

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, APRIL 05, 2023

7:00 PM - OPEN SESSION

FELDHEYM CENTRAL LIBRARY • SAN BERNARDINO, CA 92410 • WWW.SBCITY.ORG

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

7:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

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 Volunteer Appreciation Month in the City of San Bernardino – April 2023 (All Wards) [p. 11](#)

APPOINTMENTS

2. Public Safety and Human Relations Commission Appointment of Byron J. Sims (Mayor's Appointment) [p. 13](#)
3. Public Safety and Human Relations Commission Appointment of Kimberly Knaus (Mayor's Appointment) [p. 23](#)
4. Downtown Advisory Committee Appointment of Amanda M. Moody (Mayor's Appointment) [p. 32](#)
5. Measure S Citizens Oversight Committee Appointment of Mark Baxter (Mayor's Appointment) [p. 40](#)
6. Charter Review Appointment of Timothy Prince (Mayor's Appointment) [p. 52](#)
7. Planning Commission Appointment of Lisa Sherrick (Mayor's Appointment) [p. 62](#)

8. **Planning Commission Appointment of Orlando Garcia (Mayor’s Appointment) p. 72**
9. **Arts and Historical Preservation Commission Appointment of James Smith (Mayor’s Appointment) p. 85**
10. **Arts and Historical Preservation Commission Appointment of Simeone N. Miller (Mayor’s Appointment) p. 94**
11. **Parks, Recreation and Community Services Commission Appointment of Joe Salas (Mayor’s Appointment) p. 106**
12. **Parks, Recreation and Community Services Commission Appointment of Nohemi Lopez (Mayor’s Appointment) p. 114**
13. **General Plan Advisory Committee appointment of Christian T. Shaughnessy (Mayor’s Appointment) p. 123**
14. **General Plan Advisory Committee appointment of Benjamin Pratt (Mayor’s Appointment) p. 133**
15. **Elected Official Compensation Advisory Board appointment of Malika Gardner (Mayor’s Appointment) p. 146**
16. **Personnel Commission Appointment of Emily J. Gonzales (Mayor’s Appointment) p. 165**
17. **Personnel Commission Appointment of Victor M. Arellano (Mayor’s Appointment) p. 172**

CONSENT CALENDAR

18. **Resolution Approving an Additional Extension to the Reciprocal Easement Agreement (REA) with El Corte Ingles, S.A., a Spanish Corporation (“ECI”) to Provide Parking at 300 North E Street, San Bernardino through January 31, 2024 (Ward 1) p. 176**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-051, approving an additional extension to the Reciprocal Easement Agreement (REA) with El Corte Ingles, S.A., a Spanish Corporation (“ECI”) for parking through January 31, 2024, and finding the action exempt from CEQA.

19. **Approve Amendment No. 2 to the Joint Exercise of Powers Agreement for the Inland Valley Development Agency, updating the structure, titles, and elections of its officer positions (All Wards) p. 388**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve Amendment No. 2 to the Joint Exercise of Powers Agreement for the Inland Valley Development Agency, updating the structure, titles, and elections of its officer positions.

20. Approval of Commercial and Payroll Disbursements (All Wards) p. 444

Recommendation:

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

21. Resolution Opting City into Additional National Opioid Settlements (All Wards) p. 482

Recommendation:

Adopt Resolution No. 2023-052 of the Mayor and City Council of the City of San Bernardino, California, Authorizing the City Manager to Enter into the Settlement Agreements with Walgreens Co., Walmart, Inc., CVS Health Corporation/CVS Pharmacy Inc., Teva Pharmaceutical Industrials Ltd., and Allergan Finance LLC/Allergan Limited, Agreeing to the Terms of the State-Subdivision Agreements, and Authorizing Entry into the State-Subdivision Agreements with the Attorney General.

22. Amendment to Professional Services Agreements for Legal Services (All Wards) p. 3681

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:

1. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Karen Cervantes v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012538;
2. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Matthew Brown v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2025900;
3. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Don Smith v. John Valdivia, City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDSB2025375;
4. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Jackie About v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2013562;
5. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for the representation in the Mirna Cisneros v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012926;

23. Adoption of Ordinance No. MC-1614 (Annexation 33) (Ward 3) p. 3726

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1614 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).

24. Adoption of Ordinance No. MC-1615 (Annexation 34) (Ward 3) p. 3736

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1615 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).

DISCUSSION

25. Receive and File update regarding a Notice of Violation received from the State's Housing and Community Development Division regarding the City-owned former Carousel Mall property. (Ward 1) p. 3746

Recommendation:

It is recommended that the Mayor and City Council receive and file an update regarding a Notice of Violation (NOV) received from the State's Housing and Community Development Division (HCD) regarding the City-owned former Carousel Mall property.

PUBLIC HEARING

26. Public Hearing on Annexation No. 29 to Community Facilities District 2019-1 (Ward 3) p. 3813

Recommendation:

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

6. Hold a Public Hearing; and
7. Adopt Resolution No. 2023-053 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. 29); and
8. Hold a special landowner election and canvass the election; and
9. Adopt Resolution No. 2023-054 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. 29); and
10. Introduce, read by title only, and waive further reading of Ordinance No. MC-1616 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
11. Schedule the adoption of Ordinance No. MC-1616 for April 19, 2023.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

27. Consider Appeal of MC-1351 Crime Free Multi-Housing Ordinance (All Wards) – Council Member Reynoso p. 3874

28. Comprehensive review of the City's youth programs and their funding sources, brought to Council as a discussion item (All Wards) – Council Member Sanchez p. 3875

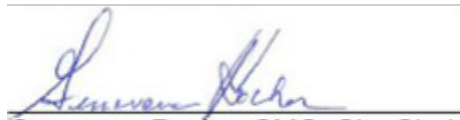
ADJOURNMENT

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 19, 2023, at the Feldheym 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 April 5, 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 31, 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.

Continued next page...

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.