

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

**MINUTES  
May 12, 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, and via Teleconference on Tuesday, May 12, 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 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, Interim City Attorney Eric Vail, City Treasurer Edward Carrillo and City Clerk Barbara McGee.

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**Pledge of Allegiance  
and Invocation**

Mayor Robertson led all members and stood for the pledge of allegiance.

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

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

Interim City Attorney Eric Vail stated that closed session was canceled. City Council did not move forward. No reportable action.

**PRESENTATIONS &  
PROCLAMATIONS**

None.

## **ORAL COMMUNICATIONS**

City Clerk McGee received three Oral Communications and one written. Gloria Arrington stated that Mayor Robertson should be highly commended for her work as Mayor of Rialto.

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Ms. D. Combs stated that she supports Mayor Robertson with everything she does.

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Tierra stated that Mayor Robertson is doing a wonderful job.

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Maricela Ferguson stated how much she appreciates the City Council's leadership during COVID-19. Appreciates updates and care boxes for seniors. She is looking forward to Senior Center opening once again.

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

Mayor Robertson stated she will not be recusing herself from Tab 2, 3, and 4. There is no conflict of interest.

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Council Member Rafael Trujillo stated he has a question on Items F.4 and F.7.

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Mayor Pro Tem Scott asked that Item F.6 be removed for a separate conversation and separate vote.

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Council Member Carrizales stated he will be abstaining from F.5 and Tab 10 due to conflict of interest.

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Interim City Attorney Eric Vail recommended Tabs 2, 3, and 4 will be continued to the next meeting if Mayor Robertson does not recuse herself and ask Council to make a motion to continue items to next City Council meeting.

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Motion by Mayor Pro Tem Scott, second by Council Member Joe Baca Jr, and carried by 5-0 vote to move Tabs 2, 3, and 4 to the next City Council meeting.

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## **CONSENT CALENDAR**

### **A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

### **B. APPROVAL OF WARRANT RESOLUTIONS**

B.1 Warrant Resolution No. 42 (04/30/2020)

B.2 Warrant Resolution No. 43 (05/04/2020)

## **CONSENT CALENDAR**

### **C. APPROVAL OF MINUTES**

C.1 Regular City Council Meeting – April 14, 2020

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### **D. CLAIMS AGAINST THE CITY**

D.1 AAA a/s/o Tanesha Johnson – Vehicle Damage

D. 2 Jennifer Ann De'Angelo – Personal Injury

D.3 Khaseam DeJesus Wells – Property

D.4 Ricardo Moreno – Property Damage

D. 5 Barbara Alice Gillespie – Personal Injury

D.6 Rocco Centeno c/o GAL and mother Barbara Gillespie –  
Personal Injury

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### **E. SET PUBLIC HEARING**

E.1 Request City Council/Rialto Utility Authority to Set a Public Hearing for June 9, 2020 to consider the Vacation of a Sewer Easement for the Property Located at 417 West Valley Boulevard, Approximately 330 feet East of Lilac Avenue, Assessor's Parcel Number 0132-191-15.

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### **F. MISCELANEOUS**

F.1 Request City Council to Approve the Purchase of One Hundred Thirty (130) Advanced LE TraumaPAKs from High Threat Innovations, in the Amount of \$45,535.00

F.2 Request City Council to Approve the Purchase of ControLoc Evidence Lockers. The Lockers will be Purchased and Installed by McMurray-Stern for the Amount of \$26,075.76.

F.3 Request City Council to Approve the Purchase of Six (6) Hewlett Packard (HP) Network Switches Consisting of: Two (2) HP Aruba Transceiver Modules, Two (2) HP Aruba Managed Ports, Eight (8) HP Power Supplied, Six (6) HP Expansion Modules, Two (2) HP Expansion Modules, and Four (4) HP Aruba 44 Port Switches from Charity IT in the Amount of \$34,458.45.

F.4 Request City Council to Accept the Metrolink Parking Lot Expansion Project Phase 2, City Project No. 170808; Authorize Filing of the Notice of Completion; and Authorize Release of Retention to PALP, Inc. (DBA Excel Paving Company)

F.5 Request City Council to Adopt **Resolution No. 7610** Approving Parcel Map 20004, a Request to Consolidate Two (2) Parcels of Land into One (1 ) Parcel of Land to Facilitate the Development of a 67,465 square foot Industrial Warehouse Distribution Facility Located on the east side of Ayala Drive approximately 650 feet north of Base Line Road and Approve the Subdivision Improvement Agreement.

## **CONSENT CALENDAR**

- F.6 Request City Council, Rialto Housing Authority, Rialto Utility Authority and Successor Agency to Accept the Fiscal Year 2018-19 Audit Results and Receive and File the Fiscal Year 2018-19 Comprehensive Annual Financial Report and Related Documents.
- F.7 Request City Council to 1 ) Receive an Update on and Confirm the Continued Existence of a Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak; 2) Adopt **Resolution No. 7611** Urging Employers to Implement Protective Measures for Grocery and Pharmaceutical Workers and Members of the Community; and 3) Take Other Actions as Deemed Appropriate by the City Council.

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### **Consent Calendar Item F. 4**

Council Member Trujillo inquired regarding the partner project tunnel connected to the parking lot project.

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Savat Khamphou, Public Works Director stated he spoke with SBCTA. It is on their 10-year plan, but no funding has been committed.

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Mayor Robertson suggested City Manager Rod Foster correspond to the SBCTA in regard to the tunnel not meeting ADA requirements in the interim of project and funds reprioritized to address ADA compliance.

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City Manager Rod Foster stated he will collaborate with Public Works Director Savat Khamphou to correspond to the SBCTA Executive Director.

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### **Consent Calendar Item F. 6**

Mayor Pro Tem Scott stated that this was a TAB item at the last meeting related to the audit and inquired if this was the reason why it is on the agenda once again for vote.

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Interim City Attorney Vail concurred that Council has not taken official action to accept the audit and are now on the agenda to accept and receive and file vote.

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Mayor Robertson stated she would vote against the item pending an outstanding investigation tied to the audit. She stated that she does not believe the audit to be factual.

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Mayor Pro Tem Scott stated that receive and file does not indicate approval of audit. It means it is being received and filed.

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## **Consent Calendar Item F. 6**

Mayor Pro Tem Scott stated that in light of Mayor Robertson's opposition to the Item, he will make a motion to receive and file Item F. 6 2018-2019 audit results.

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Motion by Mayor Pro Tem Scott, second by Council Member Rafael Trujillo, and carried by 4-1 vote and Mayor Robertson voted no to receive and file Item F.6 2018-2019 audit.

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## **Consent Calendar Item F. 7**

City Clerk McGee received a written oral communication from Celene Perez with the Inland Empire Labor Council AFL-CIO in support of Agenda F.7, Resolution No. 7611.

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Council Member Trujillo expressed his gratitude towards Ana Cabral, Kenny Parrada with UFCW 1167 and Rialto Police Chief Kling for all their assistance with procedures taking place over the last three City Council meetings.

In addition, Council Member Trujillo is requesting City Manager Rod Foster to include rental freeze as an agenda item for future continued discussion.

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Council Member Joe Baca Jr. expressed his full support for Resolution No. 7611, thanked the Inland Empire Labor Council and emphasized the intent of this resolution in addition to the safety of the workers, it is also for the safety and protection of the residents of Rialto when conducting essential business.

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Council Member Carrizales expressed his full support for Resolution No. 7611 and stressed the importance of structure and guidance at the local level for businesses and the importance to practice safety guidelines.

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City Clerk McGee received a recorded oral communication.

Ana Cabral, Representative with the United Food & Commercial Workers Union UFCW Local 1167 thanks the Rialto City Council for taking action to further protect grocery, pharmacy and retail workers. Resolution No. 7611 ensures health and safety continue to be a priority and strongly asks that the City of Rialto enforce policies and strongly vote yes in support of this resolution.

