CALL TO ORDER: ___________________________________________

PRESENT:   ___________________________________________

ABSENT:   ___________________________________________

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 Common Council/Community Development Commission. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.
CLOSED SESSION

1. Pursuant to Government Code Section(s):

Consensus

MOTION: That the Mayor and Common Council and Community Development Commission recess to closed session for the following:

A. Conference with legal counsel – existing litigation – pursuant to Government Code Section 54956.9(a):

  Mark Emoto v. City of San Bernardino, et al. – San Bernardino Superior Court Case No. SCVSS 119904;


B. Conference with legal counsel – anticipated litigation – significant exposure to litigation – pursuant to subdivision (b) (1), (2), (3) (A-F) of Government Code Section 54956.9:

  Discuss Agenda Item No. R30

C. Conference with legal counsel – anticipated litigation – initiation of litigation – pursuant to subdivision (c) of Government Code Section 54956.9.

D. Closed Session – personnel – pursuant to Government Code Section 54957.

E. Closed session with Chief of Police on matters posing a threat to the security of public buildings or threat to the public’s right of access to public services or public facilities – pursuant to Government Code Section 54957.

F. Conference with labor negotiator – pursuant to Government Code Section 54957.6.

(Item Continued on Next Page)

1. Continued.
G. Conference with real property negotiator – pursuant to Government Code Section 54956.8:

1. Property: 247 W. Third Street
   
   Negotiating Parties: Judith Valles, Mayor, on behalf of the Redevelopment Agency, property owners, and Gerry Newcombe, Deputy Administrative Officer, on behalf of the County of San Bernardino

   Under Negotiation: Purchase price, terms and conditions

2. Property: That parcel consisting of approximately 67.75 acres identified as Parcel 1-2 at the San Bernardino International Airport, and generally bounded by Harry Sheppard Boulevard, Del Rosa Drive, Paul Villasenor Boulevard, and Memorial Drive
   
   Negotiating Parties: Don Rogers on behalf of the Inland Valley Development Agency. David Newsom on behalf of Hillwood/San Bernardino LLC. Bruce Varner on behalf of Stater Bros. Markets. James F. Penman on behalf of the City of San Bernardino

   Under Negotiation: Terms and conditions

**Uptown Redevelopment Project Area**

   
   Owner/Seller: Mayor Judith Valles, on behalf of the Redevelopment Agency of the City of San Bernardino, property owner(s)

   Buyer: San Bernardino City Unified School District ("District")

(Item Continued on Next Page)

1. Continued.

**Central City North Redevelopment Project Area (Old Towne)**
4. **Property:** 631 North “G” Street  
APN 0134-021-29  

**Negotiating Parties:** Gary Van Osdel, Executive Director, on behalf of the Redevelopment Agency, and Willie Wagoner, Jerry Napoleon Wagoner, Rose Harris, and Independent Trinity Church of God in Christ, property owners  

**Under Negotiation:** Purchase price, terms and conditions  

**Central City East Redevelopment Project Area**

5. **Property:** 303 West 3rd Street  
APN 0135-211-17  

**Negotiating Parties:** Gary Van Osdel, Executive Director, on behalf of the Redevelopment Agency, and 303 L.L.C., property owner(s)  

**Under Negotiation:** Purchase price, terms and conditions  

**IVDA Redevelopment Project Area (Meadowbrook)**

6. **Property:** 123 N. Sierra Way  
APN 0135-292-35  

**Negotiating Parties:** Gary Van Osdel, Executive Director, on behalf of the Redevelopment Agency, and/or San Bernardino City Housing Authority and Carlos Dorticos, property owner(s)  

**Under Negotiation:** Purchase price, terms and conditions  

**Closed Session Announcement**

Assistant City Attorney Easland announced that in closed session the Mayor and Common Council approved the retention of Lewis, Brisbois, Bisgaard and Smith to advise the Civil Service Board in the Mark Emoto disciplinary matter and to assist Councilman Johnson in preparing a letter to the Fair Political Practices Commission (FPPC) for determination of a potential conflict.

**END OF CLOSED SESSION**
RECONVENE MEETING – 3:00 P.M.

PRESENT: _________________________________________

ABSENT: _________________________________________

INVOCATION: _________________________________________

PLEDGE: _________________________________________

2. Appointments.

3. Presentations.

A. Service Pin Awards.

4. Announcements by Mayor and Common Council.

All Consent Calendar items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or other interested persons so request, in which event the item will be removed from the Consent Calendar and considered in its normal sequence on the agenda. Information concerning Consent Calendar items is available for public review.

CONSENT CALENDAR

Approved
MOTION: That the motions indicated by consent calendar items 5 through 26, be adopted except for 10, 13, 15, 17, 18, and 24.

5. Waive full reading of resolutions and ordinances.

Approved
MOTION: That full reading of the resolutions and ordinances on the regular, supplemental and addendum to the supplemental agendas of the Mayor and Common Council/Community Development Commission and San Bernardino City Housing Authority, be waived.

6. Council Minutes. (See Attached)

Approved
MOTION: That the minutes of the following meetings of the Mayor and Common Council/Community Development Commission of the City of San Bernardino be approved as submitted in typewritten form: March 21, 2005 (Distributed on 4/7/05)

7. Claims and Payroll. (See Attached)
Approved MOTION: That the claims and payroll and the authorization to issue warrants as listed on the memorandum dated April 11, 2005, from Barbara Pachon, Director of Finance, be approved.

8. Personnel Actions. (See Attached)

Approved MOTION: That the personnel actions, as submitted by the Chief Examiner, dated April 12, 2005 (Revised 4/18/05) in accordance with Civil Service rules and Personnel policies adopted by the Mayor and Common Council of the City of San Bernardino, be approved and ratified.

City Attorney

9. Resolution of the Mayor and Common Council of the City of San Bernardino authorizing the execution of a Professional Services Agreement between Arias, Lockwood & Gray and the City of San Bernardino to represent the City in the claim of Harold E. Sykes v. City of San Bernardino. (Document and Resolution not available at time of printing.)

Approved MOTION: That said resolution be adopted.

Adopted 2005-83

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X

10. Set a public hearing for Monday, May 2, 2005, at 4:00 p.m., to consider an agreement with Nestor Traffic Systems. (See Attached)

Approved MOTION: That the Mayor and Common Council set a public hearing for May 2, 2005, at 4:00 p.m. to consider an Agreement with Nestor Traffic Systems.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X

City Clerk

11. Review and take action regarding the need for continuing in effect the local emergency caused by the Old Waterman Canyon Fire pursuant to Government Code Section 8630 (c)(1).

Approved MOTION: That the Mayor and Common Council confirm the need for continuing in effect the local emergency caused by the Old Waterman Canyon Fire.
Code Compliance

12. Resolution of the City of San Bernardino objecting to the May 2005 Tax Sale of properties with City assessments. (See Attached) (No cost to the City.) (Resolution not available at time of printing.) All Wards

Approved
MOTION: That said resolution be adopted.
Adopted 2005-84

Development Services

13. Resolution of the City of San Bernardino authorizing the execution of Amendment No. 2 to Cooperative Agreement between the City of San Bernardino and the San Bernardino Associated Governments (SANBAG) for State Street Storm Drain Project, Contract No. 03-005. (See Attached) (Cost to the City -- $2,310,585 in Storm Drain Construction Funds over six years.) (Resolution not available at time of printing.) Ward 6

Approved
MOTION: That said resolution be adopted.
Adopted 2005-92

14. Resolution of the City of San Bernardino amending Resolution No. 655 entitled, in part, “A Resolution … designating certain streets, or portions thereof as through highways…” and declaring Magnolia Avenue from Belmont Avenue to Garfield Street a through highway. (See Attached) (Cost to the City -- $1,000 from the General Fund.) (Resolution not available at time of printing.) Ward 5

Approved
MOTION: That said resolution be adopted.
Adopted 2005-85

15. Resolution of the City of San Bernardino amending Resolution No. 655 entitled, in part, “A Resolution … designating certain streets, or portions thereof as through highways…” and establishing a 4-way stop at the intersection of Eleventh Street and Wilson Street. (See Attached) (Cost to the City -- $600 from the General Fund.) (Resolution not available at time of printing.) Ward 6

Approved
MOTION: That said resolution be adopted.
Adopted 2005-93
16. Resolution of the City of San Bernardino amending Resolution No. 3985 entitled, in part, “A Resolution … prohibiting parking upon certain designated streets, alleys, or portions thereof…” to remove certain sections of the no parking any time zone on the west side of Little Mountain Drive between Twenty-seventh Street and one thousand four hundred and sixty five feet north of Twenty-seventh Street. (See Attached)  (Cost to the City -- $800 from the General Fund.)  (Resolution not available at time of printing.)  Ward 2

Approved
MOTION: That said resolution be adopted.

Adopted 2005-86

17. Resolution of the Mayor and Common Council of the City of San Bernardino approving the Final Map for Tract Map No. 15940, located at the northwest corner of Irvington Avenue and Palm Avenue, accepting the public dedications as set forth on said map; and authorizing execution of the standard form of agreement for the improvements in said subdivision, with time for performance specified. (See Attached)  (No cost to the City.)  (Resolution not available at time of printing.)  Ward 5

Approved
MOTION: That said resolution be adopted.

Adopted 2005-94

18. Resolution of the Mayor and Common Council of the City of San Bernardino approving the Final Map for Tract Map No. 16457, located at the northeast corner of Irvington Avenue and Palm Avenue, accepting the public dedications as set forth on said map; and authorizing execution of the standard form of agreement for the improvements in said subdivision, with time for performance specified. (See Attached)  (No cost to the City.)  (Resolution not available at time of printing.)  Ward 5

Approved
MOTION: That said resolution be adopted.

Adopted 2005-95

19. Authorization to proceed and approval of Plan No. 11416 – proposed vacation of the east/west street lying between “D” Street and Stoddard Avenue south of State Route 210 (30). (Document not available at time of printing.)

Approved
MOTION #1: That the Director of Development Services and the City Clerk be authorized to proceed with the vacation the east/west street lying between “D” Street and Stoddard Avenue, south of State Route 210 (30); and

(Item Continued on Next Page)

Approved

MOTION #2: That Plan No. 11416 depicting the proposed vacation of the east/west street lying between “D” Street and Stoddard Avenue, south of State Route 210 (30), be approved.

Facilities Management

20. Authorize execution of Change Order No. One to contract with Cabral Roofing and Waterproofing Corporation for re-roofing at the Carousel Mall in the amount of $35,081, and authorize a budget increase of $16,875.00. (See Attached)  (Cost to the City -- $35,081 from Central City Bond Proceeds.)

Ward 1

Approved

MOTION: That the Mayor and Common Council authorize the Finance Director to execute Change Order No. One to the contract with Cabral Roofing and Waterproofing Corporation for re-roofing at the Carousel Mall in the amount of $35,081; and authorize a budget increase of $16,875 using Central City Bond Proceeds.

Fire

21. Resolution of the Mayor and Common Council of the City of San Bernardino ratifying the existence of a local emergency related to a train derailment.  (See Attached)  (Resolution not available at time of printing.)

Approved

MOTION: That said resolution be adopted.

Adopted 2005-87

Human Resources

22. Resolutions establishing a basic compensation plan for the General Unit Bargaining Unit.  (See Attached)

A. Resolution of the City of San Bernardino amending Resolution No. 6413, Section Ten, entitled in part “A Resolution . . . establishing a basic compensation plan . . .”; by updating information codifying prior Council actions (General Unit). (Effective date of April 1, 2005)  (No cost to the City.) (Resolution not available at time of printing.)

Adopted 2005-88

(Item Continued on Next Page)
B. Resolution of the City of San Bernardino amending Resolution No. 6413, Section Ten, entitled in part “A Resolution . . . establishing a basic compensation plan . . .”; by updating information codifying prior Council actions (General Unit). (Effective date of January 1, 2006) (No cost to the City.) (Resolution not available at time of printing.)

Adopted 2005-89

Approved
MOTION: That said resolutions A & B, be adopted.

23. Resolution of the City of San Bernardino approving a Side Letter to Resolution No. 2005-75, Resolution of the City of San Bernardino and Employees in the General Bargaining Unit of the City of San Bernardino represented by the San Bernardino Public Employees Association amending Article III, Compensation, Section 1, Salaries. (See Attached) (No cost to the City.) (Resolution not available at time of printing.)

Approved
MOTION: That said resolution be adopted.
Adopted 2005-90

24. Resolution of the City of San Bernardino authorizing the Mayor of the City of San Bernardino or her designee to execute a Memorandum of Understanding with the San Bernardino City Unified School District to provide contractual services for fourteen (14) before & after-school recreation programs at school district sites. (See Attached) (No cost to the City.) (Resolution not available at time of printing.) All Wards

Approved
MOTION: That said resolution be adopted.
Adopted 2005-96

25. Update hourly rates for the Senior Nutrition Program, reclassify the position of Recreation Specialist and create the position of Lead Delivery Driver. (See Attached) (No cost to the City – Program is grant funded.) All Wards

(Item Continued on Next Page)

25. Continued.

Approved
MOTION #1: That the Mayor and Common Council update the hourly rates for the following grant positions: Food Service Supervisor II, from $15.00 to $19.56 per hour; and Food Service Worker I, from $6.75 to $7.00 per hour; and

Approved

MOTION #2: That the Mayor and Common Council reclassify the position of Recreation Specialist-Food Service to Food Service-Program Specialist and increase the salary from $9.00 to $11.00 per hour; and

Approved

MOTION #3: That the Mayor and Common Council create the position of Lead Delivery Driver to the authorized grant positions at a rate of $10.00 per hour; and

Approved

MOTION #4: That the Mayor and Common Council authorize the Human Resources Director to update Resolution Nos. 2003-278 and 97-244.

Approved

POLICE

26. Resolution of the Mayor and Common Council of the City of San Bernardino authorizing the execution of an Agreement for the San Bernardino Police Department to participate as a member of the San Bernardino County Movement Against Street Hoodlums. (See Attached) (No Cost to the City.) (Resolution not available at time of printing.) All Wards

Approved

MOTION: That said resolution be adopted.

Adopted 2005-91

END OF CONSENT CALENDAR

COMMITTEE CONSENT

XX

Recommended for approval at the Legislative Review Committee meeting on April 5, 2005 – Members present: Johnson and Kelley

27. An Ordinance of the City of San Bernardino amending Section 8.60.070(P) of the San Bernardino Municipal Code, adding Section 8.60.095 to the San Bernardino Municipal Code, and amending Sections 8.60.130(A) and (C) of the San Bernardino Municipal Code relating to fireworks. FIRST READING (Document and Ordinance not available at time of printing.)

(Item Continued on Next Page)

27. Continued.

Approved
MOTION: That said ordinance be laid over for final adoption.

Vote: Ayes: Council Members/Commissioners Longville, McGinnis, Derry, Kelley, Johnson. Nays: None. Absent: Council Members/Commissioners Estrada, McCammack.

END OF COMMITTEE CONSENT

PUBLIC HEARINGS

CONTINUED FROM APRIL 4, 2005
TO BE HEARD AT 4:00 P.M.
Development Services

28. Public hearing – resolution ordering work – Orange Show Road and Arrowhead Avenue Landscape Maintenance Assessment District No. 1038 (Parcel No. 16222). (Backup material was distributed on February 7, 2005, Item No. 18; item was continued to February 22, 2005, Item No. 17; item was continued from March 7, 2005, Item No. 18, item was continued to March 21, 2005, Item No. 31, and item was continued to April 4, 2005, Item No. 25.)

Resolution of the City of San Bernardino finding and determining the existence of less than a majority protest, that ballots representing at least fifty percent (50%) affirmative votes for the proposed assessment have been received and that the public convenience and necessity require the maintenance of landscaping in the area of Orange Show Road and Arrowhead Avenue, approving the Final Engineer’s Report, creating an assessment district to cover the costs of said maintenance, known as Assessment District No. 1038 ordering the work, confirming the 2005-2006 Assessment Roll, and determining that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply.

The hearing remains open . . .

Approved

MOTION: That the matter be continued to May 2, 2005.

END OF PUBLIC HEARINGS
STAFF REPORTS

Resolution approving an Agreement with Essex Orangeshow Commerce Center LLC for Landscape Maintenance Services for City imposed Landscape Maintenance Assessment District No. 1038 (Parcel Map No. 16222). (Document and Resolution not available at time of printing.)

Approved

MOTION: That the matter be continued to May 2, 2005.

COMMUNITY DEVELOPMENT COMMISSION

Recommended for approval at the Redevelopment Committee meeting on March 8, 2005 – Committee Members Present: Estrada, Longville and McGinnis

R30. Resolution of the Community Development Commission of the City of San Bernardino approving and authorizing a Five (5) One (1) Year extension to the Theatrical Arts International Operation and Management Agreement for the California Theatre (“2005 Agreement”) and authorizing the Executive Director to execute the 2005 Agreement on behalf of the Redevelopment Agency of the City of San Bernardino. (Document and Resolution not available at time of printing.)

Approved

MOTION: That said resolution be adopted, as amended, for a one (1) year extension.

Adopted CDC/2005-14

Recommended for approval at the Redevelopment Committee meeting on April 5, 2005 – Committee Members Present: Estrada, Longville and McGinnis

R31. Resolution of the Community Development Commission of the City of San Bernardino approving and authorizing Amendment No. 1 to the Capital Grant Participation Agreement by and between the Redevelopment Agency of the City of San Bernardino and Grow America Fund, Inc., for the Grow San Bernardino Fund Program. (Document and Resolution not available at time of printing.)

Approved

MOTION: That said resolution be adopted.

Adopted CDC/2005-15
MAYOR AND COMMON COUNCIL
AND
COMMUNITY DEVELOPMENT COMMISSION
OF THE CITY OF SAN BERNARDINO
AND THE
SAN BERNARDINO CITY HOUSING AUTHORITY

RECONVENE MEETING
MONDAY, APRIL 18, 2004 – 6:00 P.M.

PRESENT:  ___________________________________________

ABSENT:  ___________________________________________

PLANNING ITEMS

TO BE HEARD AT 6:00 P.M.

32. Public hearing - approve Tentative Tract Map No. 16947 to subdivide approximately 6.78 acres into 29 single-family residential lots and Development Permit (Type III) No. 04-44 to construct 28 detached single-family homes at the project site on the north side of 7th Street, between San Carlos Avenue and San Anselmo Avenue in the RS, Residential Suburban, land use district. (See Attached) (No cost to the City.)      Ward 6

   Applicant:  Kevin Roberts
               Spectra Homes, LLC
               521-½ Myrtle, No. 7
               Monrovia, CA 91016

   Owner:     Etiwanda SB Investment
              2190 Homet Road
              San Mateo, CA 91108

   Request/Location: The applicant requests approval of Tentative Tract Map No. 16947 to subdivide approximately 6.78 acres into 29 single-family residential lots and Development Permit (Type III) No. 04-44 to construct 28 detached single-family homes. The project site is located on the north side of 7th Street, between San Carlos Avenue and San Anselmo Avenue in the RS, Residential Suburban, land use district.

   Mayor to open the hearing . . .

   (Item Continued on Next Page)

32. Continued.
No Action Taken
MOTION #1: That the hearing be closed; that the Mayor and Common Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring/Reporting Program (Attachment F); and

No Action Taken
MOTION #2: That the Mayor and Common Council approve Tentative Tract Map No. 16947 and Development Permit (Type III) No. 04-44, based upon the Findings of Fact contained in the Planning Commission staff report dated February 8, 2005, subject to the Conditions of Approval (Attachment C) and Standard Requirements (Attachment D), which includes initiation of eminent domain proceedings.

Approved
MOTION: That the matter be continued to May 2, 2005, at 6 p.m.

33. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA: A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and Common Council/Community Development Commission on a matter not on the agenda. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. (Usually any items heard under this heading are referred to staff for further study, research, completion and/or future Council/Commission action.)

34. Adjournment.

Consensus
MOTION: That the meeting be adjourned to Monday, April 25, 2005, at 6:30 p.m., in the Council Chambers of City Hall, 300 North “D” Street, San Bernardino, California.

NOTE: The next joint regular meeting of the Mayor and Common Council/Community Development Commission is scheduled for 1:30 p.m., Monday, May 2, 2005, in the Council Chambers of City Hall, 300 North “D” Street, San Bernardino, California.