

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, JULY 03, 2024

3:00 PM - CLOSED SESSION

5:00 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

Rochelle Clayton
ACTING 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. 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
Acting City Manager Rochelle Clayton
City Attorney Sonia Carvalho
City Clerk Genoveva Rocha

3:00 P.M.

CLOSED SESSION PUBLIC COMMENT

CLOSED SESSION p. 11

Recommendation:

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

- i. Juanita Martinez v. The Home Depot, et al., San Bernardino Superior Court, Case No. CIVDS1936862
- ii. Gary Saenz, et al. v. City of San Bernardino, et al., San Bernardino Superior Court, Case No. CIVDS2003802
- iii. Tyson et al. v. City of San Bernardino, et al., United States District Court, Central District Case No. 5:23-cv-01539 TJH (KKx)
- iv. Sharon Bailey v. City of San Bernardino, et al., San Bernardino Superior Court, Case No. CIVSB2216529
- v. Steve Carrigan v. City of San Bernardino and Kimberly Calvin, Superior Court of the County of San Bernardino Case No. CIV SB 2419810

(B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation (Pursuant to Government Code Section 54956.9(d)(2)):

- i. Notice of Claim, Asa Carraway, dated January 12, 2024, Claim No. GHC0066973

(C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

- i. Property: 300 North E Street (Parcel Map 688, Parcel 12 Book 25 Page 47 Parcel Map 688 Parcel No. 12 formally known as City PTN Blk 12 and PTN 3rd St VAC)
City Negotiator: City Manager or Designee
Negotiating Parties: El Corte Ingles
Under Negotiations: Price and Terms of Exclusive Negotiating Agreement
- ii. Property: Lutheran Social Services Site, 1354 N. G Street, San Bernardino, CA 92405 (APN 0145-193-07, 08, 10, and 22)
City Negotiator: City Manager or Designee
Negotiating Parties: Lutheran Social Services
Under Negotiations: Price and Terms of Easement

5:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

CITY MANAGER UPDATE

PRESENTATIONS

1. Proclamation for Parks and Recreation Month in the City of San Bernardino – July 2024 (All Wards) [p. 13](#)

APPOINTMENTS

2. Parks, Recreation and Community Services Commission Appointment of Travon Martin (Mayor’s Appointment) (All Wards) [p. 16](#)

PUBLIC HEARING

3. Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21 (Ward 3) [p. 25](#)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California take the following action: adopt Resolution No. 2024-145 denying Appeal 24-02, thereby upholding the Planning Commission’s denial of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21, which upholds the Development and Environmental Review Committee’s (DERC) adoption of the Mitigated Negative Declaration in conjunction with the approval of Development Permit Type-D 21-18, 19, 20, and 21, allowing the development and establishment of five (5) service commercial buildings totaling approximately 67,451 square feet on several APNs for a combined 5.81 acres within the Commercial Regional (CR-3) zone.

CONSENT CALENDAR

4. Approval of Various Mayor and City Council Meeting Minutes [p. 429](#)

Recommendation:

It is recommended that the City Council approve the minutes for the following meeting dates:

1. May 18, 2022, Regular Meeting of the Mayor and City Council
2. May 15, 2024, Regular Meeting of the Mayor and City Council

5. Imposing Liens on Certain Real Property to Recover Costs for Code Enforcement Abatements (All Wards) [p. 464](#)

Recommendation:

Adopt Resolution No. 2024-144 of the Mayor and City Council of the City of San Bernardino, California, imposing liens on certain real property located within the City San Bernardino for the cost recovery of public nuisance abatements.

6. Investment Portfolio Report for April 2024 (All Wards) p. 503

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 2024.

7. Approval of Commercial and Payroll Disbursements (All Wards) p. 535

Recommendation:

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

8. Professional Services Agreements for Workers' Compensation Legal Services (All Wards) p. 649

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 professional services agreements with the Hanna, Brophy, MacLean, McAleer & Jensen, Black & Rose and Goldman, Magdalin & Straatsma for Workers' Compensation Legal Services.

9. Agreement with Selman Chevrolet and West Coast Lights and Sirens for vehicle purchase and build out (All Wards) p. 722

Recommendation:

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

1. The City Manager or designee, to execute a Goods Purchasing Agreement with Selman Chevrolet.
2. The Director of Finance and Management Services issue a purchase order to Selman Chevrolet in an amount not to exceed \$115,770.38.
3. The Director of Finance and Management Services issue a purchase order to West Coast Lights and Sirens Inc., in an amount not to exceed \$20,976.98.

10. Resolution List of Projects under SB1 2024/2025 Road Maintenance Program; and Authorizing the Director of Finance to Amend the FY 2024/25 Capital Improvement Plan, Recording Supplemental Appropriations (All Wards) p. 742

Recommendation:

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

1. Adopt Resolution No. 2024-146 approving the Road Maintenance and Rehabilitation proposed project list for submittal to the California Transportation Commission and adopting a list of projects for Fiscal Year 2024/25 to be funded by Senate Bill 1: Road Repair and Accountability Act of 2017; and
2. Adopt Resolution No. 2024-147 authorizing the Director of Finance and Management Services to amend the FY 2024/25 Capital Improvement Plan, recording supplemental appropriations:
 - a. In the amount of \$5,787,126.00 in SB1 Fund and \$1,355,877.50 in Gas Tax Fund, for a total additional appropriation of \$7,143,003.50 for Street Rehabilitation Phase 1- 14 Locations Project (Project No. 13630).

11. Award of Agreement for Construction of the Cross Street Bridge Replacement and Fairfax Elementary School Playground Restoration (Ward 2) p. 755

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution 2024-148:

1. Approving the award of an Agreement with Jilk Heavy Construction, Inc. in the amount of \$2,945,503.50 for Cross Street Bridge Replacement and Fairfax Elementary School Playground Restoration (Project); and
2. Authorizing the construction contingencies, construction management, and administrative costs in the total amount of \$467,440.78 for construction of the Project; and
3. Authorizing the Director of Finance and Management Services to amend the FY 2023/24 CIP budget with an additional \$2,700,000 from the General Fund to bring the total project budget to \$3,412,944.28; and
4. Authorizing the City Manager or designee to execute all documents with Jilk Heavy Construction, Inc.; and
5. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.
6. Finding the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines § 15302 (“Replacement or Reconstruction”).

12. Award of Agreement for Construction of Speicher Park- East Side Skate Park (Ward 2) p. 919

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution 2024-149:

1. Approving the award of an Agreement with Grindline Skate Parks, Inc. in the amount of \$1,031,932.88 for Speicher Park- East Side Skate Park (Project); and
2. Authorizing the construction contingencies, construction management, and administrative costs in the total amount of \$155,847.12 for construction of the Project; and
3. Authorizing the Director of Finance and Management Services to amend the FY 2024/25 CIP budget with an additional \$415,000 from the AB 1600 Parkland and Op Fund to bring the total project budget to \$1,187,780.00; and
4. Authorizing the City Manager or designee to execute all documents with Grindline Skate Parks Inc.; and
5. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.
6. Finding the Project exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines § 15302 (“Replacement or Reconstruction”).

13. Relinquishment of Dement Street (Ward 5) p. 1091

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2024-150, accepting title, control, and maintenance of a reconstructed portion of Dement Street upon relinquishment by the State of California and receipt of written notices from the State that work thereon has been completed.

DISCUSSION

14. Adopt Resolution Establishing the Homeless Initiatives Ad Hoc Sub-Committee (All Wards) p. 1111

Recommendation:

Adopt Resolution No. 2024-141 of the Mayor and City Council of the City of San Bernardino, California, establishing the Homeless Initiatives Ad Hoc Sub-Committee.

15. Consideration of the Third Amendment to the City’s Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc. (All Wards) p. 1120

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-111;

1. Approving the Third Amendment to the City’s Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc.

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 July 17, 2024, at the Feldheim 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 July 3, 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 Feldheim Central Library located at 555 West 6th Street, San Bernardino, California, and on the City’s website sbcity.org on **Friday, June 28, 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:

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, you may view the meeting from the following location (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 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. **Written public comments will not be read aloud by city staff. Written correspondence can be accessed by the public online at tinyurl.com/agendabackup.**

2) Attend the meeting in person and fill out a speaker slip. Please note that the meeting Chair decides the cutoff 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: tinyurl.com/mccpubliccomments. Any requests to speak submitted electronically after the 2:30 p.m. deadline will not be accepted.

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. Written correspondence submitted after the deadline will be provided to the Mayor and City Council at the following regular meeting.

MEETING TIME:

NOTE: Pursuant to Resolution No. 2024-029, adopted by the Mayor and City Council on February 21, 2024:

“Section 3. All meetings are scheduled to terminate at 10:00 P.M. on the same day it began. At 9:00 P.M., the Mayor and City Council shall determine which of the remaining agenda items can be considered and acted upon prior to 10:00 P.M. and will continue all other items on which additional time is required until a future Mayor and City Council meeting. A majority vote of the Council is required to extend a meeting beyond 10:00 P.M. to discuss specified items.”

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