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## **Consent Calendar Item F. 7**

Mayor Robertson stated Resolution No. 7611 is great and is in line with what the City is trying to do and stressed the importance of taking personal responsibility to take care of one's own personal health. Mayor Robertson inquired how local businesses can receive compensation to implement these policies and improvements from funds received from the County.

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City Manager Foster stated that the information can be collected through the website from businesses.

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

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Mayor Robertson inquired about public comments being carried over to the next meeting when agenda items are moved.

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Interim City Attorney Vail stated all public comments will be read and played and become part of the record at the next council meeting if the items are heard.

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Mayor Pro Tem Scott requested that the City Clerk provide the City Council written and audio copies of public comments prior to the next meeting.

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### **TAB 1 – Adoption of Resolution No. 7612 Approving General Plan Amendment No. 2019-0007**

Community Development Director Schneider presented the staff report regarding the Adoption of Resolution No. 7612 approving General Plan Amendment No. 2019-0007.

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City Clerk McGee received recorded oral communications.

Barbara Renfro, Rialto resident, expressed concerns regarding General Plan Amendment No.2019-0007 and Zone Change No. 2019-0005 and Tentative Tract Map No. 2019-0004 change of zone designation, 52-housing development, and traffic and noise.

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Robert Crowsno, Rialto resident, expressed concerns regarding housing development. He believes space is not large enough for the number of homes.

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**TAB 1 – Adoption of Resolution No. 7612  
Approving General Plan Amendment No.  
2019-0007**

Jewel Renfro, Rialto resident, expressed concerns regarding General Plan Amendment No. 2019-0007 and Zone Change No. 2019-0005 is against the proposal in the neighborhood.

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Samuel Ortiz Alas, Rialto resident, opposes construction and expressed concerns about heavy traffic.

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Bilal Essayli with Essayli & Brown, LLP stated that they are excited to bring a very high quality, single-family housing project. He addressed the fiscal impact. He indicated that the CFD fees were increased to ensure no deficit is incurred to the City. The density has been lowered from 68 to 52. Traffic level study indicated as acceptable and project includes two signal lights at Randall and Merrill to address traffic concerns. Headlight concerns by residents have been addressed and resolved. Safe Routes to School will contribute to the sidewalk project.

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Council Member Carrizales indicated the congestion concerns are at Acacia and Randall and inquired why project funds are being allocated to Merrill and Acacia.

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Mr. Essayli stated the results were based on traffic study and referred to Director of Development Services for further information.

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Director of Community Development Schneider stated the recommendations were based on the Transportation Commission.

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Council Member Trujillo wanted to make certain all contributions to public safety and entrance issues were addressed and inquired about changes to the entrance.

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Mr. Essayli stated that in relation to contribution, the fees were increased to \$302,000 per unit for CFD fees to make up for deficit. He stated that to mitigate the effects of the adjacent neighbor, driveway was moved six feet.

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Mayor Robertson asked what is the staff recommendation? What would staff like the City Council to consider on the project? Is staff in full support in recommending the project and can the City move forward with the amount of housing stock that are needed to respond in the state?

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**TAB 1 – Adoption of Resolution No. 7612  
Approving General Plan Amendment No.  
2019-0007**

Director of Community Development Schneider believes it is an approvable project. The project can be supported for approval. There is an overall need for units within the state, city, and county.

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Mayor Pro Tem Scott asked for explanation of Interim City Attorney Vail about the point of order related to Council Member comments while a Public Hearing is open. Comments previously were made when Hearing was closed.

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Interim City Attorney Vail stated that it is not a change that he recommended or been consulted. It was questions of staff related to the project. Questions of staff related to project of Council are appropriate during Public Hearing. After Public Hearing is closed, dialogue is appropriate among counsel including questions of applicant during the Public Hearing.

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Mayor Pro Tem Scott stated everyone needs to be notified if rules are changed.

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Mayor Robertson explained the process and procedures for Public Hearing and asked to move to close the Public Hearing.

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Motion by Council Member Trujillo second by Council Member Joe Baca Jr. and carried by 5-0 vote to close Public Hearing.

