

08-SBd-10-PM 18.7/20.8
I-10/Riverside Avenue
Reconstruct Interchange
And ramp improvements
EA 422304
District Agreement No. 8-1322 A/1

AMENDMENT NO. 1 TO AGREEMENT NO. 8-1322

This AMENDMENT NO. 1 to AGREEMENT NO. 8-1322, entered into effective on December 30, 2008, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a public
entity referred to herein as "AUTHORITY"

and

CITY OF RIALTO, a body politic and a municipal
corporation of the State of California, referred to
herein as "CITY."

RECITALS

1. STATE, AUTHORITY, and CITY, pursuant to Streets and Highways Code sections 114 and 130, are authorized to enter into a Cooperative Agreement for improvements to State Highways System (SHS) within CITY's jurisdiction.
2. The parties hereto entered into an Agreement No. 8-1322, on July 17, 2008, said Agreement defining the terms and condition of project to reconstruct interchange and ramp improvements at Interstate 10 (I-10)/Riverside Avenue in the City of Rialto, referred to herein as "PROJECT."
3. It has been determined that the Post Miles on the original agreement were incorrect. The correct PROJECT Post Miles are 18.7/20.8. Also on April 10, 2008, Resolution TCIP-P-0708 programmed \$14,097,000 from the Trade Corridor Improvement Funds (TCIF) as part of the PROJECT construction capital.
4. CITY agrees to be responsible for one hundred (100%) percent of all PROJECT construction capital and support costs (of which a portion will be funded out of STATE's Transportation Improvement Program/Regional Improvement Program [STIP/RIP]

funding source in the amount of \$1,452,000 and TCIF funding source in the amount of \$14,097,000). The PROJECT cost estimate is \$28,200,000 as shown on Exhibit A, attached hereto and made a part of this Agreement. If it becomes necessary for an increase in PROJECT funding, said increase will be paid in full by CITY.

5. Revised Exhibit A and B will, by this Amendment, be attached and made a part of Agreement 8-1322.

IT IS THEREFORE MUTUALLY AGREED

1. SECTION I, "CITY AGREES," Article (1) of the original Agreement is replaced in its entirety to read as follows:

"To be responsible for one hundred (100%) percent of all PROJECT capital and support costs (of which a portion will be funded out of STATE's STIP/RIP funding source in the amount of \$1,452,000 and TCIF funding source in the amount of \$14,097,000) including, but not limited to, "State-furnished material," and source inspection. If it becomes necessary for an increase in PROJECT funding, said increase will be paid in full by CITY."

2. SECTION I, "CITY AGREES," Article (7) of the original Agreement is replaced in its entirety to read as follows:

"To submit an initial billing in the amount of \$81,000 to STATE within thirty (30) days upon award of construction contract to be paid from STIP/RIP and TCIF funds, which is to be used for a portion of construction capital costs.

Thereafter, to prepare and submit to STATE monthly billing statements for estimated expenditures for construction capital one (1) month in advance as construction of PROJECT proceeds up to a maximum amount of \$15,549,000."

3. SECTION III, "STATE AGREES," Article (7) of the original Agreement is replaced in its entirety to read as follows:

To allocate \$1,452,000 from STATE's STIP/RIP funding source to PROJECT. The California Transportation Commission (CTC) programmed these funds at the June 6, 2007, meeting for construction capital and support services for PROJECT. Also CTC allocated \$14,097,000 from TCIF funding source on April 10, 2008.

4. SECTION III, "STATE AGREES," Article (8) of the original Agreement is replaced in its entirety to read as follows:

To deposit with CITY within twenty-five (25) days of receipt of billing therefore (which billing will be forwarded immediately following upon award of construction contract),

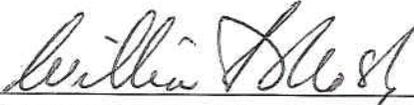
the amount of \$81,000. Said figure represents STATE's initial deposit for one (1) month estimated construction capital required for PROJECT. STATE's total obligation for said PROJECT costs, using STIP/RIP and TCIF funds, which is to be used for a portion of construction capital cost, shall not exceed the amount of \$15,549,000.

5. Exhibit A and B of the original Agreement are hereby replaced in their entirety by the attached revised Financial Letter, Exhibit A and a Contribution Letter, Exhibit B dated August 6, 2008.
6. The Post Miles shown on the original Agreement are hereby corrected to read Post Miles 18.7/20.8.
7. The other terms and conditions of said Agreement No. 8-1322 shall remain in full force and effect.
8. This Amendment to Agreement is hereby deemed to be a part of Agreement No. 8-1322.

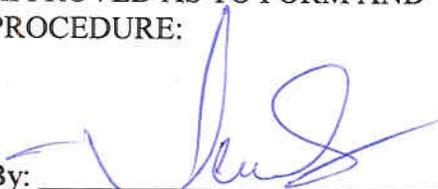
SIGNATURES ON FOLLOWING PAGES:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

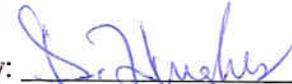
WILL KEMPTON
Director

By:  for
AD RAYMOND W. WOLFE, PhD, ME, CE
District Director

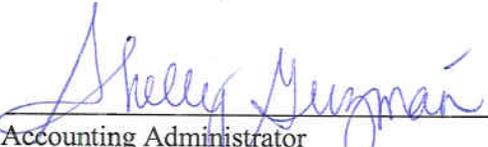
APPROVED AS TO FORM AND
PROCEDURE:

By: 
Attorney,
Department of Transportation

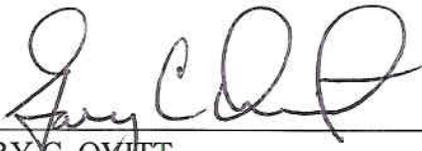
CERTIFIED AS TO FUNDS:

By: 
for District Budget Manager

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

By: 
Accounting Administrator

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY

By: 
GARY C. OVIITT
President, Board of Directors

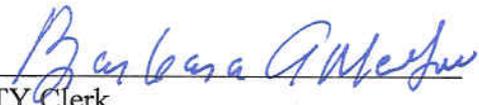
Attest: 
VICKI WATSON
Board Secretary

APPROVED AS TO FORM AND
PROCEDURE:

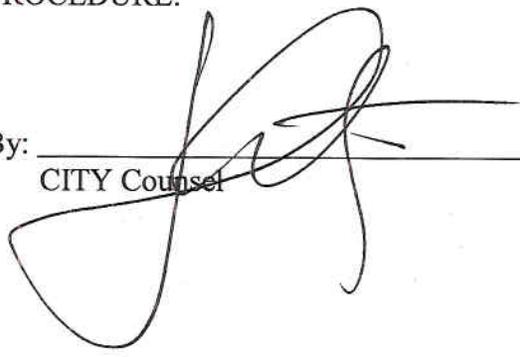
By: 
JEAN-RENE BASLE
AUTHORITY's Counsel

CITY OF RIALTO

By: 
Mayor

Attest: 
CITY Clerk

APPROVED AS TO FORM AND
PROCEDURE:

By: 
CITY Counsel

FINANCE LETTER FOR LOCALLY ADMINISTERED PROJECTS

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

Project Sponsored by:
 1) State ? ___
 2) Local Agency? X

Date: 8/6/2008
 EA # (Current Phase): 422304
 Local Programs Project #: 08-412254L
 Contributor Agency: Rialto
 Agreement #: 8-1322 A/1

ATTN:

Project Location:		In San Bernardino County, on Interstate Route 10 from PM 18.7 to PM 20.8 Reconstruct Interchange and Ramp Improvements											
State Administered Phases of Work **	Phase	Local Program Funds			Local Program Funds			State Funds			Local Funds		Totals
		Federal %: 80.00	Match%: 20.00	Fund Type: DEMO	Federal %: 90.00	Match%: 10.00	Fund Type: Local	Fund Type: STIP/RIP	Fund Type: TCIF	Fund Type: Local	Fund Type: Local		
STATE SUPPORT	Phase	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	
PE/Environmental	"0"	\$0	\$0	\$0	\$0	\$0						\$0	
Design	"1"	\$0	\$0	\$0	\$0	\$0						\$0	
R/W Support	"2"	\$0	\$0	\$0	\$0	\$0						\$0	
Construction Engineering	"3"	\$0	\$0	\$0	\$0	\$0						\$3,700,000	
STATE CAPITAL	Phase	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:	Prgm Code:		
R/W Capital	"9"	\$0	\$0	\$0	\$0	\$0							
Construction Capital	"4"	\$1,600,000	\$400,000	\$2,857,050	\$317,450	\$1,452,000						\$24,500,000	
TOTALS		\$1,600,000	\$400,000	\$2,857,050	\$317,450	\$1,452,000						\$28,200,000	

NOTES:
 > Identify type of Local Program Funds such as RSTP, DEMO, CMAQ, and type of match Funds such as STIP Match, TCRP, SHOPP, Local Sales Tax, with reimbursement percentages. Also include copy of allocation letter with STIP Match.
 > Identify other funds which include State-Federal Funds such as STIP RIP, STIP IP, State funds such as SHOPP, TCRP and Local funds such as Sales Tax, Developer funds, etc.
 > Provide Program codes such as 20.10...(State Support), 20.20...(State Capital), See: http://msd.ctd.ca.gov/ASC/Codine_Manuals/chanter_07/index.htm
 * Identify Co-op Agreement # or Contribution Agreement # (include copy of the agreement if not already provided to Local Programs)
 ** Identify any Sub Jobs for each phase and fund source if applicable (identify in remarks)
 **** Includes All the funds required for the current phase and all the Local Program Funds / Match identified in previous phases (include any changes)

(1) Project Manager Name: Anthony Lito
 Signature: _____
 (2) Program Coordinator Name: _____
 Signature: _____
 (3) OLP Area Engineer Name: _____
 Signature: _____

ATTACHMENTS: RTIP/FTIP Listing / Amendments _____ Federal Authorization (E76) _____ Agreements _____ Allocation Letter: _____
 Environmental Clearance _____ RW Certification _____

EXHIBIT "A"

Contribution Letter for Locally Administered Projects

Date 8/6/2008
 Local Agency Rialto
 Agreement No. 08-1322 A/1
 State E. A. No. 08-SBd-422304
 Amendment No.

