

City of Rialto



Regular Meeting

Tuesday, September 27, 2022

CLOSED SESSION TIME: 4:00 PM

OPEN SESSION TIME: 6:30 PM

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

City Council

Mayor Deborah Robertson

Mayor Pro Tem Ed Scott

Council Member Rafael Trujillo

Council Member Andy Carrizales

Council Member Karla Perez

Barbara A. McGee City Clerk

Edward Carrillo City Treasurer

Eric Vail City Attorney

Marcus Fuller City Manager

THE PERSISTENT PRESENCE OF COVID-19, PERIODIC SPIKES IN THE INFECTION RATE, AND THE INTRODUCTION OF NEW COVID VARIANTS REQUIRE THE CITY COUNCIL TO BALANCE THE NEED TO PROTECT PUBLIC HEALTH WITH THE NEED TO CONDUCT THE PEOPLES' BUSINESS IN AN EFFICIENT AND ORDERLY FASHION. THEREFORE, THE RIALTO CITY COUNCIL HAS ADOPTED RESOLUTION NO. 7885 IN COMPLIANCE WITH THE RALPH M. BROWN ACT TO ALLOW THE COUNCIL TO HOLD MEETINGS AT WHICH MEMBERS OF THE PUBLIC AND COUNCILMEMBERS MAY ATTEND IN PERSON, OR WHERE THEY HAVE A LEGITIMATE HEALTH CONCERN, TO ATTEND REMOTELY.

HOW TO ATTEND THE MEETING. MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING EITHER IN PERSON OR REMOTELY. OPPORTUNITIES TO ATTEND THE MEETING REMOTELY ARE DESCRIBED BELOW:

- (1) Watch live streaming video of the Meeting at <https://www.yourrialto.com/183/Rialto-Network>
- (2) Council Meetings are broadcast live on the City's television station, Rialto Network. Spectrum Channel 3 and AT&T Channel 99.
- (3) Attend the Meeting via ZOOM www.zoom.us/j/89525170072
- (4) To listen only Call into the Live Meeting: 1 (253) 215-8782 and enter Meeting ID: 895 2517 0072

IN THE EVENT OF A DISRUPTION TO THE BROADCAST OF THE MEETING, OR A DISRUPTION THAT PREVENTS MEMBERS OF THE PUBLIC FROM OFFERING PUBLIC COMMENT IN REAL TIME, THE MEETING WILL BE RECESSED UNTIL REMOTE PUBLIC ACCESS IS RESTORED.

HOW TO MAKE A PUBLIC COMMENT.

- (1) Appear at the meeting and speak during the public comment period. We request the you complete a Public Speaker Form and submit it to the City Clerk before the meeting.
- (2) If you are attending remotely, you may submit a public comment in writing to the City Clerk by email at CITYCLERK@RIALTOCA.GOV.
- (3) If you are attending remotely by ZOOM (see instructions above) you may provide oral comments in real time via ZOOM when called upon by the City Clerk there is a 5 minute time limit,

HOW TO REVIEW THE AGENDA. ALL AGENDAS ARE POSTED IN THE CITY HALL ADMINISTRATION BUILDING (150 SOUTH PALM AVENUE, RIALTO) AT LEAST 72 HOURS IN ADVANCE OF THE MEETING. ALL WRITINGS THAT RELATE TO AN OPEN SESSION AGENDA ITEM AT A REGULAR COUNCIL MEETING DISTRIBUTED TO ALL, OR A MAJORITY, OF THE COUNCIL MEMBERS WILL BE MADE AVAILABLE AT THE SAME TIME BUT ATLEAST 72 HOURS BEFORE A REGULAR MEETING, FOR PUBLIC INSPECTION ON THE CITY'S WEBSITE AT www.yourrialto.com AND IN THE OFFICE OF THE CITY CLERK LOCATED AT 290 WEST RIALTO AVENUE, RIALTO, CALIFORNIA (909-820-2519) FROM 7:00 A.M. TO 6:00 P.M., MONDAYS THROUGH FRIDAYS. ANY PERSON HAVING A QUESTION CONCERNING ANY AGENDA ITEM MAY CALL THE CITY CLERK'S OFFICE TO MAKE INQUIRY CONCERNING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.

ITEMS ADDED TO THE AGENDA. CONSISTENT WITH THE RALPH M. BROWN ACT, ADDITIONAL ITEMS MAY BE ADDED TO THE AGENDA AND ACTED UPON BY THE CITY COUNCIL ONLY IF IT IS CONSIDERED TO BE A "SUBSEQUENT NEED" OR "EMERGENCY" ITEM AND IS ADDED BY A TWO-THIRDS VOTE. MATTERS RAISED UNDER ORAL COMMUNICATIONS MAY NOT BE ACTED UPON AT THAT MEETING OTHER THAN AS PROVIDED ABOVE.

NEED ADA ASSISTANCE? IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DIRECTOR OF MAINTENANCE & FACILITIES AT (909) 421-7279. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING (28 CAR 35.102-35.104 ADA Title II).

Next Ordinance No.1672

Next Resolution No.7983

Called to Order By:**ROLL CALL****Rialto – Entering a Second Century of Progress**

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

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

- 5 [22-896](#) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code section 54957(b)
Two (2) positions:
 (1) Title: City Manager
 (2) Title: City Attorney

6:30 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Andy Carrizales

INVOCATION - Pastor Dr. Victor Noland - Word In Action Christian Center

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 [22-894](#) Proclamation - Allene Langford Dixon 100th Year Birthday
Mayor Pro Tem Ed Scott
- 2 [22-900](#) Proclamation - 75th Anniversary of the Rialto Host Lion Club -
Mayor Deborah Robertson
- 3 [22-901](#) Recognition of Bank of America's Student Leaders Program Recipient -
Council Member Rafael Trujillo
- 4 [22-902](#) Introduction of new employees by Marcus Fuller, City Manager

ORAL COMMUNICATIONS

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

NOTICE TO THE PUBLIC

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

CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

The Council hereby waives the full reading of any ordinance to be introduced or approved at this meeting and such ordinance shall be read by title only.

B. APPROVAL OF WARRANT RESOLUTIONS

- B.1 [22-878](#) Warrant Resolution No. 11 (09/15/2022)

B.2 [22-879](#) Warrant Resolution No. 12 (09/22/2022)

C. APPROVAL OF MINUTES

C.1 [22-880](#) Regular City Council Meeting - September 13, 2022

D. CLAIMS AGAINST THE CITY

D.1 [22-887](#) Jasmine Calahan - Vehicle Damage

D.2 [22-888](#) Krystle Walker - Wrongful termination

D.3 [22-889](#) Maria Hernandez and Jose Desales Lopez - Personal Injury

D.4 [22-890](#) Carmen Alice Gomez - Personal Injury

E. SET PUBLIC HEARING

E.1 [22-847](#) Request City Council to Set a Public Hearing for **November 15, 2022** to consider (1) **General Plan Amendment No. 2020-0001**, a request to change the general plan land use designation of approximately 8.46 gross acres of land from General Commercial (GC) with a Specific Plan Overlay to Business Park (BP) with a Specific Plan Overlay, (2) **Specific Plan Amendment No. 2020-0001**, a request to change the specific plan zoning designation of approximately 8.46 gross acres of land from Freeway Commercial (F-C) within the Gateway Specific Plan to Industrial Park (I-P) within the Gateway Specific Plan, (3) **Variance No. 2020-0001**, a request to increase the maximum allowable building height from 35 feet to 49 feet, (4) **Conditional Development Permit No. 2020-0006**, a request to allow the development and operation of a 492,410 square foot industrial commerce building on approximately 22.49 gross acres of land, (5) **Precise Plan of Design No. 2020-0012**, a request for site and architectural review of a 492,410 square foot industrial commerce building on approximately 22.49 gross acres of land, and (6) an Environmental Impact Report (**Environmental Assessment Review No. 2020-0007**) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located at the northwest corner of Valley Boulevard and Willow Avenue.

E.2 [22-873](#) Request City Council set a Public Hearing for November 15, 2022, to approve the Naming of a Meeting Room in the Frances E. Brooks Conference Center located at the Johnson Community Center "Barbara Chavez Meeting Room".

F. MISCELLANEOUS

- F.1** [22-822](#) Request City Council to (1) Adopt **Resolution No. 7977** Amending the 2022-2023 Fiscal Year Budget; (2) Accept the Fiscal Year 2021 Homeland Security Grant Program (HGSP) in the Amount of \$25,965; and (3) Authorize the City Manager to Execute all Documents.
- F.2** [22-814](#) Request City Council to: (1) Approve a Facility License Agreement between the City of Rialto and the National Council of Negro Women Bethune Center to Relocate Operations to the Grace Vargas Senior Center for a Term of 9 Months with Two One-Year Extensions; (2) Waive the First Term Payment of \$375; and (3) Authorize the City Manager to Execute All Documents.
- F.3** [22-875](#) Request City Council to (1) Approve a Temporary Construction Easement Agreement with Yunan Chen, CEO of Yunan C Future Inc. for the Property Located at 690 S. Riverside Avenue, Rialto, CA 92376 (APN:0131-161-22); and (2) Authorize the City Manager to Execute all Documents.
- F.4** [22-872](#) Request City Council to Adopt **Resolution No.7978** A Resolution of the City Council of the City of Rialto, Amending the City's Conflict of Interest Code and List of Designated Employees.
- F.5** [22-886](#) Request City Council to: (1) Award Professional Services Agreements with Albert A. Webb Associates and Transtech Engineers for On-Call Traffic Engineering Services, and (2) Authorize the City Manager to Execute All Documents.
- F.6** [22-885](#) Request City Council to: (1) Award Professional Services Agreements with Koury Engineering & Testing Inc. and MTGL, Inc. for On-Call Geotechnical Services, and (2) Authorize the City Manager to Execute All Documents.
- F.7** [22-884](#) Request City Council to: (1) Award a Professional Services Agreements with GEI Consultants, Inc. and Terracon Consultants Inc. for On-Call Environmental Services, and (2) Authorize the City Manager to Execute All Documents.
- F.8** [22-883](#) Request City Council to: (1) Award Professional Services Agreements with Mark Thomas & Company, Inc., Michael Baker International, Proactive Engineering Consultants, Inc. and Psomas for On-Call Professional Civil Engineering Services, and (2) Authorize the City Manager to Execute All Documents.

- F.9** [22-881](#) Request City Council to: (1) Award Professional Services Agreements with Black O'dowd and Associates, Inc. DBA BOA Architecture, Bureau Veritas North America, Inc., and Westgroup Designs Inc. for On-Call Professional Architectural Services, and (2) Authorize the City Manager to Execute All Documents.
- F.10** [22-877](#) Request City Council to: (1) Receive an Update on and Confirm the Continued Existence of the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Pandemic; (2) Make Findings for Continuing "Hybrid" Public Meetings Pursuant to AB 361; and (3) Provide any Further Direction in Relation thereto
- F.11** [22-892](#) Request City Council to Authorize the City Manager to Negotiate and Execute a Final Miro Way Parcels Collective Disposition Agreement with Lewis-Hillwood Rialto, LLC Upon City Attorney Approval as to Form, and to Proceed with Issuance of Sealed Bid Auction Notices.

TAB PUBLIC HEARING

- TAB1** [22-862](#) Request City Council to: (1) Conduct a Public Hearing Regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2; (2) Request City Council to Adopt **Resolution No. 7979** Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2, Commencing in Fiscal Year 2022/2023; and (3) Request City Council to Adopt **Resolution No. 7980** Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith, and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2022/2023 for said Annexation.

**POWERPOINT
(ACTION)**

TAB2 [22-893](#) Request City Council to: (1) Conduct a Public Hearing and Solicit Public Comments from Interested Citizens on the Fiscal Year 2021-2022 CDBG Consolidated Annual Performance and Evaluation Report (CAPER); (2) Ratify the CDBG Fiscal Year 2021-2022 Annual Action Plan by Increasing the Section 108 Loan Repayment by \$56,122.28 to \$489,383.28; (3) Adopt **Resolution No. 7981** Approving the Fiscal Year 2021-2022 CAPER; and (4) Authorize the City Manager to Submit the Fiscal Year 2021-2022 CAPER to the U.S. Department of Housing and Urban Development (HUD).

POWERPOINT

(ACTION)

TAB3 [22-869](#) Request City Council to: (1) Hold a Public Hearing to Consider the 5-Year Allocation Plan for Use of Permanent Local Housing Allocation (PLHA) Program Funds; (2) Adopt **Resolution No. 7982** Authorizing the Submission of an Application For, and Receipt Of, Permanent Local Housing Allocation (PLHA) Program Funds; and (3) Authorize the City Manager to Execute All Documents.

(ACTION)

NEW BUSINESS

TAB4 [22-874](#) Request City Council to Introduce **Ordinance No. 1671**, Amending Section 1.14.030 of Chapter 1.14 of the Rialto Municipal Code, Provide First Reading by Title and Waive Further Reading.

(ACTION)

TAB5 [22-891](#) Request City Council to: (1) Approve the Term Sheet with the Inland Empire Utilities Agency (IEUA) Relating to the Long-Term Sale of Wastewater Effluent for Recycled Water Purposes; and (2) Authorize the City Manager to Execute the Final Agreement with IEUA Consistent with the Term Sheet and All Related Documents.

POWERPOINT

(ACTION)

TAB6 [22-855](#) Request City Council to Approve a Reimbursement Agreement by and between the City of Rialto and Lewis-Hillwood Rialto Company, LLC for the cost of the preparation and processing of an amendment to the Renaissance Specific Plan for a Maximum Cost of \$532,140.

(ACTION)

- TAB7** [22-857](#) Request City Council to 1) Award a Construction Contract to PTM General Engineering Services, Inc., a California corporation, in the amount of \$466,066 for Ayala Drive and Fitzgerald Avenue Traffic Signal and Lighting Improvement Project, City Project No. 190810; and (2) Authorize the City Manager to Execute all Documents.
(ACTION)
- TAB8** [22-858](#) Request City Council to: (1) Award a Construction Contract to Roadway Engineering & Construction Corp, a California corporation, in the amount of \$213,220 for the 1193 W Merrill Avenue Widening, City Project No. 210812; and (2) Authorize the City Manager to Execute all Documents.
(ACTION)
- TAB9** [22-859](#) Request City Council to: (1) Award a Construction Contract to Match Corporation, a California corporation, in the amount of \$3,961,071 for the Riverside Avenue Central Reconstruction Project, City Project No. 220804; (2) Delegate Authority to the City Manager to Approve Contract Change Orders in the Cumulative Amount of \$400,000; and (3) Authorize the City Manager to Execute all Documents.
(ACTION)
- TAB10** [22-856](#) Request City Council to: (1) Approve a Five-Year Contractual Agreement for Trimester Continuing Professional Training for the Fiscal Years 2022/2023 Through 2026/2027; (2) Approve a Five-Year Contractual Agreement for the use of the Weapons Firing Range Facility for the Fiscal Years 2022/2023 Through 2026/2027; and (3) Authorize the City Manager or Designee to Execute all Documents.
(ACTION)
- TAB11** [22-832](#) Request City Council to: (1) Adopt **Resolution No. 7983** Amending the 2022-2023 Fiscal Year Budget; (2) Accept the 2022 BJA-Byrne Discretionary Justice Assistance Grant Program in the Amount of \$700,000; and (3) Authorize the City Manager to Execute a Funding Agreement and All Related Documents.
(ACTION)
- TAB12** [22-866](#) Request the Mayor to (1) Appoint a new Ad-Hoc Grants Subcommittee and (2) City Council to Ratify the formation of a new Ad-Hoc Grants Subcommittee to Review and Advise on Grant Funding Applications and Priorities.
(ACTION)
- TAB13** [22-870](#) Request that the Mayor Appoint and City Council to Ratify an Ad-Hoc Subcommittee to Review and Evaluate Proposals for a State Lobbyist Firm
(ACTION)

TAB14 [22-860](#)

Request City Council to: (1) Consider and Select the Artificial Christmas Tree Solicited Through RFQ 23-002; and (2) Authorize the City Manager to Proceed with the Purchase of the Selected Christmas Tree.

**POWERPOINT
(ACTION)**

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY MANAGER:

ADJOURNMENT