

City of Rialto



Regular Meeting

Tuesday, August 9, 2022

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

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.1670**Next Resolution No. 7960**

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 [22-747](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Two (2) matters:

1. Erica Sanchez v. City of Rialto, SBSC Case No. CIV SB 2132734
2. Heather Lassiter v. City of Rialto, SBSC Case No. CIVSB2109592

2 [22-748](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Two (3) matters:

3 [22-749](#)

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Labor Negotiator: Marcus Fuller, Arron Brown, 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

6:30 p.m.

Called to Order By:

ROLL CALL

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Scott

INVOCATION - Pastor Jose Vindel - Rialto United Methodist Church

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- | | | |
|---|------------------------|--|
| 1 | 22-738 | Proclamation - Patriot Day and National Day of Service and Remembrance Mayor Deborah Robertson |
| 2 | 22-745 | 2022 California Firefighter Memorial Ceremony - Fire Chief Park |
| 3 | 22-746 | Introduction of new employee by Marcus Fuller, City Manager: Christopher Jensen - Fire Division Chief - Fire Marshal |

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 | 22-735 | Warrant Resolution No.4 (07/28/2022) |
| B.2 | 22-736 | Warrant Resolution No.5 (08/04/2022) |

C. CLAIMS AGAINST THE CITY

- C.1 [22-737](#) Danielle Womack - Personal Injury
- C.2 [22-743](#) Leasha Sharnell Taylor and Sincerie Ann Fleming - Damages
- C.3 [22-744](#) Garrison Property and Casualty Insurance a/s/o Destany Gross - Property Damage

D. SET PUBLIC HEARING

- D.1 [22-734](#) Request City Council to: (1) Accept Petition from the Property Owner to Consider Modification of City Of Rialto Community Facilities District No. 2020-1 (El Rancho Verde); (2) Adopt **Resolution No. 7953**. Resolution Of Consideration Of The City Council Of The City Of Rialto, California, Acting As The Legislative Body Of The City Of Rialto Community Facilities District No. 2020-1 (El Rancho Verde), Declaring Its Intention To Modify The Rate And Method Of Apportionment Of The Special Tax Relating To Said Community Facilities District, Eliminate The Designation Of Improvement Areas, Remove Territory From The Boundaries Of The Community Facilities District, Increase The Special Tax Rates, Increase The Maximum Bonded Indebtedness, And Revise The Appropriations Limit Of Said Community Facilities District, And Other Related Actions In Connection Thereto; and (3) Set a Public Hearing for September 13, 2022.

E. MISCELLANEOUS

- E.1 [22-722](#) Request City Council/Rialto Utility Authority Board Adopt **Resolution No. 7954** and Rialto Utility Authority Board Adopt **RUA Resolution No. 07-22** Approving an Extraterritorial Wastewater Service Agreement with Hilario and Juana Lopez, for the property located at 18926 Valley Blvd., Bloomington, Assessor's Parcel Number 0253-121-17-0000.
- E.2 [22-715](#) Request City Council to (1) Approve a Temporary Construction Easement Agreement with Robert D. Wilson for the property located at 1193 W. Merrill Avenue, Rialto, CA 92376 (APN:0128-161-10); and (2) Authorize the City Manager to Execute all Documents.
- E.3 [22-716](#) Request City Council to (1) Approve a Temporary Construction Easement Agreement with Syed Saidi and Sumera Sabir for the Property Located at 858 S. Riverside Avenue, Rialto, CA 92376 (APN:0131-231-12); and (2) Authorize the City Manager to Execute all Documents.

- E.4 [22-711](#) Request City Council to: (1) Approve Amendment #6 to Cooperative Agreement 93-049 between the San Bernardino County Transportation Authority and the City of Rialto; and (2) Authorize the City Manager to Execute All Documents.
- E.5 [22-708](#) Request the City Council of the City of Rialto to Adopt **Resolution No.7955** Declaring that Certain 3,000 Square Feet Commercial Parcel Located at 136 S. Riverside Avenue Identified by Assessor's Parcel Number 0130-241-30 as Surplus Land and Directing the City Manager to Follow the Procedures Set Forth in the Surplus Land Act, California Government Code Section 54220 et seq., as Amended on January 1, 2020, for the Sale of Surplus Land.
- E.6 [22-659](#) Request City Council to Adopt **Resolution No.7956**, Adopting the Fiscal Year 2022/2023 - 2026/2027 Measure I - Five-Year Capital Improvement Plan and Expenditure Strategy.
- E.7 [22-742](#) Request City Council to Approve the Updated Fiscal Year 2022/2023 Yearly Conference/Travel Expense Schedule for City Council Members.
- E.8 [22-741](#) Request City Council to Adopt by Second Reading **ORDINANCE NO.1669** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA AMENDING SECTION 1.04.060 OF CHAPTER 1.04 OF THE RIALTO MUNICIPAL CODE REGARDING DEPARTMENT AND POSITION TITLE MODIFICATIONS

TAB NEW BUSINESS

- TAB1 [22-739](#) 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
(ACTION)
- TAB2 [22-731](#) Request City Council Introduce for First Reading **Ordinance No. 1668**, Amending Chapter 17.46 of the Rialto Municipal Code to Allow for Parcel Mergers Initiated by the Property Owner / Applicant.
(ACTION)
- TAB3 [22-730](#) Request City Council to: (1) Approve a Professional Services Agreement in the Amount of \$256,000 Annually with AdminSure, Inc., a California corporation, for a 3-Year Term with 2 Optional 1-Year Extensions; (2) Authorize the City Manager to Execute All Documents.
(ACTION)

TAB4 [22-592](#)

Request City Council to (1) Adopt **Resolution No. 7957** Approving a Construction Fee Credit and Reimbursement Agreement by and between the City of Rialto and Rialto Apartments, LLC, a California Limited Liability Company; and (2) Adopt Budget **Resolution No. 7858** Amending the Fiscal Year 2022/2023 Budget; and (3) Authorize the City Manager to Execute All Documents.

(ACTION)

TAB5 [22-721](#)

Request City Council/Rialto Utility Authority Board to (1) Pursuant to Section 2.48.290 (Special Expertise Procurement) of the Rialto Municipal Code, Approve a Professional Services Agreement with ARUP North America, Ltd. in the Amount of \$120,830 for Preparation of 2019-2021 Triennial Review of the Concession Agreement, and (2) Authorize the City Manager to Execute All Related Documents.

(ACTION)

TAB6 [22-719](#)

Request City Council/Rialto Utility Authority Board to (1) Approve Final Construction Work Authorization to Rialto Water Services in the amount of \$2,982,691 for the Construction of Riverside Avenue Central Water Improvements Project, and (2) Authorize the City Manager to Execute All Related Documents.

(ACTION)

TAB7 [22-733](#)

Request City Council/Rialto Utility Authority Board to End the Moratorium on Water Disconnections and Late Penalties for Water and Wastewater Accounts that are in the Arrears in Accordance with SB 998 Requirements Effective January 1, 2023.

(ACTION)

REPORTS

MAYOR:

COUNCIL MEMBERS:

CITY ATTORNEY:

CITY MANAGER:

ADJOURNMENT