Local - Federal Fund Type	Local - Federal Contributor Amount	Reimbursement Ratio	Match Fund Type	Match Amount	Current Total	Previous Total	Proposed Change
DEMO	\$1,600,000	80.00%	Local	\$400,000	\$2,000,000		
IMD	\$2,857,050	90.00%	Local	\$317,450	\$3,174,500		
STIP	\$1,452,000	100.00%	N/A	N/A	\$1,452,000		
TCIF	\$14,097,000	100.00%	N/A	N/A	\$14,097,000		

Comments:

Notes:

EXHIBIT "B"



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 14

Date: December 3, 2008

Subject: Amendment No. 1 to Construction Cooperative Agreement No. 08-164 (District Agreement No. 8-1322) with Caltrans and the City of Rialto for Interstate 10/Riverside Avenue Interchange Project.

Recommendation:* Approve Amendment No. 1 to Cooperative Agreement No. 08-164 with Caltrans and the City of Rialto for the Interstate-10/Riverside Avenue Interchange Project construction activities.

Background: **This is an amendment to an existing cooperative agreement.** Under State law, SANBAG and Caltrans are required to enter into cooperative agreements for all phases of a project. The Board approved the original construction cooperative agreement between SANBAG, City of Rialto, and Caltrans at its June 4, 2008 meeting.

The California Transportation Commission approved \$14,097,000 from Trade Corridor Improvement Fund (TCIF) toward construction of this project in April 2008. The financial exhibit of the original cooperative agreement did not include the TCIF funds. Caltrans later determined that the TCIF funds must be made a part of the financial exhibit to allow reimbursement. Furthermore, an error was noticed in project postmiles that identify the limits of the project and has been corrected in this amendment.

*

Approved Consent

*Approved
Board of Directors*

Date: December 3, 2008

Moved: Eaton Second: Cortes

In Favor: 24 Opposed: 0 Abstained: 0

Witnessed: Anna Aldara

Financial Impact: No new financial impact to SANBAG is associated with this action.

Reviewed By: This item was reviewed and unanimously recommended for approval by the Major Projects Committee on November 13, 2008. SANBAG Counsel has reviewed and approved the agreement as to form. (*Meeting Chaired by John Pomierski*)

Responsible Staff: Garry Cohoe, Director of Freeway Construction

1322 AH

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
RIALTO HOUSING AUTHORITY**

**MINUTES
October 14, 2008**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, October 14, 2008.

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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 Hanson called the meeting to order at 4:04 p.m.

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The roll was called and the following were present: Mayor Pro Tem Hanson and Council Members Scott and Robertson. Also present were City Administrator Garcia, City Attorney Gutierrez and City Clerk McGee. Mayor Vargas and Council Member Baca Jr. were absent.

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CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation. The City Council and Redevelopment Agency Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(a)

(a) City of Rialto v. United States Department of Defense, et al.
(United States District Court Case No. EDCV 04-00079)

(b) City of Rialto vs. City of Colton
(San Bernardino Superior Court Case No. SCVSS 809613)

(c) City of Colton vs. City of Rialto
(San Bernardino Superior Court Case No. SCVSS 811119)

(d) Shana Strathmann vs. City of Rialto
(San Bernardino Superior Court Case No. SCVSS 134939)

CLOSED SESSION

2. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency negotiator: Brad Neufield, BBK
Employee organization: Firefighters Union Local 3688
General Mid-Management Unit

3. Conference with Legal Counsel – anticipated litigation. The City Council will discuss exposure to litigation pursuant to subdivision (b) of Section 54956.9: one (1) potential case.

4. Conference with Real Property Negotiator. The City Council and Redevelopment Agency Board will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:

(a) Subject: Price and Terms
Location: APN# 0264-212-28-0000
Negotiators: Robb R. Steel, Redevelopment Agency
Dr. Larry Leiske, Rialto Economic
Development Assoc.

(b) Subject: Price and Terms
Location: APN # 0130-271-21-0000
(224 South Orange Ave)
Negotiators: Robb R. Steel and John Dutrey,
Redevelopment Agency
Federal Home Loan Mortgage
Corporation (Owner)

(c) Subject: Price and Terms
Location: APN # 0258-102-61
(2530 S. Lilac Avenue)
Negotiators: Robb R. Steel and Greg Lantz,
Redevelopment Agency
Halley and Shuhua Hebert

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Motion by Council Member Robertson, second by Council Member Scott and carried by a 3-0 vote to go into Closed Session. Mayor Vargas and Council Member Baca Jr. were absent.

City Council went into Closed Session at 4:05 p.m. and returned at 5:30 p.m.

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CALL TO ORDER

Mayor Pro Tem Hanson called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Pro Tem Hanson, Council Members Robertson, Scott, and Baca Jr. Also present were City Administrator Garcia, City Attorney Jimmy Gutierrez and City Clerk McGee. Mayor Vargas was absent.

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Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance and Pastor Fred Ruiz – Calvary Chapel Rialto gave the Invocation.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Jimmy Gutierrez stated that in Closed Session the City Council conferred with Legal Counsel regarding each of the items of pending litigation and no action was taken. The City Council conferred with its Labor Negotiator on two items on discussion and no action was taken. With respect to the third item, no discussion occurred. With respect to Item 4, discussion with Real Property Negotiator regarding the three properties listed on the Agenda, status report and City Council gave direction but action was taken.

