

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, JANUARY 17, 2018

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 5:00 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 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.
- 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

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

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

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

Karmel Roe v. City of San Bernardino, et al., San Bernardino County Superior Court Case No. CIVDS 1712424

Michael Clark v. City of San Bernardino, WCAB Case Nos. ADJ197009; ADJ2778609; ADJ9841204; ADJ9841206

Anthony Giordano v. City of San Bernardino, WCAB Case No. ADJ9967500

Marci Atkins v. City of San Bernardino, WCAB Case Nos. ADJ9118460; ADJ9118463; ADJ9074842; ADJ9118466; ADJ9118453

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

PRESENTATIONS

1. **Recognition of the Mayor's Youth Academy Interns – Mayor R. Carey Davis**
2. **Student of the Month – Breahna Singer, Arroyo Valley High School – Council Member Bessine Richard**
3. **Citizen of the Month – Joe Ortiz – Council Member James Mulvihill**
4. **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 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 January 17, 2018.

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

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

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

Recommendation: Approve the minutes of the Mayor and City Council Special Meeting of December 13, 2017 and Regular Meeting of January 3, 2018.

8. Contract Change Order No. One for 9th Street and Arrowhead Avenue Signal Upgrade

Recommendation: Adopt Resolution No. 2018-12, a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving Contract Change Order No. One in the amount of \$17,500.00 to a contract with DBX, Inc., for 9th Street and Arrowhead Avenue Signal Upgrade, Highway Safety Improvement Program [HSIPL-5033(051), Advantage Project ID 0812000004, Per Plan No. 12811 (TC12-002)].

9. Contract Change Order No. One for 9th Street and Sierra Way Signal Upgrade

Recommendation: Adopt Resolution No. 2018-13, a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving Contract Change Order No. One in the amount of \$17,500.00 to a contract with DBX, Inc., for 9th Street and Sierra Way Signal Upgrade, Highway Safety Improvement Program [HSIPL-5033(050), Advantage Project ID 0812000003, Per Plan No. 12810 (TC12-001)].

10. Biennial Review and Amendments to the City's Conflict of Interest Code

Recommendation: Adopt Resolution No. 2018-14, a Resolution of the Mayor and City Council of the City of San Bernardino, California, and the Mayor and City Council acting as the Successor Agency to the Redevelopment Agency amending Resolution No. 2015-275 and Appendix A, and amending the City's Conflict of Interest Code.

11. Ordinance amending San Bernardino Municipal Code Chapter 2.56 Related to Elections – Final Reading and Adoption

Recommendation: Accept for final reading and adopt Ordinance No. MC-1453, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.56 of the City of San Bernardino Municipal Code related to elections to implement the provisions of the newly adopted Charter.

12. **Re-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:

1. Adopt Resolution No. 2018-15, a Resolution of the Mayor and City Council of the City of San Bernardino, California, rescinding Resolution 2017-246 regarding the formation of Assessment District No. 1056.

2. Adopt Resolution No. 2018-16, 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.

STAFF REPORT

13. **Charter Implementation – Municipal Code Chapter 2.17 General Provisions for Boards, Commissions, and Citizen Advisory Committees and 2.76 City Council Sub-Committees**

Recommendation:

Citizen Advisory Bodies – General

1. Introduce for first reading Ordinance No. MC-1454, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.17 of the San Bernardino Municipal Code related to "Boards, Commissions and Citizen Advisory Committees-General."

City Council Sub-Committees

2. Introduce for first reading Ordinance No. MC-1455, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.76 of the San Bernardino Municipal Code related to "City Council Sub-Committees."

3. Adopt Resolution No. 2018-17, a Resolution of the Mayor and City Council of the City of San Bernardino, California, dissolving all City Council Sub-Committees with the exception of the CDBG Sub-Committee and the Hometown Military Banner Sub-Committee.

PUBLIC HEARINGS**14. U.S. Veterans Social Service Housing Facility – Appeal 17-01 for Conditional Use Permit 17-14 and Minor Exception 17-06****Recommendation:**

Conduct a Public Hearing and adopt Resolution No. 2018-18, a Resolution of the Mayor and City Council of the City of San Bernardino, California, granting Appeal 17-01 of the Planning Commission's denial, adopting the categorical exemption, and approving Conditional Use Permit 17-14 and Minor Exception 17-06 to allow the development, establishment, and operation of a social service housing facility containing approximately 24,645 square feet comprised of twenty-nine (29) residential units for low-income military veterans and allowing a five (5) percent reduction in parking stall depth from nineteen (19) feet to eighteen (18) feet, along with the construction of the required on-site and off-site improvements, on a parcel containing approximately 0.69 acres located at 488 W. 17th Street.

15. General Plan Amendment 14-09, Development Code Amendment (Zoning Map Amendment) 14-18, and Development Permit Type-D 16-25**Recommendation:**

1. Conduct a Public Hearing and introduce for first reading Ordinance No. MC-1456, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, approving General Plan Amendment 14-09 and Development Code Amendment (Zoning Map Amendment) 14-18 to change the General Plan Land Use Designation from Multi-Family Residential to Industrial and Zoning District Classification from Residential Medium High (RMH) to Industrial Light (IL) of an area containing approximately 20.30 acres (APN: 1192-181-01, and 1192-201-04); and

2. Adopt Resolution No. 2018-19, a Resolution of the Mayor and City Council of the City of San Bernardino, California, adopting the Mitigated Negative Declaration and approving Development Permit Type-D 16-25 to allow the development, establishment and operation of an industrial high cube logistics warehouse building containing approximately 420,000 square feet on a site containing approximately 20.30 acres, along with the construction of the required on-site and off-site improvements, located on the north side of 6th Street and east of north Sterling Avenue; and

3. Schedule the second reading of the above Ordinance for the regularly scheduled meeting of the Mayor and City Council on February 7, 2018.

16. Conduct a Public Hearing on the proposed vacation of portions of Home Avenue, "I" Street, and Montgomery Street and the reservation of utility easements therein

Recommendation:

Conduct a Public Hearing and adopt Resolution No. 2018-20, a Resolution of the Mayor and City Council of the City of San Bernardino, California, ordering the vacation of portions of Home Avenue, "I" Street, and Montgomery Street and the reservation of utility easements therein.

17. Substantial Amendment to the FY 2017-2018 Action Plan

Recommendation:

Conduct a Public Hearing and adopt Resolution No. 2018-21, a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving the Substantial Amendment to the HUD Fiscal Year 2017-2018 Action Plan.

18. Imposing Liens to Recover Costs for Code Enforcement Abatement

Recommendation:

Conduct a Public Hearing and adopt Resolution No. 2018-22, a Resolution of the Mayor and City Council of the City of San Bernardino, California, confirming costs of abatement of public nuisances and imposing liens on certain real property located within the City of San Bernardino for those costs of abatement.

19. Continue Public Hearing – Appeal of Pepe's Towing

Recommendation:

Continue the Public Hearing to February 21, 2018.

20. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

21. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES

22. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF

23. 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, February 7, 2018 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 January 17, 2018 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 on Friday, January 12, 2018.

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.