



City of San Bernardino
201 North E Street
San Bernardino, CA 92401
<http://www.sbcity.org>

Mayor Helen Tran
Council Members
Theodore Sanchez
Sandra Ibarra
Juan Figueroa
Fred Shorett
Ben Reynoso
Kimberly Calvin
Damon L. Alexander

DRAFT MINUTES

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, 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 3, 2024
3:00 PM

Closed Session was called to order at 3:01 PM by Mayor Helen Tran on Wednesday,
July 3, 2024, at Feldheym Central Library, San Bernardino, CA.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Theodore Sanchez	Council Member, Ward 1	Late	3:03 PM
Sandra Ibarra	Council Member, Ward 2	Late	3:03 PM
Juan Figueroa	Council Member, Ward 3	Late	3:02 PM
Fred Shorett	Mayor Pro-Tem,, Ward 4	Present	
Ben Reynoso	Council Member, Ward 5	Present	
Kimberly Calvin	Council Member, Ward 6	Present	
Damon L Alexander	Council Member, Ward 7	Present	
Helen Tran	Mayor	Present	
Rochelle Clayton	Acting City Manager	Present	
Sonia Carvalho	City Attorney	Present	
Genoveva Rocha	Chief Deputy City Clerk	Present	
Courtney Bowen	Deputy City Clerk	Present	

3:00 P.M.

CLOSED SESSION PUBLIC COMMENT

Treasure Ortiz commented about Item A(v.). She stated that the City Council should stop lying about the investigation and ask more questions.

CLOSED SESSION

(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

Item (B) was continued to the July 17th meeting.

(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.

The Regular Meeting was called to order at 5:21 PM by Mayor Tran on Wednesday, July 3, 2024.

Attendee Name	Title	Status	Arrived
Theodore Sanchez	Council Member, Ward 1	Present	
Sandra Ibarra	Council Member, Ward 2	Late	5:23 PM
Juan Figueroa	Mayor Pro-Tem, Ward 3	Late	5:23 PM
Fred Shorett	Council Member, Ward 4	Present	
Ben Reynoso	Council Member, Ward 5	Present	
Kimberly Calvin	Council Member, Ward 6	Present	
Damon L Alexander	Council Member, Ward 7	Present	
Helen Tran	Mayor	Present	
Rochelle Clayton	Acting City Manager	Present	
Sonia Carvalho	City Attorney	Present	
Genoveva Rocha	City Clerk	Present	
Courtney Bowen	Deputy City Clerk	Present	

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor August Smith from Truelight Community Fellowship led the invocation, and Council Member Reynoso led the Pledge of Allegiance to the Flag.

CLOSED SESSION REPORT

City Attorney Sonia Carvalho stated that there was direction given to staff on various cases but there was no reportable action from Closed Session.

At this time, the agenda was re-ordered, and Presentations, Appointments, and Public Hearings were heard before Public Comments.

PRESENTATIONS

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

Mayor Tran presented the Proclamation to various Parks and Recreation staff members.

APPOINTMENTS

2. Parks, Recreation and Community Services Commission Appointment of Travon Martin (Mayor's Appointment) (All Wards)

Mayor Tran presented the certificate to Travon Martin. City Clerk Rocha administered the oath of office.

RESULT:	APPROVED THE APPOINTMENT (8-0)
MOVER:	Ben Reynoso, Council Member, Ward 5
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander, Mayor Tran
NOES:	None

PUBLIC HEARING**3. Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21 (Ward 3)****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.

Mayor Tran opened the Public Hearing at 5:35 PM.

Director of Community Development and Housing Gabriel Elliott announced that the Public Hearing needed to be continued to August 21, 2024.

RESULT:	CONTINUED THE PUBLIC HEARING TO AUGUST 21, 2024 [7-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Sandra Ibarra, Council Member, Ward 2
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

Jim Smith thanked Parks and Recreation Director Lydie Gutfeld for her wonderful work in the parks. He wished everyone a Happy Independence Day, and gave updates on his organization, Native Sons of the Golden West.

Lynne Wear shared upcoming Neighborhood Association events and activities.

Leonard Mayes asked that the street vendors near his home be removed.

Lydia Savala suggested that the City utilize contract veterinarians and use the mobile vet unit as it was intended.

Robert Porter spoke about the book he wrote about local art and history in San Bernardino.

Mike Hartley commented about Code Enforcement and illegal parking.

Georgia Lykouratzos stated that the animal shelter needs to be better prepared to handle incoming animals.

Fay Aldridge encouraged everyone to get involved with their local neighborhood association.

Treasure Ortiz spoke about Downtown Redevelopment, homelessness, and transparency.

Junior Carrillo commended Parks and Recreation Director Gutfeld, Police Lieutenant Luna, President of the Belvedere Neighborhood Association Doug Wheeler, and Burrtec Industries for the good they do in the community.

Malibu advised that she was against the Burrtec contact renewal initially, but now she supports it due to the requirements being imposed by the State, not the City.

Dolores Armstead congratulated Parks and Recreation for their accomplishments. She also stated she attended a Community Stakeholders meeting on June 26th and received informative updates on the Downtown Specific Plan and the General Plan.

“Less” spoke about council meetings starting early, Council Members being held accountable, and past history of City Managers.

Luis Ojeda stated that he is happy with the Community Development department because they are helping the business community. He also commented that Burrtec does a lot of work in the City and they don’t talk about it.

Deanie Gallaher offered her appreciation to elected officials, staff and the new Acting City Manager. She also thanked San Bernardino County Fire Department Chief Munsey and Assistant Chief Yeager for their work in the City.

At this time, City Clerk Rocha announced that written correspondence had also been received from Sean Kelly, President of the Perris Hill Neighborhood Association and this written correspondence was added to the online agenda backup.

CITY MANAGER UPDATE

Public Information Officer Jeff Kraus gave an update. Highlights included the opening of Diamond Chevrolet, arrival of the first “Zero Emission” train in San Bernardino, and the recent Pet Adoption Week at the Animal Shelter.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and are voted on in a single motion unless a council or staff member has pulled the item for more discussion.

RESULT:	APPROVED THE CONSENT CALENDAR; PULLED ITEMS NO. 9 AND NO. 10 FOR A SEPARATE VOTE [7-0]
MOVER:	Damon Alexander, Council Member, Ward 7
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

4. Approval of Various Mayor and City Council Meeting Minutes

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

RESULT:	APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER:	Damon Alexander, Council Member, Ward 7
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

5. Imposing Liens on Certain Real Property to Recover Costs for Code Enforcement Abatements (All Wards)

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.

RESULT:	ADOPTED RESOLUTION NO. 2024-144 [7-0]
MOVER:	Damon Alexander, Council Member, Ward 7
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

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

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.

RESULT: APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER: Damon Alexander, Council Member, Ward 7
SECONDER: Fred Shorett, Council Member, Ward 4
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

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.

RESULT: APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER: Damon Alexander, Council Member, Ward 7
SECONDER: Fred Shorett, Council Member, Ward 4
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

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

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.

RESULT: APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER: Damon Alexander, Council Member, Ward 7
SECONDER: Fred Shorett, Council Member, Ward 4
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

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

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.

Council Member Calvin pulled this item for further discussion. She stated that Selman

Chevrolet is in Orange County and asked why a dealership within the City of San Bernardino was not chosen for this contract. She also asked that the procurement details be included in the agenda packet in the future.

Acting City Manager Clayton advised that she would attempt to answer the question, because Chief Goodman was not available. She advised that typically the procurement/request for proposal process is followed, which awards the contract to the lowest bidder. She informed the Council that she would look into the matter and provide an answer at a later time.

At this time, Council Member Ibarra made a motion to continue the item to the next regular Mayor and City Council meeting, in order to allow time for a response. The motion was seconded by Council Member Alexander.

Council Member Sanchez made a substitute motion to approve staff's recommendation. He advised that he trusted staff to make decisions, and he did not want to delay the item since it was for police vehicles. There was a second by Mayor Pro Tem Shorett.

RESULT:	APPROVED STAFF'S RECOMMENDATION [7-0]
MOVER:	Theodore Sanchez, Council Member, Ward 1
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

**Acting City Manager Clayton later confirmed that the vendor was chosen because they were the lowest bidder, and because they had the inventory in stock that other vendors did not.*

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)

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: 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).

There was discussion amongst the City Council and staff regarding how the list of projects was formulated, as well as including Ward numbers where the streets are located in future reports.

Council Member Sanchez asked that Orange St. from the North end at Piedmont to the South end at Highland be added to the list. He stated that both streets to the North and South of this section of Orange St. were part of the list to be repaired, and therefore Orange St. should be added as well. He advised that this segment is crucial for safety reasons, and there should be funds leftover in the SB1 account to cover the cost.

Acting City Manager Clayton advised that funding is limited, so other projects would have to be removed for others to be added.

Acting Manager Clayton advised that the recommendations from Council Member Sanchez and others could be agendaized for a future meeting but would not be included in the current item's recommendation.

Council Members asked staff to consider various streets for either amendment to the current list, or future consideration for repair.

City Engineer Azzam Jabseh advised that the list of projects had already been sent to the State of California, and he did not know if it was able to be amended.

City Engineer Jabseh advised that he would ask CalTrans if amendments to the list can be made. If not, there were possible excess funds from a different project that may be available for additional street repair projects.

Council Member Sanchez made a motion to add Orange St. to the current approved list of projects. There was no support for the motion.

Council Member Ibarra made a substitute motion to approve staff's recommendation and direct staff to assess all Council recommendations for future street repairs.

RESULT: ADOPTED RESOLUTION NOS. 2024-146 AND 2024-147, AND DIRECTED STAFF TO ASSESS COUNCIL MEMBERS' RECOMMENDATIONS FOR STREET REPAIRS FOR FUTURE CONSIDERATION [5-2]

MOVER: Sandra Ibarra, Council Member, Ward 2

SECONDER: Fred Shorett, Council Member, Ward 4

AYES: Ibarra, Figueroa, Reynoso, Calvin, Alexander

NOES: Sanchez, Shorett

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

RESULT:	ADOPTED RESOLUTION NO. 2024-148 [7-0]
MOVER:	Damon Alexander, Council Member, Ward 7
SECONDER:	Fred Shorett, Council Member, Ward 4
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES:	None

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

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").

RESULT: ADOPTED RESOLUTION NO. 2024-149 [7-0]
MOVER: Damon Alexander, Council Member, Ward 7
SECONDER: Fred Shorett, Council Member, Ward 4
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

13. Relinquishment of Dement Street (Ward 5)

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.

RESULT: ADOPTED RESOLUTION NO. 2024-150 [7-0]
MOVER: Damon Alexander, Council Member, Ward 7
SECONDER: Fred Shorett, Council Member, Ward 4
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

DISCUSSION

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

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.

Acting City Manager Clayton provided a staff report. She stated that this sub-committee will help with the homeless emergency in the City. It would also create an opportunity for items related to homelessness to be vetted by the Committee before coming before the Mayor and City Council.

RESULT: ADOPTED RESOLUTION NO. 2024-141 [7-0]
MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Sandra Ibarra, Council Member, Ward 2
AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander
NOES: None

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)**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.

Acting City Manager Clayton provided information regarding the amendment. She stated that Burrtec had an option in their original contract to have the option to increase residential rates every year, but Burrtec has offered to keep the current rates as they are during the duration of the proposed five-year extension.

Council Members discussed the "green waste"/SB 1383 requirements, commercial solid waste rates, and Senior Citizen discount collection rates.

Council Member Shorett stated he would support the item, but he was not happy with the lengthy process.

Council Member Calvin made a motion to approve the amendment and add a stipulation that the City will be required to conduct an RFP (Request for Proposals) for solid waste collection services at the end of the contract period. Council Member Figueroa seconded the motion.

Mike Arreguin from Burrtec provided information regarding the agreement, including the introduction of a 10% discount for seniors and a 5% cap on any CPI (Consumer Price Index) increases.

Council Member Sanchez made a motion to approve staff's recommendation with no stipulation for a future RFP. There was a second by Council Member Alexander.

RESULT:	ADOPTED RESOLUTION NO. 2024-111 [6-1]
MOVER:	Theodore Sanchez, Council Member, Ward 1
SECONDER:	Damon Alexander, Council Member, Ward 7
AYES:	Sanchez, Ibarra, Figueroa, Shorett, Calvin, Alexander
NOES:	Reynoso

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS

At this time, the Mayor and City Council provided city-wide updates. Highlights included wishing the community a Happy Independence Day and reminders about firework safety.

ADJOURNMENT

The meeting of the Mayor and City Council was adjourned on Wednesday, July 3, 2024, at 7:41 PM, in memory of Public Works employee Guadalupe "Lulu" Villareal, who passed away. A moment of silence was observed in her honor.

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, July 17, 2024, in the Council Chamber located at 555 West 6th Street**, San Bernardino, California 92410. Closed Session will begin at 4:00 p.m. and Open Session will begin at 5:00 p.m.

By: 
Genoveva Rocha, CMC