a question of concern regarding the health concerns of any cell site. There is a huge gap on what is allowed at capacity and what the industry provides.

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Mayor Pro Tem Scott stated that they have already changed the lighting to LED with the exception of the Edison poles which are all transmission. He assumes they install towners on transmissions? And would they change them to LED for Edison.

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Mr. Figueroa stated correct and yes they would change them.

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Mayor Pro Tem Scott asked if they already have locations?

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Mr. Figueroa stated they have some proposed locations they shared 6 months ago and he is sure they have updated locations.

He stated also they are will to do a public/private partnership.

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City Attorney Galante read the title of the Urgency Ordinance

Urgency Ordinance No. 1616

An Urgency Ordinance of the City Council of the City of Rialto, California Adding Chapter 11.20 of the Rialto Municipal Code Relating to Wireless Telecommunications Facilities within the Right-of-Way

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TAB 2 – Urgency Ordinance – Wireless Telecommunications Facilities within the Right-of-Way

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to Adopt Urgency Ordinance No. 1616, entitled “An Urgency Ordinance of the City Council of the City of Rialto, California Adding Chapter 11.20 of the Rialto Municipal Code Relating to Wireless Telecommunications Facilities within the Right-of-Way”, (ii) Set A Public Hearing For May 14, 2019 to Introduce for First Reading an Ordinance, Entitled “ An Ordinance of the City Council of the City of Rialto, California, Adding Chapter 11.20 of the Rialto Municipal Code Relating to Wireless Telecommunications Facilities within the Right-Of-Way, and (iii) Approve Resolution No. 7494, entitled “A Resolution of the City Council of the City of Rialto, California, approving a City Council Policy for Small Wireless Facilities In the Public Right-Of-Way And Corresponding Design Standards”.

Roll Call Vote: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Trujillo, Council Member Carrizales and Council Member Baca Jr. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 3 - Forming a Community Facilities District for the Lytle Creek Ranch Project

Robb Steel, Development Services Director presented the staff report regarding Forming a Community Facilities District for the Lytle Creek Ranch Project.

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Adopt Resolution No. 7501 Appropriating Expenditures of \$67,378.09 for the Costs of Forming a Community Facilities District for the Lytle Creek Ranch Project.

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TAB 4 - Quarterly Ground Emergency Medical Services Quality Assurance Fee Payments

Brian Parks, Interim Fire Chief presented the staff report regarding the Medi-Cal Ground Emergency Medical Transportation (GEMT) Supplemental Reimbursement Program.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Approve Quarterly Ground Emergency Medical Services Quality Assurance Fee Payments (GEMT-QAF) to the Department of Healthcare Services (DHCS) to allow continued participation in the Medi-Cal Ground Emergency Medical Transportation (GEMT) Supplemental Reimbursement Program.

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Council Member Trujillo abstained from TAB 5 and left the dais at 8:11 p.m.

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TAB 5 - Acceptance of \$6 Million Dollars in Water Replenishment Credits for the Settlement of Rialto-Colton Basin Litigation

Tom Crowley, Utilities Manager presented the staff report regarding the Acceptance of \$6 Million Dollars in Water Replenishment Credits for the Settlement of Rialto-Colton Basin Litigation.

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Mayor Pro Tem Scott asked about the \$3 million cash payment to the City.

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Mr. Crowley stated yes, they have received that. The insurance company for Fontana Union Water Union Co. paid the \$3 million. They reimbursed the General Fund by \$1.2 million which was legal fees used to help support the case. The remaining \$1.8 was put into the Water Fund.

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Mayor Pro Tem Scott stated and because they have already approved the settlement there doesn't have to be an action on that?

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City Attorney Galante stated correct.

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Mayor Pro Tem Scott stated that it's important for the community to know they received another \$3 million for legal fees and cash for the water fund.

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Council Member Baca Jr. thanked Mayor Robertson and Mayor Pro Tem Scott for taking the lead on the water sub-committee, to look out for the best interest of the City and negotiate the best deal.

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Motion by Council Member Carrizales, second by Council Member Baca Jr. and carried by a 4-0 vote to Approve the Acceptance of \$6 Million Dollars in Water Replenishment Credits for the Settlement of Rialto-Colton Basin Litigation – Option 1. Council Member Trujillo abstained.

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Council Member Trujillo returned to the dais at 8:15 p.m.

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TAB 6 - Customer Information System Replacement and Data Transfer and Conversion Services

Tom Crowley, Utilities Manager presented the staff report regarding work authorization for Customer Information System Replacement and Data Transfer and Conversion Services.

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TAB 6 - Customer Information System Replacement and Data Transfer and Conversion Services

Mayor Robertson stated that Incode was getting to a point that it can't be maintained but two services are still using it?

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Mr. Crowley stated yes, Treasurer's Dept. and Animal Licensing and the City will still maintain it until they decide to switch to something else.

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Mayor Robertson stated that was her question, why would they maintain it when they are at the end Incode's life. Why wouldn't they be converting those two services? Who is really relying on Incode?

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Mr. Crowley stated that he doesn't have information regarding the two services.

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Mayor Robertson asked that Interim City Administrator look into the two services and why they still need to rely on Incode.

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Michael Badin, Assistant City Treasurer stated currently they are using a very limited version of Incode. His only concern is how the information is going to be controlled as far as cash receipts and how it's going to be reported to the City so that the Finance Dept. and Treasurer Dept. can verify the receipts.

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Mayor Robertson stated well then you will need to have access to the system.

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Mayor Pro Tem Scott stated the Mayor's question is why they wouldn't integrate the animal licensing into this system at the same time and potentially save money by doing that.

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Mr. Badin stated that no one asked them to look into it.

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Mayor Pro Tem Scott stated that is what he figured.

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Mr. Crowley stated that the Incode system sits on a City server and Veolia logs into the system to access the information from the server. What will happen is they will have a new server that will house all the customer billing information for water and wastewater. He suspects if they wanted to carve out additional space on that server that Veolia will house and operate, they can look into it. But they may want to look at another option.

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TAB 6 - Customer Information System Replacement and Data Transfer and Conversion Services

Mayor Pro Tem Scott asked if they had any discussion with Veolia that if a person wants to pay their dog license can pay at the City or at the same time they are paying their water bill.

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Mr. Crowley stated no, they haven't had that discussion but they can.

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Mayor Pro Tem Scott stated that would be beneficial to the community.

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Mayor Robertson stated they are investing money in another system and it seems it will sit separately and be exclusive service for one area. The funds are coming out of the Water Fund Account and then determine what percentage will be from the General Fund to have access. They keep buying systems they can't integrate with what they have. Incode is dated and they need to have full discussions with everyone on the needs.

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Motion by Mayor Pro Tem, second by Council Member Carrizales and carried by a 5-0 vote to approve a Final Construction Work Authorization in the Amount of \$825,000 for the Customer Information System Replacement and Data Transfer and Conversion Services.

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Mayor Pro Tem Scott abstained from TAB 7 and left the dais at 8:28 p.m.

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TAB 7 - Development Impact Fee Deferral Agreement with Jack's Grill and Billiards Inc.

Robb Steel, Development Services Director presented the staff report regarding Development Impact Fee Deferral Agreement with Jack's Grill and Billiards Inc.

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Council Member Baca Jr. stated that they are talking about deferring fees, he doesn't remember ever waiving fees for a business.

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Mr. Steel stated no they haven't waived fees and this is not a waiver. This is only a deferral so they are obligated to pay the full amount. Otherwise they create other problems with prevailing wages. They stay away from waivers and leave to deferrals.

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Council Member Baca Jr. asked will this open up other small businesses wanting to defer their fees.

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TAB 7 - Development Impact Fee Deferral Agreement with Jack's Grill and Billiards Inc.

Mr. Steel stated it could but they would probably want to limit it to specific areas such as the downtown or other target area as an incentive for development. There are target areas such as Foothill Blvd. or Downtown they may want to look at an incentive program. Defer fees until Certificate of Occupancy.

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Council Member Baca Jr. stated he wouldn't this to become a habit because they can't afford to do this for every small business that comes to the City.

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Council Member Trujillo stated that it's nice to see another restaurant coming into the Downtown because it needs a new direction. He understands when opening a small business that it's hard coming up with the fees. Are they notified of the fees? It could have been included with his loan.

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Mr. Steel stated the normal process is when they submit a precise plan of design application and they get their conditions from the Development Review Committee. There is a table they insert in there that estimates the fees based on what they know about the project. When they accept their conditions of approval they know what the fees are going to be.

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Council Member Carrizales stated that he is in full support of this and it's important to grow the Downtown. He look forward to seeing the success of that business. This fee is only a deferment and encourages staff to put the word out they have the ability to do this.

