

CITY OF SAN BERNARDINO

AGENDA

FOR THE

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE SUCCESSOR HOUSING AGENCY TO THE REDEVELOPMENT AGENCY, AND MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE HOUSING AUTHORITY, AND MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE SAN BERNARDINO JOINT POWERS FINANCING AUTHORITY

WEDNESDAY, OCTOBER 05, 2022

7:00 PM - OPEN SESSION – CLOSED SESSION TO FOLLOW AFTER REGULAR MEETING

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Theodore Sanchez
COUNCIL MEMBER, WARD 1

John Valdivia

MAYOR

Damon L. Alexander
COUNCIL MEMBER, WARD 7

Sandra Ibarra
COUNCIL MEMBER, WARD 2

Robert D. Field
CITY MANAGER

Juan Figueroa
COUNCIL MEMBER, WARD 3

Sonia Carvalho
CITY ATTORNEY

Fred Shorett
COUNCIL MEMBER, WARD 4

Genoveva Rocha
CITY CLERK

Ben Reynoso
COUNCIL MEMBER, WARD 5

Kimberly Calvin
COUNCIL MEMBER, WARD 6



Welcome to a meeting of the Mayor and City Council of the City of San Bernardino.

- **PLEASE VIEW THE LAST PAGES OF THE AGENDA FOR PUBLIC COMMENT OPTIONS OR CLICK ON THE FOLLOWING LINK:**
<https://tinyurl.com/mccpubliccomments>
- Please contact the City Clerk's Office (909) 384-5002 two working days prior to the meeting for any requests for reasonable accommodation to include interpreters.
- To view PowerPoint presentations, written comments, or any revised documents for this meeting date, select the link <https://tinyurl.com/agendabackup100522>
- From the City's homepage www.sbcity.org select the **Government** category -> **City Clerk** -> on the **Navigation** menu select **Search for Records Online** -> **Council Agendas** -> **Current Year 2022** -> **Meeting Date**

CALL TO ORDER

Attendee Name

Council Member, Ward 1 Theodore Sanchez
Council Member, Ward 2 Sandra Ibarra
Mayor Pro-Tem, Ward 3 Juan Figueroa
Council Member, Ward 4 Fred Shorett
Council Member, Ward 5 Ben Reynoso
Council Member, Ward 6 Kimberly Calvin
Council Member, Ward 7 Damon L. Alexander
Mayor John Valdivia
City Manager Robert D. Field
City Attorney Sonia Carvalho
City Clerk Genoveva Rocha

7:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

CITY MANAGER UPDATE

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS

PRESENTATIONS

1. Citizen of the Month, C & F Boxing (September 2022) [p. 13](#)
2. Citizen of the Month – Harry Hatch (September 2022) [p. 15](#)
3. Festival: Where our Cultures Connect! [p. 17](#)

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

APPOINTMENTS

4. Charter Review Committee Appointment (Ward 6) [p. 32](#)
5. Planning Commission Appointment (Ward 3) [p. 42](#)

DISCUSSION

6. Adopt Ordinance No. MC-1592 (Alcoholic Beverage Sales Locational Restrictions) (All Wards) [p. 51](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1592 approving Development Code Amendment 22-04 amending Section 19.06.030(2)(B) Article II Section III(A)-(I) (Alcohol Beverage Sales – Locational Restrictions) and Section 19.06.030(2)(B) Article II Section VI(D)-(E) (Alcohol Beverage Sales – Permit Application) of the City of San Bernardino Municipal Code (Title 19) to increase the locational restriction from 500 feet to 1,000 feet for new alcoholic beverage sales activities from sensitive land uses (Attachment 1).

7. Ordinance Amending Chapter 9.90 of the San Bernardino Municipal Code p. 64

Recommendation:

Read by title only, waive further reading, and introduce Ordinance No. MC-1596 of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 9.90 of the San Bernardino Municipal Code, granting citation authority to security guard personnel for violations of the San Bernardino Municipal Code on City property.