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Mayor Pro Tem Scott stated signalization of intersections does not help slow traffic down.

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Council Member Baca Jr. appreciates the item being brought forth and the developer has attempted to address all the issues and believes signalization will help with traffic concerns.

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Mayor Robertson asked about the modifications made regarding the public concerns on signalization.

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Director of Community Development Schneider stated that matter was closely addressed, many configurations were reviewed and believed this location was the ideal location. Matters of concern were density and traffic.

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**TAB 1 – Adoption of Resolution No. 7612  
Approving General Plan Amendment No.  
2019-0007**

Mayor Robertson suggested of developer using the modelling capability to see the impacts it will bring and asked the direction of Council.

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Interim City Attorney Vail stated a motion from Council is needed to approve, reject or instruct staff to return with a resolution of rejection at subsequent meeting or continue the Public Hearing if additional information about the project needs to be addressed on the 28th.

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Council Member Trujillo stated that there are concerns related to this project at the Economic Development Committee level that need to be addressed first before being brought up to City Council. He is requesting staff to address the EDC and resident concerns on the project.

He is asking for project to be returned to the Economic Development Committee for continued discussion.

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Mayor Pro Tem Scott stated that the EDC did recommend this project move forward. He expressed his concerns with how this item has transpired on the agenda. Applicant was allowed to present to Council but residents were denied the right to come in to speak. He will not make a motion.

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Council Member Baca Jr. stated this item is not prepared to move forward and concurs with Mayor Pro Tem that people should have the opportunity to speak. He inquired of the Interim City Attorney Vail about bringing the item back at a later date to make certain all questions are answered.

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Interim City Attorney stated that Council can certainly make the motion to continue the item and suggests a date at a reasonable point in time.

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Mayor Robertson stated that a date needs to be certain if item will continue.

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Interim City Attorney Vail stated the different options related to this item one being that Council can order item to be re-noticed for a subsequent public hearing to give the public opportunity to participate live.

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Council Member Baca Jr. stated the importance of having the public speak on the item and recommends item be continued to June 9, 2020.

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**TAB 1 – Adoption of Resolution No. 7612  
Approving General Plan Amendment No.  
2019-0007**

Motion by Council Member Baca Jr. second by Council Member Trujillo and carried by 5-0 vote to reopen public hearing now, subsequently continue that public hearing open to June 9, and that additional notice of the continued public hearing be given.

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**TAB 2, 3 & 4**

Mayor Robertson stated Tab 2, 3 and 4 have been moved to the next Council Meeting.

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Council Member Baca Jr. inquired if Tab Item 4 was going to be moved after May 26.

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**TAB 2, 3 & 4**

Mayor Robertson asked for clarification about giving direction to staff to conduct a public hearing or giving notice to set a public hearing.

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Mayor Pro Tem Scott recommended moving all three items as written until May 26 to direct staff to set a public hearing.

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Motion by Council Member Scott second by Council Member Baca Jr. and carried by 5-0 vote to move Tab 2, 3 and 4 to May 26.

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**TAB 5 Approve the Submission of Grant  
Application**

Fire Chief Grayson presented the staff report regarding the request to authorize the submission of Grant Application in an amount not-to-exceed \$400,000 with a local match not-to-exceed. \$20,000.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by 5-0 vote to authorize submission of grant application in an amount not-to-exceed \$400,000 with a local match not-to-exceed \$20,000.

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**TAB 6 Approve the Submission of Grant  
Application**

Fire Chief Grayson presented the staff report regarding the request to authorize the submission of Grant Applications in an amount not-to-exceed \$450,000 with a local match not-to-exceed. \$45,000.

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Motion by Council Member Carrizales second by Council Member Baca, Jr. and carried by 5-0 vote to authorize submission of grant applications in an amount not-to-exceed \$450,000 with a local match not-to-exceed \$45,000.

