

# 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

### WEDNESDAY, AUGUST 16, 2017

4:00 PM – CLOSED SESSION

5:00 PM – OPEN SESSION

COUNCIL CHAMBER • 201 NORTH "E" STREET • SAN BERNARDINO, CA 92401 • 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

**Andrea M. Miller**

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 [www.sbcity.org](http://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 Andrea M. Miller	<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

*Manta Management Corporation v. City of San Bernardino*, California Court of Appeals Case No. E052527, San Bernardino County Superior Court Case No. SCVSS18157

*People of the State of California v. Management Corporation dba The Flesh Club*, San Bernardino County Superior Court Case Nos. SCVSS117285 and CIVDS1710785

*Mary Yanez v. City of San Bernardino*, WCAB Case No. ADJ10147699

*James Davis v. City of San Bernardino*, WCAB Case Nos. ADJ7458561 and ADJ8757637

*Gabriel Garcia v. City of San Bernardino*, WCAB Case No. ADJ9941330

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

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

City v. GB Commercial Investment LLC

One Item

**INVOCATION AND PLEDGE OF ALLEGIANCE****CLOSED SESSION REPORT****PRESENTATIONS**

1. **Woman of the Year – Assembly Member Marc Steinorth – Mayor R. Carey Davis**
2. **Student of the Month: Rachel Cunningham – Sierra High School – Council Member Virginia Marquez**
3. **Chamber of Commerce & Local Elected Officials Announcements**

**APPOINTMENT**

4. **Commission Appointment – Council Member Jim Mulvihill**

**Recommendation**

Respectfully request that Mrs. Felicia Alexander be considered for appointment to serve on the Measure Z Committee.

**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 5:00 p.m. the day of the meeting. If you wish, you may email your speaking request to [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.

**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.***

**5. Waive Full Reading of Resolutions and Ordinances**

**Recommendation:** Waive full reading of resolutions and ordinances on the agenda dated August 16, 2017.

**6. City Council Approval of Commercial and Payroll Checks**

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

**7. City Council Approval of Draft Minutes**

**Recommendation:** Approve the minutes of the Mayor and City Council meeting of August 2, 2017.

**8. Subordination of a Deed of Trust in Connection with 280 E 49<sup>th</sup> Street, San Bernardino, California**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, acting as the Successor Housing Agency to the Redevelopment Agency of the City of San Bernardino approving a Subordination of a Deed of Trust in connection with a refinancing of the Senior Mortgage Relating to real property located at 280 E 49th Street, San Bernardino, California.

**9. Agreement with San Bernardino County to provide Household Hazardous Waste Collection Service**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the execution of an Agreement and issuance of a purchase order to San Bernardino County Fire Department pursuant to Section 3.04.010 (B) (3) of the Municipal Code related to Household Hazardous Waste Collection and Sharps Collection Services.

**10. Senior Nutrition Program Grant Funding****Recommendation:**

Adopt a Resolution of the Mayor and City Council of San Bernardino, California, ratifying the execution of the County Contract 16-389 with the County of San Bernardino, Department of Aging and Adult Services (DAAS), accepting the grant amount of up to \$335,000, appropriating grant revenue expenditures, re-allocating grant match expenditures, and issuing purchase orders to Sysco Foods, Merit Day, and Smith Distribution for the period of July 1, 2017, through June 30, 2018, for the Senior Nutrition Program.

**11. Senior Companion Program (SCP) Grant Funding****Recommendation:**

Adopt a Resolution of the Mayor and City Council of San Bernardino, California, ratifying the Grant Application Submittal, accepting the Grant Award of \$287,788, appropriating Grant Revenue expenditures, and re-allocating Grant Match Expenditure for the Senior Companion Program (SCP) for the period of July 1, 2017 through June 30, 2018.

**12. Temporary Right of Entry Agreement with the San Bernardino County Transportation Authority to conduct a Tree Survey on City property located at 249 Sierra Way****Recommendation:**

Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the execution of a Temporary Right of Entry Agreement with the San Bernardino County Transportation Authority to conduct a Tree Survey on City property located at 249 Sierra Way.

**13. Proposed Vacation of Portions of Home Avenue, "I" Street and Montgomery Street****Recommendation:**

Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, declaring its intention to conduct a Public Hearing to consider the vacation of portions of Home Avenue, "I" Street and Montgomery Street and the reservation of utility easements therein.

**14. First Amendment to the Agreement for Services with Tetra Tech for design of the replacement of 2nd Street Bridge at Warm Creek**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the First Amendment to the Agreement for Services with Tetra Tech for design of the replacement of 2nd Street Bridge at Warm Creek, Federal Aid Project No. BRLS-5033(052), Capital Improvement Project No. SS13-001, Bridge No. 54C-0411.

**15. Sustainability Planning Grant Application for a City-Wide Bicycle and Pedestrian Master Plan**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the submittal of the Sustainability Planning Grant Application to the Southern California Association of Governments (SCAG) for the Preparation of a City-Wide Bicycle and Pedestrian Master Plan.

**16. Second Amendment to the License Agreement with Lockheed Martin Corporation**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing and directing the execution of the second amendment to the License Agreement with Lockheed Martin Corporation.

**17. Purchase and Sale Agreement and Joint Escrow Instructions – 882 South Washington Avenue, San Bernardino (APN 0136-461-09)**

**Recommendation:** Adopt a Resolution of the Mayor and City Council, in its capacity as the Successor Agency to the Redevelopment Agency of the City of San Bernardino, California, approving the Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency and Grant Gorman with respect to 882 South Washington Avenue, San Bernardino (APN 0136-461-09), and approving certain related actions.

**18. Amendment of the Property Disposition Strategy**

**Recommendation:** Adopt a Resolution of the Mayor and City Council, acting as the Successor Agency to the Redevelopment Agency of the City of San Bernardino, California, approving the Amended Property Disposition Strategy, and approving certain related actions.

**19. Agreement with County for cancellation of taxes on 285 former RDA parcels**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, and a Resolution of the Mayor and City Council of the City of San Bernardino acting as the Successor Agency to the Redevelopment Agency of the City of San Bernardino, authorizing the execution of an agreement with the County of San Bernardino for the cancellation of property taxes on 285 former Redevelopment Agency parcels, and certain related actions.

**20. Health Benefits Plan Year 2018**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving employer paid health benefits contributions for benefit plan year 2018 and, authorizing the City Manager to execute a Memorandum of Understanding (MOU) between the City of San Bernardino and California State Association of Counties Excess Insurance Authority (CSAC EIA) Joint Powers Health Program; and election of the Mayor and City Council to receive the same benefit plan as the Management/Confidential bargaining unit.

**21. Emergency Operations Manager Classification and Job Description**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, establishing the classification and approving the job description for the Emergency Operations Manager.

**22. Purchase of Lenovo Workstations**

**Recommendation:** Authorize the City Manager or her designee to execute documents related to the purchase of 100 workstations from GovConnection in an amount not to exceed \$90,000.

**23. Authorization for the City Manager to Execute Wireless Consulting Agreement with 5 Bars LLC**

**Recommendation:** City staff requests direction from the City Council on two contract approval options:

1. Complete negotiations with 5 Bars LLC and submit a contract for review to the City Council at the September 6<sup>th</sup> meeting.
2. Authorize the City Manager to enter into a wireless marketing agreement for City facilities with 5 Bars LLC upon completion of negotiations.

**STAFF REPORTS****24. Substantial Amendment to the FY2016-2017 Annual Action Plan and Execution of a Loan Agreement Golden Apartments Project**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the Substantial Amendment of the Fiscal Year 2016-2017 Annual Action Plan to add the Golden Apartments Project, and the Execution of a Loan Agreement for the Project.

**25. Amendment to the Theater Square Strategic Plan**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving an Amendment to the Theater Square Strategic Plan for the Regal Cinemas and California Theater site located at the northwest corner of 4th and E Streets.



**26. Transfer of Fire Station No. 221 to the City of San Bernardino****Recommendation:**

1. Adopt a Resolution of the Mayor and City Council of the City of San Bernardino authorizing the acceptance by the City of Fire Station No. 221 located at 200 E. 3rd Street, San Bernardino from the Successor Agency to the City of San Bernardino, and approving certain related actions.

2. Adopt a Resolution of the Mayor and City Council, acting as the Successor Agency to the Redevelopment Agency of the City of San Bernardino, authorizing the transfer of Fire Station No. 221 located at 200 E. 3rd Street, San Bernardino to the City of San Bernardino, and approving certain related actions.

**27. Second Amendment to Agreement with Capital Protection, Inc. for Security Services for the Theater Square Site****Recommendation:**

Adopt a resolution of the Mayor and City Council of the City of San Bernardino, approving the Second Amendment to Agreement with Capital Protection, Inc. for security services for the Theater Square site, and approving certain related actions.

**28. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA****29. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES****30. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF****31. 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, September 6, 2017, in the Council Chamber 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.

## CERTIFICATION OF POSTING AGENDA

I, Georgeann "Gigi" Hanna, CMC, City Clerk for the City of San Bernardino, California, hereby certify that the agenda for the August 16, 2017 regular meeting of the Mayor and City Council and the Mayor and City Council acting as the Successor Agency to the Redevelopment Agency was posted on the City's bulletin board located in the breezeway of City Hall, 300 North "D" Street, San Bernardino, California, at the San Bernardino Public Library, and on the City's website [www.ci.san-bernardino.ca.us](http://www.ci.san-bernardino.ca.us) on Friday, August 11, 2017.

I declare under the penalty of perjury that the foregoing is true and correct.



Georgeann "Gigi" Hanna, CMC, City Clerk

**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.