

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

**MINUTES
August 11, 2015**

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, August 11, 2015.

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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 5:00 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Baca Jr., Council Members Ed Palmer, Ed Scott, and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee.

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CLOSED SESSION

1. 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) City of Colton V. American Promotional Events, Inc. et. al.

CD Cal Case No. ED CV 09-01864 PSG (SSx) and consolidated cases.

(b) City of Rialto v. Chevron USA, Inc and related cross action
S.B. Superior Court Case No. CIVDS1406197

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CLOSED SESSION

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to go into Closed Session at 5:02 pm. All of City Council returned at 5:46 pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:03 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Joe Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O’Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

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Pledge of Allegiance and Invocation

Mayor Deborah Robertson led the pledge of allegiance and Pastor Rick Whited, Calvary Chapel Rialto gave the Invocation.

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City Attorney’s Report on Closed Session

City Attorney Galante stated that City Council met in Closed Session and discussed the one item listed under Closed Session on the Agenda.

- 1a. Existing Litigation, City of Colton V. American Promotional Events, Inc. et. al. City Council was briefed on the status and no further reportable action was taken.
- 1b. Existing Litigation, City of Rialto v. Chevron USA, Inc. and related cross action. City Council was briefed on the status and no further reportable action was taken.

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PRESENTATIONS AND PROCLAMATIONS

- 1. Planning Commission 2014-2015 Fiscal Year Annual Report - Board Member Pauline Tidler
- 2. Certificates of Appreciation-Rialto Police Dept. Citizen Recognitions Mayor Deborah Robertson
- 3. Presentation-2015 Battle of the Badges Chili Cook-Off Winners Mayor Deborah Robertson

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ORAL COMMUNICATIONS

Richard Goings, Rialto resident, expressed his concerns regarding water restrictions and increased water rates.

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David Phillips, Rialto resident, expressed his concern regarding another McDonald’s in the City.

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Rialto resident, expressed his concern regarding a warning he received from Code Enforcement for his lawn removal.

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ORAL COMMUNICATIONS

Council Member Palmer stated that staff needs to look at the Ordinance to see if what they did fits. They may need to do some tweaking because of the drought. People will be putting in artificial turf.

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Mayor Robertson stated that it would be helpful if staff would bring back some information on what the concern was. If for some reason the Ordinance seems to be counter and conflict to the actions they adopted.

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Mayor Pro Tem Baca Jr. stated based on the photos of the family, he thinks their intent was to try to conserve water. He thinks it looks really good and they should try to work with the family. He doesn't feel it's in violation of their goals a City.

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Marvin Norman, Inland Empire Biking Alliance, invited everyone out to the Rialto Bike Rodeo. He expressed the need for bike access.

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Removing or Continuing Items

City Administrator Story requested that TAB 13 be pulled and continue to the August 25th City Council Meeting.

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City Attorney Galante stated that they will need to Consider TAB 5 first before they consider TAB 1.

He also noted that there were typographical errors to the Ordinance under E.4. This the warrant approval process. He noticed that there is a reference to 3.30.010, even though the rest of the Ordinance does have the correct section which is 3.20.010. There is also a reference to Chief Financial Officer under subparagraph B and that should be City Treasurer as consistent with the prior ordinance.

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Council Member Palmer pointed out the typographical error of RESEND, should be RESCIND.

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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 Resolution No. 04 (07/31/15)

B.2 Resolution No. 05 (08/07/15)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - July 28, 2015

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D. SETTING OF PUBLIC HEARINGS

D.1 Request City Council to Set a Public Hearing for August 25, 2015, to review and adopt by resolution, the Revised 2010 Urban Water Management Plan.

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E. MISCELANEOUS

E.1 Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 15-085 for the Rebid of Rialto Police Department Training Room Addition, City Project No. 140210.

E.2 Request City Council to Approve the Contract Documents and Authorize the Release of Request for Bids No. 16-007 for the Facilities ADA Improvement Project, City Project No. 150201.

E.3 15-563 Request City Council to Approve a Purchase Order for Annual Extended Warranty and Preventive Maintenance for the Fire Departments AutoPulse's and Cardiac Monitors/Defibrillators to Zoll Medical Corporation in the amount of \$25,549.

E.4 15-570 Request City Council to Adopt on Second Reading Ordinance No. 1561, entitled OF RIALTO, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY CALIFORNIA, AMENDING SECTIONS 3.20.010 OF THE RIALTO MUNICIPAL CODE TO RESEND THE WARRANT APPROVAL PROCESS UNDER ORDINANCE NO. 1551 AND REINSTATE THE PRIOR WARRANT APPROVAL PROCESS".

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ITEM E.4

City Treasurer stated if they are rescinding the entire Ordinance 1551, 1551 created subsection A, B, C, in 3.20.010. If they rescind the entire Ordinance then are they eliminating those subsections?

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City Attorney Galante stated that Section 2 explains the sections being affected are only those provisions. So it's only the provisions referenced in Section 2 of the Ordinance which is Section 3.20.010 B&C. That is the more specific section that explains what is being rescinded and everything else remains. The wording states "with subsection 3.20.010 A remaining unmodified in full force and effect."

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CONSENT CALENDAR

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr., and carried by unanimous vote to approve the Consent Calendar.

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TAB 5 – I-210 Logistics Center 3 Project

Gina Gibson, Planning Manager presented the Staff Report regarding various applications necessary for the entitlement I-210 Logistics Center 3 Project. (Panattoni)

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Council Member Palmer left the dais at 6:50 pm and returned at 6:52 pm

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Mayor Robertson declared the public hearing open.

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David Phillips, Rialto resident, expressed his concern regarding the truck traffic in the area.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Council Member O'Connell stated that he trucks that come from the warehouse, where do they plan on driving to and accessing what freeways?

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Representative for Kimley-Horn & Assoc. stated they prepared the traffic analysis. Regarding traffic distribution, it was noted that there is a lot of traffic going to the Ayala interchange. However, due to the location of the project, it would be much more appropriate for the traffic to go directly northbound. For this reason the traffic analysis does not assume that there would be any additional significant traffic impacts to the intersection. As part of the analysis they looked at 14 intersections including those around the project site and those to the north based on the type of use.

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Council Member O'Connell stated that the answer wasn't clear. Basically, which way are the trucks going to go and how are they going to access the freeway.

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Robb Steel, Director of Development Services stated that they constructed the improvements to direct the traffic onto Alder Ave., north to the on-ramp there. Miro Way is under construction now and most of the access points are north on Laurel Ave. and onto Alder and then the access ramps to the 210 freeway.

**TAB 5 – I-210 Logistics Center 3
Project**

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Council Member Scott stated that it's easy to say all the trucks are going North, but what is in the plan to make all the trucks go North. What keeps trucks from coming South to Baseline and then over.

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Staff explained it's the way they laid the facility out and the best entrance is the northeast corner of the site. The way the site lays out the exits onto Alder are all right turn only. There will eventually be a median on Alder, it will force the trucks up to the 210/Alder.

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Council Member Scott asked when is the median going to be built on Alder and is that in conjunction with this project?

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Ms. Gibson stated that the Transportation Commission as a stipulation that all of the improvements be done at the time of occupancy.

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Council Member Scott stated and No Left Turn signs posted on Laurel?

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Ms. Gibson stated that it doesn't show up in the resolutions here but at the precise plan of design, when they do the conditioning for the project then that would be when they add signage.

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Council Member Scott asked what will be in the median to keep trucks from going southbound?

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Ms. Gibson stated that she can't say there is anything in the median except that it's continuous.

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Council Member Scott stated so there is no assurance that no trucks are going to go left down to Baseline, over to Cedar and down to the 10 freeway.

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Ms. Gibson stated not a physical constraint.

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Council Member Scott stated that before he votes on this h wants to know what they are going to do to keep that from happening. He agrees that they have too many tucks on Cedar Ave. and for somebody to come in to say it's their intent to make everybody go north simply doesn't work for him.

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TAB 5 – I-210 Logistics Center 3 Project

Ms. Gibson stated since this project is talking about the CEQA analysis and some of the other entitlement projects, would they like to put that direction to staff and have them address that as a condition in the precise plan of design process?

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Council Member Scott stated that he hears too many times that trucks are not going to go one way or the other but the end up going. This is one of the problems they have in the City. They have trucks going down City streets that they shouldn't be on. Riverside Ave, is an example, yet it continues to go on. They have no traffic enforcement in the City that deals with that. Maybe one of the mitigations in this, is that the projects ought to be paying for commercial enforcement. We have heard this from the community many times. This is not one of his favorite projects. He is not going to continue to support it until he sees some mitigation. The other thing that bothers him is that this all intertwined with the Church. But they are conditioning the Church on the warehouse.

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Ms. Gibson stated that it requires an entitlement application. They could have taken them separately but the environmental document encompasses both and were submitted and being constructed by the developer. They were filed and signed off by the Church as one application.

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Council Member Scott stated that he just needs the assurance about the trucks going north.

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Council Member Palmer stated that they noted that there will be a raised median on Alder.

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Ms. Gibson stated that the landscaping component of the median is up to the Public Works Dept. and they are looking at water conservation.

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Robb Steel, Development Services Director stated that there will be a solid median and the City will be project developer.

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Council Member Scott asked how do they make a left turn off Alder Ave. if it's a solid median?

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TAB 5 – I-210 Logistics Center 3 Project

Robb Steel, Development Services Director stated Miro Way will be a left turn in. From Baseline to Miro Way it will be a solid median. There will be a signal at Baseline and Laurel Ave., Miro Way and Alder. Normally, they try to take them to the shortest distances and most trucks do that.

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City Attorney Galante suggested given the concern, he suspects the traffic study analyzed the trucks going towards the freeway. Is there some public improvements that the Public Works Director can suggest to address this particular?

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Gina Gibson stated that this is what she was asking of City Council would be amenable at the precise plan of design stage by the DRC to take a look at the site plan. Public Works at that time would give information and then take action on the project.

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Council Member O'Connell stated that they have constantly raised this issue and they are all in agreement that when they approve these warehouses, instead of just relying on the closest access, that they build hardscapes and/or medians. Maybe changing the rules for what roads they are allowed to access. Something they can highlight further in these types of reports.

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Mayor Robertson stated that this items is addressing the environmental and the project. But have they drilled down with the DRC looking at everything and the concerns that have been expressed.

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Ms. Gibson stated as of today they not gone through that process, they would wait for City Council's decision tonight. Given the clear direction it would be scheduled for a discussion preliminary review. Go over what the conditions should be based on City Council's direction. Then take an item back to City Council to say these are the things that the DRC and Public Works have come up with for approval.

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Mayor Robertson stated that they all get into the specifics. They have a Transportation Commission and they generally look very closely at all of the concerns as it relates to the traffic flow. She does recognize that one of the things she is constantly finding they are not really using is the fact to empower themselves and there are areas where they can restrict truck traffic. They have designated truck routes. Foothill is designated and Baseline is not. They have some control and they don't exercise that. They need to hear recommendations from the Commission of what more can they do.

TAB 5 – I-210 Logistics Center 3 Project

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Gina Gibson, Planning Manager stated that they need to have an overall discussion at the Transportation Commission level separate for all subsequent applications. For this one in particular come back with specific criteria that will be implemented in that particular design that will address City Council's concerns about traffic increasing on Baseline particularly at Cedar.

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Mayor Robertson stated including, if they don't say it, they tend to forget. Once they make the improvements and widen, there are homes on the south side. If they don't have signs that say no parking allowed at any time on the south side of Baseline, they will have the trucks stopping and idling. Even if they have the signs, she is a stickler for trucks parking in front of a no parking sign. She expects somebody to show up when she finds someone parked. They have to be stronger on their enforcement.

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Council Member Palmer stated this boiling down to traffic enforcement. How many commercial enforcement officers do they have?

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Police Chief Farrar stated they have one designated officer. All patrol responds to calls.

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Council Member Palmer stated this may be a good time to expand this enforcement.

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Mayor Robertson stated that she thinks the message has been conveyed very loud and clear.

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City Administrator Story stated that they can work on designs with Development Services. They can't prevent all of them but they can certainly eliminate and reduce the ones they can. They can do some type of design work to find a solution to prevent them from heading down Baseline.

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Mayor Robertson stated that they have talked about some type of toll when moving goods. And there have been placeholders for those types of action in the agreements.

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TAB 5 – I-210 Logistics Center 3 Project

Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to 1) Adopt **Resolution No. 6795** approving an Addendum (**Environmental Assessment Review No. 15-25**) to the Renaissance Specific Plan Environmental Impact Report (EIR) for all entitlements associated with the construction of a 2,264 square foot church and a 742,514 square foot warehouse; 2) Adopt **Resolution No. 6796** approving an **Amendment No. 4 to the Renaissance Specific Plan** to change the zoning of a 1.3 acre site from Utilities/Public Facilities to Employment Zone; 3) Adopt **Resolution No. 6797** approving **Variance No. 710** to vary from the setback requirements for the Employment zone; 4) Adopt **Resolution No. 6798** approving **Tentative Parcel Map No. 19649** to consolidate twenty-three (23) parcels of land and create one (1) parcel of land; and 5) Adopt **Resolution No. 6799** approving **Conditional Development Permit No. 773** to establish a church sanctuary in the Employment zone.

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TAB 1 - Necessity to Acquire Portions of Parcels

Robb Steel, Development Services Director presented the staff report regarding Necessity to Acquire Portions of APN# 0240-241-10, 38, and 56 from the San Gabriel Valley Water Company for a Project.

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Mayor Pro Tem Baca Jr. left the dais at 7:22pm and returned at 7:24pm.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Council Emmer Scott and carried by unanimous vote to close the public hearing.

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Council Member Scott stated he had a question regarding San Gabriel Valley Water operating piece of the property, you said they would do the improvements. He assumes that is curb, gutter, and sidewalk.

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Robb Steel, Development Services Directors stated yes and also landscaping.

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TAB 1 - Necessity to Acquire Portions of Parcels – San Gabriel Valley Water Company

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Resolution No. 6791 of Necessity to Acquire Portions of APN# 0240-241 -10, 38, and 56 from the San Gabriel Valley Water Company for a Project that would assemble underutilized and irregularly shaped parcels of land into a development site and construct various public improvements.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Scott, Palmer and O’Connell. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 2 - Necessity to Acquire Portions of Parcels – Estate of Cassel and Irma Dean Bowles

Robb Steel, Development Services Director presented the staff report regarding Necessity to Acquire Portions of APN# 0240-221-15, 18, 21 and 28 from the Estate of Cassel and Irma Dean Bowles for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Mayor Pro Tem Baca Jr. second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to Resolution No. 6792 of Necessity to Acquire Portions of APN# 0240-221 -15, 18, 21 and 28 from the Estate of Cassel and Irma Dean Bowles for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Scott, Palmer and O’Connell. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 3 - Necessity to Acquire Portions of Parcels - Estate of Ida N. Henderson

Robb Steel, Development Services Director presented the staff report regarding Necessity to Acquire a Portion of APN# 0240-221-16 from the Estate of Ida N. Henderson for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

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Council Member Scott stated so this is an estate where no successors to the estate could be found?

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Robb Steel stated that they couldn’t find them and the title company tried to track them down.

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TAB 3 - Necessity to Acquire Portions of Parcels - Estate of Ida N. Henderson

Council Member Scott asked who has been paying the property taxes?

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Robb Steel stated that there are no property taxes because it looks like a public roadway. The property owners to the north that have the underlining title have been paying property taxes.

Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to close the public hearing.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to adopt Resolution No. 6793 of Necessity to Acquire a Portion of APN# 0240-221-16 from the Estate of Ida N. Henderson for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Scott, Palmer and O'Connell. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 4 - Necessity to Acquire Portions of Parcels – Rosemead Properties

Robb Steel, Development Services Director presented the staff report regarding Necessity to Acquire Portions of APN# 0240-221-19 and 0240-221-28 from Rosemead Properties for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to close the public hearing.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to Resolution No. 6794 of Necessity to Acquire Portions of APN# 0240-221-19 and 0240-221-28 from Rosemead Properties for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., Council Members Scott, Palmer and O'Connell. NOES: none. ABSTAIN: none. ABSENT: none.

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TAB 6 – Assessment for Advanced Billing of Refuse Collection Fees

Robert Eisenbeisz, Public Works Director presented the staff report regarding Authorizing the Placement of an Annual Assessment for Advanced Billing of Refuse Collection Fees.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to close the public hearing.

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Council Member O’Connell stated that he noticed that here is a 15 day window. To notify the representative to contact, referencing the public hearing. Can they extend that to a 3 week notice? So people can have a chance to look at it. He is bad at getting mail and not looking at it right away.

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Mr. Eisenbeisz stated this could be done, the Ordinance required the 15 days.

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City Attorney Galante stated that this is correct, they can longer but they can’t go shorter than the legal requirements. They can direct staff to provide longer notice.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt Resolution No. 6800 Authorizing the Placement of an Annual Assessment for Advanced Billing of Refuse Collection Fees for the 2015/16 Fiscal Year.

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TAB 7 - “Selective Traffic Enforcement Program” Grant

Police Chief Farrar presented the staff report regarding the “Selective Traffic Enforcement Program” Grant.

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ORAL COMMUNICATIONS

David Phillips, Rialto resident, expressed his concern regarding the lack of funding for the police dept. and what happens when Grant funding runs out.

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Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to Accept California Office of Traffic Safety “Selective Traffic Enforcement Program” Grant and Adopt Budget Resolution No. 6801 Appropriating Funds in the Amount of \$202,070.

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TAB 8 - Preventative Maintenance and Repairs of Fire Department Apparatus

Fire Chief Fratus presented the staff report regarding Preventative Maintenance and Repairs of Fire Department Apparatus.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to Approve an Increase of \$31,300 to Fire Apparatus Solutions Purchase Order No. 2015-0657 for FY2014-15 for a total of \$156,300 for Preventative Maintenance and Repairs of Fire Department Apparatus.

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TAB 9 - Rialto Progress Community Magazine

George Harris, Director of Administrative and Community Services presented the staff report regarding Rialto Progress Community Magazine.

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Mayor Robertson stated that she was concerned with the fact that they were looking at making this multiple years of accepting it without making sure it comes back to them. In the 5th year she's like to go out to bid and know they are getting the best competitive price. She appreciates the clarification. Also, her only thing was that previously they put where the companies are located. This wasn't referenced nor was there an attachment for signing this subsequent agreement.

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Mr. Harris stated that Little Bear is located in the Etiwanda/Fontana area. Clearwater Graphics is located in Rancho Cucamonga.

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Council Member Scott stated in the magazine, has there ever been any consideration or any effort to sell businesses in the City, advertising.

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Mr. Harris stated yes, they have sold advertising. There are pages that speak to that in the magazine.

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Council Member Scott asked if the company actually does any recruiting for advertising? The Police Dept. does a calendar every year and the company calls the businesses and asks if they want to place an ad. Every year he buys an ad. He wonders why the magazine doesn't make a bigger effort to call local businesses to sell ads.

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City Administrator Story stated that wasn't in the scope of their bid to do that.

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**TAB 9 - Rialto Progress
Community Magazine**

George Harris, Director of Administrative and Community Services stated that the design company, Little Bear and Clearwater does the printing. If they were to consider bringing on or taking on that activity in-house to actively sell sponsorships they can do a better job at it.

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Council Member Scott stated that he agrees with the concept by taking it out to bid and putting that in the scope.

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City Administrator Story stated that is something they will incorporate when they go out to bid for it again.

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ORAL COMMUNICATIONS

David Philips, Rialto resident, stated that it's good to hear that the vendor is close. When they put out to bid again, to companies who have ideas on how to make the magazine better.

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Council Member O'Connell stated that he appreciates the fact that they are bringing up the five-year plan. He would like to see them continue any vendors, etc. they put out to bid at the end of 5 years and/or sooner.

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June Hayes, Rialto resident, stated that she is frustrated that she doesn't receive the magazine until after it starts. That it's a week or 2 into a new period so she can't plan for things.

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Mayor Robertson stated that in her discussion with Mr. Harris, more the timeframe. Somehow they are missing an opportunity and businesses are missing an opportunity to advertise. This would be a great way to offset some of the costs.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Approve Annual Purchase Orders for Fiscal Year (FY) 2015-2016 and 2016-2017 with the Option to Extend the Purchase Order on a Year by Year basis for the next Three Years following FY2016-2017, giving that Services provided are Satisfactory and Professional in Order to Facilitate the Production and Distribution of Three Issues of the Rialto Progress Community Magazine Per Fiscal Year, for Little Bear Productions, Clearwater Graphics, and for the United States Postal Service, for a total of \$142,974.54.

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TAB 10 – Terminate Purchase and Sale Agreement – Riverside Easton Retail Center

Robb Steel, Development Services Director presented the staff report regarding terminating the purchase and sale agreement with Fountainhead Shrugged LLC.

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ORAL COMMUNICATIONS

David Phillips, Rialto resident, stated he heard rumors of what would be in the remaining pad site. He likes the fact of additional parking. Are they getting their money's worth for the pad?

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Council Member O'Connell stated since they will not building a Coffee Bean in that location, he was concerned that In-N-Out might have restrictive parking and knows there are other proposal available and would be interested in seeing those. He knows that Coffee Bean started the process but they can no longer mover forward. The property across the street is prime property to them, because it's so close to In-N-Out. He was concerned that Coffee Bean was going to be given exclusive contracts with Council approval, first right of refusal and coffee exclusivity?

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Mr. Steel stated that if Council agrees with staff's recommendation then they would move in that direction. They haven't committed to that yet. They asked them if they were interested and they expressed interest. They actually asked for an Exclusive Right to Negotiate to be on the Agenda tonight. He thought they should take this interim step first.

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Council Member O'Connell asked how many people filled out letters of interest for that property?

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Mr. Steel stated that they had 10 letters of interest. Verbal conversations of interest about 40.

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Council Member O'Connell stated that he knows there was a local business that was interested in putting something there. And Dunkin Donuts was interested. He has heard that they shouldn't have Dunkin Donuts because it's not healthy enough. He has a feeling that if he was leaning more towards Dunkin Donuts because he doesn't have to worry about being healthy and it's a National Brand. There are not a lot of them in California.

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Mr. Steel stated that he is aware of only one Dunkin Donuts in Upland. And they have plans for many more.

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TAB 10 – Terminate Purchase and Sale Agreement – Riverside Easton Retail Center

Council Member O’Connell stated he would like to have the discussion so the public can hear as well. The final thing, when you read TAB 10 it doesn’t go into the fact that they will be talking about that extra piece of property across the street. It just talks about the pad near In-N-Out. In the future do a title that addresses it. Its prime property and they should be straightforward with the title.

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Council Member Scott stated that this item did come to EDC and they all had a concern about the In-N-Out site and the parking. He shares a similar concern about In-N-Out having exclusivity for the parking. They addressed that will staff in EDC. Their preference was to work out a different formula versus just allowing In-N-Out to have exclusive parking. He sees PD being called on a regular basis or towed vehicles. They need to make it a joint use. In-N-Out has exclusivity on hamburgers on that site. Generally it’s not uncommon for a major chain to request an exclusivity. As it was presented in EDC, Coffee Bean concern was that they would put another coffee place across the street. He agrees with the concept. As he read the staff report and in the recommendations it includes negotiating the sale of that property to coffee bean. To him he thinks it’s important the fact that they already have an agreement with Coffee Bean to be across the street, while the current agreement may not work it could be modified. He thinks it a proper move to secure the property for parking which they should have done in the beginning. The appropriate thing to do is offer to let them purchase across the street at market rate. If they decide to pay it then that would be his preference. While the property may be a valuable piece of property in a key location its very constrained by its size. Not everything can fit on that property.

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Council Member Palmer stated when he read the staff report he agreed that they needed a lot more parking at the In-N-Out site. He is not thrilled selling it to In-N-Out. He is concerned about entering the exclusive right to purchase the property across the street with just Coffee Bean. He is torn with this one. They need the parking. They have a moral duty to say yes, but what kind of ramification are they getting as a City.

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Mayor Robertson stated that with what everybody has said its put them all where they are all torn. The parking situation is almost unbearable. The discussion in EDC was securing the land, the remaining site and a joint use would be the best interest. The dilemma is the site across the street. Last year they did aggressively go after Coffee Bean to look at the sites. Because the parcel is under the Successor agency it will have to go fair market. There will be some other things they haven’t discussed in terms of the site being very attractive.

TAB 10 – Terminate Purchase and Sale Agreement – Riverside Easton Retail Center

Mayor Robertson stated as they go forward with Coffee Bean, they need to recognize that things need to be on the Developer to figure things out for access. The City doesn't need to do more. If they can't meet the performa then they need to look at all the others who expressed interest. Because Coffee Bean has with the exception of recognizing they came to ask the city to reduce their footprint so they bring more parking spaces. The area is exciting and busy but it has its problems.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by a 3-2 vote Request City Council to Cancel Escrow and Terminate the Purchase and Sale Agreement by and between the City of Rialto and Fountainhead Shrugged LLC for Parcel 4 of the Riverside Easton Retail Center (APN 0127-031-15). Council Member O'Connell and Council Member Palmer voted No.

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TAB 11 – Third Amendment Stradling, Yocca, Carlson and Rauth

Robb Steel, Development Services Director presented the staff report regarding the Third Amendment Stradling, Yocca, Carlson and Rauth.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve the Third Amendment to the Professional Services Agreement with Stradling, Yocca, Carlson and Rauth Increasing the Budget Authority by \$150,000 for Legal Services during FY16.

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TAB 12 - Declaring Stage 3-A "Water Warning"

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Declaration of Stage 3-A "Water Warning" in accordance with the City's Water Conservation Ordinance, pursuant to Chapter 12.20 of Title 12 of the Rialto Municipal Code.

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Mayor Robertson stated she doesn't know how they are getting the clarity out to the residents and what this all entails. Residents are asking her questions. The water pressure seems to be dropping in different places and people are assuming they are doing something. They did a community forum and putting information out through Rialto Network. People are trying to do the right thing. They need a better way of getting the information out such as door hangers.

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**TAB 12 - Declaring Stage 3-A
"Water Warning"**

Council Member Scott stated that he has the same concerns as the Mayor. Eating and drinking establishments in other cities have provided table tents to local businesses that explains why they don't have glasses of water on the table. He feels they are sending out mixed signals. They have a green ordinance in place and yet they are not enforcing it. They should have had some standards for artificial turf. He commended them on the job they have done but there are a few more things they need to do. The grass around the City is green and seems like its being watered every day.

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Council Member Palmer stated that he looked at the citation the family received from Code Enforcement. The Ordinances haven't changed to meet the drought requirements. They were cited for lack of vegetation. He asked about the swimming pool requirements.

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Mr. Eisenbeisz stated true it doesn't make sense but they are complying with the State mandate. They are going to work with residents.

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Council Member Scott stated that he had predicted that code Enforcement would go out and write citations.

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Mayor Robertson stated they keep moving through the stages accordingly but they don't have anything in place to help the residents.

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City Attorney Galante stated that Rialto has the same struggles as other cities and jurisdictions because its mandate by the State. Jurisdictions cannot enforce green lawn ordinances. He will work with Code Enforcement.

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Mayor Pro Tem Baca Jr. asked if there was a way they are monitoring the water usage. Are residents taking the initiative to bring the usage down?

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Mr. Eisenbeisz stated yes there has been some reduction.

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Katie Nickel stated that in June it was at 30% for production, so they exceed their goal for the month of June.

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**TAB 12 - Declaring Stage 3-A
"Water Warning"**

Mayor Pro Tem Baca Jr. stated that they may need to slow down on some things and monitor. He doesn't want them to start hammering people.

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Mr. Eisenbeisz stated that citations are sort of the last resort. They do have a door hanger program to notify the residents of the requirements.

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Mayor Robertson stated she is speaking to notifying all the residents.

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Katie Nickel stated that they have prepared a mailer that will go out August 14th. They can't send out until they authorized to go to Stage 3-A. It shows pictures of things that are prohibited and the Rebate program.

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Mayor Robertson stated that she would like to see a copy.

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Council Member O'Connell stated he was surprised they were issuing citations. Sadly, he hopes this one fell through the cracks. There could be exceptions. They need to come up with a system.

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City Administrator Story stated in regards to the city property they put a plan together to remove a lot of turf. They will maintain the greenery at the civic center because of the activities that happen here. They will meet with Code Enforcement on how to approach people. They received good input from the community forums.

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Council Member Palmer stated that he received a warning for notice of violation for a broken sprinkler.

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Mayor Robertson requested that staff bring all of the ordinances that have these conflicting issues, regarding water conservation.

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City Administrator Story stated they will work on compiling the ordinances.

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**TAB 12 - Declaring Stage 3-A
"Water Warning"**

Motion by Council Member Scott, second by Council Member Palmer and carried by unanimous vote to adopt Resolution No. 6802 Declaring Stage 3-A "Water Warning" in accordance with the City's Water Conservation Ordinance, pursuant to Chapter 12.20 of Title 12 of the Rialto Municipal Code.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to adjourn the City Council meeting at 9:33 p.m. in memory of:

Firefighter Michael Hallenbeck, 21, of Shingle Springs, Ca.
Lake Tahoe Basin Management Unit in Northern California

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