

REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency

MINUTES
June 22, 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, June 22, 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 Robertson called the meeting to order at 6:30 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Andy Carrizales Council Member Rafael Trujillo 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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**Pledge of Allegiance
and Invocation**

Council Member Andy Carrizales led the Pledge of Allegiance.
Pastor Sonny Phillips – St. Paul Family Ministries.

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**PRESENTATIONS AND
PROCLAMATIONS**

Mayor Robertson introduced new City Manager Marcus Fuller.

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ORAL COMMUNICATIONS

Lupe Camacho expressed her request and gave her reasoning for the City to hire a full-time staff City Attorney.

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ORAL COMMUNICATIONS

Che Wright gave recognition to Mayor Pro Tem Scott honoring the Myles Edward Scott Act in the month of June.

The San Bernardino NAACP honors June 19, 2021 for Texas African-American ancestors of 1865 and Lolita Calhoun born 1950. They thanked Mayor Robertson for the great leadership as the new Federal holiday Juneteenth is celebrated.

Che Wright also spoke in reference to her experience at a recent community organized meeting by Mayor Robertson and Police Chief Kling she attended where the topic of race in the community was discussed. She pointed some highlights of the meetings. However, another Rialto resident expressed hostility during the online discussion with other online participants about not enough diversity and inclusion at the event and expressed other off-topic matters and became disruptive in the conversation. The impact left was very negative. Participants were left disappointed unable to finish important conversations. She thanked Mayor Robertson and Police Chief Kling for hosting an outstanding event that allowed to have a conversation about diversity looks like in our community and other communities.

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

Mayor Robertson stated TAB 4 will be pulled and discussed in closed session.

Mayor Robertson abstained from Voucher from Warrant Resolution No. 49 (06/17/2021).

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Tab 4 Amendment No. 7 to Waste Delivery Agreement

Mayor Pro Tem Scott asked if there was an intention to vote on this item in closed session.

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Mayor Robertson stated its intention to decide what actions to take and then come back out and vote on it in open session.

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Mayor Pro Tem Scott asked what is the justification for it.

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City Attorney Vail stated it's my understanding that the item is not going to be discussed in terms how the City Council should vote in closed session – which we couldn't do -- but instead it's to discuss any legal ramifications that might exist from not approving the item at this time since there are other, as I understand the agreement, if Rialto doesn't approve the agreement then it's not implemented from the other member agencies.

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Mayor Pro Tem Scott asked so it is potential litigation.

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Tab 4

Amendment No. 7 to Waste Delivery Agreement

City Attorney Vail stated correct. And the City Council would have to have to discuss the item and vote on it in public.

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Council Member Trujillo would like to pull Item E.5 for discussion.

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E.4

Receive and File Treasurer's Monthly Report

Mayor Pro Tem Scott would like to comment on Item E.4.

He commented for public record that Item E.4 is related to the filing of the City Treasurer's monthly report. There has been question about when and how we receive that monthly report. City Treasurer Carrillo has been out ill this evening and is unable to make a verbal report. I just want to let the community know that they can go into the agenda and see the report.

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E. 5

Agreement with NewMark Merrill Companies, LLC; Authorize City Manager or their designee to enter into agreements as needed to carry out tasks identified in First Amendment

Council Member Trujillo asked if this is the affordable housing project or if it is separate from it.

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Mayor Pro Tem Scott stated it is market rate. There is only one housing project behind the NewMark Merrill project.

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Council Member Trujillo stated that he wanted the public to know the City is thinking of housing in different ways. This is one example of how we are trying to incorporate housing in areas where there is retail.

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City Attorney Vail read into the record a conflict of interest for Mayor Robertson from Voucher No. 218436 from Warrant Resolution No. 49 (06/17/2021) payable to the National Council of Negro Women (NCNW) in the amount of \$3,529.84. The Mayor has traditionally recused herself from the Items. The items do not need to be removed from the agenda only reflect the recusal on the record.

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Mayor Robertson thanked City Attorney Vail, and she recused herself from voting on that Item.

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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.48 (06/10/2021)

B.2 Warrant Resolution No.49 (06/17/2021)

CONSENT CALENDAR

C. APPROVAL OF MINUTES

- C.1 Regular City Council Meeting – May 11, 2021
- C.2 Regular City Council Meeting – March 25, 2021
- C.3 Special City Council Meeting – May 27, 2021

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D. CLAIMS AGAINST THE CITY

- D.1 Lucrecia Godinez – Vehicle Damage
- D.2 Angelica Lozano – Property Damage

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E. MISCELLANEOUS

- E.1 Request City Council to Approve Renewal of the Law Enforcement Policy Manual Update Subscription, Daily Training Bulletin Management Services and Update Management Services in the Amount of \$31,399 for Lexipol LLC and Authorize the City Manager to Approve an Annual Purchase Order for this Vendor for Services for Three Years Through FY2024/2025.
- E.2 Request City Council to Award an Annual Purchase Order to the San Bernardino County Sheriff's Department in the Amount of \$36,469 for California Law Enforcement Telecommunications Systems (CLETS) Maintenance and Support Services for FY 2021/22 and Authorize the City Manager to Approve an Annual Purchase Order for this Vendor for CLETS Services for Three Years through FY 2024/2025.
- E.3 Request City Council approve the Side Letter Agreement to the Memorandum of Understanding (MOU) associated with the Rialto Professional Firefighters of California Association – Local 3688, to specifically account for the cost sharing formula as agreed amongst the named unit/group and its PEPRAs employees.
- E.4 Request City Council Receive and File Treasurer's Monthly Report for the month ended April 30, 2021.
- E.5 Request City Council to 1) Approve a First Amendment to the Exclusive Right to Negotiate Agreement with NewMark Merrill Companies, LLC for the Development of Approximately 15.5 Acres of Property Located West of Riverside Avenue and North of Valley Boulevard and 2) Authorize the City Manager or their designee to enter into consulting services agreements as needed to carry out due diligence tasks identified in this First Amendment.
- E.6 Request City Council to Approve the INLAND COUNTIES EMERGENCY MEDICAL AGENCY ("ICEMA") ALS Provider Memorandum of Understanding (MOU)

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CONSENT CALENDAR

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

Mayor Robertson abstained from Voucher from Warrant Resolution No. 49 (06/17/2021).

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PUBLIC HEARING

TAB 1

Adopt 2020 Urban Water Management Plan and the Water Shortage Contingency Plan; Approve Resolution No. 7735; Approve Resolution No. 7736 and RUA Resolution No. 04-21

Tom Crowley, Utilities, Manager, Presented staff report to City Council to request to Conduct a Public Hearing to Consider: 1) Adopting the 2020 Upper Santa Ana River Integrated Regional Urban Water Management Plan Comprised of the Urban Water Management and the Water Shortage Contingency Plans; 2) Approving Resolution No.7735 and RUA Resolution No. 03-21 to Adopting the 2020 Upper Santa Ana River Integrated Regional Urban Water Management Plan; and 3) Approving Resolution No. 7736 and RUA Resolution No. 04-21 to Adopt the Water Shortage Contingency Plan.

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Mayor Robertson declared the public hearing open.

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No one came forward to speak.

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Motion by Council Member Trujillo, second by Council Member Perez and carried by a 5-0 vote to close the public hearing.

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Mayor Pro Tem Scott asked if in the consumption numbers does it include the portion allocation for the Rialto/Colton basin sold to Fontana Water.

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Mr. Crowley stated that in the next chart resources piece is where we take into account the 1600-acre feet to Fontana. It's not part of our supply.

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Mayor Pro Tem Scott asked if the usable supply will increase by 2045 if they're no longer using it.

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Mr. Crowley stated that is correct.

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Mayor Pro Tem Scott asked about the surplus water through Valley and store it in the bunker.

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**TAB 1
Adopt 2020 Urban Water Management
Plan and the Water Shortage
Contingency Plan; Approve Resolution
No. 7735; Approve Resolution No. 7736
and RUA Resolution No. 04-21**

Mr. Crowley stated that when that was purchased through the San Bernardino Groundwater Council that water is placed in the San Bernardino basin area primarily the bunker hill area.

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Mayor Pro Tem Scott asked if there is still plenty of water there and available this year.

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Mr. Crowley stated this year the state water project allocation was reduced to five percent of Valley District's Table A. The water is being designated to surface water treatment plant. This year, we will not be doing any groundwater recharge with state water project water

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Mayor Pro Tem Scott stated that if there are good rain in the next couple of years, the opportunity will come along to buy additional water, which he encourages to do.

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Council Member Trujillo asked about the no water loss in 2019.

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Mr. Crowley stated that year we looked at the data and could not account for it, so left the data as is.

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Mayor Robertson asked in reference to water basin if there is still contamination to water how do we determine where that source is coming from and what is the long-term plan to mitigate and fix it. What is the plan collectively and concert with the County primarily with septic tanks and country club area.

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Mr. Crowley stated septic systems will introduce higher salts or nitrates. We have not seen a significant impact on water quality. We're still being able to deliver water and not have to treat for salts and nitrates. The new development on Lytle Ranch will be on sewer system. The older homes in the County area would be a good opportunity to create a plan to bring the sewer system into that service area. The smaller pockets where there is septic is identifying where we can find funding for extending our system to the next neighborhood that can be converted from septic to sewer. It is going to take effort and put a plan together and build the system. We're looking into some grant funding.

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TAB 1

Adopt 2020 Urban Water Management Plan and the Water Shortage Contingency Plan; Approve Resolution No. 7735; Approve Resolution No. 7736 and RUA Resolution No. 04-21

Mayor Robertson stated in partnership with the County in the unincorporated areas, we need to have a plan.

She also asked if there is recognition for the amount of water captured. Is there a benefit noted.

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Mr. Crowley stated there are discussions with Lennar Developer to reuse the storm basins that they have within their development to reuse those storm basins during the dry season to bring imported water into those basins and primarily lie over the Lytle Creek basin area. Every opportunity is being investigated to help storm water capture and also during the dry seasons putting imported water into those basins.

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Council Member Trujillo asked how far has the industry evolved to be able to detect faulty or busted pipes.

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Mr. Crowley stated there is technology that indicates where there are water leaks that aren't making it to the surface. There is radar technology that identifies water losses. There is also automated meter infrastructure that monitors the meter on a daily basis. Grants are funding these projects. We're looking at that project for this City to do that.

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Motion by Council Member Trujillo, second by Council Member Carrizales and carried by a 5-0 vote to 1) Adopting the 2020 Upper Santa Ana River Integrated Regional Urban Water Management Plan Comprised of the Urban Water Management and the Water Shortage Contingency Plans; 2) Approving Resolution No.7735 and RUA Resolution No. 03-21 to Adopting the 2020 Upper Santa Ana River Integrated Regional Urban Water Management Plan; and 3) Approving Resolution No. 7736 and RUA Resolution No. 04-21 to Adopt the Water Shortage Contingency Plan.

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NEW BUSINESS

TAB 2

Adopt Resolution No. 7737; RHA Resolution No. 001-21; RUA Resolution No. 05-21 and Resolution No. 01-21 to Continue Budget Contract for Fiscal Year 2020-2021 through August 29, 2021

Bob Chandler, Interim Finance Director and Marcus Fuller City Manager, presented staff report to Request City Council to Adopt Resolution No. 7737; RHA Resolution No. 001-21; RUA Resolution No. 05-21; and Successor Agency Resolution No.01-21 to Continue the Budget and Contracts for Fiscal Year 2020-2021 through August 29, 2021.

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Council Member Trujillo requested a CARES Act expenditure list.

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**TAB 2
Adopt Resolution No. 7737; RHA
Resolution No. 001-21; RUA Resolution
No. 05-21 and Resolution No. 01-21 to
Continue Budget Contract for Fiscal Year
2020-2021 through August 29, 2021**

City Manager Fuller stated it is important that we document what the City's true impact was. I will be working with staff to get that detail for the City Council.

