

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

**MINUTES
January 26, 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 26, 2021.

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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 5:04 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 Rafael Trujillo Council Member Andy Carrizales and Council Member Karla Perez.

Also present were Acting City Manager Sean Grayson, Interim City Attorney Eric Vail and City Clerk Barbara McGee.

Edward Carrillo was absent.

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CLOSED SESSION

- 1 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
One (1) matter
SBSC Case No. CIVDS1918930
Ninth Circuit Case No. 20-55164

CLOSED SESSION

2 LIABILITY CLAIMS

- Pursuant to Government Code section 54956.95
Eleven (11) Workers Compensation matters
- Donald Hatcher III, Compromise & Release
Claim Numbers: 1792900006 / 1792900002/ 1792900007
 - Donna Crow, Stipulated Settlement –
Claim Numbers: SAC0000181833 / 1892900028
 - Christopher Farmer, Compromise & Release –
Claim Number SAC0000178683
 - Dean Hardin, Compromise & Release –
Claim Number SAC0000178724
 - Jeremy Hintz, Compromise & Release –
Claim Number SAC0000178733
 - Carl Jones, Compromise & Release –
Claim Number SAC0000178718
 - Gregory Marquez - Compromise & Release –
Claim Numbers -19929000241 / SAC0000178743
 - James Mills - Compromise & Release –
Claim Number SAC0000178681
 - Robert Morales - Compromise & Release –
Claim Number SAC0000178722
 - Cameron Nelson - Compromise & Release –
Claim Number SAC0000178713
 - Joseph Viola - Compromise & Release –
Claim Number 17929000018

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by 5-0 vote to go into Closed Session at 5:05 p.m.

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City Council returned from Closed Session at 6:30 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:35 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 Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were Acting City Manager Sean Grayson, City Clerk Barbara McGee, Interim City Attorney Eric Vail and City Treasurer Edward Carrillo.

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Pledge of Allegiance and Invocation

Council Member Trujillo led the Pledge of Allegiance.

Pastor Dr. Victor Nolen – Word in Action Christian Church gave the invocation.

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

1 LIABILITY CLAIMS

Pursuant to Government Code section 54956.95

Eleven (11) Workers Compensation matters

- Donald Hatcher III, Compromise & Release
Claim Numbers: 1792900006 / 1792900002/ 1792900007
- Donna Crow, Stipulated Settlement –
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Claim Number SAC0000178718
- Gregory Marquez - Compromise & Release –
Claim Numbers -19929000241 / SAC0000178743
- James Mills - Compromise & Release –
Claim Number SAC0000178681
- Robert Morales - Compromise & Release –
Claim Number SAC0000178722
- Cameron Nelson - Compromise & Release –
Claim Number SAC0000178713
- Joseph Viola - Compromise & Release –
Claim Number 17929000018

Interim City Attorney Eric Vail stated the City Council gave direction to Special Counsel and Acting City Manager with regard to disposition of those claims. It is not appropriate to announce the terms. They have not been agreed or finalized all parties.

**2 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION**

Pursuant to Government Code section 54956.9(d)(2)

One (1) matter

SBSC Case No. CIVDS1918930

Ninth Circuit Case No. 20-55164

Interim City Attorney Eric Vail stated the City Council was briefed by the Special Counsel. Mayor Robertson recused herself from the Item. There is no other reportable action. That concludes City Attorney's Report.

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**PRESENTATIONS AND
PROCLAMATIONS**

COVID-19 Briefing Report – Corwin Porter, Public Health Director
In Memoriam of Gary Rico, 13-year Rialto Police Volunteer.

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ORAL COMMUNICATIONS

Lupe Camacho asked about City Council meeting Spanish translation and closed captioning services made available to the public. She inquired about change orders on Public Works Construction projects. She stated change orders need to be approved by the City Council prior to work being performed. She reminded the City Council about ADA compliance.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

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

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 27 (01/14//2021)

B.2 Warrant Resolution No. 28 (02/21/2020)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – January 12, 2021

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D. CLAIMS AGAINST THE CITY

D.1 Dawn Marie Hall – Damages

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E. SET PUBLIC HEARING

E.1. Request City Council to Set a Public Hearing for **February 9, 2021** to consider (1) **General Plan Amendment No. 2019-0004**, which is a request to change the general plan land use designation of approximately 2.92 gross acres (2.77 net acres) of land from Residential 6 to Residential2, (2) **Zone Change No. 2019-0003**, which is a request to change the zoning designation of approximately 2.92 gross acres (2.77 net acres) of land from Single-Family Residential (R-1C) to Multi-Family Residential (R-3), (3) **Tentative Tract Map No. 2019-0002 (TTM 20294)**, which is a request to allow the subdivision of approximately 2.92 gross acres (2.77 net acres) of land into twenty-two (22) single-family lots and two (2) common lots, (4) **Precise Plan of Design No. 2020-0005**, which is a request to allow the development of a private residential neighborhood consisting of twenty-two (22) detached single-family dwelling units with corresponding improvements, and

CONSENT CALENDAR

(5) a Mitigated Negative Declaration (***Environmental Assessment Review No. 2019-0033***) prepared for the project, in accordance with the California Environmental Quality Act (CEQA).

- E.2 Request City Council to Set a Public Hearing for **February 23, 2021**, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2020 Calendar Year.

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F. MISCELLANEOUS

- F.1 Request City Council to Adopt **Resolution No. 7695** A Resolution of the City Council of the City of Rialto, Amending the City's Conflict of Interest Code and List of Designated Employees.
- F.2 Request the City Council Approve Acting Pay for the Position of Acting City Manager in Fiscal Year 2020-2021.
- F.3 Request City Council to Approve the Submission of a Sustainable Communities Program Grant Application to the Southern California Association of Governments to Receive Technical and Administrative Assistance through the Housing and Sustainable Development Program.
- F.4 Request City Council, acting as the Successor Agency, to Adopt **Resolution No. SA1-21** Terminating an Owner Participation Agreement By and Between the Rialto Redevelopment Agency and T.S. OPUS, LLC.
- F.5 Request City Council to Approve an Increase to the Annual Purchase Order No. 2021-0487 with Galls, LLC for Fiscal Year 2020/21 , in an Additional Amount of \$15,000 for Uniforms and Safety Equipment Through June 2021 for a Total Purchase Order Amount of \$30,000.
- F.6 Request City Council to 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.
- F.7 Request City Council to Adopt by Second Reading **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".
- F.8 Request City Council to Adopt by Second Reading **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.

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CONSENT CALENDAR

Council Member Trujillo requested Item F.6 to be pulled for discussion.

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Council Member Carrizales stated he will abstain from Item F.4 due to a conflict of interest with his business at the Renaissance Marketplace.

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Mayor Pro Tem Scott asked TAB 10 be pulled and be carried over to the next City Council meeting on February 9, 2021. There needs to be a broader discussion as to who represents the City in lawsuits.

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Item B.1 and B.2 Approval of Warrants

Mayor Robertson stated she will be abstaining on Item B.1 and B.2 but would like clarification on Warrants No. 20-0949 and 20-0950. She would like clarification on hotel reimbursements for hotel accommodations related to COVID-19 and asked who authorizes the invoices.

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Acting City Manager Grayson stated it is handled per department, which in this case would be the Fire Department. They are authorized by the Interim Fire Chief Brian Park through the usual reimbursement process. Some are reimbursements and some are direct payment.

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Mayor Pro Tem Scott inquired on the process of City employees using hotel accommodations and when was that authorized and approved. He does not recall the City Council approving it and asked why the Fire Department was the only department using it.

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Interim Fire Chief Park stated that this is not limited to the Fire Department. It was established in March or April 2020 through the emergency declaration by the former City Manager, Acting Director of Emergency Management. It is his understanding it was made available specifically to the Police Department. The Human Resources Department was coordinating the process for other departments within the City.

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Mayor Pro Tem Scott asked why the City Council was never made aware of this procedure.

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Item B.1 and B.2
Approval of Warrants

Interim Fire Chief Park stated that it was his understanding that the City Council was aware of this process and apologized if they were not.

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Mayor Robertson asked if it was part of the initial declaration on March 12, 2020 or was it established subsequently thereafter and asked if this information was provided to all the departments of its availability and asked if the internal memo could be provided to the City Council.

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Interim Fire Chief Park stated he will contact the Human Resources Department to determine how it was communicated and get back to the City Council.

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Mayor Robertson was uncertain if this process was made available to the entire City workforce. She made reference to someone being impacted by COVID-19 and having to work from their garage. She stated that something similar could be difficult for City employees. She was unaware of the resource being available to City employees.

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Council Member Trujillo asked if instead of purchasing surgical masks, the City would invest in N-95 masks for City employees and the public.

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Mayor Robertson agreed with Council Member Trujillo. She appreciates the County Director joining the meeting. She is concerned with some of the funds available for small businesses. She asked how the City can make available the CARES Act grants to the small businesses and with the purchase of temperature-reading equipment. She was informed the grant applies to micro businesses as opposed to small business. She believed the City should assist business communities with equipment purchasing or discounts. The City needs to do a better job with communicating information to the public and letting them know how the City Council is becoming proactive in addressing the COVID-19 pandemic.

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Council Member Carrizales stated that the community comes to their elected officials to seek information. Having the County Public Health Director, Mr. Porter, join the meeting is a step in the right direction. The City of Rialto abides with the State mandates. Small business communities want to know what the City Council's response has been to the pandemic. He would like to have more outreach to inform small businesses and residents what the City Council is doing and inform them that most guidelines and closures are mandated by the State.

**Item B.1 and B.2
Approval of Warrants**

Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve the Consent Calendar.

Council Member Carrizales recused himself from Item F4 and Mayor Robertson from Item B.1 and B.2, Warrants No. 20-0949 and 20-0950.

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PUBLIC HEARING

TAB 1

**Annexation of Territory; Adopt
Resolution No. 7698; Adopt Resolution
No. 7699**

Michael Tahan, Interim Director of Public Works, presented the staff report requesting the City Council to 1) Conduct a Public Hearing Regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2; 2) Request City Council to Adopt **Resolution No. 7698** Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2, Commencing in Fiscal Year 2020/2021; and 3) Request City Council to Adopt **Resolution No. 7699** Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith Commencing in Fiscal Year 2020/2021 , and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2021/2022 for said Annexation.

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Mayor Robertson declared the public hearing open.

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

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City Clerk McGee read the ballots into the record.

PPD2434: In Support

PPD2435: In Support

PPD0057: In Support

PPD0066: In Support

PPD0082: In Support

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Adopt **Resolution No. 7698** declaring the results of the Election Relating to the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2; and **Resolution No. 7699** Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2.

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NEW BUSINESS

TAB 2

Appointment of Mayor Pro Tem

Barbara McGee, City Clerk, presented the staff report requesting the City Council to Select and Concur with the Appointment of a Mayor Pro Tem.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to reappoint Ed Scott as Mayor Pro Tem.

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ORAL COMMUNICATION

Lupe Camacho stated her support for Mayor Pro Tem Scott.

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TAB 3

Elect and Confirm Mayor's Appointments to Internal External Committees

Barbara McGee, City Clerk, presented the staff report requesting the City Council to elect and Confirm the Mayor's Appointments of Council Members to Internal and External Committees.

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Mayor Robertson stated that she asked that staff liaisons and membership dues be included on the list of committees. She stated that she will not be on the Community Development Block Grant Ad Hoc Committee. She asked if Council Member Trujillo or any other Council Member would like to Chair or be appointed to the CDBG Ad Hoc Committee. She expressed concern for the warrant and believed it is time to revamp the Committee activity. The California Association of Public Cemeteries will be included on the list of Committees. She would like to be more informed and have elected policy members sit on the Committee.

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City Clerk McGee asked the Mayor if she will be appointing someone to the California Association of Cemeteries Committee and the Community Development Block Grant Ad Hoc Committee.

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Mayor Pro Tem Scott nominated Council Member Perez to the Community Development Block Grant Ad Hoc Committee.

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Council Member Trujillo stated he would like to participate in the League of California Cities Committee.

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Mayor Robertson stated she would like to be a co-committee member on the California Association of Cemeteries Committee.

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City Clerk McGee clarified appointments for California Association of Cemeteries Committee as Mayor Robertson and City Treasurer Carrillo.

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TAB 3
Elect and Confirm Mayor's Appointments
to Internal External Committees

Mayor Pro Tem Scott stated he would like to hand over the position of Voting Delegate of the League of California Cities to Council Member Trujillo.

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City Clerk McGee clarified that each Council Member is given equal opportunity for League of California Cities involvement. The Voting Delegation takes place annually. She noted that Mayor Robertson will be Voting Delegate, Council Member Trujillo will be Alternate Voting Delegate and City Clerk McGee third alternate.

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Mayor Robertson stated there are workshops for new elected officials, and it will probably be done virtual this time.

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Council Member Trujillo asked if the Budget Committee was an annual procedural meeting.

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Mayor Robertson stated it is an internal committee. She is hoping a budget workshop is available for participation.

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Mayor Pro Tem Scott stated it is a ceremonial meeting. In the past, the Budget Committee was very active and it was kept from the City Council and it changed after Mayor Longville left office.

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Mayor Robertson stated the Budget Committee may not have real purpose because all the City Council requests to be briefed are meant for openness and transparency.

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City Clerk McGee asked if the Budget Committee should be removed from the list of Committees.

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Mayor Robertson responded yes. She is hoping for a budget workshop allowing time for an open and transparent discussion. In addition, a dialogue has been reinitiated with the US Postal Service because it is important to understand their constraints that often put an undue burden on the citizens. Economically, the facility may not be meeting the needs of the community and their own employees. That conversation needs to continue.

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TAB 3
Elect and Confirm Mayor's Appointments
to Internal External Committees

City Treasurer Carrillo recommended Rialto resident, Lupe Camacho be invited to participate in the California Association of Cemeteries Committee.

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Mayor Robertson believed that there should be an advisory body to that Committee to have experienced individuals.

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ORAL COMMUNICATION

Lupe Camacho stated she would accept to participate in the California Association of Cemeteries Committee. She would be happy to assist in any way. She also asked about the possibility of the City organizing a COVID-19 Coordination Committee and stated she would volunteer her time to the effort and keep the City informed of vaccination process.

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Mayor Robertson appreciated Ms. Camacho bringing this forward. She agreed in having a coordinated effort. The pandemic will bring health issues that will need to be addressed. She questioned if it was time for the City to have its own Assistant Public Health Officer to galvanize the City's concerns directly through the County. She is open to it.

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Ms. Camacho stated she is ready to assist in bringing the necessary information, consolidating the committee to be able to have access to the vaccines available to the public.

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Mayor Robertson asked Acting City Manager Grayson to coordinate the effort with Healthy Rialto component. She asked Council Member Perez, City Clerk McGee and Ms. Camacho to coordinate.

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Interim City Attorney Vail asked if this will be an ad hoc or a long-standing committee.

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Mayor Robertson stated it is to be an ad hoc committee.

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Interim City Attorney Vail stated that preliminarily it will be set for a 12-month time limit, and it can then be re-evaluated.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Confirm the Mayor's Appointments of Council Members to Internal and External Committees with noted changes.

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NEW BUSINESS:
TAB 4
Adopt Ordinance No. 1655
Amend City of Rialto Conflict of Interest

Randall Keen, Special Counsel, presented the staff report requesting City Council to Adopt **Ordinance No. 1655**, to Amend the City of Rialto's Conflict of Interest Ordinances.

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Mayor Robertson asked if Ordinance No. 1655 is more restrictive or equal to other requests that HUD would expect or have made requests of other cities. She also asked about the business relationships and subcontracting disclosure levels and "familia" relationship and how it applies to department heads as well.

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Mr. Keen stated that all cities are subject to the HUD regulations. This is a more restrictive ordinance than other cities. The City Council asked that an ordinance be prepared that impacts grant and contract making to avoid giving the appearance of any conflict. With respect to the HUD grants, it is not more restrictive than what HUD's enforcement division requires. It is at the same level. HUD reviewed it and said it would be very helpful in avoiding future non-financial conflicts of interests. This was not designed to replicate the financial conflict of interest restrictions that the state law governs. It was not intended to identify every situation. It is intended to apply to everybody that works for the City, employees and executives and elected officials.

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Mayor Robertson stated that the whole objective is to be transparent and being forthcoming is the only way to achieve it. How do we ensure to look further into the financial side, relationships, association that come into play? We have senior management positions that will be trusted to be part of something. The disclosure side needs to be a burden on them as well.

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Mr. Keen, stated that the form could be drafted that would not require City Council approval but add a level of detail so that contractors and grantees who are proposals to the City could identify anyone that they know of who works in the City that might have a financial interest. But as far as the City identifying their own employees who may have worked for someone, that should be disclosed when they file their Form 700.

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Interim City Attorney Vail stated that there is now a requirement for the disclosure of either financial or non-financial interest for persons supplying goods and services, down to the level of employees at the City. If the City Council wants to be more restrictive, we could amend this as the City Council sees fit. Right now, we are trying to put a package in place allowing us to move forward with HUD.

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NEW BUSINESS:
TAB 4
Adopt Ordinance No. 1655
Amend City of Rialto Conflict of Interest

Mayor Pro Tem Scott agreed with Mayor Robertson and additional information will need to be added to the Ordinance in the future. The bottom line is if someone has a conflict of interest, they need to declare and abstain from that item.

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Council Member Trujillo asked about enforcement if local ordinance is violated.

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Mr. Keen stated that if someone violates the ordinance, they could be subject to public censure. If it was a conflict of interest in the making of a contract, the person could be prohibited from participating in the making of a contract for the next 12 months. If it was in the making of a grant, the person could be prohibited from participating in the making of any grant by the City for up to 24 months. If the City decided it was an egregious circumstance, the person could be subject to an administrative fine pursuant to the City's current Ordinance at Chapter 1.10. It depends upon what level a person violates as to who would impose those penalties. If it is an employer or consultant, the City Manager would impose those penalties. If it is a person who holds an elected or appointed City Office or City Officer, then it is the City Council that makes those decisions on enforcement.

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Interim City Attorney Vail stated it was suggested that the Ordinance be tightened further to include business relationships that people might have had with a vendor or proposed grantee. We can make changes to the Ordinance between now and the second reading of the Ordinance when it comes back in two weeks. Special Counsel and I can certainly look at whether there is an appropriate place to further describe that business relationship requirement.

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Mayor Robertson stated that this was operating from what we could bring from our various backgrounds as to what is conflict of interest. There are other matters that will be reviewed. The business element should be looked further between readings. There is a slippery slope. It is uncertain how much people, who have had working relationships, have disclosed.

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Interim City Attorney Vail read Ordinance No. 1655 into the record.

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TAB 4

Adopt Ordinance No. 1655

Amend City of Rialto Conflict of Interest

ORDINANCE 1655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST ORDINANCE (CITY OF RIALTO CODE OF ORDINANCES SECTION 2.48.140) AND CONFLICT OF INTEREST DISCLOSURE ORDINANCE (CITY OF RIALTO CODE OF ORDINANCES SECTION 2.48.145).

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to approve Ordinance No. 1655.

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.

TAB 5

Authorize Purchase Order with Lenovo

Joachim Romero, IT Services Manager, presented the staff report requesting City Council to Authorize a Purchase Order with Lenovo for a Not-To-Exceed Amount of \$218,891.56 for the Purchase of Laptops, Desktops, and Monitors.

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Council Member Trujillo asked about the age of the current malfunctioning computers.

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Mr. Romero stated most of the computers have been out of warranty for quite some time. A typical business computer lifespan is three years. Several models have expired going back to 2013. In addition to compatibility issues, there are operating system failures and network problems.

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Council Member Trujillo asked about the computers in the Senior Complex. He asked if there was a computer plan for the Senior Complex where there is a lot of need and if there is a process for the malfunctioning computers.

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Mr. Romero stated there is a surplus process. The salvageable computers are used in areas that are not considered production and can be repurposed.

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TAB 5
Authorize Purchase Order with Lenovo

Mayor Robertson stated that the surplus process is another area that will be revisited.

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Mayor Pro Tem Scott stated that initially Dell computers were spec'd. He asked if Lenovo exceed the specs of the Dell and meet the needs of the City.

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Mr. Romero stated Dell and Lenovo are both great products. However, he was able to obtain a reasonable deal with Lenovo that will meet the City's expectations. In his prior government agency work experience utilizing Lenovo, the warranty and customer service has been excellent. A lot of government agencies use Lenovo.

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Mayor Robertson asked if any other brands were considered before Lenovo.

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Mr. Romero stated there was no bid for this hardware purchase. There are many other comparable devices. The decision factor behind Lenovo is due to prior experience and economic feasibility and cooperative agreement.

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City Treasurer Carrillo expressed the difficulties experienced in the past with the City's current operating system and not being able to communicate with the City's financial institutions. He expressed his concerns and wanted to ensure that the new upgraded operating system would allow for better communication and financial movement with the banks. Any new laptops that will be replaced in the City Treasurer's department will need to be compatible with the security software that is required by the banks.

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Mr. Romero stated that the reason behind the replacement of the outdated computers is to upgrade security vulnerability software and antivirus software. In order to comply with industry standards, this purchase needs to be made.

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Mayor Pro Tem Scott complimented and thanked Mr. Romero for fixing and assisting him with his email and calendar issues.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Authorize a Purchase Order with Lenovo for a Not-To-Exceed Amount of \$218,891.56 for the Purchase of Laptops, Desktops, and Monitors.

TAB 6

Approve Purchase Order with Blink IT Solution

Stephen Erlandson, Deputy City Manager, presented the staff report requesting the City Council to Approve a Purchase Order with Blink IT Solutions in the Amount of \$52,514 for Information Technology Division Staff Augmentation Services.

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Motion by Council Member Trujillo, second by Council Member Perez and carried by 5-0 to Approve a Purchase Order with Blink IT Solutions in the Amount of \$52,514 for Information Technology Division Staff Augmentation Services.

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Mayor Robertson recused herself from TAB 7 and stepped away from the dais.

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TAB 7

Agreement with NCNW Bethune Center Workforce Development/Job Training Services.

Stephen Erlandson, Deputy City Manager, presented the staff report to Request City Council to Affirm the Approval of an Agreement with NCNW Bethune Center for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

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Mayor Pro Tem Scott stated he had asked that this item be placed back on the agenda due to an incorrect amount on the contract for signature. There needs to be a process reinstituted in the City to make certain that when a contract comes for final signature in cases where Mayor Robertson is not present and requires a Mayor Pro Tem signature, that the document is accurate. There were signatures already on the document in which amounts went unchecked. It is unfortunate and believed it can happen again. When the City Council originally approved this, half of the CARES Act funds through CDBG that was awarded to Ipply Global Companies, LLC. He also asked for the status of Ipply Global Companies, LLC.

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Mr. Erlandson stated that he spoke with Del Lewis, CEO, Ipply Global Companies, LLC. He received applications from Ipply Global Companies, LLC for his non-profit and his corporation. Mr. Lewis informed him that both of his foreign entities for both of his companies should be complete by the first or second week of February. That would be the only outstanding item to complete the entire process. All his references have been called and checked. Waiting on confirmation from the State.

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Mayor Pro Tem Scott asked if Deputy City Manager had confirmed with the State that those were submitted.

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Mr. Erlandson stated yes, he did.

TAB 7
Agreement with NCNW Bethune Center
Workforce Development/Job Training
Services

Mayor Pro Tem Scott requested this contract be expeditiously taken care of with the correct figures and have the NCNW Bethune Center begin starting the project. He asked if there was any way to report their progress.

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Mr. Erlandson stated that as part of the CARES Act and CDBG process, there are requirements for them to report to the City. If the City Council desires, a report can be provided in a public forum.

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Mayor Pro Tem Scott requested that a presentation be given to the City Council so they can be aware of their success or lack thereof on this program in the event the City will obtain additional funds.

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ORAL COMMUNICATION

Lupe Camacho expressed her concerns with the City awarding a company a grant prior to the State finalizing their process. She asked where the contract had been advertised and expressed concerns with inappropriate advertisement.

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Mr. Erlandson stated advertisements were made on the City website, and on the PlanetBids platform. The City is very fortunate to have received two bids in this regard.

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Mayor Pro Tem Scott stated there are several organizations doing this line of work. It went out for bid twice. In relation to what is being discussed tonight, it is the Bethune Center and their dollars. Regarding Ipply Global Companies, LLC, the State is experiencing paperwork processing delays due to COVID-19.

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Council Member Trujillo stated he usually refers the community to the County Workforce Development Board, one-stop career center in San Bernardino and Rancho Cucamonga. He asked what the difference is between the work in this proposal and CDBG. He asked if Barbara Williams with the NCNW Bethune Center was available to speak.

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City Clerk McGee stated no she was not.

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Mayor Pro Tem Scott stated that this Item was brought back because the amount was incorrect on the contract from the original document. So we wanted to reaffirm what the amount is.

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TAB 7

**Agreement with NCNW Bethune Center
Workforce Development/Job Training
Services**

Mr. Erlandson stated CDBG funds can be used for workforce development through the normal application process. The CARES Act funds were separate from what the City receives in which the City Council appropriated a set amount programmed for workforce development programs. When the City Council authorizes the applicant based upon the ad hoc committee's recommendations, this would be an applicable activity. They both serve workforce development activities.

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Mayor Pro Tem Scott asked the City Council their desire. Is it to reverify the amount of \$57,162 to the NCNW Bethune Center?

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Acting City Manager Grayson helped clarify Council Member Trujillo's question, the current allocation non CARES Act for NCNW Bethune is for young adults academic and pre-employment skilled program. While it is in the family of the workforce development, it is a different program than they offer here, which is a get-back-into-the-workforce program after being impacted by COVID-19 as opposed to pre-employment program targeting the high school population.

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Mayor Pro Tem Scott asked if this was the first or second round of funds.

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Acting City Manager Grayson stated that this is the first round allocated to workforce development.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to Affirm the Approval of an Agreement with NCNW Bethune Center for Workforce Development/Job Training Services for an Amount Not-To-Exceed \$57,162.

Mayor Robertson recused herself from TAB 7.

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Mayor Robertson returned to the dais.

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TAB 8

**Authorize Grant Application Submission
to DHS, FEMA Assistance to Firefighters
Grant Program FY2020 Cycle**

Brian Park, Fire Chief, presented staff report to Request City Council to Authorize the Submission of a Grant Application in an Amount Not-To-Exceed \$1 Million to the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program FY2020 Cycle.

0o0

TAB 8

Authorize Grant Application Submission to DHS, FEMA Assistance to Firefighters Grant Program FY2020 Cycle

Mayor Robertson asked if successful in obtaining the grant, would the 10 percent match also be distributed among those that are in partnership with this grant or only regional support.

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Fire Chief Park, stated it is regional support for the application process. Each agency is limited for what they can achieve by the number of seats that they currently have in operation.

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Mayor Robertson asked if it is a grant for the whole region or is everybody submitting their own application.

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Fire Chief Park stated that the grant application is a project, but the City piece would be limited to the \$1 Million as well as the other agencies based on their populations.

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Motion by Mayor Pro Tem Scott, second by Council Member Perez and carried by a 5-0 vote Authorize the Submission of a Grant Application in an Amount Not-To-Exceed \$1 Million to the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant Program FY2020 Cycle.

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TAB 9

Update and Direction on the Ad Hoc Firework Committee

Fire Chief Park, presented the staff report requesting City Council to receive update and provide and other direction on the Ad Hoc Firework Committee.

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Mayor Pro Tem Scott complimented the Firework Committee and Committee Chairman for the great presentation.

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Council Member Trujillo thanked the Fireworks Committee members. He stated that when speaking with Firework Committee members, non-profits organizations were discussed and how they could be impacted by permit-fee increases. It is his hope that the Firework Committee can have ongoing dialogue with the non-profit organizations.

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Council Member Carrizales thanked the Firework Committee for their hard work in trying to solve a solution to this problem. He enjoyed the presentation. Getting the message out to the community is going to be key. He looks forward to the findings.

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TAB 9

Update and Direction on the Ad Hoc Firework Committee

Mayor Pro Tem Scott stated he did speak with Committee Member Martinez. He was informed that now that the Committee's time has been extended, that is the Committee's next phase, to meet with the non-profit organizations.

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Fire Chief Park thanked the City Council for their Committee selection members. It is a solutions-based group that values collaboration and outreach and inclusion that are looking for win-win solutions. They are an optimistic group that values engagement with all different points of view.

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Mayor Robertson complimented the Firework Committee on a great presentation. She hopes it will be presented to various groups extending bilingual information out to the community. She asked what additional plans exist in addition to the Ad Hoc Committee. She asked if there will be a change in booth number participation and asked for data on the booths that will be participating.

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Fire Chief Park stated that they were waiting on the results on the Firework Committee extension and the results of the potential ballot measure. Enforcement plans will now take place as well as discussions with the non-profit organizations and work with City staff for any changes on application and permit process.

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ORAL COMMUNICATION

Lupe Camacho recommends the Fireworks Committee follow the City of Vista's fireworks display model that benefits the City, non-profit organizations and residents alike. She would be pleased to provide a contact number for someone at the City of Vista.

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Mayor Robertson thanked Ms. Camacho for the information. She stated that is something that should be explored with the Community Services Department.

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Motion by Council Member Carrizales, second by Council Member Perez, and carried by a 5-0 vote to accept the update and give direction to the Ad Hoc Firework Committee to create enforcement plans and discussions with the non-profit organizations and to meet with City staff regarding application and permit process changes.

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TAB 10

Agreements with Professional Legal Consultants to Investigation Services and Workers' Compensation Matters within Human Resources/Risk Management Department

TAB 10 was pulled and to return at the February 9, 2021 City Council meeting.

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TAB 11

Cactus Trail Improvements; Agreement to Fountainhead Consulting Corporation; Agreement with KOA Engineering; Delegate Authority to the Acting City Manager for Related Professional Services on Project

Michael Tahan, Interim Public Works Director, presented staff report to Request City Council to 1) Award a Construction Contract to Senitica Construction in the amount of \$1,466,200 for the Cactus Trail Improvements Project No. 170801 ; 2) Award a Professional Services Agreement to Fountainhead Consulting Corporation in the amount of \$248,855.20 for Construction Management, Inspection, Labor Compliance, Geotechnical and Material Testing Services; 3) Approve the First Amendment to the Professional Services Agreement with KOA Engineering in the Additional Amount of \$14,600 for Design Support Services during Construction; and 4) Delegate Authority to the Acting City Manager to Approve the Not to Exceed Amount of \$170,000 for Contingency for the Construction Contract and Amendments for Related Professional Services on the Project.

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ORAL COMMUNICATION

Lupe Camacho commented on a previous KOA Engineering project and recommends new projects reviewed prior to agreeing to new proposals.

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Mayor Pro Tem Scott asked if in order to proceed with this work, matching funds need to be produced in conjunction with this grant.

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Mr. Tahan stated that is correct. In 2017, when applying for the \$1.26 million CalTrans grant, there was a matching requirement. The City proposed utilizing \$514,000 from matching funds to make the application more lucrative to be able to get funding and receive award for \$1.26 million.

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Mayor Pro Tem Scott asked if the City Council was advised.

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Mr. Tahan, stated yes. That was part of that.

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Mayor Pro Tem Scott asked to see those documents and asked where the funds were coming from.

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TAB 11**Cactus Trail Improvements; Agreement to Fountainhead Consulting Corporation; Agreement with KOA Engineering; Delegate Authority to the Acting City Manager for Related Professional Services on Project**

Mr. Tahan stated the City Council approved an allocation for \$1.3 million dollars. He stated \$500,000 were allocated in FY2017-18; \$800,00 FY2019-20; All funds derived from Open Space DIF.

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Mayor Pro Tem Scott stated he will not support this project tonight. There are not enough funds to complete the project in its entirety. We have been plain about matching funds on projects and grants, but it continues to be ignored by staff. I asked for those documents today and did not receive them. Additionally, I talked to Mr. Grayson about OpenSpace DIF, and he told me that it can only be used for the Cactus Trail and the Rialto Trail. I found that to be inaccurate. OpenSpace can be used for anything open space in the City including Lake Rialto, including finishing other parks. Yet, we want to move forward with a project that we don't have the funds to do the parking lots or landscaping. So basically, taking out the asphalt trail and putting in a concrete trail. I find this as a project that is going to get partially done, and then there will be individuals wanting to finish it off by taking money out of the general fund or out of our profits on Economic Development and use it to put in landscaping and other improvements. I thought the City Council was clear the last time we talked about this. If we were going to move forward with this, we had to procure other grants to do it. It is my understanding that has been unsuccessful. I think a project that is not finished is the wrong way the City to go. It sends a bad message to the residents of this community. We need streets paved; we need infrastructure fixed. We don't need new projects currently. I am in favor of the Cactus Trail when we can secure the funds to do it. I think this illusion of doing the; yet we can't pave our streets. We are not getting other projects done is a wrong message to our community. I will be voting against this item tonight.

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Mayor Robertson asked who had done the engineering estimate and if it was done in-house. There is a big gap in the project, and she does not believe it will stay within the engineering estimate and what the contractor is willing to bid. It causes her to think there is something missing. She has concerns with the project. The age of our community that meets inclusiveness that benefits all ages. She discussed her concerns with the possibility of flooding that go beyond the Cactus basin that have not been addressed. She agreed with Mayor Pro Tem Scott. She cannot in good conscience support this right now.

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TAB 11**Cactus Trail Improvements; Agreement to Fountainhead Consulting Corporation; Agreement with KOA Engineering; Delegate Authority to the Acting City Manager for Related Professional Services on Project**

Council Member Trujillo stated that he does take issue with allocating funds from street improvements into this project. He hopes grant funds become available to complete this project. He is against using funds that can be used for street improvements. Rialto City streets generally need a lot of improvement and the priorities of the residents are elsewhere.

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Mayor Robertson asked Acting City Manager Grayson if the funds would be lost if a construction contract is not awarded.

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Acting City Manager Grayson stated that the City Council has until February 26 or 27, 2021 to move on this Item. It could come back at the next City Council meeting. The City Council can direct Staff to seek additional grants to fully fund this project, return funds, decline grants from CalTrans and DIF funds would not be used. Partial DIF funds have been spent on the design, but that design would remain valid until or updated at the point that the City were able to fully fund the project with grants.

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Mayor Robertson directed Acting City Manager Grayson to compose a letter to the CTC requesting an extension on the State funds. She also requested a meeting with County Supervisor Joe Baca Jr. to address what resources are available that the County could assist in the contribution of this project that adds regional connectivity. Or perhaps resolving the Rialto Channel bottleneck to avoid flooding before our window of opportunity is up.

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Mr. Tahan stated the extension received was through February 28, 2021. The grant version date goes through Year 2025. It will be confirmed with CalTrans, but it will keep the construction funds available for a few years. In 2019, the City unsuccessfully applied for the landscaping Urban Greening Grant program. The bids received were around the same range including contingency. More competitive bids have been seen in the last few cycles in the City. With this, \$300,00 was returned to the OpenSpace fund and still deliver this project.

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Mayor Robertson asked who did the engineering estimate.

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Mr. Tahan stated KOA performed the estimate and an independent contractor verified it.

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TAB 11

Cactus Trail Improvements; Agreement to Fountainhead Consulting Corporation; Agreement with KOA Engineering; Delegate Authority to the Acting City Manager for Related Professional Services on Project

Mayor Robertson asked why is there an engineering estimate over what needs to be constructed and a competitive bid process to the point that there is such a gap that is beyond 15 percent.

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Mayor Pro Tem Scott agreed with Mayor Robertson.

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Motion by Mayor Robertson, second by Mayor Pro Tem Scott, and carried by a 5-0 vote to send a letter of notification to the CTC informing that the project will extend beyond February 2021 and direct Staff to explore other resources and grants available and regional connectivity.

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REPORTS

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 11:01 p.m.

The City Council adjourned in memory of:

Gary Rico

13-year Rialto Police Volunteer

Paul Russ

Former City of Hesperia Mayor

Sara Sanchez

Rialto Resident and Wife of John Sanchez

Joe Flores Jr.

Rialto Resident with J & J Auto Fabrics



MAYOR DEBORAH ROBERTSON

ATTEST:



CITY CLERK BARBARA A. MCGEE