

City of Rialto



Regular Meeting

Tuesday, September 13, 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. 1671

Next Resolution No. 7977

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

4:00 p.m.

CLOSED SESSION

- 1 [22-839](#) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Government Code section 54956.9(d)(1)
Two (2) matters:
 1. Heather Lassiter v. City of Rialto, SBSC Case No. CIVSB2109592
 2. Blevins v. City of Rialto, SBSC Case No. CIVDS2011961

- 2 [22-840](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Government Code section 54956.8
Property: Parcel 4 (APN 0264-152-33-000)
Agency Negotiator: City Manager Marcus Fuller, City Attorney Eric Vail
Negotiating Parties: City of Rialto / Ayala-210
Under Negotiation: Terms of Second Implementation Agreement re sale of Parcel 4

- 3 [22-841](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Government Code section 54956.8
Property: 274 and 290 West Jackson Street (APN 0127-311-15 & 16)
Agency Negotiator: City Manager Marcus Fuller, City Attorney Eric Vail
Negotiating Parties: City of Rialto; Mary Erickson Community Housing, Susan McDevitt, Executive Director
Under Negotiation: Price and Terms of Sale

- 4 [22-842](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Three (3) matters

5 [22-843](#)**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 Dr. Victor Noland - Word In Action Christian Center

City Attorney's Report on Closed Session

PRESENTATIONS AND PROCLAMATIONS

- 1 [22-815](#) In Memoriam for:
 Jessie Sampson
 Grace Vargas
 Paten Calloway
 Daren Gilbert
 Barbara Chavez

- 2 [22-838](#) Presentation - 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 [22-766](#) Warrant Resolution No.6 (08/11/2022)

B.2 [22-767](#) Warrant Resolution No.7 (08/18/2022)

B.3 [22-768](#) Warrant Resolution No.8 (08/25/2022)

B.4 [22-769](#) Warrant Resolution No.9 (09/01/2022)

B.5 [22-770](#) Warrant Resolution No.10 (09/08/2022)

C. APPROVAL OF MINUTES

C.1 [22-771](#) Regular City Council Meeting - July 26, 2022

C.2 [22-772](#) Regular City Council Meeting - August 9, 2022

D. CLAIMS AGAINST THE CITY

D.1 [22-813](#) Jasmine Calanhan - Vehicle Damage

D.2 [22-845](#) Jason Sanders - Vehicle Damage

E. SET PUBLIC HEARING

E.1 [22-779](#) Request City Council to Set a Public Hearing for City Council meeting of September 27, 2022, to Solicit Public Comments and to Consider and Approve the City's 2021-2022 Consolidated Annual Performance and Evaluation Report (CAPER).

E.2 [22-816](#) Request City Council to 1) Set a Public Hearing for September 27, 2022, to Conduct a Property Owner Protest Ballot Proceeding; 2) Adopt **Resolution No. 7964** Initiating the Proceedings for the Annexation of Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and to Levy and Authorize Collection of Assessments Commencing with Fiscal Year 2022/2023; and to 3) Adopt **Resolution No. 7965** Declaring the Intention to Annex Properties to the Rialto Landscaping and Lighting Maintenance District No. 2 and Conduct a Property Owner Protest Ballot Proceeding On The Matter of the New Assessments Related Thereto Commencing with Fiscal Year 2022/2023.

F. MISCELLANEOUS

F.1 [22-752](#) Request City Council to Receive and File for Future Audit the Treasurer's Monthly Reports for the month end of May and June 2022.

- F.2 [22-809](#) Request City Council to Receive and File for Future Audit the Treasurer's Monthly Reports for the month end of July 2022.
- F.3 [22-802](#) Request City Council to: Approve CIRA Agreement for Apportionment of Retirement Obligations (AB1912); and (2) Authorize the City Manager to Execute All Documents.
- F.4 [22-811](#) Request City Council to Adopt **Resolution No. 7966** Adopting a Policy on the Use of Community Benefit Funds by City Council Members.
- F.5 [22-785](#) Request City Council Approve the Submission of a Sustainable Communities Program Application to the Southern California Association of Governments for Technical and Material Assistance through the Civic Engagement, Equity, and Environmental Justice Call for Projects.
- F.6 [22-829](#) Request City Council to: (1) Authorize Staff to Submit an Application for the SB 1 Trade Corridor Enhancement Program (TCEP) Grant for the I/10 Riverside Avenue Interchange Phase 2 Project in the Amount of \$19,800,000 with a Local Match Not-To-Exceed of \$8,500,000 for Construction; and (2) Authorize the City Manager to Execute all Related Documents.
- F.7 [22-780](#) Request City Council to: (1) Authorize Staff to Submit an Application for the Safe Streets and Roads for All (SS4A) Grant in the Amount of \$400,000 with a Local Match Not-To-Exceed of \$80,000; and (2) Authorize the City Manager to Execute all Related Documents.
- F.8 [22-830](#) Request City Council to Adopt **Resolution No. 7967** Approving the 2023/2024 through 2027/2028 Measure I Five-Year Capital Project Needs Analysis (CPNA) for the Major Street-Arterial Subprogram.
- F.9 [22-808](#) Request City Council to Authorize the Release of Request for Bids No. 23-012 for the Traffic Signal Modification and Median Reconfiguration at Riverside Avenue and Senior Way, City Project No. 230806.
- F.10 [22-826](#) Request City Council to Adopt **Resolution No. 7968** Approving Tract Map 20108 for the Subdivision of Land into 30 Single-Family Lots Located on the East Side of Sycamore Avenue at Alru Avenue and Approving an Associated Subdivision Improvement Agreement.
- F.11 [22-827](#) Request City Council to Adopt **Resolution No. 7969** Approving Tract Map 20204 for the Subdivision of Land into 130 Single-Family Lots of the Neighborhood II of the Lytle Creek Ranch Specific Plan and Approving an Associated Subdivision Improvement Agreement.

- F.12** [22-784](#) Request City Council Adopt **Resolution No. 7970** Authorizing a Specific Plan Amendment to change the land use designation of two parcels located at 1364 W Foothill Boulevard and 475 N Linden Avenue within the Foothill Boulevard Specific Plan from Residential-Mixed use (R-MU) to Commercial-Pedestrian (C-P).
- F.13** [22-732](#) Request City Council to: (1) Accept the OmniTrans Measure I Regional Mobility Partnership (RMP) Program Grant in the amount of \$477,994 for Transportation Services for Seniors and Disabled Community for Fiscal Years 2022-2023 and 2023-2024; (2) Adopt **Resolution No. 7971** Amending the Fiscal Year 2022-2023 Fiscal Year Budget; (3) Approve the Funding Agreement with OmniTrans; and (4) Authorize the City Manager to Execute All Documents.
- F.14** [22-812](#) Request City Council to: (1) Approve the Second Implementation Agreement with Ayala & 210 Partners, LLC; and (2) Authorize the City Manager to Execute All Documents.
- F.15** [22-828](#) Request City Council to adopt **Resolution No. 7972** Updating the Citywide Classification and Compensation Plan for Full-Time and Part-Time Employees, Revising the Authorized Budgeted Positions for Fiscal Year 2022-23.
- F.16** [22-833](#) 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.17** [22-774](#) Request City Council to Adopt by Second Reading **ORDINANCE NO.1668 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING CHAPTER 17.46 OF THE MUNICIPAL CODE FOR THE MERGER OF PARCELS.**

TAB PUBLIC HEARING

TAB1 [22-803](#) Request City Council to: (1) Hold a Public Hearing on the Proposed Modifications to City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde); (2) Adopt **Resolution No. 7973** Calling a Special Election 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; (3) Hold the Special Election; (4) Adopt **Resolution No. 7974** Canvassing the Results of the Special Election Held Within Community Facilities District No. 2020-1 (El Rancho Verde) Regarding Certain Modifications to the District; (5) Adopt **Resolution No. 7975** Approving Certain Modifications to the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde), and Approving the Execution and Delivery of an Amended and Restated Funding and Acquisition Agreement in Connection Therewith; (6) Introduce for First Reading **Ordinance No. 1670** Repealing Ordinance No. 1648 and Authorizing the Levy of Special Taxes Within the City of Rialto Community Facilities District No. 2020-1 (El Rancho Verde); and (7) Authorize the City Manager to Execute All Documents and Actions Necessary.

(ACTION)

TAB2 [22-795](#) Request City Council to: (1) Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the First Quarter of 2022; and (2) Adopt **Resolution No. 7976** Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

(ACTION)

NEW BUSINESS

TAB3 [22-804](#) Request City Council to (1) Approve a Third Amendment to the Reimbursement Agreement with Lewis-Hillwood Rialto Company, LLC, in the amount of \$285,072 for the State Route 210 / Alder Avenue Interchange Project; and (2) Authorize the City Manager to Execute all Related Documents.

(ACTION)

- TAB4** [22-823](#) Request City Council to (1) Authorize an Increase to the Purchase Order with Fountainhead Corporation for “On-Call” Construction Inspection Services for an Additional Amount of \$220,000; (2) Authorize an Increase to the Purchase Order with Onward Engineering for “On-Call” Construction Inspection Services for an Additional Amount of \$378,465; and (3) Authorize the City Manager to Execute all Documents.
(ACTION)
- TAB5** [22-807](#) Request City Council to 1) Delegate Additional Authority to the City Manager to approve additional Change Orders in the Cumulative Amount of \$300,000 for additional work to be performed by Sequel Contractors, Inc., a California corporation, for the Riverside Avenue from SR-210 to Foothill Boulevard Project, City Project No. 210807; and 2) Authorize the City Manager to Execute all Related Documents.
(ACTION)
- TAB6** [22-787](#) Request City Council/Rialto Utility Authority Board to: (1) Approve the First Amendment to the Services Agreement with Hardy and Harper, Inc., a California corporation, in the amount of \$150,000 for Asphalt Maintenance Services related to Rialto Utility Authority Maintenance Projects; and (2) Authorize the City Manager to Execute All Related Documents.
(ACTION)
- TAB7** [22-831](#) Request that the City Council Approve Reprogramming Funding for the Rialto Cares Programs.
(ACTION)
- TAB8** [22-786](#) 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