DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

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

MINUTES
January 12, 2021

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 12, 2021.

0o0

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.

0o0

CALL TO ORDER

Mayor Robertson called the meeting to order at 5:10 p.m.

0o0

The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo Council Member Andy Carrizales and Council Member Karla Perez.

Also present were Acting City Manager Sean Grayson, Interim Assistant City Attorney Erica Vega, Treasurer Edward Carrillo and City Clerk Barbara McGee.

0o0

CLOSED SESSION

1 CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION
Pursuant to Government Code section 54956.9 (d)(1)
One (1) Matter:
Grace Reyes v. City of Rialto
County of San Bernardino Case No. CIVDS 1934890

2 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9 (d)(2)
One (1) Matter:

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

CLOSED SESSION

3 CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government code section 54957.6
Agency designated representatives:
Sean Grayson, Acting City Manager
Employee Organizations:

- City Government Management Association
- Rialto Fire Management Association
- Rialto Mid-Management & Confidential Employee's Association
- Rialto Police Benefit Association – Management
- Rialto City Employee's Association
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Executive Management Team
- Management Unrepresented Employees
- Unrepresented Employees

4 PUBLIC EMPLOYEE PERFORMANCE EVUALUATION
Pursuant to Government Code section 54957
Title: Acting City Manager

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by 5-0 vote to go into Closed Session at 5:10 p.m.

0o0

City Council returned from Closed Session at 6:59 p.m.

0o0

CALL TO ORDER

Mayor Robertson called the meeting to order at 7:00 p.m.

0o0

The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were Acting City Manager Sean Grayson, City Clerk Barbara McGee, Interim Assistant City Attorney Erica Vega and City Treasurer Edward Carrillo.

0o0

Pledge of Allegiance and Invocation

Council Member Perez led the Pledge of Allegiance.

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

0o0

City Attorney's Report on Closed Session

1 CONFERENCE WITH LEGAL COUNSEL –
EXISTING LITIGATION
Pursuant to Government Code section 54956.9 (d)(2)
One (1) Matter:
Grace Reyes v. City of Rialto
County of San Bernardino Case No. CIVDS 1934890

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

City Attorney's Report on Closed Session

2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9 (d)(2)
One (1) Matter:

3 CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government code section 54957.6
Agency designated representatives:
Sean Grayson, Acting City Manager
Employee Organizations:

- City Government Management Association
- Rialto Fire Management Association
- Rialto Mid-Management & Confidential Employee's Association
- Rialto Police Benefit Association – Management
- Rialto City Employee's Association
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Executive Management Team
- Management Unrepresented Employees
- Unrepresented Employees

4 PUBLIC EMPLOYEE PERFORMANCE EVUALUATION
Pursuant to Government Code section 54957
Title: Acting City Manager

Interim Assistant City Attorney Erica Vega stated that the City Council met on all four closed sessions items, and there is no reportable action at this time.

0o0

PRESENTATIONS AND PROCLAMATIONS

In Memoriam of Alan Dyer – Mayor Robertson

National Mentoring Month – Jennifer O'Farrell – Executive Director of Riverside & San Bernardino Counties – Big Brothers Big Sisters of the Inland Empire.

0o0

ORAL COMMUNICATIONS

Lupe Camacho stated community engagement would have been the better option in the selection of a new Council Member. She stated the bid for the Linden/Valley/Cactus Avenue Street improvements were above budget and change orders should be based on need and suggests the Engineering Department be given a 10 percent contingency. She also asked about the CARES Act grants publication advertisement and the Neighborhood Watch program.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

ORAL COMMUNICATIONS

June Hayes announced there is a new West Valley Municipal Water District Board President and asked to have the meeting adjourn in memory of Utilities Commissioner Barbara Zrelak-Rickman's husband. He passed away due to COVID-19 complications.

0o0

Council Member Trujillo would like to pull F. 1 for explanation.

0o0

Mayor Pro Tem Scott would like to pull for F.5 for discussion and separate vote.

0o0

Council Member Carrizales will be abstaining from F.2, F.5 and TAB 2 due to a conflict of interest with his place of business at the Renaissance Plaza.

