



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, APRIL 19, 2023

5:30 PM

The Regular Meeting of the Mayor and City Council of the City of San Bernardino was called to order at 5:31 PM by Mayor Helen Tran on Wednesday, April 19, 2023, at Feldheim Central Library, San Bernardino, CA.

CALL TO ORDER

Attendee Name	Title	Status
Theodore Sanchez	Council Member, Ward 1	Present
Sandra Ibarra	Council Member, Ward 2	Absent
Juan Figueroa	Council Member, Ward 3	Present
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
Charles McNeely	Interim City Manager	Present
Sonia Carvalho	City Attorney	Present
Genoveva Rocha	City Clerk	Present
Courtney Bowen	Deputy City Clerk	Present

5:30 PM**CLOSED SESSION PUBLIC COMMENT**

Paula Plunk commented that John Valdivia should not be represented by the City in court. She also stated that residents of the City are getting stronger every day, and they are not stupid.

At this time, the following remote speaker was heard via Zoom:

(Unintelligible name) stated that John Valdivia's court cases should not be settled. She said that RDICO has a negotiating agreement with the City regarding the Carousel Mall property and should be allowed to negotiate in good faith.

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

- i. Jackie Aboud v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2013562
- ii. Karen Cervantes v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012538
- iii. Mirna Cisneros v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012926
- iv. Donald Smith v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVSB2025375
- v. Matthew Brown v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2025900
- vi. Gary Saenz, et al. v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2003802; 4th District Court of Appeal Case No. E078346; and 4th District Court of Appeal Case No. D080378
- vii. Sedna Mosley v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2022209
- viii. Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620
- ix. Steve Desrochers v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13403664; ADJ9986948; ADJ7808777; ADJ8412423; ADJ2593098; and ADJ4644505

B) CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Significant exposure to litigation (Pursuant to Government Code Section 54956.9(d)(2)): One Item**C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8**

Property: Carousel Mall Property, 43 acres

Agency Negotiator: Charles McNeely, Interim City Manager, or designee Negotiating

Parties: SBDC (Renaissance Downtown USA/ICO Real Estate Group)

Under Negotiation: Price and Terms

7:00 PM**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Damon Alexander led the Invocation and Girl Scouts Troop #1419 led the Pledge of Allegiance to the Flag.

CLOSED SESSION REPORT

City Attorney Sonia Carvalho reported that there were three items on the agenda for Closed Session. Item 'A' was discussed, and the Mayor and City Council would return to Closed Session at the conclusion of the Open Session to discuss items 'B' and 'C'.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Paul E. Jones of Independent Trinity Benjamin E. Jones Community Resource Center led the Invocation and Jazmyn Goumashyan of Cajon High School led the Pledge of Allegiance to the Flag.

At this time, Mayor Tran re-ordered the agenda. 'Presentations' were heard before 'Public Comments.'

PRESENTATIONS**1. Recognizing and Honoring Arbor Day – April 28, 2023 (All Wards)**

Mayor Tran presented a Proclamation to Public Works staff for Arbor Day.

2. Proclamation for National Library Week in the City of San Bernardino – April 23rd to 29th, 2023 (All Wards)

Mayor Tran presented a Proclamation to the Library Director for National Library Week.

3. Proclamation for Volunteer Appreciation Month in the City of San Bernardino – April 2023 (All Wards)

Mayor Tran presented a Proclamation to Parks and Recreation staff for Volunteer Appreciation Month.

PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

Dave Brown expressed his opposition to grinding concrete in the City.

James Smith provided an update on community events that have occurred since the last Mayor and City Council meeting.

Al Palazzo shared some ideas he had for the Downtown area and for affordable housing.

Xandra Vaughn commented that LGBTQ youth are underrepresented in the City.

Frank Montes stated that Council Members should be more responsive to the community.

Dolores Armstead expressed support for the Carousel Mall property project. She also informed that the Planning Commission has voted against crushing or grinding concrete in the City.

Treasure Ortiz stated her opposition to crushing and grinding concrete during demolition of the Carousel Mall.

Russell Degan provided an update on the Youth Reinvestment Program.

Steve Mitchell spoke in support of Item No. 14.

Tonya Smith asked for more support and housing for the City's homeless individuals.

Alexia Nevens requested that the homeless encampments be removed from the North End.

Anthony Neal discussed his new nonprofit agency that helps people get permits for events.

Lesa Williams stated that the homelessness problem is making the City unsafe for children because they are being taken away from their parents.

Gregory Dishman expressed support for Item No. 14.

Jose Ballesteros commented that many small businesses in the City are having trouble getting business licenses.

Peter Densmore spoke in support of the crime-free housing program.

"Less" asked for Code Enforcement to check some of the vacant buildings in the City because they are a fire hazard.

Luis Ojeda suggested that the Mayor and City Council Members, staff, and directors have an honest and constructive dialogue with the residents.

Mike Hartley spoke about people dropping their animals off in the street and getting hit by cars.

Carmen Gallegos opined about fireworks, homelessness, and burned buildings.

Marquis Smith spoke in support of the crime-free housing program.

At this time, the following remote speakers were heard via Zoom:

(Name not given) spoke about the Carousel Mall project, John Valdivia's court cases, and meeting minutes.

Georgia Lykouratzos expressed her concern for animals at the City shelter, the Carousel Mall project, John Valdivia's court cases, and homelessness.

Paula Plunk asked that the Interim City Manager remove some Public Works staff members due to negligence.

CITY MANAGER UPDATE

At this time, Jeff Kraus, Public Information Officer, provided city-wide updates. Highlights included the League of Cities Conference, local business grants, Arbor Day events, and the upcoming commencement of the Carousel Mall demolition.

MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES/MEETINGS

At this time, the Mayor and City Council provided updates to the community. Council Member Alexander, Council Member Calvin, and Mayor Tran attended the League of California Cities - City Leader Summit April 12th -13th. Council Members Shorett and Reynoso asked that the meeting be adjourned in honor of resident Ernie Garcia, namesake of the Garcia Center for the Arts, who recently passed away.

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 AND PULLED ITEM NO. 8 FOR A SEPARATE VOTE [6-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Theodore Sanchez, Council Member, Ward 1
AYES:	Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT:	Sandra Ibarra

4. City Board, Commission, and Citizen Advisory Committee Minutes Approved in January/February/March 2023

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 January, February, and March 2023.

RESULT:	APPROVED STAFF'S RECOMMENDATION [6-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Theodore Sanchez, Council Member, Ward 1
AYES:	Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT:	Sandra Ibarra

5. Approve a technical correction to increase the Council approved Purchase Order to NightOps Tactical by \$29,529, for a total of \$367,152, the cost of which is covered by Justice Assistance Grant (JAG) funds. (All Wards)

Recommendation:

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

1. The City Manager to execute amendment No. 1 to the purchase agreement with NightOps Tactical Incorporated, and
2. The Agency Director of Administrative Services to increase the Council

approved Purchase Order to NightOps Tactical by \$29,529, to \$367,152.

RESULT: APPROVED AMENDMENT NO. 1 TO THE AGREEMENT (6-0)
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Theodore Sanchez, Council Member, Ward 1
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

6. Updating Assessment Engineer's Reports – Previously Formed Landscape and Lighting Maintenance Districts (All Wards)

Recommendation:

It is recommended that the Mayor and City Council adopt Resolution No. 2023-055, initiating proceedings to levy and collect assessments for FY 2023/24 in Assessment Districts pursuant to the Constitution and the City Charter, appointing the Engineer of Record, and ordering preparation of Engineer's Report.

RESULT: ADOPTED RESOLUTION NO. 2023-055 (6-0)
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Theodore Sanchez, Council Member, Ward 1
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

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

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 2023.

RESULT: APPROVED STAFF'S RECOMMENDATION [6-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Theodore Sanchez, Council Member, Ward 1
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

8. Amendment to Professional Services Agreements for 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:

1. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Karen Cervantes v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012538;
2. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the

- Matthew Brown v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2025900;
3. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Don Smith v. John Valdivia, City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDSB2025375;
 4. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for representation in the Jackie Aboud v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2013562;
 5. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for the representation in the Mirna Cisneros v. John Valdivia, et al., San Bernardino Superior Court Case No. CIVDS2012926;
 6. Second Amendment to the Professional Services Agreement with Atkinson, Andelson, Loya, Ruud and Romo for the representation in the Sedna Moseley v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVDS2022209;
 7. Fourth Amendment to the Professional Services Agreement with Lynberg and Watkins for the representation in the Gary Saenz, et al. v. City of San Bernardino et al., San Bernardino Superior Court Case No. CIVDS2003802.

This item was pulled for further discussion. Human Resources Director Susie Soren explained that these amendments are extensions of agreements that were already approved by the Council. City Attorney Sonia Carvalho clarified that the agreements for outside legal services are to defend the City in the stated lawsuits, not to defend any individual.

RESULT:	APPROVED STAFF'S RECOMMENDATION [6-0]
MOVER:	Fred Shorett, Council Member, Ward 4
SECONDER:	Theodore Sanchez, Council Member, Ward 1
AYES:	Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT:	Sandra Ibarra

9. Accept the BSCC Officer Wellness and Mental Health Grant (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-056 authorizing:

1. The City Manager to accept the Board of State and Community Corrections (BSCC) Officer Wellness Grant.
2. The Agency Director of Administrative Services to amend the FY 2022/23 Adopted Budget appropriating \$172,010.25 in both revenue and expenditures.

RESULT: **ADOPTED RESOLUTION NO. 2023-056 [6-0]**
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Theodore Sanchez, Council Member, Ward 1
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

DISCUSSION

10. City Manager Executive Recruitment 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 his designee to execute a Professional Services Agreement with Gallagher Benefit Services, Inc., for the executive recruitment services for the position of City Manager.

RESULT: **APPROVED STAFF'S RECOMMENDATION [6-0]**
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Ben Reynoso, Council Member, Ward 5
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

Human Resources Director Soren presented this item. She stated that the recruitment should be completed within 12 weeks, and there would be updates regarding the process during every Closed Session meeting.

11. Ratify Memorandum of Understanding for Temporary License between the City of San Bernardino and the San Bernardino City Unified School District (Ward 2)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify the Memorandum of Understanding for the Temporary License between the City of San Bernardino and the San Bernardino City Unified School District for use of property on Fairfax Elementary School.

Public Works Director Daniel Hernandez presented this item. He advised that this agreement is required for a temporary road, due to the closure of Cross Street Bridge.

RESULT: **APPROVED STAFF'S RECOMMENDATION [6-0]**
MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Theodore Sanchez, Council Member, Ward 1
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS**12. Consider Removal of Oxbow Cement Pile (Ward 5) Council Member Reynoso**

The item was rescinded by Council Member Reynoso and no vote was taken.

13. Volunteer and Interns for Elected Officials (All Wards) – Council Member Alexander

RESULT: APPROVED FOR CONSIDERATION AT A FUTURE MEETING [6-0]
MOVER: Theodore Sanchez, Council Member, Ward 1
SECONDER: Ben Reynoso, Council Member, Ward 5
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

14. Mechanisms to require developers to maintain their properties in a nuisance-free condition following receipt of entitlements/approvals including, for example, requiring fencing of sites and requiring demolition of structures within a certain period of time following approval. (All Wards) – Council Member Figueroa

RESULT: APPROVED FOR CONSIDERATION AT A FUTURE MEETING [6-0]
MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Ben Reynoso, Council Member, Ward 5
AYES: Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander
ABSENT: Sandra Ibarra

At the conclusion of open session items at 9:26 p.m., the Mayor and City Council returned to closed session to discuss the two remaining closed session items.

CLOSED SESSION REPORT

City Attorney Sonia Carvalho reported that there was no reportable action from Closed Session.

ADJOURNMENT

The meeting of the Mayor and City Council was adjourned on Wednesday, April 19, 2023, at 10:39 p.m. and a moment of silence observed in memory of Ernie Garcia.

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, May 3, 2023, in the Council Chamber located at 555 West 6th Street, San Bernardino, California 92410. Closed Session will begin at 5:30 p.m. Open Session will begin at 7:00 p.m.

By: 
 Genoveva Rocha, CMC