

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

**MINUTES
October 22, 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, October 22, 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 5:01 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo and Council Member Joe Baca Jr., and Council Member Andy Carrizales. Also present were City Administrator Rod Foster, City Attorney Fred Galante, and City Clerk Barbara McGee. City Treasurer Edward Carrillo was 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) Palmer et al. v. City of Rialto (San Bernardino Superior Court, Case No. CIVDS1905795)
 - (b) John Michael Tefft v. City of Rialto, et al. (San Bernardino Superior Court Case No. CIVDS1813893)
 - (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
 - (e) SFPP, L.P. v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603260

CLOSED SESSION

- (f) Tesoro Logistics Operations, LLC v. City of Rialto, San Bernardino Superior Court, Case No. CIVDS1603163
- (g) Christopher Hice v City of Rialto (WCAB SAC0000180732 & SAC0000184207)
- (h) Matt Payne v City of Rialto (WCAB SAC0000181417)
- (i) Nicholas Delia v City of Rialto (WCAB 1892900046)

2. LIABILITY CLAIMS: The City Council will discuss the following liability claim pursuant to Government Code Section 54956.95:

(a) Claimant: Daniel Alvarez

Agency claimed against: City of Rialto

3. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.

Number of cases: One case

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by 5-0 vote to go into Closed Session at 5:05 p.m.

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City Council returned from Closed Session at 6:05 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:10 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 City Administrator Rod Foster, City Clerk Barbara McGee, City Attorney Fred Galante and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Mayor Deborah Robertson led the pledge of allegiance.

Pastor Bob Ruiz – Calvary Chapel Rialto 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. Conference with legal counsel – existing litigation. Palmer v. City of Rialto. City Council received an update, following a discussion with Mayor Pro Tem Scott abstaining and not being in the Closed Session room, Motion by Council Member Trujillo, Second by Council Member Carrizales and carried 4-0, Mayor Pro Tem Scott abstained, to approve hiring the law firm Rovens Lamb LLP to provide separate representation in this matter.

City Attorney's Report on Closed Session

- 1b. Conference with legal counsel – existing litigation. John Michael Teft v. City of Rialto. City Council received an update and no reportable action was taken.
- 1c-f. Conference with legal counsel – existing litigation. Equilon Enterprises, LLC, Phillips 66 Company, SFPP, L.P., Tesoro Logistics Operations, LLC, collectively. After receiving an update status on those cases, Motion by Council Member Trujillo, Second by Mayor Pro Tem Scott and carried by a 5-0 vote, City Council directed that the Court of Appeal decision be appealed to the California Supreme Court and further the Association of Appellate Council.
- 1g. Conference with legal counsel – existing litigation. Hice v. City of Rialto a workers compensation matter. City Council received an update, provided direction and no further reportable action was taken.
- 1h. Conference with legal counsel – existing litigation. Matt Payne v. City Rialto. City Council received an update on that workers compensation matter, provided direction and no further reportable action was taken.
- 1i. Conference with legal counsel – existing litigation. Nicholas Delia v. City of Rialto, a workers compensation matter
- 2. Liability Claims. Claimant: Daniel Alvarez against the City of Rialto. City Council received an update and an explanation of that that claim, provided direction and no further reportable action was taken.
- 3. Conference with legal counsel – Anticipated Litigation - Initiation of Litigation. After a briefing, Motion by Council Member Trujillo, Second by Mayor Pro Tem Scott and carried by a 4-0, Council Member Carrizales was absent from the Closed Session Room. City Council directed that a legal action to abate and appoint a receiver against the property owner Winston Ng as trustee of the Ng Family Trust at 473 Yucca Ave., be filed to secure compliance with the City's building and other municipal codes.

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PRESENTATIONS AND PROCLAMATIONS

- 1. Resolution - In Memoriam of Wesley Grimes - Mayor Deborah Robertson
- 2. Proclamation - STEAM Education Day in Rialto - Mayor Deborah Robertson
- 3. Introduction of Teddy Calderon – World's International Miss Tourism 2020.

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ORAL COMMUNICATIONS

June Hayes, Rialto resident, expressed concern regarding a planned power outage for an upgrade, they were not notified.

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Cheryl Machan, One Legacy Ambassador, invited City Council to the the First Look event for the Rose Parade Float 2020.

City Council to consider removing or continuing any items on the agenda

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Council Member Carrizales stated that he will be abstaining from TAB 9 due to a conflict of interest with his business at the Renaissance Marketplace.

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Council Member Trujillo stated that he has a comment on E.1.

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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. 15 (10/10/2019)

B.2 Warrant Resolution No. 16 (10/17/2019)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - October 8, 2019

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D. SET PUBLIC HEARING

- D.1 Request City Council to Set a Public Hearing for November 12, 2019 to consider (1) General Plan Amendment No. 2019-0002, which is a request to change the general plan land use designation of approximately 2.17 acres of land from Residential 21 (R21) to Business Park (BP), (2) Specific Plan Amendment No. 2019-0001, which is a request to change the zoning designation of approximately 2.17 acres of land from Support Commercial (S-C) within the Central Area Specific Plan to Urban Services (U-S) within the Central Area Specific Plan, and (3) a Negative Declaration (Environmental Assessment Review No. 2019-0006) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The site for this project is located on the west side of Sycamore Avenue approximately 700 feet south of Rialto Avenue.
- D.2 Request City Council to Adopt (1) Resolution No. 7567 Stating Intention of the City Council of the City of Rialto to Establish City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce) and to Authorize the Levy of Special Taxes within said District, and (2) Resolution No. 7568 of the City Council of the City of Rialto to Incur Bonded Indebtedness in the Amount of Not to Exceed \$7,000,000 within Proposed City of Rialto Community Facilities District No. 2019-2 (Foothill/Spruce), setting a Public Hearing for December 10, 2019.

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CONSENT CALENDAR

E. MISCELLANEOUS

- E.1 Request City Council to Accept the Fiscal Year 2020 California Fire Foundation Grant Funds in the Amount of \$15,000.
- E.2 Request City Council to Consider and Approve to Authorize Keenan & Associates to Operate as the City of Rialto's Broker of Record in Connection with Coverages for Dental, Vision, Life Insurance, Section 125 Voluntary Products, and Disability Insurance for All City Employees and Retirees.

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E.1

Council Member Trujillo congratulated the Fire Dept. on their grant and prevention material is going to be purchased. Will some of the material be for the Spanish language community.

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Acting Chief Parks stated they are working on putting together a town hall meeting to identify areas they need to address such as multilingual, platforms for advertising and education and partner with the community for more outreach.

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Council Member Trujillo stated in the spirit of prevention they are celebrating Fire Prevention Month.

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Mayor Robertson stated this past week at the water state inspection, they came through Oakland Airport and she witnessed the kiosk that allows them to do CPR to find out if they are doing it hard enough. She knows they mentioned looking at purchasing something like that.

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

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TAB 1 – Proposed Ordinance 1625 – Implement Sidewalk Vendor Regulations

City Attorney Galante presented the staff report and introduced proposed Ordinance No. 1625 – implementing sidewalk vendor regulations.

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

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**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

Mayor Pro Tem Scott asked who is going to enforce this Ordinance?

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City Attorney Galante stated the way it is written, it would be the community compliance division. It can be revised by City Council and they can have layers of enforcement. Often times, the vendors will do their activity after hours. That can be a question to think about.

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Mayor Pro Tem Scott asked what have they done to adjust the hours that Community Compliance is working because they don't normally work weekends or nights. If this is going on until 7:00 pm then that poses an issue. Besides the fact people are going to try to do this after those hours, he doesn't think they have the police officers to be handling this. Somebody needs to tell him who is going to enforce this.

