

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, 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, MAY 15, 2017

2:00 PM – CLOSED SESSION

4:00 PM – OPEN SESSION

COUNCIL CHAMBER • 300 NORTH "D" STREET (LOBBY) • 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 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 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 www.sbcity.org.*
- *Please turn off or mute your cell phone while the meeting is in session.*

Call to Order

Attendee Name	Present	Absent	Late	Arrived
Council Member, Ward 1 Virginia Marquez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Council Member, Ward 2 Benito 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"/>	

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.

A. 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

AMF 1278, LLC, et al. v. City of San Bernardino - San Bernardino Superior Court Case No. CIVDS 1702219

Kush Concepts Collective, et al. v. City of San Bernardino - San Bernardino Superior Court Case No. CIVDS 1702131

Michael Lee, et al. v. City of San Bernardino - San Bernardino Superior Court Case No. CIVDS 1704539

Quiang Ye, et al. v. City of San Bernardino - San Bernardino Superior Court Case No. CIVDS 1704276

Paul Triplett v. City of San Bernardino, et al., United States District Court Case No. CV08-07257 MWF(AJWx)

Marisa Havins v. City of San Bernardino, WCAB Case Nos. ADJ10456478 & ADJ10575237

Patrick Pritchett v. City of San Bernardino, WCAB Case Nos. ADJ8835913 & ADJ8835829

B. CONFERENCE WITH LABOR NEGOTIATOR – Pursuant to *Government Code* Section 54957.6:

Negotiator: Helen Tran, Human Resources Director
Mark Scott, City Manager

Employee Organizations: Middle Management

CLOSED SESSION REPORT**PRESENTATIONS**

1. **Summer Reading Program 2017**
2. **Present a Citizen of the Month award to Cheryl Brown – Council Member Richard**

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 to 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.

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.

3. Waive Full Reading of Resolutions and Ordinances

Recommendation: Waive full reading of resolutions and ordinances on the agenda dated May 15, 2017.

4. City Council Approval of Commercial and Payroll Checks

Recommendation: Approve the commercial and payroll checks for April 2017.

5. **Vacation of Century Avenue between Showcase Drive North and Camino Real**

Recommendation: Adopt a Resolution of Intention to conduct a Public Hearing to consider the Vacation of Century Avenue between Show Case Drive North and Camino Real.

6. **Amendment One to Professional Services Agreement with R.T. Desai & Associates for Accounting Consultant Services**

Recommendation: Adopt a Resolution authorizing the Amendment One to the Professional Services Agreement between the City of San Bernardino, California, and R.T. Desai and Associates for Accounting Consulting Services.

7. **Authorization for the City Manager to Reinstate Payouts for all Employees' Accrued Post-Petition Leave Bank Payoffs, Cash-outs, or Sellbacks**

Recommendation: Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager to reinstate payouts for all employees' accrued post-petition leave bank payoffs, cash-outs, or sellbacks pursuant to Memorandums of Understanding.

8. **Second Amendment to the Consultant Services Agreement between the City of San Bernardino and Flores & Associates**

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

PUBLIC HEARINGS

9. **FY 2017-18 HUD Annual Action Plan**

Recommendation: Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, adopting the Fiscal Year 2017-18 United States Department of Housing and Urban Development (HUD) Annual Action Plan.

10. Refuse Accounts Liens**Recommendation:**

Conduct a Public Hearing related to the Placement of Liens for Refuse Accounts delinquent as of December 2016 and January 2017, and adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, making determinations and confirming assessments and proceedings for unpaid solid waste collection services.

11. San Bernardino County Code Related to the Abatement of Fire Hazards and Hazardous Trees with local amendments (Chapter 3 of Division 3 of Title 2 of San Bernardino County Code) – Final Reading and Adoption**Recommendation:**

Accept for final reading and adopt an Ordinance of the Mayor and City Council of the City of San Bernardino, California, adopting by reference Chapter 3 of Division 3 of Title 2 of the San Bernardino County Code related to the abatement of fire hazards and hazardous trees with local amendments.

STAFF REPORTS**12. 2016 Audited Financial Statements****Recommendation:**

Receive a presentation of the completed audited financial statements for Fiscal Year 2016.

13. Charter Implementation Update; Ordinance repealing and replacing Chapter 2.50 of the City of San Bernardino Municipal Code to implement the provisions of the newly adopted City Charter; Personnel Commissioner Appointments; Amendments to the Civil Service/Personnel Rules; and Delete the Chief Examiner Classification (U) and Establish the Administrative Services Officer (U) Job Description and Classification**Recommendation:**

1. Introduce for first reading an Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing Chapter 2.50 of the City of San Bernardino Municipal Code related to the Civil Service/Personnel rules and regulations and replacing it with a new Chapter 2.50 related to the Personnel Commission.

2. Appoint the Civil Service Board of Commissioners to serve as the Personnel Commission until replaced by further action of the Mayor and City Council.

3. Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving amendments to Civil Service/Personnel Rules 513-513.5 and 601 pursuant to Chapter 2.50 of the Municipal Code; delegating authority for disciplinary appeals referenced in Rules 513-513.5 and 601 to the Personnel Commission; delegating authority for any action in the Civil Service/Personnel Rules previously assigned to the Civil Service Board other than disciplinary appeals to a Human Resources Department with approval from the appointing authority; delegating authority for any action referenced in the Civil Service/Personnel Rules previously assigned to the Chief Examiner to a designee of the appointing authority under the auspices of the Human Resources Department.

4. Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, establishing and approving the classification and job description of Administrative Services Officer (U) and deleting the classification of Chief Examiner (U).

14. Property Tax Exchange Related To Local Agency Formation Commission 3188A – Reorganization to Include Annexations to the City of San Bernardino and to San Bernardino County Fire Protection District Zones FP-5 and FP-5 San Bernardino and Detachment from County Service Area 70

Recommendation: Consider the recommended property tax exchange agreement that has been adopted by San Bernardino County and decide whether to accept it or to move forward with alternate dispute resolution process.

15. Property Assessed Clean Energy (PACE) Programs

Recommendation: Review and discuss the Property Assessed Clean Energy (PACE) Programs, recent changes to the San Bernardino Council of Governments (SBCOG) Home Energy Renovation Opportunity (HERO) Program and provide direction.

16. Election of Mayor Pro Tempore

Recommendation: Open nominations for a member of the City Council to serve as Mayor Pro Tempore until December 20, 2017.

17. Amendment of the CalPERS Contract to Establish a New Retirement Benefit Formula for Police Safety – Final Reading and Adoption

Recommendation: Accept for final reading and adopt an Ordinance of Mayor and City Council of the City of San Bernardino, California, authorizing an amendment to the contract between the Mayor and City Council of the City of San Bernardino and the Board of Administration of the California Public Employees' Retirement System.

18. Settlement and Release Agreement with ACAA Limited Partnership Related to 542 N. Mt. Vernon Avenue, San Bernardino

Recommendation: Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the Settlement and Release Agreement between the City of San Bernardino and ACAA Limited Partnership related to 542 N. Mt. Vernon Avenue, San Bernardino, California, and approving certain related actions.

19. Documents Effecting the Negotiated Debt Restructuring of the 2005 Pension Obligation Bonds, the 1996 Lease Revenue Refunding Bonds, and the 1999 Refunding Certificates of Participation

Recommendation: Adopt the attached resolutions giving the City Manager and other authorized officers, on behalf of the City, and the Mayor and other authorized officers, on behalf of the San Bernardino Joint Powers Financing Authority (JPFA), authority to execute the documents that effect the results of settlement negotiations approved by the Federal Bankruptcy Court relative to (i) the 2005 Pension Obligation Bonds (2005 POBs), (ii) the 1996 Lease Revenue Refunding Bonds (1996 Bonds), and (iii) the 1999 Refunding Certificates of Participation (1999 COPs).

20. League of California Cities 2017 Legislative Action Day

Recommendation: Receive an oral report by Council Member Valdivia.

21. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

22. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES

23. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF

24. 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 will be held on **Wednesday, June 7, 2017, in the Board Room located at 201 North E Street**, San Bernardino, California 92401. Closed Session will begin at 4:00 p.m. Open Session will begin at 5:00 p.m.

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 City Clerk 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.