

**AGENDA**  
**REGULAR MEETING**  
**CITY OF BANNING**  
**BANNING, CALIFORNIA**

April 11, 2017  
**5:00 p.m.**

Banning Civic Center  
Council Chambers  
99 E. Ramsey Street

*Per City Council Resolution No. 2016-44 matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

**I. CALL TO ORDER**

- Invocation – Rev. Tate Crenshaw, Life Point Church
- Pledge of Allegiance
- Roll Call – Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

**II. REPORT ON CLOSED SESSION**

**III. PRESENTATIONS**

1. Proclamation to Bill Dickson (*ORAL*)
2. Proclamation – DMV Donate Life California Month to Barbara Do Couto . . . **1**
3. Stagecoach Days Budget Update by Amy Pippenger (*ORAL*)
4. Lobbyist Update by Letitia White, Innovative Federal Strategies (*ORAL*)

**IV. ANNOUNCEMENTS/REPORTS (*Upcoming Events/Other Items if any*)**

- City Council Reports
- City Committee Reports
- Report by City Attorney

**V. PUBLIC COMMENTS/ /CORRESPONDENCE/CITY MANAGER REPORT/ SCHEDULEMEETINGS**

*The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provided responsive, fair treatment to all and is the pride of its citizens.*

## PUBLIC COMMENTS – On Items Not on the Agenda

*A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.*

**CORRESPONDENCE:** Items received under this category may be received and filed or referred to staff for future research or a future agenda.

## REPORT BY CITY MANAGER

### SCHEDULE MEETINGS

1. Mid-Term Budget Workshop – May 23<sup>rd</sup> – 2:30 p.m.

## **VI. CONSENT ITEMS**

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council wishes to remove an item for separate consideration.)*

**Motion: To approve Consent items 1 through 7: Items to be pulled \_\_, \_\_, discussion.**

*(Resolutions require a recorded majority vote of the total membership of the City Council)*

1.	Approval of Minutes – Special Meeting – 03/28/17 .....	3
2.	Approval of Minutes – Special Meeting – 03/28/17 (Workshop) .....	9
3.	Approval of Minutes – Special Meeting – 03/28/17(Closed) .....	15
4.	Approval of Minutes – Regular Meeting – 03/28/17.....	17
5.	Ordinance No. 1509 – 2 <sup>nd</sup> Reading: An Ordinance of the City Council of the City of Banning, California, Approving a Categorical Exemption and Approving Zoning Text Amendment No. 17-97501 Amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) to Allow for the Establishment of Community Gardens .....	47
6.	Receive and File List of Contracts Approved Under the City Manager’s Signature Authority .....	55
7.	Information on a Detailed Audit of the City of Banning’s Utility Departments and Utility Billing.....	59

- Open Consent Items for Public Comments
- Make Motion

## **VII. REPORTS OF OFFICERS**

1. Discuss and Consider Adopting Resolution 2017-34, Approving the Measure “A” Five Year Capital Improvement Plan Project List and authorizing the City Manager to execute the Maintenance of Effort Certification Statement ..... .61  
(Staff Report – Art Vela, Public Works Director)  
**Recommendation: The City Council adopt Resolution 2017-34, approving the Measure “A” Five Year Capital Improvement Plan Project List and authorizing the City Manager to execute the Maintenance of Effort Certification Statement.**
  
2. Discuss and Consider Adopting Resolution 2017-37, Authorizing a Grant Application Submittal for SB-821 Bicycle and Pedestrian Grant Program Funding Including a Commitment to Allocate Matching Funds . .79  
(Staff Report – Art Vela, Public Works Director)  
**Recommendation: The City Council adopt Resolution 2017-37, authorizing a grant submittal for Senate Bill 821 (SB-821) Bicycle and Pedestrian Grant Program funding, which includes a commitment to allocate matching funds.**
  
3. Discuss and Consider Adopting Resolution 2017-38, Approving an Amendment to the Professional Services Agreement with BOA Architecture for Design of Improvements to the Community Center Facilities in the amount of \$13,300 to Include Mold Remediation, Repairs to Water Damaged Areas, and Roof Improvements ..... 121  
(Staff Report – Art Vela, Public Works Director)  
**Recommendation: The City Council: 1) adopt Resolution 2017-38, approving the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in the amount of \$13,300 for Design of Improvements to the Community Center Facilities for a total project budget of \$45,640; 2) authorizing the City Manager or his designee to make necessary budget adjustments, appropriation and transfers related to Resolution 2017-38; and 3) authorizing the City Manager to execute the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in the amount of \$13,300.**
  
4. Discuss and Consider Granting Temporary Access to City-Owned Real Property (APN 532-180-038) to Vining Industrial Park, LLC. .... 137  
(Staff Report – Ted Shove, Economic Development Manager)  
**Recommendation: The City Council: 1) approve Temporary Access License Agreement with Vining Industrial Park, LLC; 2) Adopt Resolution 2017-40, approving Temporary Access License Agreement with Vining Industrial Park, LLC and authorizing access to conduct field inspections, observations, and sampling; and 3) authorize City Attorney to take such additional, related action that may be necessary.**

5. Discuss and Consider Approving Resolution 2017-41, Establishing A Pre-Approved Information Technology (IT) Vendor List for the Remainder of Fiscal Year 2017 and for Fiscal Year 2018 . . . . .**157**  
(Staff Report – Eric Brown, Information Technology Manager)

**Recommendation: City Council approve Resolution 2017-41, establishing a pre-approved vendor list established through existing city wide usage and authorize the purchase of IT supplies and commodities from competitively bid cooperative organizations and/or GSA Schedule 70 (GSA Advantage) for the remainder of FY 2017 and for FY 2018 concurrent approved budgets.**

**BANNING UTILITY AUTHORITY- no meeting.**

**BANNING FINANCING AUTHORITY (BFA) - no meeting.**

**VIII. ITEMS FOR FUTURE AGENDAS**

New items –

Pending Items – City Council

*(Note: Dates attached to pending items are the dates anticipated when it will be on an agenda. The item(s) will be Removed when completed).*

**IX. ADJOURNMENT**

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.*

**NOTICE:** Any member of the public may address this meeting of the Mayor and City Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council 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.

**In compliance with the Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office (951-922-3102). **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]





## PROCLAMATION

*WHEREAS*, organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

*WHEREAS*, more than 118,000 individuals nationwide and almost 21,000 in California are currently on the national organ transplant waiting list, and on average, 22 people die each day while waiting due to the shortage of donated organs; and

*WHEREAS*, the need for donated organs is especially urgent in Hispanic and African American communities; and

*WHEREAS*, more than 600,000 units of blood per year are needed to meet the need in California and at any given time, 6,000 patients are in need of volunteer marrow donors; and

*WHEREAS*, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need; and

*WHEREAS*, millions of lives each year are saved and healed by donors of organs, tissues, marrow and blood and the spirit of giving and decision to donate are not restricted by age or medical condition; and

*WHEREAS*, over twelve million Californians have signed up with the state-authorized Donate Life California Donor Registry to ensure their wishes to be organ, eye and tissue donors are honored; and

*WHEREAS*, California residents can sign up with the Donate Life California Donor Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles.

**NOW, THEREFORE, BE IT RESOLVED**, that I, George Moyer, Mayor of the City of Banning along with the City Council in recognition of National Donate Life Month, hereby proclaim the month of April 2017 as "**DMV/Donate Life California Month**" in the city of Banning, and in doing so we encourage all Californians to check "YES!" when applying for or renewing their driver's license or I.D. card, or by signing up at [www.donateLIFEcalifornia.org](http://www.donateLIFEcalifornia.org) or [www.doneVIDAcalifornia.org](http://www.doneVIDAcalifornia.org).

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Banning, California to be affixed this 11<sup>th</sup> day of April, 2016.*

**ATTEST:**

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Marie A. Calderon, City Clerk

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George Moyer, Mayor

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/28/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on March 28, 2017 at 1:07 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Andrade  
Councilmember Franklin  
Councilmember Welch  
Mayor Moyer

COUNCIL MEMBERS ABSENT: Councilmember Peterson (*excused*)

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Art Vela, Public Works Director  
Fred Mason, Electric Utility Director  
Alex Diaz, Chief of Police  
Heidi Meraz, Community Services Director  
Patty Nevins, Interim Community Development Director  
John McQuown, City Treasurer  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

## PUBLIC COMMENTS – *On Items Not on the Agenda*

There were none.

## EMPLOYEE RECOGNITION PROGRAM

## 1. Presentations to Employees

Deputy City Manager Clayton welcomed everyone to the Employee Recognition Program and at this time introduced the Quality Improvement Team who worked on this event: Sonja De La Fuente, Joni Miller, Jennifer McCoy, Jason Smith, Ana Sandoval, Laurie Sampson, Sandra Castaneda, Patrick Stephens, and Chelse Youngblood. Presentations to employees in recognition of years of service and special achievements were made by the Mayor, City Council Members, City Manager and Department Directors as listed in attached Exhibit "A". City Manager thanked the staff and employees for helping him and the Council achieve their goals.

ADJOURNMENT

By common consent the meeting adjourned at 1:39 p.m.

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Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.

## Exhibit “A”

## 5-9 Year Service Awards (cont.)

Patrick Kelly, Police Corporal  
Patrick Stephens, Information Technology/Media Technician  
Ruben Macias, Sr. Maintenance Worker  
Sandra Castaneda, Utility Billing Representative  
Scott Foster, Recreation Sports Coordinator-Part time  
Tisha Showers, Utility Services Assistant  
Warren Woodstock, Wastewater Collect. Sys. Supervisor  
Wendi Nees, Public Safety Dispatcher-Part time

### 2016 Special Achievements

Jason Smith

Powerline Crew Supervisor

Bachelor of Science in Business  
University of Redlands

Patrick Stephens

Information Technology/Media Technician  
Bachelor of Arts in Communication Studies  
California Baptist University

As City leaders, we appreciate all of our employees. We know you strive everyday in your jobs to put Banning first. We are proud to have you serve our residents and visitors. Thank you!

### VISION STATEMENT

The City of Banning promotes and supports a high quality of life that ensures a safe and friendly environment, fosters new opportunities and provides responsive, fair treatment to all and is the pride of its citizens.

### PROPOSED CORE VALUES

**Customer Service Excellence**—We excel in what we do by staying responsive, flexible, patient and professional.

**Integrity**—We are ethical, accountable and compliant with our responsibility to the public and community.

**Teamwork**—We work together and maintain great communication and respect and foster a fun and enjoyable atmosphere to take pleasure in what we do.

**6 Yes-Minded**—We recognize diversity and maintain a positive attitude to do all we can to serve the community in the safest and most responsible manner.

## **CITY OF BANNING**

### **EMPLOYEE RECOGNITION APPRECIATION CEREMONY**



STAGECOACH TOWN USA

Proud History • Prosperous Tomorrow

**March 28, 2017**

**1:00 p.m.**

**Council Chambers**

## Welcome

George Moyer, Mayor  
Debbie Franklin, Mayor Pro Tem  
Art Welch, Councilmember  
Don Peterson, Councilmember  
Daniela Andrade, Councilmember

### **Presentation of Awards**

Michael Rock, City Manager  
Rochelle Clayton, Deputy City Manager/Admin. Svcs. Dir.  
Art Vela, Public Works Director  
Fred Mason Lewis, Electric Utility Director  
Alex Diaz, Chief of Police  
Heidi Meraz, Community Services Director  
Patty Nevins, Interim Community Development Director

It is often said that employees are an organization's biggest asset. That is certainly true of these employees and all the employees of the City of Banning. We thank you for your efforts and congratulate you for your years of dedicated service and special achievements.

### **Years of Service Recognition**

The following employees are being recognized for their years of service with the City as of December 31, 2016.

### **35 Year Service Awards**

Rita Chapparosa, Human Resources and Risk Manager  
Stan Smith, Sr. Recreation Leader

### **25-29 Year Service Awards**

Carl D Szoyka, Public Works Superintendent  
Deborah Shubin, Code Compliance Officer  
Michael Steen, Sr. Electric Service Planner  
Leila Lopez, Office Specialist

### **15 -19 Year Service Awards**

Chelsea Youngblood, Lead Public Safety Dispatcher

### **15-19 Year Service Awards (cont.)**

Cynthia Yoder, Bus Driver  
Frederick Mason Lewis, Electric Utility Director  
Jason Smith, Powerline Crew Supervisor  
Jason Valdez, Water Production Operator II  
Jason Woods, Powerline Crew Supervisor  
Juanita Munoz, Sr. Utility Billing Representative  
Mario Elizondo, Powerline Technician  
Michael Loader, Police Staff Sergeant  
Michael Lopez, Airport Attendant  
Richard D Diaz, Electric Meter Test Technician  
Sandra Calderon, Development Project Coordinator

### **10 Year Service Awards**

Arthur Chacon, Code Compliance Officer  
Carla Young, Management Analyst  
Damon Stuart, Powerline Technician  
Ger Kue, Community Center Caretaker  
Joe Arias, Powerline Technician  
Kathy Brandon, Sr. Utility Billing Representative  
Pamela Stone, Public Safety Dispatcher  
Perry Gerdes, Water/Wastewater Superintendent  
Vincent Avila, Police Staff Sergeant