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Rod Foster, City Administrator stated that they Community Compliance Division will be working through Human Resources as well. They know they need to be able to have coverage on the weekends and right now they don't. the plan is to have that managed by Community Compliance. In the interim if there was any breaking of this Ordinance by any vendors, they would have to coordinate with the Police Dept. to ensure they could enforce it up until the time they can change Community Compliance officers.

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Mayor Pro Tem Scott stated that they will need to see that plan because he doesn't think they have police officers to be dealing with this issue. Secondly, when it comes to health and safety issues related to the County Health Dept. who is going to enforce those?

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City Attorney Galante stated Community Compliance would be authorized to check that any food vendors have the appropriate license, including County Department of Health license. One of the requirements in the Ordinance is they have to display licenses like any other restaurant.

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Mayor Pro Tem Scott asked if they check they were in compliance with State and County laws.

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City Attorney Galante stated that the requirement to provide Health Dept. permits is absolutely authorized. That is a requirement for food handling.

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**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

Mayor Pro Tem Scott stated he understands that, but he would like to see the regulation that gives the authority to Community Compliance to enforce health department laws.

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City Attorney Galante stated that the City would not enforce those laws, but what he put in the Ordinance is they are required that they demonstrate they are appropriately licensed and permitted. But Mayor Pro Tem Scott is correct that they couldn't enforce the requirements.

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Mayor Pro Tem Scott asked if there is anything related to building codes and compliance.

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City Attorney Galante stated no, it's just the health and safety issues that pertain to their location, times of operation and manner of operation. Not necessarily the structures they use for their carts or booths.

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Council Member Trujillo stated his concern was the canopy going up on the sidewalks, along with chairs and inhibiting pedestrian traffic. They are spreading and appearing in different neighborhoods, is it possible to create an incentive for maybe a food truck garden or place where they can gather them instead having the mall over the City.

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City Attorney Galante stated that this Ordinance deals with vending on sidewalks and doesn't regulate parking on public streets. It only regulates someone vending on a sidewalk and causes traffic problems and illegal parking. They put in a provision to prohibit that. This idea can be presented separately to the City Council to have a specified location for food trucks to go to. What he has added to this Code is the issues about the issue of interfering with pedestrian traffic. Mayor Pro Tem Scott had made a good suggestion of incorporating ADA issues which they have done. This does not prohibit the establishment of a certain park or area where food trucks could park. It strictly deals with placing carts on the sidewalk and public facilities such as parks.

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Council Member Trujillo stated his other question is the hours that were set. They cut it off at 7:00 p.m. Does that coincide with the soliciting hours. What they have set for door to door soliciting, 7am-7pm. Did they base it on those hours.

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City Attorney Galante stated that he recalls some feedback when they initially presented this to the Development Services Department. The thought was that this time would impose the least amount of inconvenience to the sidewalk vendors and protect the peace and quiet of the residential and other business establishments.

**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

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Council Member Trujillo stated that he shares a lot of the concerns about enforcement specifically because they are prohibiting after hours business but yet they don't have the staff designated for after hours.

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Council Member Baca Jr. stated he knows the intent of this policy is to strengthen up what they have and give a little more teeth for issues that are a concern in the community. The reality he sees with this issue, is Friday and Saturday night will be the biggest problem and they don't have the staff to address the issue. That being a concern and limiting it to 7:00 pm, he sees a lot of people after hours selling food. He wants to be sensitive to the people wanting to make a living, but they have to consider staff for the weekends. They maybe need to designate a spot on Fridays and Saturdays where they can have street vending and everything else is off limits. Because its going to be a problem and if they are not here, then they can't do it, especially for food. He has seen other cities that have success with it by designating a Saturday night as their street vending night. Its something to look at and maybe bring back at a later date. He just sees weekends being a problem, Fridays and Saturdays and not being able to enforce the 7:00 p.m. on the weekends. Staff only works Monday-Thursday and he doesn't know how they address it.

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City Attorney Galante stated that the legislation is fairly broad, the intent is for cities to limit their regulations. What they have put together is protective of the City and residents as far as potential interference with their quiet enjoyment. Limiting it to very specified and discreet areas could be a problem under the legislation. Having said that, this is brand new law and hasn't been tested. If there were enough avenues available, they would argue it's still very permissive. If City Council wants to evaluate it and then come back to try to suggest certain locations and they can evaluate it from the legal standpoint.

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Council Member Carrizales stated that he agrees with most that has been said. Are they saying they won't be able to say the vendors are allowed Friday, Saturday and Sunday and North, middle and South in three designated areas? Are they saying, the way the State put it out its going to be Monday – Friday wherever they want and there is nothing they can do? He thinks that would be the best because at least this way, the other concern he has is with the health and public. The code enforcement officers are not equipped with the equipment to check whether the temperatures are correct, is there a three compartment sink and are the sanitary levels up to par. There are a lot of things that a health inspector does. For them to give Code Enforcement Officers that new hat is a tremendous burden. It would have to be new positions they have to assign just to make sure the public is safe.

**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

Council Member Carrizales stated there are so many things that come into play when they talk about food. He is very sensitive to the business community and people trying to make a living and maybe using this as a stepping stone into a brick and mortar store. He thinks they need to really spend a lot more time on this because it huge. Once they approve it and if there is not enough guidance it can get out of hand.

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Mayor Robertson stated she has some concerns. In the ordinance, they will be required to display their business license and the health certificate. She also had a concern with where they are located and site distance issue. Part of SB946 speaks to objective health, safety and welfare concerns. She has spoken before about where they locate and are vending. Most of the fruit stands are close to intersections with an understanding they have a setback. She believes in traffic safety they have an adequate site distance, 300 ft. set back from the curb. She doesn't see that being addressed here. She did notice they are not supposed to interact with potential customers while they are in a motorized vehicle. Obviously, that occurs because people pull up and a lot of the flower vendors sell right to the car window. She has observed some of the vendors discard their liquid residue from their cart before they leave. She knows they made note that they must put their trash in a public trash receptacle. "Trash and refuse generated by vending cart operation shall Not be disposed of in a public trash receptacle." She doesn't see them saying anything about them discarding their water they used to clean or wash the fruit. She has seen them pour it into the storm drains. How do they address those matters.

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City Attorney Galante stated that they can require they demonstrate they have the health department license but as far as enforcing their various provisions, that would not be the City of Rialto. The health dept. license carries very detailed requirements. Community Compliance can call the health dept. to come out and provide assistance and enforcement. Discarding of fluid is an NPDES violation and they currently have regulations that prohibit that. This Ordinance just strengthens the sidewalk vendor regulations because right now they are fairly limited in those requirements.

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Mayor Robertson stated she understands that, she is saying the activity itself they have out there with the cart does require some of them to discard rather than take it with them.

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City Attorney Galante stated that is currently prohibited under their NPDES requirements and it continues to be prohibited.

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**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

Mayor Pro Tem Scott stated that he agrees they should have an area that allows vendors to come to. He also has an issue with the times that are proposed because the biggest problems they are going to have is Friday and Saturday nights. If they had an area where they can allow vendors Friday and Saturday night that out of residential areas. That might be smart thing to do. There is no way they can enforce the health code itself and be testing for temperatures. That is a health issue. They did put into place in 2004 an Ordinance that requires all food service businesses post their license. To the issue of the stuff they are dumping on the ground, they have all seen that, and it's a violation of NPDES. They can probably be issued a citation by the Fire Dept.

