

# 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, APRIL 17, 2024**

**4:00 PM - CLOSED SESSION**

**5:00 PM - OPEN SESSION**

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COUNCIL MEMBER ALEXANDER WILL PARTICIPATE REMOTELY FROM THE FOLLOWING LOCATION:  
**HYATT REGENCY SACRAMENTO**  
1209 L STREET  
SACRAMENTO, CA 95814

**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 A. Montoya**  
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 ACCOMMODATIONS**
- **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  
City Manager Charles A. Montoya  
City Attorney Sonia Carvalho  
City Clerk Genoveva Rocha

**4:00 P.M.**

## **CLOSED SESSION PUBLIC COMMENT**

## **CLOSED SESSION**

### **A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [p.13](#)**

**(Pursuant to Government Code Section 54956.9(a) and (d)(1):**

- i. Henry Perez v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2225127
- ii. Jackie Aboud v. John Valdivia, San Bernardino Superior Court Case No. CIVDS2013562
- iii. Karen Cervantes v. John Valdivia, San Bernardino Superior Court Case No. CIVDS2012538
- iv. Mirna Cisneros v. John Valdivia, San Bernardino Superior Court Case No. CIVDS2012926
- v. Brian Pellis, et al. v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB22267331
- vi. Arnold Mathias v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13324852, ADJ11173952, ADJ10646820, and ADJ8614146

**5:00 P.M.**

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

## **CLOSED SESSION REPORT**

## **APPOINTMENTS**

1. **Downtown Advisory Committee Appointment of Casey A. Dailey (Ward 1) [p.14](#)**
2. **General Plan Advisory Committee Appointment of Casey A. Dailey (Ward 1) [p.29](#)**
3. **Measure S Citizens Oversight Committee Appointment of Casey A. Dailey (Ward 1) [p.39](#)**
4. **Planning Commission Appointment of Casey A. Dailey (Ward 1) [p.48](#)**

## **PRESENTATIONS**

5. **April 2024 Citizen(s) of the Month Darnetta Smith, Claudia Cuevas, Vee Galvez Tellez, Spirit of Texas BBQ, Janice Robinson, and Ben Gutierrez** [p.57](#)
6. **Proclamation for Child Abuse Prevention Month in the City of San Bernardino – April 2024 (All Wards)** [p.64](#)
7. **Proclamation of National Therapy Animal Day in the City of San Bernardino – April 30, 2024 (All Wards)** [p.66](#)

## **CITY MANAGER UPDATE**

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

## **PUBLIC HEARING**

8. **Proposed Substantial Amendment to Fiscal Years 2023-2024 and 2020-2021 Annual Action Plan Associated with Community Development Block Grant and Community Development Block Grant (All Wards)** [p.68](#)

### **Recommendation:**

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

1. Conduct a Public Hearing to obtain citizens' comments on the proposed Substantial Amendments to 2023-2024 and 2020-2021 Annual Action Plans for the Community Development Block Grant; and
2. Approve the Substantial Amendments to Fiscal Year 2023-2024 and 2020-2021 Annual Action Plans for the Community Development Block Grant; and
3. Adopt Resolution 2024-075, approving the draft Substantial amendment to the housing and urban development fiscal year 2023-2024 and 2020-2021 Community development block grant annual action plan; and
4. Authorize the Director of Finance and Management Services to adjust the Fiscal Year 2023-2024 Budget Appropriation pursuant to the Substantial Amendment 2023-2024 and 2020-2021 Action Plans; and
5. Authorize The City Manager or designee to take any further actions and execute any further agreements or documents as necessary to effectuate the submittal of the Proposed Substantial Amendments to Fiscal Year 2023-2024 and 2020-2021 Annual Action Plans.

**9. Conduct a Public Hearing and Introduce Ordinance No. MC-1636: Development Code Amendment 24-02 (Emergency Shelter Overlay) p.508**

**Recommendation:**

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

1. Introduce for first reading, read by title only, and waive further reading of Ordinance No. MC-1636 of the Mayor and City Council of the City of San Bernardino, California, approving Development Code Amendment 24-02 amending the following Sections and table:
  - (i) Section 19.02.50 (Basic Provisions - Definitions)
  - (ii) Section 19.06.020;
  - (iii) Table 06.01 (Commercial Zones - Development Permitted and Conditionally Permitted Uses);
  - (iv) Section 19.08.020;
  - (v) Table 08.01 (Industrial Zones - Development Permitted and Conditionally Permitted Uses); and
  - (vi) Chapter 19.10-E (Emergency Shelter Overlay) of the City of San Bernardino Development Code (SBMC Title 19) in order to update the development standards for Emergency Shelters in compliance with state law; and finding that Development Code Amendment 24-02 is exempt from review under the California Environmental Quality Act; and
2. Conduct the Public Hearing; and
3. Schedule the adoption of the above Ordinance to the regularly scheduled meeting of the Mayor and City Council on May 1st, 2024.

**DISCUSSION**

**10. Discuss and Provide Direction on Whether to Pursue Censure of Council Member Kimberly Calvin p.545**

**Recommendation:**

It is recommended that the Mayor and City Council, of the City of San Bernardino, California, discuss 1) whether to and the process for adopting a Resolution of Censure concerning Council Member Kimberly Calvin's alleged misconduct involving violations of policy, law and fiduciary duty; 2) whether to engage outside legal counsel and provide direction to staff and whether to appoint an ad hoc committee to schedule a hearing and consideration of final Resolution of Censure.

**11. Adopt an Urgency Ordinance Restricting Truck Traffic on Certain Roadway Segments Within the City Limits. p.548**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Urgency Ordinance No. MC-1635, amending Section 10.24.190 of the City of San Bernardino Municipal Code to restrict Commercial Vehicles with a gross vehicle weight rating exceeding 30,000 pounds on certain segments of City roads, specifically University Parkway (State Street) from the eastern off ramp of Interstate 210 to Baseline Road; and Pepper Avenue from Ninth Street to Randall Avenue.

**12. City Manager's Preliminary Proposed Biennial FY 2024/25 and FY 2025/26 Operating and Capital Budget p.563**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino receive and file the City Manager's proposed budget presentation for the FY 2024/25 and FY 2025/26 Operating and Capital Budget.

**13. Review and Consider Positions Recommended by Members of the Council During the Mid-Year Budget Review, and Additional Positions Recommended by the City Manager p.624**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-066 of the Mayor and City Council of San Bernardino, review, and consider the additional positions proposed at the Mid-Year Budget review and

1. Add the eight (8) positions as proposed by the Mayor and City Council and outlined in this staff report; and
2. Add the additional twelve (12) positions proposed by the City Manager as outlined in this staff report.

**CONSENT CALENDAR**

**14. Authorize and Appropriate Funding for Animal Services for the preparation of the Regional Partnership Agreements p.633**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino California, adopt Resolution No. 2024-067;

1. Authorizing the Director of Finance & Management Services to approve the allocation of \$4,000,000. from the General Fund and to appropriate the funds to make the necessary upgrades to the Animal Services facility; and
2. Authorizing the Director of Finance & Management Services to amend the Fiscal Year 2023-2027 Capital Improvement Project Program to add the Animal Services Regional Partnership Facility Improvement Project.

**15. Response to Grand Jury Report p.645**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, review and approve the response to the County of San Bernardino Civil Grand Jury Report, titled "Who Let the Dogs Out? A Tail in Two Cities", released in December 2023.

**16. Certifying Results of the Primary Municipal Election held on March 5, 2024 p.679**

**Recommendation:**

Adopt Resolution No. 2024-077 of the Mayor and City Council of the City of San Bernardino, California, reciting the facts of the Primary Municipal Election held on March 5, 2024, certifying the election results and such other matters as provided by law.

**17. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 45, Tax Zone No. 45 (GWS #8) (Ward 3) p.689**

**Recommendation:**

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2024-070 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. 45); and authorizing the levy of a special taxes therein.

**18. Adoption of Ordinance No. MC-1634 (Annexation 37) (Ward 3) p.731**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1634 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).

**19. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 44, Tax Zone No. 44 (Everhome Suites) (Ward 3) p.741**

**Recommendation:**

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2024-069 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 proposed (Annexation No. 44) and authorizing the levy of special taxes therein.

**20. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 43, Tax Zone No. 43 (Quick Quack 5th and G) (Ward 1) p.782**

**Recommendation:**

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2024-068 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 proposed (Annexation No. 43); and authorizing the levy of special taxes therein.

**21. Approval of Commercial and Payroll Disbursements (All Wards) p.823**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California approve the commercial and payroll disbursements for March 2024.

**22. Designation of the City of San Bernardino Authorized Agents for the State of California Governor's Office of Emergency Services (CalOES) p.909**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino California, adopt Resolution No. 2024-071, designating that the following positions are authorized to execute for and on behalf of the City of San Bernardino, a public entity established under the laws of the State of California, the grant applications for CalOES.

1. The Deputy City Manager, or
2. The Director of Finance and Management Services, or
3. The Deputy Director of Finance, or
4. The Grants Division Manager, or
5. The Chief of Police

**23. Side Letter Agreement with San Bernardino Police Management Association Regarding 401 (a) Plan Contributions p.916**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-072, authorizing the City Manager to execute a side letter agreement with the San Bernardino Police Management Association regarding 401 (a) plan contributions and other language updates.

**24. Adopt Resolution Approving Job Classifications and Amending the City-wide Salary Schedule p.928**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-073:

1. Amending the Administrative Analyst classification job series;
2. Establishing the Land Development Engineer job classification;
3. Amending the City-Wide Salary Schedule for full time, part-time, temporary, and seasonal positions

**25. Award of Construction Agreement for Police Department HVAC Control System and Valve Replacement (Ward 1) p.945**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-074:

1. Approve the award of an Agreement with Western Allied Corporation in the amount of \$325,550 for Police Department HVAC Control System and Valve Replacement (Project);
2. Authorize the project construction and construction contingencies costs in the total amount of \$ \$358,105 for construction of the Project;
3. Authorize the City Manager or designee to execute all documents with Western Allied Corporation;
4. Authorize the Director of Finance and Management Services to amend the FY 2023/24 CIP budget with an additional \$15,000 from the Law Enforcement Facilities Fund balance to bring the total project budget to \$365,000; and
5. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

**26. Approve Contract Amendment No.4 with Kabbara Engineering for the Pepper Avenue Rehabilitation Project (Wards 3, 6) p.1001**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the execution of Amendment No. 4 to the Professional Services Agreement with Kabbara Engineering in the amount of \$10,000, for additional construction engineering support services, for a total contract amount of \$265,531 for Pepper Avenue Rehabilitation Project.

**27. Purchase of Police Vehicles (All Wards) p.1024**

**Recommendation:**

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

1. The City Manager to execute a Goods Purchase Agreement with Fairview Ford for the purchase of Police Vehicles, and
2. The Director of Finance and Management Services to issue a purchase order to Fairview Ford Sales, not to exceed \$810,000.

**28. Acceptance of Fiscal Year 2022 Emergency Management Performance Grant (All Wards) p.1108**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-076, authorizing:

1. The acceptance of the Fiscal Year 2022 Emergency Management Performance Grant; and
2. The amendment of the Fiscal Year 2023/2024 Adopted Budget in both revenue and expenditures by \$40,866.

**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 May 01, 2024 at the Feldheym Central Library located at 555 West 6th Street, San Bernardino, California 92401. Closed Session will begin at 4:00 p.m. and Open Session will begin at 5:00 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 **April 17, 2024**, 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, April 12, 2024**.

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:**

You may view the meeting from the following location (TV3) if there are any technical issues with the live stream or recording from the main agenda portal or if you require an option with Closed Captioning.

**<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 2:30 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>