



# City of Rialto

## Legislation Details (With Text)

**File #:** 20-0531 **Version:** 1 **Name:**  
**Type:** Agenda Item **Status:** Agenda Ready  
**File created:** 7/13/2020 **In control:** City Council/Rialto Utility Authority  
**On agenda:** 7/28/2020 **Final action:**  
**Title:** Request City Council/Rialto Utility Authority Board to Approve the Lease Agreement by and Between the Rialto Utility Authority and Rialto Bioenergy Facility LLC., in the Amount of \$2,000 Per Month for the Timeframe of April 1, 2020 Through December 31, 2020.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 - Lease between City and Rialto Bioenergy Facility.pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

For City Council and Rialto Utility Authority Meeting [July 28, 2020]

TO: Honorable City Council

APPROVAL: Rod Foster, City Manager

FROM: Thomas J. Crowley, P.E., Utilities Manager

Request City Council/Rialto Utility Authority Board to Approve the Lease Agreement by and Between the Rialto Utility Authority and Rialto Bioenergy Facility LLC., in the Amount of \$2,000 Per Month for the Timeframe of April 1, 2020 Through December 31, 2020.

### **BACKGROUND**

On February 21, 2006, the City Council ("City"), the Rialto Utility Authority (RUA), and the Redevelopment Agency (RDA) approved agreements with Enertech Environmental California for the clean closure of the Rialto Municipal Landfill and the development of the Enertech Biosolids Recycling Facility. The landfill closure was completed in early 2007, Enertech commenced construction and opened for business in 2009. The Facility encountered numerous technical problems during start-up operations, its creditors withdrew support, and the facility closed in the fall, 2012. On February 25, 2014, the City and RUA approved a Ground Sublease Agreement with Rialto Bioenergy Facility (RBF) for the former Enertech site for a project to process biosolids.

### **ANALYSIS/DISCUSSION**

RBF has requested to use City property on the south-side of the City's Wastewater Treatment Plant (WWTP) for construction activities. This would be in addition to the property they are already under agreement to use. The area being requested for use is shown on Exhibit A of the agreement included as **Attachment 1**.

RBF would like to utilize the area noted in the picture below for the storage of spoils, piping, structural

steel and other non-hazardous construction materials. RBF will also have several storage containers on the site that will contain piping materials, fitting and valves for the completion of construction of the Rialto Bioenergy Facility (RBF). Additionally, RBF would like to request that the area may also be used for worker parking during construction hours for between fifteen (15) to twenty (20) cars. For the use of the land, RBF is offering \$2,000 per month for the months of April 1, 2020 through December 31, 2020.

This item was presented to the Water Subcommittee on May 27, 2020, which recommended staff to proceed with the lease agreement. Staff worked with the Interim City Attorney's office to finalize the Agreement. The Agreement was then presented at the July 21, 2020, Utilities Commission meeting where it was recommended for Council approval.

### **ENVIRONMENTAL IMPACT**

The request is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The proposed agreement to include APN 0256-031-21 on an existing wastewater service agreement will not result in a direct or indirect physical change in the environment because the system has sufficient capacity and, as such, the action is not "project" as defined under CEQA.

### **GENERAL PLAN CONSISTENCY**

The proposed action is consistent with the Guiding Principal that "Rialto is committed to environmental sustainability, which means meeting the needs of the present without compromising the ability of future generations to meet their own needs and with the following goals and policies:

**Goal 2-34: Achieve waste recycling levels that meet or exceed State mandates. Achieve maximum waste recycling in all sectors of the community: residential, commercial, industrial, institutional and construction.**

Policy 2-34.1: Develop programs that promote reuse and recycling throughout the community.

Policy 2-34.2: Utilize source reduction, recycling, and other appropriate measures to reduce the amount of solid waste generated in Rialto that is disposed in landfills.

**Goal 3-10: Minimize the volume of solid waste that enters local and regional landfills.**

Policy 3-10.1: Encourage additional recycling in all sectors of the community.

### **LEGAL REVIEW**

The City Attorney has reviewed and supports the staff report and lease agreement.

### **FINANCIAL IMPACT:**

#### **Operating Budget Impact**

All rental revenue will be processed by Rialto Water Services and deposited into RUA's Wastewater Fund Account No. 660-400-7860-7402.

Capital Improvement Budget Impact

There is no anticipated impact to the Capital Improvement Budget.

Licensing

The Rialto Bioenergy Facility currently has a business license with the City of Rialto and is subject to additional business license taxes, as well as Administration and State fees, based on land use.

**RECOMMENDATION**

Staff recommends that the City Council/Rialto Utility Authority Board approve the lease agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC., in the amount of \$2,000 per month for the timeframe of April 1, 2020 through December 31, 2020.