

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 19, 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):

- i. Jackie Aboud v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2013562
- ii. Karen Cervantes v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012538
- iii. Mirna Cisneros v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012926
- iv. Donald Smith v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVSB2025375
- v. Matthew Brown v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2025900
- vi. Gary Saenz, et al. v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2003802; 4th District Court of Appeal Case No. E078346; and 4th District Court of Appeal Case No. D080378
- vii. Sedna Mosley v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2022209
- viii. Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620
- ix. Steve Desrochers v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13403664; ADJ9986948; ADJ7808777; ADJ8412423; ADJ2593098; and ADJ4644505

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 REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: Carousel Mall Property, 43 acres
Agency Negotiator: Charles McNeely, Interim City Manager, or designee
Negotiating Parties: SBDC (Renaissance Downtown USA/ICO Real Estate Group)
Under Negotiation: Price and Terms

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. Recognizing and Honoring Arbor Day – April 28, 2023 (All Wards) [p. 13](#)
2. Proclamation for National Library Week in the City of San Bernardino – April 23rd to 29th, 2023 (All Wards) [p. 15](#)
3. Proclamation for Volunteer Appreciation Month in the City of San Bernardino – April 2023 (All Wards) [p. 17](#)

CONSENT CALENDAR

4. City Board, Commission, and Citizen Advisory Committee Minutes Approved in January/February/March 2023 [p. 19](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino receive and file the minutes from the City board, commission, and citizen advisory committee meetings approved in January, February, and March 2023.

5. Approve a technical correction to increase the Council approved Purchase Order to NightOps Tactical by \$29,529, for a total of \$367,152, the cost of which is covered by Justice Assistance Grant (JAG) funds. (All Wards) [p. 98](#)

Recommendation:

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

1. The City Manager to execute amendment No. 1 to the purchase agreement with NightOps Tactical Incorporated, and
2. The Agency Director of Administrative Services to increase the Council approved Purchase Order to NightOps Tactical by \$29,529, to \$367,152.

6. Updating Assessment Engineer's Reports – Previously Formed Landscape and Lighting Maintenance Districts (All Wards) p. 119

Recommendation:

It is recommended that the Mayor and City Council adopt Resolution No. 2023-055, initiating proceedings to levy and collect assessments for FY 2023/24 in Assessment Districts pursuant to the Constitution and the City Charter, appointing the Engineer of Record, and ordering preparation of Engineer's Report.

7. Approval of Commercial and Payroll Disbursements (All Wards) p. 126

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.

8. Amendment to Professional Services Agreements for Legal Services (All Wards) p. 218

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 Aboud 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;
6. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for the representation in the Sedna Moseley v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2022209;
7. Fourth Amendment to the Professional Services Agreement with Lynberg and Watkins for the representation in the Gary Saenz, et al. v. City of San Bernardino et al., San Bernardino Superior Court Case No. CIVDS2003802.

9. Accept the BSCC Officer Wellness and Mental Health Grant (All Wards) p. 283

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-056 authorizing:

1. The City Manager to accept the Board of State and Community Corrections (BSCC) Officer Wellness Grant.
2. The Agency Director of Administrative Services to amend the FY 2022/23 Adopted Budget appropriating \$172,010.25 in both revenue and expenditures.

DISCUSSION

10. City Manager Executive Recruitment Services (All Wards) p. 298

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager or his designee to execute a Professional Services Agreement with Gallagher Benefit Services, Inc., for the executive recruitment services for the position of City Manager.

11. Ratify Memorandum of Understanding for Temporary License between the City of San Bernardino and the San Bernardino City Unified School District (Ward 2) p. 315

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify the Memorandum of Understanding for the Temporary License between the City of San Bernardino and the San Bernardino City Unified School District for use of property on Fairfax Elementary School.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

12. Consider Removal of Oxbow Cement Pile (Ward 5) – Council Member Reynoso p. 325

13. Volunteers and Interns for Elected Officials (All Wards) – Council Member Alexander p. 326

14. Mechanisms to require developers to maintain their properties in a nuisance-free condition following receipt of entitlements/approvals including, for example, requiring fencing of sites and requiring demolition of structures within a certain period of time following approval. (All Wards) – Council Member Figueroa p. 327


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 May 03, 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 April 19, 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, April 14, 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.