

# CITY OF SAN BERNARDINO

## REVISED 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, OCTOBER 04, 2023

5:30 PM - CLOSED SESSION

7:00 PM - OPEN SESSION

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**Theodore Sanchez**  
COUNCIL MEMBER, WARD 1

**Helen Tran**  
MAYOR

**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**

#### **A) Recommendation:**

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

i. Alliance for Constitutional Sex Offense Law, Inc; and John Doe v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2308625B)

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. **October 2023 Citizen of the Month – Manal Iskander, Greenshack – 2nd Ward**  
**p. 15**
2. **October 2023 Citizen of the Month – George’s Burgers – 2nd Ward** **p. 17**
3. **October 2023 Citizen of the Month – Meiga Sushi – 2nd Ward** **p. 19**
4. **October 2023 Citizen of the Month – Omar Aguirre, Tacos Arandas – 2nd Ward**  
**p. 21**
5. **October 2023 Citizen of the Month – Miyagi Sushi – 2nd Ward** **p. 23**
6. **Presentation of the City of San Bernardino Summer 2023 Youth Basketball All Star Participants** **p. 25**
7. **Recognition of Cal State San Bernardino University Baseball and Coach Mike Nadeau on his accomplishment in leading the team to its first National Collegiate Athletic Association run and being named Coach of the Year** **p. 55**

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

### CITY MANAGER UPDATE

### CONSENT CALENDAR

8. **Adoption of the Strategic Initiatives (All Wards)** **p. 60**

**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 \$6,636,293 with \$1,610,693 in General Fund appropriations, \$3,325,600 in General Fund Strategic Reserve appropriations, and \$1,700,000 in General Fund Capital Contingency Reserve appropriations; and

- b. Approving the allocation of \$2,000,000 beginning FY 2026/27 to sustain homelessness-related services; and

c. Approving the creation of the Economic Development Department; and

d. Directing staff to prepare and bring back a revised City salary schedule to include any new positions that are budgeted and the retitling of the Agency Directors.

2. Approve prioritizing the ADA Master Plan (future phases), Storm Drain Master Plan, and Facility/Building Management Master Plan as part of the biennial budget process; and

3. Direct staff to bring back Strategic Initiatives that require further Council review and approval.

**9. Adoption of Ordinance No. MC-1619 Amending Chapter 15.27 of the San Bernardino Municipal Code, Regarding Rental Housing Program Maintenance Standards p. 70**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino adopt Ordinance No. MC-1619 Amending Chapter 15.27 of the San Bernardino Municipal Code, Regarding Rental Housing Program Maintenance Standards.

**10. Settlement Agreement of Escrow Account Funds with Los Angeles Engineering p. 80**

**Recommendation:**

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

1. Approve the Settlement Agreement of Escrow Account Funds jointly held with Los Angeles Engineering, a California Corporation; and

2. Authorize the City Manager, or designee, to execute the Settlement Agreement, receive the funds, and close the escrow account.

**11. City Board, Commission, and Citizen Advisory Committee Minutes Approved in August and September 2023 p. 88**

**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 August and September 2023.

**12. Senior Human Resources/Risk Analyst Classification Title Change p. 119**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution 2023-147:

1. Updating the Senior Human Resources/Risk Analyst classification title to Supervising Human Resources Analyst; and

2. Amending the City-wide salary schedule for full-time, part-time, temporary, and seasonal positions.

**13. Library Literacy Program Grant Funding (All Wards) p. 133**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-148 approving:

1. Accepting grant funding in the amounts of \$99,287 from the California Department of Education; \$60,719 for Adult Literacy Services, \$20,615 for Family Literacy Services and \$43,642 for English as a Second Language from the California State Library for Literacy Program services
2. Authorizing the Agency Director of Administrative Services to amend the FY 2023/24 budget for the Literacy Program, which includes: appropriating \$43,642 in both revenues and expenditures for the English as a Second Language Program and adjusting the grant fund budgets for the California Department of Education, Adult Literacy Services, and Family Literacy Services grants to account for any differences in the estimated grant funding versus the actual grant funds received.

**14. Library Revenue and Expense Budget (All Wards) p. 220**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-149 approving:

1. Accepting funding of \$10,400.00 from the Inland Library System, \$215.85 from the New Hope Missionary Baptist Church and \$163.00 from San Bernardino Emblem Club No. 178.
2. Authorizing the Agency Director of Administrative Services to amend the FY 2023/24 Adopted Budget for the Library including \$10,778.85 in both revenues and expenditures.

**15. Older Californians Nutrition Program Grant Award FY 2023/24 and Related Purchase Orders p. 266**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-150 authorizing:

1. City Manager or designee to accept the San Bernardino County Department of Aging and Adult Services – Public Guardian Grant Award in the amount of \$376,667;
2. Agency Director of Administrative Services, or designee, to appropriate the grant funds to the FY 23/24 operating budget;
3. Agency Director of Administrative Services, or designee, to approve

purchase orders for continued operation of the Senior Nutrition Program for the period of July 1, 2023, through June 30, 2024 as follows:

Sysco Foods:	\$183,500
Hollandia Dairy:	\$23,500
Consulting Health Nutrition Services, Inc.:	\$17,000

4. Agency Director of Administrative Services, or designee, to amend the operating budget for Senior Nutrition to \$105,000, including an additional \$20,000 to ensure the needs of the program are met.

**16. 2023/2024 Senior Companion Program (SCP) – 3rd Year of a 3-Year Grant Award (All Wards) p. 324**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2023-151,

1. Accepting the Senior Companion Program grant award in the amount of \$332,662, and
2. Authorizing the Agency Director of Administrative Services, or designee, to appropriate the grant funds for the period of July 1, 2023, through June 30, 2024.

**17. Accept 2022 Urban Areas Security Initiative (UASI) Grant (All Wards) p. 357**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-152 authorizing:

1. The City Manager to accept the FY2022 Urban Areas Security Initiative Grant funds; and
2. The Agency Director of Administrative Services to amend the Fiscal Year 2023/24 Adopted Budget by \$100,000 in both revenue and expenditures.

**18. Accept California Office of Traffic Safety Grant Award (24-004883) (All Wards) p. 384**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-153 authorizing:

1. The City Manager to accept and administer the FY 2023/24 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant; and
2. The Agency Director of Administrative Services to amend the FY 2023/24 Adopted Budget by \$567,000 in both revenue and expenditures.

**19. Acceptance of FY 2023 Edward Byrne Justice Assistance Grant p. 407**

**Recommendation:**

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

California, adopt Resolution No. 2023-154, authorizing:

1. The City Manager to accept the 2023 Edward Byrne Justice Assistance Grant; and
2. The Agency Director of Administrative Services to amend the FY 2023/24 Adopted Budget by \$230,081 in both revenue and expenditures.

**20. Five-Year Capital Improvement Plan FY 2023/24 to FY 2027/28 for Measure I Local Expenditures (All Wards) p. 434**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-155 approving the Measure I Five-Year Capital Improvement Plan for Fiscal Year 2023/24 through Fiscal Year 2027/28 and Measure I Expenditure Strategy.

**21. Contract Change Order Approval – 5th Street Senior Center Kitchen Improvements (Ward 1) p. 444**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-156:

1. Authorizing the Agency Director of Administrative Services to record a budget amendment from Measure S Fund balance to allocate an additional \$69,183.27 to fund the required change order to complete the 5th Street Senior Center Kitchen Improvements (“Project”); and
2. Approving the Construction Contract Change Order with Preferred General Services in the amount of \$500,846.50 to provide improvements to the 5th Street Senior Center Kitchen; and
3. Authorizing the project construction and construction contingencies in the total amount of \$520,573.30 for the 5th Street Senior Kitchen Improvements; and
4. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

**22. Adoption of Ordinance No. MC-1621 to Grant a Franchise to Southern California Gas Company p.455**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Ordinance No. MC-1621, An Ordinance of the Mayor and City Council of the City of San Bernardino, California, granting to Southern California Gas Company, a corporation, its successors and assigns, the right, privilege and franchise to lay and use pipes and appurtenances for transmitting and distributing gas for any all purposes under, along, across or upon the public streets, ways, alleys, and places, as the same now or may hereafter exist, within said municipality.

## **DISCUSSION**

### **23. Discussion of Crushing and Grinding Operations in the City, the Repeal of Resolution 2020-265, and a Development Code Amendment Updating Temporary Use Permits p. 490**

#### **Recommendation:**

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

1. Discuss the repeal of Resolution No. 2020 - 265;
2. Discuss Development Code Amendment to Section 19.70.035 (B) (Development and Operational Standards for Temporary Use Permits – On-site and Off-site Contractor’s Construction Yards); and
3. Provide additional direction to staff regarding the topics discussed.

## **PUBLIC HEARING**

### **24. Approval of the Draft Fiscal Year 2022-2023 Consolidated Annual Performance and Evaluation Report (CAPER) to the US Department of Housing and Urban Development (All Wards) p. 626**

#### **Recommendation:**

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

1. Conduct a public hearing on the draft Fiscal Year 2022-2023 Consolidated Annual Performance and Evaluation Report (FY22-23 CAPER); and
2. Authorize its submission to the United States Department of Housing and Urban Development.

## **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 October 18, 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, Telicia Lopez, CMC, Chief Deputy City Clerk for the City of San Bernardino, California, hereby certify that the agenda for the October 4, 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 Feldheym Central Library located at 555 West 6th Street, San Bernardino, California, and on the City's website [sbcity.org](http://sbcity.org) on Friday, September 29, 2023.

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

*Telicia Lopez*

**Telicia Lopez, CMC, Chief Deputy Clerk**

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### **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](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)**

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.

**b) Join the Meeting by clicking on the Zoom link below:**

<https://sbcity-org.zoom.us/j/6778459453?pwd=WHduYlU3cUxRkixTFJ2M2xtUjZlZz09>

**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.