

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, SEPTEMBER 06, 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) Closed Session

Recommendation:

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

i.) Edward Lee v. City of San Bernardino, Workers' Compensation Case Nos. ADJ16652155; ADJ16652154; ADJ16652152; and ADJ13431303

ii.) John Diaz v. City of San Bernardino, Workers' Compensation Case No. ADJ15725143

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

City Manager

C) CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

Agency designated representatives: Frank Rojas, Koff & Associates; Director of Human Resources

Unrepresented Employee: City Manager

D) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Government Code §54956.9)

Significant exposure to litigation (Number of potential cases): One

7:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

PRESENTATIONS

1. **Proclamation for National Library Card Sign-Up & Literacy Month in the City of San Bernardino – September 2023 (All Wards) [p. 14](#)**

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

CITY MANAGER UPDATE

CONSENT CALENDAR

2. **Pre-Approval of Mayor Travel for FY 2023/2024 (All Wards) [p. 16](#)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, pre-approve the Mayor's specified travel for Fiscal Year 2023/24.

3. **2023 League of California Cities Annual Conference General Assembly [p.39](#)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, receive and file an update on policy proposals to be considered by the 2023 League of California Cities Annual Conference General Assembly.

4. **Adopt the Resolutions Associated with the March 5, 2024, City of San Bernardino Primary Municipal Election [p. 42](#)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, take the following actions to conduct the Primary Municipal Election on March 5, 2024:

1. Adopt Resolution No. 2023-137 calling for the holding of a Primary Municipal Election to be held on Tuesday March 5, 2024, for the election of certain officers as required by the provisions of the San Bernardino City Charter;
2. Adopt Resolution No. 2023-138 Requesting the Board of Supervisors of the County of San Bernardino consolidate a Primary Municipal Election to be held on March 5, 2024, with the Statewide Primary Election to be held on the date pursuant to 10403 of the Elections Code;
3. Adopt Resolution No. 2023-139 adopting regulations for Candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, March 5, 2024.

5. **Approve Technical Corrections to the City of San Bernardino Residency Policy for Elected Officials and Candidates for Elected Office [p. 57](#)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution 2023-140, Adopting an Amended Residency Policy for Elected Officials and Candidates for Elected Office.

6. Approval of the Mayor and City Council Meeting Minutes [p. 89](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the minutes from the following meetings: February 1, 2023 Regular Meeting

7. Adoption of Ordinance No. MC-1617 for CFD No. 2019-1 (Maintenance Services), Annexation No. 35 (Ward 2) [p. 103](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1617 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).

8. Adoption of Ordinance No. MC-1618 for CFD No. 2019-1 (Maintenance Services) (Annexation 36) (Ward 6) [p. 113](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1618 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).

9. Approve the Professional Services Agreement for Security Services and Issuance of a Purchase Order to Redwood Private Security, LP., for FY 2023/24 (Ward 1) [p. 123](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-141 of the Mayor and City Council of the City of San Bernardino, California:

1. Authorize the City Manager to execute the Professional Services Agreement for Security Services between the City of San Bernardino and Redwood Private Security, LP; and
2. Authorize the Agency Director of Administrative Services to amend the FY 2023/24 Budget by appropriating \$80,000 from the General Fund to the Community Economic Development Department Professional / Contractual Fund to provide funding for the Professional Services Agreement; and
3. Authorize the Agency Director of Administrative Services to issue a purchase order to Redwood Private Security, LP.

10. Authorization to Proceed with Investigation and Analysis for Proposed Street Vacation of a Portion of Harris Street (Ward 1) [p.298](#)

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 Harris Street.

11. Resolution to Approve the Recognized Obligation Payment Schedule (ROPS) 2024-25 A and B (All Wards) p. 341

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, acting in its capacity as the Successor Agency to the Redevelopment Agency of the City of San Bernardino:

1. Adopt Resolution No. 2023-142 Approving the Recognized Obligation Payment Schedule (ROPS) 24-25 A and B; and
2. Authorize the City Manager, as the Successor Agency's Executive Director or designee, to:
 - a. Transmit the ROPS 24-25 A and B to the State Department of Finance and other designated agencies as prescribed by the California Health and Safety Code (HSC);
 - b. Make ministerial revisions to ROPS 24-25 A and B, which may include, but are not limited to, restating the information included within ROPS 24-25 A and B as may be requested by the State Department of Finance;
 - c. Take such other actions and execute such other documents as are necessary to effectuate the ROPS; and
 - d. Implement ROPS 24-25 A and B on behalf of the Successor Agency, including authorizing and causing such payments as authorized by ROPS 24-25 A and B.

12. Approval of Commercial and Payroll Disbursements (All Wards) p. 350

Recommendation:

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

13. Side Letter Agreements with Bargaining Groups Regarding Premium Pay for City and Water Department Employees p. 437

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-143, authorizing the City Manager to execute side letter agreements with the City's bargaining groups regarding premium pay.

14. Amendment to the Professional Services Agreement with Graves & King p.451

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 the third amendment to the Professional Services Agreement with Graves & King for legal representation in the Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620, increasing the not to exceed amount to \$350,000.

15. Health Benefits Plan Year 2024 p. 470

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve the City's health benefit plans for plan year 2024 and authorize the City Manager to execute any agreements necessary to effectuate the medical, dental, vision, life, short and long-term disability, and other ancillary and voluntary plans that the City offers as part of its benefits package to employees.

16. Receive and File Letter of Intent from Los Angeles Dodger Foundation for Renovation of Blair Park Baseball Fields p. 502

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, receive and file the attached letter of intent from the Los Angeles Dodger Foundation.

17. Design Services Agreement with Miller Architectural Corporation for Renovation of a One Stop Shop Permitting Center (All Wards) p. 512

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to approve an Agreement with Miller Architectural Corporation for renovation and design services for a fee in the amount of \$71,575 to create a One Stop Shop Permitting Center on the 3rd floor of the property located at 201 North E Street.

18. Agreement with San Bernardino Paint and Supply, Inc. (AllWards) p. 555

Recommendation:

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

1. Authorize the City Manager to execute a Goods and Services Agreement with San Bernardino Paint and Supply, Inc., for the purchase of paint and related materials; and
2. Authorize the Agency Director of Administrative Services to issue a purchase order in the amount of \$150,000.

DISCUSSION

19. Regular Ordinance Amending, or Repealing, Crime Free Housing Ordinance No. MC-1351 p. 598

Recommendation:

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

1. Introduce, read by title only, and waive further reading of Ordinance No. MC-1619 – An Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 15.27 of Title 15 of the San Bernardino Municipal Code regarding rental housing program maintenance standards;
or
2. Introduce, read by title only, and waive further reading of Ordinance No. MC-1620 -- An Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing Chapter 15.27 of Title 15 of the San Bernardino Municipal Code (Crime-Free Rental Housing Program).

20. Strategic Initiatives (All Wards) p. 612

Recommendation:

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

1. Adopt Resolution No. 2023-144:
 - a. Approving and authorizing the Agency Director of Administrative Services to amend the City of San Bernardino's FY 2023/24 Operating Budget totaling \$5,705,188 with \$3,435,188 in General Fund Strategic Reserve appropriations, \$1,700,000 in General Fund Capital Contingency Reserve appropriations, and \$570,000 in Cultural Development Fund appropriations; and
 - b. Approving the creation of the Economic Development Department; and
 - c. Directing staff to prepare and bring back a revised City salary schedule to include any new positions that are budgeted.

2. Approve the Proposed Strategic Initiatives for Future Years to be considered as part of the FY 2024/25 & FY 2025/26 Biennial Budget process and prioritize the Strategic Initiatives for funding.
3. Direct staff to bring back Strategic Initiatives that require further Council review and approval.

21. Mount Vernon Avenue Viaduct - Amendment No. 3 to Cooperative Agreement No. 16-1001477 (Ward 1) p. 918

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-145 authorizing the City Manager to execute Amendment No. 3 to Cooperative Agreement No. 16-1001477 with the San Bernardino County Transportation Authority (SBCTA) for the Environmental Clearance, Preliminary Design, Right-of-Way, and Design-Build Phases for the Mount Vernon Avenue Viaduct Project (Project), to increase the funding by an estimated amount of \$13,331,534, to address the project extension and costs escalation during the Design-Build phase for a total Project cost of \$244,811,419.

PUBLIC HEARING

22. Conduct Public Hearing and Introduction of an Ordinance to Grant a Franchise to Southern California Gas Company (All Wards) p. 965

Recommendation:

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

1. Find that the proposed ordinance is not a project subject to California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378 and that the proposed action is exempt from CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3); and
2. Conduct a public hearing to receive comments on the proposed franchise agreement with Southern California Gas Company.
3. Introduce, read by title only, and waive further reading of Ordinance No. MC-1621 to grant a franchise to Southern California Edison Gas Company.

23. Continuation, to January 17, 2024, 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. 1000

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the continuation of 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 January 17, 2024, Mayor and City Council Meeting.

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 Wednesday, October 4, 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 **September 6, 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, September 1, 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, 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.

Continued next page...

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.