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Mayor Robertson stated that this is not waiving the fees and the PPD started in 2018. They have talked about how much information a person can get in advance as they begin to make packages for their construction loan. She had requested that Development Services provide a rough estimate of what revenue has been generated in sales tax in the downtown area. Basically it's been \$54,000 annually. They have had various businesses in the downtown and this business will bring something else to the area. She is in support of this and applauds a Rialto resident making an investment.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to Approve a Development Impact Fee Deferral Agreement with Jack's Grill and Billiards Inc. deferring Development Impact Fee of \$33,013.47 for a proposed development at 148 S. Riverside Avenue. Mayor Pro Tem Scott abstained.

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Mayor Pro Tem Scott returned to the dais at 8:38 p.m.

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**TAB 8 - Accepting the Homeless
Emergency Aid Program (HEAP) Grant
Award**

Perry Brents, Community Services Director presented the staff report regarding Accepting the Homeless Emergency Aid Program (HEAP) Grant Award.

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Council Member Trujillo thanked staff for bringing this program. They outlined the resources and how is this different from what they had before?

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Mr. Brents stated that they didn't have anything before.

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Council Member Trujillo stated previously they were providing referrals to some homeless.

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Mr. Brents stated what happens, if a police officer comes in contact with them they will refer services and sometimes transport people to those services. The challenge for them is that the situation is critical. There are families that just don't have a place to go and those that just want to be homeless and they don't have any solutions at this point. This will start the formal process for solutions. If they find a person camped in the park, they will be able to provide them solutions and if they don't accept the solutions then they can ask them to move on because they have done the best they can. They are experiencing this in the parks and backs of businesses so they need to do something to provide resources so they give the homeless a choice to use the resources or to move on.

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Mayor Pro Tem Scott asked how much involvement is going to be from City staff in this process.

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Mr. Brents stated their involvement, like any other grant, is to take care of the paperwork and make sure services are provided as per the RFP put out by the County. This takes no money from the General Fund.

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Mayor Pro Tem Scott asked how much involvement will be from the Police Dept.

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Mr. Brents stated with this grant none.

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**TAB 8 - Accepting the Homeless
Emergency Aid Program (HEAP) Grant
Award**

Mayor Pro Tem Scott asked who is going to make contact with these individuals.

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Mr. Brents stated that the service organizations include voucher service with Rialto Family Health Services, counseling through Clay Counseling, rapid rehousing through Vera's Open arms and furniture provided by an organization once housing is provided.

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Mayor Pro Tem Scott stated that he doesn't see anything that addresses the drug epidemic directly connected with homelessness. Nor does he see anything regarding mental health which is a direct result of drug abuse.

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Mr. Brents stated Clay Counseling deals with mental health and the drug population as part of their counseling services.

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Mayor Pro Tem Scott asked what is the solution to the drug problem.

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Mr. Brents stated that he doesn't have a solution.

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Mayor Pro Tem Scott stated that somebody needs to come up with a solution. They as a society can't keep throwing money at a problem they refuse, as a country, to address which is the drug epidemic. He has a hard time voting for this item and he understands why they want it. The State of California needs to open its eyes and face the fact they have a drug epidemic and most of it involves methamphetamines. It creates people to become mentally unstable and it's not going to change by giving people food stamps and housing vouchers. Yes families are out there but the majority are single individuals who are rummaging through the cities, breaking into homes and cars and destroying their quality of life. He personally thinks that somebody from the County should have come and give a presentation on this. This way they can specifically ask them to address these problems. Where is the County and where the State to explain what they are going to do about this problem.

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Mr. Brents stated that San Bernardino County has a Homeless Management Information System. This is where they get all the information on how to service all aspects of homelessness, including mental and drug addiction. Inside of that the Governor's Office has allocated an additional \$500 million across the entire State. This will help with solutions instead of just locking them up. Correct, there is a drug issue and a lot of vandalism and crime issues. Every City in the State is going to be hit by some aspect of homelessness.

**TAB 8 - Accepting the Homeless
Emergency Aid Program (HEAP) Grant
Award**

Mr. Brents stated they are not going to find solutions in these small areas but they are going to have to start finding solutions locally. They did the Point In Time Count which told them where the homeless are. The second part told them why they are homeless. The third piece tells them how they can help them. When they did the count they found there are 90 persons in Rialto. After the count they found out that Rialto's sphere of influence is not just Rialto. They have to have a starting point.

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Mayor Pro Tem Scott stated that their starting point is not going to work. He has seen it with Redlands. There is only one State with almost zero homeless and it's because they lock them up. To get them off drugs and get them mental counseling and it works. They have to look at this problem a different way. 5% of the homeless live in the State of California and they are not solving the problem by giving them food stamps and housing vouchers.

