

**REGULAR MEETING
of the
CITY OF RIALTO**

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

**MINUTES
October 12, 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, October 12, 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 Deborah Robertson 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 Rafael Trujillo, 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.

City Treasurer Edward Carrillo was absent.

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CLOSED SESSION

1. 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. 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. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
Four (4) Matters
4. 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. 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

CLOSED SESSION

Motion by Council Member Carrizales, second by Council Member Perez and carried by 5-0 vote to go into Closed Session at 5:09 p.m.

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City Council returned from Closed Session at 6:30 p.m.

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CALL TO ORDER

Mayor Deborah Robertson called the meeting to order at 6:43 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, 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.

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Pledge of Allegiance and Invocation

Council Member Andy Carrizales led the Pledge of Allegiance.
Pastor Victor Lopez – Calvary Chapel Rialto

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City Attorney's Report on Closed Session

1. 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

There was no reportable action on this Item.

2. 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

There was no reportable action on this Item.

3. CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION
Pursuant to Government Code section 54956.9(d)(2)
Four (4) Matters

City Attorney Vail stated two Items were not addressed. The two Items addressed were completed, and there was no reportable action.

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

**4. 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)

The City Council received briefing from the City Attorney and received direction. There was no other reportable action.

5. 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

Direction was given to City Manager Fuller. There is no other reportable action.

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**PRESENTATIONS AND
PROCLAMATIONS**

1. Eisenhower High School Girls Basketball - Southern Section
CIF Council Member Rafael Trujillo
2. Proclamation - November as Veterans and Military Family
Month – Mayor Pro Tem Ed Scott
3. Proclamation - In Memorium for Richard Scanlan –
Mayor Pro Tem Ed Scott
4. Proclamation - In Memorium for Nancy Jo Consolo –
Mayor Deborah Robertson
5. Proclamation - Eta Nu Omega Chapter of Alpha Kappa Alpha
Sorority, Inc. - 60 years of service - Mayor Deborah Robertson

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ORAL COMMUNICATIONS

No one came forward to speak.

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

Mayor Robertson abstained from Warrant Resolution 12 (9/23/2021) in the amount of \$4,011.43 and Warrant Resolution No. 13 (09/30/2021) in the amount of \$3,272.74 both made out to the National Council of Negro Women.

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

CONSENT CALENDAR

City Manager Fuller requested Resolution No. 7781 on Item E.6 be amended to also include the IT Manager position as an exempt position.

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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. 11a (09/17/2021)

B.2 Warrant Resolution No. 12 (09/23/2021)

B.3 Warrant Resolution No. 13 (09/30/2021)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting – September 14, 2021

C.2 Regular City Council Meeting – September 28, 2021

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D. CLAIMS AGAINST THE CITY

D.1 Alexander Tamayochimal - Damages

D.2 Alejandro Mena Barajas - Vehicle Damage

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CONSENT CALENDAR

E. MISCELLANEOUS

- E.1 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 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 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.

CONSENT CALENDAR

- E.4 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 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 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 Request City Council to Approve a First Amendment to the Location Agreement with Medline Industries, LP.
- E.8 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.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to Adopt the Consent Calendar.

Mayor Robertson abstained from Warrant Resolution 12 (9/23/2021) in the amount of \$4,011.43 and Warrant Resolution No. 13 (09/30/2021) in the amount of \$3,272.74 both made out to the National Council of Negro Women.

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PUBLIC HEARING

TAB 1

Appeal of the Planning Commission decision to deny Conditional Development Permit No. 2020-0020 and Precise Plan of Design No. 2020-0026

Daniel Casey, Senior Planner, presented staff report to Request City Council to conduct 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.

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**TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026
Public Comment**

Mayor Robertson declared the Public Hearing open and asked if anyone wished to come forward to speak.

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Ben Horning, Director of Developing for Data Properties, thanked staff and is available to answer questions of the project.

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Jane Mills expressed several concerns from a recent letter addressed to the City Council for the proposed Lilac Project. She added one concern being the parking of out-of-use of semi-tractors and trailers with reefer units. She reiterated the hours of operation be modified from seven to five days a week. She thanked and appreciated the Rialto Police Department's response time with the illegal parking of trucks and tractors and throughout south Cactus. She thanked the City Council for their time.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to close the Public Hearing.

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Mayor Pro Tem Scott asked what are in the two buildings north of the project site.

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Mr. Casey stated the Biscomerica manufacturing baking facility.

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Mayor Pro Tem Scott asked if there are trucks going in there.

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Mr. Casey stated yes they do.

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Mayor Pro Tem Scott asked the construction yard-like property.

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Mr. Casey stated it is a Flyers fuel truck facility. The little parcel to the north is an SC Fuel dispatch area.

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Mayor Pro Tem Scott asked about the south of the property.

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Mr. Casey stated on the west there is a vacant piece. There is Uppal Brothers Trucking facility. To the right, there is the Crisp Contractors facility.

TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mayor Pro Tem Scott asked that Mr. Casey address Ms. Mills' concerns. He asked if Cactus Avenue has no parking signage.

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Mr. Casey stated not entirely now. Currently there is a condition of approval that this applicant would need to post a "no stopping" signs.

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Mayor Pro Tem Scott asked no stopping and no parking, correct?

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Mr. Casey stated correct.

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Mayor Pro Tem Scott asked what the height of the wall is behind the landscaping.

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Mr. Casey stated 14 feet from the finished surface inside the truck court. The outside will have a landscape berm to help reduce the visual height to eight feet.

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Mayor Pro Tem Scott asked if it was reasonable for the applicant not to park alongside of the street.

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Mr. Casey stated that the City Council would add a condition to prevent the idling of reefer trucks or parking within a certain distance.

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Mayor Pro Tem Scott asked that he address Ms. Mills concern in regards to the hours of operation.

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Mr. Casey stated the hours of operation proposed and analyzed in the environmental document were 7:00 a.m. to 7:00 p.m. seven days a week, which is consistent with the City's noise ordinance. So it would be limited day-time hours of operation only. In past discussion with the applicant they wanted to have flexibility for their tenant.

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Mayor Pro Tem Scott asked if all trucks will exit off of Lilac Avenue?

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Mr. Casey stated yes, that is correct.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Council Member Trujillo asked if there are certain restrictions when you have split zoning.

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Mr. Casey explained the difference between the two planning zones and its different development standards.

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Council Member Trujillo asked if Lilac Avenue is a truck route for that area.

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Mr. Casey stated the trucks will utilize Lilac Avenue up to Slover Avenue.

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Council Member Trujillo asked if there will be a truck route on Cactus Avenue.

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Mr. Casey stated they will not have any trucks on Cactus Avenue.

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Council Member Trujillo asked if traffic will be during the daylight hours. There will be no traffic at night?

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Mr. Casey stated correct. There's a condition of approval in the conditional development permit resolution before the City Council requiring all the operations including truck operations to operate within the 7:00 a.m. to 7:00 p.m. window.

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Council Member Trujillo asked about the procedures to address the air quality. How is it regulated?

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Mr. Casey stated the South Coast Air Quality Management District regulates air in this area. They have certain thresholds for certain air emissions. There are conditions of approval to require standard conditions like site watering and placement of the construction equipment to reduce that particular matters emissions acceptable level that meets the threshold by AQMD.

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Council Member Trujillo asked when will construction be ready.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mr. Casey stated the applicant is in plan check for this project. It will be another month or two before permits are ready.

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Council Member Carrizales asked about the standard size of the perimeter wall.

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Mr. Casey stated 14 feet from the finished surface. A truck trailer is 13.5 feet tall. The wall is tall enough to fully screen views of all trucks and trailers within this facility.

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Mr. Carrizales asked if there is landscaping on Cactus Avenue with a setback from the building and the wall.

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Mr. Casey stated yes that is correct. There will be a 25-foot landscape setback between the wall and the property line on Cactus Avenue.

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Mr. Carrizales recommended plenty of landscaping to absorb noise as well as air pollution.

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Mayor Robertson asked about the hours of operation and the AM peak and PM peak. What do you consider the peak period?

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Mr. Casey stated the morning peak hours would be between 7:00 a.m. to 9:00 a.m. The evening peak hours would be between 4:00 p.m. to 6:00 p.m.

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Mayor Robertson suggested adjusting the peak hours and allowing for movement to not only be from 7:00 a.m.-7:00 p.m. You're adding cumulatively to everyone else's sitting in traffic. We need to think what is in the best interest. I'm not convinced that the impact and the study deals with just the site but it doesn't deal with the cumulative overpack. I saw that the group who did the impact was Urban Crossroads Incorporated. Did they do the air quality analysis in conjunction with AQMD or did AQMD come out and do the analysis?

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mr. Casey stated Urban Crossroads prepared the traffic impact analysis. First Carbon Solutions Inc. did the air quality study in conjunction with subconsultants on this project.

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Mayor Robertson asked what is the potential for the land to be developed south of the southern wall along Cactus Avenue. Is there operation there that struck activity.

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Mr. Casey stated that site is where the house was demolished. There was a proposal to develop a pallet yard.

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Mayor Robertson asked further south of the house being demolished. Is there industrial activity that has ingress, egress access off Cactus Avenue. Based on the picture in the package it's not showing that, looks like there's an additional activity further south of Cactus.

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Mr. Casey stated there are several.

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Mayor Robertson stated the islands are preventing from people to park or not park along Cactus Avenue. Is it only going to go to the project site limits? What about the sites south of that?

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Mr. Casey stated the sites to the south are already entitled and in operation. Tonight's entitlement are specifically pertained to the project site.

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Mayor Robertson asked what would prevent the whole area along Cactus Avenue becoming a "no parking" area.

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Mr. Casey stated there wouldn't be anything preventing the City Council from examining the potential to red curb the whole segment of Cactus Avenue with no parking signs.

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Mayor Robertson believed it should be extended and recommends carrying out to the City line.

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Mayor Pro Tem Scott agreed with Mayor Robertson.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mayor Robertson asked about adjusting the work schedule hours being staggered at different times between 7:00 a.m. to 7:00 p.m. to accommodate 365 docks a day.

She asked how the County is assisting in the unincorporated area.

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Mr. Casey stated the County made improvements on the west side of Cactus Avenue to restrict parking of trucks.

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Mayor Pro Tem Scott asked to where on Cactus Avenue.

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Ms. Mills stated the County painted curb red and put signs from her residence. From her home to Slover Avenue, it is not curbed. Behind her property, there will be a 327,000 sq ft. warehouse.

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Mayor Pro Tem Scott suggested all the commercial be required to be a "no parking" zone. West side of the County is done.

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Mayor Robertson stated on the east side.

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Mayor Pro Tem Scott stated west side of the County is done.

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Mayor Robertson stated she is concerned about the 7:00 a.m. to 7:00 p.m. timeframe. Traffic needs to be moved off the main peak areas, so they are out at a later time.

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Mayor Pro Tem Scott stated Amazon has their employees leave at different hours. They don't leave at peak hours. We should be able to do the same in this matter.

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Mayor Robertson asked if the City receives air quality control reports from AQMD or only when asked.

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Mr. Casey stated the City receives project specific reports for various developments. They can coordinate with AQMD to obtain Citywide analyses.

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Mayor Robertson stated she was there Sunday. It's a mess on Sundays. If we knew who the tenant was, we'd be talking to the tenant instead of the developer.

Is it going to be one building with one operation or multiple?

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Mr. Casey stated it's designed for one operation. It's unlikely it will be split.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mayor Robertson stated those are her recommendations and believe the hours of operation need to be adjusted to 10 hours. She understands the current timeframe lines up with the City's noise ordinance. Congestion is a concern.

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Mayor Pro Tem Scott asked if the surrounding businesses are operating 7:00 a.m. to 7:00 p.m. and what are the hours.

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Mr. Casey stated they are operating various hours.

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Mayor Robertson stated Biscomerica works 24 hours.

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Mr. Casey stated there are 24-hour operations and there are 8:00 a.m. to 5:00 p.m. operations.

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Mayor Pro Tem Scott asked why is Biscomerica allowed to work 24 hours and restricting this business to work 7:00 a.m. to 7:00 p.m.

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Mr. Casey stated the applicant proposed the 7:00 a.m. to 7:00 p.m. schedule initially. Now this project requires a conditional development permit. Whereas the Biscomerica facility pre-dated that requirement. There's no conditional development permit for the Biscomerica operation.

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Mayor Robertson asked Mr. Casey to recap the conditions the City Council placed.

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Mr. Casey stated adding "no parking" signage from Slover Avenue to Santa Ana Avenue, to work with tenant to adjust the hours of operation to 10-hour days and restrict the parking and idling of refrigerated trucks along the screen wall on Cactus Avenue.

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Mayor Robertson emphasized the hours of operation be adjusted from their peak hours.

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City Attorney Vail stated that adjusting the hours does not ensure the peak hours are missed. He recommends adding a condition of approval requiring a peak-traffic management plan identifying a lessened period during those peak hours. That might better achieve the results that the City Council is looking for.

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Mayor Pro Tem Scott believed that is a better idea.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mayor Robertson stated we need to evaluate why we have 7:00 a.m. to 7:00 p.m. I think it's aligned with our noise ordinance, but it may not be aligned with the environmental impact and air quality.

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Mayor Pro Tem Scott asked if the consultant team is present to address this matter.

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Mr. Casey stated yes, the consultant team is available.

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City Attorney Vail stated the parking prohibition will be a separate City action. It's not a condition of approval. The City will need to initiate action.

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Mayor Robertson stated that it was a condition of the project.

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Mayor Pro Tem Scott stated it is along the length of the project.

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City Attorney Vail stated correct. But this is for a much greater distance. That whole length of the street won't be a condition of the project.

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Mayor Robertson emphasized why are we conditioning one applicant to deal with it on the back side of their building. That was one of the conditions of the project. Logically, it doesn't make sense. We need to extend it from Santa Ana Avenue to Slover Avenue.

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Mayor Pro Tem Scott stated we are directing City staff to do that.

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City Attorney Vail stated that's exactly right.

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Mayor Robertson stated it should not be a part of the project responsibility.

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Johnathan E. Shardlow, on behalf of the Applicant, he stated 7:00 a.m. to 7:00 p.m. with a peak-hour, traffic plan works. The more hours in the day that the project could operate, is going to decrease the amount of truck trips that would occur in the peak times. Once the tenant is identified, the applicant would be happy to prepare a peak traffic plan either shifts are staggered so that not everything occurs at the peak hour.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Mayor Robertson stated I can appreciate your response. However, it was part of the project presentation. It's in here. All that you're saying is true. You don't know who it will be. I'm reading what we're approving, and you have Trip Generations and 95 trips in the a.m. peak and 89 trips in the p.m. Somebody got paid to do the study.

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Mr. Shardlow stated the traffic consultant is here.

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Mayor Robertson stated we need to start addressing our community environmental conditions and impacts.

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Mr. Shardlow stated he agreed and the way to do that is to increase not decrease hours.

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Mayor Robertson stated she was shifting the hours not increasing. I was taking the 12-hour period and moving it further to the end so the peak becomes off peak. Right now, we're approving the site. We're not approving what the arrangements are going to be with your speculate tenant.

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Mr. Shardlow stated having a peak management plan that's approved by Public Works and your Transportation Department will go a long way.

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Mayor Robertson asked of the Public Works Department how many peak management plans there are on file currently.

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City Manager Fuller stated he will investigate but does not believe there are many if any. It's a plan that can be prepared.

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Mayor Robertson stated a peak management plan is like a traffic management plan. If you're not doing them, and we're not requiring them, they probably don't have them in the Public Works Department.

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Mr. Shardlow asked if the City Council wanted to hear from the Traffic Consultant.

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Charlene So, Traffic Consultant with Urban Crossroads, clarified that there are 182 total number of trucks.

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Mayor Robertson emphasized that there are only 85 docks and wanted to make certain all the traffic is held withing the site.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Ms. So stated that is traffic during the course of the daily operation. It is unlikely that all of those trucks would occur in one hour or one particular instance that there wouldn't be enough docking space to support all the trucks that come to the site.

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Mr. Casey emphasized the concern related to queuing inside the site as opposed to outside the site. Staff included a condition of approval in the conditional development permit requiring trucks to queue onsite and the facility will be monitored to make certain of that.

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City Attorney Vail clarified if the motion included the additional condition that were discussed which were no idling or parking of the refrigerated trucks next to the 14-foot wall on the west side.

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Mayor Pro Tem Scott stated that's correct.

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City Attorney Vail stated then there was discussion about either alteration or shifting of hours.

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Mayor Robertson stated we came up with a peak management plan that you suggested.

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City Attorney Vail stated those conditions will be added to the project through this process.

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Council Member Carrizales suggested looking at other city's implementation of a successful peak management plan to bring back to the City Council.

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Mayor Robertson asked if Council Member Carrizales' suggestion was part of the motion or a suggestion.

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Council Member Carrizales stated the motion has been closed.

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Mayor Robertson stated City Council was asking for clarification because we have not acted.

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Council Member Carrizales stated his comment was completely separate.

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TAB 1
Appeal of the Planning Commission
decision to deny Conditional
Development Permit No. 2020-0020 and
Precise Plan of Design No. 2020-0026

Motion by Mayor Pro Tem Scott and second by Council Member Trujillo and carried by a 5-0 vote to overturn the Planning Commission's decision to deny Conditional Development Permit No. 2020-0020, Precise Plan of Design No. 2020-0026, and Environmental Assessment Review No. 2020-0024, and adopt Resolutions 7793; 7794; 7795 with the following modifications to Exhibit L: 1) Add a condition of approval requiring the submittal of a Peak Traffic Management plan for the project prior to the issuance of a business license for any tenant within the proposed building. 2) Add a condition of approval prohibiting the parking or refrigerated truck trailers withing the first row of trailer spaces adjacent to screen wall along the west end of the project site.

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NEW BUSINESS

TAB 2
Public Hearing Regarding Annexation of
Territory to the Rialto Landscaping and
Lighting Maintenance District No. 2

Michael Tahan, Interim Public Works Director, presented staff report to 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.

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Mayor Robertson asked if anyone wished to come forward to speak.

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No one came forward to speak.

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Motion by Mayor Pro Tem Scott, second by Council Member Carrizales and carried by a 5-0 vote to close the Public Hearing.

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City Clerk McGee conducted the special election and read the following ballots into the record:

In Support of APN0131011290000

Six ballots in support.

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Motion by Mayor Pro Tem Scott, second by Council Member Trujillo and carried by a 5-0 vote to approve the Annexation of Territory to the Rialto Landscaping and Lighting Maintenance District No. 2.

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TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan

Stephen Erlandson, Finance Director and Aknesa Ananikyan with Avant-Garde presented staff report to 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.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Council Member Trujillo asked for an update on serving hot meals to the senior citizen community.

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City Clerk McGee stated Director of Community Services Cynthia Alvarado-Crawford has been working on that project.

0o0

Council Member Trujillo asked if there was a way to incorporate this project into this funding.

0o0

Ms. Ananikyan stated that is something CDBG funds can be used for. It would determine if there's an organization the City would like to work with or put a notice of available funding to solicit applications.

0o0

Mayor Robertson asked about the recommendation related to combining the mortgage and utility assistance programs.

0o0

Ms. Ananikyan stated the programs are two separate programs. The recommendation tonight is to combine the two programs where one application where residents can apply for both programs at once.

0o0

Mayor Robertson asked if applicants would have to make a request for utility assistance.

0o0

Ms. Ananikyan stated exactly.

0o0

Mayor Robertson asked how do senior citizen residents make requests for personal protective equipment.

0o0

City Manager Fuller believed that has been expended.

0o0

Mayor Robertson stated it was information from the report.

0o0

City Manager Fuller stated those were the original budgeted amounts in each of those programs. Some of those funds have been spent including PPE.

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Mayor Robertson asked about the workforce development job creation and the applicant who was a foreign corporation.

0o0

City Manager Fuller stated the workforce development agreement with the National Council Negro Women Bethune Center was approved.

0o0

Mayor Robertson stated that was approved. There were two. These are not the numbers we originally started with. This is what the balances were. What happened to the other agency that was trying to qualify?

0o0

Finance Director Erlandson stated in one of the substantial amendments, there was double the amount in workforce development job force creation. \$57,162.00 was moved out and moved to into the SWAG Program.

The remaining balance in the mortgage/rental assistance program is \$9,138.00. The remaining balance in the utility assistance program is \$136,900.00. The small business assistance program balance is \$124,000. COVID-19 testing balance is \$14,979.00. PPE balance is \$25,260.00. The workforce development balance is \$41,536.00. SWAG has a remaining balance of \$107,834.00. These amounts have been encumbered, but the invoicing from the vendor has not rolled through finance yet. The vendors might be behind on invoicing.

0o0

Mayor Robertson stated she wanted information on the two current existing balances that the City is currently working on. She wants to make certain everything can still operate with \$760,000. Once approved, will that be the balance for mortgage/rental assistance?

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City Manager Fuller stated the plan will show that is now the new program. The balance for mortgage/rental assistance is different.

0o0

Finance Director Erlandson stated the balance is \$136,900 plus \$9,000.

0o0

Mayor Robertson asked why aren't we using current numbers while we're taking action so we know what is being moved. I would like to know how much we have left in the CARES Act balances on the CDBG as we take action today.

While reading this, one thinks there is a \$760,000 balance currently we'll be able to disburse. I need exact numbers, so we know what we're acting on.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Mayor Pro Tem Scott stated there's \$146,000 left in mortgage/rental and utilities.

0o0

Finance Director Erlandson stated the following budget information:

- Utilities Assistance: \$136,900.00
- Rental/mortgage Assistance \$146,038.00
(89 Applications on waitlist)
- COVID-19 testing \$14,979.00
- PPE \$25,260.00

0o0

Mayor Robertson asked about how the PPE will be dispersed to the senior citizen community.

0o0

Finance Director Erlandson stated HUD recommended handing out a care package in conjunction with senior events or Farmers Market.

0o0

Mayor Roberson asked if that has been started.

0o0

Finance Director Erlandson stated the PPE has been ordered and PPE donations have been received from local vendors which are in the Purchasing warehouse.

0o0

Mayor Robertson stated she has not seen a concerted effort since the senior center has been closed. She asked when the funds need to be exhausted.

0o0

City Manager Fuller stated the City Council has the discretion to move any funds in any direction.

0o0

Mayor Pro Tem Scott asked if the City Clerk's Office has sufficient supplies at the Farmers Market.

0o0

City Clerk McGee stated probably not.

0o0

Mayor Robertson asked who will be preparing the kits to give out.

0o0

Finance Director Erlandson stated they are working in conjunction with the Community Services Department.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Mayor Pro Tem Scott stated the kits should be delivered to the mobile home parks facilities and community services can assist to have them delivered.

0o0

Council Member Trujillo stated this was discussed early on when funding was set aside. The plan was to go to all these locations.

0o0

Mayor Pro Tem Scott stated to coordinate with City Clerk and Community Services Department to prepare package items and deliver them.

0o0

Mayor Robertson stated there is \$25,000 that does not need to be expended since there is ample material stockpiled.

0o0

Council Member Perez suggested revising plan to reflect delivering PPE and hot meals.

0o0

Finance Director Erlandson stated yes.

0o0

Mayor Robertson stated it's "Meals on Wheels". We will redirect the \$25,260 to help with hot meals.

She inquired about the remaining funds allocated for workforce development. She clarified if the funds were redirected into SWAG.

0o0

Director of Finance Erlandson stated yes in a previous substantial agreement.

0o0

Mayor Pro Tem Scott recommends using American Recovery Act funds and allocate them towards the mortgage/rental assistance program.

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City Manager Fuller stated yes that list will be used for that.

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Mayor Pro Tem Scott asked if City Manager is authorized to do that.

0o0

City Manager Fuller stated yes.

0o0

Mayor Robertson asked about the storefront business assistance.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Finance Director Erlandson stated the remaining balance is \$124,000.

0o0

Mayor Robertson stated we need to determine what else can be done to exhaust those funds.

0o0

Mayor Pro Tem Scott if there is a criteria for what that money can be used for.

0o0

Council Member Perez stated the requirement of the business to start before the July 1, 2020 date so that more businesses qualify.

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Finance Director Erlandson stated one of the items and action for the evening is to remove the criteria date of July 1, 2020.

0o0

Mayor Robertson asked if it in this report.

0o0

Finance Director Erlandson stated correct.

0o0

Mayor Robertson asked about COVID-19 testing balance.

0o0

Finance Director Erlandson stated \$14,979.00.

0o0

Mayor Robertson asked if we were doing testing or are there kits.

0o0

Mayor Pro Tem Scott asked why those funds being allocated somewhere else.

0o0

Mayor Robertson stated there has been a need for more kits.

0o0

City Clerk McGee stated she will go through a box or two of 25 of COVID-19 kits at the Farmers Market on Wednesdays.

0o0

Mayor Robertson asked if there was a sufficient supply in the Purchasing Department.

0o0

City Clerk McGee stated she was down to her last box.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

City Manager Fuller stated there are more boxes in Administration Department and that more kits can be paid for from the COVID-19 funding.

He asked Lissette Montoya with Avante Garde, what more or can we do to draw down the rental assistance program. I'd hate to leave money there despite all our efforts and you can move funds into mortgage assistance to get through that backlog of applications we already have.

0o0

Mayor Robertson stated there's a deadline date that prevented from doing anything for small businesses.

0o0

City Manager Fuller stated if the date requirement is removed, a business that opened last month can apply. The date was January of 2020.

0o0

Ms. Montoya stated it was January 1, 2020. The requirement was to move the requirement that small business must be in operation in the City prior to January 1, 2020.

0o0

City Manager Fuller stated that the issue is how does a business prove it has been economically harmed by the pandemic if they weren't open before the pandemic.

0o0

Mayor Robertson suggested the date be January 2020 and declare COVID-19 emergency in March 2020.

0o0

City Manager Fuller stated that it was previously opened prior to the pandemic.

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Council Member Perez stated the business had to be impacted by the pandemic.

0o0

Mayor Robertson stated that was the conditions of the storefront money.

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City Manager Fuller stated eliminating the date helps. However, HUD guidelines still require proof of impact to qualify.

0o0

**TAB 3
Public Hearing and Solicit Comments
from Interested Citizens to Consider and
Approve Amendment No. 4 Revised
Budget Amounts to CDBG Activities
within 2020 Action Plan**

Council Member Trujillo stated that even if a business opened last week, they still need to adhere to all COVID-19 requirements and still be impacted even though they did not exist prior to January 2020.

0o0

City Manager Fuller stated that's correct.

0o0

Mayor Robertson stated so we will request to remove the date and we'll see more businesses have an opportunity to qualify.

0o0

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 voted to Approve the City's Substantial Amendment No. 4 Revised Budget Amounts to CDBG-CV Activities within the 2020 Annual Action Plan and hot meals and snacks and PPE to the Rialto senior citizen community.

0o0

NEW BUSINESS

**TAB 4
Adopt Resolution No. 7782 to Approve
Purchase and Sale Agreement 15.09
Acres West of Riverside Avenue and
North of Valley Boulevard; Approve First
Amended and Restated Exclusive
Negotiating Agreement by and between
the City of Rialto and NewMark Merrill
Companies, Inc.**

Marcus Fuller, City Manager, presented staff report to 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.

0o0

Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Adopt 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.

0o0

**TAB 5
Approve Draft 6th Cycle Housing Element
Update 2021-2029 to the California State
Department of Housing and Community
Development**

Siri Champion, Senior Planner, Dave Barquist with Kimley-Horn and Associates presented staff report to 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.

0o0

Mayor Robertson stepped away the dais at 8:45 p.m.

**TAB 5
Approve Draft 6th Cycle Housing Element
Update 2021-2029 to the California State
Department of Housing and Community
Development
Public Comment**

Mayor Pro Tem Scott asked if anyone wished to speak.

0o0

Maria Delgado with Inland County Legal Services spoke through Zoom addressed the City Council regarding letter dated 09/28/2021 urging the City to correct the deficiencies identified which have been described, submit the draft to the Housing of Department and Community Development and adopt the 6th cycle housing element that substantially complies with the housing element law.

0o0

DeShawn McLaughlin via Zoom with Southwest Regional Council of Carpenters expressed his concern with the environmental impacts of this projects. The City should require the project utilizing local, skilled and trained workforce. Local workforce requirements could boost economic development and mitigate transportation and greenhouse gas impacts by minimizing vehicles miles travel.

0o0

Council Member Trujillo asked if there are targeted dates for any these to be accomplished.

0o0

Mr. Barquist stated there are deadlines pursuant to State law to rezone. There is accountability and enforcement provisions in the law which dictate progress through the eight-year planning cycle.

0o0

Council Member Trujillo asked if any of those targets included in the plan established. There's no futuristic-type of projection related to the number of units to each planned area. There's no data target.

0o0

Mr. Barquist stated you're making an estimate to make those sites available. There's market dynamic and other considerations. There are provisions in SB 35 that help streamline development approvals in your community.

0o0

Council Member Trujillo asked if any of these plans take into account the space that is needed to accommodate the housing that is being projected for this area. We haven't had a public transportation system that would support our residents as you would in other parts of the State.

0o0

Mr. Barquist stated there is particular analysis that needs to be done. The micromarkets have to be looked at and how housing can be built. The State of California are very particular to look at those influencing factors when it comes to parking provision. Some may say parking is a constraint because you don't have enough, and others don't you have too much. That is addressed in the housing element document.

**TAB 5
Approve Draft 6th Cycle Housing Element
Update 2021-2029 to the California State
Department of Housing and Community
Development
Public Comment**

Mayor Robertson returned to the dais at 9:03 p.m.

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Council Member Trujillo asked if they are different parcels that are being all combined to one.

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Ms. Champion stated those had been subdivided years ago. Lot consolidation is part of the plan.

0o0

Council Member Trujillo asked about lot re-zoning deadlines.

0o0

Mr. Barquist stated you have three years to make the changes. New provisions in AB 1398 changes the provision to one year. We won't know with clarity until next month, but we could advise the City Council. The State law requires that you make diligent effort as early in the planning period to accommodate that grown need. All the accountability enforcement provisions say that you must demonstrate progress. If no progression is made, over the first part of the planning period, accountability and enforcement provisions would kick in.

0o0

Council Member Perez asked for clarification on the map for the opportunity areas. Will the main focus be on the Lytle Creek and Renaissance areas?

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Mr. Barquist stated the numbers are not in any ranking order.

0o0

Ms. Champion stated we have identified seven opportunity areas. There are areas that are included in the inventory. The ones that unnumbered can only be used for moderate and above-moderate income. These seven opportunity areas are places where we need to do re-zone or up-zone in order to meet our numbers required for lower-income housing units. Those are places where we'd be looking 30 dwelling units.

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Council Member Perez asked if that would be Renaissance and Lytle Creek.

0o0

Ms. Champion stated there would be no up-zoning in those areas.

0o0

Mayor Pro Tem Scott asked if Ms. Delgado's letter was reviewed and responded to.

0o0

TAB 5

Approve Draft 6th Cycle Housing Element Update 2021-2029 to the California State Department of Housing and Community Development

Mr. Barquist stated the letter has a legal substantial compliance. HDT's role is to do that. The consultant reviewed it. A lot of it is subjective. We don't have any answer to those questions. HDT will help assist in answering the validity of many of the questions that their letter addresses.

0o0

Motion by Council Member Trujillo, second by Council Member Perez and carried by a 4-1 vote to approve submittal of the Draft 6th Cycle Housing Element Update 2021-2029 to the California State Department of Housing and Community Development.

Mayor Pro Tem Scott voted no.

0o0

TAB 6

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, 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.

0o0

Council Member Trujillo shared his visit at a youth vaccination site through Loma Linda University Health, SACs systems, Rialto Unified School District and IEHP. They are interested in participating at the Rialto Halloween Hi-Jinx event. He suggested having the youth vaccination outside the Fire Department. IEHP prefers going to events and go where the people are.

0o0

Cynthia Alvarado-Crawford, Community Services Director, stated they have connected with IEHP and confirmed their attendance at the event. They will be collaborating with the other organizations named to make certain there are enough vaccinations onsite.

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Council Member Trujillo stated they have more success at large events as opposed to having people going to their clinics.

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Ms. Alvarado-Crawford stated Community Services will continue to offer other event opportunities.

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Council Member Trujillo stated the focus should be on the youth.

0o0

TAB 6
Receive an Update and Confirm the
Continued Existence of and Provide
Further Direction to the Local Emergency
in Response to COVID-19 Outbreak

Mayor Robertson is suggesting the City begin accepting applications when the public is requesting to rent City facilities pending they clearly know the City status. Let the public know it is pending. We are not open yet, but we are hoping by February or March of 2022 we won't be in the same situation. Let's start planning for next year.

We are also trying to reach herd immunity. The numbers need to increase.

0o0

City Manager Fuller stated there are a lot agencies allowing for indoor programs such as appointments for using spas or sauna. There are ways to do this safely.

0o0

Mayor Robertson stated the saunas and spas are good for the older population. Youth activities and activities in the gym is one area we are still restricting. We have yet to see when the County will lift their restrictions.

0o0

Ms. Alvarado-Crawford stated the County has requested to extend their time at the Johnson Center gym until the end of December of 2021. She is recommending commencing youth indoor programming, so she will be seeking direction from the City Council to determine how the City should proceed.

0o0

City Manager Fuller stated there needs to be a focused conversation with County staff to determine how effective the Johnson Center is and if it makes sense to keep it open for the remainder of the year.

0o0

Mayor Robertson stated they commence at 10:00 a.m. and cannot accommodate people who work.

0o0

Mayor Pro Tem Scott suggested using Council Chambers perhaps twice a week versus five days a week.

0o0

Council Member Trujillo stated there is still a need. Some people still need to test weekly for employment purposes.

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Mayor Robertson suggested the back room of the Rialto Library.

0o0

TAB 6
Receive an Update and Confirm the
Continued Existence of and Provide
Further Direction to the Local Emergency
in Response to COVID-19 Outbreak

Motion by Mayor Pro Tem Scott second by Council Member Perez and carried by a 5-0 vote to Continue the 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.

0o0

REPORTS

None.

0o0

ADJOURNMENT

Motion by Council Member Perez second by Council Member Trujillo and carried by a 5-0 vote to adjourn the City Council Meeting at 9:31 p.m.

The City Council adjourned in memory of:

Richard Scanlan
Former Airport and Solid Waste Management Director

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE