

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, MAY 03, 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.12](#)

- A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Pursuant to Government Code Section 54956.9(a) and (d)(1):
 - i) Diana Herrera, et al., v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2000255
- B) PUBLIC EMPLOYEE APPOINTMENT** (Pursuant to Government Code Section 54957)
City Manager (Recruitment Process)

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 Asian American Pacific Islander Heritage Month in the City of San Bernardino – May 2023 (All Wards) [p. 13](#)
2. Proclamation for the 54th Annual Professional Municipal Clerks Week in the City of San Bernardino – April 30th - May 6th, 2023 [p.15](#)
3. Proclamation Recognizing Water Safety Month in the City of San Bernardino – May 2023 (All Wards) [p. 17](#)

APPOINTMENTS

4. Charter Review Committee Appointment (Ward 6) [p. 19](#)
5. Public Safety and Human Relations Commission Appointment (Ward 6) [p.28](#)
6. Downtown Advisory Committee Reappointment (Ward 2) [p. 39](#)
7. General Plan Advisory Committee Reappointment (Ward 2) [p. 53](#)
8. Planning Commission Reappointment (Ward 2) [p.63](#)
9. Animal Control Commission Reappointment of Angela Halfman (Mayor's Appointment) [p. 72](#)
10. Animal Control Commission Appointment of Jason Kakpo-Moore (Mayor's Appointment) [p.80](#)

CONSENT CALENDAR

11. Adoption of Ordinance No. MC-1616 (Annexation 29) (Ward 3) [p. 88](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1616 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).

12. Approval of Amendment No. 3 to the Interim Golf Course Management Agreement for the Operations and Maintenance of the Shandin Hills Golf Course (Ward 5) [p. 98](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve Resolution No. 2023-058, approving Amendment No. 3 to the Interim Golf Course Management Agreement between the City of San Bernardino and CF Shandin Hills Arcis LLC; and direct the City Manager to execute Amendment No. 3.

13. Authorization to Proceed with a Right of Way Vacation of a Portion Along 9th Street and Tippecanoe Avenue (Ward 1) [p.195](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize staff to proceed with an investigation and analysis for the proposed right of way vacation of a portion of 9th Street and a portion of Tippecanoe Avenue.

14. Authorization to Proceed with the Street Vacation of a Portion of Broadway Avenue (Ward 1) p. 208

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize staff to proceed with an investigation and analysis for the proposed vacation of a portion of Broadway Street.

15. FY2023-2024 Emergency Solutions Grant (ESG) and Community Development Block Grant (CDBG) Agreements p. 222

Recommendation:

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

1. Approve FY 2022-2023 Emergency Solutions Grant (ESG) Program Subrecipient Agreement with Salvation Army, Lutheran Social Services of Southern California, and Community Action Partnership of San Bernardino County (CAPSBC), and
2. Approve FY 2022-2023 Community Development Block Grant Program Subrecipient Agreement with Inland Fair Housing and Mediation Board (IFHMB).

16. Approval of Commercial and Payroll Disbursements (All Wards) p.591

Recommendation:

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

17. Investment Portfolio Report for February and March 2023 (All Wards) p.641

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 February and March 2023.

18. Second Amendment to the Concentra Medical Centers Professional Services Agreement for Pre-employment (All Wards) p. 658

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. Authorize the Second Amendment to the Professional Services Agreement with Occupational Health Centers of California doing business as (DBA) Concentra Medical Centers for pre-employment and screening services, effective February 1, 2023 – April 30, 2023.

19. Resolution Accepting the Federal Railroad Administration Railroad Trespassing Enforcement Grant. p. 698

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-059, authorizing:

1. The City Manager to accept the FY 2022/23 Federal Railroad Administration Railroad Trespassing Enforcement Grant.
2. The Agency Director of Administrative Services to amend the FY 2022/23 Adopted Budget appropriating \$120,000 in both revenue and expenditures.

20. Receive Annual Military Equipment Report and Approve Future Purchases [p.743](#)

Recommendation:

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

1. Receive and file the Department's annual military equipment use report;
2. Approve the Department's request to acquire additional life-saving equipment in accordance with Assembly Bill 481.

21. Approving Amendment No. 1 to Cooperative Agreement No. 20-1002318 with the San Bernardino County Transportation Authority (SBCTA) for Phase II of the San Bernardino Metrolink Station Accessibility Improvement Project (Ward 1) [p. 1070](#)

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.1 to Cooperative Agreement No. 20-1002318 with the San Bernardino County Transportation Authority (SBCTA) for phase II of the San Bernardino Metrolink Station Accessibility Improvement Project.

22. Task Order Issued to Willdan Engineering for Augmented Engineering Services Pursuant to Professional Service Agreement for On-Call Engineering Services and Approval of Amendment No. 1 to Professional Services Agreement (All Wards) [p. 1101](#)

Recommendation:

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

1. Approve a Task Order Willdan Engineering001 to Willdan Engineering to provide augmented Land Development and National Pollutant Discharge Elimination System (NPDES) Programmatic Services pursuant to the approved Professional Services Agreement (PSA) for On-Call Engineering Services; and
2. Authorize the Agency Director of Administrative Services to issue a purchase order in the amount of \$337,940; and
3. Approve Amendment No. 1 to Professional Services Agreement for On-Call Engineering Services.

DISCUSSION

23. Authorize the Interim City Manager to Terminate the Exclusive Negotiating Agreement with the San Bernardino Development Company (SBDC) and pay liquidated damages associated with said termination (Ward 1) [p.1281](#)

Recommendation:

It is recommended that the Mayor and City Council authorize the Interim City Manager to terminate the Exclusive Negotiating Agreement (ENA) with the San Bernardino Development Company (SBDC) for the Carousel Mall redevelopment project and authorize payment of liquidated damages to SBDC, in the amount of \$100,000, associated with said termination.

PUBLIC HEARING

24. Appeal 23-01 of Conditional Use Permit 21-18 and Public Convenience or Necessity Letter 21-07 (Ward 1) p.1302

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-060 denying Appeal 23-01 thereby upholding the Planning Commission's denial of Conditional Use Permit 21-18 and Public Convenience or Necessity Letter 21-07 not allowing the development, establishment, and operation of a market with a new Alcohol Beverage Control Type 21(Off-Sale General) License within an existing building containing approximately 2,024 square feet (Mikey's Market) on a parcel containing 0.45 acres located at 1820 W. 5th Street (APN: 0138-081-19) within the Commercial General (CG-1) zone (Attachment 1)

25. Appeal 23-02 for Conditional Use Permit 22-13 and Minor Exception 22-04 p. 1361

Recommendation:

Adopt Resolution No. 2023-061 of the Mayor and City Council of the City of San Bernardino, California, denying Appeal 23-02 thereby upholding Planning Commission's denial of Conditional Use Permit 22-13 and Minor Exception 22-04 to allow the development, establishment, and operation of a self-storage facility comprised of two (2) multi-story buildings containing a total of approximately 109,000 square feet, and a ten (10) percent increase in the building height from thirty (30) feet to thirty-three (33) feet located at 1534 W. Highland Avenue (APN: 0148-174-04, 10, 11, 15 through 18), within the Commercial General (CG-1) zone.

26. Proposed Fiscal Year 2023-24 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs (All Wards) p. 1447

Recommendation:

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

1. Conduct a Public Hearing to obtain citizen's comments on the proposed Fiscal Year 2023-24 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs; and
2. Consider any necessary changes to the proposed Fiscal Year 2023-24 Annual Action Plan and direct staff to return on June 21, 2023, with the final Annual Action Plan for consideration prior to submittal to United States Department of Housing and Urban Development.

27. Community Facilities District No. 2018-2 (Verdemont Ranch) 2023 Special Tax Bonds p. 1737

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-062,

1. Authorizing the issuance of, not to exceed \$3,500,000 aggregate principal account of Community Facilities District No. 2018-2 (Verdemont Ranch) of the City of San Bernardino 2023 Special Tax Bonds;
2. Approving a form of Preliminary Official Statement, a form of the Fiscal Agent Agreement, a form of Bond Purchase Agreement, a form of Security Agreement, a form of Funding Agreement and a form of Continuing Disclosure Agreement, which is attached to the Preliminary Official Statement as Appendix E;
3. Making certain determinations relating thereto; and
4. Authorizing certain other actions in connect therewith.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

28. Consider Extending Notification Period of Public Hearings (All Wards) – Council Member Reynoso p. 1970

29. Consider Removal of Oxbow Cement Pile (Ward 5) – Council Member Reynoso p. 1971

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 17, 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 May 3, 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 28, 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.