He stated they need to pass this tonight and let staff work on the issues and problems. He thinks Community Compliance needs to meet with the Health Dept. and then come back to City Council to refine this Ordinance to the stuff they are missing. They need to start somewhere. The biggest complaints are sidewalks, intersections, handicap areas and people can't get by them. If staff can come back with recommendations on where to put a nighttime weekend area. And they need to go later than 7:00 pm on a Friday and Saturday.

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City Attorney Galante stated that he wanted to clarify that 7:00 pm is only for residential zones.

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Council Member Trujillo stated when he first heard of this when he saw a food truck set up on Foothill and Willow. He sees a lot of vendors but what is the number who have a business license with the city so they can actually enforce these provisions so they can fund a staff position for the evenings and weekends.

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City Attorney Galante stated it would come separately if that is the desire of the City Council. The key to imposing business license fees it has to be related to their cost in providing the services. For example, the Community Compliance Officer time could be allocated to those permit fees to the extent they operate after hours and they spend specific time enforcing those.

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Council Member Trujillo stated what would that look like? How many business licenses do they have now that would support something like that?

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City Administrator Foster stated they don't have that exact number and will have to bring it back to City Council.

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**TAB 1 – Proposed Ordinance 1625 –
Implement Sidewalk Vendor Regulations**

Mayor Robertson stated they have been long waiting on this ordinance. This went before EDC back in February and before the Beatification Commission back in April and then the Planning Commission. She agrees they need to put something in place and then come back and modify. This is about street vending people on sidewalks. There are other things, they are on private property or they may have food trucks in private parking lots.

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Council Member Baca Jr. stated the State has really tied their hands. They can put in some measures but it's really going to take staff to be proactive on a lot of these issues. He gives credit to Community Compliance, at Riverside and Sierra and they had a lot of traffic building up with a lot of vendors. They ended up putting no parking signs, which has helped. They have taken some small steps to try to address the issue, but this will also enhance and give them a better opportunity. He would like to see staff look at a weekend proposal. It would be easier to address if they had a designated area or vendors on the weekends.

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City Attorney Galante read the title of the **Ordinance No. 1625**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIALTO, CALIFORNIA, AMENDING, ADDING AND REPEALING
VARIOUS CHAPTERS AND SECTIONS OF THE RIALTO
MUNICIPAL CODE TO IMPLEMENT SIDEWALK VENDOR
REGULATIONS**

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to Introduce for First Reading the Sidewalk Vendor Ordinance No. 1625.

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

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**TAB 2 - Amendment No. 1 to the
Employment Agreement between the City
of Rialto and City Administrator**

City Attorney Galante presented the staff report regarding the Amendment No. 1 to the Employment Agreement between the City of Rialto and City Administrator and Repealing and Replacing City Council Resolution No. 5058, Clarifying the Health and Welfare Benefits and Expense Reimbursements.

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TAB 2 - Amendment No. 1 to the Employment Agreement between the City of Rialto and City Administrator

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Approve: (i) Amendment No. 1 to the Employment Agreement between the City of Rialto and City Administrator; and (ii) Resolution No. 7569 Repealing and Replacing City Council Resolution No. 5058, Clarifying the Health and Welfare Benefits and Expense Reimbursements to which City Elected Officials are Entitled, and Linking Such Benefits and Reimbursements to those Received by The City Administrator.

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TAB 3 – Status on the Mid Cycle Update to the 5th Cycle Housing Element

David Barquist, Kimley-Horn & Associates, Inc. presented the status on Mid Cycle Update to the 5th Cycle Housing Element.

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Mayor Pro Tem Scott asked in regards to compliance, is this to ensure they have adequate land and zoning in place to allow the building of these houses?

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Mr. Barquist stated that is correct.

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Mayor Pro Tem Scott stated it doesn't address the fact that in most cases if they built these 2700 homes, they couldn't sustain themselves in regards to City services - police, fire and general city services.

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Mr. Barquist stated yes it gets addressed. CEQA is part of the process. They look at the case in the last element, the existing EIR for the General Plan. this is a component of the General Plan so they would make those general assumptions. It's a program of actions so there mitigations that would happen as development occurs. They would be able to mitigate those over time, over the long term.

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Mayor Pro Tem Scott stated when he says mitigate, can he broaden that definition.

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Mr. Barquist stated to make sure the problems don't arise based on that growth assumption.

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Mayor Pro Tem Scott stated that the problems do arise. They've added no police officers and they've built houses. They added no fire or City services and they've built houses. In reality if they built out these 2700 houses, they probably couldn't add a single police officer. They take away from the quality of life of everybody else living in this community already by adding homes they just cannot take care of.

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TAB 3 – Status on the Mid Cycle Update to the 5th Cycle Housing Element

David Barquist, Kimley-Horn & Associates, Inc. stated that its part of CEQA and they would evaluate those. They would have before them those relative environmental impacts.

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Mayor Pro Tem Scott asked if under CEQA could they not build these houses, if they show they have these issues.

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Mr. Barquist stated conceivably they could, they could be an issue. It becomes a mitigation issue.

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Mayor Robertson invited people to come out to the community meeting on October 29th at 6:30 p.m. she says that because the biggest thing about the housing element and professional groups are always expecting or thinking the city has to deliver and build the houses. City government doesn't build the houses, it's the developers in the market. Have the Planning Commissioners participated such a workshop in the past. They have been doing housing elements or a while. She recommends the Planning commissioners be in attendance to hear concerns and comments.

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Mayor Pro Tem Scott stated the TAB shows as an action item but it should be a receive and file.

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City Administrator Foster stated correct there is no action.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to receive and file the status on the Mid Cycle Update to the 5th Cycle Housing Element.

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Council Member Carrizales left the dais at 7:30 p.m.

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TAB 4 - Agreement for the 1972 Act and Mello-Roos Act Annual Administration Services

Sean Grayson, Acting Public Works Director presented the staff report Agreement with Webb Municipal Finance, for the 1972 Act and Mello-Roos Act Annual Administration Services.

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Council Member Trujillo asked if this is to put CFDs into a Landscape District?

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TAB 4 - Agreement for the 1972 Act and Mello-Roos Act Annual Administration Services

Mr. Grayson stated it is two separate items, they do all the engineering reports and administrative functions for all of the special districts. That would be the Lighting District, Landscape Maintenance District and the Lighting & Landscape Maintenance District on the Public Works side and the the Community Facilities District is on the Finance side.

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Council Member Trujillo stated that he had asked about a separation from the HOAs, CFDs and LLMDs. Is this something they are looking at in the future?

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Mr. Grayson stated yes, that would be something to consider and yes, Webb municipal would be the ones to do that work and the engineers report to articulate the cost breakout would be if they were to pursue that course.

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Mayor Robertson asked if that would be a task given to Webb to also bring back to City Council as to what that would look like?

She wanted to be clear, they are bringing another a new group on and Willdan will finish out and as they have new annex coming into the City. Are those including the islands or be left under Willdan?

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Mr. Grayson stated they would hope to bring something back before the next round of engineers reports and levy assessments next June/July. Before then, they can bring options for what can be done with the various HOAs and this would be the firm to assist them to deliver that.

On the LLMD side, there are nine parcels that are conditioned to be annexed. That work is already in progress and will be completed by Willdan. When they complete it, all activities in the LLMD and CFDs will be handled by Webb.

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote to approve an Agreement with Webb Municipal Finance, for the 1972 Act and Mello-Roos Act Annual Administration Services for Three Years at \$111,000 each Year. Council Member Carrizales was absent.

