

# 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, DECEMBER 20, 2017

4:00 PM – CLOSED SESSION

5:00 PM – OPEN SESSION

COUNCIL CHAMBER • 201 NORTH "E" STREET • SAN BERNARDINO, CA 92401 • [WWW.SBCITY.ORG](http://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 5:00 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 5:00 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*

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

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

*One (1) Item*

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

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

*City v. Southwestern Law School*

**D. Conference with Real Property Negotiator - pursuant to Government Code Section 54956.8.**

Properties: Parcel 1- 0281-151-38  
 Parcel 2- 0281-151-15, 16, 17, and 18 0.099  
 Parcel 3- 0281-152-06, 281-152-08 and 0281-152-17  
 Parcel 4- 0281-152-20 through 0281-152-30  
 Negotiator: Andrea Miller

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

1. **Special Recognition – SB Pastors United by Mayor R. Carey Davis**
2. **Special Recognition – Jesse Carrillo by Mayor R. Carey Davis**
3. **Hillwood Presentation – Council Member John Valdivia**
4. **Student of the Month: Anthony Gray, Cajon High School – Council Member Henry Nickel**
5. **Citizens of the Month: Daniel Rivera, Jorge Corona, Manuel Carabajal, Arnissa Burns, and Barbara Aquino, Blake Little League – Council Member Bessine Richard**
6. **Chamber of Commerce & Local Elected Officials Announcements**

**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.***

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

**Recommendation:**

Waive full reading of resolutions and ordinances on the agenda dated December 20, 2017.

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

**Recommendation:**

Approve the commercial and payroll checks for November 2017.

**9. Approval of Projects to Receive Road Maintenance and Rehabilitation Account funding**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving a list of projects to receive Road Maintenance and Rehabilitation Account funding.

**10. General Plan Amendment 16-09 and Development Code Amendment (Zoning Map Amendment) 16-11 (Final Reading)**

**Recommendation:** Accept for final reading and adopt an Ordinance of the Mayor and City Council of the City of San Bernardino, California, approving General Plan Amendment 16-09 and Development Code Amendment (Zoning Map Amendment) 16-11 (Attachment 1).

**11. Cultural Development Construction Fee (Chapter 15.57)**

**Recommendation:** Accept for final reading and adopt an Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing Ordinance No. MC-650 and amending Chapter 15.57 of the Municipal Code related to Cultural Development Construction Fees.

**12. Transition of Volunteer Citizen-Based Charter Committee to the Charter Review Committee**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of City of San Bernardino, California, transitioning the Volunteer Citizen-Based Charter Committee to the Charter Review Committee for periodic review of the Charter.

**13. Annual Purchase Order for Automotive Parts & Supplies**

**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 an annual purchase order with three single year renewal options to Parts Authority for automotive parts and supplies by the Public Works Fleet Division.

**14. Authorization to Execute an Agreement with Dignity Health for Police Services and amend the Adopted FY17/18 Budget**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager to execute an agreement between the City of San Bernardino and Dignity Health for police services at two locations, and amend the Adopted FY17/18 Budget.

**15. Declaration of Intent to establish Assessment District No. 1056 for the cost of landscape maintenance in the Magnolia Avenue and Garfield Street Area relative to Tentative Tract No. 16502**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, preliminarily determining that Public Convenience and Necessity require the formation of a landscape maintenance assessment district located in the Magnolia Avenue and Garfield Street Area without compliance with the Special assessment Investigation, Limitation and Majority Protest Act of 1931; declaring its intention to proceed to order work within the district, to be known as Assessment District No. 1056; preliminarily approving the Engineer's Report and giving Notice of a Public Hearing.

**16. Purchase Order for Wondries Fleet Group, For Ford F-550 Aerial Lift Truck**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving a Purchase Order in the amount of \$122,513 to Wondries Fleet Group of Alhambra, California, for the purpose of supplying a Ford Motor Company F-550 Aerial Lift Truck to the Public Works Department.

**17. Amend the Adopted 2017/18 Budget transferring the Code Enforcement Division from the Community Development Department to the Police Department**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, amending the Adopted Fiscal Year 2017/18 Budget transferring the Code Enforcement Division from the Community Development Department to the Police Department.

**18. Subordination of a Deed of Trust in Connection with 2653 West Sunset Lane, 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 2653 West Sunset Lane, San Bernardino, California.

**19. Subordination of a Deed of Trust in Connection with 275 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 275 E 49<sup>th</sup> Street, San Bernardino, California.

**20. Retention of Russell Randle of Miles and Stockbridge P.C. for Legal Services Related to Water Environmental Issues**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the retention of Russell Randle of Miles and Stockbridge P.C. for legal services related to water environmental issues.

**21. Maddy Act (Local Appointments List)**

**Recommendation:** Approve the list of local appointments and post it at the Feldheym Library.

**22. Agreement with Liebert Cassidy Whitmore for services pertaining to employment and personnel matters**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager or her designee to execute a Professional Services Agreement between the City of San Bernardino and Liebert Cassidy Whitmore to provide legal services pertaining to employment relations and personnel matters for a total amount not to exceed \$75,000.

**23. Request to Extend Fee Credit Agreements**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving an extension of the Fee Credit Agreements with James Watson & Associates through December 31, 2019.

**STAFF REPORTS****24. Approval of the Local Goals and Policies Document for Community Facilities District (“CFD”) Formation**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, adopting the Local Goals and Policies related to Community Facilities Districts.

**25. Agreements regarding the San Bernardino Transit Center**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the execution of Amendment No. 6 to the cooperative agreement 04-040 (Santa Fe Depot) and the execution of an operations and maintenance agreement between the City of San Bernardino, the San Bernardino County Transit Authority and Omnitrans regarding the San Bernardino Transit Center (SBTC).

**26. American Planning Association November Workshop 2017 – Tour of Marijuana Cultivation Facility – November 30, 2017**

**Recommendation:** Receive an oral report by Council Member Mulvihill.

**27. Calendar of Joint Regular Mayor and City Council Meetings for 2018**

**Recommendation:** Approve the regular meeting dates for the Mayor and City Council.

**28. Calling of Primary Municipal Election, requesting San Bernardino County Registrar of Voters conduct said election, and directing the City Clerk to fulfill her duties as the City’s Election Official**

**Recommendation:** Call the Primary Municipal Election for June 5, 2018 in accordance with the State Election Code.

**PUBLIC HEARINGS****29. Substantial Amendment to the FY 2017-2018 Action Plan**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the Substantial Amendment to the FY 2017-2018 Action Plan.

**30. Waterman Gardens Revisions – Conditional Use Permit 17-26 (Revised Conditional Use Permit 11-13) and Revised Subdivision 11-03 (Revised Tentative Tract Map 18829)**

**Recommendation:** Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving Conditional Use Permit 17-26 (Revised Conditional Use Permit 11-13) and Revised Subdivision 11-03 (Revised Tentative Tract Map 18829) to allow the development, establishment and operation of the Arrowhead Grove project (formerly known as Waterman Gardens) comprised of 411 residential units, approximately 194,200 square feet of commercial/mixed uses, two (2) private community centers, one (1) public community center, and two (2) detention basins, on a site comprised of four (4) parcels containing a total of approximately 39.36 acres located at the southeast corner of Waterman Avenue and Baseline Street.

**31. Joint Powers Financing Authority authorizing the execution and delivery of documents**

**Recommendation:** 1. Adopt a Resolution of the Mayor and City Council of the City of San Bernardino, California, making required findings and authorizing the execution and delivery of documents relation to the issuance of San Bernardino Joint Powers Financing Authority 2018 lease revenue refunding Bonds in an aggregate principal amount not to exceed \$4,500,000 for the purpose of refunding the 1996 lease revenue refunding Bonds, and authorizing and directing certain actions in connection therewith; and



2. Adopt a Resolution of the San Bernardino Joint Powers Financing Authority making required findings and authorizing the execution and delivery of documents relating to the issuance of 2018 lease revenue refunding Bonds in an aggregate principal amount not to exceed \$4,500,000 for the purpose of refunding the 1996 lease revenue refunding Bonds, and authorizing and directing certain actions in connection therewith.

**32. Accept the Recommendations of the Citizen's Advisory Committee on Marijuana and Adopt Interim Urgency Ordinance**

**Recommendation:**

1. Accept the recommendations of Citizen's Advisory Committee on Marijuana.
2. Adopt an Interim Ordinance as an Urgency Ordinance for 45 days.
3. Adopt a Resolution authorizing the City Manager to notify the California Bureau of Cannabis Control of the City of San Bernardino Cannabis Ordinance pursuant to Business and Professions Code Section 26055 (f)(1).

**33. Appeal of Pepe's Towing regarding decision that there are no vacancies on the City's Tow Rotation List.**

**Recommendation:**

That the Mayor and City Council conduct an appeal hearing and make a decision on whether to grant or deny the appeal.

**34. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

**35. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES**

**36. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF**

**37. 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, January 3, 2018 at 4:00 p.m. in the Council Chamber located at 201 North E Street***, San Bernardino, California 92401. Closed Session will begin at 4:00 p.m. and 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 December 20, 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 Thursday, December 14, 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.