PUBLIC HEARING

8. Appeal 22-02 for Development Permit Type-P 20-08 (Ward 4) p. 69

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2022-206 of the Mayor and City Council of the City of San Bernardino, California, denying Appeal 22-02, thereby upholding the Planning Commission's finding the project categorically exempt under the California Environmental Quality Act and approval of Development Permit Type-P 20-08 allowing the development and establishment of a twenty-seven (27) unit multi-family residential complex on a parcel containing approximately 2.38 acres, located on the west side of N. Sterling Avenue (APN: 0272-372-59), between E. Marshall Boulevard and E. Lynwood Drive within the Residential Medium (RM) zone (Attachment 1).

9. Public Hearing on Proceedings to Form Proposed Community Facilities

District No. 2022-1 (Highland/Medical) p. 241

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1) Adopt Resolution No. 2022-216 of the Mayor and City Council of the City of San Bernardino, California, Establishing Community Facilities District No. 2022-1 (Highland/Medical) of the City of San Bernardino, County of San Bernardino, State of California, and the boundaries thereof and approving a Funding Agreement;

2) Adopt Resolution No. 2022-217 of the Mayor and City Council of the City of San Bernardino, California, Determining the Necessity to Incur a Bonded Indebtedness for Community Facilities District No. 2022-1 (Highland/Medical), Submitting to the Qualified Electors of the Community Facilities District a Proposition to Authorize the Levy of a Special Tax Therein, to Authorize such Community Facilities District to Incur a Bonded Indebtedness Secured by the Levy of a Special Tax Therein to Finance Certain Types of Public Facilities and to Establish an Appropriations Limit for such Community Facilities District and Calling a Special Election for the Community Facilities District on a Proposition for Incurring such Bonded Indebtedness;

3) Adopt Resolution No. 2022-218 of the Mayor and City Council of the City of San Bernardino, California Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2022-1 (Highland/Medical) of the City of San Bernardino Propositions Regarding the Annual Levy of Special Taxes within the Community Facilities District to Pay Principal of and Interest on Bonds Thereof and to Pay the Costs of Public Facilities and Establishing an Appropriations Limit Therefore;

4) Adopt Resolution No. 2022-219 of the Mayor and City Council of the City of San Bernardino, California Declaring the Results of the Consolidated Special Elections within Community Facilities District No. 2022-1 (Highland/Medical); and

5) Introduce, read by title only and waive further reading of Ordinance No. MC-1599 of the Mayor and City Council of the City of San Bernardino, California, Acting as the Legislative Body of Community Facilities District No. 2022-1 (Highland/Medical), Authorizing the Levy of Special Taxes in such Community Facilities District.

10. Public Hearing on Proceedings to Form Proposed Community Facilities District No. 2022-2 (Palm) p.377

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

- 1) Adopt Resolution No. 2022-212 of the Mayor and City Council of the City of San Bernardino, California, Establishing Community Facilities District No. 2022-2 (Palm) of the City of San Bernardino, County of San Bernardino, State of California, and the boundaries thereof and approving a Funding Agreement;
- 2) Adopt Resolution No. 2022-213 of the Mayor and City Council of the City of San Bernardino, California, Determining the Necessity to Incur a Bonded Indebtedness for Community Facilities District No. 2022-2 (Palm), Submitting to the Qualified Electors of the Community Facilities District a Proposition to Authorize the Levy of a Special Tax Therein, to Authorize such Community Facilities District to Incur a Bonded Indebtedness Secured by the Levy of a Special Tax Therein to Finance Certain Types of Public Facilities and to Establish an Appropriations Limit for such Community Facilities District and Calling a Special Election for the Community Facilities District on a Proposition for Incurring such Bonded Indebtedness;
- 3) Adopt Resolution No. 2022-214 of the Mayor and City Council of the City of San Bernardino, California Calling a Special Election and Submitting to the Voters of Community Facilities District No. 2022-2 (Palm) of the City of San Bernardino Propositions Regarding the Annual Levy of Special Taxes within the Community Facilities District to Pay Principal of and Interest on Bonds Thereof and to Pay the Costs of Public Facilities and Establishing an Appropriations Limit Therefore;
- 4) Adopt Resolution No. 2022-215 of the Mayor and City Council of the City of San Bernardino, California Declaring the Results of the Consolidated Special Elections within Community Facilities District No. 2022-2 (Palm); and
- 5) Introduce, read by title only and waive further reading of Ordinance No. MC-1598 of the Mayor and City Council of the City of San Bernardino, California, Acting as the Legislative Body of Community Facilities District No. 2022-2 (Palm), Authorizing the Levy of Special Taxes in such Community Facilities District.

11. Ordinance Adjusting the Salary and Benefits for the Position of City Council

Member p. 513

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Review and consider the information provided for adjusting the salary and benefits for the position of City Council Member, provide direction for modification, adopt the recommendation from the Elected Official Compensation Committee as presented, or receive and file; and
2. If decided by the Mayor and City Council: introduce, read by title only, and waive further reading of Ordinance No. MC-1595 of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.82.020 of the San Bernardino Municipal Code to adjust the salary and benefits of the City Council Members as recommended by the Elected Official Compensation Advisory Commission.

12. Public Hearing on Annexation No. 24 to Community Facilities District 2019-1 (Ward 6) p. 524

Recommendation:

The Mayor and City Council of the City of San Bernardino, California:

1. Hold a Public Hearing; and
2. Adopt Resolution No. 2022-207 of the Mayor and City Council of the City of San Bernardino, California, calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2019-1 (Maintenance Services) (Annexation No. 24); and
3. Hold a special landowner election and canvass the election; and
4. Adopt Resolution No. 2022-208 of the Mayor and City Council of the City of San Bernardino, California, declaring election results for Community Facilities District No. 2019-1 (Maintenance Services) (Annexation No. 24); and
5. Introduce, read by title only, and waive further reading of Ordinance No. MC-1597 of the Mayor and City Council of the City of San Bernardino, California, amending Ordinance No. MC-1522 and levying special taxes to be collected during Fiscal Year 2022-2023 to pay annual costs of the maintenance and servicing of landscaping, lighting, water quality improvements, graffiti, streets, street sweeping, parks and trail maintenance, a reserve fund for capital replacement, and administrative expenses with respect to City of San Bernardino Community Facilities District No. 2019-1 (Maintenance Services); and
6. Schedule the adoption of Ordinance No. MC-1597 for October 19, 2022.

CONSENT CALENDAR

13. Purchase Authorization and Multiple Year Contract with HLP, Inc. for Animal Shelter Software Services p. 580

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Authorize the City Manager to execute a Professional Services Agreement with HLP Inc., for animal shelter software services from July 1, 2022 through June 30, 2025; and
2. Authorize the Agency Director of Administrative Services to issue a purchase order to HLP Inc., in an amount not to exceed \$150,000 over the three-year period of the contract.

14. 2023 National League of Cities Congressional City Conference Travel Approval (All Wards) p. 615

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, pre-approve travel to the 2023 National League of Cities Congressional City Conference for the Mayor and City Council.

15. Technical Corrections to Previously Adopted Items: 1) Resolution No. 2022- 203 authorizing the City Manager to receive and administer California Board of State & community corrections grant award of \$3.8 million, authorizing the City Manager to execute a fourth amendment to an agreement with HOPE Culture, and authorizing the Agency Director of Administrative Services to amend the FY 2022/2023 adopted budget revenue and expenditures by \$3,800,000.00 (All Wards) p. 634

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California reaffirm their previous action of:

Adopting Resolution No. 2022-203 authorizing the City Manager to receive and administer California Board of State & community corrections grant award of \$3.8 million, authorizing the City Manager to execute a fourth amendment to an agreement with HOPE Culture, and authorizing the Agency Director of Administrative Services to amend the FY 2022/2023 adopted budget revenue and expenditures by \$3,800,000.00.

16. Imposing Liens On Certain Real Property to Recover Costs for Code Enforcement Abatements p. 640

Recommendation:

Adopt Resolution No. 2022-209 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain real property located within the City of San Bernardino for cost recovery of public nuisance abatements.

17. Settlement and Release Agreement with Montecito Equities, Ltd. p. 647

Recommendation:

Authorize the City Manager, or his designee, to execute the Settlement and Release Agreement with Montecito Equities, Ltd.

18. Approval of Commercial and Payroll Disbursements (All Wards) p. 659

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the commercial and payroll disbursements for September 2022.

19. Investment Portfolio Report for July 2022 (All Wards) p. 717

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, accept and file the Monthly Investment Portfolio Report for July 2022.

20. Execute Annual Professional Service Agreements with Solutions Simplified, NPA Computers, ATEL Communications and a two-year agreement with NeoGov (All Wards) p. 729

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, execute Annual Professional Services Agreements for software and hardware usage fees between the City of San Bernardino and Solutions Simplified for DocuSign Software Services, NAP Computers, ATEL Communications, and the two-year renewal service agreement with Governmentjobs.com, Inc., DBA NeoGov for approximately \$217,000.

21. Ratify and Approve the Enterprise Agreement with Earth Science Research Institute, Inc. p. 797

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify and approve the Enterprise Agreement with Earth Science Research Institute, Inc. (ESRI) to reflect the correct three-year commitment terms for the total amount not to exceed \$430,299.

22. Side Letter Agreement Between the City of San Bernardino and the San Bernardino Police Officers Association p. 809

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2022-211 approving a Side Letter Agreement to the Memorandum of Understanding between the City of San Bernardino and the San Bernardino Police Officers Association (SBPOA), amending Article III, Section 3 – Overtime.

23. Amendment No.1 to Agreement with Ingram Library Services, LLC. p. 817

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the Library Director to execute Amendment No. 1 to the agreement between San Bernardino Public Library (SBPL) and Ingram Library Services, LLC, for the purchase of library books and authorize the Agency Director of Administrative Services to approve an annual purchase order for an amount not to exceed \$85,000.

24. Adoption of Ordinance No. MC-1594, CFD 2019-1 – Annexation No. 22 (Ward 7) p. 837

Recommendation:

Adopt Ordinance No. MC-1594 of Mayor and City Council of the City of San Bernardino, California, amending Ordinance No. MC-1522 and levying special taxes to be collected during Fiscal Year 2022-2023 to pay the annual costs of the maintenance and servicing of landscaping, lighting, water quality improvements, graffiti, streets, street sweeping, parks and trail maintenance, a reserve fund for capital replacement, and administrative expenses with respect to City of San Bernardino Community Facilities District No. 2019-1 (Maintenance Services).

25. Amendment No. 2 to Consultant Services Agreement with Paragon Partners Consultants, Inc. for H Street Widening Project p. 847

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute all documents in support of Amendment No. 2 to the Consultant Services Agreement with Paragon Partners Consultants, Inc. to extend the contract term from June 30, 2022, to December 31, 2023, for the H Street Widening between 40th Street and Kendall Drive Project.

26. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 27, Tax Zone No. 28 (SB Drake LLC) (Ward 3) p. 881

Recommendation:

Adopt Resolution No. 2022-210, of the Mayor and City Council of San Bernardino, California, declaring its intention to annex territory into Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, adopting a map of the area to be proposed (Annexation No. 27) and authorizing the levy of special taxes therein.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

27. Mechanisms for Revenue Generation from For-Profit Events in the City (All Wards) – Council Member Sanchez p. 919

CLOSED SESSION PUBLIC COMMENT

CLOSED SESSION p. 920

A) CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Government Code Section 54957.6):

Agency Designated Representative: City Manager

Employee Organization: San Bernardino Police Management Association

B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: Carousel Mall Property, 43 acres

Agency Negotiator: Robert D. Field, City Manager, or designee

Negotiating Parties: SBDC (Renaissance Downtown USA/ICO Real Estate Group); Lincoln Group

Under Negotiation: Price and Terms

CLOSED SESSION REPORT


ADJOURNMENT

The next joint regular meeting of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency will be held on Wednesday, October 19, 2022, at the Feldheim Central Library located at 555 West 6th Street, San Bernardino, California 92401. Closed Session will begin at 5:30 p.m. and Open Session will begin at 7:00 p.m.

CERTIFICATION OF POSTING AGENDA

I, Genoveva Rocha, CMC, City Clerk for the City of San Bernardino, California, hereby certify that the agenda for the October 05, 2022 Regular Meeting of the Mayor and City Council and the Mayor and City Council acting as the Successor Agency to the Redevelopment Agency was posted on the City's bulletin board located at 201 North "E" Street, San Bernardino, California, at the Feldheim Central Library located at 555 West 6th Street, San Bernardino, California, and on the City's website sbcity.org on Friday, September 30, 2022.

I declare under the penalty of perjury that the foregoing is true and correct.


Genoveva Rocha, CMC, City Clerk

NOTICE: Any member of the public may address this meeting of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency on any item appearing on the agenda by approaching the microphone in the Council Chamber when the item about which the member desires to speak is called and by asking to be recognized.

Any member of the public desiring to speak to the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency concerning any matter not on the agenda but which is within the subject matter jurisdiction of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may address the body at the end of the meeting, during the period reserved for public comments. Said total period for public comments shall not exceed 60 minutes, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. A three-minute limitation shall apply to each member of the public, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public.

Speakers who wish to present documents to the governing body may hand the documents to the City Clerk at the time the request to speak is made.

The Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may refer any item raised by the public to staff, or to any commission, board, bureau, or committee for appropriate action or have the item placed on the next agenda of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. However, no other action shall be taken, nor discussion held by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency on any item which does not appear on the agenda unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

Public comments will not be received on any item on the agenda when a public hearing has been conducted and closed.

PUBLIC COMMENT OPTIONS

Please use **ONE** of the following options to provide a public comment:

- 1) Written comments can be emailed to publiccomments@sbcity.org. Written public comments received up to 4:00 p.m. on the day of the meeting (or otherwise indicated on the agenda) will be provided to the Mayor and City council and made part of the meeting record. **They will not be read aloud unless you require an ADA accommodation.**

Please note: messages submitted via email and this page are only monitored from the publication of the final agenda until the deadline to submit public comments. Please contact the City Clerk at 909-384-5002 or SBCityClerk@sbcity.org for assistance outside of this timeframe.

- 2) Attend the meeting in person and fill out a speaker slip. Please note that the meeting Chair decides the cut-off time for public comment, and the time may vary per meeting. If you wish to submit your speaker slip in advance of the meeting, please submit your request to speak using the form on the following page: <https://tinyurl.com/mccpubliccomments>

3) REMOTE PARTICIPATION VIA ZOOM (For public comment only meeting will not be viewable on Zoom)

- a) You can use a mobile phone or a landline to dial into a Zoom meeting.

- i) **Dial (669) 900-6833.** When prompted, enter the **Meeting ID: 677-845-9453**
Passcode:2021

The public may begin joining the meeting on Zoom or by calling-in to be added to the speaker queue at 5:15 PM for Closed Session.

Once admitted to the Zoom Public Comment meeting to request to speak at the appropriate time:

- ii) **Dial *9** from your phone to raise your hand via Zoom

If calling in staff will confirm the last four digits of the caller's phone number and unmute them, the caller must then press *6 to speak from their device. Callers are encouraged, but not required, to identify themselves by name. Each caller will be provided three (3) minutes to speak. If you are calling in, please turn your volume down on your television or other devices to limit any feedback when you speak.

- b) **Join the Meeting by clicking on the Zoom link below:**

<https://sbcity-org.zoom.us/j/6778459453?pwd=ZTkzdUJtcDMrbmFNQnVDSFhvaXQxZz09>

Meeting ID: 677 845 9453
Passcode:2021

You can also Go to [Zoom.us](https://zoom.us) and click "Join a Meeting" at the top.

Enter the Meeting ID: 677-845-9453
Passcode:2021

Public Hearings:

If you are commenting on a Public Hearing, please stay signed on to the Zoom session or sign on when the Public Hearing is announced. You will be prompted by staff when the item is being discussed.

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