

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, FEBRUARY 01, 2023

5:30 PM - CLOSED SESSION

7:00 PM - OPEN SESSION

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Theodore Sanchez
COUNCIL MEMBER, WARD 1

Sandra Ibarra
COUNCIL MEMBER, WARD 2

Juan Figueroa
COUNCIL MEMBER, WARD 3

Fred Shorett
MAYOR PRO TEM, WARD 4

Ben Reynoso
COUNCIL MEMBER, WARD 5

Kimberly Calvin
COUNCIL MEMBER, WARD 6

Helen Tran
MAYOR

Damon L. Alexander
COUNCIL MEMBER, WARD 7

Charles E. McNeely
INTERIM CITY MANAGER

Sonia Carvalho
CITY ATTORNEY

Genoveva Rocha
CITY CLERK



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:**
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, use this link: tinyurl.com/agendabackup. Select the corresponding year and meeting date folders to view documents.

CALL TO ORDER

Attendee Name

Council Member, Ward 1 Theodore Sanchez
Council Member, Ward 2 Sandra Ibarra
Council Member, Ward 3 Juan Figueroa
Mayor Pro-Tem, Ward 4 Fred Shorett
Council Member, Ward 5 Ben Reynoso
Council Member, Ward 6 Kimberly Calvin
Council Member, Ward 7 Damon L Alexander
Mayor Helen Tran
Interim City Manager Charles E. McNeely
City Attorney Sonia Carvalho
City Clerk Genoveva Rocha

5:30 P.M.

CLOSED SESSION PUBLIC COMMENT

CLOSED SESSION P.10

A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a) and (d)(1):

- i. F.D. a minor, individually, by and through his Guardian ad Litem, Francisco Diaz v. City of San Bernardino, et al. United States District Court Case No. 5:21-CV-01580-JGB-KK
- ii. Juddit Rodriguez, an individual v. City of San Bernardino, et al., United States District Court Case No. 5:21-cv-01528-JGB-SHK

B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation (Pursuant to Government Code Section 54956.9(d)(2)): One Item.

C) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation (Pursuant to Government Code Section 54956.9(d)(4)): One Item

7:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

CITY MANAGER UPDATE

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS

CONSENT CALENDAR

1. Amendment No. 3 to Professional Services Agreement with Advanced Pet Care (All Wards) P.11

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Advanced Pet Care, and increase the annual contract amount to \$250,000.

2. Agreement with Horizons Construction Company International, Inc., for Asphalt Maintenance and Street Segment Repair Services (All Wards) P. 35

Recommendation:

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

1. Authorize the City Manager, or designee to execute a Maintenance Services Agreement with Horizons Construction Company International Inc., for asphalt maintenance and street segment repair services; and
2. Adopt Resolution No. 2023-021 authorizing the Agency Director of Administrative Services to amend the FY 2022/23 General Fund Operating Budget in the amount of \$450,000; and Authorize the Agency Director of Administrative Services to issue a purchase order in the amount not to exceed \$450,000.

3. Approval of Commercial and Payroll Disbursements (All Wards) P. 104

Recommendation:

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

4. Adopt Ordinance No. MC-1605 amending Section 3.04 of the Municipal Code (All Wards) P. 240

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California Adopt Ordinance No. MC-1605 amending Section 3.04 of the Municipal Code of the City of San Bernardino, California.

5. Technical Correction to Fiscal Year 2022/23 1st Quarter Report (All Wards) P. 285

Recommendation:

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

1. Adopt Resolution No. 2023-022 of the Mayor and City Council of the City of San Bernardino, California, approving the increase to the salary ranges for Forensics Specialist II and Community Service Officer.
2. Approve the amendment of the city-wide salary schedule for full-time, part-time, temporary, and seasonal positions.

6. Memorandum of Understanding between the City of San Bernardino and the San Bernardino Police Management Association (All Wards) P. 333

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve a Memorandum of Understanding (MOU) between the City of San Bernardino and the San Bernardino Police Management Association (SBPMA).

7. Agreement with the County of San Bernardino for access to the Sheriff's Department Automated Systems P. 366

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California authorize the City Manager or designee to execute a 5-Year agreement between the City of San Bernardino, California and the County of San Bernardino, California for access to the Sheriff's Department Automated Systems.

8. Construction Agreement Award – Roof Replacement at Perris Hill Senior Center (Ward 2) P. 377

Recommendation:

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

1. Approve the awarding of a Construction Agreement with Pacific Builders & Roofing, Inc., dba WSP Roofing, in the amount of \$176,900 for the construction of Roof Replacement at Perris Hill Senior Center ("Project"); and
2. Authorize the project construction, construction contingencies, and engineering and inspection costs in the total amount of \$205,000 for construction of the Project; and
3. Authorizing the City Manager or designee, to execute all documents with Pacific Builders & Roofing, Inc. dba WSP Roofing; and
4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

9. Amendment No. 1 to Cooperative Agreement with County of San Bernardino for Arrowhead Farm Area Street Rehabilitation (Ward 4) P. 397

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-023:

1. Approving Amendment No. 1 to the Cooperative Funding Agreement with the County of San Bernardino for Arrowhead Farm Area Street Rehabilitation; and
2. Authorizing the Agency Director of Administrative Services to amend the FY 2022/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of \$425,000 in Measure S Fund, for a total project cost of \$915,000; and
3. Authorizing the City Manager or designee to execute Amendment No. 1 to Cooperative Funding Agreement 20-946.

10. Establish a “No Parking Anytime” Parking Restriction on both sides of the Median Island along Windsor Drive between Gilbert Street and Baseline Street (Ward 2) P. 418

Recommendation:

Adopt Resolution No. 2023-024 of the Mayor and City Council of the City of San Bernardino, California, amending Resolution No. 3985 entitled, in part, “A Resolution Prohibiting Parking Upon Certain Designated Streets, Alleys or Portions Thereof...” to establish a “No Parking Anytime” zone on both sides of the median island along Windsor Drive between Gilbert Street and Baseline Street.

11. Adoption of Ordinance No. MC-1608 (Annexation 28) (Ward 5) P.427

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1608 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).

12. Adoption of Ordinance No. MC-1610 (Annexation 30)(Ward 5) P.437

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1610 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).

13. Adoption of Ordinance No. MC-1611 (Annexation 32) (Ward 6) P.447

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1611 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).

14. Irrevocable Agreement to Annex No. 2023-372 (Ward 6) P.457

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California adopt Resolution No. 2023-025 of the Mayor and City Council of the City of San Bernardino, California, approving the application to the Local Agency Formation Commission to provide City sewer services to property located within the unincorporated territory at 3835 June Street, San Bernardino, California; and authorizing the City Manager to execute an Irrevocable Agreement to Annex.

15. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 33, Tax Zone No. 34 (GWS #7) (Ward 3) P.473

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-026 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. 33) and authorizing the levy of a special taxes therein.

16. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 34, Tax Zone No. 35 (Clean Energy Fuel) (Ward 3) P.515

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-027 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. 34) and authorizing the levy of a special taxes therein.

17. Amendment No. 7 to Cooperative Agreement 04-040 with San Bernardino County Transportation Authority (SBCTA) for the San Bernardino Metrolink Station and Santa Fe Depot P.557

Recommendation:

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

1. Approve the Amendment No. 7 to Cooperative Agreement 04-040 with San Bernardino County Transportation Authority (SBCTA) for the San Bernardino Metrolink Station and Santa Fe Depot; and
2. Authorize the City Manager to execute the amendment to the agreement.

DISCUSSION

18. Homelessness State of Emergency Declaration (All Wards) P.648

Recommendation:

It is Recommended that the Mayor and City Council of the City of San Bernardino:

1. Adopt Resolution No. 2023-028 declaring a Homelessness State of Emergency; and
2. Direct the City Manager or his designee the ability to take certain administrative actions to streamline the provision of shelter to people experiencing homelessness; and
3. Provide direction to Staff whether or not to prepare an ordinance (1) adopting California Residential Code Appendix X and California Building Code Appendix O and/or (2) making amendments to the San Bernardino Municipal Code for its consideration.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

19. Increase lighting at parks citywide (All Wards) – Council Member Reynoso P.662

20. Consider repeal of Resolution 2020-265. Issue written notice directing the Planning Commission, in accordance with Government Code 65853, to render within 40 days its report on crushing restrictions of unfinished materials within 1,000 feet of residentially-zoned property (All Wards) – Council Member Sanchez P.663

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 February 15, 2023, 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 February 1, 2023 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, January 27, 2023.

/s/Genoveva Rocha

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

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: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=ZTkzdUJtcDMrbmFNQnVDSFhvaXQxZz0>

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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