

# City of Rialto



## Regular Meeting - Final

**Tuesday, December 14, 2021**

**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](mailto: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](http://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*

## **Next Ordinance No. 1665    Next Resolution No. 7822**

**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      [21-0902](#)      **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Pursuant to Government Code section 54956.9(d)(1)  
Three (3) matters:  
  - (1) [Patricia Delgado v. City of Rialto et al.](#),  
US District Court, Case No. 5:20-cv-02609-JGB-SHK
  - (2) [Beatris Chavez v. City of Rialto et al.](#),  
SBSC Case No CIVD2024244
  - (3) [Richard Gomez v. City of Rialto et al.](#),  
SBSC Case No. CIVDS2009827
- 2      [21-0903](#)      **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation Pursuant to Government Code section 54956.9(d)(2)  
Number of matters: five (5)
- 3      [21-0904](#)      **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 5495957(b)  
Title: City Manager

6:30 p.m.

Called to Order By:

ROLL CALL

**PLEDGE OF ALLEGIANCE - Mayor Deborah Robertson**

**INVOCATION - Father Richard Casillas of St. Catherine of Siena**

City Attorney's Report on Closed Session

**PRESENTATIONS AND PROCLAMATIONS**

- 1        [21-0914](#)        Introduction of New Employees by City Manager Marcus Fuller  
Director of Human Resources - Scott Pilch  
IT Manager - Edgar Trenado
- 2        [21-0927](#)        Certification of Recognition to Queen Ivie Egiebor -  
Mayor Deborah Robertson
- 3        [21-0928](#)        Certification of Recognition to RUSD International Healing Garden -  
Fausat Rahman - Davies - Mayor Deborah Robertson

**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        [21-0847](#)        Warrant Resolution No.18 (11/04/2021)
- B.2        [21-0848](#)        Warrant Resolution No.19 (11/11/2021)

B.3     [21-0849](#)     Warrant Resolution No.20 (11/18/2021)

B.4     [21-0850](#)     Warrant Resolution No.21 (11/24/2021)

B.5     [21-0929](#)     Warrant Resolution No.22 (12/02/2021)

**C.     APPROVAL OF MINUTES**

C.1     [21-0885](#)     Regular City Council Meeting - October 26, 2021

C.2     [21-0846](#)     Regular City Council Meeting - November 9, 2021

**D.     CLAIMS AGAINST THE CITY**

D.1     [21-0845](#)     Kenitra Warner - Unpaid Wages

D.2     [21-0875](#)     Estate of Christopher Valadez - Wrongful Death

D.3     [21-0881](#)     Bobby Riley - Property Damage

D.4     [21-0913](#)     Esteban Hernandez - Personal Injury

**E.     MISCELLANEOUS**

E.1     [21-0878](#)     Request City Council to adopt **Resolution No. 7802** Accepting Funding in the Amount of \$20,000 from the Kaiser Foundation Hospitals Community Benefit Grant for the Healthy Rialto Nutrition Program 2022.

E.2     [21-0879](#)     Request the City Council/Rialto Utility Authority Board: (1) Adopt **Resolution No. 7803** Authorizing an Application to the California State Water Resources Control Board for the Lake Rialto Habitat Management and Community Open Space Project; and (2) Adopt **RUA Resolution No. 09-21** Authorizing an Application to the California State Water Resources Control Board for the Lake Rialto Habitat Management and Community Open Space Project.

E.3     [21-0888](#)     Request City Council to: (1) Accept the Cal OES (Governor's Office of Emergency Services) Pass-through Grant Subaward Allocation of \$400,000 for Fire Station Dormitory Improvements; (2) Adopt **Resolution No. 7804** Amending the Fiscal Year 2021-2022 Budget; and (3) Authorize the City Manager to Execute All Documents.

- E.4     [21-0900](#)     Request City Council to Adopt **Resolution No. 7805** Approving Parcel Map 20204 for the Consolidation of Six (6) Parcels of Land into One (1) Parcel to Facilitate the Development of an Industrial Warehouse Building Located at the Northeast Corner of Merrill Avenue and Yucca Avenue.
- E.5     [21-0619](#)     Request City Council to: (1) Adopt **Resolution No. 7806** Approving Tract Map 20092 for the Subdivision of Six (6) Parcels of Land into Six (6) Buildable Lots, One (1) Remainder Parcel and Thirteen (13) Lettered Lots to Facilitate the Development of the Lytle Creek Ranch Specific Plan Mastered Planned Community, and Approving an Associated Subdivision Improvement Agreement; and (2) Authorize the City Manager to Execute All Documents
- E.6     [21-0901](#)     Request City Council to Adopt **Resolution No. 7807** Approving Parcel Map 20152 Located on the South Side of Casmalia Street between Maple Avenue and Linden Avenue, and Approving a Subdivision Improvement Agreement with CDRE Holdings 14, LLC, a Nevada Limited Liability Company
- E.7     [21-0899](#)     Request City Council to: (1) Adopt **Resolution No. 7808** Approving Parcel Map 20074 for the Subdivision of One (1) Parcels of Land into Three (3) Parcels to Facilitate the Development of Three Industrial Warehouse Buildings; (2) Approve a Subdivision Improvement Agreement with Renaissance Commerce Center, LLC, a California Limited Liability Company; and (3) Authorize the City Manager to Execute All Documents.
- E.8     [21-0877](#)     Request the City Council/Rialto Utility Authority Board: 1) Authorize submission of a grant application to the California Department of Water Resources' Urban and Multibenefit Drought Relief Program; 2) Adopt **Resolution No. 7809** Authorizing the Grant Application, Acceptance, and Execution for the Well "City 3A" Groundwater Treatment System Project through the Department of Water Resources' Urban and Multibenefit Drought Relief Program Grant Application; and 3) Adopt **RUA Resolution No. 10-21** Authorizing the Grant Application, Acceptance, and Execution for the Well "City 3A" Groundwater Treatment System Project through the Department of Water Resources' Urban and Multibenefit Drought Relief Program Grant Application.
- E.9     [21-0818](#)     Request City Council/Rialto Utility Authority Board Adopt **Resolution No. 7810** and Rialto Utility Authority Board Adopt **RUA Resolution No.11-21** Approving an Extraterritorial Wastewater Service Agreement with Chandi Enterprises, LLC, for the property located at 10951 Cedar Avenue, Bloomington, Assessor's Parcel Number 0257-101-01-0000.

- E.10     [21-0892](#)     Request City Council to Adopt **Resolution No. 7811** Amending the Citywide Classification and Compensation Plan/Table for Part-time Employees.
- E.11     [21-0919](#)     Request City Council to Receive and File a Report from the City Attorney regarding Payment of Deferred Compensation to 401(a) Money Purchase Pension and Trust Accounts Due to Eligible Elected City officials serving between July 1, 2014, and the Current Date.
- E.12     [21-0925](#)     Request City Council Consider and Approve **Resolution No. 7812** Opting-In to the National Opioid Settlements, Approve Direct Receipt of Funds, and Authorize the City Manager to Execute all Necessary Documents.
- E.13     [21-0918](#)     Request City Council to Receive, File, and Make Available to the Public the Development Impact Fee Report for the Fiscal Years Ended June 30, 2019, 2020, and 2021.

## **TAB     PUBLIC HEARING**

- TAB1     [21-0843](#)     Request City Council to Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the Second Quarter of 2021; and Adopt a **Resolution No. 7813** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.  
**(ACTION)**
- TAB2     [21-0883](#)     Request City Council to Conduct a Public Hearing to Consider an Appeal of the Planning Commission's Decision to Approve Conditional Development Permit No. 2021-0006, a request to allow the Sale of Distilled Spirits for Off-Site Consumption, in addition to Existing sales of Beer and Wine for Off-Site consumption, from an Existing Convenience market located at 718 E. Foothill Boulevard within the Commercial Pedestrian (C-P) land use District of the Foothill Boulevard Specific Plan. This Project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines and consider **Resolution No. 7814** denying appellant's appeal.  
**(ACTION)**
- TAB3     [21-0884](#)     Request City Council to consider an Extension of Time for a Non-Conforming Grocery Store Located at 1612 West Merrill Avenue to be in Existence and Operate within a Residential Zone and adopt **Resolution No. 7815**.  
**(ACTION)**

**NEW BUSINESS**

- TAB4**    [21-0887](#)    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)**
- TAB5**    [21-0915](#)    Request City Council to: (1) Adopt **Resolution No. 7816** Amending the 2021-2022 Fiscal Year Budget Associated with the Purchase and Sale of City Properties; and (2) Authorize the City Manager to Execute All Documents.  
**(ACTION)**
- TAB6**    [21-0895](#)    Request City Council to: (1) Adopt **Resolution No. 7817** Authorizing Retention of George Hills as the Third-Party Administration for General Liability Claims and Approving a Professional Services Agreement Therefore; and (2) Authorize the City Manager to Execute All Documents.  
**(ACTION)**
- TAB7**    [21-0889](#)    Request City Council to Authorize an Increase to the Annual Budget for On-Call Construction Management, Inspection and Materials Testing Services from \$100,000 to \$300,000.  
**(ACTION)**
- TAB8**    [21-0880](#)    Request City Council to: (1) Award a Construction Contract to Senitica Construction, Inc., a California corporation in the amount of \$1,466,200 for the Cactus Trail Improvements Project, City Project No. 170801; (2) Award a Professional Services Agreement to Fountainhead Consulting Corporation, a California corporation in the amount of \$259,855; and (3) Authorize the City Manager to Execute All Documents.  
**(ACTION)**
- TAB9**    [21-0916](#)    Request City Council: (1) Adopt **Resolution No. 7818** Amending its Budget for the 2021-2022 transferring \$3,000,000 from General Fund reserves to the General Liability Fund and recognizing the \$250,000 preliminary insurance payment received from the fire at the Public Works building.  
**(ACTION)**
- TAB10**   [21-0825](#)    Request City Council/Rialto Utility Authority Board to Approve a Final Construction Work Authorization in the Amount of \$1,056,875 to Rialto Water Services for the Sycamore Lift Station Project; and Authorize the City Manager to Execute All Documents.  
**(ACTION)**



- TAB11** [21-0829](#) Request City Council/Rialto Utility Authority Board to: (1) Receive a Presentation on the Rialto Utility Authority Financial Analysis, and (2) Adopt **Resolution No. 7819** Amending the 2021-2022 Fiscal Year Budget Authorizing a Transfer of \$4,873,105 from the American Rescue Plan Act Fund (Fund 232) to the Rialto Utility Authority Water Enterprise Fund (Fund 670).  
**(ACTION)**
- TAB12** [21-0874](#) Request City Council to: (1) Adopt **Resolution No. 7820** Amending the 2021-2022 Fiscal Year Budget; (2) Approve the Contract with the County of Riverside Department of Animal Services to Extend Animal Shelter Services Through June 30, 2024; (3) Approve Annual Purchase Orders for the Period Fiscal Year 2021/2022 Through 2023/2024 in the Amount of \$517,384 Each Year; and (4) Authorize the City Manager Execute All Documents and to Increase Annual Purchase Orders for Shelter Services as Needed Based on the Increase of Staffing Levels and Services Provided to the City.  
**(ACTION)**
- TAB13** [21-0876](#) Request City Council to: (1) Approve a Master Services and Purchasing Agreement with Axon Enterprise, Inc., a Delaware corporation, for a Five Year Term; (2) Approve the Purchase of the Axon Fleet 3, an In-Car Cameras System, in the Amount of \$387,315.78; (3) Approve the Purchase of the AB3 Package, an Upgrade of the Police Body-Worn Video Cameras, in the Amount of \$848,799.90; (4) Authorize Financing and Payment of the Total Cost of \$1,236,115.68 Over the Five Year Term; and (5) Authorize the City Manager to Execute All Documents.  
**(ACTION)**
- TAB14** [21-0839](#) Request City Council to Introduce **Ordinance No. 1664** Amending Chapter 8.08 of the Rialto Municipal Code, Titled "Refuse Collection," to Include Provisions Pertaining to Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling as Imposed Upon the City of Rialto by the State of California Pursuant to Assembly Bill 341 (2011), Senate Bill 1018 (2012), and Assembly Bill 1826 (2014), and Exposing the City of Rialto to Significant Fines and Penalties for Failure to Adopt Same.  
**(ACTION)**
- TAB15** [21-0890](#) Request City Council to Adopt **Resolution No. 7821** Amending the Investment Policy of the City of Rialto for 2022.  
**(ACTION)**

**TAB16** [21-0932](#) Request City Council to Approve the Programs/Projects Presented in this Report to be Funded with the American Rescue Plan Act in the Amount \$29,373,105 in Coronavirus State and Local Fiscal Recovery Funds (SLFRF), Submit the Required Reporting/Expenditure Plan to the Department of Treasury, and Award Amendment #1 to Avant Garde for the Administration of ARPA funds in the Amount Not To Exceed \$575,000.00.  
**(ACTION)**

## **REPORTS**

**MAYOR:**

**COUNCIL MEMBERS:**

**CITY ATTORNEY:**

**CITY MANAGER:**

## **ADJOURNMENT**