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TAB 5 – Increase in Purchase Order for On-Call Construction Management, Inspection and Materials Testing Services

Sean Grayson, Acting Public Works Director presented the staff report regarding a request to authorize a Purchase Order (PO) increase to the original Professional Services Agreement (PSA) with Wallace and Associates.

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TAB 5 – Increase in Purchase Order for On-Call Construction Management, Inspection and Materials Testing Services

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to Authorize a purchase Order (PO) increase to the original Professional Services Agreement (PSA) with Wallace and Associates for On-Call Construction Management, Inspection and Materials Testing Services for the Remaining First half of Fiscal Year 2019/2020 in the amount of \$275,000. Council Member Carrizales.

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Council Member Carrizales returned to the dais at 7:33 p.m.

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TAB 6 – Purchase of nine vehicles

Sean Grayson, Acting Public Works Director presented the staff report regarding the purchase of nine vehicles.

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Mayor Pro Tem Scott asked if all the vehicles are for Public Works.

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Mr. Grayson stated that all but one are for Public Works, one is a City Administration vehicle that frees up a Public Works vehicle, the hybrid assigned to City Administration.

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Mayor Pro Tem Scott asked if that is a Ford Explorer?

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Mr. Grayson stated yes, one of the two Ford Explorers.

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Mayor Pro Tem Scott asked what is the Explorer for?

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Mr. Grayson stated that I would be for engineering administration.

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Mayor Pro Tem Scott asked why are they buying an explorer for engineering versus a hybrid or a car.

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Mr. Grayson stated it was the selected vehicle and within the price point.

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Tony Brandyberry, Public Works stated when selecting a vehicle they look at what they are going to be used for and how they are going to be used. The number one reason is the cost and the ability to get the same cost as police and fire on these vehicles. Engineers sometimes need to drive into fields and construction areas and the ability to transport multiple people.

TAB 6 – Purchase of nine vehicles

Tony Brandyberry, Public Works stated this explorer is replacing a Crown Victoria.

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Mayor Pro Tem Scott stated so they think it's necessary to replace a Crown Victoria with a gas guzzler Ford Explorer.

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Mr. Brandyberry stated actually the Ford Explorer gets better fuel mileage than the Crown Victoria.

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Mayor Pro Tem Scott stated his opinion is that they need to take a better look at the cars they are buying. Just because the police are driving Ford Explorers doesn't mean everybody in the City needs to. If there is a more economical vehicle, they should be using them. He hasn't seen too many public works people out driving through the wash and Lytle Creek. He has a concern about the vehicles they are buying.

Have they looked at leasing versus buying vehicles.

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Mr. Brandyberry stated that they have looked in the past looked at leasing vehicles. In the past, leasing wasn't financially good for the City. They can look at it again.

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Mayor Pro Tem Scott asked where is the report from that? Have they done an analysis since Mr. Brandyberry has been here?

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Mr. Brandyberry stated no, not since he's been there, but they can.

0o0

Mayor Pro Tem Scott stated that he would like to approve the City Administration vehicle and ask that an analysis be done on vehicles and use. Additionally, whether or not it would be beneficial to lease vehicles versus spending capital money to buy vehicles.

0o0

Council Member Trujillo stated he just came back for the League of Cities with the City Clerk and they happened to pass buy a municipal leasing company that looks at if it's more economical to do leasing as opposed to just buying vehicles to free up capital. Some of the sample city studies he had seen at the booth were 10%-15% savings on a 10 year plan. Police and Fire are specialized vehicles, but the other city vehicles should be explored.

0o0

TAB 6 – Purchase of nine vehicles

Council Member Baca Jr. asked if they can approve one vehicle or is it a package.

0o0

Mr. Grayson stated that it was bid together but they can purchase the one now. They will have the option to do the additional later. They will confirm that.

0o0

Council Member Baca Jr. stated that he concurs that leasing is something to look at. Majority of the driving is done here in the City. If most of the driving is local, then they can look at a leasing option.

0o0

Mayor Robertson stated she has not seen an inventory of fleet. How they make decisions. What are the thresholds? Do they look at mileage? When does the vehicle deplete its depreciation and the need to change vehicles. The last time was the time they tried to move to hybrids, the Ford Escapes and they haven't changed anything since. She had questioned back them why they were buying F-250s and F-350s in 2004 to drive the City. They are really not driving through rough terrain. She will not be voting for this, she is tired of asking about fleet. She finds when they ask for some type of analysis, and how they make decisions when they need to replace a vehicle.

If there is a way to proceed with the City Administrator vehicle but she won't be voting for this.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to authorize a purchase order to Fairview Ford for one 2020 Ford Explorer Vehicle for the City Administrator.

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TAB 7 - Contract Service Agreement for the Construction of the Casa Grande Drive Traffic Calming Plan

Sean Grayson, Acting Public Works Director presented the staff report regarding a Contract Service Agreement for the Construction of the Casa Grande Drive Traffic Calming Plan.

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Council Member Baca Jr. stated that he is in full support of this. He attended Area Command meetings and it was evident that residents in the Las Colinas area were concerned about the traffic coming in. He would like for them to measure the effectiveness of this and make sure there is follow up and maybe have traffic patrol go out there and monitor and help educate people. This is a start to the speeding on Casa Grande.

0o0

TAB 7 - Contract Service Agreement for the Construction of the Casa Grande Drive Traffic Calming Plan

Council Member Trujillo stated that his came about because there was a large center there with residential mixed in. are there other concerns likes this throughout the community where this can benefit. Some cross streets separate industrial and residential.

0o0

Mr. Grayson stated they receive complaints occasionally about truck traffic and employee traffic from the various distribution centers. This is the only one he is aware of that has this kind of high volume of complaints from a specific facility.

To their point, this is the model they can use at any time they find additional concerns in the City.

0o0

Mayor Robertson thanked PD staff for looking at this. The area definitely needs a traffic calming plan and implementation. She is concerned with what is going to be the plan and is it going to have barriers. She is concerned that they advertised the bid in August and surprised they only received one bid. She would like to know how many businesses they have listed on Planet Bid that are construction companies that handle traffic control and safety. They didn't put a traffic calming in some other areas but on Winchester they had because residents requested speed bumps. She didn't see a panel of review of the one.

0o0

Mr. Grayson stated they did their normal review and due diligence, registration with the DIR, contacting references and they are known in the community.

0o0

Motion by Council Member Carrizales ,second by Council Member Baca Jr. and carried by a 5-0 vote to award a Contract Service Agreement to Chrisp Company, in the amount of \$102,500 for the Construction of the Casa Grande Drive Traffic Calming Plan, City Project No 190809.

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TAB 8 – Construction Contract for Construction of Etiwanda Corridor Improvement Project

Sean Grayson, Acting Public Works Director presented the staff report regarding Construction Contract to Vido Samarizich, Inc. for Construction of Etiwanda Corridor Improvement Project and Authorize a Purchase Order to PPM Group in the amount of \$67,948.00 for Construction Management and Material Testing.

0o0

Mayor Pro Tem Scott asked them to walk through how they vetted this project and what they have done to make sure that everything that needs to be done is in the bid. Its properly done and that its not going to end up like Randall Ave

TAB 8 – Construction Contract for Construction of Etiwanda Corridor Improvement Project

Sean Grayson, Acting Public Works Director stated with this project there is no road widening or pole relocations or other utilities relocation.

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Mayor Pro Tem Scott asked if they have been out there to make sure that the work they are doing, that PPM is managing, doesn't have poles that are in the way of path of travel.