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PRESENTATIONS

Council Member Joe Baca Jr. presented awards for the 2nd Annual Battle of the Badges - Charity Softball Game. The winners were the Rialto Police Benefits Association. He announced the top three prize winners.

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Police Chief Mark Kling introduced four new Police Employees and new police K-9 Smoky.

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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

- 1. Resolution No. 11 (9/19/08)
- 2. Resolution No. 12 (9/26/08)
- 3. Resolution No. 13 (10/03/08)

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C. APPROVAL OF MINUTES

1. Regular RDA/City Council Meeting – September 9, 2008
2. Regular RDA/City Council Meeting – September 23, 2008

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CONSENT CALENDAR

D. SETTING OF PUBLIC HEARINGS

1. Request City Council to set a public hearing for the October 28, 2008 City Council Meeting to consider proposed ordinance adding Chapter 15.28.080 to the Rialto Municipal Code Reference the 2006 Edition of the International Wildland–Urban Interface Code.

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E. MISCELLANEOUS

1. Request City Council to approve a Cooperative Agreement with the County of San Bernardino for the Storm Drain Master Plan and adopt **Resolution No. 5645** for the County's share of Project costs in the amount of \$50,000.
2. Request City Council to approve Amendment to the Construction Cooperative Agreement No. 8-1322 with the California Department of Transportation and San Bernardino Associated Governments for the Riverside Avenue/I-10 interchange Project.
3. Request City Council to approve the City of Rialto to conduct the Holiday Parade, Vendor Fair , Christmas Tree Lighting with temporary road closures, temporary "No Parking" zones, traffic diversion and street closure.
4. Request City Council to authorize the Fire Department to purchase a Cardiac Monitor/Defibrillator from Zoll Medical Corporation in the amount of \$25,000.
5. Request City Council to approving street closures on Tuesday, October 28, 2008 from 8:00 am to 1:00 pm for the Red Ribbon Week Celebration.
6. Request City Council to consider entering into a Tolling Agreement with the County of San Bernardino related to Property Tax Administration Fees.
7. Request City Council to approve the Fourth Amendment to the Services Agreement with Veolia Water North America – West LLC to approve continuation of month-to-month Operations and Maintenance Services.
8. Request City Council to approve the Second Amendment to the Joint Venture Agreement with Rialto Industrial Park, LTD.

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CONSENT CALENDAR

Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 4-0 vote to approve the Consent Calendar as presented with the exception of E-3. Mayor Vargas was absent.

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Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 3-0 vote to approve Consent Calendar Item E-3. Mayor Vargas was absent and Council Member Scott abstained.

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PUBLIC HEARING

TAB 1 – Issuance of CSCDA Nonprofit Revenue Bonds for Mountain Shadows Support Group

Robb Steel, Economic Development Director stated that this is a public hearing to consider the proposed issuance of bonds by the California Statewide Communities Development Authority (CSCDA) on behalf of the Mountain Shadows Support Group related to two properties in Rialto at 1073 N. Olive Avenue and 1840 N. Sycamore Avenue. These facilities are used primarily to promote the welfare of residents and consumers with developmental disabilities. The bonds are not the obligation of the City and will re-paid by revenues generated for the operation of the facilities. The Police Department and Code Enforcement Department looked at the facilities and indicated both sites were well maintained and there are not negative impacts to the surrounding neighborhoods.

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Mayor Pro Tem Hanson declared the Public Hearing open. No one came forward.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Mayor Vargas was absent.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to adopt **Resolution No. 5646** relative to the issuance of California Statewide Communities Development Authority (CSCDA) Nonprofit Revenue Bonds for the Mountain Shadows Support Group, Inc. Project in regards to two properties located in the City of Rialto at 1073 N. Olive Avenue and 1840 N. Sycamore Avenue. Mayor Vargas was absent.

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PUBLIC HEARING

**TAB 2 – Cooperation Agreement for
the design of Fire Station 202**

Ahmad Ansari, Public Works Director stated that this is a joint public hearing between the City of Rialto and Redevelopment Agency for the design of Fire Station 202. There has been interest in developing the land at the northeast corner of Riverside Ave. and Easton Ave. where the existing water reservoir and fire station are located. The existing fire station 202 is the oldest fire station built 45 years ago. As part of the 2008 RDA bonds fund were allocated to redesign and construction of new Fire Station 202. WLC Architects Inc. was unanimously chosen as the most qualified in the amount of \$321,500 and a 10 month completion period. Pursuant to Health and Safety Code Section 33679 before the Agency can commit to use the funds the City and RDA must conduct a public hearing and summary report and findings.

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Mayor Pro Tem Hanson declared the public hearing open. No one came forward.

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Motion by Council member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Mayor Vargas was absent.

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Council Member Scott asked if they are looking at alternatives for construction of this fire facility. They had discussion in EDC to potentially look at different materials construct fire stations. Other cities have built new fire stations out of wood and stucco and they have traditionally built it out of block. He would like to know if this consultant will give them some alternatives for the potential of some cost savings by looking at other building materials.

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Ahmad Ansari, Public Works Director stated that the concern he had is well within the scope of the proposal and will be discussed.

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Council Member Baca Jr. stated that he wants them to keep in mind that the females are to have their own facilities.

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Council Member Robertson stated that she had asked in the past for information on the selected architectural firms.

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PUBLIC HEARING

TAB 2 – Cooperation Agreement for the design of Fire Station 202

Ahmad Ansari, Public Works Director stated that they will provide the information because they have specific experience on fire stations.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to adopt **Resolution No. 5647** and **RDA Resolution No. 652** to approve Cooperation Agreement between the City of Rialto and the Redevelopment Agency for the design and construction of public improvements pursuant to Health and Safety Code Sections 33445 and 33679 (2) award Professional Services Agreement to WLC Architects, Inc. for the design of new Fire Station No. 202 in the amount of \$321,500 and (3) approve inclusion of the Project in the Capital Improvement Program. Mayor Vargas was absent.

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TAB 3 – Cooperation Agreement for the design of Ralls to Trails Project Phase I

Ahmad Ansari, Public Works Director stated that this related to the first phase of the Ralls to Trails Project which requires a joint public hearing. There has been interest with all the surrounding cities for the Ralls to Trails project for recreational trails. The design of Phase I is from Maple Ave. to Cactus Ave. Funding is available from the remaining 2003 RDA bonds. Dan Guerra & Associates was unanimously chosen as the most qualified in the amount of \$320,000 and 32 weeks to complete the design.

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Mayor Pro Tem Hanson declared the public hearing open.

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David Phillips, 659 N. Teakwood Ave., stated that it sound like this project is going to cost as much as building a whole new fire station. He doesn't feel the trails should cost so much.

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Council Member Scott stated that the amount listed for the fire station is for architectural design services and the actual construction will cost approximately \$5 million. The Ralls to Trails is less money, its part of trail system that will hook Rialto to the rest trail all the way to San Dimas. Rancho Cucamonga, Upland, Montclair, Claremont and Fontana.

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David Phillips, 659 N. Teakwood Ave., asked if they are factoring in Rialto's high crime rate, will there be lighting or will they just be creating another place for the deviants of the City. He just wants them to be more financially minded although they need more development.

PUBLIC HEARING

TAB 3 – Cooperation Agreement for the design of Rails to Trails Project Phase I

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Council Member Scott stated that it will be lighted like Rancho Cucamonga, most of the trails now do not have a lot of crime problems and a lot of families use them. Most of the money spent on the trails could not be used for other projects are from public transportation grants so they are limited to the use.

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David Phillips, 659 N. Teakwood Ave., asked if they can maybe allocate that money to fixing the roads, what would be the difference.

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Council Member Scott stated that it's specific funding for this type of project.

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David Phillips, 659 N. Teakwood Ave., stated that he knows of a Rancho Cucamonga gang that goes to the trails to specifically beat people up. Rancho Cucamonga PD now has the bike patrol scan the area at dusk.

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Mayor Pro Tem Hanson stated that this trail will be directly north of the two schools that were just built and will be eligible for Safe Routes to School funding.

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Council Member Scott stated that the trail itself is the old Pacific Rail Line which was donated to SANBAG and SANBAG retains ownership and Rialto is allowed to use it.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to close the public hearing. Mayor Vargas was absent

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PUBLIC HEARING

TAB 3 – Cooperation Agreement for the design of Rails to Trails Project Phase I

Motion by Council Member Robertson, second by Council Member Baca Jr. and carried by a 4-0 vote to adopt **Resolution No. 5648** and **RDA Resolution No. 653** to approve Cooperation Agreement between the City of Rialto and the Redevelopment Agency for the design of various public improvements pursuant to Health and Safety Code Sections 33445 and 33679, award Professional Services Agreement to Dan Guerra & Associates for the Design of the Rails to Trails Project Phase I – Maple Avenue to Cactus Avenue in the amount of \$320,000 and approve inclusion of the Project in the Capital Improvement Program. Mayor Vargas was absent.

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TAB 4 – Cooperation Agreement for design of Frisbie Park Improvement Project

TAB 5- Design and Construction Improvements for Rialto Library

City Administrator Henry Garcia stated that they would like to continue TAB 4 and TAB 5 until the next City Council Meeting. He stated in regards to TAB 5 they need to relook at the Cooperation Agreement and TAB 4 they need to look at the Professional Services Agreement.

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Roslyn Dones, former Rialto Librarian, transferred to Highland, introduced Alicia Mesa as the new Librarian. She expressed her appreciation for all the hard work because the Library is busting at the seams.

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TAB 6 – Establishment of Southern California Edison Rule 20A Undergrounding Utility District No. 8

Ahmad Ansari, Public Works Director stated that this is a public hearing for the establishment of Southern California Edison Rule 20A Undergrounding Utility District No. 8 along Rialto Ave. and Cedar Ave. Undergrounding districts were created by the California Public Utilities Commission for Edison to set aside funds to replace the existing overhead facilities underground. This will benefit the new schools that were built.

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Mayor Pro Tem Hanson declared the public hearing open. No one came forward.

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to close the public hearing. Mayor Vargas was absent.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to adopt **Resolution No. 5650** declaring the establishment of Southern California Edison Rule 20A Undergrounding Utility District No. 8 along Rialto Ave. between Cedar Ave. and Cactus Ave. Mayor Vargas was absent.

NEW BUSINESS

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**TAB 7 – Amendment No. 2 to PSA
with Michael Brandman Associates**

Mike Story, Development Services Director stated that in 2005 the City Council awarded a contract in the amount of \$210,000 to Michael Brandman & Associates to prepare an Environmental Impact Report addressing the proposed development of the Renaissance Specific Plan. In July 2007 City Council approve Amendment No. 1 I the amount of \$243,170 for increased traffic modeling and analysis. In October 2007 the City Council approved a revised development plan for the Renaissance Specific Plan. Due to the land use changes in the plan and the length of time elapsed, there are items that need to be revised and added. The total increase to the contract price is \$25,500. The developer Lewis-Hillwood has committed to paying the increase.

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Council Member Baca Jr. asked if there will be a fiscal analysis done on the project.

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Mike Story, Development Services Director stated that this is included in the original document. It will come with the EIR first to the EDC and then to City Council as a whole.

OoO

Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 4-0 vote to approve Amendment No. 2 to the Professional Services Agreement with Michael Brandman Associates for the Preparation of an Environmental Impact Report (EIR) and related documents for the proposed development of an approximate 1,500 acre Mixed Use Specific Plan proposed by Lewis-Hillwood Rialto, LLC, and adopt **Resolution No. 5651** approving to increase the contract price to \$478,670. Mayor Vargas was absent.

OoO

**TAB 8 – Purchase and Sale
Agreement for Habitat for Humanity
Project**

Robb Steel, Economic Development Director stated that this is a Purchase and Sale Agreement for 428 E. Walnut Ave. This will be acquired to facilitate improvements under an agreement with Habitat for Humanity San Bernardino Area Inc. Due to the increase in foreclosures RDA suggested Habitat for Humanity acquire one of those homes and turn it around quicker to a homeowner than if they had to build a home from the ground up. Habitat was receptive to the idea. One of the features to 428 E. Walnut Ave. is that its handicap accessible. The estimated cost is approximately \$30,000 to make this habitable. The listing price was \$159,000. RDA will buy the home and donate it to the family taking aback a soft second as financing.

NEW BUSINESS

TAB 8 - Purchase and Sale Agreement for Habitat for Humanity Project

Robb Steel, Economic Development Director stated that Habitat for Humanity will raise the money, capital and labor for the rehabilitation. The total cost to RDA is \$163,000 including transaction costs.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to adopt **RDA Resolution No. 655** approving a Purchase and Sale Agreement for the acquisition of 428 E. Walnut Avenue as part of a revised project with Habitat for Humanity San Bernardino Area, Inc. Mayor Vargas was absent.

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TAB 9 - Purchase and Sale Agreement for vacant land located on Santa Ana Ave.

Robb Steel, Economic Development Director stated that this is a Purchase and Sale Agreement with Smith Revocable Trust for a 0.98 acre parcel located on Santa Ana Ave. They had a parcel at Santa Ana and Willow Ave. that was designated for Fire Station 205. They then realized they would need a larger parcel to accommodate Fire Station 205 and the training facility. The contract calls for a purchase price of \$415,000. The total cost with transaction costs is \$425,000 and the funding will be provided by the Fire Protection Services Development Fee Account.

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Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 4-0 vote to approving a Purchase and Sale Agreement with the Smith Revocable Family Trust for APN# 028-102-60, consisting of 0.98 acres of vacant land located on Santa Ana Avenue **Resolution No. 5652** appropriating funds. Mayor Vargas was absent.

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TAB 10 - Purchase of self-contained breathing apparatus

Interim Fire Chief Ballard stated that this is a request for City Council to authorize the Fire Department to purchase some self-contained breathing apparatus (SCBA) for Allstar Fire Equipment in the amount of \$150,000. They received a grant from FEMA in 2007 and the City has added matching funds. They originally asked to purchase 30 to replace front line equipment. They currently have 60 SCBAs that are 10 years old and they couldn't get a grant for all of them because some are on reserve rigs. The grant will allow them to purchase 35 improved versions of SCBAs.

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Council Member Scott stated that \$120,000 is coming from the FEMA grant and City's matching fund is \$30,000.

NEW BUSINESS

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TAB 10 – Purchase of self-contained breathing apparatus

Motion by Council Member Baca Jr., second by Council Member Robertson and carried by a 4-0 vote to authorize the Fire Department to purchase self-contained breathing apparatus (SCBA) from Allstar Fire Equipment in the amount of \$150,000. Mayor Vargas was absent.

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Council Member Robertson left the dais at 7:15 p.m.

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TAB 11 – Construction Contract with New West Signal for installation of Traffic Signal

Ahmad Ansari, Public Works Director stated that this TAB is related to awarding a Construction Contract to New West Signal for installation of a traffic signal at Riverside and Locust. The Transportation Commission adopted and established a citywide rating system to rank the traffic signal locations. Four locations ranked highest on the priority list; Valley and Willow, Riverside and Linden, Valley and Cactus, Riverside and Locust. The first two signals will be installed through private development and the third will be a joint project with the City and the School District. The Riverside and Locust signal is an approved CIP project which completed design in July. New West Signal was determined to be the lowest responsible bidder. This is the same company that did the lighted crosswalk at Levi Bemis Elementary through the Safe Route to School Program. Construction time has been specified to be 20 week. Funding for this project comes from Measure I Funds for \$470,000 and Traffic Development Fund for \$400,000 for a total of \$870,000.

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Motion by Council Member Scott, second by Council Member Baca Jr. and carried by a 3-0 vote to award a Construction Contract to New West Signal for installation of Traffic Signal at Riverside Avenue/Locust Avenue in the amount of \$177,861. Mayor Vargas and Council Member Robertson were absent.

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Council Member Robertson returned to the dais at 7:20 p.m.

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TAB 12 – Construction Contract for Citywide Curb, Gutter and Sidewalk Project

Ahmad Ansari, Public Works Director stated that this is a Construction Contract to Kalban Inc. for their annual citywide curb, gutter and sidewalk project. The Public Works Department maintains an annual list of all the needs for concrete improvements. This year's project will provide for repair of approximately 1/3 of the locations on the list. The Engineer's estimate for the project was \$390,000. Construction time is 50 calendar days.

NEW BUSINESS

TAB 12 – Construction Contract for Citywide Curb, Gutter and Sidewalk Project

Ahmad Ansari, Public Works Director stated that funding for the project comes from Measure I Funds for \$350,000 and CDBG Funds for \$100,000.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to award a Construction Contract to Kalban, Inc. for the Citywide Curb, Gutter & Sidewalk Project in the amount of \$333,962.60. Mayor Vargas was absent.

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TAB 13 – Property Abatement Services

Robb Steel, Economic Development Director stated that this item is a request to approve Myco Construction as a back up contractor for property abatement services and increase an existing purchase order with Bret Carlson Construction as the primary contractor. Redevelopment staff and Code Enforcement staff have been aggressively addressing foreclosures in the community ensuring the properties are abated in a timely fashion. The City previously hired Bret Carlson Construction to provide board ups for emergency property abatement actions. On occasion the primary contractor is not available to provide the services so as a result they sought out alternate construction contractors in the event the primary could not respond. The Agency set aside \$200,000 in July to fund the abatement service and \$150,000 was allocated to the primary contractor and \$50,000 to Myco Construction. When they abate a property RDA puts a lien against the property because their intention is to get the money back and recycle it to do subsequent abatements.

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Council Member Scott asked in regards to Carlson Construction, they do professional work and he wants to make sure they do it to the same standards.

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Robb Steel, Economic Development Director stated that they will need to conform to the property inspection ordinance adopted in July.

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Motion by Council Member Baca Jr. second by Council Member Scott and carried by a 4-0 vote to approve Myco Construction as a back-up Contractor for Property Abatement Services in the amount of \$50,000 and increase existing Purchase Order with Bret Carlson Construction as the Primary Abatement Contractor in the amount of \$150,000. Mayor Vargas was absent.

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NEW BUSINESS

TAB 14 – SR-210 Freeway Detour Loop

Ahmad Ansari, Public Works Director stated that this item is related to approving a Cooperative Agreement with the County of San Bernardino for the SR-210 Freeway Detour Pavement Repair and adopting a budget resolution for the County's share of the cost. The SR-210 Detour is the Riverside, Baseline, Ayala Loop for which they have recently successfully negotiated funding \$1,185,491 from SANBAG. City Council approved the acceptance of this offer and authorized staff to move forward with its design and construction. The portion of the loop along Riverside from Kauri to Ayala is a shared right-of-way with the County. The total available funding for the project is \$2,526,372.

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Council Member Scott asked that they make sure there is some coordination with water and sewer departments to make sure they don't come 6 weeks later and cut up the street after the project putting in a new waterline.

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Motion by Council Member Robertson, second by Council member Baca Jr. and carried by a 4-0 vote to approve a Cooperative Agreement with the County of San Bernardino for the SR-210 Freeway Detour Loop Pavement Repair and adopt **Resolution No. 5653** for the County's Share of the Cost in the amount of \$420,881. Mayor Vargas was absent.

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TAB 15 – Cooperative Agreement with Caltrans for Foothill Blvd. relinquishment

Ahmad Ansari, Public Works Director stated that this item is related to accepting Caltrans offer of \$1,850,000 for relinquishment of the of State Highway 66 (Foothill Blvd.) to the City and approving the Cooperative Agreement with Caltrans. Many cities in the area have moved forward to take control of urban highways within their limits of jurisdiction. Staff presented an assessment of improvements and negotiated with Caltrans. In addition to the \$1,850,000 offer Caltrans will be doing major intersection improvements at Pepper Ave. and is anticipated to be completed February 2009. The Transportation Commission unanimously accepted this item and recommended the offer to the City Council.

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Council Member Scott asked if the \$1,850,000 goes into a restricted account. So it can only be used for Foothill Blvd.

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Mr. Ansari stated that this is correct.

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NEW BUSINESS

TAB 15 – Cooperative Agreement with Caltrans for Foothill Blvd. relinquishment

Council Member Scott asked realistically will this resolve most of the problems there.

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Mr. Ansari stated that Caltrans doesn't pay for betterments. There were a number of improvements and in their estimation its considered as betterment and they will not pay for that. The traffic signal synchronization has been completed but the apparatus of the traffic signals need improvements. They are hoping to do before the relinquishment is completed to see if they can persuade Caltrans to do additional maintenance work.

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Council Member Robertson stated that she looked at the list of the potential things that were assessed which was the curb, gutter, sidewalk and pavement. Did the City have a comparable assessment of the pavement?

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Ahmad Ansari, Public Works Director stated that the analysis they did originally was less than a \$1 million and was not acceptable by the City but more like \$1.4 million which they finally agreed to \$1.1 million.

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Council Member Robertson asked when was the last time Foothill Blvd. was rehabilitated.

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Mr. Ansari stated that he will provide them with that information.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by a 4-0 vote to approve acceptance of Caltrans' offer of \$1,850,000 for relinquishment of State Highway 66 (Foothill Blvd.) to the City, approve the Cooperative Agreement with Caltrans and adopt **Resolution No. 5654** amending the 2008-2009 budget and accepting the offer. Mayor Vargas was absent.

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TAB 16 –RMC Amendment - penalizes violations

City Attorney Gutierrez stated that this proposed Ordinance would amend the City's general penalty provision Section 1.16.010 which states that any violation in the RMC is either a misdemeanor or infraction. The misdemeanor is most important to the city because it gives the City the greatest flexibility to compel compliance by virtue of filing criminal actions against those who would not comply.

NEW BUSINESS

TAB 16 –RMC Amendment - penalizes violations

City Attorney Gutierrez stated as worded before certain sections within the Code were classified as infractions which would only impose a small fine. He reworded it so that every section of the Municipal Code is now punishable by a misdemeanor. Some sections are listed as infractions and they can still continue to pursue them as infractions if they want.

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Council Member Scott read the title of the Ordinance:

ORDINANCE NO. 1434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA, THAT AMENDS SECTION 1.16.010 OF THE RIALTO MUNICIPAL CODE THAT PENALIZES VIOLATIONS OF THE RIALTO MUNICIPAL CODE.

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Motion by Council Member Scott ,second by Council Member Baca Jr. and carried by a 4-0 vote to waive the first reading and pass to second reading of proposed **Ordinance No. 1434** amending section 1.16.010 of the Rialto Municipal Code. The vote was: AYES: Mayor Pro Tem Hanson, Council Members: Scott, Baca Jr. and Robertson. NOES: none. ABSTAIN: none. ABSENT: Mayor Vargas.

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ORAL COMMUNICATIONS

Edgar Montes, 1494 N. Iris Ave., made complaints regarding campaign signs.

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Rick York, 603 N. Linden Ave., expressed his concern regarding the decline of the City.

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David Phillip, 659 N. Teakwood Ave., expressed his concern regarding an overabundance of campaign signs.

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Joyce Fairman, 452 W. Cascade Ave., expressed her concern regarding campaign flyers put out by the Rialto Police Benefits Association and Rialto Professional Firefighters.

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REPORTS

Council Member Baca Jr. thanked Congressman Baca for securing \$225,000 for an emergency generator for the City of Rialto and \$2 million for the perchlorate clean up.

Council Member Baca Jr. stated the City of Rialto has come a long way and still has a long way to go because of neglect.

Council Member Baca Jr. stated that he attended the Relay for Life Event and thanked all the donors and volunteers.

He thanked Council Member Scott for donating to Battle of the Badges.

He invited everyone to a press conference at the fire station on Friday where the Joe Baca Foundation will be donating \$20,000 worth of fire equipment.

OoO

Council Member Scott assured the gentleman speaker that he responds to all his e-mails.

Council Member Scott stated that it saddens him when he hears people of this community do not want to shop here. He stated that he does hear a lot of complaints regarding Home Depot and suggested RDA meet with them. He's lived here 20 years and is proud of this community. He encourages residents to make this a better City.

He stated that when he goes out and he sees someone else's sign coming down, he puts in back. No one should mess with campaign signs. If they have an issue with a candidate then they should talk to them face to face. He hopes cool heads will prevail. Every single person on City Council works hard and puts in a lot of their personal time.

OoO

Council Member Robertson thanked all those who participated in Relay for Life and appreciated those who turned out for the event. On Friday they held their first Chili Cook off. First Place Winner was Debbie Raymond, Second Place Winner was Jim Raymond and Third Place was Diana Lucier. She stated that they did an outstanding job raising \$40,000 for the 24-hour event.

Council Member Robertson stated that she is glad the Battle of the Badges event went well; she was still attending the League of California Cities Conference in Long Beach.

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REPORTS

Mayor Pro Tem Hanson congratulated Relay for Life for a successful event.

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ADJOURNMENT

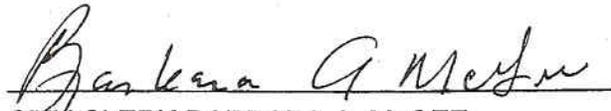
Motion by Council Member Robertson, second by Council Member Scott and carried by a 4-0 vote to adjourn the Meeting. Mayor Vargas was absent.

The City Council adjourned at 8:13 p.m.

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MAYOR GRACE VARGAS

ATTEST:


CITY CLERK BARBARA A. MCGEE