

City of Rialto

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



Regular Meeting

Tuesday, July 25, 2023

CLOSED SESSION TIME: 4:30 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 Andy Carrizales
Council Member Rafael Trujillo
Council Member Ed Scott
Council Member Joe Baca
Barbara A. McGee City Clerk
Edward Carrillo City Treasurer
Eric Vail City Attorney
Arron Brown, Acting City Manager*

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 AT LEAST 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., MONDAY THROUGH FRIDAY. 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).

HOW TO ATTEND THE MEETING.

- (1) Members of the public may attend the meeting in person.*
- (2) Watch live streaming video of the Meeting at <https://www.yourrialto.com/183/Rialto-Network>*
- (3) Council Meetings are broadcast live on the City's television station, Rialto Network. Spectrum Channel 3 and AT&T Channel 99.*

HOW TO MAKE A PUBLIC COMMENT.

- (1) Appear at the meeting and speak during the public comment period. We request that you complete a Public Speaker Form and submit it to the City Clerk before the meeting. There is a 5 minute time limit.*
- (2) You may submit a public comment in writing to the City Clerk by email at CITYCLERK@RIALTOCA.GOV.*

Next Ordinance No. 1687 Next Resolution No. 8125

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

4:30 p.m.

CLOSED SESSION

1 [23-677](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation Pursuant to Government Code section 54956.9(d)(2)

Number of matters: Seven (7).

- Workers Compensation Claim - James Bender
- Workers Compensation Claim - Jose Munoz
- Workers Compensation Claim - Eric Bluff-Hop
- Industrial Disability Retirement - Donna Crow
- Potential Litigation Item - Cactus Basin
- Claim - Deborah Robertson
- Initiative Measure

2 [23-678](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Two (2) matters:

(1) Brandyberry v. City of Rialto et al.,
SBSC Case No. CIV SB 2209443

(2) Angulo v. City of Rialto et al.,
SBSC Case No. CIV SB 2218619

3 [23-679](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: APN: 0264-211-15 & 17; and 0264-211-44, 45, 46, & 54

Agency Negotiator: Acting City Manager Arron Brown; Assistant City Attorney Robert Messinger

Negotiating Parties: City of Rialto, City of Rialto as Successor Agency; TE Newland Investment LLC.

Under Negotiation: Price and Terms Sale

4 [23-680](#)**CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code section 54957.6

Labor Negotiator: Arron Brown and Al Ford

Employee Organizations:

- Executive Management Team
- Management Unrepresented Employees
- Rialto City Employee's Association (RCEA)
- Rialto Mid-Management & Confidential Employee's Association (RMMA)
- Rialto Fire Management Association (RFMA)
- Rialto Police Benefit Association - Management
- Rialto Police Benefit Association - General
- Rialto Professional Firefighters of California - Local 3688
- Unrepresented Employees

5 [23-681](#)**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: City Attorney

6:30 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Council Member Rafael Trujillo

INVOCATION - Pastor Baron Sovory - Valley Fellowship SDA Church

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- | | | |
|---|------------------------|---|
| 1 | 23-676 | In Memoriam for Genetha Thompson |
| 2 | 23-643 | Congressional Recognition Detective Watson received from Congressman Pete Aguilar - Presented by Curt Lewis |
| 3 | 23-642 | Proclamation - Never Give Up Day |
| 4 | 23-641 | Proclamation - US Conference of Mayors Playball Program |

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 | 23-672 | Warrant Resolution No.49 |
| B.2 | 23-673 | Warrant Resolution No. 49a |
| B.3 | 23-674 | Warrant Resolution No.50 |

C. APPROVAL OF MINUTES

- C.1 [23-644](#) Regular City Council Meeting - June 27, 2023

D. CLAIMS AGAINST THE CITY

- D.1 [23-620](#) Maria Benitez (Guardian)
- D.2 [23-662](#) Jocelyn Navarette - Vehicle Damage
- D.3 [23-663](#) Clifford Moss Jr. - Vehicle Damage
- D.4 [23-664](#) Lidia Herrera - Vehicle Damage
- D.5 [23-665](#) Mercury Insurance (Omar Alanis) - Vehicle Damage

E. SET PUBLIC HEARING

- E.1 [23-656](#) Request City Council to Set a Public Hearing for **August 8, 2023** to consider (1) **Specific Plan Amendment No. 2022-0001**, a request to change the land use designation on a 1.67-acre parcel of land (APN: 0130-013-02) located on the east side of Cactus Avenue approximately 360 feet south of Foothill Boulevard from Commercial - Mixed Use (C-MU) to Residential - High Density (R-HD), (2) **Precise Plan of Design No. 2022-0025**, a request to allow the development of a 21-unit apartment complex with 5 Accessory Dwelling Units consisting of eight (8) two-story buildings and associated paving, landscaping, lighting and drainage improvements, and (3) an Addendum to the Foothill Boulevard Specific Plan Mitigated Negative Declaration (**Environmental Assessment Review No. 2022-0037**) prepared for the project, in accordance with the California Environmental Quality Act (CEQA).
- E.2 [23-647](#) Request City Council to Set a Public Hearing for **August 22, 2023**, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 1st Quarter of the 2023 Calendar Year.

- E.3 [23-669](#) Request City Council to Set a Public Hearing for **August 22, 2023** to consider (1) **Tentative Parcel Map No. 2020-0001 (TPM 20195)**, a request to subdivide a 31.61 gross acre parcel of land into two (2) new parcels of land, (2) **Conditional Development Permit No. 2020-0002**, a request to allow the development and use of two (2) new industrial warehouse buildings, (3) **Precise Plan of Design No. 2020-0012**, a request for site and architectural review of a proposal consisting of one (1) 430,581 square foot industrial warehouse building and one (1) 249,026 square foot industrial warehouse building on 31.61 gross acres of land, and (4) an Environmental Impact Report (**Environmental Assessment Review No. 2020-0003**) prepared for the project, in accordance with the California Environmental Quality Act (CEQA). The project site is located on the north side of Baseline Road approximately 350 feet east of Fitzgerald Avenue.

F. MISCELLANEOUS

- F.1 [23-639](#) Request City Council to (1) Approve the Purchase of Upgraded Digital Analysis Hardware and an Annual Software Subscription in the Amount of \$128,836.18 with Cellebrite, Inc.; and (2) Authorize the Acting City Manager or his Designee to Execute all Documents.
- F.2 [23-648](#) Request City Council Receive and File the 2022 Consumer Confidence Drinking Water Report.
(RECEIVE AND FILE)
- F.3 [23-661](#) Request City Council to Approve Renewal of Professional Consulting Agreement for Federal Legislative Advocacy Services with David Turch and Associates in the Amount Not to Exceed \$78,000 per year (\$156,000) for a Two-Year Term Commencing on August 1, 2023.
- F.4 [23-668](#) Request City Council to (1) accept a donation valued at \$43,893 from Canvus for Park Furniture made from retired Materials at no cost to the city; (2) Approve the Acting City Manager to execute all necessary documents to accept the donation.
- F.5 [23-667](#) Request City Council to: (1) Approve a grant application for Window 1 Mobility Project Voucher (MPV) under the Clean Mobility Options (CMO) Program; (2) Authorize the Acting City Manager to sign all necessary documents to complete the grant submission
- F.6 [23-671](#) Request City Council to Adopt **Resolution No. 8111** Setting the Fiscal Year 2023/2024 Tax Rate for PERS Retirement Cost at \$0 (zero).

TAB PUBLIC HEARING

- TAB1** [23-645](#) Request City Council to: (1) Conduct a Public Hearing to Consider the Placement of Solid Waste Handling Service Charges on the Property Tax Roll; and (2) Adopt **Resolution No. 8112** Authorizing the Placement of Solid Waste Handling Service Charges and Fees on the Property Tax Roll.
(ACTION)
- TAB2** [23-640](#) Request City Council to: (1) Conduct a Public Hearing and Take Public Comment, and (2) Adopt **Resolution No. 8113**, Authorizing The Annexation Of Territory To Community Facilities District No. 2016-1 (Public Services) (Annexation No. 7) And Authorizing The Levy Of A Special Tax And Submitting The Levy Of Tax To The Qualified Electors; (3) Adopt **Resolution No. 8114**, Calling A Special Election And Submitting To The Voters Of Annexation No. 7 Of City Of Rialto Community Facilities District No. 2016-1 (Public Services) Propositions Regarding The Annual Levy Of Special Taxes Within Annexation No. 7 To Finance Public Services, And The Establishment Of An Appropriations Limit; (4) Hold A Special Election by Opening Ballots; (5) Following The Election Adopt **Resolution No. 8115** Making Certain Findings, Certifying The Results Of The Election And Adding Property To Community Facilities District No. 2016-1 (Public Services) (Annexation No. 7).
(ACTION)
- TAB3** [23-646](#) Request City Council to Conduct a Public Hearing to Adopt **Resolution No. 8116** (Attachment A) Ratifying Adoption of the City of Rialto 2021-2029 (Sixth Cycle) General Plan Housing Element Update (General Plan Amendment No. 2021-0002).
(ACTION)

TAB4 [23-660](#)

Request City Council to Conduct a Public Hearing to Consider and Adopt the Residential Overlay Program Pursuant to the 2021-2029 (Sixth Cycle) General Plan Housing Element Comprised of the following:

1. To adopt **Resolution No. 8043** (Attachment B) approving an Addendum to the previously adopted Mitigated Negative Declaration for the 2021-2029 (6th Cycle) General Plan Housing Element Update (Environmental Assessment Review No. 2022-0083) for the proposed project.
2. To introduce for the First Reading, **Ordinance No.1681** (Attachment C) that would approve Zoning Code Amendment No. 2022-0004 to amend the Rialto Municipal Code by adding Chapter 18.116 (Residential Overlay), modifying Section 18.22.020 (Permitted Uses), and adding Section 18.56.090 (Affordable Housing Projects).
3. To adopt **Resolution No. 8045** (Attachment D) approving Specific Plan Amendment No. 2022-0007 to establish a residential overlay in the Central Area Specific Plan and to adopt the attached Resolution No. 8046 (Attachment E) approving Specific Plan Amendment No. 2022-0008 to establish a residential overlay in the Gateway Specific Plan.
4. To introduce for the First Reading, **Ordinance No.1682** (Attachment F) that would approve Zoning Code Amendment No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area D (Properties Located Near North Riverside Avenue and Easton Street)
5. To introduce for the First Reading, **Ordinance No.1683** (Attachment G) that would approve Zoning Code Amendment No. 2022-0004 to amend Section 18.116.020 (Application) of Title 18 (Zoning) of the Rialto Municipal Code to add a zoning map for Area E (Properties Located in the Foothill Boulevard Specific Plan) and to adopt the attached **Resolution No. 8044** (Attachment H) approving Specific Plan Amendment No. 2022-0006 to establish a residential overlay in the Foothill Boulevard Specific Plan.

(ACTION)

TAB NEW BUSINESS

- TAB5** [23-666](#) Recommend the City Council to Adopt **Resolution No. 8117**, A Resolution of the City Council of the City of Rialto, California, Appointing Henry Garcia as Interim City Manager and Approve Corresponding Employment Agreement.
(ACTION)
- TAB6** [23-521](#) Request City Council to: (1) Approve a one-year Agreement for Professional Services with Social Work Action Group; (2) Approve a Purchase Order for \$708,712 for Fiscal Year 2023/2024; (3) Authorize the Acting City Manager, or his Designee, to Execute All Documents.
(ACTION)
- TAB7** [23-637](#) Request City Council to: (1) Delegate Additional Authority for Change Orders in the Cumulative Amount of \$500,000 to Calmex Engineering Inc., a California Corporation for the Street Overlay & Reconstruction Project Riverside Avenue from I-10 to the Southern City Boundary, City Project No. 180807; and (2) Authorize the Acting City Manager to Execute all Related Documents.
(ACTION)
- TAB8** [23-636](#) Request City Council to 1) Award a Construction Contract to Baker Electric Inc. in the Amount of \$609,162 for the Willow Avenue and San Bernardino Avenue Traffic Signal and Lighting Improvements Project, City Project No. 230805; and 2) Authorize the Acting City Manager to Execute all Related Documents.
(ACTION)
- TAB9** [23-336](#) Request City Council to: (1) Adopt Budget **Resolution No. 8118** Amending the 2023-2024 Fiscal Year Budget to Accept Additional HSIP Grant funds in the Amount of \$577,710 and Appropriate \$265,028 from the Local Measure I Fund; (2) Award a Construction Contract to I E General Engineering Inc., a California Corporation in the amount of \$1,391,338.00 for the Base Bid Schedule for the Baseline Road Median Project, City Project No. 170812, Federal Project No. HSIP 5205-027; (3) Award Professional Services Agreement to Transtech Engineers, Inc. in the amount of \$136,200 for Construction Management, Inspection and Materials Testing Services for the Baseline Road Median Project, City Project No. 170812; Federal Project No. HSIP 5205-027; (4) Delegate Authority to the City Manager to Approve Contract Change Orders in the Cumulative Amount of \$200,000; and (4) Authorize the Acting City Manager to Execute all Related Documents.
(ACTION)

TAB10 [23-670](#)

Request City Council to Adopt the Following Resolutions Setting the Fiscal Year 2023-24 Special Tax Levies for Community Facilities Districts 2006-1, 2016-1, 87-1, 87-2, 2019-2, and 2020-1:

(1) **Resolution No. 8119** of The City Council of the City of Rialto, State of California, Community Facilities District 2006-1 (ELM PARK) Establishing Annual Special Tax for Fiscal Year 2023-24.

(2) **Resolution No. 8120** of The City Council of the City of Rialto, State of California, Community Facilities District 2016-1 (PUBLIC SERVICES) Establishing Annual Special Tax for Fiscal Year 2023-24.

(3) **Resolution No. 8121** of The City Council of the City of Rialto, State of California, Community Facilities District 87-1 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2023-24.

(4) **Resolution No. 8122** of The City Council of the City of Rialto, State of California, Community Facilities District 87-2 (LAS COLINAS) Establishing Annual Special Tax for Fiscal Year 2023-24.

(5) **Resolution No. 8123** of The City Council of the City of Rialto, State of California, Community Facilities District 2019-2 (FOOTHILL/SPRUCE) Establishing Annual Special Tax for Fiscal Year 2023-24.

(6) **Resolution No. 8124** of The City Council of the City of Rialto, State of California, Community Facilities District 2020-1 (EL RANCHO VERDE) Establishing Annual Special Tax for Fiscal Year 2023-24.

(ACTION)

TAB11 [23-601](#)

Request City Council to: (1) Approve a Professional Services Agreement with David Taussig Associates Inc. (DTA) for consulting services for a comprehensive citywide Development Impact Fee Study, User Fee Study and Nexus Study Services; and (2) Authorize the Acting City Manager to Execute All Documents.

(ACTION)

TAB12 [23-462](#)

Request City Council to approve the Permitting Services One Stop project in concept and authorize staff to initiate conceptual architectural, space programming and floor plan design with BOA Architecture in the amount of \$18,300.

(ACTION)

TAB13 [23-683](#)

City Council to discuss and consider placing a council ballot initiative on the March 5, 2024 Special Election for registered voters of the City of Rialto to affirm Resolution No. 8098, adopted on June 13, 2023, that amended the Pepper Avenue Specific Plan.

(ACTION)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY MANAGER:

ADJOURNMENT