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Council Member Trujillo stated there was Federal derived, State derived, County derived funds. It's important to look into it and have it all written out and where the payments were made to.

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Mayor Pro Tem Scott agreed with Council Member Trujillo and thanked the former Acting City Manager McGee for providing a list of expenditures. However, they were lumped up in categories. He would like to see specific amounts. He would like to see listed the approval process for expending those dollars especially through CDBG which would have required a standard process for expenditures and approvals on CDBG dollars so he would like to make certain that rules were followed.

Regarding additional funds coming in, discussions will have to take place to determine where funds will go. At the end of the day, we have to all agree what those dollars will be.

He intends to meet with different department heads within the City not only in the Finance Department because he has serious issues with some of the budgets.

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Council Member Carrizales stepped away from the dais at 6:30 p.m.

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Mayor Robertson also echoes Council Member Trujillo and Mayor Pro Tem Scott's comments. The question was raised about various funds that came in. Under what authority allowed for those funds to be processed without City Council awareness. A discussion will need to be had as if \$30 million will not be coming in. I will leave it at the pleasure of the City Council if they would like to hold a public workshop. I want to make sure that the budget is very clear and very transparent.

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Council Member Carrizales returned to the dais at 6:33 p.m.

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City Manager Fuller stated that is what we will work towards and provide it to the City Council as soon as you're ready for it.

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Mayor Robertson recommended holding a workshop before adopting.

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TAB 2

Adopt Resolution No. 7737; RHA Resolution No. 001-21; RUA Resolution No. 05-21 and Resolution No. 01-21 to Continue Budget Contract for Fiscal Year 2020-2021 through August 29, 2021

Motion by Council Member Trujillo second by Council Member Perez and carried by a 5-0 vote to Adopt Resolution No. 7737; RHA Resolution No. 001-21; RUA Resolution No. 05-21; and Successor Agency Resolution No.01-21 to Continue the Budget and Contracts for Fiscal Year 2020-2021 through August 29, 2021.

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City Clerk McGee indicated the Resolution No 7737; RHA No. 001-21; RUA Resolution No. 05-21; and Successor Agency Resolution No. 01-21 for the record.

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TAB 3

Fourth Amendment Affordable Housing Disposition and Development Agreement to the Affordable Housing Disposition and Development Agreement with Rialto Metrolink South Housing Partner LP

Karen Peterson, Community Development Manager, Presented staff report to Request the City Council and Rialto Housing Authority approve the Fourth Amendment to the Affordable Housing Disposition and Development Agreement with the Rialto Metrolink South Housing Partner LP for the 55-unit Metrolink South affordable housing project. The project site is located on the north side of Bonnie View Avenue west of Riverside Avenue (APN's 0131-021-40 & 42).

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Mayor Pro Tem Scott asked if their loan was approved by the County of San Bernardino this afternoon.

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Liane Tacono, Director of Southern California Operations for Related California stated the County \$2.25 million loan was approved this morning.

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Mayor Pro Tem Scott asked are there any other dollars needed to secure before proceeding.

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Ms. Takano stated no.

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Mayor Pro Tem Scott asked why are the dates under the tax credit Section 3 for 180 days from the TCAC award dates or December 31, 2023 accurate.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner LP**

Ms. Takano stated there was a change to the Fourth Amendment. We are asking for an extension to go to the first round of 2022. TCAC in their regulations gives 180 days to close on the construction financing. Once tax credits are secured, plans for design development, construction documents, and plan check as well as line up the financing with lender and investor.

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Mayor Pro Tem Scott asked if closing escrow would be until December 2023.

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Ms. Takano stated it could be earlier.

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Mayor Pro Tem Scott stated that is not acceptable. He made it plain to Mr. LaBarge that I was not going to continue to extending this item for another two years. That property is valuable. We can very easily put it on the market and very easily sell it at market rate. I was led to believe that once you got this County approval today, that this project would immediately move forward. I will not vote for this item tonight based on closing escrow in 2023.

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Ms. Takano stated we are applying for tax credits on July 1st, 2021.

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Mayor Pro Tem Scott asked when do you know if you get the tax credits approved.

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Ms. Takano stated in two months from that point. Allocation will come in September. At that point, we would start working on design documents, with the intention to close first quarter of 2022. The extension is also requested in case we are not successful.

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Mayor Pro Tem Scott stated I am not willing to do that. I made it plain to Mr. LaBarge, I would not support that, and I will not support that tonight. And I don't know why this came in here tonight like this. He assured me that would not happen. Anybody on this City Council in my opinion that votes to stretch this out till 2023 is making a huge mistake. This property is valuable. We have builders all over this City trying to buy property including this property and for us to tie up again until 2023 is unacceptable.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner LP**

Mayor Robertson reaffirmed Mayor Pro Tem Scott's position. I also had a conversation with Mr. LaBarge and understood we did not want to go two rounds. There was a discussion that the County may require that but that was not brought up tonight and that is the part that is discerning to me because we were very clear tax credit opportunity needed to be just one round.

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Mayor Pro Tem Scott stated he spoke with the County Supervisor, and he was unaware of any requirement by the County to go two rounds.

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Mayor Robertson stated she does not believe it was part of the action that was taken.

We can definitely differ this and hold over for you to have this conversation with Mr. Labarge when he returns and put it on a subsequent agenda.

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Ms. Takano stated that the issue is on July 1, 2021, we are going for tax credit application. We would need the approval before then to commit the County funds to the project. If the City Council would like to make a change to the Fourth amendment, we are fine with that. We just would like the opportunity to apply come July 1, 2021 with the necessary approvals.

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Mayor Pro Tem Scott asked Mr. Vail were you not aware that we objected to extending this to two rounds.

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City Attorney Vail stated no.

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Mayor Pro Tem Scott asked if someone at his office handled this.

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City Attorney Vail stated Chad Harrington worked with Community Development Director Alexander Hamilton.

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Mayor Pro Tem Scott stated that the only way he votes for this is if Item is amended for one round of tax credits. And if they don't get the tax credits, then this property goes on the open market.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner LP**

City Attorney Vail stated that the agreement would terminate in the event if they were not successful. That would mean we would need to revise the language in Section 3 Tax Credits to delete "thereafter if the developer is unsuccessful in securing the tax credits" It should say, Thereafter, if the developer is unsuccessful in securing the tax credit, the agreement shall terminate."

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Mayor Pro Tem Scott stated so the community understand, the project has been on the books since 2017. We have given Mr. LaBarge plenty of opportunities to get the financing in order and has not done so. Mayor Robertson and I were very plain with him, absolutely not. And this agreement comes before us exactly in the manner we did not ask for.

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Mayor Robertson stated that it does not appear what was communicated and what Mr. Hamilton was coordinating – Was Mr. Hamilton coordinating with Mr. LaBarge?

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Ms. Peterson stated yes.

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Mayor Pro Tem Scott asked if Mr. Hamilton was aware that the City Council objected to this.

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Ms. Peterson stated she was not aware if Mr. Hamilton was aware.

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City Attorney Vail stated that in addition to the change that I discussed, we need to make few additional changes. He read some changes in the agreement and asked if it was acceptable the City Council.

There has to be a discussion about a realistic closing date would be. This would be in the event that they would be tax credits.

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Mayor Pro Tem Scott asked what would be reasonable if you were to get the tax credits in September.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner**

Ms. Takano stated the whole section can be struck off. The existing Third Amendment to the DDA still allows us to apply for the second round of this year. That whole section extended by one more round to first round of 2022.

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Mayor Pro Tem Scott asked when is the first round in 2022.

Ms. Takano stated March.

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Mayor Pro Tem Scott stated I don't know if I could agree with that. You're sitting on our property doing nothing, and the market is wide open right now. You can't explain to me why we should just sit here and let you stretch us out for five years.

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Mayor Pro Tem Scott stated that if Mr. LaBarge didn't feel it was important, then shame on him.

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Ms. Takano stated we have been very diligent in competing for the tax credit allocation program. They have not been successful. With the County funds awarded, they are in a great place to receive an allocation. But we don't control the other projects that go in to the tax credit allocation committee.

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Mayor Pro Tem Scott asked how long does the County funding last.

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Ms. Takano stated the County funds allows for two application rounds. That is the reason we were trying to align the two documents, so that we would have the County funds available for us to apply for tax credits for rounds two a week from now as well as round one in 2022, which is why we were asking for an extension DDA and the Fourth Amendment.

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Mayor Pro Tem Scott stated he will leave it up to his colleagues.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner**

Tim Johnson with LaBarge Industries apologized for Josh LaBarge who was unable to attend the meeting due to a prescheduled trip and this being a last-minute item that came forward. He deeply apologized for any miscommunications. The team feels very confident in regards to our competitiveness in the tax credit round when we submit the application on July 1, 2021.

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Mayor Robertson stated her position will be going for the one round and be competitive because we have gone a number of times. I don't know why this wasn't communicated and who it was communicated to, the person who was interacting with Mr. LaBarge and as he spoke to both of us, was very clear, that the County wasn't needing it, we did not want to go one more round. We need to proceed. All or nothing. If that is acceptable, I will vote for that because one of the things we have to do in this community is we need to demonstrate that we're trying to bring in affordable housing. I am not going to sit here and vote against affordable housing especially when we have worked through it. But it was not up to me or Mayor Pro Tem Scott to do the staff work. If that is acceptable to you, I will ask that we make a motion to that and I would say to my colleagues if Mayor Pro Tem Scott is not wanting to be in support of that, that we seriously consider that.

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Mayor Pro Tem Scott stated he doesn't disagree with going one round. He asked the Council Members if Mr. LaBarge had contacted them to speak to them about this matter.

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Council Member Perez stated no.

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Council Member Trujillo stated all he has is what is on the agenda.

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City Manager Fuller asked Amendment 3 already allows them to continue to apply in July, but what is the outside date in the current amended agreement. Is it 180 days after approval of the funding?

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Ms. Peterson stated no. If the developer is unsuccessful, either party may terminate the DDA after written notice to either party.

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Mayor Pro Tem Scott asked when do they get the notification of the first round.

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City Manager Fuller stated September.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner**

Mayor Pro Tem Scott stated that if they don't have their notification by September, we cancel the agreement after September and put it on the market.

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City Attorney Vail asked if they are successful, what's the outside closing date.

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City Manager Fuller stated it sounds they want 180 days after notice of acceptance.

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Mayor Pro Tem Scott asked why do you need 180 days after the acceptance. That would take you into April.

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Ms. Peterson stated that would be if they don't get their funding what the termination would be.

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City Attorney Vail stated but that is not acceptable. It terminates immediately if they don't get the award. If they do get the award, we need the outside closing date for the escrow.

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Ms. Peterson stated the Third Amendment allows December 31, 2022.

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Mayor Robertson asked if that is an amendment that we have already adopted, and we're looking at the Fourth Amendment now.

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City Attorney Vail stated that's in the Third Amendment. If you're amending the Third Amendment in the agreement by this Fourth one, so you can say whatever you want.

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Mayor Pro Tem Scott asked why December 31, 2022.

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Ms. Peterson stated once the funding is received, the plans will be made, permitting, and close escrow at that point.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner**

Mayor Pro Tem Scott stated that if everything is approved escrow should close in 60 days.

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Ms. Takano stated once we get allocation, it gives us the ability to spend more money on design. We are lining up with TCAC requirements, either 180 days or 194 days to close on construction financing then close on the property.

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Mayor Pro Tem Scott asked why should I let you do all that on my dime. You should be able to close escrow, the moment you get your financing. It's working on other people's money. It's tax-payers.