0o0

F.1
Continuation of Ad Hoc Firework Committee

Council Member Trujillo stated he would like to clarify the framework of continuing the Ad Hoc Firework Committee. He asked about the Committee's new direction. He would like a working plan before the new season of fireworks begin.

0o0

Acting City Manager Grayson stated F.1 extends the length of time for the service of appointment of the Committee. The Committee and Acting Fire Chief Park will be reporting back to the City Council on a broad spectrum of matters related to education, engagement, enforcement with a plan to resolve the illegal fireworks problem.

0o0

Mayor Robertson asked to have a Committee update at the next City Council meeting. She is requesting the 990-Schedule Form to ensure the organizations still maintained an active non-profit status.

0o0

Council Member Trujillo asked when the educational marketing plan will begin.

0o0

Acting City Manager Grayson stated there will be an update for the City Council at the next January 26, 2021 meeting.

0o0

F.4
Etiwanda Corridor Improvement Project

Lupe Camacho praised the Engineering Department for maintaining the budget on this project. She also asked the City Council to answer the questions she asked in Oral Communications.

ORAL COMMUNICATION

0o0

F.4
Etiwanda Corridor Improvement Project

ORAL COMMUNICATION

Mayor Robertson clarified that questions asked in Oral Communication are redirected to administration staff for response. She asked Mr. Grayson to quantify her question and then follow-up with an answer.

0o0

Acting City Manager Grayson stated he will reach out to Ms. Camacho to address her questions.

0o0

F.5
Lewis-Hillwood Rialto Company, LLC Improvements and Accept payment; Notice of Completion; Approve GASB 34 Report

City Clerk McGee stated that Glen Crosby with Lewis-Hillwood Rialto Company, LLC was available to answer questions.

0o0

Mayor Pro Tem Scott stated he does not believe F.5 should be on the Consent Calendar. It is $135,000 and should be a TAB Item. It needs to be transparent and open for discussion. City policy requires any Item over $50,000 to be a TAB Item. He asked Mr. Grayson on the status on the Lewis-Hillwood Rialto Company projects audit.

0o0

Acting City Manager Grayson stated that the audit is in progress. The auditors have received all information. He anticipates an update soon and be completed in February 2021.

0o0

Mayor Pro Tem Scott stated he has a problem voting on Items related to Lewis-Hillwood when no answers on the audit have been given to the City Council.

0o0

Mayor Robertson agrees with Mayor Pro Tem Scott that F.5 should be tabled and be pulled.

0o0

Mayor Pro Tem Scott is recommending TAB 2 be pulled from the agenda.

0o0

Motion by Mayor Pro Tem Scott, second by Mayor Robertson and carried by a 5-0 vote to pull Consent Calendar F.5 and TAB 2 from the City Council agenda with the direction to be added to the Economic Development Committee meeting discussions before being brought back before the City Council.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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

0o0

B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 24 (12/10/2020)

B.2 Warrant Resolution No. 25 (12/17/2020)

B.3 Warrant Resolution No. 25a (12/17/2020)

B.4 Warrant Resolution No. 25b (12/17/2020)

B.5 Warrant Resolution No. 26 (01/07/2021)

0o0

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – December 8, 2020

0o0

D. CLAIMS AGAINST THE CITY

D.1 Pershon Moore – Wrongful Death

D.2 FG Ray Hall – Damages

D.3 Cynthia Balderas – Wrongful Termination

0o0

E. SET PUBLIC HEARING

E.1. Request City Council to 1) Set a Public Hearing for January 26, 2021, to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt **Resolution No. 7692** Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and Authorize the Maximum Assessment Rates Commencing in Fiscal Year 2020/2021 and Authorize the Levy and Collection of Assessments Commencing with Fiscal Year 2021/2022; and to 3) Adopt **Resolution No. 7693** Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and Conduct a Property Owner Protest Ballot Proceeding On The Matter of the New Assessments Related Thereto Commencing with Fiscal Year 2020/2021.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

CONSENT CALENDAR

F. MISCELLANEOUS

F.1 Request City Council to Approve the Continuation of the Ad Hoc Firework Committee through August 1, 2021.

F.2 Request City Council Approve an Increase to the Annual Purchase Order No. 2021-0585 with Pristine Uniforms, LLC, for Fiscal Year 2020/21, in the Amount of $20,000 for Uniforms and Safety Equipment through June 2020 for a total Purchase Order Amount of $35,000.

F.3 Request City Council to Approve the Purchase of Two (2) "Zero" Electric Motorcycles from Mountain Motorsports in the Amount of $37,728.28.

F.4 Request City Council to (1) Accept the Etiwanda Corridor Improvement Project, City Project No. 160805; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to Vido Samarzich, Inc.

F.5 Request City Council 1) Accept Public Improvements and Accept payment from Lewis-Hillwood Rialto Company, LLC (LHR) in the amount of $134,490.32; 2) Authorize the Interim City Engineer to File the Notice of Completion; and 3) Approve the GASB 34 Report, all related to Construction and Credit Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company, LLC (LHR) related to the Medline Project and Niagara Project.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve the Consent Calendar with direction to pull F.5. from the City Council agenda and be added to the Economic Development Committee meeting discussions before being brought back before the City Council.

0o0

PUBLIC HEARING

TAB 1:
Adopt Ordinance No. 1653 and Ordinance No. 1654

Karen Peterson, Acting Community Development Director presented the staff report requesting the City Council to Conduct Public Hearing on Zoning Code Amendment No. 20-0004 and Zoning Code Amendment No. 20-0005 and Adopt **Ordinance No. 1653** Regulating Indoor Storage Facilities and **Ordinance No. 1654** Regulating Outdoor Storage Uses.

0o0

Mayor Robertson declared the public hearing open.

0o0

ORAL COMMUNICATION

Bill Blankenship representing NAIOP Inland Empire Chapter thanked the Rialto City Council for working collaboratively towards the completion of Ordinance No. 1653 and Ordinance No. 1654.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

PUBLIC HEARING
TAB 1:
Adopt Ordinance No. 1653 and Ordinance No. 1654

ORAL COMMUNICATION

Kim Snyder, President West Region at Prologis referenced a letter in opposition to Ordinance No. 1653. He stated their concerns with the Ordinance language and propose alternative language clarifying that it does not apply to existing facilities.

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

0o0

Mayor Pro Tem Scott commended Ms. Peterson for expeditiously bringing this forward. He appreciates Prologis' intention; however, the City Council, as representatives of the City, has a responsibility to its residents' protection and are not impacted by the warehouse industry. There is room and place for both. The City of Fontana has outlawed and banned truck outdoor parking. This is a good solution. The goal is to keep warehouses away from residential areas and require those that are seeking to park trucks in the City not to interfere with residential neighborhoods. He is in full support of this Item and encourage the City Council Members to vote for its approval.

0o0

Mayor Robertson asked to clarify who is defined as the "operator" as indicated on the Ordinance.

0o0

Ms. Peterson stated that question has not been answered in these Ordinances. The Planning Commission requested staff to evaluate who should bear the cost and at what level once roadway maintenance costs are recouped. That matter will be reviewed this year.

0o0

Mayor Robertson wanted to make certain it was a work item and not necessarily codified in the Ordinance. It had already been negotiated and understood. As we deal with more congested management in our community, it is a question that needs to be laid out moving forward. The truck routes are in line with this matter but were not part of this Ordinance. She asked which department will be responsible for the truck/route study.

0o0

Ms. Peterson stated that Public Works is the lead department on the truck/route study. However, Community Development is involved in supporting the effort. Based on study results, supplements to these Ordinances will need to be considered with respect to zoning. She is not anticipating it now, but the truck routes will need to be studied. If necessary, actions will be implemented.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

TAB 1:
Adopt Ordinance No. 1653 and Ordinance No. 1654

Mayor Robertson referenced a Planning Commission modification but emphasized that if the designated routes are not in place, who is going to be giving the exception to allow that. The whole purpose is to address trucks that are traveling on routes that are not designated truck routes. She also stated that in the unincorporated area of Bloomington, there is restricted parking that will indirectly impact Rialto areas in the Agua Mansa Corridor.

0o0

Mayor Pro Tem Scott stated that it relates to Cactus Avenue. There is a big problem with trucks coming through neighborhoods off Cactus Avenue which involves no parking and no trucks. He asked if the County of San Bernardino notified City of Rialto of that Ordinance and provided a road map of the restricted areas.

0o0

Mayor Robertson asked if there was going to be an opportunity to comment.

0o0

Ms. Peterson will contact the County to make certain it is received.

0o0

Mayor Robertson complimented Ms. Peterson for completing the project. Modifications may have to be made but is glad it is current and moving forward. The industrial zone areas in the community have been identified. There is not much space left, but she is in support of this Ordinance being adopted.

0o0

Council Member Trujillo was glad that he clarified that the new standards applied to the new developments as opposed to the existing ones.

0o0

Mayor Robertson asked about the fencing standards and design.

0o0

Ms. Peterson stated that those standards were specific to truck yards generally located outside residential areas. A combination of fencing and landscaping is effective. But it is at the City Council's pleasure.

0o0

Mayor Robertson stated it can be discussed later but asked which part could be screened from the public view and what can be open. She wants to make certain a wall is required if it has the ability for the public to view the operation. She would be inclined to something that is screened than invisible because it is on the front side of the business operation.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

TAB 1:
Adopt Ordinance No. 1653 and Ordinance No. 1654

Ms. Peterson stated that effective screening means you cannot see what is being stored. It can be achieved with fencing or landscaping.

0o0

Council Member Trujillo asked if there was a different truck route study.

0o0

Ms. Peterson stated it was separate.

0o0

City Clerk McGee read the Ordinances No. 1653 and No. 1654 into the record.

0o0

ORDINANCE NO. 1653

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING CHAPTER 18.112 OF THE RIALTO MUNICIPAL CODE CREATING A NEW CHAPTER 18.104 ENTITLED "INDOOR STORAGE FACILITIES".

0o0

ORDINANCE NO. 1654

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 18.104 AND RELATED SECTIONS OF THE RIALTO MUNICIPAL CODE RELATED TO OUTDOOR STORAGE USES.

0o0

Motion by Council Member Carrizales, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve Ordinance No. 1653 and Ordinance No. 1654.

The vote was: AYES: Mayor Robertson. Mayor Pro Tem Scott, Council Member Trujillo, Council Member Carrizales, Council Member Perez.

NOES: None. ABSTAIN: None. ABSENT: None.

0o0

NEW BUSINESS

TAB 2:
Public Improvements; Lewis-Hillwood Rialto Company, LLC reimbursement; Laurel/Walnut/Locust Escrow account; GASB 34 Report

Motion by Mayor Pro Tem Scott, second by Mayor Robertson and carried by a 5-0 vote to pull TAB 2 from the City Council agenda with the direction to be added to the Economic Development Committee meeting discussions before being brought back before the City Council.

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

TAB 3:
Interim Community Development Director appointment; Employment Agreement with Alexander Hamilton

Sean Grayson, Acting City Manager, presented the staff report requesting the City Council to Adopt **Resolution No. 7694** Appointing an Interim Community Development Director and Approving the Employment Agreement with Alexander Hamilton.

0o0

ORAL COMMUNICATION

Lupe Camacho asked about the targeted time to fill the acting positions in the City with permanent employees.

0o0

Mayor Robertson asked City Manager Grayson to follow-up with Ms. Camacho with regards to City employment permanency.

0o0

Alexander Hamilton introduced himself to the City Council and stated he is looking forward to working with the City of Rialto.

0o0

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote adopting **Resolution No. 7694** Appointing an Interim Community Development Director and Approving the Employment Agreement with Alexander Hamilton.

0o0

TAB 4:
Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Sean Grayson, Acting City Manager, presented the staff report requesting 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; and 2) Adopt **Resolution No. 7695** Accepting the Bureau of Justice Assistance FY 20 Coronavirus Emergency Supplemental Funding Program Grant and Appropriate Funding for FY2020/2021 in the Amount of $96,072.

0o0

ORAL COMMUNICATION

Lupe Camacho inquired about vaccine distribution updates.

0o0

Mayor Robertson stated she would like to see a more aggressive approach in assisting the senior community at the Johnson Center test site and vaccination rollout.

0o0

Acting City Manager Grayson stated that the most updated vaccine information can be located at the www.sbcovid19.com County website and briefly explained the eligibility phases and tiers. Vaccine eligibility is currently in Tier 1 and 2 of Phase 1A for first responders and those who serve in critical medical care. Phase 2 is for a larger population. Mass distributions have been discussed but nothing has been confirmed for mass vaccinations at the Johnson Center.

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

TAB 4:
Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Council Member Trujillo stated that some states decided to lift the Tier process and go straight to mass vaccinations. The vaccine distribution does not match the administration process. The question remains for the San Bernardino County Public Health Director, what are the plans. In the third wave of the pandemic, the public is not following safety health guidelines with masks. He has yet to see campaigns to encourage the public to mask up. He invites Director Corwin Porter to attend a City Council meeting or have a Zoom meeting to answer questions from the residents. He reiterated that there needs to be a discussion with the public to discuss vision and strategy. He emphasized that the County lacks a stable policy and is working on day-to-day decision making. He questioned other County testing and vaccine experiences versus San Bernardino County. The information provided by the County has not been helpful.

0o0

Mayor Robertson asked Acting City Manager Grayson to draft a letter to Corwin Porter, San Bernardino County Public Health Director with an official invitation to a Zoom meeting or next City Council meeting. She shares the same concerns and frustrations. San Bernardino County is not as proactive as the surrounding counties. Questions need to be raised not only to the County but to the Governor's Office. She requested a small business COVID-19 economic update. Small businesses have been impacted, and it is hurting the community. There needs to be a balance. She would like to know what the community plan is.

0o0

Mayor Pro Tem Scott expressed his concerns with the seniors in the community who must stand in line for hours to get tested. He asked why the City of Rialto does not have drive-through testing. The City of Rialto is one of the few cities with paramedics. We should have the best program available but do not. We need answers with vaccine roll out. A better job needs to be done in assisting senior citizens. These serious issues need to be addressed. There needs to be a mask campaign to encourage people to wear masks. Small business guidelines need to be fair and equal or else they will be put out of business. The City of Rialto should be loud and vocal to the Governor's Office and the legislators and something needs to be done. He would like the City to address the State and San Bernardino County.

0o0

Mayor Robertson asked about exceptions made to assist the business community and seniors and those who are medically vulnerable. She encourages Acting City Manager Grayson to join in the online meetings. She asked about the status on the eviction moratoriums.

0o0

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

TAB 4:
Update on the Continued Existence of a Local Emergency in Response to the COVID-19 Outbreak

Acting City Manager Grayson stated the City of Rialto eviction moratorium is based on the Governor's Emergency Declaration. It will be in effect until the State Orders are rescinded or until the City Council takes action to rescind it.

0o0

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote 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; and 2) Adopt **Resolution No. 7695** Accepting the Bureau of Justice Assistance FY 20 Coronavirus Emergency Supplemental Funding Program Grant and Appropriate Funding for FY2020/2021 in the Amount of $96,072 giving the Acting City Manager direction to draft a letter to the San Bernardino County Department of Public Health Director Corwin Porter to formally invite him to a Zoom or City Council meeting to answer community questions.

0o0

REPORTS

City Council gave their reports.

0o0

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 9:21 p.m.

The City Council adjourned in memory of:

Alan Dyer
Rialto Resident and
Former Rialto Unified School District Board Member
Former West Valley Water District Board Member

Frank Rickman
Rialto Resident and
Husband of
Utilities Commissioner Barbara Zrelak-Rickman

Fabiola Rios
Rialto Resident

Julia Calhoun
Mother of Mayor Deborah Robertson

DocuSign Envelope ID: 56753C80-9228-4B77-8DF3-A33EA8D61DF6

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE