

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

**MINUTES
January 28, 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 28, 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 5:02 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 Manager 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) Penaloza v. City of Rialto, et al. (United States District Court, Central District of California, Case No. 5:19-cv-01642)
2. 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

CLOSED SESSION

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:

Property: APN# 1119-241-01 and 02 (Southwest corner of Alder Ave., and Sierra Lakes Pkwy.,)

Negotiators: Mathew Schneider, Community Dev. Director
Mainor Bojorquez, on behalf of Fontana Truck Stop Center

Under negotiation: Price and terms of potential sale

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Motion by Council Member Trujillo, 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 5:54 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:30 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 Manager 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 Joe Baca Jr. led the pledge of allegiance.

Pastor Mark Baur - 1st Baptist Church of 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.

1. Conference with legal counsel – existing litigation.
 - a. Penaloza v. City of Rialto. City Council received an update, provided direction and no further reportable action was taken.
2. Conference with legal counsel – one item of anticipated litigation under Initiation of Litigation. Council Member Trujillo abstained and left the Closed Session Room. The balance of City Council received an update and no further reportable action was taken.

3. Conference with Real Property Negotiator. The property listed APN# 1119-241-01 and 02 (Southwest corner of Alder Ave., and Sierra Lakes Pkwy., *[correction - Casmalia]*). Negotiator: Fontana Truck Stop Center. City Council received an update, provided direction and no further reportable action was taken. Council Member Carrizales abstained and left the Closed Session Room.

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PRESENTATIONS AND PROCLAMATIONS

1. Certificate of Recognition to Caroline Verduzco - Council Member Rafael Trujillo
2. Presentation - Fire Chief Sean Grayson

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ORAL COMMUNICATIONS

Judy Roberts, Rialto resident, invited everyone to Jean Randall's 100th birthday at the Frances Brooks Room.

She announced the upcoming PD Area Meetings.

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Ms. Flores, Rialto resident expressed her concerns regarding streets, sidewalks and warehouses.

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John Lenau, Rialto resident expressed various concerns about streets, signs and warehouses.

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

Mayor Pro Tem Scott asked they removed Item F.4 for a separate discussion.

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Council Member Carrizales stated he would like to abstain from F.5 due to a conflict of interest with his business at the Renaissance Marketplace.

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Rod Foster, City Manager stated regarding F.6, the letter in Senate Bill 50 with be a signature by the Mayor and will be sent to their local State Senator and copied to the author of the Bill.

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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. 27 (01/16/2020)

B.2 Warrant Resolution No. 28 (01/23/2020)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - January 14, 2020

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D. CLAIMS AGAINST THE CITY

- D.1 Mary Ann Smith - vehicle damage
- D.2 Jonathan Aguirre-Salazar - discrimination
- D.3 Allstate R.Alvarado - vehicle damage
- D.4 Marquisa L. Smith - mental/physical damages
- D.5 Stephanie Lynn Washington - vehicle damage

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E. SET PUBLIC HEARING

- E.1 Request City Council to Set a Public Hearing for March 10, 2020, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2019 Calendar Year.

F. MISCELLANEOUS

- F.1 Request City Council to Approve an Increase to the Annual Purchase Order No. 2020-0131 with Galls, LLC for Fiscal Year 2019/20, in the Amount of \$15,000 for Uniforms and Safety Equipment Through June 2020 for a Total Purchase Order Amount of \$30,000.
- F.2 Request City Council to Approve an Increase to the Annual Purchase Order with Bio-Tox Laboratories for Fiscal Year 2019/20 for Testing Expenditures Through June 2020 for a total cost of \$35,000.
- F.3 Request City Council to Approve an Increase to the Annual Purchase Order No. 2020-0244 with Pristine Uniforms, LLC for Fiscal Year 2019/20, in the Amount of \$25,000 for Uniforms and Safety Equipment Through June 2020 for a total Purchase Order Amount of \$40,000.
- F.4 Request City Council/Rialto Utility Authority Approve Implementation of Changes Necessary to Comply with California Senate Bill 998, Entitled Discontinuation of Residential Water Service: Urban and Community Water Systems, Including the Repeal of Resolution No. 5074 and the Adoption of Resolution No. 7591 and RUA Resolution No. 01-20 in Compliance with Senate Bill 998.
- F.5 Request City Council to Adopt Resolution No. 7592 Approving Parcel Map 19942, a Request to Consolidate Three (3) Parcels of Land into One (1) Parcel of Land to Facilitate the Development of a 188,712 square foot Industrial Warehouse Distribution Facility Located at the Southwest Corner of Alder Avenue and Walnut Avenue.
- F.6 Request City Council to Authorize the City Manager to send a letter to the California Senate and Senator Connie M. Leyva Opposing Senate Bill 50 (SB 50) relating to Housing Development Incentives.

