

City of Rialto



Regular Meeting

Tuesday, October 12, 2021

AMENDED AGENDA

CLOSED SESSION TIME: 5:00 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

IN RESPONSE TO THE COVID-19 EMERGENCY, THE CITY COUNCIL CHAMBERS WILL BE OPEN TO THE PUBLIC WITH LIMITED SEATING INSIDE THE COUNCIL CHAMBERS. THE PUBLIC WILL HAVE AN OPPORTUNITY TO SPEAK ON ANY ITEM USING THE PODIUM INSIDE COUNCIL CHAMBERS.

MEMBERS OF THE PUBLIC ARE PROVIDED OPPORTUNITIES FOR PUBLIC COMMENT BY SUBMITTING WRITTEN COMMENT TO CITYCLERK@RIALTOCA.GOV OR PROVIDE ORAL COMMENTS VIA ZOOM (5 MINUTE LIMIT). Attend the Meeting via Zoom Webinar: <https://zoom.us/j/94152325262>. YOU MUST SIGN UP BY 6:30PM THE NIGHT OF THE MEETING, SEND EMAIL: rialtonetwork@rialto.ca.gov.

TO VIEW ONLY

Watch live streaming video of the Meeting at <https://www.yourrialto.com/183/Rialto-Network>

Council Meetings are broadcast live on the City's television station, Rialto Network. Spectrum Channel 3 and AT&T Channel 99.

Attend the Meeting via Zoom <https://zoom.us/j/94152325262>. You do not have to speak.

LISTEN ONLY

Call into the Live Meeting: (669) 900-9128 Webinar ID: 941 5232 5262

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

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

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

Next Ordinance No.1663 Next Resolution No. 7783**Called to Order By:****ROLL CALL****Rialto – Entering a Second Century of Progress**

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

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

5:00 p.m.

CLOSED SESSION

- 1 [21-0706](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code section 54956.8
Property: : 1432 S. Riverside Avenue, Rialto, CA 92376
Agency Negotiator: City Manager Marcus Fuller; City Attorney Eric Vail.
Negotiating Parties: NewMark Merrill Companies, LLC; City of Rialto as
Successor Agency
Under Negotiation: Price and Terms of Sale

- 2 [21-0692](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** Pursuant to
Government Code section 54956.8

Property: 119 N. Riverside Avenue
Agency Negotiator: City Manager Marcus Fuller
Negotiation Parties: City of Rialto; Cuca's Mexican Restaurant Inc.
Under Negotiation: Termination or Extension of existing lease

- 3 [21-0690](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED**
LITIGATION Pursuant to Government Code section 54956.9(d)(2) Four
(4) matters

- 4 [21-0691](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Government Code section 54956.9(d)(4) Decision whether to
initiate or join litigation Two (2) matters:
 (1) National Opioid Litigation (several consolidated matters)
 (2) San Diego et al., v. Invitation Homes et al., (Qui Tam case under
seal)

5 [21-0693](#) **CONFERENCE WITH LABOR NEGOTIATORS,** Pursuant to
Government Code section 54957.6

Agency Designated Representatives:

City Manager, Marcus Fuller; Assistant City Attorney Algeria Ford

Employee Organizations:

- City Government Management Association
- Rialto Fire Management Association
- Rialto Mid-Management & Confidential Employee's Association
- Rialto Policy Benefit Association - Management
- Rialto Policy Benefit Association - General
- Rialto City Employee's Association
- Rialto Professional Firefighters of California - Local 3688
- Executive Management Team
- Management Unrepresented Employees
- Unrepresented Employees

B.2 [21-0710](#) Warrant Resolution No. 12 (9/23/2021)

B.3 [21-0711](#) Warrant Resolution No. 13 (9/30/2021)

C. APPROVAL OF MINUTES

C.1 [21-0686](#) Regular City Council Meeting - September 14, 2021

C.2 [21-0714](#) Regular City Council Meeting - September 28, 2021

D. CLAIMS AGAINST THE CITY

D.1 [21-0712](#) Alexander Tamayochimal - Damages

D.2 [21-0713](#) Alejandro Mena Barajas - Vehicle Damage

E. MISCELLANEOUS

E.1 [21-0665](#) Request the City Council to Adopt **Resolution No. 7778** Approving the Application for \$1,373,500 Outdoor Equity Grants Program Grand Funds through the California Department of Parks and Recreation Parks Office.

E.2 [21-0652](#) Request City Council to Approve the Intergovernmental Agreement Regarding Transfer of Public Funds between the City and the California Department of Healthcare Services for the service period of January 2021 through December 2021.

E.3 [21-0663](#) Request City Council to Adopt **Budget Resolution No. 7779** Accepting Additional Funds for the Fiscal Year 2019 Homeland Security Grant Program in the Amount of \$15,621.00, Increasing Estimated Revenue and Appropriating Expenditures, and Approve the Purchase of a Can-Am Maverick ATV from Chaparral Motorsports in the Amount of \$40,325.64.

E.4 [21-0636](#) Request City Council Adopt **Resolution No. 7780** and Rialto Utility Authority Board Adopt **RUA Resolution No. 07-21** Approving an Extraterritorial Wastewater Service Agreement with Kareem Oil, LLC, for the property located at 18653 Slover Avenue, Bloomington, Assessor's Parcel Number 0257-013-12-0000.

E.5 [21-0638](#) Request City Council/Rialto Utility Authority Board to Approve the Property Lease Agreement By and Between the Rialto Utility Authority and Rialto Bioenergy Facility LLC., in the Amount of \$2,000 per month for the months of October 1, 2021, through March 31, 2022.

- E.6 [21-0683](#) Request City Council to Adopt **Resolution No.7781** to Amend Resolution No. 7766 to Identify the Positions of Building Official and Economic Development Manager as Exempt from the City's Competitive Service Pursuant to Rialto Municipal Code Section 2.50.060.
- E.7 [21-0662](#) Request City Council to Approve a First Amendment to the Location Agreement with Medline Industries, LP.
- E.8 [21-0687](#) Request City Council to Adopt by Second Reading ORDINANCE NO. 1662
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 2.48 OF THE RIALTO MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING ORDINANCE

TAB PUBLIC HEARING

- TAB1 [21-0659](#) Public Hearing to consider an appeal of the Planning Commission decision to deny Conditional Development Permit No. 2020-0020 and Precise Plan of Design No. 2020-0026, a request to allow the development and operation of a 47,609 square foot truck terminal and storage warehouse/distribution center, and associated paving, landscaping, fencing, lighting, and drainage improvements on 12.72 gross acres (11.80 net acres) of land (APNs: 0258-011-01, -09, & -10) located between Cactus Avenue and Lilac Avenue approximately 625 feet south of Slover Avenue within the Light Industrial (M-1) zone and the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan. A Mitigated Negative Declaration (Environmental Assessment Review No. 2020-0024) has been prepared for consideration in conjunction.
(ACTION)
- TAB2 [21-0650](#) Request City Council to Conduct a Public Hearing Regarding the Proposed Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2.
POWERPOINT
(ACTION)
- TAB3 [21-0679](#) Request City Council to Conduct a Public Hearing and Solicit Public Comments from Interested Citizens to Consider and Approve the City's Substantial Amendment No. 4 Revised Budget Amounts to CDBG-CV Activities within the 2020 Annual Action Plan.
(ACTION)

NEW BUSINESS

- TAB4** [21-0716](#) Request the City Council Adopt a Resolution No. **7782** of the Successor Agency to the Rialto Redevelopment Agency Approving a Purchase and Sale Agreement by and between the Successor Agency to the Rialto Redevelopment Agency and NewMark Merrill Companies, LLC, for 15.09 Acres Located West of Riverside Avenue and North of Valley Boulevard at a Purchase Price of \$3,508,758; and Approve a First Amended and Restated Exclusive Negotiating Agreement by and between the City of Rialto and NewMark Merrill Companies, Inc. Relating Thereto. **UPDATED STAFF REPORT (ACTION)**
- TAB5** [21-0667](#) Request City Council to approve submittal of the Draft 6th Cycle Housing Element Update 2021-2029 to the California State Department of Housing and Community Development
(ACTION)
- TAB6** [21-0681](#) Request City Council to Receive an Update on and Confirm the Continued Existence of and Provide any Further Direction in Relation to the Local Emergency Throughout the City of Rialto in Response to the COVID-19 Outbreak.
(ACTION)

REPORTS**MAYOR:****COUNCIL MEMBERS:****CITY ATTORNEY:****CITY MANAGER:****ADJOURNMENT**