

**RESOLUTION NO. 2022-261**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, APPROVING AN AWARD OF \$4,561,400 TO TILDEN-COIL CONSTRUCTORS, INC. FOR THE RENOVATION OF THE CALIFORNIA THEATRE IMPROVEMENTS PROJECT IN ACCORDANCE WITH EXECUTED PROGRESSIVE DESIGN-BUILD CONTRACT; AND AUTHORIZING THE AGENCY DIRECTOR OF ADMINISTRATIVE SERVICES TO RECORD A BUDGET AMENDMENT IN THE AMOUNT OF \$2,370,431 FROM MEASURE S FUND TO INCREASE THE PURCHASE ORDER WITH AN AMOUNT NOT TO EXCEED \$4,870,431**

**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. It was 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. is 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. is suitable to handle this project on behalf of the City; and

**WHEREAS**, the City received a grant from California Arts Council in the amount of \$2,500,000; and

**WHEREAS**, on April 6, 2022, the Mayor and City Council approved a Progressive Design Built Contract with Tilden-Coil Constructors, Inc.; 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.

**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.** That the Mayor and City Council approve an award of \$4,561,400 to Tilden-Coil Constructors, Inc. for the renovation of the California Theatre Improvements Project.

**SECTION 3.** The Agency Director of Administrative Services to record a budget amendment in the amount of \$2,370,431 from Measure S Fund to increase the purchase order with an amount not to exceed \$4,870,431.

**SECTION 4.** 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; and

(2) The proposed project is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines because it involves renovation of an existing building with no expansion of the existing use. 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; and

(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 Renovation of an existing building 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 5.** 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 6.** 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 7<sup>th</sup> day of December 2022.

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John Valdivia, Mayor  
City of San Bernardino

Attest:

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Genoveva Rocha, CMC, City Clerk

Approved as to form:

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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. 2022-261, adopted at a regular meeting held on the 7<sup>th</sup> day of December 2022 by the following vote:

<b><u>Council Members:</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Genoveva Rocha, CMC, City Clerk