

**REGULAR MEETING
of the
CITY OF RIALTO**

**CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency**

**MINUTES
September 28, 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, September 28, 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 Pro Tem Ed Scott called the meeting to order at 5:01 p.m.

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

Also present were City Manager Marcus Fuller, City Attorney Eric Vail, and City Clerk Barbara McGee.

Mayor Deborah Robertson and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)
Twelve (12) Matters

2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code section 54957.6

Agency Designated Representatives: City Manager Marcus Fuller
Employee Organizations:

- City Government Management Association
- Rialto Fire Management Association
- Rialto Mid-Management & Confidential Employee's Association
- Rialto Policy 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

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Motion by Council Member Trujillo, second by Council Member Perez
and carried by 4-0 vote to go into Closed Session at 5:01 p.m.

Mayor Robertson was absent.

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City Council returned from Closed Session at 6:40 p.m.

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CALL TO ORDER

Mayor Pro Tem Scott called the meeting to order at 6:40 p.m.

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The roll was called, and the following were present: Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail, City Clerk Barbara McGee and City Treasurer Edward Carrillo.

Mayor Deborah Robertson was absent.

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Pledge of Allegiance and Invocation

Mayor Pro Tem Ed Scott led the Pledge of Allegiance.

Pastor Dr. Victor Noland – Word In Action Christian Center

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

1. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)
Twelve (12) Matters
The City Council completed this Item. There was no reportable action.

2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code section 54957.6
Agency Designated Representatives: City Manager Marcus Fuller
Employee Organizations:
 - City Government Management Association
 - Rialto Fire Management Association
 - Rialto Mid-Management & Confidential Employee's Association
 - Rialto Policy Benefit Association – Management
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 - Rialto Police Benefit Association – General
 - Rialto Professional Firefighters of California - Local 3688
 - Executive Management Team
 - Management Unrepresented Employees
 - Unrepresented Employees

The City Council completed this Item. There was no reportable action.
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**PRESENTATIONS AND
PROCLAMATIONS**

1. Proclamation - "International Walk to School Day" –
Council Member Karla Perez

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ORAL COMMUNICATIONS

Kareem Gongora through Zoom shared information on the 4th Annual California Clean Air Day taking place October 6, 2021.

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

Mayor Pro Tem Scott would like to pull Item D.5 and D. 6 for discussion.

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**D.5 & D.6
Approve the Sale of a Police
Service Dog**

Officer McDonagh briefly addressed the City Council and briefly spoke about K-9 Police Service Dog Blade.

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Officer Zirkle briefly addressed the City Council on K-9 Police Service Dog Boda.

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The City Council wished both K-9 Service Dogs Blade and Boda a good retirement and thanked them for their service.

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**D.2 Resolution 7775
Approving Property Lease for Installation
of Electronic Billboard**

Mayor Pro Tem Scott stated he is not going to pull Item D. 2 for a separate vote but expressed his concerns that a lease is being brought forward that has already been permitted. It seems nontransparent. He doesn't want to see that happen in the future.

Additionally, for transparent purposes, Mayor Pro Tem Scott requested all billboard or billboard-related leases be agenda items.

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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. 10 (09/09/2021)

B.2 Warrant Resolution No. 11 (09/16/2021)

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C. SET PUBLIC HEARING

C.1 Request City Council to 1) Set a Public Hearing for October 12, 2021, to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt **Resolution No. 7772** Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2021/2022; and to 3) Adopt **Resolution No. 7773** 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 2021/2022.

C.2 Request City Council to Set a Public Hearing for October 12, 2021 to consider an appeal of the Planning Commission's decision to deny Conditional Development Permit No. 2020-0020 and Precise Plan of Design No. 2020-0026, a request to allow the development and operation of a 47,609 square foot truck terminal and storage warehouse/distribution center, and associated paving, landscaping, fencing, lighting, and drainage improvements on 12.72 gross acres (11.80 net acres) of land (APNs: 0258-011-01,-09, &-10) located between Cactus Avenue and Lilac Avenue approximately 625 feet south of Slover Avenue within the Light Industrial (M-1) zone and the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan.

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CONSENT CALENDAR

D. MISCELLANEOUS

- D.1 Request City Council Adopt **Resolution No. 7774** Approving the Vacation of Existing Right of Way Located within Tract Map No. 17708, which is Generally Located on the West Side of Acacia Avenue and North of East James Avenue, and Reserving an Easement for Public Utility Purposes.
- D.2 Request City Council to Adopt **Resolution No. 7775** Approving a Property Lease by and between the City of Rialto and Lamar Central Outdoor, LLC for Installation of an Electronic Billboard on City Property Located at the Southwest Corner of Ayala Drive and the SR-210 Freeway.
- D.3 Request City Council to Receive and File Treasurer's Monthly Report for the month end of July 2021.
- D.4 Request City Council to Authorize the Release of Request for Bid No. 22-004 for the CDBG Curb, Gutter, and Sidewalk Improvement Project, City Project No. CB2201.
- D.5 Request City Council to Approve the Sale of a Police Service Dog for the Amount of \$1.00.
- D.6 Request City Council to Approve the Sale of a Police Service Dog for the Amount of \$1.00.
- D.7 Request City Council to Approve a Memorandum of Understanding Between the Rialto Unified School District and the City of Rialto to Provide Uniformed Presence at Eisenhower High School and Carter High School Football Games During the Month of October 2021.
- D.8 Request City Council to Adopt by Second Reading **Ordinance No. 1661 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 2.12.030, SECTION 2.12.040, SECTION 2.12.050 AND 2.12.060 OF THE RIALTO MUNICIPAL CODE TO ADJUST THE SALARIES OF THE MAYOR, MEMBERS OF THE CITY COUNCIL, CITY CLERK AND CITY TREASURER.**

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Motion by Council Member Trujillo , second by Council Member Perez and carried by a 4-0 vote to Adopt the Consent Calendar.

Mayor Robertson was absent.

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PUBLIC HEARING

TAB 1

Approve 2020-2021 Annual Performance and Evaluation Report (CAPER)

Stephen Erlandson, Finance Director, presented staff report to Request City Council to Conduct a Public Hearing and Solicit Public Comments from Interested Citizens, to Consider Approval of the City's 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) Related to the City's Community Development Block Grant (CDBG) Funds.

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Mayor Pro Tem Scott declared the Public Hearing open and asked if anyone wished to come forward to speak.

TAB 1

**Approve 2020-2021 Annual Performance
and Evaluation Report (CAPER)**

No one came forward to speak.

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Motion by Council Member Trujillo, second by Council Member Perez and carried by a 4-0 vote to close the Public Hearing.

Mayor Robertson was absent.

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Council Member Trujillo thanked Mr. Erlandson for organizing the CAPER. He asked if it will also go through the CDBG Ad Hoc Committee for discussion before being presented to the City Council.

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Finance Director Erlandson stated yes as part of the ongoing process it can go through the CDBG Ad Hoc Committee.

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Council Member Trujillo asked about the fund balance from the programs.

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Finance Director Erlandson stated most of the funds were issued for the public service organizations. Those that were not, were used to pay down the Section 108 loans with the program, the Senior building.

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Council Member Trujillo asked if that is something that is done automatically or needs City Council action.

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Finance Director Erlandson stated it is automatic. When funds are leftover, and there is a Section 108 loan, those monies are used to pay those loan balances.

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Motion by Council Member Trujillo second by Council Member Perez and carried by a 4-0 vote to Approved the City's 2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) Related to the City's Community Development Block Grant (CDBG) Funds.

Mayor Robertson was absent.

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NEW BUSINESS

TAB 2

**Adopt Resolution No. 7776
Deferral Agreement of Development
Impact Fees**

Marcus Fuller, City Manager, presented staff report to Request City Council to Adopt **Resolution No. 7776** Authorizing the City Manager's Approval of a Fee Deferral Agreement of Development Impact Fees and Traffic Fair Share Fees to be Paid by Beyond Food Mart, Inc. Related to Precise Plan of Design No. 2018-0036 .

TAB 2
Adopt Resolution No. 7776
Deferral Agreement of Development
Impact Fees

Council Member Trujillo asked about a standard process for deferral agreements.

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City Manager Fuller stated this will always come to the City Council in the form of this type of an agreement. The goal is to bring it before the City Council each time there is a request for consideration.

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Mayor Pro Tem Scott suggested that it should be on the application an applicant can apply for a deferral if they so need one. He also stated he wants to make certain it gets paid back before the issuance of a certificate of occupancy.

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City Manager Fuller stated that is exactly what the agreement requires.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 voted to Adopt **Resolution No. 7776** Authorizing the City Manager's Approval of a Fee Deferral Agreement of Development Impact Fees and Traffic Fair Share Fees to be Paid by Beyond Food Mart, Inc. Related to Precise Plan of Design No. 2018-0036.

Mayor Robertson was absent.

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TAB 3
Approve Services Agreement with
National Public Safety Group, LLC for of
CAD/RMS system upgrade

Police Chief Mark Kling presented staff report to Request City Council to approve a Services Agreement with National Public Safety Group, LLC, a North Carolina limited liability company, in the amount of \$105,640 for procurement, project management services and expertise in implementation of the Police Department CAD/RMS system upgrade.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 voted to approve a Services Agreement with National Public Safety Group, LLC, a North Carolina limited liability company, in the amount of \$105,640 for procurement, project management services and expertise in implementation of the Police Department CAD/RMS system upgrade.

Mayor Robertson was absent.

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TAB 4
Approve Services Agreement with
Kalmikov Enterprises, Inc. for repairs and
Preventative Maintenance of Fire
Apparatus

Brian Park, Fire Captain, presented staff report to Request City Council to 1) Approve a 3-year Services Agreement with Kalmikov Enterprises, Inc., a California corporation, dba Fire Apparatus Solutions, in the Amount of \$300,000 Annually for Repairs and Preventative Maintenance of Fire Apparatus.

TAB 4
Approve Services Agreement with
Kalmikov Enterprises, Inc. for repairs and
Preventative Maintenance of Fire
Apparatus

City Manager Fuller stated there is a typographical error in the staff report. It should, "1-Year Service Agreement with 4, 1-year options for a total term of 5 years."

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to 1) Approve a 1-Year Service Agreement with 4, 1-year options for a total term of 5 years with Kalmikov Enterprises, Inc., a California corporation, dba Fire Apparatus Solutions, in the Amount of \$300,000 Annually for Repairs and Preventative Maintenance of Fire Apparatus.

Mayor Robertson was absent.

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TAB 5
Approve Services Agreement with
Engineering with Engineering Resources
of Southern California and Willdan
Engineering for On-Call Plan Check
Services

Michael Tahan, Interim Public Works Director presented staff report to Request City Council to Approve the First Amendment to the Professional Services Agreements with Engineering Resources of Southern California and Willdan Engineering for On-Call Plan Check Services to Increase the Estimated Amount of Plan Check Services from \$300,000 to \$500,000 Annually.

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Council Member Trujillo emphasized and wanted special attention to the ADA considering there are residential areas.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to Approve the First Amendment to the Professional Services Agreements with Engineering Resources of Southern California and Willdan Engineering for On-Call Plan Check Services to Increase the Estimated Amount of Plan Check Services from \$300,000 to \$500,000 Annually.

Mayor Robertson was absent.

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TAB 6
Adopt Resolution No. 7777 Electing
Under Public Contract Code Section
22030; Introduce Ordinance No. 1662

Marcus Fuller, City Manager, presented staff report to Request City Council to Adopt **Resolution No. 7777** Electing Under Public Contract Code Section 22030 to Become Subject to the Uniform Public Construction Cost Accounting Procedures; and to Introduce **Ordinance No. 1662** to Amend Chapter 2.48 - Purchasing, of the Rialto Municipal Code.

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Council Member Trujillo thanked City Manager Fuller for including the comparative cities information in the report. He moves for approval.

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TAB 6

Adopt Resolution No. 7777 Electing Under Public Contract Code Section 22030; Introduce Ordinance No. 1662

Mayor Pro Tem Scott stated he is glad to see this done. It is 20 years overdue. Giving the City Manager authority will help streamline and get things done that get backed up waiting on the City Council. He concurred with everyone's motions. He thanked the City Manager for his work.

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Shanita Simmons, Purchasing Manager, addressed and thanked the City Council on approving Ordinance No. 1662.

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City Clerk McGee read Ordinance No. 1662 onto the record.

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ORDINANCE NO. 1662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 2.48 OF THE RIALTO MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING ORDINANCE.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to Adopt **Resolution No. 7777** Electing Under Public Contract Code Section 22030 to Become Subject to the Uniform Public Construction Cost Accounting Procedures; and to Introduce **Ordinance No. 1662** to Amend Chapter 2.48 - Purchasing, of the Rialto Municipal Code.

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

NOES: None. ABSTAIN: None.

ABSENT: Mayor Robertson

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TAB 7

Approve City of Rialto Climate Adaption Plan

Michael Tahan, Interim Public Works Director, and Asha Bleier, with Dudek, presented staff report to Request City Council to Approve the City of Rialto's Climate Adaptation Plan.

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Council Member Trujillo thanked Ms. Bleier for her report and stated Rialto is further along step 1. He moves for approval.

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Mayor Pro Tem Scott thanked Ms. Bleier for the presentation. It was interesting and informative. The conversation involved more about trees when presented to the CDC Committee.

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TAB 7

Approve City of Rialto Climate Adaption Plan

Interim Public Works Director Tahan thanked all City staff team involved in this effort. Members from Fire Department, Planning and Police Department. It was a collaborative effort.

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Motion by Council Member Trujillo second by Council Member Carrizales and carried by a 4-0 vote to Approve the City of Rialto's Climate Adaptation Plan.

Mayor Robertson was absent.

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TAB 8

Receive an Update and Confirm the Continued Existence of and Provide Further Direction to the Local Emergency in Response to COVID-19 Outbreak

Brian Park, Fire Captain, presented staff report to Request City Council to Receive an Update on and Confirm the Continued Existence of, and Provide any Further Direction in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

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Council Member Trujillo asked about Cal OSHA Advisory group meeting update.

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City Attorney Vail gave a Cal OSHA update. Has existing emergency temporary standards in place for COVID-19. They just recently released what their replacement permanent standards would be for public comment. It's going to be out for public comment until October 4, 2021. It may change. But currently, the draft of the proposed rule would not require vaccinations of employees, but it would require mandatory masking if the employee doesn't approve getting vaccinated. And it would also require employers to receive proof of vaccination instead of self-attestation. Currently, the City is allowed to receive a statement from somebody who has been vaccinated. That would go away. That rule would stay in place for two years before it would be changed or eliminated. The Federal OSHA is supposed to be working on the draft of the President's mandate that might also affect private businesses. At this time, it is unclear if that will affect States or local public entities such as Cities. We think not because of the separation of powers document. But we won't know until we see a draft. And the draft hasn't been made public yet.

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Brian Park, Fire Captain, stated that booster and third COVID-19 vaccinations are available at local pharmacies such as CVS, Walgreens, Rite-Aid, County sites, Rialto Farmers Market on Wednesdays and Johnson Center as well as COVID-19 testing.

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Council Member Trujillo asked if the Rialto Unified School District will be moving up their programming.

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TAB 8
Receive an Update and Confirm the
Continued Existence of and Provide
Further Direction to the Local Emergency
in Response to COVID-19 Outbreak

Brian Park, Fire Captain, stated Mr. Harris with the Rialto Unified School District is present to answer any questions.

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Council Member Trujillo asked if the students are being vaccinated.

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Derek Harris with Rialto Unified School District stated vaccinations are available for students 12 and older. Once the 5-11 age group is approved, we will continue to aggressively offer students and employees many opportunities to receive vaccinations. It is also offered to the community during vaccination clinics. There are no current mandates.

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Motion by Perez second by Council Member Carrizales and carried by a 4-0 vote to Continue the Existence of and Provide any Further Direction in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.

Mayor Robertson was absent.

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REPORTS

None.

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ADJOURNMENT

Motion by Council Member Perez second by Council Member Trujillo and carried by a 4-0 vote to adjourn the City Council Meeting at 7:45 p.m.

Mayor Robertson was absent.

The City Council adjourned in memory of:

Richard Scalan
Airport and Solid Waste Management Director

Scott Chilton
Former Rialto Police Department Sergeant



MAYOR PRO TEM ED SCOTT

ATTEST:



CITY CLERK BARBARA A. MCGEE