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Ms. Takano stated we have only proceeded up to schematic design based upon the fact we have to wait for the project to receive an allocation. It's been a couple of years. If you were to further the design, without securing all your financing you present an issue where maybe your design plans are out of date. It's pretty typical.

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Mayor Pro Tem Scott stated no it is not typical. I could care less about your design. You're going to get your design approved through the building and planning department. I have question about that. But why would you want close escrow upon getting your tax credits and your financing lined up. Why would not then close on the property start running your plans at that time. I'm not asking to do them ahead of time.

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Ms. Takano stated the lender/investor as part of their closing process requires a "permit ready" letter. We wouldn't be able to go ahead and close on the project until we've gone through the closing process with the lender/investor.

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Mayor Pro Tem Scott stated he is not doing this.

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**TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner**

Mayor Robertson stated we have a disconnect on understanding on the need for 180 days in escrow. I personally need to see that's the pathway for others who have been successful with tax credits. We're willing to do an amendment to make sure we get past getting successful. The timeframe has to be negotiable. It doesn't seem like it makes sense on an accelerated path. If you're not successful, then it becomes a moot point because we would not want to go a second round.

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City Manager Fuller recommended if they need six months to get everything lined up, then the outside date will be the end of March of 2022.

Mayor Pro Tem Scott stated he is not willing to go to December of 2022.

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City Manager Fuller stated it sounds like we can get the amendment approved.

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Mayor Pro Tem Scott asked if notification is received in September

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Ms. Takano stated the second funding round of nine percent awards are on September 29, 2021.

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City Manager stated he and City Attorney will work on revising Section 3 .

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City Attorney Vail stated we would essentially revise that to provide them with the permission to submit to the round on July 1, 2021. If they weren't successful in that round, the agreement would automatically terminate. If they were successful, then the outside closing date becomes March 31, 2022.

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Ms. Takano stated that is acceptable to the developer. We just want to submit application with both funding sources approved.

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TAB 3
Fourth Amendment Affordable Housing
Disposition and Development Agreement
to the Affordable Housing Disposition
and Development Agreement with Rialto
Metrolink South Housing Partner

Motion by Council Member Perez, second by Mayor Pro Tem Scott and carried by a 5-0 vote to approve with Revisions to Section 3 Tax Credits to provide that the Partnership may submit an application to TCAC for 9% LIHTC Tax Credits on or by July 1, 2021. If the Developer is unsuccessful in that round, the agreement would automatically terminate. If the Developer is successful, then Escrow shall not be extended beyond March 31, 2022 in the Fourth Amendment to the Affordable Housing Disposition and Development Agreement with the Rialto Metrolink South Housing Partner LP for the 55-unit Metrolink South affordable housing project. The project site is located on the north side of Bonnie View Avenue west of Riverside Avenue (APN's 0131-021-40 & 42).

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TAB 4
Amendment No. 7 Waste Delivery
Agreement between City of Rialto and San
Bernardino County, Division of Solid
Waste

TAB 4 was pulled until after Closed Session.

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TAB 5
Purchase Order of 125 ProTech Tactical
Helmets from Safariland, LLC,

Police Chief Kling Presented staff report to Request City Council to Approve the Purchase by Purchase Order of One Hundred Twenty-Five (125) Protech Tactical Helmets with rail mounted face shields from Safariland, LLC, in the Amount of \$94,820.

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Mayor Robertson asked if the helmets had audio capability.

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Chief Kling stated no they do not. It is not this type of technology for these helmets. They are much lighter and will cut down a lot of injuries in the future.

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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 Purchase by Purchase Order of One Hundred Twenty-Five (125) Protech Tactical Helmets with rail mounted face shields from Safariland, LLC, in the Amount of \$94,820.

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TAB 6
Continued Local Emergency COVID-19
Outbreak

Fire Chief Sean Grayson Presented staff report to Request City Council to Receive an Update on, 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 about the status in the outreach efforts for the over 12-years.

TAB 6
Continued Local Emergency COVID-19
Outbreak

Fire Chief Grayson stated efforts at the school district level have been made at the County level.

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Council Member Trujillo asked about an alternative COVID testing and vaccination location in the City.

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Fire Chief Grayson stated Community Services has been working with the County to consolidate both testing and vaccination into one location perhaps using the conference center.

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Council Member Trujillo asked when activities are expected to open to the public, the Johnson Center and Senior Center.

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Fire Chief Grayson stated as quickly as we can get those facilities up and running. They are used for various reasons at the times when they are available outside of testing and vaccination.

Mayor Robertson asked about reports of the Delta variant in the San Bernardino County.

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Fire Chief Grayson stated he would have to obtain that information. The modeling as of last Friday indicated that could be the most common variant in the United States in the next three to four weeks based on the reopening of travel.

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Mayor Robertson asked about the Governor's eviction moratorium either lifting or extending. She stated that the City of Rialto's actions won't take effect until the next City Council meeting on July 13, 2021. What will be our plan?

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City Attorney Vail stated the initial anti eviction order was tied to the Governor's Order. Your local emergency declaration is not necessarily tied to the State's emergency, so you could continue that or end it before the Governor's Emergency Order.

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Mayor Robertson stated she wanted to be very clear to the community and the public and ours would go into the next City Council action.

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City Attorney Vail stated right now unless you take another action, it will kick over to the next regular meeting.

TAB 6
Continued Local Emergency COVID-19
Outbreak

Mayor Pro Tem Scott asked I thought the eviction resolution passed expired when the Governor's expired.

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City Attorney Vail stated yes, it does. But your local emergency won't expire.

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Council Member Trujillo asked about the water utility issue.

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Mayor Pro Tem Scott stated he and Mayor Robertson are making certain Veolia is reaching out to Rialto customers offering COVID assistance for water and sewer bills. It's been fairly successful.

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Mayor Robertson asked what this means and what is the process of evictions and what model are we going to follow. Just some things to have a discussion about.

City Attorney Vail stated with regard with the utility customers that was a local action. You could extend that now along with your emergency order to the end of July or end of September to give you some time to look at it how to phase that program out and how to give notices to the public.

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Motion by Council Member Carrizales, second by Council Member Trujillo and carried by a 5-0 vote to Receive an Update on, 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 and will give an extension on the water utility assistance through September 30, 2021.

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CLOSED SESSION

Motion by Council Member Trujillo second by Council Member Perez and carried by a 5-0 vote to return to Closed Session at 8:26 p.m.

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OPEN SESSION

City Council returned from Closed Session at 10:42 p.m. with all members present.

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City Attorney's Report on Closed Session

1. EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Manager

The Item was completed. There is not reportable action

2. City Attorney Vail stated

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED

LITIGATION Significant exposure to litigation, pursuant to

Government Code section 54956.9(d)(d) Four (4)Matters

City Attorney Vail stated the City Council did address two of those four matters. The other two matters weren't necessary. There's no other reportable action.

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TAB 4

Amendment No. 7 Waste Delivery

Agreement between City of Rialto and

San Bernardino County, Division of Solid

Waste

City Manager Marcus Fuller, presented staff report to Request City Council 1) Approve Amendment No. 7 to the Waste Delivery Agreement between the City of Rialto and San Bernardino County, Division of Solid Waste, Extending the Term from June 30, 2021 to June 30, 2026 and 2) Authorize the City Manager to Execute the Agreement.

0o0

Motion by Mayor Pro Tem Scott second by Council Member Carrizales and carried by a 5-0 vote to 1) Approve Amendment No. 7 to the Waste Delivery Agreement between the City of Rialto and San Bernardino County, Division of Solid Waste, Extending the Term from June 30, 2021 to June 30, 2026 and 2) Authorize the City Manager to Execute the Agreement.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Council Member Trujillo second by Council Member Perez and carried by a 5-0 vote to adjourn the City Council Meeting at 10:48 p.m.

The City Council adjourned in memory of:

Flora Bell Brown

Rialto Resident

MAYOR DEBORAH ROBERTSON

ATTEST:

CITY CLERK BARBARA A. McGEE