

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

# **ANNOTATED 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, 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, JUNE 21, 2023 5:30 PM

The Regular Meeting of the Mayor and City Council of the City of San Bernardino was called to order at 5:32 PM by Mayor Helen Tran on Wednesday, June 21, 2023, at Feldheym Central Library, San Bernardino, CA.

## **CALL TO ORDER**

Attendee Name	Title	Status	Arrived
Theodore Sanchez	Council Member, Ward 1	Present	
Sandra Ibarra	Council Member, Ward 2	Present	5:35
Juan Figueroa	Mayor Pro-Tem, Ward 3	Present	
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	
Charles E. McNeely	Interim City Manager	Present	
Sonia Carvalho	City Attorney	Present	
Genoveva Rocha	City Clerk	Present	

5:30 P.M.

### **CLOSED SESSION PUBLIC COMMENT**

At this time, public comments were heard.

# **CLOSED SESSION**

### A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to Government Code Section 54956.9(a) and (d)(1):

- George Luna v. City of San Bernardino, Workers' Compensation Case Nos. ADJ13592854; ADJ13510564; ADJ13510560; ADJ2913755 and ADJ10411334.
- ii. Promise Gracia, et al. v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2301828
- B) PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957)
  City Manager

The Mayor and City Council convened into Closed Session at 5:37 p.m.

The Regular Open Session Meeting of the Mayor and City Council of the City of San Bernardino was called to order at 7:04 PM by Mayor Helen Tran on Wednesday, June 21, 2023, at Feldheym Central Library, San Bernardino, CA.

### 7:00 PM

### INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chris Reinhard of Sandals Church led the Invocation and Council Member Juan Figueroa led the Pledge of Allegiance to the Flag.

### **CLOSED SESSION REPORT**

City Attorney Sonia Carvalho stated there were several closed session items discussed, but no reportable action from Closed Session.

### **CITY MANAGER UPDATE**

At this time, Public Information Officer Jeff Kraus provided city-wide updates.

### **PRESENTATIONS**

1. Proclamation for Parks and Recreation Month in the City of San Bernardino – July 2023 (All Wards)

Mayor Tran presented the proclamation to Parks and Recreation Director Lydie Gutfeld and various Parks and Recreation staff.

### **Proclamation for Juneteenth**

Mayor Tran and all members of the City Council presented the proclamation to Micah Baham, Bree Jones, Nate Meadors of Empowerment4US, and Jacquetta Green and Kimberly Bates of GCC Services.

San Bernardino County Transportation Authority (SBCTA) Project Updates Presentation was given by Kristi Harris, SBCTA Construction Manager.

# **APPOINTMENTS**

Library Board Appointment of Randy S. Clyde

RESULT:

APPROVED [7-0]

MOVER:

Ben Reynoso, Council Member, Ward 5

SECONDER: Sandra Ibarra, Council Member, Ward 2

AYES:

Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA

At this time, public comments were heard.

# **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 ITEMS

NO. 8, NO. 9, NO. 12, NO. 13, AND NO. 15 FOR A SEPARATE

**VOTE** [7-0]

MOVER:

Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES:

Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# Amendment No. 2 to the Professional Services Agreement with Spicer Consulting Group (All Wards) Recommendation:

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

- 1. Authorize the Interim City Manager to execute Amendment No. 2 to the Professional Services Agreement with Spicer Consulting Group (SCG) to increase the purchase order amount by \$200,000, to an amount not-to-exceed \$741,018, for as-needed consulting services related to Maintenance Assessment District Administration and the formation/annexation of Community Facilities Districts and Assessment Districts; and
- 2. Authorize exercising the City's second twelve (12) month extension option, extending the term of the Professional Services Agreement through June 30. 2024.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

6. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 35, Tax Zone No. 36 (Starbucks) (Ward 2)

# Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-085 of the Mayor and City Council of San Bernardino, California, declaring its intention to annex territory into Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, adopting a map of the area to be proposed (Annexation No. 35), and authorizing the levy of special taxes therein.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

7. Resolution Declaring Intent to Annex Territory: Community Facilities District No. 2019-1 (Maintenance Services): Annexation No. 36, Tax Zone No. 37 (5570 Industrial) (Ward 6)

# Recommendation:

It is recommended that the Mayor and City Council of San Bernardino, California, adopt Resolution No. 2023-086 of the Mayor and City Council of San Bernardino, California, declaring its intention to annex territory into Community Facilities District No. 2019-1 (Maintenance Services) of the City of San Bernardino, adopting a map of the area to be proposed (Annexation No. 36) and authorizing the levy of a special taxes therein.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

# 8. Professional Service Agreement Award – Consultation Services for Broadband Strategic Master Plan (All Wards) Recommendation:

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

- Approve a Professional Service Agreement (PSA) with Michael Baker International in the amount of \$414,810, to provide consultation services for Broadband Master Plan for the period of June 22, 2023, through October 31, 2024; and
- 2. Authorize the City Manager, or designee, to take necessary steps to implement and administer the agreement including executing an agreement, amendments, and signing subsequent, necessary, and related documents, to implement the agreement.

RESULT: APPROVED [7-0]

MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Damon Alexander, Council Member, Ward 7

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# Amendment No. 2 to the Master Agreement with Renne Public Policy Group (RPPG) (All Wards) Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute Amendment No. 2 to the agreement between the City of San Bernardino and Renne Public Policy Group (RPPG), to extend and increase the agreement for grant consultation services for an amount not to exceed \$86,000 for the extension period of July 1, 2023 through June 30, 2024.

RESULT: APPROVED [7-0]

MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Kimberly Calvin, Council Member, Ward 6

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 10. Approve the Professional Services Agreement with Kosmont Realty for Real Estate Advisory and Due Diligence Services (All Wards) Recommendation

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

- Approve a Professional Services Agreement with Kosmont Realty for Real Estate Advisory and Due Diligence Services; and
- 2. Authorize the City Manager, or designee, to execute the Professional Services Agreement with Kosmont Realty; and
- 3. Authorize the Agency Director of Administrative Services to issue a Purchase Order in an amount not to exceed \$90,000 to Kosmont Realty.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 11. City Board, Commission, and Citizen Advisory Committee Minutes Approved in April/May 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 April and May 2023.

**RESULT:** APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 12. Pre-Approval of Mayor and City Council Travel for FY 2023/24 (All Wards) Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, pre-approve travel for elected officials for FY 2023/24 as outlined.

RESULT: APPROVED [7-0]

MOVER: Theodore Sanchez, Council Member, Ward 1 SECONDER: Juan Figueroa, Council Member, Ward 3

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 13. 2023 Fireworks Regulatory Fee Rate (All Wards)

### Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-087 of the Mayor and City Council of the City of San Bernardino, California, setting the 2023 Regulatory Fee Rate of 10% for the sale of "safe and sane" fireworks in the City of San Bernardino.

RESULT: APPROVED [7-0]

**MOVER:** Sandra Ibarra, Council Member, Ward 2 **SECONDER:** Ben Reynoso, Council Member, Ward 5

# 14. Accept the Proposition 64 Public Health and Safety Grant and Issue a Purchase Order to Sicuro Data Analytics LLC (All Wards) Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2023-088, authorizing:

- 1. The City Manager to accept the Proposition 64 Public Health and Safety Cohort 3 Grant; and effective July 1st, 2023,
- 2. The Agency Director of Administrative Services to amend the FY 2023/24 Adopted Budget appropriating \$3,000,000 in both revenue and expenditures; and,
- 3. Issue a purchase order to Sicuro Data Analytics LLC. in an amount not to exceed \$400,000; and,
- 4. The Police Department to increase approved staffing by one Management Analyst I.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 15. Contract Change Order Approval – Paul Villasenor and Howard Rowe Libraries Improvements (Ward 1, 7) Recommendation:

Adopt Resolution No. 2023-089 of the Mayor and City Council of the City of San Bernardino, California:

- Authorizing the Agency Director of Administrative Services to amend the FY 2022/23 Capital Improvement Plan to record a supplemental appropriation in the amount of \$260,401.72 from Library Facilities fund balance and Measure S fund project savings for the Paul Villasenor and Howard Rowe Libraries improvements project; and
- 2. Approving the Construction Contract Change Order (CCO #1) with US Builders and Consultants in the amount of \$440,577.60, for a total contract amount of \$796,477.60; and
- 3. Authorizing project construction, project contingencies, and inspection costs for a total not-to-exceed amount of \$907,677.60 for the project; and
- 4. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

RESULT: APPROVED [7-0]

MOVER: Ben Reynoso, Council Member, Ward 5
SECONDER: Fred Shorett, Council Member, Ward 4

# 16. Agreement with Superior Pavement Markings, Inc. for Area Street Sign Replacement Services (All Wards)

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute a Maintenance Services Agreement with Superior Pavement Markings, Inc., for area street name sign replacement services and related materials.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 17. Award Design Services Agreement for Guadalupe Field at Sal Saavedra Park Revitalization Project (Ward 1)

# Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve the award of a Design Services Agreement with RHA Landscape Architects Planners, Inc. in the amount of \$183,465 for the revitalization of Guadalupe Field at Sal Saavedra Park.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# 18. Award Design Services Agreement for Speicher Memorial Park Ballfield Improvements (Ward 2)

# Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve the award of a Design Services Agreement with IDS Group, Inc. in the amount of \$180,943 for Speicher Memorial Park Ballfield Improvements.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

# 19. Task Order Issued to Transtech Engineers for Augmented Engineering Services Pursuant to Professional Service Agreement for On-Call Engineering Services (All Wards)

### Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve a Task Order Transtech002 to Transtech Engineers to provide augmented Capital Improvement Program Programmatic Services pursuant to the approved Professional Services Agreement (PSA) for On-Call Engineering Services and authorize the Agency Director of Administrative Services to issue a purchase order in the amount of \$488,880.

RESULT: APPROVED [7-0]

MOVER: Fred Shorett, Council Member, Ward 4

SECONDER: Theodore Sanchez, Council Member, Ward 1

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# DISCUSSION

# 20. Approval of the Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan (All Wards)

## Recommendation:

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

- 1. Adopt Resolution No. 2023-080 of the Mayor and City Council of the City of San Bernardino, California, approving the City of San Bernardino's Fiscal Year 2023-24 Operating Budget and Capital Improvement Plan;
- 2. Adopt annual budgets for Fiscal Year 2023-24;
- 3. Establish the City's Appropriations Limit as required by Article XII of the California State Constitution.
- 4. Adopt Resolution No. 2023-081 of the Mayor and City Council of the City of San Bernardino, California, approving an amendment to the to the city-wide salary schedule for full-time, part-time, temporary, and seasonal positions.

RESULT: APPROVED [7-0]

MOVER: Theodore Sanchez, Council Member, Ward 1

SECONDER: Fred Shorett, Council Member, Ward 4

# 21. 2023 State of the City (All Wards)

### Recommendation:

Adopt Resolution No. 2023-082 of the Mayor and City Council of the City of San Bernardino, California authorizing the Agency Director of Administrative Services to amend the FY 2022/23 operating budget in the amount of \$16,000 to facilitate the 2023 San Bernardino State of the City event.

Prior to giving a presentation, Mayor Tran announced that there was an error in the report which indicated that Resolution No. 2018-44 approved \$16,000 in funding for the 2023 State of the City. This information was incorrect.

RESULT: DIRECTED STAFF TO FACILITATE THE DISCUSSION FOR

> PLANNING THE STATE OF THE CITY EVENT. SCHEDULE THE DISCUSSION FOR THE JULY 19, 2023, MEETING TO AGREE ON

FUNDING AND TOPICS FOR THE EVENT THROUGH COLLABORATION OF THE MAYOR AND CITY COUNCIL.

MOVER:

Theodore Sanchez, Council Member, Ward 1

SECONDER: Ben Reynoso, Council Member, Ward 5

AYES:

Sanchez, Figueroa, Shorett, Reynoso, Calvin, Alexander

# **PUBLIC HEARINGS**

22. Proposed Fiscal Year 2023-2024 Annual Action Plan Associated with Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs (All Wards) Recommendation:

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

- 1. Conduct a second Public Hearing to obtain citizens' comments on the proposed Fiscal Year 2023-2024 Annual Action Plan for the Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs; and
- 2. Approve the Fiscal Year 2023-2024 Annual Action Plan as an application for funding under Community Development Block Grant, Home Investment Partnerships, and Emergency Solutions Grant programs; and
- 3. Approve the execution of the Subrecipient Agreements with Inland Fair Housing Mediation Board, Asociacion de Emprendedor@s, Nehemiah Charitable Fund, Neighborhood Housing Services of the Inland Empire, Lutheran Social Services of Southern California, Salvation Army, a California Corporation, Community Action Partnership of San Bernardino County, and Family Service Association of Redlands
  - to effectuate the funding allocations outlined in the Fiscal Year 2023-2024 Annual Action Plan: and
- 4. Authorize the City Manager or designee to take any further actions and execute any further documents as necessary to effectuate the submittal of the HUD Fiscal Year 2023-2024 Annual Action Plan and certification to HUD.

Mayor Tran opened the public hearing at 8:05 p.m.

Interim Agency Director of Community and Economic Development Mary Lanier gave a presentation to the Mayor and City Council.

There were three public speakers..

The public hearing was closed at 8:18 p.m.

RESULT: APPROVED [7-0]

MOVER: Theodore Sanchez, Council Member, Ward 1
SECONDER: Kimberly Calvin, Council Member, Ward 6

AYES: Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

23. Public Hearing and Resolution Confirming Assessments for Delinquent Solid Waste Collection Service Charges on the Property Tax Roll for Fiscal Year 2023-24 (All Wards)

# Recommendation:

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

- 1. Hold a Public Hearing to consider whether to collect delinquent solid waste collection service charges on the property tax roll for Fiscal Year (FY 2023-24); and
- 2. Adopt Resolution No. 2023-083 of the Mayor and City Council of the City of San Bernardino, California, adopting the report proposing to have delinquent solid waste collection service charges collected on the tax roll.

Mayor Tran opened the public hearing at 8:36 p.m.

Agency Director of Public Works Daniel Hernandez gave a presentation to the Mayor and City Council.

There were two public speakers.

The public hearing was closed at 8:44 p.m.

RESULT: APPROVED [5-2]

MOVER: Kimberly Calvin, Council Member, Ward 6

SECONDER: Damon Alexander, Council Member, Ward 7

AYES: Sanchez, Ibarra, Figueroa, Shorett, Alexander

NOES: Ben Reynoso, Kimberly Calvin

24. Continuation, to July 19, 2023, of Public Hearing Regarding Solid Waste Rate Increases and Resolution Adopting Rates for Solid Waste Services, Approving Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc., and Finding the Action Exempt from the **California Environmental Quality Act** 

## Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California execute the following actions: Continue the Proposition 218 Public Hearing to receive comments on the proposed rate increases and Third Amendment to the City's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing and Disposal Services with Burrtec Waste Industries, Inc. ("Burrtec") to the July 19, 2023, Mayor and City Council Meeting.

RESULT: APPROVED CONTINUATION OF THE PUBLIC HEARING

REGARDING SOLID WASTE RATE INCREASES AND

**RESOLUTION ADOPTING RATES FOR SOLID WASTE SERVICES** 

**TO THE MEETING OF JULY 19, 2023 [7-0]** 

MOVER:

Fred Shorett, Council Member, Ward 4

SECONDER:

Theodore Sanchez, Council Member, Ward 1

AYES:

Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

# ITEMS TO BE CONSIDERED FOR FUTURE MEETINGS

25. Utilization Coordination Meetings and franchise fee with Southern California Gas Company (All Wards) - Council Member Alexander

RESULT: APPROVED [7-0]

MOVER:

Theodore Sanchez, Council Member, Ward 1

SECONDER: Fred Shorett, Council Member, Ward 4

AYES:

Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin, Alexander

26. The Legality of grinding and crushing on site at the Carousel Mall (Ward 1)

- Council Member Sanchez

RESULT:

APPROVED [7-0]

MOVER:

Ben Reynoso, Council Member, Ward 5

SECONDER: Damon Alexander, Council Member, Ward 7

AYES:

27. Proposed meeting time change: Closed Session to start at 4:00pm and Open Session to start at 5:30pm (All Wards) - Mayor Tran

RESULT: APPROVED [6-1]

MOVER: Fred Shorett, Council Member, Ward 4
SECONDER: Sandra Ibarra, Council Member, Ward 2

AYES:

Sanchez, Ibarra, Figueroa, Shorett, Reynoso, Calvin

NOES: Damon Alexander

# MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES/MEETINGS

At this time, the Mayor and City Council provided updates to the community.

# **ADJOURNMENT**

The meeting of the Mayor and City Council was adjourned on Wednesday, June 21, 2023, at 11:13 p.m.

The next joint Special 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 *Monday, June 26, 2023, in the Multipurpose room located at 201 (B) North E Street* San Bernardino, California 92410. Open Session will begin at 5:30 p.m.

By:

Genoveva Rocha, CMC