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Mayor Robertson stated that she can appreciate how Mayor Pro Tem Scott feels about the drug epidemic and she is very much aware that a former police officer and spouse were verbally accosted by a homeless person or pan handler. They have found there are homeless and there are those that are pan handling. They have no respect. Then there are the businesses allowing them to loiter and not pushing them out. There are certain things that are not done. Sadly, the State in 1969 changed the process of putting people into mental health facilities. Even if they don't accept this program, they already have businesses providing services to those who have vouchers from other cities. This is what they discovered through the Task Force. The County isn't providing services, they are rolling out the money that came down from the State. They have to sort through who is choosing to be out there and those want the assistance.

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Mayor Pro Tem Scott stated that he had owned a business in the City and it was a constant problem and many times it was personal and physical altercations. This is part of the reason why he sold his business because he was getting too old for that. It's difficult for any business to get them off their business because they become violent and when they call PD they have a lot of other things going on. But all they can do is run them off and the homeless are back again.

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Council Member Baca Jr. stated that homelessness is an issue in the City and it impacts the small businesses in the City. Its cost them a lot of resources with police responses and fire responses. There was a homeless camp near Las Colinas that were stealing from nearby homes. The problem is when they start infringing on other people's property and rights which impacts the quality of life.

**TAB 8 - Accepting the Homeless
Emergency Aid Program (HEAP) Grant
Award**

Council Member Baca Jr. stated that he has lived here since 1975 and there never was a homeless problem until 6-8 years ago. He would like to give this program an opportunity but with a one year review. He doesn't want their staff to put a lot of resources into this if it's not working. At Rialto Park there is the dog lady who is out there every day. Will she move from there if they give her a voucher? They don't know.

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City Attorney Galante stated that in the MOU it states that either party may terminate without cause upon 30 day notice.

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Council Member Baca Jr. stated he wants to make sure the Community Services pet is not so overwhelmed with trying to administer this that they don't focus on other services.

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Council Member Carrizales asked how are these resources allocated.

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Mr. Brents stated that each individual group presented their budget. The original budget they presented to the County was \$1.2 million and the County told them to revamp the budget to 55%. So each group revamped each of their budget. The HEAP grant is about emergency and not about the long term people that are out there. This is about saving the people before they get to that point and finding those at immediate risk so they don't make the problem larger.

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Council Member Carrizales stated because it would be good to allocate more money in certain areas such as mental health. There is still an impact to the Police Dept. because they are ones being called and coming out.

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Mr. Brents stated that they just got word that the Governor is going to put more money in, so there is a second wave of funds but they haven't indicated when. Mental health is one of the larger issues. When they come back in a year they can decide to reallocate funds.

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Council Member Trujillo stated that he sees a hotline, is that a City hotline?

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Mr. Brents stated its Vera's Open Arms hotline that is manned by that organization.

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TAB 8 - Accepting the Homeless Emergency Aid Program (HEAP) Grant Award

Council Member Trujillo stated that he is in support of doing something rather than nothing.

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Mayor Robertson asked if they can track PD responses regarding this issue.

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Police Chief Kling stated that they can track it.

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Mayor Robertson stated then that is the data they need to look at moving forward. If possible data from the last 6 months to a year.

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Council Member Baca Jr. asked if they can reach out to the School District and Child Welfare regarding homelessness. If they are going to be proactive then reach out to those who want the help.

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Mayor Robertson stated that the 211 hotline has really not been effective. The hotlines here are the local community based organizations who will be responding.

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Motion by Council Member Trujillo, second by Mayor Robertson and carried by a 4-1 vote, Mayor Pro Tem Scott voted No, to adopt Budget Resolution No. 7502 1) Accepting the Homeless Emergency Aid Program (HEAP) Grant Award for \$600,759, 2) Appropriating \$600,759 to specified revenue and expenditure accounts, and (3) Authorizing a two-year Contract with the County of San Bernardino for the Homeless Management Information System, along with a one year review.

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TAB 9 - Recruitment Incentive Program for Lateral Sworn and Non-Sworn Employees

Police Chief Kling presented the staff report regarding a Recruitment Incentive Program for Lateral Sworn and Non-Sworn Employees.

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City Attorney Galante stated they would suggest revising the last clause in the Resolution to *"details on the Recruitment Incentive Program will be made available in any recruitment flyers that apply."*

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to Approve Budget Resolution No. 7503 and Resolution No. 7504 Approving a Recruitment Incentive Program for Lateral Sworn and Non-Sworn Employees to be Included in the FY 2018/2019 Police Department Budget.

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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 Carrizales and carried by a 5-0 vote to adjourn the City Council Meeting at 9:38 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE