

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

**MINUTES
February 11, 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, February 11, 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 5:03 p.m.

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

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ADDENDUM TO THE AGENDA

City Attorney Galante stated there are three items that need to be added to the Closed Session, which came to the attention of staff after the posting of the agenda. There are two items under the heading Conference with Legal Counsel - Anticipated Litigation. Significant Exposure to Litigation – 1) A claim by Mr. Michael Diaz. 2) The second item, the Mayor will need to abstain.

3) The second category of Existing Litigation. The case of Penaloza v. City of Rialto. There was a hearing yesterday and there is a need to take immediate action.

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Motion by Council Member Baca Jr., second by Council Member Trujillo and carried by a 4-0 vote to add the three items to Closed Session.

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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. Robert Brown v City of Rialto - Compromise & Release
WCAB SAC0000178685 (master & SAC000017820)
 - b. Amanda Pilon v City of Rialto - STIPS to settle
WCAB SAC0000178658
 - c. Scott Schwingel (deceased) v City of Rialto - Compromise & Release
WCAB SAC0000178673
 - d. Randy Ammons v City of Rialto
WCAB 1892900037
 - e. Equilon Enterprises, LLC v. City of Rialto
San Bernardino Superior Court, Case No. CIVDS1602980
 - f. Phillips 66 Company v. City of Rialto
San Bernardino Superior Court, Case No. CIVDS1516839
 - g. SFPP, L.P. v. City of Rialto
San Bernardino Superior Court, Case No. CIVDS1603260
 - h. Tesoro Logistics Operations, LLC v. City of Rialto
San Bernardino Superior Court, Case No. CIVDS1603163
2. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
 - (a) Subject: Price and Terms-Real Property Purchase and Sale
Property: 1366 South Riverside Avenue
APN(s): 0132-101-16, 0132-161-13, 0132-101-15, 0132-101-07, 0132-101-08, 0132, 202-06, 0132-111-03
Negotiators: Mathew Schneider, Comm. Dev. Director
Newmark-Merrill, Companies, LLC
Brad Pearl, Executive Vice President

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Mayor Robertson arrived at 5:04 p.m.

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Motion by Council Member Baca Jr., second by Council Member Carrizales 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 6:35 p.m.

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CLOSED SESSION

CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:40 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 Victor Lopez – 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 and the three items that were added.

1. Conference with legal counsel – existing litigation.
 - a. Robert Brown. City Council received an update to that Workers Compensation matter, provided direction and no further reportable action was taken.
 - b. Amanda Pilon. A Workers Compensation matter. City Council received an update, provided direction and no further reportable action was taken.
 - c. Scott Schwingel. A Workers Compensation matter. City Council received an update, provided direction and no further reportable action was taken.
 - d. Randy Ammons. A Workers Compensation matter. City Council received an update, provided direction and no further reportable action was taken.
 - e-h. Equilon Enterprises, Phillips 66 Company, SFPP, L.P., Tesoro Logistics Operations LLC were discussed collectively. City Council received an update to the status of that case, provided direction and no further reportable action was taken.
2. Conference with Rel Property Negotiator regarding property located at 1366 S. Riverside Ave. with negotiating party being Newmark Merrill Companies LLC. Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote, City Council agreed to extend the Exclusive Negotiating agreement with Newmark Merrill for the identified property until April 16, 2020.

City Attorney's Report on Closed Session

Added items to Closed Session:

3. Conference with Legal Counsel. Two items of Anticipated Litigation – Threat of Litigation.
 - a) Motion Mayor Robertson, second by Council Member Carrizales and carried by a 5-0 vote for City Council to authorize a global settlement and full release of all claims. A claim by former employee Michael Diaz for a total amount of \$18,251.60.
 - b) This item was discussed with Mayor Robertson abstained and left the Closed Session room. Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried 4-0, Mayor Robertson was absent, City Council authorized the City Manager to execute an agreement with Teaman, Ramirez and Smith, Audit Firm to perform and agreed upon procedures audit to provide the management response to the City audit. The cost would be for \$175 per hour for an approximate total cost of \$40,000. To review the City's CDBG, Prop. 47 and HEAP grant administration programs. City Council further authorizes as part of that motion, for the City Manager to retain the law firm of Manatt Phelps to review and analyze any potential conflict issues. As part of that same motion the City Council authorized the City Manager to reassign the CDBG, Prop. 47 and HEAP grant administration to the Deputy City Manager, Finance Director in conjunction with the Police Dept.
4. Conference with Legal Counsel – Existing Litigation. The case of Penaloza v. City of Rialto. City Council received a briefing on the recent update to that case. Motion by Mayor Robertson, second by Mayor Pro Tem Scott and carried by a 5-0, city Council authorized the law firm to file an appeal of the trial courts denial of the motion for summary judgement.

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PRESENTATIONS AND PROCLAMATIONS

Presentation – Miss Teen Rialto Scholarship Pageant 2020 Winners – Ms. Kimberly Woods, Executive Director.

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ORAL COMMUNICATIONS

Daniel Enz, Representative for Congresswoman Norma Torres, announced an IRS advocate tax service at the Pomona City Library on Saturday, March 28th.

They will be holding an appropriations workshop in the City of Ontario Police Dept. on February 20th. This explains the process of how the government funds programs and projects.

He announced \$56 million in new Community Development Block Grant, Home Grants and Emergency Service Grants in the Inland Empire. The City of Rialto is going to receive \$1.2 million in CDBG dollars.

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ORAL COMMUNICATIONS

Ms. Flores, Rialto resident, stated she was there two weeks ago and she has received help on streets and lights. She has not got any help regarding the warehouses from development and zoning. They had a developer send a letter about an open forum. She attended and felt it wasn't a presentation and didn't really talk about the warehouses. They made it seem like land development for the community. She did find out there was some residential zoning they are trying to change to build warehouses which can bring 500 more trucks in the area. The street are tight near Carter High School and there is no room for trucks. She and some other residents are desperately trying to stop it.

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John Lenau, Rialto resident stated he attended the same forum which was for the Bridge Point Rialto project near the intersection of Locust and Vineyard. They didn't see any City Council Members at that meeting which was held at Carter High School. This property, the City Council turned it down a few months ago for building a facility there. The developer downsized the size of the warehouse and they still want to put it in. He asked if City Council was aware of the meeting?

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Mayor Robertson stated the community forum is a requirement by the Planning Dept and City Council is often noticed of these meetings but may have other things. City staff is usually there for the meetings.

She explained Oral Communications to hear the items and have a discussion on the item.

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John Lenau, Rialto resident stated he attended the last couple of meetings about potholes and street widening and six power poles in the street. He wanted to thank the Public Works Dept. for coordinating with Edison and taking care of the power poles.

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Mayor Robertson stated she appreciates the acknowledgement because the staff works hard.

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Mayor Pro Tem Scott stated so they don't think City Council ignores the public when they speak, he and the City Manager were at that location the very next day. So, they do pay attention.

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Mayor Robertson wanted to take the opportunity to wish a Happy Birthday to Ms. Jean Randall who celebrated her 100th Birthday.

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

Council Member Carrizales stated that he will be abstaining from F.2 and TAB 1 due to a conflict of interest with his business on Foothill Blvd and at the Renaissance Marketplace.

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Mayor Pro Tem Scott in regards to TAB 1 he owns property on Riverside Ave. but he does not own a business and therefore would not be making or losing any money from the event. So, he believes he doesn't have a conflict of interest.

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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. 29 (01/30/2020)

B.2 Warrant Resolution No. 30 (02/06/2020)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - January 28, 2020

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D. CLAIMS AGAINST THE CITY

D.1 Kayla Stockman - vehicle damage

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E. SET PUBLIC HEARING

E.1 Request City Council to Set a Public Hearing for February 25, 2020 to consider Zoning Code Amendment No. 2020-0001, which is an Ordinance to Amend portions of Chapter 18.102 (Regulation of Signs and Advertising Structures) of the Rialto Municipal Code related to Off-Site Advertising Structures ("Billboards") and Relocation Agreements.

F. MISCELLANEOUS

F.1 Request City Council to Adopt Resolution No. 7594 Amending the City of Rialto's Conflict of Interest Code.

F.2 Request City Council to Adopt Resolution No. 7595, Approving Parcel Map 19968, a Request to Consolidate Twelve (12) Parcels of Land into one (1) Parcel of Land 11.48 acres in size to Facilitate the Development of a 255,173 square foot Warehouse Distribution Building Located on the Northwest Corner of Alder Avenue and Base Line Road.

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CONSENT CALENDAR

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

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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 – Run Whatcha Brung and Taste of Rialto Event

Rod Foster, City Manager presented the staff report regarding adding Run Whatcha Brung and Taste of Rialto to the City's Special Events Calendar.

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ORAL COMMUNICATIONS

Butch Araiza, Rotary Club, stated this is the 27th year and it has changed over the years. He thinks they have figured out something with the Chamber of Commerce to do something with the Taste of Rialto on Saturday Downtown at the little park.

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Mayor Robertson asked the City Manager how they were offsetting the costs and how does Rotary absorb the costs?

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Rod Foster, City Manager stated they have available budget. The funds raised by the Rotary goes right back to the community in scholarships and not shared with the City. They costs here would be City costs and they will work the best they can within the budget and if not they will make the adjustment at Mid-Year.

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Mayor Robertson asked if they are adding the City as a sponsor of the event?

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Mr. Araiza stated the City has always been a sponsor of the event.

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Mayor Robertson stated she only asks because they have been looking at costs. And something as simple as trying to find funds for youth and young adults as interns has been caught up in where do they find it from. This is why she is asking how are they handling their costs against their events. She knows that Mayor Pro Tem, the City Manager and others have met but she knows they are telling some organizations they have to absorb the costs.

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TAB 1 – Run Whatcha Brung and Taste of Rialto Event

Mr. Araiza stated the event is not a big money maker, but it shows off downtown Rialto and Foothill Blvd. but as for Rotary it makes under \$10,000. It was \$8000 last year, and they gave away more than that in scholarships. They put the money back into the community.

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Mayor Robertson stated she understands but everyone is always questioning the costs. She knows all the community groups give back to the community.

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Mayor Pro Tem Scott stated the \$19,897 proposed is less?

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Rod Foster, City Manager stated it was less than last year.

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Mayor Pro Tem Scott stated the primary reason he agreed to pull it off the approval list the last time was that there were comments made about other events being combined. They had a conversation with Rotary about that and they are very open to any other group participating with Run Whatcha Brung. They brought up the fact that there was discussion about a Tamale Festival and its his understanding is that it has been proposed to be moved to the Holiday event.

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Rod Foster, City Manager stated that it would be part of the budget discussion in June.

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Mayor Pro Tem Scott stated that Run Whatcha Brung is a great event that has been around for a long time. It does bring people to the community. He realizes there is a cost to the City, and he has asked the Police Dept. to review their function at the event. He doesn't think they need to be showing bearcat and swat vehicles. He thinks they should have a security person out there. But if they are paying personnel to show cars, he doesn't think that is necessary unless City Council wants to pay the money to do that and which they do at a lot of other events. He is in support of this and if Taste of Rialto is done on the same day it would be a great idea. Or if some other event would like to come out and use that park area.

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Butch Araiza stated that Fire Dept. usually has a booth out there with their young Fire explorers. Parks and Recreation always had different things for the kids. They want it to be a community event.

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TAB 1 – Run Whatcha Brung and Taste of Rialto Event

Council Member Trujillo stated the reason for combining events would be to bring in more people. For example, Art in the Park is now at Spring Eggstravaganza to have more of a flow of attendees and bring down costs.

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Butch Araiza stated they are all in favor of that.

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Council Member Baca Jr. stated he appreciates Rotary taking a look at accommodating the businesses which is a big concern on Foothill Blvd. He knows that Brother's Pizza was concerned about people getting in. overall they have a lot of car aficionados in the community and surrounding communities. It's a good event and he is in support of it. They did have a concern about the Taste of Rialto having declining attendance so anything to combine the events and make them successful and community participation.

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Motion by Council Member Baca Jr., second by Mayor Robertson and carried by a 4-0 vote to approve a two-day event and adding Run Whatcha Brung and Taste of Rialto to the City's Special Events Calendar for Fiscal Year 2019-2020. Council Member Carrizales abstained.

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TAB 2 – Professional Services Agreement to continue the Community Development Block Grant Consulting Services

Perry Brents, Community Services Director presented the staff report regarding Professional Services Agreement to continue the Community Development Block Grant Consulting Services.

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Mayor Robertson stated given some recent information and activities, she would like to know the Scope of Work for LDM. She sees the additional Scope of Work. She would like to better understand the total scope of work with LDM and Associates. They don't have to answer it now, but she would like to review that.

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Mayor Pro Tem Scott stated she would like to know if its LDM's responsibility to ensure the City and City council are in compliance with Federal law and if not who's responsibility its it. He is no longer going to support Multi-Year contracts. These contracts should go out to bid every year. It was stated their work is satisfactory, but he never sees an evaluation on the work these outside consultants do. He believes there needs to be some type of evaluation that City Council can take a look at and clearly be overseen by upper management to ensure we are getting what we are paying for.

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TAB 2 – Professional Services Agreement to continue the Community Development Block Grant Consulting Services

Motion by Mayor Pro Tem Scott, second by Council member Carrizales and carried by a 5-0 vote to amend the Professional Services Agreement with LDM Associates, Inc. to continue Community Development Block Grant Consulting Services and provide additional services increasing the total contract by \$156,950 for a total contract amount of \$271,950 and extending the term for one (1) additional year to February 11, 2021.

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TAB 3 – List of State Budget Requests for Submittal to the Office of Assemblymember Eloise Gomez Reyes

Steve Erlandson, Deputy City Manager presented the staff report regarding a List of State Budget Requests for Submittal to the Office of Assemblymember Eloise Gomez Reyes.

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Mayor Robertson stated she appreciates the more robust list of requests and appreciates the staff's work.

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Mayor Pro Tem Scott asked if they invited anyone from the Assemblymember's Office tonight?

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Deputy City Manager Erlandson stated they invited Representative Prince Ogidikpe who was supposed to be in attendance.

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Mayor Pro Tem Scott stated he asked because he had a question about an editorial they wrote in the newspaper.

He agrees with the Mayor that this is a better list than what they have seen in previous years. Hopefully they get the whole \$70 million.

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Mayor Robertson stated no probably not but its realistic to know what its going to cost to get it done.

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Council Member Trujillo stated he likes they are casting a wide net, hoping they get the appropriations for these projects.

He suggested either put letters or set the number order as priority.

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Council Member Carrizales stated this was his question was the list already priority set.

He doesn't see anything for fixing the streets. Can they put potholes on this list?

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Deputy City Manager Erlandson stated yes, routine maintenance is something they can ask for. For general infrastructure, they can ask for street infrastructure would qualify.

TAB 3 – List of State Budget Requests for Submittal to the Office of Assemblymember Eloise Gomez Reyes

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Council Member Carrizales stated they didn't put anything in this list.

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Rod Foster, City Manager stated they can ask for anything they want but normally for the ongoing maintenance and repair, they don't fund that because that would open the net to 437 cities wanting that cost. Funding of new roadway such as the cost for the bridge program. Ongoing maintenance, they can ask but they are probably not going to get it.

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Savat Khamphou, Public Works Director stated that is correct and what they are doing is of regional significance and there is no source of funding identifiable.

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Council Member Carrizales stated this answers his question.

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Mayor Robertson stated most of the money they look to allocate at the assembly level is from the accounts for the general fund agencies. Dollars that come by way of road repair and maintenance are usually dollars that are associated with the Dept. of Transportation which is a few special funded agencies. Their money comes through another path for the City.

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Council Member Baca Jr. stated they are making a "big ask". Realistically is there any number they are looking at getting? He knows they got close to \$2 million last time. What he didn't see on the list, and he knows they talked about going for grants, was the Cactus Trail. He knows they didn't have enough money to complete the project and were going for grants, but he's asking.

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Mr. Fosters stated they will be happy with anything they receive from the \$70 million request, but it shows the whole need. Regarding the Cactus Trail, he will have to defer to the departments that made the requests. He is not sure why or why not it wasn't on the list.

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Council Member Baca Jr. stated they don't have to answer right now, but he thinks they have to go after that money. This is a good list and they do need to identify monies they do need. These are not "pie in the sky" asks but things they really do need.

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TAB 3 – List of State Budget Requests for Submittal to the Office of Assemblymember Eloise Gomez Reyes

Mayor Robertson stated she appreciates number 6 on the list, the bridge over the Union Pacific railroad. That is clearly a transportation project but its under the bridge program, a \$50 million project. She doesn't know how money will come. They discovered it's the State that prioritizes the condition of that bridge structure. So, it's appropriate to put it back in the State's face to look at. The City would still need to go after Federal dollars. They are the ones that prioritizes the level of deficiency and they all that structure is very deficient. It's a great list.

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Motion by Council Member Baca Jr, second by Council Member Carrizales and carried by a 5-0 vote to approve the List of State Budget Requests for Submittal to the Office of Assemblymember Eloise Gomez Reyes.

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TAB 4 – Urgency Ordinance - 45-Day Moratorium on the establishment, Expansion or Modification of Warehouses, Distribution Centers and related uses

Matt Schneider, Community Development Director presented the staff report regarding and Urgency Ordinance - 45-Day Moratorium on the establishment, Expansion or Modification of Warehouses, Distribution Centers and related uses.

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Mayor Pro Tem Scott stated its his understanding the Renaissance Project is not included in this moratorium?

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Mr. Schneider stated that is correct.

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Mayor Pro Tem Scott stated part of the reason this item has come up is that a number of them have had concerns about the closeness of warehouses to residential neighborhoods and the fact that there have been a few proposals to route trucks through residential neighborhoods where currently there are no trucks travelling. He is highly opposed to that. The majority of the warehouse expansion that has happened in the City but its now small pockets and smaller buildings, encroaching into residential neighborhoods. It's a huge concern to him and they have no mechanism right now to stop it or control it. He would like to address the bridge project off Locust. It came to them and is proposed to be built on residential property, which is proposed to be rezoned. He opposed that project. They did not deny the project, the project was withdrawn by the applicant, which gave them the ability to reapply for it. However, he still opposes warehouses being built in residential neighborhoods.

In their preparation of the Ordinance, is how they notice residents. He personally doesn't think the 500 ft. rule is wide enough. They need to go 1000 ft to 1500 ft. they need to have requirements on the letters that go out to residents. He looked at the project that is currently completed on Locust and looked at the letters that had went out. He did find Ms. Flores name on the list, however, he asked to see the envelopes that had been mailed out and it was very generic.

**TAB 4 – Urgency Ordinance - 45-Day
Moratorium on the establishment,
Expansion or Modification of
Warehouses, Distribution Centers and
related uses**

Mayor Pro Tem Scott stated they need to have a system where the letters have a very clear notice on the envelope that states what it is for and how important it is for the resident to open the envelope and read it. He stands by the residents of this community. Their job, first and foremost is to make sure their quality of life isn't impacted by businesses coming in. It's nice to get property tax and sales tax but they can't impact residential neighborhoods and change their way of life or have trucks coming through way of life or have trucks coming through. They are starting to have a tremendous problem in the City about trucks being parked on residential streets. For instance, his own neighborhood, five houses away. A tractor trailer has been parking there for a month now. Last night, a car hit it. They impact our communities. There should be a way to control that. If they can put some type of fee on these warehouses that pay for commercial enforcement. He doesn't know if it's possible, but they need to look at it. The reason he brought up the newspaper article, there is an assumption that they all support warehouses just because it brings in property tax. That is not necessarily true. They bring jobs which is good for the community. But if they are going to impact their daily lives, they need to step back and take a look at it. He believes this Ordinance is appropriate to move forward with.

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Council Member Trujillo stated he agrees with a lot of the points that were made. The issue that has come up is that there are these truck routes established to move traffic away from residential areas. He has been on streets where there aren't any truck routes and he can see trucks driving through. He knows it's a big issue and it's something they need to study and come up with a policy. He has seen trucks parked in cul-de-sacs, in residential neighborhoods. He feels this is a good direction for their city and to improve their quality of life in the end as they start to make these new policies.

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Council Member Baca Jr. stated a study came out of Massachusetts, that rated the inland Empire the fifth worst place to raise a child. It was combination of Riverside and San Bernardino counties, quality of life. They, as leaders of this community can be a part of that solution to make it better. When people move into community, they don't move in to be next to trucks. The quality of life is something they need to take into consideration. If they don't stand up and re-evaluate this, they will be part of the problem. Tonight is the first step to be part of the solution. Clearly, E-Commerce has changed their world with people buying online. The other thing is they can't let people come into their neighborhoods and dictate the quality of life for them.

He agrees that some people are not properly noticed on what is going on in their community.

He is in full support of this Ordinance.

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**TAB 4 – Urgency Ordinance - 45-Day
Moratorium on the establishment,
Expansion or Modification of
Warehouses, Distribution Centers and
related uses**

Mayor Robertson stated regarding Ms. Flores' comment about the type of presentation. In addition to how the notices go out, she would hope that their moratorium and their directions speaks to them specifically. In the planning world, there are two types of ways they can hold a public hearing or community meeting. In this community if they go as wide as they go from 500 ft. to 1000 ft. – 1500 ft. that they should always require an open presentation and a period for questions and answers. The format people often use, that she experienced, is somewhat intended to diffuse the synergy that can happen in a room when people are concerned about something and want to get some answers.

The other question is, its great to put the moratorium but where are they with certain projects that are currently underway?

The next question, when a request was made to change the residential zoning to industrial. She doesn't believe they approved or acted on that yet. The project needs to know that this will potentially further delay or halt. They may have purchased the land but purchased it knowing its residential.

They are all in agreement that they need to work on the buffers and decide where the buffers and differences should be between residential and commercial zones.

She stated the Renaissance Specific Plan was a huge plan they used for the redevelopment of that area and the history on why they needed to decommission a general aviation airport and what they had to turn around and do in recovery.

She thinks they do need to separate existing residential communities from what they have. She believes sadly, a project that started off at one level on Locust and by the time they actually constructed it they had raised the elevation. It caused it to be this horrendous blocking of any light or viewing. The community there wants to remain in the residential capacity there.

They talked about this moratorium over everything, but she had talked about the Agua Mansa area south of the 10 freeway. There is no residential and she doesn't know how much they still have left, but it is industrial. She doesn't know why they would want to put a moratorium on Agua Mansa Corridor when they don't have any real residential or education facility down in the area. If they look to the sphere, the residential in the sphere is further to the West. She wanted to understand how much more development they had that could happen. Most of it is pretty much developed south of the 10 freeway. And to determine if they also may have a need to repurpose some of their own land. She just wants them to be cautious about how wide they put their moratorium and what are they doing for the industrial corridor, Agua Mansa, where most of the traffic is. Because if they put a moratorium they also have a need and a desire to see the Riverside Ave. roadway area. Its something they hadn't planned for. She doesn't think it's something they can add to it now but she would like to know what else is left that could be built or is it full built out.

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TAB 4 – Urgency Ordinance - 45-Day Moratorium on the establishment, Expansion or Modification of Warehouses, Distribution Centers and related uses

Mayor Pro Tem Scott stated while he tends to agree with her on that, he does believe a lot of those building down there have affected their neighbor Bloomington. They have to keep in mind their quality of life also. His proposal would be to have the moratorium for 45 days and have at least the Agua Mansa area come back to City Council with some specific answers of how much more can be built down there. They one thing they definitely have to look at in Agua Mansa is truck routes going through the community of Bloomington. Kind of a compromise to what the Mayor is suggesting is that staff bring us back at least some report on Agua Mansa as far as how many additional properties they have that could be built out and what they could do very quickly address the truck route problem down there.

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Mayor Robertson stated with that said, she asks staff to bring back a report in conjunction and collaboration with the City of Jurupa Valley and unincorporated area of Bloomington. She knows Jurupa Valley is proposing changing the cement plant and looking at is it industrial. Rialto's moratorium wouldn't do anything for what they are going to proceed to do. She is okay with what they are proposing but they have to recognize the Bloomington community is unincorporated and they don't want to be annexed into the City. When they think about it, they need to think about the role of Fontana. She has no problem coming back in 45 days because she didn't see any information about the build out in Agua Mansa. The rest, she is definitely good with. They do have their truck routes. They are apparently having a problem with signing them and enforcing people to know that it is a truck route and that they can be cited if they are on it. She knows that Jurupa Valley is looking to do further development.

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Mayor Pro Tem Scott stated what he doesn't want to see what happens is they go 45 days down the road, and they have to extend the moratorium because they haven't done anything. He wants to make sure they get something done in the 45-day timeline.

He stated the City Attorney has to be very involved in this, do they have the time and expertise to be involved in this. Or do they need to be going outside for some help?

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City Attorney Galante stated they had drafted the moratorium, so they certainly are able to jump on this.

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Mayor Pro Tem Scott stated they had drafted other moratoriums they are still waiting for answers on and still haven't resolved. He doesn't want that to happen on the truck parking or this issue.

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**TAB 4 – Urgency Ordinance - 45-Day
Moratorium on the establishment,
Expansion or Modification of
Warehouses, Distribution Centers and
related uses**

City Attorney Galante stated they do have the capacity to help. They are involved with discussions with the new Community Development Director and they are happy and able to address this.

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Rod Foster, City Manager stated they will work within that timeline to do it. It would be a yeoman's effort to do it because it's a large thing looking at truck routes that are established and there may be routes they don't want anymore so there are a number steps with that. Perhaps, what they should do is an update on all moratorium. They will do as much as they can and be able to report back. He doesn't know if they will have a lot of success trying to do a partnership with Jurupa Valley and Bloomington or not. The reality is they will answer as many questions as they can, and he knows its important to the community. They will do what they can, as good as they can in 45 days. At least if they have to extend it, they will. At the staff level and with City Attorney help they need to give City Council an update on the other two moratoria that are out there.

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Mayor Robertson stated they perhaps need to hear from the Department Head as to why they would not have the moratorium on the Renaissance area.

Because she knows the bulk of what is left is residential so she doesn't know if they have anything already under construction and already entitled that would still needing to be excluded from the moratorium.

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Rod Foster, City Manager stated there was no reason to extend the Renaissance to in any way change what is out there. He thinks the aspect of the Renaissance program was a Master Plan program. Obviously there was housing. He can't tell them from the maximum number if all the land that is available was going to be housing or not. So they excluded it from the standpoint that it was Master planned and that residents know in that area, they are going to be close to warehousing as opposed to other areas. This was the whole reason why they placed it in there.

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Mayor Pro Tem Scott stated additionally there are some properties on Renaissance that are available. More importantly they have a contractual agreement with Lewis, and he thinks they would be defaulting on that and warehousing and industrial.

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Mayor Robertson stated what remaining part of it. But its not in the areas they would apply.

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**TAB 4 – Urgency Ordinance - 45-Day
Moratorium on the establishment,
Expansion or Modification of
Warehouses, Distribution Centers and
related uses**

Mayor Pro Tem Scott stated but its still part of their contractual agreement.

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City Attorney Galante stated this moratorium applies to any applications that come in after the time they posted the agenda on February 6th.

He stated Mayor Pro Tem Scott is right, they have a Development Agreement the the people at the Renaissance which gives them that entitlement.

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Mayor Robertson stated they have one project tat is north of Renaissance Pkwy, on the southside of the 210 fwy. She believes they have already submitted.

Speaking of moratoriums, do they have one about ADU's? did they do anything with that?

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City Attorney Galante stated there isn't a moratorium, if they remember there was a protest letter. They have been working on the standards.

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Mayor Robertson asked if there was deadline to adopt? The reason she asks is because she receive a call from the City of Burbank. They are feeling the pressure to make an adoption. She wasn't aware there seems to be a State deadline. If they don't already have a moratorium they need to have their product ready. Is there a deadline by the State for March 1st?

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City Attorney Galante stated yes and they are working with Community Development.

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City Attorney Galante read the title of the Ordinance:

URGENCY ORDINANCE NO. 1634

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF WAREHOUSES, DISTRIBUTION CENTERS, AND RELATED USES THAT ARE LOCATED ADJACENT TO OR ACROSS A STREET OR INTERSECTION FROM EXISTING RESIDENTIAL AND EDUCATIONAL USES WITHIN THE CITY OF RIALTO, EXCLUDING THE RENAISSANCE SPECIFIC PLAN

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**TAB 4 – Urgency Ordinance - 45-Day
Moratorium on the establishment,
Expansion or Modification of
Warehouses, Distribution Centers and
related uses**

Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to adopt Urgency Ordinance No. 1634. 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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Mayor Robertson stated now that they are aware there is a State deadline, they have only one more Council Meeting. Are they going to meet the deadline?

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City Attorney Galante stated that the regulations have put a strain on a lot of cities. They are working with the staff. They won't meet the deadline because there is a first reading, a second reading and 30 days before it becomes effective. They would default to State law.

The State has left them with very few regulatory options they use to have.

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Mayor Robertson stated she thinks it's important to know what the ADU's is going to mean. They have expressed concerns about additional dwelling units on properties. Who would be in them? There is concerns with the added resources to cover the added people. They may need a further conversation on this and how to put development impact fees on one person who is building up to 1200 sq. ft.

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City Attorney Galante stated they did provide City Council with an update on all those new laws. There is no violation of State law by not having the ordinance, but they are working with staff.

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REPORTS

Mayor and City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote, to adjourn the City Council Meeting at 8:40 p.m.

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MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE