



City of Rialto

Legislation Text

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For City Council [February 12, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Robb Steel, Assistant City Administrator/Development Services Director

Request City Council to Approve a Professional Service Agreement for Biological Services for Habitat and Species including the Delhi Sands Flower Loving Fly for the Rialto Gateway Plaza parcel for maximum amount of \$42,200.

BACKGROUND:

The City contracted with a consultant to provide a Delhi Sands Flower Loving Fly (DSF) Two-Year Protocol Survey for the Rialto Gateway Plaza. The Gateway Plaza includes the 15-acre site located between the former Wal-Mart site and the Rialto Marketplace (**Exhibit A**). The City must perform a two-year protocol survey prior to development on any habitat area for the DSF. The prior year surveys showed no signs of the species on the property. However, if the City does not develop the site before the next mating season, the City must perform the protocol survey each year until development occurs. Rather than perform a study every year until development occurs and accept risk of a change in results, staff suggests preparation of a constraint level habitat assessment to remove the site from the United States Fish and Wildlife Service (USFWS) designated habitat area. A copy of the two-year protocol survey is attached as **Exhibit B**. A picture of the DSF is included as **Exhibit C**.

ANALYSIS/DISCUSSION:

The City received a scope of services (**Exhibit D**) from Rocks Biological Consulting Services ("Rocks"). Rocks Biological Consulting Services established a relationship with Rialto when they partnered with the City to develop a plan to mitigate presence of the burrowing owl in the Renaissance Specific Plan. The plan was aggressive and innovative. After several meetings with the City and Rocks, the USFWS accepted the plan. Rocks Biological Consulting has also established a relationship with USFWS and the firm has a biologist authorized by USFWS to perform DSF surveys. The intent of the Professional Services Agreement is to clear the site from any future DSF mitigation or survey requirements, thereby eliminating uncertainty and expediting potential development options.

The City Council approved an Exclusive Right to Negotiate Agreement with Newmark Merrill to develop the site. Approval of this Professional Service Agreement (**Exhibit E**) with Rocks will facilitate compliance with the California Environmental Quality Act (CEQA).

ENVIRONMENTAL IMPACT:

The request is not a Project as defined by Section 15378 of the CEQA. 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. By definition, a Project does not include: The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment according to Section 15378 (b)(4) of CEQA.

GENERAL PLAN CONSISTENCY:

The City of Rialto has identified several goals and objectives within the City's recently adopted General Plan through which the City looks to improve the community. The proposed action to approve a professional service agreement to provide specialized financial and real estate advisory services will assist the City to achieve the following goals and objectives contained in the General Plan:

Goal 3-1: Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

Goal 3-3: Attract, expand, and retain commercial and industrial businesses to reduce blighted conditions and encourage job growth.

LEGAL REVIEW:

The City Attorney reviewed and approved the staff report and Professional Services Agreement.

FINANCIAL IMPACT:

Operating Budget Impact

Funds from Account Number 010-500-4255-2011 in the amount of \$20,200 are available and budgeted. Funds from Account Number 010-500-4260-2011 in the amount of \$22,000 are available and budgeted.

Capital Improvement Budget Impact

There is no impact on the Capital Improvement Budget.

Licensing

Prior to execution of the Professional Service Agreement, the vendor shall submit a business license application and pay a Business License tax of \$79.00 at the Professional Service rate, a Renewal Administration Fee of \$31.90 and a State Fee of \$4.00 for a total of \$114.90.

RECOMMENDATION:

Staff recommends that the City Council Approve Professional Services Agreement (**Exhibit E**) by and between the City of Rialto and Rocks Biological Consulting to provide biological services for a maximum cost of \$42,200.