

# 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, JUNE 07, 2023

5:30 PM - CLOSED SESSION

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](https://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) Jose Garibo, individually v. City of San Bernardino, et al., United States District Court Case No. 5:22-cv-00935SSS(SHKx)
- ii) Michael Pacewicz v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13363900; ADJ2371411; ADJ1672800; and ADJ11174282

**B) PUBLIC EMPLOYEE APPOINTMENT** (Pursuant to Government Code Section 54957)  
City Manager

**7:00 P.M.**

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

### **CLOSED SESSION REPORT**

#### **PRESENTATIONS**

1. Proclamation of the for Lesbian, Gay, Bisexual, Transgender, Queer+ (LGBTQ+) Pride Month in the City of San Bernardino – June 2023 (All Wards) p. 13
2. Proclamation for Fatherhood Awareness Month in the City of San Bernardino – June 2023 (All Wards) p. 15
3. Proclamation of National Law Enforcement Week in the City of San Bernardino – June 12th–16th 2023 (All Wards) p.17
4. Presentation of California Parks and Recreation Society, Community Champion Award to Youth Sports program volunteer Konstance Murrell. p.19

## **APPOINTMENTS**

5. **Water Board Reappointment of Thomas M. Brickley** [p. 20](#)
6. **Charter Review Appointment of Leticia O. Briggs (Mayor's Appointment)** [p. 29](#)
7. **Downtown Advisory Committee Appointment of Reginald L. Woods (Mayor's Appointment)** [p.37](#)

## **PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA**

## **CITY MANAGER UPDATE**

## **CONSENT CALENDAR**

8. **Resolution Accepting the California Energy Commission - Automated Permit Processing Program Grant Award** [p.51](#)

### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution No. 2023-077 :

1. Accepting grant award funds in the amount of \$100,000 from the California Energy Commission – California Automated Permit Processing Program for establishing an online, automated solar permitting platform; and
  2. Authorizing the City Manager to conduct all negotiations, signing, and submittals of all necessary documents to receive the grant award; and
  3. Authorizing the Agency Director of Administrative Services to amend the FY2022/23 operating budget to appropriate \$100,000 in grant funding to both revenues and expenditures.
9. **Approval of Amendment No. 1 to Professional Services Agreement for Accounting Consultant Services with Annie Clark (All Wards)** [p.72](#)

### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the execution of Amendment No. 1 to Professional Services Agreement with Annie Clark for accounting consultation services extending the agreement to June 30, 2024.

10. **City Board, Commission, and Citizen Advisory Committee Minutes Approved in March/April 2023** [p. 95](#)

### **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 March and April 2023.

11. **Approval of Commercial and Payroll Disbursements (All Wards)** [p. 147](#)

### **Recommendation:**

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

**12. Annual Renewal of the City’s Risk Management and Property Insurance Policies for FY 2023/24 (All Wards) p. 198**

**Recommendation:**

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

1. Approve the annual renewal of the City’s property insurance, excess general liability insurance, excess workers’ compensation insurance, crime insurance and cyber insurance; and
2. Authorize the City Manager to execute all related documentation.

**13. Amendment No. 1 to Agreement with IDS Group, Inc. (Wards 4,7),p. 209**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the execution of Amendment No. 1 to Professional Services Agreement with IDS Group, Inc., for the design of the Newmark Ball Field and Speicher Multipurpose Field Lighting, extending the agreement until May 17, 2024.

**14. Amendment No. 1 to Professional Services Agreements for On-Call Pre-Qualified Engineering Services to 23 Firms and Amendment No 2. Professional Services Agreements for On-Call Pre-Qualified Engineering Services to 1 Firm (All Wards) p. 282**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California: Approve Amendment No. 1 to Professional Services Agreements (PSA) for On-Call Pre-Qualified Engineering Services to 23 Firms; and Amendment No. 2 to Professional Services Agreements (PSA) for On-Call Pre-Qualified Engineering Services to 1 Firm.

**DISCUSSION**

**15. City Clerk’s Office System Implementation Updates p. 310**

**Recommendation:**

Receive and file an update on implementing the Public Records Request Management System (PRRMS) through NextRequest, and Municipal Code Web Hosting and Codification through American Legal Publishing.

**16. Discussion on Tenant Protection Options to Protect City Residents Facing Housing Instability. p. 335**

**Recommendation:**

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

1. Adopt Resolution 2023-078 Approving a Legal Aid Tenant Protection Pilot Program, and
2. Provide Staff Direction to Continue or Discontinue Further Studies Needed to Develop and Implement a Residential Rent Stabilization Ordinance and Rent Registry

**17. American Rescue Plan Act-Funded Entrepreneurial Development Services and Resource Center p. 361**

**Recommendation:**

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

1. Approve a reallocation of \$1,000,000.00 of American Rescue Plan Act (“ARPA”) funds from the Small Business Education and Training Resources allocation to the Entrepreneurial Development Services and Resource Center (the “ERC,” also known as the Aspen Institute Initiative) for a total of \$2,000,000 allocated to the ERC.
2. Authorize the Interim City Manager, or designee, to take necessary steps to implement and administer the agreement including executing an agreement or Memorandum of Understanding (“MOU”) with the Inland Empire Center for Entrepreneurship in an amount not to exceed \$1,873,700.00 through December 31, 2026, and signing subsequent, necessary, and related documents to implement the MOU.

**PUBLIC HEARING**

**18. Appeal 23-01 of Conditional Use Permit 21-18 and Public Convenience or Necessity Letter 21-07 (Ward 1) p. 400**

**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).

**19. Appeal 23-02 for Conditional Use Permit 22-13 and Minor Exception 22-04 (Ward 6) p. 454**

**Recommendation:**

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

1. Adopt Resolution No. 2023-061, 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(s): 0148-174-04, 10, 11, 15 through 18), within the Commercial General (CG-1) zone (Attachment 1);

**Or**

2. Adopt Resolution No. 2023-079 of the Mayor and City Council of the City of San Bernardino, California, granting Appeal 23-02 of the Planning Commission’s denial, thereby approving Conditional Use Permit 22-12 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 (33) feet located at 1534 W. Highland Avenue (APN(s): 0148-174-04, 10, 11, 15 through 18), within the Commercial General (CG-1) zone; and finding the project subject to a Categorical Exemption under the California Environmental Quality Act (Attachment 7).

**20. Presentation of the Proposed Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan (All Wards) p. 613**

**Recommendation:**

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

1. Conduct the Public Hearing on the proposed Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan;
2. Receive and file the proposed budget for Fiscal Year 2023-24 Operating and Capital Improvement Plan presentation and provide direction to staff.

**MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS**


**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 June 21, 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 June 7, 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](http://sbcity.org) on Friday, June 2, 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.



## ALTERNATE MEETING VIEWING METHOD:

If there are issues with the main live stream for the Mayor and City Council, you may view the alternate stream on TV3.

<https://reflect-sanbernardino.cablecast.tv/CablecastPublicSite/?channel=6>

## 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](mailto: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 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](mailto: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)**

Submit a request to speak by 4:00 p.m. to <https://tinyurl.com/mccpubliccomments> or email [publiccomments@sbcity.org](mailto:publiccomments@sbcity.org). Please indicate whether you are speaking on an item on the agenda (identify the item number) or providing a general comment.

Please use identifying information when submitting your request to speak such as a name or last four digits of your phone number so that staff can call on you.

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.

For the Regular Meeting please log on no later than 15 minutes after the meeting start time.

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**
- 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. 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://sbcity-org.zoom.us/j/6778459453?pwd=WHduYIU3cJxRkIxTFJ2M2xtUIZhZz09>

**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 whether you are speaking remotely or in person you have an opportunity to speak until the Public Hearing has been closed.