

RESOLUTION NO. 2025-305

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE PROGRESSIVE DESIGN BUILD CONTRACT WITH TILDEN-COIL CONSTRUCTORS INC. BASED ON THE TOTAL COST OF WORK OF \$6,617,835; AND AUTHORIZING THE DIRECTOR OF FINANCE AND MANAGEMENT SERVICES TO APPROPRIATE \$960,255 IN CULTURAL DEVELOPMENT FUNDS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL DOCUMENTS RELATED TO THE PROJECT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE CONTINGENCY FUND, IF NECESSARY, TO COMPLETE THE PROJECT

WHEREAS, the Public Works Department, Fleet and Building Maintenance Division, is responsible for maintaining the California Theatre located at 562 West 4th Street, San Bernardino; and

WHEREAS, the California Theatre in San Bernardino opened in 1928, was later added to the National Register of Historic Places in 2009. It is an example of Spanish Colonial Revival architecture, or California Churrigueresque. The theatre houses one of the only remaining Wurlitzer Style 216 pipe organs, which is original to the building; and

WHEREAS, on October 7, 2021, the City released a Request for Prequalification Statement from Design-Build Entities for the California Theatre Improvements Project with a deadline to submit by October 28, 2021.; and

WHEREAS, on January 27, 2022 qualified Companies were invited to participate in a Request for Proposal (RFP) for the California Theatre Improvements Project, with a deadline of February 24, 2022; and

WHEREAS, Tilden-Coil Constructors, Inc. was the only company that submitted a proposal. After further evaluations of the proposals and contacting other cities that the company did some work for, it was determined that Tilden-Coil Constructors, Inc., were suitable to handle this project on behalf of the City; and

WHEREAS, on April 6, 2022, the Mayor and City Council approved a Progressive Design Built Contract with Tilden-Coil Constructors, Inc. an amount of \$309,031 to start conducting the necessary studies to produce a list of required improvements within a reasonable budget; and

WHEREAS, on July 20, 2022, the Mayor and City Council approved Resolution No. 2022-74, accepting Grant Funds in the amount of \$2,500,000 from the California Arts Council for the California Theatre; and

WHEREAS, on December 7, 2022, the Mayor and City Council approved an award to Tilden Coil in the amount of \$4,561,400 for the renovation of the California Theater; and

WHEREAS, on March 3, 2025, the Tilde-Coil Constructors opened bids for the California Theater renovation project, with Tilden-Coil Constructors serving as the Design-Build contractor; and

WHEREAS, on March 3, 2025, Tilden-Coil Constructors received base bids including alternate bids increasing the total cost of work to \$6,617,835; and

WHEREAS, recent increases in construction materials, labor, and the complexities of restoring a historic structure, resulted in higher-than-anticipated bids.; and

WHEREAS, as a result, the submitted bids reflect significant cost increases, necessitating adjustments to the project budget. City staff, in collaboration with Tilden-Coil Constructors, have thoroughly evaluated the bid documents and concluded that the project can still move forward; and

WHEREAS, to cover the remaining costs, an additional Cultural Development funding allocation of \$960,255 is required.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2 The Agency Director of Administrative and Management Services to record a budget amendment in the amount of \$960,255 from Cultural Development Fund to increase the purchase order to an amount not to exceed \$6,617,835.

SECTION 3. CEQA. As the decision-making body for the project, the City Council has reviewed and considered the information contained in the administrative record for the proposed project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

(2) The proposed project is exempt from the requirements of California Environmental Quality Act pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines because it involves the historic building rehabilitation. Additionally, the City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(3) The application of the Class 1 categorical exemption is not barred by one of the exceptions set forth in the CEQA Guidelines Section 15300.2 because a historic building renovation does not present any unusual circumstances; would not damage scenic resources, including any resources in the area of a Scenic Highway; would not be utilized on a hazardous waste site; and would not impact historic resources of any kind; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 4th day of June 2025.

Helen Tran, Mayor
City of San Bernardino

Attest:

Telicia Lopez, Acting City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2025-305, adopted at a regular meeting held on the 4th day of June 2025, by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
KNAUS	_____	_____	_____	_____
FLORES	_____	_____	_____	_____
ORTIZ	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of ____ 2025.

Telicia Lopez, CMC, Acting City Clerk