

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

**MINUTES
January 14, 2020**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, January 14, 2020.

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

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:00 p.m.

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The roll was called, and the following were present: Mayor 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 Attorney Fred Galante, City Treasurer Edward Carrillo and City Clerk Barbara McGee.

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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) Ortiz v. City of Rialto, U.S. District Court Case No. 5:16-cv-01384 GHK KSx (consolidated with Pena v. Rialto, USDC Case No. 5:16-cv-02020)
 - (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
- (g) Gary Cunningham v City of Rialto (WCAB 1892900025, 1892900006, SAC0000179054 & SAC0000196563)
- 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: One case
- 3. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
 - (a) Subject: Price and Terms of Real Estate
Property: APN 0264-152-32, 33, 34 and 35
(Renaissance East)
Negotiators: Mathew Schneider, Community Dev. Director
Fernando Acosta, Ayala/210 Partners
- 4. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:
City designated negotiator/representatives:
Angela McCray, Dir. of Human Resources and Risk Mgmt.
Employee organizations:
RPBA - General
RPBA - Management

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by 5-0 vote to go into Closed Session at 5:04 p.m.

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City Council returned from Closed Session at 6:34 p.m.

City Council will return to Closed Session after the City Council Meeting.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:41 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

Council Member Rafael Trujillo led the pledge of allegiance.

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

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City Attorney's Report on Closed Session

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

1. Conference with legal counsel – existing litigation.
 - a. Ortiz v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
 - b. Stordahl v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
- 1c-f. Equilon Enterprises, LLC v. City of Rialto
Phillips 66 Company v. City of Rialto
SFPP, L.P. v. City of Rialto
Tesoro Logistics Operations, LLC v. City of Rialto
City Council received an update and no further reportable action was taken.
- 1 g. Gary Cunningham v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
2. This item was not discussed. City Council will recess back into Closed Session at the conclusion of the Open Session.
3. Conference with Real Property Negotiator. The property listed APN 0264-152-32, 33, 34 and 35 (Renaissance East). Negotiator: Fernando Acosta/210 Partners. Council Member Carrizales abstained. City Council received an update, provided direction and no further reportable action was taken.
4. Conference with Labor Negotiators. Concerning the employee organizations: RFMA, RPBA – General and RPBA – Management. City Council provided direction and no further reportable action.

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PRESENTATIONS AND PROCLAMATIONS

1. Proclamation – National Mentoring Month – Mayor Deborah Robertson
2. Rialto Right Stuff Challenge Winners – Steven Bradshaw, Burrtec. Vilma Ortiz, Mariana Zuniga and Rhonda Rojas.

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ORAL COMMUNICATIONS

John Lenau, Rialto resident, thanked Public Works for cleaning out the ditch near his home. He expressed concern about the potholes on Linden near Carter High School. He expressed concern about the street widening project on Linden that is not completed because Edison has not removed the six poles. He expressed his concern about the intersection of Locust and Casmalia where there was traffic accident late last year and lights have been blinking red in all four directions for the last three weeks.

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Tameka Miller, Rialto resident, expressed concern there is increased drag racing near Kolb Middle School and people running through the stop sign at the intersection. She asked for more police presence in the area.

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Prince Ogidikpe, Representative for Assemblymember Eloise Reyes, formally introduced himself as he will be representing Colton and Rialto. He requested any budget ask the City may have for when Assemblymember Reyes returns to Sacramento. He invited everyone to the The State of the 47th Social where they will present highlights of last year and the goals of this year.

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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. 24 (12/12/19)
- B.2 Warrant Resolution No. 25 (12/19/19)
- B.3 Warrant Resolution No. 25a (12/19/19)
- B.4 Warrant Resolution No. 26 (01/09/2020)

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C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting – December 10, 2019

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CONSENT CALENDAR

D. CLAIMS AGAINST THE CITY

C.2 Allstate Insurance aso Alma Acosta - Vehicle Damage

C.3 Aura Perez - Personal Injury

C.4 Coleen Deerner - Property Damage

C.5 Deborah Miller - Property Damage

C.6 Eric Martinez - Property Damage

C.7 Lawrence Ray Bender - Personal Injury

C.8 Mike Mason - Trespassing

C.9 Patricia Stockliene - Property Damage

C.10 Rita Ann Corral Duran - Personal Injury

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F. SET PUBLIC HEARING

F.1 Request City Council to Approve the Purchase of Two (2) Wanco Portable Light Towers with Tri-Star Safety Services Inc. for the Police Department, in the Amount of \$18,744.62.

F.2 Request City Council to Approve the Purchase of Twenty-Three (23) Dell Laptop XPS 13 9380 from Newport West Com. for the Police Department, in the Amount of \$42,988.73.

