

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 21, 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. 13

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

- i. George Luna v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13592854; ADJ13510564; ADJ13510560; ADJ2913755 and ADJ10411334.
- ii. Promise Gracia, et al. v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2301828

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 for Parks and Recreation Month in the City of San Bernardino – July 2023 (All Wards) p. 14
2. Proclamation for Juneteenth p. 16
3. San Bernardino County Transportation Authority (SBCTA) Project Updates p. 18

APPOINTMENTS

- 4. **Library Board Appointment of Randy S. Clyde p. 33**

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

CITY MANAGER UPDATE

CONSENT CALENDAR

- 5. **Amendment No. 2 to the Professional Services Agreement with Spicer Consulting Group (All Wards) p. 47**

Recommendation:

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

- 1. Authorize the Interim City Manager to execute Amendment No. 2 to the Professional Services Agreement with Spicer Consulting Group (SCG) to increase the purchase order amount by \$200,000, to an amount not-to-exceed \$741,018, for as-needed consulting services related to Maintenance Assessment District Administration and the formation/annexation of Community Facilities Districts and Assessment Districts; and
- 2. Authorize exercising the City’s second twelve (12) month extension option, extending the term of the Professional Services Agreement through June 30, 2024.

- 6. **Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 35, Tax Zone No. 36 (Starbucks) (Ward 2) p. 68**

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-085 of the Mayor and City Council of San Bernardino, California, declaring its intention to annex territory into Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, adopting a map of the area to be proposed (Annexation No. 35), and authorizing the levy of special taxes therein.

- 7. **Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 36, Tax Zone No. 37 (5570 Industrial) (Ward 6) p.106**

Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-086 of the Mayor and City Council of San Bernardino, California, declaring its intention to annex territory into Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, adopting a map of the area to be proposed (Annexation No. 36) and authorizing the levy of a special taxes therein.

- 8. **Professional Service Agreement Award – Consultation Services for Broadband Strategic Master Plan (All Wards) p. 140**

Recommendation:

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

- 1. Approve a Professional Service Agreement (PSA) with Michael Baker International in the amount of \$414,810, to provide consultation services for Broadband Master Plan for the period of June 22, 2023, through October 31, 2024; and
- 2. Authorize the City Manager, or designee, to take necessary steps to implement and administer the agreement including executing an agreement, amendments, and signing subsequent, necessary, and related documents, to implement the agreement.

9. Amendment No. 2 to the Master Agreement with Renne Public Policy Group (RPPG) (All Wards) p. 183

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. 2 to the agreement between the City of San Bernardino and Renne Public Policy Group (RPPG), to extend and increase the agreement for grant consultation services for an amount not to exceed \$86,000 for the extension period of July 1, 2023 through June 30, 2024.

10. Approve the Professional Services Agreement with Kosmont Realty for Real Estate Advisory and Due Diligence Services (All Wards) p. 196

Recommendation:

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

1. Approve a Professional Services Agreement with Kosmont Realty for Real Estate Advisory and Due Diligence Services; and
2. Authorize the City Manager, or designee, to execute the Professional Services Agreement with Kosmont Realty; and
3. Authorize the Agency Director of Administrative Services to issue a Purchase Order in an amount not to exceed \$90,000 to Kosmont Realty.

11. City Board, Commission, and Citizen Advisory Committee Minutes Approved in April/May 2023 p. 325

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 April and May 2023.

12. Pre-Approval of Mayor and City Council Travel for FY 2023/24 (All Wards) p. 371

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, pre-approve travel for elected officials for FY 2023/24 as outlined.

13. 2023 Fireworks Regulatory Fee Rate (All Wards) p. 391

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-087 of the Mayor and City Council of the City of San Bernardino, California, setting the 2023 Regulatory Fee Rate of 10% for the sale of "safe and sane" fireworks in the City of San Bernardino.

14. Accept the Proposition 64 Public Health and Safety Grant and Issue a Purchase Order to Sicuro Data Analytics LLC (All Wards) p. 400

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-088, authorizing:

1. The City Manager to accept the Proposition 64 Public Health and Safety Cohort 3 Grant; and effective July 1st, 2023,
2. The Agency Director of Administrative Services to amend the FY 2023/24 Adopted Budget appropriating \$3,000,000 in both revenue and expenditures; and,
3. Issue a purchase order to Sicuro Data Analytics LLC. in an amount not to exceed \$400,000; and,
4. The Police Department to increase approved staffing by one Management Analyst I.

15. Contract Change Order Approval – Paul Villasenor and Howard Rowe Libraries Improvements (Ward 1, 7) p. 467

Recommendation:

Adopt Resolution No. 2023-089 of the Mayor and City Council of the City of San Bernardino, California:

1. Authorizing the Agency Director of Administrative Services to amend the FY 2022/23 Capital Improvement Plan to record a supplemental appropriation in the amount of \$260,401.72 from Library Facilities fund balance and Measure S fund project savings for the Paul Villasenor and Howard Rowe Libraries improvements project; and
2. Approving the Construction Contract Change Order (CCO #1) with US Builders and Consultants in the amount of \$440,577.60, for a total contract amount of \$796,477.60; and
3. Authorizing project construction, project contingencies, and inspection costs for a total not-to-exceed amount of \$907,677.60 for the project; and
4. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

16. Agreement with Superior Pavement Markings, Inc. for Area Street Sign Replacement Services (All Wards) p. 483

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute a Maintenance Services Agreement with Superior Pavement Markings, Inc., for area street name sign replacement services and related materials.

17. Award Design Services Agreement for Guadalupe Field at Sal Saavedra Park Revitalization Project (Ward 1) p. 824

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve the award of a Design Services Agreement with RHA Landscape Architects Planners, Inc. in the amount of \$183,465 for the revitalization of Guadalupe Field at Sal Saavedra Park.

18. Award Design Services Agreement for Speicher Memorial Park Ballfield Improvements (Ward 2) p. 881

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve the award of a Design Services Agreement with IDS Group, Inc. in the amount of \$180,943 for Speicher Memorial Park Ballfield Improvements.

19. Task Order Issued to Transtech Engineers for Augmented Engineering Services Pursuant to Professional Service Agreement for On-Call Engineering Services (All Wards) p. 944

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve a Task Order Transtech002 to Transtech Engineers to provide augmented Capital Improvement Program Programmatic Services pursuant to the approved Professional Services Agreement (PSA) for On-Call Engineering Services and authorize the Agency Director of Administrative Services to issue a purchase order in the amount of \$488,880.

DISCUSSION

20. Approval of the Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan (All Wards) p. 954

Recommendation:

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

1. Adopt Resolution No. 2023-080 of the Mayor and City Council of the City of San Bernardino, California, approving the City of San Bernardino's Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan;
2. Adopt annual budgets for Fiscal Year 2023-24;
3. Establish the City's Appropriations Limit as required by Article XII of the California State Constitution.
4. Adopt Resolution No. 2023-081 of the Mayor and City Council of the City of San Bernardino, California, approving an amendment to the to the city-wide salary schedule for full-time, part-time, temporary, and seasonal positions.

21. 2023 State of the City (All Wards) p. 1350

Recommendation:

Adopt Resolution No. 2023-082 of the Mayor and City Council of the City of San Bernardino, California authorizing the Agency Director of Administrative Services to amend the FY 2022/23 operating budget in the amount of \$16,000 to facilitate the 2023 San Bernardino State of the City event.

PUBLIC HEARING

22. Proposed Fiscal Year 2023-2024 Annual Action Plan Associated with Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs (All Wards) p. 1356

Recommendation:

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

1. Conduct a second Public Hearing to obtain citizens' comments on the proposed Fiscal Year 2023-2024 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs; and
2. Approve the Fiscal Year 2023-2024 Annual Action Plan as an application for funding under Community Development Block Grant, Home Investment Partnerships, and Emergency Solutions Grant programs; and
3. Approve the execution of the Subrecipient Agreements with Inland Fair Housing Mediation Board, Asociacion de Emprendedor@s, Nehemiah Charitable Fund, Neighborhood Housing Services of the Inland Empire, Lutheran Social Services of Southern California, Salvation Army, a California Corporation, Community Action Partnership of San Bernardino County, and Family Service Association of Redlands to effectuate the funding allocations outlined in the Fiscal Year 2023-2024 Annual Action Plan; and
4. Authorize the City Manager or designee to take any further actions and execute any further documents as necessary to effectuate the submittal of the HUD Fiscal Year 2023-2024 Annual Action Plan and certification to HUD.

23. Public Hearing and Resolution Confirming Assessments for Delinquent Solid Waste Collection Service Charges on the Property Tax Roll for Fiscal Year 2023-24 (All Wards) p. 1714

Recommendation:

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

1. Hold a Public Hearing to consider whether to collect delinquent solid waste collection service charges on the property tax roll for Fiscal Year (FY 2023-24); and
2. Adopt Resolution No. 2023-083 of the Mayor and City Council of the City of San Bernardino, California, adopting the report proposing to have delinquent solid waste collection service charges collected on the tax roll.

24. Continuation, to July 19, 2023, of Public Hearing Regarding Solid Waste Rate Increases and Resolution Adopting Rates for Solid Waste Services, Approving Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc., and Finding the Action Exempt from the California Environmental Quality Act p. 1880

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California execute the following actions: Continue the Proposition 218 Public Hearing to receive comments on the proposed rate increases and Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc. ("Burrtec") to the July 19, 2023, Mayor and City Council Meeting.

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

25. Utilization Coordination Meetings and franchise fee with Southern California Gas Company (All Wards) – Council Member Alexander p. 1882

26. The Legality of grinding and crushing on site at the Carousel Mall (Ward 1) – Council Member Sanchez p. 1883

27. Proposed meeting time change: Closed Session to start at 4:00pm and Open Session to start at 5:30pm (All Wards) - Mayor Tran p. 1884

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS


ADJOURNMENT

The Mayor and City Council will adjourn to a Special Meeting to be held on Monday, June 26, 2023, at the 201 North E Street, San Bernardino, California 92401 in the Multi-Purpose Room. The special meeting will begin at 5:30 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 21, 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 on **Friday, June 16, 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/watch/1?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. 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)

Submit a request to speak by 4:00 p.m. to <https://tinyurl.com/mccpubliccomments> or email 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.

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

<https://sbcity-org.zoom.us/j/6778459453?pwd=WHduYIU3cIJxRkIxTFJ2M2xtUIZhZz09>

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.