

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, MARCH 15, 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](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, 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. 11

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

1. City of Arcadia, et al. v. Southern California Edison Corporation, Santa Barbara Superior Court Case No. 20 CV 02026

(B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation (pursuant to Gov. Code Section 54956.9(d)(4)): one case

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

PRESENTATIONS

1. Proclamation for AmeriCorps Week 2023 – March 2023 (All Wards) [p. 12](#)
2. Proclamation for Women’s History Month – March 2023 (All Wards) [p. 14](#)

CONSENT CALENDAR

3. Purchase of Dog Kennels for the Animal Shelter (All Wards) p. 16

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 the Goods Purchase Agreement with Shor-Line for the purchase of new dog kennels to be installed at the animal shelter.

4. Irrevocable Agreement to Annex No. 2023-373 (Ward 6) p. 45

Recommendation:

Adopt Resolution No. 2023-042 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 2971 North Macy Street, San Bernardino, California; and authorizing the City Manager to execute an Irrevocable Agreement to Annex.

5. Memorandum of Understanding Between the City of San Bernardino and the San Bernardino Municipal Water District Regarding the Land Designation of 796 E. 6th Street, 3250 Harrison Street, and Glendenning Way Properties (Wards 1 & 7) p. 61

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-043 of the Mayor and City Council of San Bernardino, California, approving a Memorandum of Understanding (MOU) between the City of San Bernardino and the San Bernardino Municipal Water District regarding the land designation of 796 E. 6th Street, 3250 Harrison Street, and Glendenning Way and authorize the Interim City Manager, or his designee, to execute the MOU.

6. Adoption of Ordinance No. MC-1613 (Annexation No. 31) (Ward 3) p. 197

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1613 amending Ordinance No. MC-1522 and levying special taxes to be collected during Fiscal Year 2023-2024 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).

7. Approval of Commercial and Payroll Disbursements (All Wards) p. 207

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the commercial and payroll disbursements for February 2023.

8. Investment Portfolio Report for January 2023 (All Wards) p. 263

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 January 2023.

9. Resolution No. 2023-044 Authorizing the Recording of a Notice of Cessation of Special Tax Lien for Community Facilities District No. 2022-1 (Highland/Medical) of the City of San Bernardino. (Sixth Ward) p. 275

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution No. 2023-044 of the City Council of the City of San Bernardino, Acting in its Capacity as the Legislative Body of Community Facilities District No. 2022-1 (Highland/Medical) of the City of San Bernardino, Authorizing the Recording of a Notice of Cessation of Special Tax Lien.

10. Receive and File San Bernardino Municipal Water Department's Audited Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2022 p. 284

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, receive and file the San Bernardino Municipal Water Department's audited Annual Comprehensive Financial Report for water and sewer utilities for Fiscal Year ended June 30, 2022.

PUBLIC HEARING

11. Development Permit Type-P 22-03 (Ward 2) p. 444

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-045 of the Mayor and City Council of the City of San Bernardino, California, approving Development Permit Type-P 22-03 allowing the conversion of an existing two-story office building, containing approximately 9,988 square feet, into an apartment complex consisting of twelve (12) multiple-family residential units on a project site consisting of three (3) parcels containing a total of approximately 0.68 acres located at 1490 N. D Street (APNs: 0145-181-03, 04, and 13), within the Commercial Office (CO) zone and Adaptive Reuse (AR) Overlay, and finding the project is subject to a Categorical Exemption under the California Environmental Quality Act.

12. Public Hearing on Annexation No. 33 to Community Facilities District 2019-1 (Ward 3) p. 538

Recommendation:

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

1. Hold a Public Hearing; and
2. Adopt Resolution No. 2023-046 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. 33); and
3. Hold a special landowner election and canvass the election; and
4. Adopt Resolution No. 2023-047 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. 33); and
5. Introduce, read by title only, and waive further reading of Ordinance No. MC-1614 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 2023-2024 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-1614 for April 5, 2023.

13. Public Hearing on Annexation No. 34 to Community Facilities District 2019-1 (Ward 3)

p. 598

Recommendation:

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

1. Hold a Public Hearing; and
2. Adopt Resolution No. 2023-048 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. 34); and
3. Hold a special landowner election and canvass the election; and
4. Adopt Resolution No. 2023-049 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. 34); and
5. Introduce, read by title only, and waive further reading of Ordinance No. MC-1615 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 2023-2024 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-1615 for April 5, 2023.

14. Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan – HOME Investment Partnership American Rescue Plan Program (HOME-ARP)(All Wards) p. 659

Recommendation:

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

1. Conduct a Public Hearing of the draft HOME Investment Partnership Allocation Plan;
2. Approve a Substantial Amendment to the Fiscal Year 2021-2022;
3. Approve the HOME Investment Partnership Allocation Plan; and
4. Authorize the Interim City Manager, or his designee, to execute any further documents as may be necessary to effectuate the submittal of the Substantial Amendment to the Fiscal Year 2021-2022 Action Plan.

15. Imposing Liens on Parcels of Real Property for Uncollected Business Registration Fees (All Wards) p. 710

Recommendation:

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

1. Conduct a public hearing to receive public comment on the matter; and
2. Adopt Resolution No 2023-050 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain parcels of real property for unpaid Business Registration taxes and penalties; and
3. Direct the Agency Director of Administrative Services to remove any properties from the Business Registration Lien List (Exhibit A to the Resolution) which are resolved prior to the hearing.

DISCUSSION

16. Adopt Ordinance No. MC-1612 Amending Section 8.24.050 of the Municipal Code (Notification of Administrative Hearing) (All Wards) p. 721

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California: Adopt Ordinance No. MC-1612 amending Section 8.24.050 of the San Bernardino Municipal Code regarding notification of administrative hearing decision and final report of delinquent solid waste charges to affected persons.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

17. City Organization Realignment (All Wards) – Council Member Alexander p. 730

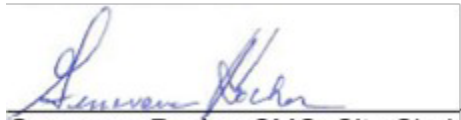
ADJOURNMENT

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 April 05, 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 March 15, 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 San Bernardino Public Library located at 555 West 6th Street, San Bernardino, California, and on the City's website sbcity.org on Friday, March 10, 2023.

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 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 on the agenda or not on the agenda, 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 during the period reserved for public comments.

In accordance with Resolution No. 2018-89 adopted by the Mayor and City Council on March 21, 2018, the following are the rules set forth for Public Comments and Testimony:

Public Comments and Testimony:

Rule 1. Public comment shall be received on a first come, first served basis. If the presiding officer determines that the meeting or hearing may be lengthy or complicated, the presiding officer may, in his or her discretion, modify these rules, including the time limits stated below.

Rule 2. All members of the public who wish to speak shall fill out a speaker's reservation card and turn in the speaker reservation card to the City Clerk prior to the time designated on the agenda. Comments will be received in the order the cards are turned in to the City Clerk. Failure of a person to promptly respond when their time to speak is called shall result in the person forfeiting their right to address the Mayor and City Council.

Rule 3. The presiding officer may request that a member of the public providing comment audibly state into the microphone, if one is present, his or her name and address before beginning comment. If that person is representing a group or organization the presiding officer may request that the speaker identify that group or organization, including that group or organization's Address.

Rule 4. Notwithstanding the provisions of Rule 2 and 3 above, a person shall not be required to provide their name or address as a condition of speaking.

Rule 5. Time Limits:

5. 01 Each member of the public shall have a reasonable time, not to exceed three (3) minutes per meeting, to address items on the agenda and items not on the agenda but within the subject matter jurisdiction of the Mayor and City Council.

5. 02 Notwithstanding the time limits set forth in subsection 5. 01 above, any member of the public desiring to provide public testimony at a public hearing shall have a reasonable time, not to exceed (3) minutes, to provide testimony during each public hearing.

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:2023**

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.

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8) Join the Meeting by clicking on the Zoom link below:

<https://us06web.zoom.us/j/6778459453?pwd=ZTkzdUJtcDMrbmFNQnVDSFhvaXQxZz09>

Meeting ID: 677 845 9453

Passcode:2023

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:2023

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.