

**REGULAR MEETING
of the
CITY OF RIALTO**

**CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency**

**MINUTES
November 9, 2021**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, November 9, 2021.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Pro Tem Ed Scott called the meeting to order at 5:06 p.m.

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The roll was called, and the following were present: Mayor Pro Tem Ed Scott, Council Member Andy Carrizales and Council Member Karla Perez.

Also present were City Manager Marcus Fuller, City Attorney Eric Vail, and City Clerk Barbara McGee.

Mayor Deborah Robertson, Council Member Trujillo and City Treasurer Edward Carrillo were absent.

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CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL -
EXISTING LITIGATION
Pursuant to Government Code section 54956.9.(d)(4)
Two (2) matters:
 - Patricia Delgado v. City of Rialto
USDC Case No. 5:20-cv-02609-JGB-SHK
 - Maria Zarate v. City of Rialto
SBSC Case No. CIVDS 1928217
2. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
Two (2) Matters
3. 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 City Employee's Association
 - Rialto Police Benefit Association – General
 - Rialto Professional Firefighters of California - Local 3688
 - Executive Management Team
 - Management Unrepresented Employees
 - Unrepresented Employees

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CLOSED SESSION

Motion by Council Member Perez, second by Council Member Carrizales and carried by 3-0 vote to go into Closed Session at 5:04 p.m.

Mayor Robertson and Council Member Trujillo were absent.

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Council Member Trujillo arrived at Closed Session at 5:15 p.m.

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City Council returned from Closed Session at 6:38 p.m.

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CALL TO ORDER

Mayor Pro Tem Ed Scott called the meeting to order at 6:48 p.m.

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The roll was called, and the following were present: Mayor Pro Tem Ed Scott, Council Member Rafael Trujillo, Council Member Andy Carrizales and Council Member Karla Perez. Also present were City Manager Marcus Fuller, City Attorney Eric Vail, City Clerk Barbara McGee and City Treasurer Edward Carrillo.

Mayor Deborah Robertson was absent.

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Pledge of Allegiance and Invocation

Council Member Karla Perez led the Pledge of Allegiance.

Pastor William Sonny Phillips –St. Paul Ministries Church

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City Attorney's Report on Closed Session

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9.(d)(4)

Two (2) matters:

- Patricia Delgado v. City of Rialto
USDC Case No. 5:20-cv-02609-JGB-SHK
- Maria Zarate v. City of Rialto
SBSC Case No. CIVDS 1928217

There was a briefing from the City Attorney's Office. He gave direction. There was no other reportable action.

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code section 54956.9(d)(2)

Two (2) Matters

There was a conference with legal Counsel. City Attorney Vail stated Mayor Pro Tem Scott recused himself from the first item of anticipated litigation due to a potential conflict of interest. City Attorney Vail briefed the rest of the City Council.

The second item, there was a report from the City Attorney to the City Council and direction was given. No other reportable action was given.

**City Attorney's Report on
Closed Session**

3. 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 City Employee's Association
- Rialto Police Benefit Association – General
- Rialto Professional Firefighters of California - Local 3688
- Executive Management Team
- Management Unrepresented Employees
- Unrepresented Employees

There was a conference with the labor negotiator. There were a few items discussed with the labor negotiator with the City Council. Direction was given. No other reportable action was given.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Proclamation – City's 110th Birthday – Mayor Pro Tem Ed Scott
2. Introduction of Sean Moore, Director of Community Development – City Manager Marcus Fuller
3. Certificate of Recognition – Dia de Los Muertos – Council Member Rafael Trujillo
4. Certificate of Recognition – National Family Caregivers Month Council Member Rafael Trujillo
5. Presentation – Riverside North Pavement Rehabilitation Project Update – City Manager Marcus Fuller and Michael Tahan

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ORAL COMMUNICATIONS

Robert Goodloe asked for clarification on Municipal Code 18.56.30 in reference to fences, hedges and walls to address an ongoing dispute with a neighbor.

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**City Council to Consider removing or
continuing any items on the agenda**

Council Member Trujillo would like to pull F.5 for discussion.

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**F.5
Resolution No. 7798 Requesting the State
of California Delay SB 1383 by Five Years**

Council Member Trujillo stated this Resolution is asking the State to allow five years to recover from the effects of the COVID-19 pandemic and all the impacts its had on Rialto residents and businesses. We are asking them to delay a program that will eventually end up on the trash bill.

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F.5

Resolution No. 7798 Requesting the State of California Delay SB 1383 by Five Years

Mayor Pro Tem Scott stated it is supposed to take effect on January 1st, 2022. I would vote against this item if it was before us tonight. I have a real problem voting on Items that have already been mandated by the State of California by people that we elect as legislators, have voted for this, they've put into place. They mandate us as a City to do it. Then we have to take a vote to implement it when it's already a mandated program. It makes it look to our community that we are putting these ridiculous regulations in place, and we get blamed for it. This is an Item that I will not vote for when it does come forward. So I do support a five-year extension. It's important to note that this involves food waste. The additional fee to the residents will be between \$5.00-10.00 per month on trash bills. If you compost, you still have to pay the additional fee. Monitoring of watering City landscape will be required. That will be expensive. This is something that has been put in place by Sacramento that has not been well thought out. It needs to be looked at. It needs to be changed and adjusted. I'm all for conservation but educating people to reuse food waste and green waste is a much better idea than mandating it be put in plastic bags and put in trash containers.

I encourage my fellow City Council Members to take a good look when it when it comes before us again.

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City Clerk McGee stated there is a speaker.

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ORAL COMMUNICATION

Ana Gonzales with CCAEJ Center for Community Action and Environmental Justice addressed the City Council urging not to adopt Resolution No. 7798.

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Mayor Pro Tem Scott stated that if the City does not adopt Resolution No. 7798 by the first of the year, the City will be fined by the State if we do not extend it. Ms. Gonzales has good ideas about education versus mandates. I hope the State realizes there's a better way to do this.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Warrant Resolution No. 16 (10/21/2021)

B.2 Warrant Resolution No. 17 (10/28/2021)

B.3 Warrant Resolution No. 17a (10/28/2021)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – October 12, 2021

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D. CLAIMS AGAINST THE CITY

D.1 Tony Alvarado – Property Damage

D.2 Humberto Raul Pino - Damages

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E. MISCELLANEOUS

E.1 Request City Council to Set a Public Hearing for December 14, 2021, 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.

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F. MISCELLANEOUS

- F.1 Request That the City Council: (1) Accept a Grant from the California Department of Alcoholic Beverage Control's ABC-OTS Grant Program in the Amount of \$20,000; and (2) Adopt Resolution No. 7796 Amending its Budget for the 2021-2022 Fiscal Adding \$20,000 to the Revenue Account 247-400-6989-7551, \$19,700 to Expenditure Account 247-500-6989-1020 and \$300 to Account 247-500-6989-1050.
- F.2 Request City Council to accept technical assistance from the Institute for Local Government through the Build, Organize, Optimize, Strengthen, Transform (BOOST) Program and authorize the City Manager to execute a Memorandum of Understanding with the Institute for Local Government.
- F.3 Request the City Council/Rialto Utility Authority Board: 1) Authorize submission of a grant application to the US Bureau of Reclamation's WaterSMART program, 2) Approve Resolution No. 7797 endorsing WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2022, and 3) Approve RUA Resolution No. 08-21 endorsing WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2022.
- F.4 Request City Council to Receive and File Treasurer's Monthly Report for the month end of September 2021.
- F.5 Request City Council Adopt Resolution No. 7798 Requesting that the State of California Legislature Delay Implementation of SB 1383 By Five Years.

CONSENT CALENDAR

- F.6 Request the Successor Agency to the Redevelopment Agency of the City of Rialto to Adopt Resolution No. 03-21 Declaring that Certain 20,249 Square Feet Commercial Parcel Located at 119 N. Riverside Avenue Identified by Assessor's Parcel Number 0130-161-27 as Surplus Land and Directing the Executive Director 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.
- F.7 Request City Council to adopt by second reading of Ordinance No.1663:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING CHAPTER 10.28 REGARDING PARKING OF VEHICLES IN STALLS FOR ELECTRIC CHARGING PURPOSES

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 4-0 vote to Adopt the Consent Calendar
Mayor Robertson was absent.

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NEW BUSINESS

TAB 1

Receive an Update and Confirm the Continued Existence of and Provide Further Direction to the Local Emergency in Response to COVID-19 Outbreak

Marcus Fuller, City Manager, and Cynthia Alvarado-Crawford, Director of Community Services presented staff report to 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.

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Council Member Trujillo asked for an update on the vaccination event at the Halloween Hi-Jinx event.

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Cynthia Alvarado-Crawford, Director of Community Services stated there were a total of 30 people who got vaccinated. In addition to COVID-19 vaccinations, pneumonia and flu immunizations were available.

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Council Member Trujillo asked if there was any movement for the County to continue to provide their services.

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Cynthia Alvarado-Crawford, Director of Community Services stated testing and vaccinations will continue at the Francis Brooks building outside of the gym in a smaller print. Vaccination and testing services will also be available at the Senior Center.

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TAB 1**Receive an Update and Confirm the Continued Existence of and Provide Further Direction to the Local Emergency in Response to COVID-19 Outbreak**

Mayor Pro Tem Scott inquired on President Biden's direction for mandatory vaccinations for businesses with more than 100 employees. I know it's been stayed by a Federal judge. I assume something will happen eventually.

What is the City's policy on vaccinations? Have we moved towards mandatory vaccinations?

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City Attorney Vail stated currently the City does not have a mandatory vaccination requirement that's imposed locally. It's currently under the existing CAL-OSHA requirements. The new Federal OSHA requirement will apply to Cities in the State of California because California has an approved Federal plan that makes us subject to the new OSHA rule. There's some time before it's implemented. At least the Fifth Circuit Federal Court has stayed. It is unclear whether that stay affects all other circuits. Rialto is in the 9th Circuit. Our indication is that we are likely going to have to comply with that rule. In basic terms, the rule says all employees will have to be vaccinated. And if they're not, they'll have to be tested for COVID-19 weekly. We'll provide you further update with that as soon as we have a little more clarity on some of those issues.

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Mayor Pro Tem Scott stated the Fire Union has taken a stand of opposing mandatory vaccinations. I assume our police have too. I just want to state for the record that I support them in that opposition. I'm not an anti-vaxxer. I've had all three vaccines. I've had COVID-19 in the middle of those vaccines, but I think it's a personal choice. I don't think it should be mandated. I stand solid with Rialto Firefighters and Rialto Police on that issue.

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Motion by Council Member Carrizales, second by Council Member Perez and carried by a 4-0 vote 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.

Mayor Robertson was absent.

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TAB 2**General Fund Revenue and Expenditures First Quarter of FY 2021-22**

Marcus Fuller, City Manager, presented staff report to Request City Council to Receive a Presentation on General Fund Revenue and Expenditures for First Quarter of Fiscal Year 2021-22.

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Council Member Trujillo asked if the current sales tax revenue will be used for operations or project purposes.

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TAB 2

**General Fund Revenue and Expenditures
First Quarter of FY 2021-22**

City Manager Fuller stated at the mid-year update there will be more conversation because that's when the budget will be amended and determine what will be done with the increased revenue in the budget. We don't know what effort will occur with the State Legislature in trying to pull that revenue away from cities with fulfillment centers so it's hard to plan long term if that revenue is going to be recurring and determine if the State can clock back if they decide to do something a few years from now how far back.

We have to be involved with the California Cities, our efforts with our State Legislatures because it will have a real direct impact on cities like Rialto with fulfillment centers. It's hard to answer the question at this point. In my mind, it's one time revenue, until we know and have some confidence there won't be a political effort to take it away from cities like Rialto.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to Receive and File the General Fund Revenue and Expenditures for First Quarter of Fiscal Year 2021-22.

Mayor Robertson was absent.

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TAB 3

**Adopt Resolution No. 7799 Amending its
2021-2022 Fiscal Budget; Approve
Agreement with Konica Minolta for
Scanning and Preservation of City
Documents; Authorize City Manager to
Execute All Documents**

Marcus Fuller, City Manager presented staff report to Request City Council to: (1) Adopt Resolution No. 7799 Amending its 2021-2022 Fiscal Budget; (2) Approve a Services Agreement with Konica Minolta Business Solutions U.S.A., Inc., in the amount of \$514,627 for Scanning and Preservation of City Documents; and (3) Authorize the City Manager to Execute All Documents.

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Mayor Pro Tem Scott asked if the documents will be going into the Cloud or a mainframe. How are they going to be kept and maintained?

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Catherine Bedrossian with Konica Minolta Business Solutions U.S.A., Inc. stated they have been assisting the City of Rialto with electronic management solutions for multiple years. Last year, a decision was made to move the contents to the Cloud to allow for better storage and quicker access to records. All OnBase information is now on the Cloud. They are digitized on a monthly basis and uploaded to the portal for internal and external access.

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Mayor Pro Tem Scott asked if plans to a building is requested will they have to go through the City Clerk or will the Building Department be able to access that information.

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City Clerk McGee stated it will be in the Cloud. He can access.

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Mayor Pro Tem Scott clarified if Departments will be able to access the records.

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TAB 3

Adopt Resolution No. 7799 Amending its 2021-2022 Fiscal Budget; Approve Agreement with Konica Minolta for Scanning and Preservation of City Documents; Authorize City Manager to Execute All Documents

City Clerk McGee stated each Department and residents can access the records through the Cloud now. We're going to be focusing on the scanning large maps.

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Council Member Carrizales asked if each Department Head must be given access or is it something that the public will have access to the Cloud information.

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Ms. Bedrossian stated for each all of the records that the decision is made by the City Clerk to allow to do searches, will be available to the public through public access view that already exist.

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City Clerk McGee stated they are accessible now.

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Mayor Pro Tem Scott stated some documents would be accessible but not all and some would have to be done through a Public Records Request.

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Council Member Perez stated she is glad they are moving in that direction. It is very convenient not only for departments but for residents as well.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 vote to (1) Adopt Resolution No. 7799 Amending its 2021-2022 Fiscal Budget; (2) Approve a Services Agreement with Konica Minolta Business Solutions U.S.A., Inc., in the amount of \$514,627 for Scanning and Preservation of City Documents; and (3) Authorize the City Manager to Execute All Documents.

Mayor Robertson was absent.

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TAB 4

Amnesty Program for Unpermitted Construction During the COVID-19 Pandemic

Marcus Fuller, City Manager, presented staff report to Request City Council to Review and Consider Approval of the Proposed Rialto Amnesty Program for Unpermitted Construction During the COVID-19 Pandemic.

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Mayor Pro Tem Scott stated this program had been discussed for three or four years. We should offer an opportunity for people to be permitted and up to code so that we should offer amnesty and not have to pay a permit fee. We want to encourage people to get their projects permitted and up to date.

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**TAB 4
Amnesty Program for Unpermitted
Construction During the COVID-19
Pandemic**

Mayor Pro Tem Scott stated the City has a bad habit of permitting projects and never doing final inspections. I believe we have a number of projects that have been completed and never been final inspected. In most of those cases, they have gone most of the year. I think we ought to follow up on those projects and include that in the amnesty if all they need is a final inspection we wouldn't recharge them the fee for the permit. I would like to see it included in there. We should have a timeframe. We have talked about 90 days. We should have a program that we roll out, it's well advertised, and give people the opportunity in legal compliance with everything they have done on their property.

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Council Member Trujillo asked if this information would be translated as well and requested to add the agency contact information to the advertisement.

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City Manager Fuller stated yes, it would be. And the information will be added.

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Council Member Carrizales emphasized the roll out needs to give the community enough time and stressed the importance of reaching out to the Spanish-speaking community as well.

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City Manager Fuller suggested 60 days to allow for a community outreach program then 90 days thereafter to let this be successful.

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Council Member Carrizales believed it will require more than 90 days for outreach.

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Mayor Pro Tem Scott stated the time can be extended.

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Council Member Carrizales recommended a year especially for those who are coming out of COVID-19, having the means getting the permits.

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Mayor Pro Tem Scott stated it will waive permit fees.

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Council Member Carrizales asked if a project is more than 500 square feet.

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**TAB 4
Amnesty Program for Unpermitted
Construction During the COVID-19
Pandemic**

Mayor Pro Tem Scott stated it is strictly on ADUs. We can come back and modify if we have an issue with ADUs. The majority are going to be block walls, patio covers, windows.

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Council Member Carrizales stated he just wants to make certain there is enough time so the entire need is captured.

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Mayor Pro Tem Scott recommended City Manager's suggestion, the 60 days; then 90 days. Then extend it if necessary.

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Motion by Council Member Perez, second by Council Member Carrizales and carried by a 4-0 voted to approve the Proposed Rialto Amnesty Program for Unpermitted Construction During the COVID-19 Pandemic for 60 days; 90 days thereafter.

Mayor Robertson was absent.

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**TAB 5
Approve Mutual Aid Agreement with San
Bernardino County Public Works
\$100,000 Annually for Five Year Period
Ending June 30, 2026; Approve Mutual
Aid Agreement with San Bernardino
County Flood Control District for
\$100,000 Annually for a Five Year Period
Ending June 30, 2026; Authorize City
Manager to Execute All Documents**

Marcus Fuller, City Manager, presented staff report to Request City Council to: (1) Approve a Mutual Aid Agreement with San Bernardino County Public Works in an Amount Not To Exceed \$100,000 Annually for a Five Year Period Ending June 30, 2026; (2) Approve a Mutual Aid Agreement with San Bernardino County Flood Control District in an Amount Not To Exceed \$100,000 Annually for a Five Year Period Ending June 30, 2026; and (3) Authorize the City Manager to Execute All Documents.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 4-0 voted to (1) Approve a Mutual Aid Agreement with San Bernardino County Public Works in an Amount Not To Exceed \$100,000 Annually for a Five Year Period Ending June 30, 2026; (2) Approve a Mutual Aid Agreement with San Bernardino County Flood Control District in an Amount Not To Exceed \$100,000 Annually for a Five Year Period Ending June 30, 2026; and (3) Authorize the City Manager to Execute All Documents.

Mayor Robertson was absent.

TAB 6**Adopt Resolution No. 7800 Amending its 2021-2022 Fiscal Budget**

Marcus Fuller, City Manager, presented staff report to Request City Council to Adopt a Resolution No. 7800 Amending its 2021-2022 Fiscal Budget to include Local Early Action Planning Grant funding by authorizing an increase in estimated revenue in the amount of \$500,000 in Major Project Grant Fund Account No. 223-400-1764-7560 and approving an appropriation of \$500,000 in Major Project Grant Fund Account No. 223-500-1764-2011.

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Motion by Council Member Carrizales, second by Council Member Perez and carried by a 4-0 voted to Adopt a Resolution No. 7800 Amending its 2021-2022 Fiscal Budget to include Local Early Action Planning Grant funding by authorizing an increase in estimated revenue in the amount of \$500,000 in Major Project Grant Fund Account No. 223-400-1764-7560 and approving an appropriation of \$500,000 in Major Project Grant Fund Account No. 223-500-1764-2011.

Mayor Robertson was absent.

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TAB 7**Adopt Resolution No. 7801 Amending the 2021-2022 FY Budget; Approve Agreement Between for Traffic Control Services Between Amazon.com, Inc and the City of Rialto; Authorize the City Manager to Execute all Documents**

Marcus Fuller, City Manager, presented staff report to Request City Council to: (1) Adopt Resolution No. 7801 Amending the 2021-2022 Fiscal Year Budget; (2) Approve an Agreement Between for Traffic Control Services Between Amazon.com, Inc. and the City of Rialto for the Period November 15, 2021 Through December 31, 2021 at a Fee of \$55,298.88 and (3) Authorize the City Manager to Execute All Documents.

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Motion by Council Member Carrizales, second by Council Member Perez and carried by a 4-0 voted to (1) Adopt Resolution No. 7801 Amending the 2021-2022 Fiscal Year Budget; (2) Approve an Agreement Between for Traffic Control Services Between Amazon.com, Inc. and the City of Rialto for the Period November 15, 2021 Through December 31, 2021 at a Fee of \$55,298.88 and (3) Authorize the City Manager to Execute All Documents.

Mayor Robertson was absent.

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REPORTS

The City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Trujillo second by Council Member Perez and carried by a 4-0 vote to adjourn the City Council Meeting at 8:05 p.m.

Mayor Robertson was absent.

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE