

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, FEBRUARY 7, 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

Glen Aire Mobilehome Park Corp., et al v. City of San Bernardino, et al, San Bernardino County Superior Court Case No. CIVDS 1114110

Quibillah J. Rasheed, et al, v. City of San Bernardino, et al, U.S. District Court Case No. CV14-00586 DMG (MRWx)

Kiritkumar Patel, et al, v. Mark Scott, et al, San Bernardino County Superior Court Case No. CIVDS1609316

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Pepe's Towing v. City of San Bernardino

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

APPOINTMENTS

1. Appointment of Jodi Buckley – Animal Control Commission – Council Member John Valdivia
2. Appointment of Brenda Bell – Parks and Recreation Commission – Council Member John Valdivia

PRESENTATIONS

3. Certificates of Recognition – Cajon High School Football Team – CIF Regional Champions (88 certificates) – Council Members Henry Nickel and Bessine Richard
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 February 7, 2018.

6. City Council Approval of Commercial and Payroll Checks

Recommendation: Approve the commercial and payroll checks for January 2018.

7. City Council Approval of Draft Minutes

Recommendation: Approve the minutes of the Mayor and City Council Regular Meeting of January 17, 2018 and Special Meetings of January 22, 2018 and February 1, 2018.

8. Amendment No. 1 Change Order to the Jerry Lewis Family Swim Center Filtration Systems Replacement Project

Recommendation: Adopt Resolution No. 2018-23, a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager to execute Amendment Number One to the existing Vendor Services Agreement with Commercial Aquatic Services, Inc. for the Jerry Lewis Pool filtration systems replacement at Perris Hill Park.

9. Agreement with Condor, Inc. for city-wide CDBG-funded Pool Plastering and Related Renovations at Various Recreational Facilities

Recommendation: Adopt Resolution No. 2018-24, a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager to execute a Vendor Service Agreement with Condor, Inc. for pool re-plastering and related renovations at various facilities.

10. Nunez Park Pool Filtration Replacement

Recommendation: Adopt Resolution No. 2018-25, a Resolution of the Mayor and City Council of the City of San Bernardino, California authorizing the City Manager to execute a contract between the City of San Bernardino and California Waters Development Inc. for the Nunez Park Pool Filtration Replacement.

11. Allocation of Un-Appropriated Senior Services Trust Account Revenue (Donations/Fundraisers) to the General Fund Expenditure Accounts for Senior Services

Recommendation: Adopt Resolution No. 2018-26, a Resolution of the Mayor and City Council of City of San Bernardino, California, authorizing the Finance Director to allocate un-appropriated senior services trust account revenue from Donations and Fundraisers to the Parks, Recreation, and Community Services Department General Fund expenditure accounts for Senior Services in the amount of \$9,900.

12. Annual Purchase Order for Daniels Tire Service**Recommendation:**

Adopt Resolution No. 2018-27, 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 with two single year renewal options to Daniels Tire Service for procurement of lights, heavy tires, and service by the Public Works Department Fleet Division.

13. Purchase Order increase for City Wide Median Maintenance**Recommendation:**

Adopt Resolution No. 2018-28, a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing and directing the Director of Finance to increase R P Landscape & Irrigation Purchase Order 2018-294, from a total of \$45,760 to \$77,798 for City Wide Median Maintenance.

14. BNSF Agreement related to the Mount Vernon Avenue Viaduct Replacement Project over the BNSF Railway Intermodal Yard**Recommendation:**

Adopt Resolution No. 2018-29, a Resolution of the Mayor and City Council of City of San Bernardino, California, approving BNSF Agreement No. BF-10011068 (SBCTA Contract No. 17-1001621) related to the Mount Vernon Avenue Viaduct Replacement Project over the BNSF Railway Intermodal Yard (SS04-012) by and among BNSF Railway Company, a Delaware Corporation, the City of San Bernardino, a Charter City and Municipal Corporation under the Constitution and laws of the State of California, and the San Bernardino County Transportation Authority.

15. Amendment No. 4 to the Agreement with AECOM Technical Services, Inc. for Design of the Mt. Vernon Avenue Overhead Replacement Project**Recommendation:**

Adopt Resolution No. 2018-30, a Resolution of the Mayor and City Council of the City of San Bernardino, California, approving Amendment No. 4 to an Agreement for Professional Services with AECOM Technical Services, Inc. for design of the Mt. Vernon Avenue Overhead Replacement Project, Bridge No. 54C-0066 and amending the FY 17/18 Budget.

16. Five-Year Capital Project Needs Analysis (2018/2019 through 2022/2023) for Measure "I" 2010-2040 Expenditures

Recommendation: Adopt Resolution No. 2018-31, a Resolution of the Mayor and City Council of the City of San Bernardino, California, adopting the Five-Year Capital Project Needs Analysis (2018/2019 through 2022/2023) for Measure I 2010-2040 Expenditures.

17. Five-Year Capital Improvement Program (FY 2017-2022) for Measure I Local Expenditures

Recommendation: Adopt Resolution No. 2018-32, a Resolution of the Mayor and City Council of the City of San Bernardino, California, adopting the Five-Year Measure I Capital Improvement Program (FY 2017-2022) for Measure I 2010-2040 Expenditures.

18. Amendment No. 1 to the Memorandum of Understanding with the San Bernardino County Transportation Authority establishing a Quiet Zone

Recommendation: Adopt Resolution No. 2018-33, a Resolution of the Mayor and City Council of City of San Bernardino, California, approving Amendment No. 1 to Memorandum of Understanding No. 17-1001586 between the San Bernardino County Transportation Authority and the City of San Bernardino for the implementation of a quiet zone on the Shortway Subdivision.

19. Street Light Program Update and Sixth Amendment to the Vendor Services Agreement with Quality Light and Electrical

Recommendation: Receive an oral report on the status of the street light program and adopt Resolution No. 2018-34, a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the execution of the Sixth Amendment to the Vendor Services Agreement with Quality Light and Electrical for street light repair services.

20. Final Reading – General Plan Amendment 14-09 and Development Code Amendment (Zoning Map Amendment) 14-18

Recommendation: Accept for final reading and adopt 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).

21. Establish the Pool Maintenance Coordinator Classification and Job Description

Recommendation: Adopt Resolution No. 2018-35, a Resolution of the Mayor and City Council of the City of San Bernardino, California, establishing the classification and approving the job description for Pool Maintenance Coordinator.

22. Authorization to Purchase Dell VxRail Server Equipment in an Amount Not to Exceed \$650,000

Recommendation: Adopt Resolution No. 2018-36, a Resolution of the Mayor and City Council of the City of San Bernardino, California, authorizing the City Manager to execute an agreement with Dell/EMC, Inc. for the purchase of data center hardware and VMware software in an amount not to exceed \$650,000.

23. Charter Implementation – Ordinances Repealing and Replacing Municipal Code Chapter 2.17 General Provisions for Boards, Commissions and Citizen Advisory Committees and 2.76 City Council Sub-Committees – Final Reading and Adoption

Recommendation: ***Citizen Advisory Bodies – General***
1. Adopt, at second 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. Adopt, at second 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."

STAFF REPORTS**24. Draft Cannabis Regulations****Recommendation:**

Review and discuss draft cannabis regulations and provide direction to staff and the Planning Commission regarding cannabis business types, public consumption and use, indoor and outdoor personal cultivation, special events, tax and fee revenue.

25. Charter Implementation - Changes to the City of San Bernardino's Boards, Commissions and Citizen Advisory Committees**Recommendation:**

1. Introduce for first reading Ordinance No. MC-1458, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing Chapter 2.18, Chapter 2.30, and Chapter 2.49 of the San Bernardino Municipal Code related to the Parks, Recreation, and Community Services Department and Commission, the Fine Arts Commission, and the Senior Affairs Commission; and adopt Resolution No. 2018-37, a Resolution of the Mayor and City Council of the City of San Bernardino, California, establishing the Parks, Recreation, and Community Services Commission.

2. Introduce for first reading Ordinance No. MC-1459, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing San Bernardino Municipal Code Chapter 2.31 regarding the Relocation Appeals Board; repealing San Bernardino Municipal Code Chapter 2.40 regarding the Community Development Commission; and repealing San Bernardino Municipal Code Chapter 2.46 regarding the Disaster Council.

3. Adopt Resolution No. 2018-38, a Resolution of the Mayor and City Council of the City of San Bernardino, California, repealing Resolution No. 2000-364 establishing the Food Policy Council.

4. Introduce for first reading Ordinance No. MC-1460, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, repealing Chapter 2.23 of the San Bernardino Municipal Code related to the “Historical Preservation Commission.”

5. Introduce for first reading Ordinance No. MC-1461, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.22 of the San Bernardino Municipal Code related to the “Planning Commission.”

6. Introduce for first reading Ordinance No. MC-1462, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Chapter 2.45 of the San Bernardino Municipal Code to create the “Building and Accessibility Appeals Board.”

7. Introduce for first reading Ordinance No. MC-1463, an Ordinance of the Mayor and City Council of the City of San Bernardino, California, amending Title 2 of the San Bernardino Municipal Code, adding Chapter 2.19 establishing an Elected Official Compensation Advisory Commission.

26. Election of Mayor Pro Tempore

Recommendation: Open nominations for a member of the City Council to serve as Mayor Pro Tempore until December 19, 2018.

27. U.S. Conference of Mayors

Recommendation: Receive an oral report by Mayor R. Carey Davis.

PUBLIC HEARING

28. U.S. Veterans Social Service Housing Facility – Appeal 17-01 for Conditional Use Permit 17-14 and Minor Exception 17-06

Recommendation: Continue the public hearing of Appeal 17-01, which is an appeal of the Planning Commission’s denial of Conditional Use Permit 17-14 and Minor Exception 17-06, to the next regularly scheduled meeting on February 21, 2018.

29. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA
30. ITEMS TO BE REFERRED TO CITY COUNCIL COMMITTEES
31. ANNOUNCEMENTS BY MAYOR, CITY COUNCIL AND EXECUTIVE STAFF
32. 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 21, 2018 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 February 7, 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, February 2, 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.