0o0

Mr. Grayson stated that Azzam Jabsheh is the project manager and he is the one responsible.

0o0

Mayor Robertson stated to add to that is 60 curb ramps along Etiwanda Ave. between Maple to Pepper, to construct curb, gutter and sidewalk.

0o0

Azzam Jabsheh, Public Works stated on the East side of Spruce, between Grove and Foothill there is no sidewalk on the East side. No there are no poles there.

0o0

Mayor Pro Tem Scott asked why is he managing this project.

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Mr. Jabsheh stated that he has 16 other projects he is managing through out the City.

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Mayor Pro Tem Scott stated they have a new management group managing this project and it's a former City Council Member from Fontana, so he can feel their pain when they call him.

He just wants to make sure they have gone out there and travelled this whole project to make sure there are no trees or poles or storm drains in the middle of the road.

0o0

Mr. Jabsheh stated that once they approve PPM, they will verify all the information in the plans prepared by KOA meets all the requirements they established when they awarded the contract.

0o0

Mayor Pro Tem Scott asked who reviewed the plans.

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Mr. Jabsheh stated there are 60 curb ramps that will be installed and the plans were reviewed in-house. Most of the plans within the project are traffic signing and striping of traffic signals. He reviewed them himself.

TAB 8 – Construction Contract for Construction of Etiwanda Corridor Improvement Project

0o0

Mayor Pro Tem Scott asked who reviewed Randall Ave.?

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Mr. Jabsheh stated the review was done by Lockwood Engineering.

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Mayor Pro Tem Scott stated to Mr. Michael Tahan (PPM Group) that he looks forward to riding that project with him in his car.

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Council Member Trujillo stated he is glad this is coming forward. He is excited to see the work on the project.

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Mr. Jabsheh stated they are also installing a crosswalk at Lynwood and Etiwanda with the flashing beacon. At Bemis they are going take out the old in road lighting and put new ones.

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Council Member Trujillo stated that there are numerous schools and pedestrian traffic there and glad they are finally delivering today.

0o0

Council Member Baca Jr. stated hopefully with this project they can get through it without bringing it back with additional charges and that Mr. Tahan (PPM Group) will do the best he can to stay within budget. He likes the safety and ADA it's going to bring to the residents. Overall this is a good project for the City.

0o0

Mayor Robertson stated they identified the Etiwanda Corridor as a unique and interesting corridor because of the many schools on the northside of the street. She complimented Public Works staff for all the time they put into this project. With that said how did they broaden outside the Etiwanda corridor? They need to look at the behavior of parents who drop kids off at the southside of Etiwanda with kids running across. Did they address that at all?

0o0

Mr. Jabsheh stated no they did not. It was not brought to his attention at the time and he assures them that when the project get implemented that will be one of the things they look at. When the project is completed he will personally go out and provide recommendations on what they need to do to prohibit parking.

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Mayor Robertson stated they need to coordinate with the School District so they are not locking their gates so buses and parents can pull in to drop off or pick up kids.

0o0

TAB 8 – Construction Contract for Construction of Etiwanda Corridor Improvement Project

Azzam Jabsheh, Public Works stated they have notified RUSD but they have not addressed the access issue along the corridor for the five schools.

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Mayor Robertson explained they were involved in a lawsuit for a child running across Acacia. It wasn't anything the City did but it was a concern for RUSD to work with the City.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Award a Construction Contract to Vido Samarizich, Inc. in the Amount of \$1,098,036.00 for Construction of Etiwanda Corridor Improvement Project, City Project No.160805; and Authorize a Purchase Order to PPM Group in the amount of \$67,948.00 for Construction Management and Material Testing for the Construction of Etiwanda Corridor Improvement Project, City Project No.160805.

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Council Member Carrizales left the dais at 8:06 p.m.

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TAB 9 – Accept Public improvements related to Renaissance Parkway East Improvement Project

Sean Grayson, Acting Public Works Director presented the staff report regarding Accept Public Improvements related to Renaissance Parkway East Improvement Project.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to Accept Public Improvements, Approve GASB 34 Report for the Project, Authorize Release of Final Payment of \$137,864.63 all related to the Renaissance Parkway East Improvement Project, and Certify Final Project Costs of \$3,354,399.80. Council Member Carrizales was absent.

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TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Sean Grayson, Acting Public Works Director presented the staff report regarding the Status Update Repot City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan.

0o0

Patrick Legendre, Managing Consultant for IBM, presented the contract history, the DALSIIC vision and mission, the project management techniques.

0o0

TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Mayor Pro Tem Scott stated that he had a conversation with him over the phone to understand this project better. He had a number of concerns that came about such as Mr. Lambert removing himself from their team due to an issue with Luvina Beckley Knight at MHM. Is she a member of their team?

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Mr. Legendre stated she is not a member of their team. They have an extensive onboarding process at IBM and they use a vendor called Collabra. They onboard each of their subconsultants and they have to provide name of individuals who will be performing on the project. Luvina was never on that list of names being onboarded. She does not work for IBM or Luvicent.

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Mayor Pro Tem Scott stated there is a member on the team named Kimberly Smith Austin who is an employee of MHM correct?

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Mr. Legendre stated yes.

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Mayor Pro Tem Scott asked if he recalls in the bid document where it ask for disclosure of any companies that have been disbarred during grant processes.

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Mr. Legendre stated in attachment C it states if they know of any person that were disbarred. Its Luvina Beckley, to his understanding, who has been disbarred.

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Mayor Pro Tem Scott stated it's her company that has been disbarred is his understanding.

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Mr. Legendre stated that is not his understanding.

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Mayor Pro Tem Scott stated in the bid, they refer to a number of subcontractors. One of them is Arroyo Valley Community Development Corporation. Are they a subcontractor to IBM?

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Mr. Legendre stated she is not.

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Mayor Pro Tem Scott asked why are they in the bid document.

0o0

TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Patrick Legendre, Managing Consultant for IBM, stated originally Luvicent had included them as a resume. She was originally listed as one of the personnel to be on the project. After IBM won the award, she was no longer available.

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Mayor Pro Tem Scott asked if Luvina Beckley participated in meetings and given direction through emails.

0o0

Mr. Legendre stated, as advised by their legal team, their response is that she is not an employee of IBM, nor Luvicent. She is not part of the team that delivers to this project. Beyond that, he cannot comment.

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Mayor Pro Tem Scott stated, so he can't explain how those emails relate to this project.

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Mr. Legendre asked which emails?

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Mayor Pro Tem Scott stated that emails from Ms. Beckley to Mr. Lambert.

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Mr. Legendre stated he cannot.

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Mayor Pro Tem Scott stated he is curious to know, when they bid this project, they used the same contractors that ACOMM proposed to IBM. How did they both arrive at the same contractors.

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Mr. Legendre stated he will need to apologize on that, when he joined the proposal team it was already formed. From his understanding, when they submitted their name as IBM being interested in bidding on Planet Bid, Luvicent saw their name and the contact person. As its public information, they reached out. But he can't confirm that is accurate, as he joined the proposal team at a later date.

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Mayor Pro Tem Scott asked how IBM came to bid this project.

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Mr. Legendre stated they have traffic experts that look at different opportunities across states and the nation that relates specifically to traffic centers and analytic centers. This one came up as a potential.

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TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Mayor Pro Tem Scott stated was IBM asked by Luvicent or any other company to bid on this project.

0o0

Mr. Legendre stated no.

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Mayor Pro Tem Scott stated in relationship to the traffic management plan, is their proposal to replace all existing systems in the City with another system.

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Mr. Legendre stated he doesn't believe to replace all systems. Right now, and it depends on if they are referring to systems or the traffic hardware itself. For instance, when they were discussing today that they had gone out and looked at models of traffic signals and there are recommendations to replace those. He wouldn't say its to replace all traffic signals. For the system itself, they would recommend replacing that system because it is very outdated. They have recommendations of what the capabilities of the system should be, but they have not identified a specific software or system.

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Mayor Pro Tem Scott asked if he gave a breakdown of that bid in the bid. Did they give a breakdown for the traffic management portion of the project. Do they know how much that was?

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Mr. Legendre stated yes, they did. Being that the contract is a firm fixed price, he cannot tell them what individual task is. But what they can do is look at the price case and identify the hours that have been allocated to those tasks.

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Mayor Pro Tem Scott stated that it was his understanding from him on the phone yesterday, that IBM intended to submit a proposal or a plan for a rehab of the traffic management system. But it's not included in the scope of work currently.

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Mr. Legendre stated he thinks they are referring to what they would recommend in terms of who would bid on that work.

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Mayor Pro Tem Scott asked if he prepared the documents. The documents signed February 24, 2019.

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Mr. Legendre stated the proposal they have in their hands right now is something he worked on and a team of other IBM'ers, Luvicent assisted, as well as IGC.

TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

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Mayor Pro Tem Scott stated so they may or may not have worked on all of it, correct?

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Mr. Legendre stated he would take responsibility for all of it as an IBM Project Manager.

0o0

Mayor Pro Tem Scott stated on page 25 it refers to leveraging the City of Rialto's investment as follows, and it has value added leveraging of Rialto investment and it lists Arroyo Valley Community Economic Development Corporation at \$18,000, California State University San Bernardino at \$5000, University California Riverside at \$2,600, Randall Lewis Foundation at \$15,840. It lists ESRI at \$21,000, Luvicent Management at \$18,000, IBM at \$16,500 for a total in-kind commitment of \$97,000. Those are in-kind donations to this project?

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Mr. Legendre stated those are time donations.

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Mayor Pro Tem Scott asked do they know how many they secured?

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Mr. Legendre stated all of the bottom ones and they are working with CSUSB and the other three he is still waiting.

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Mayor Pro Tem Scott asked if he recall reviewing the various bios on the various companies that they list as subcontractors.

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Mr. Legendre stated if they mean by reviewing the resumes they put in, then yes.

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Mayor Pro Tem Scott stated that Luvicent refers to a \$5.4 million grant for the City of Rialto from the Federal Government. Did they ever see those grant documents?

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Mr. Legendre stated he did not.

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Mayor Pro Tem Scott asked if he knows in fact that Luvicent is the grant writing company that procured or applied for that grant?

0o0

TAB 10 - City's Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Mr. Legendre stated he did not know that.

0o0

Mayor Pro Tem Scott stated in their phone conversation yesterday, he referred to the DALSIIC vision and it included public safety. It included body worn cameras, public surveillance and visual recognition software, which is visual recognition of individuals, correct?

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Mr. Legendre stated even further beyond with the visual recognition, in these cases with fire safety so flying drones over different locations, using visual recognition to identify potential areas to cause wild fires.

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Mayor Pro Tem Scott stated but they had specifically talked about body worn cameras.

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Mr. Legendre stated they discussed how the City of Rialto is one of the first in the Nation to wear body worn cameras.

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Mayor Pro Tem Scott asked if he was aware of the fact, in the State of California, currently there is a moratorium on visual recognition.

0o0

Mr. Legendre stated yes.

0o0

Mayor Pro Tem Scott stated they discussed on/off ramps, the freeway and the collection of fees during peak traffic times. He is curious to know his plan for collecting those fees based on the fact that on/off ramps are Caltrans.

0o0

Mr. Legendre stated he remembers discussing this, they would look at the local routes within the City. It's a good time to bring up their scope of work and maybe they are having a miscommunication. The scope of work and all of the use cases that he identified in his presentation are all things they have been scoped to identify the feasibility. These ideas he brings forth are not necessarily just say they will work for the City of Rialto, but they have been scoped to research and identify to see if it would work.

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Mayor Pro Tem Scott stated so they are basically doing a feasibility study and not an implementation.

0o0

Mr. Legendre stated correct.

0o0

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Mayor Pro Tem Scott stated and yet they have site locations in here for sites for the DALSIIC facility.

0o0

Mr. Legendre stated yes, there are more slides that say dependency on the City of Rialto. One of the dependencies would be funding to run that site. They can identify locations that would be a great place to have the DALSIIC satellite location, but they would not have the funding to do any use cases or implementation under their current scope of work.

0o0

Mayor Pro Tem Scott asked if it was ever discussed within the committee or the group on how this entire project would be funded.

0o0

Mr. Legendre stated yes, so part of it would be the public/private partnerships they are looking into. The feasibility study would also look at the congestion pricing or other income streams that could potentially offset or get a n investment from a private organization.

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Mayor Pro Tem Scott stated and the private funding they are referring to is an EP3 type project?

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Mr. Legendre stated yes, that is one of the recommended examples.

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Mayor Pro Tem Scott asked who would be doing that?

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Mr. Legendre stated that would be VICO.

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Mayor Pro Tem Scott asked do they know how much the total cost of the project would be?

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Mr. Legendre stated that is part of what their scope work is looking to identify.

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Mayor Pro Tem Scott asked does he think its appropriate for a City to sole source an EP3 project, that is probably in the area of \$10-\$20 million?

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Mr. Legendre stated unfortunately they can’t answer that question. They can provide all the documentation around what they recommend and what they think is best course of action, but they cannot make that decision for the City.

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

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Mayor Pro Tem Scott stated as far as staffing of this facility when talked yesterday, that it would be staffed privately or staffed by City personnel.

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Mr. Legendre stated they would talk to the different departments, which they have not had the opportunity to do yet, and identify individuals that are doing similar job functions currently of it would have to be filled by a new staff member. Once they identify that they can more clearly articulate the exact number of staff that would be needed if new or the ones that could fill that job function of the DALSIIC in the center.

0o0

Mayor Pro Tem Scott asked if they have ever been led to believe by any employee of the City of Rialto that they have funding to be able to add additional city staff on?

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Mr. Legendre stated that the proposal they responded to led them to believe that would be the case.

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Mayor Pro Tem Scott stated so they never really checked into the finances of the City of Rialto.

0o0

Mr. Legendre stated that they responded to a proposal that they have the capability to deliver their services and want to help the City of Rialto to achieve that but beyond that they did not.

0o0

Mayor Pro Tem Scott asked if he attended a meeting on January 11, 2019, which was a kickoff of ESRI.

0o0

Mr. Legendre stated that he doesn’t have anything on his calendar from January 11th and the date doesn’t ring familiar.

They presented orals in June with ESRI to identify areas of crossovers.

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Mayor Pro Tem requested Mr. Lambert to step forward so he can ask him some questions.

Some emails were shared by Mr. Foster that were related to Ms. Beckley and his desire to no longer participate in this project. Can he explain why that took place?

0o0

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Steve Lambert, Consultant, stated that he became aware of the DALSIIC project around the time of the bidding. As he has been often asked to do, in his relationship with the City, he sat in on the interview process, so he became a little more familiar with it. Around August he was contacted by Vincent McCoy and asked if he would be interested in helping them as it related to communication or understanding of the City, media, etc. it became clear that the Luvicent part of this wasn’t very well organized. Meetings would be cancelled or forgotten. There was never really a scope of work. After his initial contact with Vincent, his communication afterward was primarily with Luvina trying to explain where they were going with this project. The delays and uncertainty had his “spider sense” going so he did a little research and saw the information online about the debarment which totally raised his concerns. In his business, they have a brand and a reputation, and he didn’t feel comfortable aligning with somebody who had that in their past. He made that known to Luvina. He made that known to Patrick [Legendre], who was great throughout this process and was very understanding. He let Mr. Foster know as well.

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Mayor Pro Tem Scott asked City Attorney Galante, is it his understanding that the debarment is strictly for Ms. Beckley or does it include MHM? If she were the principal owner of that company would that preclude from bidding or under our bidding policy, they currently have and regarding this disbarment.

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City Attorney Galante stated that this is based on a letter from the Corporation from National Community Services that was issued to Ms. Beckley-Knight that described the debarment including herself, MHM and TCU, TCU Community Partnership and MHM & Associates Enterprises.

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Mayor Pro Tem Scott asked if the City of Rialto issued a letter to Ms. Beckley terminating her services.

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City Attorney Galante stated yes, correct.

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Mayor Pro Tem Scott asked if he can say what the contents of the letter were.

0o0

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

City Attorney Galante stated he believes three contracts that Ms. Beckley-Knight was working on at the time of the City’s issuance of that letter, came from directives of the City Council to the former City Administrator. One had been terminated just by due course. The letter terminated her services as to the second contract and the third was in the process but the letter also said there would not be further contracts until the debarment issue was addressed and at that time she can present a request to be reconsidered.

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Mayor Pro Tem Scott asked if that direction was given by the City Council.

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City Attorney Galante stated correct.

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Mayor Pro Tem Scott asked what the date of the letter was.

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City Attorney Galante stated it was dated May 10, 2017.

0o0

Mayor Pro Tem Scott asked if to his knowledge has the City of Rialto done any work with Ms. Beckley since then.

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City Attorney Galante stated other than completing the one contract that was in process, he is not aware of any other work.

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Mayor Pro Tem Scott asked Mr. Foster to his knowledge.

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City Administrator Foster stated that would be a question to address to Department Heads that have been responsible to grants. He believes there have been a few grants where its has been Ms. Beckley or Luvicent and as recent of January 2019. Including the Water Division, Tom Crowley is not a Department Head, but he may have information they may find interesting

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Mayor Pro Tem Scott asked the Department Head if any of them have done any grants since that date.

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Tom Crowley, Utilities Manager stated that the only grant that he is aware of he worked with Luvicent. It was submitting a grant to the coastal conservancy which was done around the first of the year. Ms. Beckley was not involved that he is aware of. His only communication was with Vincent McCoy.

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

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Mayor Pro Tem Scott asked if the grant came to City Council.

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Mr. Crowley stated it did not come to City Council. It did not require a Resolution. It was submitted fast and prepared by Luvent and once the grant was submitted, he did get a copy of it. It was a planning grant and not a construction grant.

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Mayor Pro Tem Scott asked if there were some matching funds to it.

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Mr. Crowley stated there were some funds that some portions were in-kind for staff.

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Mayor Pro Tem Scott asked how much was the grant.

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Mr. Crowley stated that he doesn’t know off the top but he can get them the information.

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Mayor Robertson stated to add to that, she thinks he is talking about what was brought forward to then Interim City Administrator, but she recalls the meeting and she believes it was Robb Steel giving the authorization to use Luvent to write the grant and pay it within his signature authority to submit the grant.

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Mayor Pro Tem Scott asked City Attorney Galante if he has any documentation indicating that Luvina Beckley is an owner in Luvent.

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City Attorney Galante stated he believes it was the County website that lists her and the separate filings, one that identifies Vincent McCoy and another one that does list Ms. Beckley-Knight as one of the owners.

0o0

Mayor Robertson stated that counsel shared that with City Council and he also shared it was deleted.

0o0

City Attorney Galante stated yes. The filing date was 5/28/2018 – Luvent and Luvent Advisors are Vincent McCoy and Luvina Beckley. Then as of June 18, 2018 the only owner listed in the Fictitious Name records search from the County is Vincent McCoy.

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Mayor Robertson stated so the filings were less than 30 days.

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

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Mayor Pro Tem Scott asked if there were any other Department Heads who had anything.

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Perry Brents, Community Services Director stated the grant services we used for Prop. 47 was written by MHM but MHM was taken out of the grant and taken off the grant. During that timeframe, May 2017, they already got the grant by November 2016.

0o0

Mayor Pro Tem Scott stated in conclusion he has some serious concerns about this project and serious concerns about the transparency of it. He has concerns about the bidding process and some very serious concerns about Luvina Beckley-Knight’s involvement in this project. Mr. Foster was at a meeting which she was at, perhaps a kick-off meeting and Council Member Trujillo and Mayor Robertson may have been there.

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Mayor Robertson stated it was the kick-off meeting for the sub-committee.

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Mayor Pro Tem Scott stated he is not going to say this concept is not a good concept because he really doesn’t know. He spent a lot of time over the last few days going over the documents. He sees very odd things in the documents. Again, he has some extremely serious concerns. He feels this is more of a regional project than a Rialto project. He thinks Rialto needs to focus on meat and potatoes. Focus on fixing the Public Works Department. Focus on fixing the traffic management system. Fixing on having enough police officers on the streets. They have other serious issues to focus on. They have a \$130 million unfunded liability that they have to fix. He has his concerns about this and he has been contacted by a number of newspapers today.

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Mayor Robertson stated this project started back in 2016, the concept of looking at for a local way for local government to generate revenue, to manage traffic and improve the quality of life as it relates to greenhouse gas. Today what they were listening to was to finally have a presentation, which City Council requested an update from the consultant working on the project. He finds it interesting that two of her colleagues were not here in November when this item came to City Council and it was a TAB item that was acted on. The three that voted on it are the three that are sitting here today. They had raving reviews on why they thought this project should go forward and they acknowledged that they took some time to do some due diligence and met with various people. She would say that she thought they respected their opinion, Mr. Dennis Barton and others.

TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

Mayor Robertson stated they voted 3-0 unanimous for this project to move forward. Now, they do an RFP, put it out and followed the process. They sat and looked at this project after the staff had did their process of preparing the package, putting it on the street and having two major companies bid on it and then again, they awarded the contract on May 14th. They continue to say they don’t really know the project is and yet they voted unanimously to move forward. She thought she was here listening to the status and update of where they are. This is a great project; this project has some benefits for them that could move them to the future. This is not really about the project or about the company they have. This is something very focused on one person, one individual and she doesn’t know what it is, what seems to be a very focused personal effort on one individual. She knows that Patrick, the team and the people working on the project are very solid and committed. She feels if they sit there as a body and they say they don’t know what this is and yet they voted unanimously to proceed to award the contract. What does that say about them? They awarded in May and started in June/July and here they are with some direction. She knows the City Administrator and the Dept. Heads have somewhat prevented the staff to go out and proceed to the task and scopes they have identified in the RFP. The night of the award, Mayor Pro Tem gave them some direction to make certain that they go out and begin to do focus groups and meet with the commissions which really wasn’t part of the scope. It wasn’t a delay, but they tried to absorb and add that. Then they were told that they were scheduled to meet with one commission and then were told to stand down. Whatever the pleasure is, she stands by this project, bottom line is Mayor Pro Tem doesn’t want this project and the Mayor does. She sees this as a vision of their future and sees this is where everyone else is going. In November 2017, not only did they proceed to go forward with knowing it was a \$3 million grant they were going after. In the staff report in clearly delineated, they knew they needed to pull from General Fund \$2,086,860 to be a matching commitment to a potential \$3 million grant they were going after. For the Department of Commerce EDA Grant. Yes, the application went in. did the application get rejected, No. because they got direction back from EDA that they would like to see an operational business plan that integrated the things they have been talking about. She will not be voting to cancel this project but if her colleagues choose to do that, just remember they voted to expend and receive with a half million dollar contract for someone to do something and they have only been able to do it for about 45 days. Now you are saying they haven’t delivered but they set a schedule when staff worked with them and it states the deliverables are not due until November 7th. She can’t see how they feel they haven’t met their commitment. She is glad that Patrick came and presented. But this is not really about their ability to deliver, their skill or being a premier company. Its about Ms. Luvina Beckley- Knight.

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TAB 10 – City’s Data Analytics, Logistics, Surveillance, Innovation & Incubator Center (DALSIIC) Plan and the Traffic Signal Communication System (TSCS) Plan

City Treasurer Edward Carrillo stated this is an excellent project that should be pursued. His concerns are with Luvicent and MHM. As of 5pm this evening when he checked with the County Recorder it still showed Luvina Beckley-Knight as a general partner of Luvicent. Although they did file as general partners originally, and he notified City Council of this. They immediately filed to show Vincent McCoy as sole owner but they they didn’t abandon the partnership. So, it sounds like they are still partners. MHM continues to thumb their nose at the City. She never bothered to get a business license here with all the times they have done business with the City. She bid on a contract with West Valley Water and continues to do business in the City and doesn’t bother to get a business license in the City. This is not a professional individual to deal with. As far as Luvicent, he feels Luvina Beckley-Knight is still a principal of that entity. If he understands the letter sent by the City Attorney they shouldn’t be doing business with this individual or those two entities.

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Council Member Carrizales stated that he had a business meeting with Assemblywoman Eloise Reyes and she and her staff expressed concern about how money was spent. He agrees with the project and voted for the project, but they made him aware of a letter that was sent expressing their disapproval on how the money was spent. The traffic management portion of it was supposed to be spent for traffic management and not for logistics. His other concern, as much as he likes to move Rialto forward and technology jobs are basically going to be the future of Rialto, not seeing a clear vision in the public/private partnership and not having any commitment on how they are going to .continue to fund this after the initial. He is concerned about that because as it was mentioned, they have unfunded liability that is clouding their City. And to add other liabilities that they don’t have concrete on how they are going to fund is concerning to him. Yes, he voted for it in May and what has since come about on this, has him concerned.

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Mayor Robertson stated that she will not dispute the conversation he had with the Assemblymember. She also spoke to her staff and they explained that she was not trying to question the City’s right to do whatever the direction. Yes, if they notice the letter they received, they were concerned about why no one had responded back to the letter. The letter was dated May 15, 2019, the day after the item was on the Agenda. The agenda was posted in ample time for anyone to raise concern for them taking any action at City Council that night. She asked why did they write the letter the day after if it was a concern or confusion. The comment she has said before and to her staff, the money is not a grant. The money that was allocated in here with the directions of what it could be used for, was for a traffic management system upgrade.

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Mayor Robertson stated she believes in the statement here it says traffic management center upgrade. This will provide improved monitoring and management of the City’ interconnected traffic signals, using a closed loop surveillance system. It will improve the management of traffic flow throughout the City, reducing delay, fuel consumption and greenhouse gas emissions. Improving the efficiency of traffic flow citywide will result in reduced air pollution leading to direct health benefits to the community. The money that was allocated was not for buying or procuring equipment, it was for dealing with a management plan. that was the RFP that went out if they look at the very top it spoke to the DALSIIC center as well as traffic center, as what was called the traffic signal management plan. The question was why anyone hadn’t responded to the letter and she wrote and told the City Administrator and wanted to know somebody hadn’t responded to the letter. She would have thought the Public Works Dept would have addressed it. Instead she was read an email where Mr. Foster indicated that Mr. Steel had written an email to Mr. Grayson that Rialto had been admonished. If they had been admonished, why hadn’t any of the Department Heads or the Acting City Administrator proceed to respond to the Assemblymember’s letter. She didn’t say anything was wrong, she wanted to be assured was it consistent in the RFP. Mr. Foster’s comment to her was that he felt they should wait today and wait for the outcome of this and they would get direction on how they would respond to the letter. She is responding, they should respond to the Assemblymember’s letter and the letter should be drafted by a Department Head through the City Administrator direction for her signature because it was addressed to her. On policy she doesn’t write the letters. If they had an Assistant City Administrator in the meeting and he reported back to the Interim City Administrator and they had the letter, why didn’t they draft something.

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City Administrator Foster stated he wasn’t there but he’s not going to push that down. He has a copy of that where the admonishment is. They tried contacting Mr. Steel and he didn’t answer. The question is to Robb Steel who was the Assistant City Administrator and he was directly over the project. The question might be to the project manager, Katie Nickel should have been managing that as well. She might have an answer why the letter wasn’t done. It might be Robert Eisenbeisz who is no longer employed with the City. Why the letter wasn’t done, he can’t tell them. His recommendation was, before they respond to Ms. Gomez Reyes regarding their status, that the item was on the agenda, they may want to consider having the information ready from this City Council to provide to her. What he finds interesting from the letter, there are two different things from the budget, one is for a traffic management system and one is for a DALSIIC. If they read the letter specifically items 4-9 it does not touch on the DALSIIC and they are talking about a DALSIIC tonight. They need to be able to address that with the Assemblymember.

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Mayor Robertson stated that is exactly the point and it could have been done the day after they received the letter and not require for her to follow up and ask why nobody responded to the letter .

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Mayor Pro Tem Scott stated that he too was at the Business Forum Mixer where Assemblymember Reyes approach Council Member Carrizales and himself. She was specific in that she did not believe that this money had been used for the proper thing. She was also extremely specific that under no circumstances could it be used for trucking, logistic or warehousing of any kind because she does not support those items. If she found out that it did, she would guarantee that Rialto would get no more money from the State. He heard what she said, and she was very vocal about it. It clearly raised a flag. When he looks at the traffic management, what he found interesting in IBM’s proposal and ACOMM’s proposal proposes to fix the existing system. In fact, they have a dollar amount of \$250,000 in there to do it. There may be some other document that Assemblymember gave us, but it says traffic management center upgrade. He doesn’t see that as a plan but as an upgrade of the existing traffic management center. Clearly in his mind she had an issue with this. This is nothing personal about Ms. Beckley, however he agrees with the City Treasurer. This City Council made a decision to discontinue the services until she fixed her problems and then at that point come back and start bidding with the City. To be at multiple meetings and multiple phone calls tells him she is involved in this project and yet IBM says she is not.

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Mayor Robertson stated the point of this was, staff recommendation was guidance from City Council. What is the direction you’d like to give.

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Mayor Pro Tem Scott stated he is going to make the motion to terminate the contract with IBM to fix their traffic management system. If somehow, they can bring this back around in another way that is cost effective for the City and done without adding a whole bunch of bells and whistles to it. He is always willing to look at something. He believes this contract should be terminated. IBM should be paid, and they should move forward to fix their traffic management system.

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City Attorney Galante stated under section 7.8 of the contract it allows termination with or without cause with 30 days’ notice. Their action tonight if approved will initiate that termination and they would confirm it in a letter.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-1 vote, Mayor Robertson voted No, to terminate the the Professional Services Agreement with IBM.

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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 9:39 p.m. in memory of:

Nora Paulson
Rialto resident

Smoky
Rialto Police K9

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE