

# City of Rialto

*Council Chambers  
150 S. Palm Ave.  
Rialto, CA 92376*



## **Regular Meeting** **ACTION AGENDA**

**Tuesday, February 13, 2018**

**5:00 PM**

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

### **City Council**

*Mayor Deborah Robertson  
Mayor Pro Tem Ed Scott  
Council Member Joe Baca Jr.  
Council Member Rafael Trujillo  
Council Member Andy Carrizales  
Barbara A McGee City Clerk  
Edward Carrillo City Treasurer  
Fred Galante City Attorney  
Robb Steel Interim City Administrator*

*Members of the public are afforded an opportunity to speak on any listed agenda item. Please notify the City Clerk if you wish to do so. All agendas are posted in the City Hall Administration Building (150 South Palm Avenue, Rialto) at least 72 hours in advance of the meeting. All writings that relate to an agenda item for an open session of a regular meeting of the City Council distributed to all, or a majority, of the Council Members also shall be made available, at the same time but not sooner than 72 hours before a regular meeting, for public inspection in the Office of the City Clerk located at 290 West Rialto Avenue, Rialto, California (909-820-2519) from 7:00 a.m. to 6:00 p.m., Mondays through Thursdays, and on the City's website at www.rialto.ca.gov Any person having a question concerning any agenda item may call the City Clerk's office to make inquiry concerning the nature of the item described on the agenda.*

*Based upon the open meeting laws (the Brown Act), additional items may be added to the agenda and acted upon by the City Council only if it is considered to be a "subsequent need" or "emergency" item and is added by a two-thirds vote. Matters raised under Oral Communications may not be acted upon at that meeting other than as provided above.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Director of Public Works at (909) 421-7279. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CAR 35.102-35.104 ADA TitleII).*

## **Next Ordinance No.1590**

## **Next Resolution No.7284**

### **Called to Order By:**

### **ROLL CALL**

### **Rialto – Entering a Second Century of Progress**

- *Rialto will be a Family First Community*
- *Rialto Shall Attract High-Quality Development and Improve its Physical Environment*
- *Rialto's Economic Environment will be Healthy and Diverse*
- *Rialto will be an Active Community*

*All items listed on this agenda are being considered and/or acted upon by the City Council on behalf of the City of Rialto, except for such items as are designated by the "RUA," "RHA," which items are being considered and/or acted upon by the Members of the Rialto Utility Authority or Rialto Housing Authority of the City of Rialto in its separate legal capacity. For convenience and ease of administration only, the agendas for each separate legal body have been consolidated herein*

5:00 p.m.

**CLOSED SESSION**

- 1      [18-125](#)      Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
- (a) Ricardo Morris v. City of Rialto  
WCAB SAC0000178706
  - (b) David Jarvis v. City of Rialto  
WCAB SAC0000178682
  - (c) Anderson v. City of Rialto, et al.  
USDC Case No. 5:16-cv-01915-JGB-SP
  - (d) Ortiz v. City of Rialto  
USDC Case No. 5:16-cv-01384 GHK
- 2      [18-126](#)      Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
- 3      [18-140](#)      Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
- 4      [18-127](#)      Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
- (a) Subject:              Price and Terms-Real Property Acquisition
  - Property:              APN 0130-161-27  
                                 119 N. Riverside Avenue  
                                 Northeast corner of First St. and Riverside Ave.
  - Negotiators:            Robb R. Steel, Interim CA/Development SVS. Director  
                                 Refugio Johnson, Cuca's Mexican restaurant

- 5      [18-135](#)      Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:
- Agency designated representatives:  
Fred Galante, City Attorney  
Robb Steel, Interim City Administrator
- Employee organizations:  
RMMA Bargaining Unit  
RCEA Bargaining Unit  
RPBA Mgmt. Bargaining Unit  
RPBA General Bargaining Unit  
RFMA Bargaining Unit  
Rialto Firefighters Local 3688
- 6      [18-136](#)      Public Employee Performance Evaluation pursuant to Government Code Section 54957  
Title: City Administrator
- 7      [18-138](#)      Public Employee Performance Evaluation pursuant to Government Code Section 54957  
Title: City Attorney

6:00 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE--Council Member Andy Carrizales

INVOCATION-Rev. Barrett Van Buren, St. Peters Episcopal Church

City Attorney's Report on Closed Session

**PRESENTATIONS AND PROCLAMATIONS**

- 1        [18-128](#)        Presentation-Student of the Month December/January  
Mayor Deborah Robertson
- 2        [18-137](#)        Resolution In Memorium of Phyllis Hagmann-Mayor Deborah Robertson
- 3        [18-144](#)        Eagle Scout Presentation-Diego Bravo, Troop 514 and Public Works  
Superintendent Tony Brandyberry
- 4        [18-141](#)        Award Presentation to Rialto Network-Pastor Harry Bratton, Greater Faith  
Bible Church

**ORAL COMMUNICATIONS (5-min time limit)**

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

*NOTICE TO THE PUBLIC*

*All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the following form listed. There will be no separate discussion on these items. If discussion is required, the item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.*

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Motion by Council Member Baca Jr., Second by Mayor Pro Tem Scott, and carried by 5-0 vote to approve the Consent Calendar except for item F.2, F.3, F.4. Council Member Carrizales abstained.

## **CONSENT CALENDAR**

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

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

### **B. APPROVAL OF WARRANT RESOLUTIONS (ACTION)**

B.1 [18-117](#) Resolution No. 28 (01/25/18)

B.2 [18-118](#) Resolution No. 29 (02/01/18)

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

C.1 [18-119](#) Regular City Council Meeting-January 9, 2018

C.2 [18-142](#) Regular City Council Meeting-January 23, 2018

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

D.1 [18-063](#) Enrique Gonzalez - Vehicle Damage

D.2 [18-121](#) Angel Venegas - Vehicle Damage

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

E.1 [18-111](#) Request the City Council to Set a Public Hearing for **February 27, 2018** to consider **General Plan Amendment No. 17-02**, which is a request to change the land use designation of approximately 4.65 gross acres of land from Residential 6 to Residential 12, **Zone Change No. 337**, which is a request to change the zoning designation of approximately 4.65 gross acres of land from Single-Family Residential (R-1C) to Multi-Family Residential (R-3), and **Tentative Tract Map No. 2017-0004 (TTM 20084)**, which is a request to allow the subdivision of approximately 4.65 gross acres of land into twenty-nine (29) single-family lots and eight (8) common lots. The Planning Division prepared a Mitigated Negative Declaration (**Environmental Assessment Review No. 17-01**) for consideration in conjunction with the project.

**F. MISCELLANEOUS**

- F.1**     [18-026](#)     Request City Council to Approve Professional Service Agreement Amendment #1 with Kosmont Companies to provide additional Real Estate Services related to County Property at the southwest corner of Casmalia Avenue and Alder Avenue and Increase the Purchase Order Amount from \$27,000 to \$44,500.
- F.2**     [18-079](#)     Request City Council to (1) Accept the Rialto Community Resource Center Project; (2) Authorize Filing of the Notice of Completion; and (3) Authorize Release of Retention to IVL Contractors, Inc., a California Corporation.
- F.3**     [18-102](#)     Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for December 2017.
- F.4**     [18-103](#)     Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way, Alder Avenue, and Locust/Laurel/Walnut Escrow Accounts for December 2017.

**TAB PUBLIC HEARING**

- TAB 1**   [18-116](#)     Request City Council to Conduct a Public Hearing to: (i) approve **Resolution No. 7277** to adopt the Addendum to the Lytle Creek Ranch Specific Plan (LCRSP) Environmental Impact Report (EAR 2017-0053); and (ii) introduce for first reading **Ordinance No. 1598** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA TO APPROVE AN AMENDMENT TO THE LYTLE CREEK RANCH SPECIFIC PLAN AMENDMENT TO (A) ELIMINATE NEIGHBORHOOD I; AND (B) MODIFY THE LAND USE CONFIGURATIONS OF NEIGHBORHOODS II AND III, TEXTS, TABLES, AND CHARTS TO THE LYTLE CREEK RANCH SPECIFIC PLAN" (iii) and **Resolution No. 7278** to approve Tentative Tract Map No. 20092 (TTM 2017-0005) to create six (6) lots, one (1) remainder lot and thirteen (13) lettered lots for public open space, utilities and infrastructure on a 183.1-acre portion of Neighborhood II to facilitate a 672 lot residential subdivision (Continued from the January 23, 2018 City Council meeting).  
**(ACTION)(POWERPOINT)**  
**Motion by Council Member Baca Jr., Second by Council Member Trujillo, and carried by unanimous vote to approve Tab 1.**
- TAB 2**   [17-1145](#)     Request City Council to Conduct a Public Hearing to Adopt **Resolution No. 7280** Establishing Fair Share Fees for Projects Developed in the Pepper Avenue Specific Plan Area.  
**(ACTION)**  
**Motion by Mayor Pro Tem Scott, Second by Council Member Carrizales, and carried by unanimous vote to approve Tab 2.**

**TAB NEW BUSINESS**

**TAB 3** [18-114](#) Request City Council to Adopt: (1) **Resolution No. 7242** of the City Council Of the City Of Rialto, California, Declaring a Fiscal Emergency Pursuant to Article XIII C Section 2(b) Of the California Constitution; (2) **Resolution No. 7243** of the City Council of the City of Rialto, California, Calling and Giving Notice of the Holding of a Special Municipal Election on June 5, 2018, and Ordering the Submittal to the Voters at Said Special Municipal Election a Measure to Extend the Utility User Tax, with No Sunset Clause, and to Amend the Exemption for Individuals Who Are 65 Years or Older Such That the Exemption Applies Only to Said Individuals Earning Less Than \$100,000 Annually Per Household, in Order to Maintain the Current Level of City Services for the Residents of Rialto; (3) **Resolution No. 7244** of the City Council of the City of Rialto, California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis; (4) **Resolution No. 7245** of the City Council of the City Of Rialto, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections; and (5) **Resolution No. 7246** of the City Council of the City of Rialto, California, Requesting the San Bernardino County Board of Supervisors to Consolidate a Special Municipal Election to be held on Tuesday, June 5, 2018, with the Statewide Primary Election to be held on the Same Date, Pursuant To Section 10403 of the Elections Code.

**(ACTION)**

**Motion by Council Member Baca Jr., Second by Council Member Trujillo, and carried by unanimous vote to approve Tab 3.**

**TAB 4** [17-1009](#) Request City Council to Accept Public Improvements, Authorize the Recordation of a Notice of Completion, Authorize Reimbursement Payments to Thrifty Oil Company in the Amount of \$292,385 from Regional Traffic Fees related to the Construction of Public Improvements pursuant to the Construction and Credit Agreement, and Approve **Budget Resolution No. 7281**.

**(ACTION)**

**Motion by Mayor Pro Tem Scott, Second by Council Member Baca Jr., and carried by unanimous vote to approve Tab 4.**

**TAB 5** [18-101](#) Request City Council to (1) Adopt **Resolution No. 7282** Approving a Purchase and Sale Agreement by and between the City of Rialto and Roy and Leona Berglund ("Berglund Trust") for the Property Located at 1401 S. Riverside Avenue, and (2) Adopt Budget **Resolution No. 7283** Appropriating expenditure of \$220,000 from the General Facilities Development Impact Fund.

**(ACTION)**

**Motion by Mayor Pro Tem Scott, Second by Council Member Trujillo, and carried by unanimous vote to approve Tab 5.**



**TAB 6** [18-139](#)

Request City Council to Award a Professional Services Agreement to Kimley-Horn and Associates, Incorporated, in the Amount of \$101,500 to Design a Booster Pump Station Capable of Serving Domestic and Fire Protection Water to the Renaissance East Shopping Center.

**(ACTION)**

**Motion by Council Member Baca Jr., Second by Mayor Pro Tem Scott, and carried by 4-0 vote to approve Tab 6. Council Member Carrizales abstained.**

**REPORTS**

**MAYOR:**

**COUNCIL MEMBERS:**

**CITY ATTORNEY:**

**CITY ADMINISTRATOR:**

**ADJOURNMENT-Closing in Memory of Fire Engineer Scott Schwingel**