### **5-9 Year Service Awards**

Amber Rockwell, Utility Services Assistant  
Ana Sandoval, Program Coordinator  
Brandon Smith, Police Officer  
Christopher Thornton, Wastewater Collect. Syst. Technician  
Hector Baeza, Water Crew Lead  
Ivano Torres, Bus Driver  
James Steffens, Pwr Resources & Rev Administrator  
James Thompson, Public Works Inspector  
Jeff Frost, Water Services Worker  
Jeffrey Todd Parker, Lead Field Service Representative  
Jeffrey Woodley, Sr. Maintenance Worker  
Jennifer Segura, Police Officer  
Joni Miller, Human Resources Technician  
Joyce Phillips, Financial Services Specialist-Part time  
Maribel Munoz, Financial Services Specialist  
Nissa Tammany, Police Officer

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/28/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on March 28, 2017 at 3:00 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Andrade  
Councilmember Franklin  
Councilmember Welch  
Mayor Moyer

COUNCIL MEMBERS ABSENT: Councilmember Peterson (*excused*)

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Ted Shove, Economic Development Manager  
Art Vela, Public Works Director  
Philip Southard, Public Information Officer  
Heidi Meraz, Community Services Director  
Sonja De La Fuente, Executive Assistance/Deputy City Clerk  
Marie A. Calderon, City Clerk

PUBLIC COMMENTS – *On Items Not on the Agenda*

There were none.

## WORKSHOP

## 1. CV Strategies Communication Plan

Janet Zimmerman, CV Strategies addressed the Council at this time stating that CV Strategies is a communications firm based in Palm Desert with offices in Corona and Sacramento and they are the largest firm of their type in the region. They were hired a year ago to assess the external and internal communications in the City of Banning and before the City hired the Public Information Officer they also did a little bit of public relations work. More recently they were asked to use the information that they gathered during the assessment to develop a formal communications plan so that is where we are at today.

## Why do you need a communications plan?

Ms. Zimmerman said at the start of this process the City was interested in refining its brand, recalibrating focus, over-coming cultural obstacles, and turning the assessment data into action items. Improving communication will allow the City to better share key information with residents and understand their priorities when it comes to issues such as growth, essential services, and community participation. Some of the recommendations are already underway, for instance, the City hired a Public Information Officer who is key to the communication efforts and also for carrying out this plan. Another recommendation was a regular newsletter to keep citizens informed and that has taken place. The communications plan was developed out of the original assessment which involved more than 100 hours of research and information gathering. The CV Strategies audit team securitized existing communication materials and protocols, interviewed staff and elected leaders and constituents, conducted a survey and audited the City's social media, digital and media presence. This process allowed them to identify Banning's strengths, challenges and opportunities and to set priorities for Phase 2 of the project which is where we are at today. Working closely with staff and Council Members goals were developed for the City's communications so these objectives are:

- Develop an environment that supports and inspires open communication among all citizens, elected leaders, employees and managers.
- Increase public awareness of the Banning brand and the many services it provides to residents, businesses and visitors.
- Enhance and coordinate all City communications, both internal and external, to promote a one-city-one voice policy.
- Support the City's efforts to fulfill its strategic goals as established by the City Council.
- Maximize outreach efficiency and return on investment by evaluating tools, prioritizing resource use and practicing proactive communications.

### Core Identity

Ms. Zimmerman said that part of this process was to define Banning's Core Identity and what it means to its residents. It is important to emphasize Banning's distinction as a full-service City and highlight its characteristics when communicating with citizens, stakeholders and peers. You should invest in on-going conversations both internally and externally so going forward the Council and employees should be mindful of the City's key messages that were developed in collaboration with staff to reflect the priorities and values of citizens and elected leaders.

### Plan Areas of Focus

Ms. Zimmerman said these are some of the areas that were defined where they could cast some focus:

- Brand Refinement and Awareness
- Community Engagement and Empowerment
- Redefining Internal Communication Culture
- Strategic Priorities Support
- Long-Term Strategy and Resource Optimization

Brand Refinement: One of the most critical issues in effective communications is the brand. It starts with the City's logo and tagline and making sure that they are employed consistently as spelled out in a style guide which is one of the recommendations to be developed. Part of branding includes helping employees understand and promote the significance of the City's ideals. This means training customer service and field staff on brand identity and key messages and regularly testing awareness of City services and goals.

Community Engagement and Empowerment: This focuses on telling the City's story and a rich one it is. As part of spreading the City's key messages employees who interact with the public should receive spokesperson training. The Public Information Officer should promote the City by finding and sharing success stories with the media and with citizens and develop advertising for City events. There is opportunity for enabling citizen participation through town hall meetings, citizen advisory committees, and surveys.