CONSENT CALENDAR

- F.7 Request City Council to Amend the list of City Staff Members authorized to Invest Public Monies in the Local Agency Investment Fund and that the City Council adopt Resolution No. 7593 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO RESCINDING RESOLUTION NO. 2887 AND AUTHORIZING INVESTMENT OF PUBLIC MONIES IN THE LOCAL AGENCY INVESTMENT FUND" and Board of Directors of the Rialto Utility Authority Adopt Resolution No. 02-20 "A RESOLUTION OF THE BOARD OF DIRECTORS FOR THE RIALTO UTILITY AUTHORITY OF RIALTO, CALIFORNIA RESCINDING RESOLUTION NO. 2-01 AND AUTHORIZING INVESTMENTS OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND"
- F.8 Request City Council to Adopt by Second Reading Ordinance No. 1630 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DELETE IN ITS ENTIRETY TITLE 15, CHAPTER 15.28, OF THE RIALTO MUNICIPAL CODE TO ADOPT A NEW TITLE 15, CHAPTER 15.28 AND ADOPT BY REFERENCE AND AMEND THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, FEES AND PENALTIES, THE CALIFORNIA CODE OF REGULATIONS, TITLE 19 AND 24, AND OTHER RELATED CODES" reading by title only and waiving further reading thereof.
- F.9 Request City Council to Adopt by Second Reading of Ordinance No. 1632 entitled "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," reading by title only and waiving further reading thereof.
- F.10 Request City Council to Adopt by Second Reading Ordinance No. 1633 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING SECTIONS TO CHAPTER 18.66 (CONDITIONAL DEVELOPMENT PERMITS) AND AMENDING SECTION 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," reading by title only and waiving further reading thereof.

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Item F.4

Mayor Pro Tem Scott asked what F.4 is and what its about.

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CONSENT CALENDAR**Item F.4**

Tom Crowley, Utilities Manager stated this is rescinding a Resolution and adopting two Resolution to implement Senate Bill 998. This bill requires urban water suppliers, such as the City of Rialto, prior to February 1, 2020 to adopt a detailed written policy concerning residential service shut-offs for non-payment. Follow specific procedures prior to discontinuing a residential water service. SB 998 prohibits discontinuance of water service until accounts are at least 60 days delinquent. 60 days after the bill is due. It also requires seven business days' notice before any discontinuance. Legislation also prohibits disconnection of customers that meet the following parameters in the bill. 1) The customer can provide a certificate from a medical car provider that disconnection would pose a health and safety threat. 2) The customer demonstrates their financial ability to pay. 3) The customer is willing to enter into any alternative payment arrangement. Those are some of the policies that would have to be implemented. Some other requirements in SB 998, the City must adopt a discontinuation policy that are available in six languages; English, Spanish, Chinese, Tangelog, Vietnamese and Korean. If they had any other different languages that were more than 10% of the population, they would have to do that also. Water providers must attempt to provide notice when they have multi-units with a landlord who hasn't paid the bill and is delinquent. They are required to contact each of the tenants and offer them the ability to become customers. Currently, they work with the landlord to make sure that situation doesn't occur. Water systems must annually post on the website the number of times the system discontinued service to a residential customer. As far as implementation, they have been working with RWS and Veolia to overs the implementation of SB 998 and the Resolution. They are prepared as of Monday to start implementing the policy they have identified in the Resolutions.

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Mayor Pro Tem Scott asked when is the requirement to fully implement this?

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Mr. Crowley stated they are required to adopt a policy by February 1st.

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Mayor Pro Tem Scott stated he has concerns about RWS being able to implement a new billing system for the City regarding water. He is going to ask at the next water sub-committee that there be a full report to the Mayor and himself and then the report to the City Council. He thinks waiting seven years to get something done is way too long. Additionally, he is bothered by the staff report and under the financial impact it states the City RUA will likely incur a small increase in administrative costs related to new noticing requirements, mostly for printing expenses. These costs would be absorbed through the Concession Agreement. This looks like a minor item, but its his understanding there was a presentation by RWS that had some extremely high dollar amounts to implement this.

CONSENT CALENDAR**Item F.4**

Mayor Pro Tem Scott stated he had the opportunity to talk to some other water agencies who have said they are not spending that kind of money. So, before any agreement is made with RWS for any implementation of additional costs, that needs to come back to the water sub-committee and City Council for approval. He doesn't want there to be any misunderstandings tonight they are approving their additional costs presented in the last ops meeting. They have to have reasonable costs. The State of California needs to come to the reality that every time they require stuff on local government it costs money to do it. That causes increases in rates in other areas. Its time for them to stand up to some of this stuff. They should have opposed this or be a little more vocal with the State of California when this bill came through. He wants to make sure this comes back to City Council and begin to implement what they can on this. There is a substantial penalty when not complying, which is \$1000 a day. He doesn't want to see them get in a position where they are paying a fine because somebody hasn't done their job. RWS has had this information for a year. He finds it hard to believe they are just now putting it into implementation a year later.

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Mayor Robertson stated she echoes the same comments. She appreciates the City Manager's involvement and recognize a few things had not really been fleshed out. They haven't really had the opportunity to really vet this. She is very concerned that this was enacted in September 2018 and here they are at the last City Council Meeting before its supposed to be implemented on February 1st. they haven't even looked at the policy and or the concerns. She and Mayor Pro Tem expressed to them earlier, this is a great thing they are doing something to help the residents and giving ample notice but there is always costs. More importantly, she has asked the representative for RWS in addition to them being in an awkward spot, if they don't act on it and its not in place February 1st they are incurring \$1000 a day fine until they put it in place. She wants to make sure it will be in place. She thinks the fact, the assessment was made, and it may not be much, a memo was sent to the City from RWS on the cost associated with implementation. They didn't give them an opportunity to review it at water sub-committee. She has asked for a timeline and asked for chronology to understand when they receive it and how it was and including when legal counsel had it. At what point did they adequately have a chance to understand the depth going on here. She would have pulled this, but they have to move this. The costs associated with implementation should have been brought to those who sit on the subcommittee.

Rolf Ohlemutz, General Manager Rialto Water Services stated in spite of the fact that this has been a long process, it was successful cooperative with the City, Veolia and RWS to get ready for the impacts of SB 998. It culminated with the Resolution tonight and the implementation of it. They don't need to worry about it, everything is set for the implementation of it.

CONSENT CALENDAR**Item F.4**

Rolf Ohlemutz, General Manager Rialto Water Services stated it has nothing to do with the memo he gave to Tom Crowley. That memo regarding the costs was made available to him at the end of last year and forwarded it to Mr. Crowley on January 7th between them two. In the message, he stated *“attached please find the memo from Veolia. Before they get into the details and compliance strategy for SB 998, they would like to have a meeting of the minds regarding how they will be compensated. Also, they are proposing some changes that lessens the cost of SB 998, which would require a change in the Resolution.”* That has been accomplished. *“We would like to know if the City is open to this.”* It was basically a first rough draft of the implementation costs that need to be addressed. It was not on the ops agenda two weeks later, but it was brought up in the ops meeting and they received direction to make changes and clarifications. Specifically, the changes were related to the weekly tasks, that in the memo which were actually one time tasks and they need to be adjusted. Also, in some cases the total work effort was presented rather than the incremental addition to the work effort that SB 998 is causing. They are going to continue to talk about it until they have a joint staff recommendation they can bring to the subcommittee, the Utilities Commission and ultimately the City Council to address it. The Concession Agreement requires them to meet prudent industry standards and applicable law. If the applicable law changes, the vehicle to adjust the compensation through the Concession Agreement is through the labor reset.

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Mayor Robertson stated she wouldn't say it would necessarily be accepted in the labor reset. She is concerned that the enactment happened a year and a half ago and the numbers and the costs associated with it could have been brought forward a year and a half ago and not to wait until the last month. She doesn't know when the costs associated with implementation, sounds like it just happened within the last month. This is why she is asking for a chronology of the discussion because it never came before the water sub-committee and all additional costs. Then they roll up a number, and that is not a number where they all of a sudden say ok, that is what they are going to bill the City for. This is her concern, once they open the doors on Monday and the costs associated with this hasn't been negotiated and determined if it's a cost they are going to bear.

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Mayor Pro Tem Scott stated the comment that its going to be rolled into the labor reset, he is not clear they are going to accept that. He has seen those numbers and they are exorbitant. He doesn't know this continues to happen with RWS and Veolia. He has talked to other agencies and its not costing them that kind of money to implement this. The moment they roll something into a labor reset, at some point all those labor resets trigger water rate increases. If they weren't here for the last water rate increase, they will be here for the next one.

CONSENT CALENDAR

Item F.4

Mayor Pro Tem Scott stated they need to get the rights numbers to the City and not just think they are going to roll it into the labor reset.

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General Manager Ohlemutz stated the numbers are going to be defendable, are going to be supported by all stakeholders and how they are going to be rolled into the labor reset.

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Mayor Pro Tem Scott stated at the same time of that labor reset, its time for them to have a conversation with you about some of the practices of Veolia and that the City believes Veolia should be doing to save this City money as far as labor. They have some functions and some things they are doing that are costing the rate payers a lot of money. This is not going to happen in the ops meeting. The agreements on the water concession is between RWS and the City of Rialto and that is where those talks are going to take place, so just be prepared for that.

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Motion by Council Member Trujillo, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve the consent calendar. Council Member Carrizales abstained from Item F.5.

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TAB 1 – Implementation of the Turnkey Bike Share System

Savat Khamphou, Public Works Director presented the staff report regarding the Implementation of the Turnkey Bike Share System.

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Jenny An, Project Manager Alta Planning and Design, presented the Bike Share Feasibility Study and Scope of the project.

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Mayor Pro Tem Scott stated that Ms. An presented at the EDC Meeting and they were all very impressed. He feels she convinced him on the project but its really up to the community on how they accept it and take care of it and how they use it. He felt it was a good idea and the locations were good and definitely thinks if they have the grant money, its something worthwhile to look at and go after additional funding. He wholeheartedly supports this recommendation.

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Council Member Baca Jr. stated he likes the turnkey system because they don't have the manpower as a City to collect these bikes. He asked if Ms. An can give an example to the public who wants to ride a bike, so they understand.

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TAB 1 – Implementation of the Turnkey Bike Share System

Jenny An stated she uses bike share nearly on a daily basis. There are a couple of different ways and this is something they will work out with the turnkey vendor. Bike Share bikes are typically controlled by a smartphone device through an app, where you sign in, along with a credit card process. The rates will still need to be negotiated. The app will show you where all the different bikes are, you choose a bike, tap it on the phone and the bike will unlock and off you go. For example, you can ride to the Renaissance Center and the idea is when you are done with the bike you go to the app and say you want to lock the bike up. Its all pretty straight forward. The average rates can vary from \$1.20 per ride. They recognize that most people have smartphones but there also needs to be alternatives. That is something they can work with the vendor to bring on board. Often times there are issues with credit cards and cards can be issued as a lock card to add value to a cash card that will act like a metro card. It is meant to be a point to point use, so you pick it up in one location and drop it off in a different location. She finds it very useful because parking is expensive in downtown San Diego. She will often take an E-Bike from where she parks her car to the office, and it costs her \$1.20 instead of \$10-\$15 a day to park. She did try biking from her house all the way downtown and it takes 45 minutes, and many instances she felt she was putting her life on the line. The intent of bike share is to give people more options. This is designed for people 18 years and above. They encourage the use of bicycle helmets. They do see quite a number of underaged, students using bike share. That is something they will need to figure out on the education encouragement side.

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Council Member Baca Jr. stated obviously the key is going to be education. And hopefully its something they can sustain after the three years. It really comes down to the community. He likes they are getting it through a grant, its user friendly. He looks forward to this being a successful program in the community. This encourages more people to exercise.

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Council Member Trujillo stated he feels this is a good idea and its come a long way since they first heard the proposal. He sees the Technical Advisory Committee with a wide range of people but one key group that was missing was the seniors. Was there some effort to get them on the committee and get their feedback. He knows one of the issues in the senior community is transportation. This can be an option for seniors are there bikes that are more adaptable for seniors?

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Ms. An stated they have seen a wide range of users, even seniors. The easiest bike to use would be pedal assist. They don't recommend the push handle E-bikes in public right-of-way because of the speeds they can obtain. That is something they can address in the outreach and engagement.

TAB 1 – Implementation of the Turnkey Bike Share System

Ms. An stated the current TAC was formed from a variety of sub-groups and recommendations from City Council and other public safety members. They can outreach to more seniors because there are a variety of user types in the senior community.

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Council Member Trujillo stated he seen the map and a lot of the high demand areas do include the senior corridor and some senior complexes. He is happy to see there is some recognition that those neighborhoods have a demand for transportation and in this case bike share.

The other idea they had was using it on their trails and using it for recreation as they expand out the Pacific Electric Trail. Is this something they were looking at?

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Ms. An stated yes, the bikes would not be limited unless there was a specific area they were trying to fence them into, and they definitely want them to use the bikes on the PE trail and other trails as they come online.

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Council Member Trujillo stated this is something he looks forward to and has seen them in use in Long Beach. He would like to see how this will roll out with the Rialto community in mind.

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Council Member Carrizales stated this is a great idea and looks forward to seeing this in the City. It gives a sense of an active growing community. This is what our City needs to look like he knows they don't have that many business downtown or places for people to ride a bike to work. He likes the visual of these bikes around and it will encourage others to ride their own bikes and increase the activity of residents.

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Mayor Robertson stated this is a long time coming. Under the presentation, it shows the 10 most desired bike share locations. When she looked at the map it didn't seem there was a clear correlation from the list to the map. It shows Rialto and Cactus as number 6 but its not number 6 on the map.

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Ms. An stated it was an oversight of their scaling not matching up. The map was showing the numbers and then they identified the top 10 locations.

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Mayor Robertson asked the grant they are going after is from the California Air Resource Board?

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TAB 1 – Implementation of the Turnkey Bike Share System

Jenny An, Project Manager Alta Planning and Design, stated yes the CARB with clean mobility.

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Mayor Robertson stated when they gave the presentation on the shred mobility option, and how the people rated it. The bike share and e-bikes clearly came out on top. She is glad because the scooters, which are used more in the Metropolitan areas such as Downtown LA and San Diego. Some are already beginning to see the problems and constant concerns with scooters. She seen it was the latest San Diego news, concerns about scooter regulations.

She also feels they need to hold a workshop for the benefit of the public where they bring in all the other elements. They hear the presentations, but many are not aware of the extensive work they did with Alta Planning and Public Works when identifying Safe Routes to School, and the lack of sidewalks. They did a complete study, along with all school sites in the Rialto Unified School District, identifying things that were problems and what they consider should be Safe Routes to School. They need to bring that overlay with active transportation, along with the bike lanes, they have a complete comprehensive bike lane/path map for the City.

She asked what happens if they don't get the grant. What is the backup plan.

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Ms. An stated that is a good question but the upside is they have done their due diligence.

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Savat Khamphou, Public Works Director stated its funded for the he first three years and they will have opportunities to seek additional funding to extend the program.

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ORAL COMMUNICATIONS

John Lenau, Rialto resident and bicycle activist, expressed the need for more bike lanes and to interlock the bike lanes they do have. Extending the PE Trail to Riverside Ave. would be beneficial.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to approve the Implementation of a Turnkey Bike Share System, Authorize the Release for Proposal for Implementation and Soliciting Bike Share Companies, and Authorize the First Amendment with Alta Planning + Design in the amount of \$81,235 for the Implementation of the Bike Share Program in Rialto.

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REPORTS

Mayor and City Council gave their reports.

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Council Member Baca Jr. left the City Council Meeting at 8:03 p.m.

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ADJOURNMENT

Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote, Council Member Baca Jr. was absent, to adjourn the City Council Meeting at 9:30 p.m. in memory of:

**Kobe Bryant and Gianna Bryant
John Altobelli, Keri Altobelli and Ayssa Altobelli
Sarah Chester and Payton Chester
Christina Mauser
Ara Zobayan**

Who were killed in a helicopter crash on January 26th in Calabasas, CA

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MAYOR DEBORAH ROBERTSON

ATTEST:



CITY CLERK BARBARA A. MCGEE