F.3 Request City Council to Approve the Purchase of Sixty-Two (62) Active Shooter Vest Kits from Adamson Police Products in the Amount of \$34,355.29.

F.4 Request City Council to Approve a Contract Services Agreement with Prudential Overall Supply for Industrial Linen Services for Fiscal Year 2019/2020 in the Amount of \$17,000.

F.5 Request City Council to Adopt Resolution No. 7589 Accepting the San Bernardino County Transportation Authority (SBCTA) Transportation Development Act (TDA) Article 3 Grant in the Amount of \$226,000 for the Easton Sidewalk Improvements Project and \$14,432 for the Bus Stop Accessibility Improvements.

F.6 Request The City Council to Adopt by Second Reading Ordinance No. 1631 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN" reading by title only and waiving further reading thereof

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Motion by Council Member Baca Jr., second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the consent calendar.

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TAB 1 – 2019 Edition of the California Fire Code

Fire Chief Sean Grayson presented the staff report regarding the 2019 Edition of the California Fire Code.

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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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Council Member Trujillo stated that he previously brought ideas on how to create emergency shelters for multi-family dwellings. Can that be considered in this? Or would be an ordinance change?

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Fire Chief Grayson stated that it gets complicated the further back in time they go. An apartment complex built in the 1960's has a lot more issues that something built today. They are working on it to make this code revision work so that new facilities, their clubhouses or common areas could be permitted for that kind of use. So when an emergency occurred there are already the right smoke detectors and carbon monoxide detectors so it's a habitable structure. This will help but the work of Fire Prevention Division to codify that work with the developer and builders to bring it to light.

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ORDINANCE NO. 1630

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, REPEALING IN ITS ENTIRETY TITLE 15, CHAPTER 15.28, OF THE RIALTO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, FEES AND PENALTIES, THE CALIFORNIA CODE OF REGULATIONS, TITLE 19 AND 24, AND OTHER RELATED CODES, WITH APPROPRIATE AMENDMENTS PER CALIFORNIA HEALTH AND SAFETY CODE SECTIONS, 17958, 17958.5 AND 17958.7 AS A NEW TITLE 15, CHAPTER 15.28.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote, to approve Ordinance No. 1630.

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

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TAB 2 – Conditional Development Permit for the Development, Expansion, or Modification of Storage Warehouses, Distribution Centers and similar uses

Matt Schneider, Community Development Director, presented the staff report regarding requirement of a Conditional Development Permit for the Development, Expansion, or Modification of Storage Warehouses, Distribution Centers and similar uses.

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Mayor Robertson declared the public hearing open.

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John Lenau, Rialto resident, asked did he understand this to be that there would be public hearings during this process. Or was that going to be eliminated.

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Mr. Schneider stated that this would require a public hearing by the City's Planning Commission.

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

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Mayor Pro Tem Scott stated in regards to an existing warehouse distributing janitorial supplies. It closes up and sits vacant for years. It then opens up as a full warehouse distribution center. Would that require a conditional development permit?

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Mr. Schneider stated that it's his understanding that once a use has been vacant for a year, and he would confirm that in the RMC, that they vested rights no longer exist. It would be considered the establishment of a new use and so it would require a conditional use permit.

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Mayor Pro Tem Scott stated that he is glad to see they are approving this, because they have had some issues in the City where there has been one use in the building and its ended up several years later after its closed something else will come and it's not consistent with the surrounding area. He is glad to see them moving forward with this.

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Council Member Baca Jr. stated the language is to give clarity when they come to get a Conditional Development Permit. How many of these zones are within residential. He knows Mayor Pro Tem Scott mentioned the janitorial one which was right by a school. This is kind of out of their control but moving forward and looking at future sites do they have places zoned in the City and do they make sense. They should consider this as safety for residents because it is a concern.

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TAB 2 – Conditional Development Permit for the Development, Expansion, or Modification of Storage Warehouses, Distribution Centers and similar uses

Rod Foster, City Manager stated this is a fair comment and eventually look to the what the General Plan looks like. It would be a major work effort from Community Development. They do the best they can to ensure a smooth transition between uses. When they look back at the General Plan, they know eventually they will have to do it.

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Council Member Trujillo stated he hopes with Conditional use Permits they have discussions on the traffic impacts in the City with these warehouses. To route trucks around residential and away from schools.

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Mr. Schneider stated with the addition of a Conditional Use Permit, the warehouse projects would be subject to California Environmental Quality Act (CEQA) and transportation impacts is a part of that analysis. So, there would be an opportunity to do that.

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Mayor Robertson stated regarding the list of the various locations, she knows some of these allow for some business and commercial activities. Such as the Business Center and the Urban Services which was in the Central Area Specific Plan that they are putting a Conditional Use Permit on. She noticed they didn't have the most recent Specific Plan along the Pepper Avenue Corridor. While there was a desire to have the residential in there, she believes it has some business center or urban services. Should it also be added to this list? Or is by virtue that nothing has been developed so they don't need a Conditional Use Permit? She would be concerned about erring on the side of caution and conservative and making sure that any development that goes on there, they would have to have a Conditional Use Permit. They have already zoned it for a particular activity.

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Mr. Schneider stated the Pepper Avenue Specific Plan. Industrial uses and warehouse are currently allowed by right that is what triggered their inclusion on this list. His understanding was they were not.

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Mayor Robertson stated that she was looking at a list things they may want such as a laboratory. A nice laboratory for research then perhaps they want that to be a business park environment. Around the interchange they generally see some type of commercial development; the freeway nodes.

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Daniel Casey, Planner, stated staff did the research of what zones in the City already allow warehouses. They did look at all the specific plans and the Pepper Avenue Specific Plan permitted use table does not currently permit warehouses by right. This is why it was not included in this list.

TAB 2 – Conditional Development Permit for the Development, Expansion, or Modification of Storage Warehouses, Distribution Centers and similar uses

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Mayor Robertson stated she is concerned that if it doesn't permit it now by right but its zoned something.

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Mr. Casey stated yes, there are zones throughout the Pepper Avenue Specific Plan. Mostly retail designations in the area and none of those zones permit warehouses by right.

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Mayor Pro Tem Scott stated that it would still require a Conditional Development Permit.

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Mr. Casey stated that it could be a requirement in the CDP but its not permitted by right.

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ORDINANCE NO. 1633

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING SECTIONS TO CHAPTER 18.66 (CONDITIONAL DEVELOPMENT PERMITS) AND AMENDING CHAPTER 18.38.020 OF THE RIALTO MUNICIPAL CODE TO REQUIRE THE APPROVAL OF A CONDITIONAL DEVELOPMENT PERMIT FOR THE DEVELOPMENT, EXPANSION, OR MODIFICATION OF STORAGE WAREHOUSES, DISTRIBUTION CENTERS AND SIMILAR USES IN ALL INDUSTRIAL ZONES WITHIN THE CITY OF RIALTO

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve Ordinance No. 1633. The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Carrizales, Council Member Baca Jr. and Council Member Trujillo. NOES: none. ABSTAIN: none. ABSENT: none.

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Council Member Carrizales left the dais at 7:24 p.m.

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TAB 3 - Purchase and Sale of Real Property located at the northeast corner of Laurel Avenue and Renaissance Parkway

Linda Daniels, Community Development, presented the staff report regarding the Purchase and Sale Agreement with Orbis Real Estate Partners, LLC

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Mayor Robertson declared the public hearing open.

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ORAL COMMUNICATIONS

TAB 3 - Purchase and Sale of Real Property located at the northeast corner of Laurel Avenue and Renaissance Parkway

Rialto resident asked if the buyer is going to disclose the type of industry that will go there, and it is going to bring in good living wage jobs to the area. It states the use is for a warehouse, do they know what kind of warehouse.

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Ms. Daniels stated the buyer intends to develop a warehousing distribution.

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Rialto resident stated he understands that, they are saying contingent of purchase of property they are going to bring their business into Rialto. Shouldn't they be a little more transparent.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to close the public hearing. Council Member Carrizales was absent.

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Council Member Baca Jr. asked how much will the City receive from the sale of this property?

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Ms. Daniels stated the price per square foot is \$21.95 and its approximately 1/3 of an acre. Its approximately \$295,000 because a survey will need to be done for the exact square footage.

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Council Member Baca Jr. asked where does that pool of money go.

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City Manager Foster stated the funds would go to the General Fund Reserves.

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Mayor Pro Tem Scott stated the property next door is owned by the purchaser of this property which makes it a larger piece of property 3.3 acres.

Generally, developers don't disclose tenants until they get to a point where they have the property locked up and in escrow. But based on everything else that has happened in the area most of the jobs are well paying warehouse jobs. It brings substantial property tax revenue to the City.

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Mayor Robertson asked for clarification it was mentioned this was a Purchase and Sale Agreement which would open up a 12 month timeframe in escrow. Is that a procedure as part of this process?

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TAB 3 - Purchase and Sale of Real Property located at the northeast corner of Laurel Avenue and Renaissance Parkway

Linda Daniels, Community Development stated they are entering into a 12 month to give the buyer a chance to get the approvals for the development. This would allow the buyer to start that process of submitting applications to show the development to do the traffic, the parking, etc. Once they have the approvals then escrow can close. The 12 months is to give the developer time to get the approvals and present the project in a public forum through the Planning Commission.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 4-0 vote, Council Member Carrizales was absent, to approve an agreement for the Purchase and Sell of Real Property and Joint Escrow Instructions with Orbis Real Estate Partners, LLC and adopt Resolution No. 7590 which approves the Agreement for the Purchase and Sale of Real Property and Joint Escrow Instructions for property generally located at the northeast corner of Laurel Avenue and Renaissance Parkway and more particularly identified as Assessor's Parcel Number 0240-211-31, to Orbis Real Estate Partners, LLC.

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Council Member Carrizales returned to the dais at 7:32 p.m.

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TAB 4 - Completed Fiscal Year 2018/2019 Water and Wastewater Operating Repair and Replacement (OR&R) Projects

Tom Crowley, Utilities Manager presented the staff report regarding the Completed Fiscal Year 2018/2019 Water and Wastewater Operating Repair and Replacement (OR&R) Projects.

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Mayor Robertson stated it was indicated the Utilities Commission reviewed this. She did know if they finalized the discussion and what projects would be allowed or be considered. She had thought the question sent back to Mr. Crowley was to determine if some of these had previously been on the list of things they had. Did they ever clear that up? Some of the projects that had been pulled out doing the S1 project.

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Mr. Crowley stated that he went back and asked RWS and Veolia to verify all of those projects were not included in the S1. Primarily on the wastewater side. There are project repairs that had to occur at the wastewater plant to maintain the operations of the plant while they are finishing up the wastewater improvement project for the S1 project. He is confident with the 18/19 list of projects and the projects going forward.

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Mayor Robertson stated what was identified here is holding for 19/20.

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Mayor Pro Tem Scott stated Table 4 shows valve replacements at Randall and Riverside Avenue. That work has not been done?

**TAB 4 - Completed Fiscal Year 2018/2019
Water and Wastewater Operating Repair
and Replacement (OR&R) Projects**

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Mr. Crowley stated Table 4 is for the Water for the current year.

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Mayor Pro Tem Scott asked where on Randall and Riverside are those valves.

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Aaron Kraft, General Manager Veolia, stated its tentatively scheduled for the the first week in February. He is not able to pin point exactly where the valves are. It's a traffic control consideration they have to pay close attention to.

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Mayor Pro Tem Scott asked the Public Works Director if the intersection of Randall and Riverside going to be repaved along with Randall Avenue?

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Savat Khamphou, Public Works Director stated that it doesn't include the intersection.

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Mayor Pro Tem Scott stated that he wanted to make sure they are not going to be digging into new asphalt.

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Mr. Kraft stated they can guarantee they will not do that. Prior to last year they were working with the Public Works Dept. and make sure they piggyback on those projects, so they didn't have to tear up new paving.

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Mayor Pro Tem Scott stated can they make sure before they pave that the valves get done.

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Mayor Robertson asked if the project starts in February.

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Mr. Kraft stated that is their pre-construction meeting. Legitimately it will start in mid-February.

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Mayor Pro Tem Scott stated they don't need to report back but he wants to make sure if the City repaves a street, Veolia doesn't go dig it up. Because if they do, Veolia will be repaving the whole street.

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**TAB 4 - Completed Fiscal Year 2018/2019
Water and Wastewater Operating Repair
and Replacement (OR&R) Projects**

Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to Authorize the Final Payout for the Completed Fiscal Year 2018//2019 Water and Wastewater Operating Repair and Replacement (OR&R) Projects Using Available RUA Funds and Approve the Anticipated Fiscal Year 2019/2020 Water and Wastewater OR&R Projects and Expenditures.

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**TAB 5 – Authority to Release Subdivision
Improvement Securities**

Savat Khamphou, Public Works Director presented the staff report regarding the Authority to Release Subdivision Improvement Securities.

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ORDINANCE NO. 1632

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 17.20.070 OF THE RIALTO MUNICIPAL CODE RELATED TO THE AUTHORITY TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES

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Motion by Council Member Baca Jr., second by Council Member Carrizales and carried by a 5-0 vote to approve first reading of Ordinance No. 1632. The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council Member Baca Jr., Council Member Carrizales and Council Member Trujillo. NOES: none. ABSTAIN: none. ABSENT: none.

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CLOSED SESSION

City Council adjourned back into Closed Session at 7:47 p.m.

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City Council returned at 9:13 p.m.

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REPORT ON CLOSED SESSION

City Attorney Galante stated City Council had returned to Closed Session to discuss

Item 2, Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation – one case. City Council received a briefing, provided direction and no further reportable action was taken.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 9:30 p.m. in memory of:

Jacob Lopez

Son of Jeannette Lopez, Rialto Police Dept.

Blanca Estella Munguia

Member of Friends of the Rialto Library

Vernon Taylor

Former Taylor's Print Shop in Rialto and East Rialto Kiwanis Member

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MAYOR DEBORAH ROBERTSON

ATTEST:



CITY CLERK BARBARA A. McGEE