

# 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, AUGUST 02, 2023

5:30 PM - CLOSED SESSION

7:00 PM - OPEN SESSION

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Ward 5 Council Member Ben Reynoso will be participating in the meeting remotely, via Zoom, at the following location:  
1043 Carroll Street, Waveland, MS 39576

**Helen Tran**  
MAYOR

**Theodore Sanchez**  
COUNCIL MEMBER, WARD 1

**Damon L. Alexander**  
COUNCIL MEMBER, WARD 7

**Sandra Ibarra**  
COUNCIL MEMBER, WARD 2

**Charles E. McNeely**  
INTERIM CITY MANAGER

**Juan Figueroa**  
COUNCIL MEMBER, WARD 3

**Sonia Carvalho**  
CITY ATTORNEY

**Fred Shorett**  
MAYOR PRO TEM, WARD 4

**Genoveva Rocha**  
CITY CLERK

**Ben Reynoso**  
COUNCIL MEMBER, WARD 5



**Kimberly Calvin**  
COUNCIL MEMBER, WARD 6

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. 13**

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

**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**

**CONSENT CALENDAR**

- 1. Amendment No. 4 to Professional Services Agreement with Advanced Pet Care (All Wards) p. 14**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the Interim City Manager to execute Amendment No. 4 to the Professional Services Agreement (PSA) with Advanced Pet Care, and increase the annual contract amount to \$350,000.

- 2. Grant of Easement, 15.02-1671, to Southern California Edison Company across City property located at 607 E Highland Avenue (Ward 2) p. 40**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-117, approving a Grant of Easement, number 15.02-1671, to the Southern California Edison Company (SCE) across City property located at 607 E Highland Avenue (APN: 0147-031-14-0000).

**3. Approve Amendment No. 1 to Grant Agreement with California Volunteers and Approve Professional Service Agreements with The Love Program and Operation New Hope for the Californians For All Youth Workforce Development Program (All Wards) p. 50**

**Recommendation:**

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

1. Authorize the Interim City Manager, or designee, to execute Amendment No. 1 to the agreement between the City of San Bernardino and California Volunteers for the 2021 Californians For All Youth Workforce Development Program, and any subsequent amendments necessary to implement the grant and incorporate the sub-recipient awards.
2. Approve a Professional Service Agreement (PSA) with Operation New Hope in the amount of \$178,056 to create entry-level career pathways in the non-profit sector for the period of August 3, 2023, through May 1, 2024.
3. Approve a Professional Service Agreement (PSA) with The Love Program in the amount of \$329,088 to create entry-level career pathways in the non-profit sector for youth for the period of August 3, 2023, through May 1, 2024.
4. Authorize the Police Department to increase approved staffing by three Records Technicians, the Human Resources Department to increase approved staffing by one Human Resources Analyst Trainee, and the Office of the City Manager to increase approved staffing by two Grants Assistants.

**4. Investment Portfolio Report for April and May 2023 (All Wards) p. 86**

**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 April and May 2023.

**5. Resolution to Approve the City Investment Policy for FY 2023/24 (All Wards) p. 130**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-118, approving the Investment Policy for FY 2023/24.

**6. Approval of Commercial and Payroll Disbursements (All Wards) p. 155**

**Recommendation:**

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

**7. Accept Inland SoCal Creative Corps Grant Award in the amount of \$100,000 from the California Arts Council (All Wards) p. 207**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-119 to:

1. Authorize the City Manager to accept the grant award in the amount of \$100,000;
2. Authorize the City Manager or his designee to conduct all negotiations, signings, and submittals of necessary documents to receive grant awards; and
3. Authorize the Agency Director of Administrative Services to amend the budget to appropriate the grant funds for Fiscal Year 2023/24.

**8. Amendment No. 2 Agreement with RHA Landscape Architects – Planners, Inc. for Nicholson Park Design (Ward 6) p. 219**

**Recommendation:**

It is recommended that the Mayor and City Council of San Bernardino, California, authorize the Interim City Manager to execute Amendment No. 2 to the Professional Design Services Agreement with RHA Landscape Architects – Planners, Inc., adding extra design services in the amount of \$47,300 and increasing the purchase order to a total amount not-to-exceed \$459,845 for the final design of Nicholson Park.

**9. Establish a “No Parking Anytime” Parking Restrictions on the Northside of Marshall Boulevard between Valencia Avenue and Pepper Tree Lane and on the Westside of Pepper Tree Lane between Marshall Boulevard and Lynwood Drive (Ward 7) p. 272**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-120, amending Resolution No. 3985 entitled, in part, “A Resolution Prohibiting Parking Upon Certain Designated Streets, Alleys, or Portion Thereof....” to establish a No Parking Anytime Zone on the Northside of Marshall Boulevard between Valencia Avenue and Pepper Tree Lane and the Westside of Pepper Tree Lane between Marshall Boulevard and Lynwood Drive.

**10. Award of Construction Contract for Pavement Rehabilitation at Three Locations (Wards 1, 3, 4) p. 280**

**Recommendation:**

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

1. Approve the award of a Construction Contract Agreement with Match Corporation Company in the amount of \$763,593.55 to provide pavement rehabilitation at three (3) locations (“Project”); and
2. Authorize project construction, construction contingencies, and engineering and inspections costs in the total amount of \$916,312.35 for the Project; and
3. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

**11. Formal Acceptance of Southern California Gas Company’s Application for Franchise, Enactment of the Resolution of Intention to Grant a Gas Franchise, and Approval of License Agreement (All Wards) p. 401**

**Recommendation:**

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

1. Formally accept application for a gas franchise from South California Gas Company; and
2. Enact Resolution 2023-121 of the Mayor and City Council of the City of San Bernardino, California, which recites the terms under which the City intends to grant the franchise and directs the City Clerk to publish the Notice within 15 days after the passage of this Resolution.
3. Approve license agreement with Southern California Gas Company.

## **DISCUSSION**

### **12. American Rescue Plan Act-Funded Entrepreneurial Development Services and Resource Center (All Wards) p. 431**

#### **Recommendation:**

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

1. Approve a reallocation of \$873,700 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 know as the Aspen Institute Initiative) for a total of \$1,873,700 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 through December 31, 2026, and signing subsequent, necessary, and related documents to implement the MOU.

### **13. Proposed Administrative Policy Establishing the Municipal Volunteer Program (MVP) for the Offices of Elected Officials (All Wards) p. 470**

#### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, review and consider the proposed administrative policy and provide direction for modifications or adopt Resolution No. 2023-122 as presented establishing the Municipal Volunteer Program (MVP) – Offices of the Elected Officials Policy.

## **PUBLIC HEARING**

### **14. Public Hearing on Annexation No. 35 to Community Facilities District 2019-1 (Ward 2) p. 486**

#### **Recommendation:**

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

1. Hold a Public Hearing; and
2. Adopt Resolution No. 2023-123 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. 35) ; and
3. Hold a special landowner election and canvass the election; and
4. Adopt Resolution No. 2023-124 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. 35) ; and
5. Introduce, read by title only, and waive further reading of Ordinance No. MC-1617 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
6. Schedule the adoption of Ordinance No. MC-1617 for August 16, 2023.

**15. Public Hearing on Annexation No. 36 to Community Facilities District 2019-1 (Ward 6)**  
**p. 543**

**Recommendation:**

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

1. Hold a Public Hearing; and
2. Adopt Resolution No. 2023-125 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. 36) ; and Hold a special landowner election and canvass the election; and
3. Adopt Resolution No. 2023-126 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. 36) ; and
4. Introduce, read by title only, and waive further reading of Ordinance No. MC-1618 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
5. Schedule the adoption of Ordinance No. MC-1618 for August 16, 2023.

**16. 2021-2029 Draft Housing Element p. 596**

**Recommendation:**

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

1. Receive public comments on the 2021-2029 Draft Housing Element; and
2. Provide comments and direction on the 2021-2029 Draft Housing Element; and
3. Authorize, by motion, staff to make necessary changes to the 2021-2029 Draft Housing Element based on comments and direction; and
4. Authorize, by motion, the Community, Housing, and Economic Development Department to submit the revised document to the State Department of Housing and Community Development (HCD) for review.

**17. Imposing Liens on Certain Parcels of Real Property for Unpaid Business Registration Taxes and Penalties (All Wards) p. 1377**

**Recommendation:**

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

1. Conduct a public hearing to receive public comment on the matter; and
2. Adopt Resolution No. 2023-127 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain parcels of real property for unpaid business registration taxes and penalties; and
3. Direct the Agency Director of Administrative Services to remove any properties from the Business Registration Lien List (Exhibit A to the Resolution) which are resolved prior to the hearing.

**ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS**

**18. Work together as an entire City and Community to establish San Bernardino as a Pro Housing Destination and All American City (All Wards) – Council Member Alexander**  
**p. 1392**

**19. Consider Rent Stabilization and Other Tenant Protections (All Wards) – Council Member Reynoso p. 1393**

## **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 August 16, 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, Courtney Bowen, Deputy City Clerk for the City of San Bernardino, California, hereby certify that the agenda for the August 02, 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, July 28, 2023**.

I declare under the penalty of perjury that the foregoing is true and correct.

*Courtney Bowen*

Courtney Bowen, Deputy 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](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 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](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)

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.