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**TAB 7 – Approve the Purchase of 60 (Sixty) Rifles from ProForce Law Enforcement**

Police Chief Kling presented the staff report regarding the purchase of Sixty (60) Colt LE6940 Rifles from ProForce Law Enforcement in the amount of \$67,126.10

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Council Member Trujillo asked if ProForce was the only company to provide product.

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Police Chief Kling stated ProForce is the only Colt distributor on the West Coast.

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Motion by Council Member Baca Jr. second by Council Member Carrizales and carried by 5-0 vote to authorize the purchase of Sixty (60) Colt LE6940 Rifles from ProForce Law Enforcement in the amount of \$67,126.10

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**TAB 8 – Approve the Purchase of two (2) Handheld Narcotics Analyzers from Thermo Fisher Scientific Inc.**

Police Chief Kling presented the staff report regarding the purchase of two (2) TruNarc handheld narcotics analyzers from Thermo Fisher Scientific, Inc in the amount of \$56,282.14.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to authorize the purchase of two (2) TruNarc handheld narcotics analyzers from Thermo Fisher Scientific, Inc in the amount of \$56,282.14.

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**TAB 9 – Approve the Agreement of Professional Services with Social Work Action Group and Approve a FY2019/2020 Purchase Order in the amount of \$56,282.14**

Police Chief Kling presented staff report regarding the Agreement for Professional Services with Social Work Action Group and to approve a FY 2019/2020 Purchase Order in the amount of \$294,160 for Homeless Services for the period of Thirteen (13) months.

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Council Member Trujillo inquired if City staff had been considered to administer this grant as opposed to a non-profit organization.

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Police Chief Kling stated that it has been examined internally. However, SWAG's large network of services outdo anything that can be done internally and staff recommendation is to expend the remaining amounts of this grant with SWAG.

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**TAB 9 – Approve the Agreement of Professional Services with Social Work Action Group and Approve a FY2019/2020 Purchase Order in the amount of \$56,282.14**

Mayor Pro Tem Scott commented that he is hoping the City Council is not sending out a message that they are intending on cutting jobs. That is a bad message. He encourages fellow council members to be careful about publicly talking about personnel cuts because he does not know it to be a fact. He inquired what is the effort in dealing with an individual who is on drugs. He also asked about how funds are going to be reconciled.

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Aaron Petroff, SWAG Director of Programs stated that they never want to lose funds, but with efforts from auditors and the County to find out where the mistakes were and hold staff accountable.

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Council Member Carrizales stated there is a need to address our homelessness. What protocol does SWAG follow when approaching a homeless area?

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Aaron Petroff, SWAG Director of Programs further discussed their philosophy and business model. Ninety-five percent of the chronically homeless population have a co-occurring mental illness and substance abuse issue. You can't address the behavioral health issue until you move past and address the substance abuse issue. That is the main focus. They are client-focused, street-level advocates using County substance abuse and behavioral health services and working in conjunction with law enforcement to eventually get treatment.

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Council Member Trujillo complimented SWAG and liked that they are being proactive and working with law enforcement. He asked if individuals are followed-up after being referred out. He inquired as to who reaches out to SWAG, the community or the police department.

He also asked how the homeless population are being addressed during COVID-19. The County H.O.P.E. team helps facilitate hotel accommodations.

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Aaron Petroff, SWAG Director of Programs stated that it is a shared experience with night and weekend team members from different facilities and organizations who will respond to treated individuals. Quality care is key to what they do and community involvement is imperative. There is a 1-800 number that is always available to an individual or the community to express their concerns. The nurse practitioner on staff along with administration have developed daily procedures for SWAG staff and the individuals they serve along with an assessment tool to track individuals who exhibit symptoms or not and educate them. They have not come across any street, chronically homeless individual with COVID-19.

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**TAB 9 – Approve the Agreement of Professional Services with Social Work Action Group and Approve a FY2019/2020 Purchase Order in the amount of \$56,282.14**

Council Member Trujillo thanks the City for addressing the homeless issue in the county and the police department working more closely with the grant.

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Council Member Baca, Jr. thanks Police Chief Kling for bringing this item before the City Council. He expressed the difficulty in administering the staff when obtaining the grant. He believes this is a more well-rounded approach to address the homeless issue and frees up law enforcement and staff. He is glad Mayor Pro-Tem brought up the accountability issues related to the grant. He believes it is a better approach and looks forward to having success in addressing this issue and is full support of SWAG.

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Council Member Carrizales asked if SWAG is in the surrounding cities.

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Aaron Petroff, SWAG Director of Programs stated they are not in any other city in San Bernardino County other than Chino.

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Police Chief Kling stated SWAG works with the Sheriff's Department and other cities are starting to look at their services. Chino has been very successful in their approach using SWAG.

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Council Member Carrizales asked of City Manager Foster and SWAG to reach out to the surrounding cities, Fontana, Colton, and San Bernardino to see if they would come on board. He believes it is a joint effort to have true success and not only Rialto making extra efforts.

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Mayor Robertson stated there is a county, homeless task force and a subgroup amongst the mayors. They will get feedback from Chino and other mayors as it relates to the HEAP (Homeless Emergency Aid Program) grant. SWAG has office locations in Lake Elsinore and Riverside and she inquired as it relates to SWAG's mobilization and how their presence in Rialto is envisioned with law enforcement. She stated that part of the focus of the HEAP grant was a citizens, volunteer along with faith-based homeless task force which PD was a part of. She inquired what their participation will look like and their interaction with this new group. She referenced a report dated April 20th referencing SWAG as a sole source. She asked about the other subrecipients on the contract regarding the sole source and to explain the processes that have been taken and inquired about a procurement process.

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**TAB 9 – Approve the Agreement of Professional Services with Social Work Action Group and Approve a FY2019/2020 Purchase Order in the amount of \$56,282.14**

Police Chief Kling referenced Municipal Code 2.4.8.060 and stated that they dealt with procurement, purchasing, City's attorney's offices and confirmed SWAG services met the criteria for sole source which indicates a comprehensive approach. In February, Community Services sent notification letters that services were ceasing and to submit invoicing to the City for consideration and processing through the county. Efforts of outreach with faith-based groups or community groups within the City will continue with the officers that are assigned to it.

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Mayor Robertson stated that a decision was made to audit the three grants including this one and would hope it includes a chronology of the events that come from the county of San Bernardino with the administration of the H.E.A.P Grant because of the problems with how the grant has been administered not only in Rialto but other cities as well.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to approve the Agreement for Professional Services with Social Work Action Group and to approve a FY2019/2020 Purchase Order in the amount of \$294,160 for Homeless Services for the period of Thirteen (13) months.

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**TAB 10 Approve the Public Works Director/City Engineer to File the Notice of Completion; and Authorize the City Manager to Reimburse MP Rialto, LLC in the amount of \$699,685.58**

Council Member Carrizales stated he is recusing himself from participating in TAB 10 due to a potential conflict of interest and left the meeting at 9:06 p.m.

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Director of Community Development Schneider presented staff report requesting City Council to approve the Public Works Director/City Engineer to File the Notice of Completion; and Authorize the City Manager to Reimburse MP Rialto, LLC in the amount of \$699,685.58.

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Interim City Attorney Vail stated that the original request from the developer was \$2.8 million and City Staff through reimbursement agreements saved the City \$2.1 million dollars if this request would have gone without audit.

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Mayor Robertson acknowledged and thanked staff for their due diligence and asked where the big differences were.

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Motion by Council Member Joe Baca, Jr., second by Mayor Pro Tem Scott and carried by a 4-0 vote, Council Member Carrizales was absent, to approve the Public Works Director/City Engineer to File the Notice of Completion; and Authorize the City Manager to Reimburse MP Rialto, LLC in the amount of \$699,685.58.

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Mayor Pro Tem Scott left the meeting at 9:23 p.m.

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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 3-0 vote, to adjourn the City Council Meeting at 9:32 p.m. Mayor Pro Tem Scott and Council Member Carrizales were absent.

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MAYOR DEBORAH ROBERTSON

## ATTEST:



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CITY CLERK BARBARA A. MCGEE