

# CITY OF SAN BERNARDINO

## AGENDA

FOR THE  
JOINT 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, AND MAYOR  
AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE HOUSING AUTHORITY; AND THE MAYOR  
AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE SAN BERNARDINO JOINT POWERS  
FINANCING AUTHORITY

### MONDAY, FEBRUARY 6, 2017

2:00 PM – CLOSED SESSION

4:00 PM – OPEN SESSION

COUNCIL CHAMBER • 300 NORTH "D" STREET • SAN BERNARDINO, CA 92418 • WWW.SBCITY.ORG

**Virginia Marquez**

COUNCIL MEMBER, WARD 1

**Benito Barrios**

COUNCIL MEMBER, WARD 2

**John Valdivia**

COUNCIL MEMBER, WARD 3

**Fred Shorett**

COUNCIL MEMBER, WARD 4

**Henry Nickel**

COUNCIL MEMBER, WARD 5

**Bessine L. Richard**

COUNCIL MEMBER, WARD 6

**R. Carey Davis**

MAYOR



**James L. Mulvihill**

COUNCIL MEMBER, WARD 7

**Mark Scott**

CITY MANAGER

**Gary D. Saenz**

CITY ATTORNEY

**Georgeann "Gigi" Hanna**

CITY CLERK

**David Kennedy**

CITY TREASURER

### Welcome to a meeting of the Mayor and City Council of the City of San Bernardino.

- Anyone who wishes to speak during public comment or on a particular item will be required to fill out a speaker slip. Speaker slips must be turned in to the City Clerk by 4:30 pm the day of the meeting.
- You may email your request to speak to [publiccomments@sbcity.org](mailto:publiccomments@sbcity.org) if you cannot turn it in in person prior to 4:30 pm. Each request will cover one speaker. Those who wish to speak must submit their own request to be called on by the Mayor.
- Public comments for agenda items that are not public hearings will be limited to three minutes.
- **There is a 6-minute-per-person time limit for all comments, excluding public hearings.**
- All who wish to speak, including Council members and staff, need to be recognized by the Mayor or Mayor Pro Tempore before speaking.
- Please contact the City Clerk's Office (384-5002) two working days prior to the meeting for any requests for reasonable accommodation to include interpreters.
- All documents for public review are on file with the City Clerk's Office or may be accessed online by going to <http://www.sbcity.org>.
- Please turn off or mute your cell phone while the meeting is in session.
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- Please turn off or mute your cell phone while the meeting is in session.

**Call to Order**

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>	<b>Arrived</b>
Council Member, Ward 1 Virginia Marquez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 2 Benito J. Barrios	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 3 John Valdivia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 4 Fred Shorett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 5 Henry Nickel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 6 Bessine L. Richard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 7 James Mulvihill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor R. Carey Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
City Clerk Georgeann "Gigi" Hanna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
City Attorney Gary D. Saenz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
City Manager Mark Scott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**1. CLOSED SESSION**

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.

Pursuant to Government Code Sections(s):

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

*In re: City of San Bernardino*, U.S. Bankruptcy Court Case No. 6:12-bk-28006 MJ

*Redevelopment Agency of the City of San Bernardino v. DMC Investment Holdings, LLC, et al.*, Los Angeles County Superior Court Case No. BC 465755 and *Placo San Bernardino, LLC v. City of San Bernardino, et al.*, Los Angeles County Superior Court Case No. BC 468955 (consolidated cases)

**1B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation – *Government Code* Section 54956.9(d)(2):

*El Corte Ingles (ECI) v. City of San Bernardino*

**1C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation – Pursuant to *Government Code* Section 54956.9(d)(4):

City v. JP Morgan Chase Bank NA  
 City v. Tony D. Lam

**1D. PERSONNEL – Pursuant to *Government Code* Section 54957(b):**

City Manager

2. **CLOSED SESSION REPORT**
3. **COUNCIL APPOINTMENTS**
4. **PRESENTATIONS**
- 4A. **2017 U.S. Conference of Mayors Update – Mayor R. Carey Davis**

**PUBLIC COMMENTS FOR ITEMS LISTED ON THIS AGENDA**

A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and City Council on any item on the agenda, excluding public hearings. There is no limit to the number of items that may be discussed within the three-minute time limit. To be called on by the Mayor, please turn in individual speaker slips to the City Clerk by 4:30 p.m. the day of the meeting. If you wish, you may email your speaking request [publiccomments@sbcity.org](mailto:publiccomments@sbcity.org) prior to the beginning of the meeting. Emailed requests to speak will not be accepted from anyone but the person requesting to speak.

**5. CONSENT CALENDAR**

***There will be no separate discussion of Consent Calendar items unless a Council member requests that the item be considered in its normal sequence on the agenda. Public comment on Consent Calendar items is limited to three minutes total per person. There is no limit on the items that can be discussed within that time.***

**5A. City Clerk**

Waive Full Reading of Resolutions and Ordinances

**Recommendation:** Waive full reading of resolutions and ordinances on the agenda dated February 6, 2017.

**5B. City Clerk**

Council Minutes – January 23, 2016

**Recommendation:** Approve the minutes of the Mayor and City Council meeting of the January 23, 2016, as submitted.

**5C. Finance**

Commercial and Payroll Checks

**Recommendation:** Approve the commercial and payroll checks for January 2017.

**5D. City Manager**

Employment Agreement with City Manager

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Mark Scott to commence on February 8, 2017.

**6. PUBLIC HEARINGS -- TO BE HEARD AT 5:30 P.M.****6A. City Clerk**

Resolution of the Mayor and Common Council of the City of San Bernardino Imposing Liens on Certain Parcels of Real Property Located Within the City of San Bernardino for Uncollected Business Registration Fees. (#4674) **[Ward(s): All]**

**Mayor to open the hearing. . .**

**Motion:**

- 1). Close the Public Hearing; direct the City Clerk to administratively remove any properties from Exhibit "A" which have been paid prior to the hearing; and
- 2). Adopt the Resolution.

**7. STAFF REPORTS****7A. Community Development**

Theater Square Strategic Plan

**Recommendation:**

Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the First Amendment to the Consultant Services Agreement between the City of San Bernardino and Flores & Associates.

**7B. City Manager**

Energy Partnership Program Participation

**Recommendation:**

Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California Declaring Support for, and participation in, the regional partnership between Southern California Edison Company, Southern California Gas Company, and the San Bernardino Council of Governments to be known as the "Energy Partnership".

**8. Public Comments for Items Not on the Agenda****9. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES****10. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF****11. ADJOURNMENT**

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 is scheduled for **2:00 p.m., Tuesday, February 21, 2017, in the Council Chamber of City Hall, 300 North "D" Street, San Bernardino, California.**

**NOTICE:** Any member of the public may address this meeting of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency on any item appearing on the agenda by approaching the microphone in the Council Chamber when the item about which the member desires to speak is called and by asking to be recognized.

Any member of the public desiring to speak to the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency concerning any matter not on the agenda but which is within the subject matter jurisdiction of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency, may address the body at the end of the meeting, during the period reserved for public comments. **Said total period for public comments shall not exceed 60 minutes, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency.** A three minute limitation shall apply to each member of the public, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.

Speakers who wish to present documents to the governing body may hand the documents to the staff member responsible for collecting speaker request slips at the time the request to speak is made.

The Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may refer any item raised by the public to staff, or to any commission, board, bureau, or committee for appropriate action or have the item placed on the next agenda of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. However, no other action shall be taken nor discussion held by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency on any item which does not appear on the agenda unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

Public comments will not be received on any item on the agenda when a public hearing has been conducted and closed.