Redefining Internal Communications Culture: This presents perhaps the greatest opportunity for improvement and the flow of information. This section involves setting procedures to quickly and consistently communicate policy, offer training, emphasize the partner role in representing the Banning brand, and organizing team building events and celebrations to build relationships among City employees and Council Members.

Strategic Priorities Support: This is where you should be gathering feedback that guides strategy evolution and builds communication. It is vital to connect Council priorities with messaging and adjust the communications plan as necessary.

Long-Term Strategy and Resource Optimization: These are actions that promote the City whenever possible. From sponsoring events to issuing press releases that publicize City success stories this is a chance to put Banning in the spotlight. Employees should be encouraged to identify positive stories to share throughout the organization and external communication effort should be evaluated to measure return on investment. Preparing and training for crisis communications should also be employed as part of this strategy.

Ms. Zimmerman said that the success of any communications plan depends on the speed and thoroughness of its implementation. The more completely the plan is embraced and assimilated, the more effective the change will be. By sharing the plan with staff and getting their buy-in on projects and priorities, monitoring results and sharing progress you will be successful and you will have empowered the community to be more engaged. You have already taken some of these steps including the hiring of the Public Information Officer, issuing two newsletters and prioritizing branding. There is more to do but you are on the right tract.

Councilmember Franklin thanked Ms. Zimmerman for the presentation. She said that the City has one acronym that spells out C.I.T.Y. for our goals and you have C.A.R.E.S.; what is the difference.

Deputy City Manager Clayton said that they didn't work together on this and this is what CV Strategies came up with and they don't call it Core Values, they call it Core Identity. It is very similar but the reason that they are different is that our Quality Improvement Team worked on

the City core values while CV Strategies worked with just a select few on this plan. This is something perhaps they can talk about when staff brings this back to a workshop for the Council to review and talk through.

Ms. Zimmerman said she thinks those are just some important points to keep in mind when you are thinking about effective communication.

Councilmember Welch said he has been over this several times and one of the things that strikes him as a real positive is that it puts an orderly fashion to us communicating with our residents which in the past we really have not done. This puts a plan into effect and we have personnel now to help drive this bus, if you will, in relation to the community. He thinks that it is well planned out. As far as terminology is concerned like Councilmember Franklin just said that is just a matter of the Council deciding what terms we think we need to really communicate effectively to our constituents. He sees it as a very organized approach which we have not had in the past in communicating effectively with our stakeholders, our constituents, and residents but it puts an orderly fashion to it.

Mayor Moyer said personally he would like to have seen something more specific than the generalities. He knows that Philip Southard is going to work on the specifics but he was kind of hoping in this report that he would see some more specifics concerning Channel 10, our website and things like that. The generalities are fine and they give us a direction but he loves an experts personal opinion somewhere in here on what needs to be done and he didn't see enough of that in his opinion. He thanked Ms. Zimmerman for the report and for giving us a road to get going.

Councilmember Franklin said that we have always talked about needing to get our story out and we need to be able to tell our story so other people are not telling it for us so this helps us to get there. She was wondering if staff was pretty much in agreement with what you came up with or is this more staff driven.

Ms. Zimmerman said that they worked with staff and consulted them and took their feedback in to consideration in the final product. These are guideposts for you to move forward and now that you have Philip Southard that is exactly what he does and he will be able to tell your story.

Councilmember Andrade said this was already approved last year so this is just basically the finale.

City Manager said the report was written by CV Strategies and staff had input in the initial assessment process but the report was written by CV Strategies with very little staff coordination in that process. We were involved in the assessment part because of the interviews and all of the information gathering that they did for the City. If it is approved later tonight, then the next step would be for the PIO to then implement the plan as part of his work plan. There are some specifics on pages 32 and 33 related to the question that the Mayor asked about media and technology and programming. It is not maybe as specific as you were thinking but there are some recommendations in there about how to use the TV station and through programming of certain events and we have talked a lot about that internally. We are going to

be reprogramming when things appear on Channel 10 and that will be sent to the Council as soon as that programming is complete so the Council meetings will occur at the same time every day and Patrick Stephens is working on that right now to make it more predictable so that folks know when to tune in. They have added a lot of programming already and will continue to do that. They have added the Student of the Month event, the ICMA video is being shown every day, and will continue to add other stuff like special events that the City is doing.

There were a few comments from the Council and staff in regards to Channel 10 programming and scheduling.

Councilmember Andrade said that she absolutely agrees with what Mayor Moyer said earlier that there are no specifics here and if we are going to obviously approve this later on in the agenda, everything is very vague. She is all for communication and thinks it is a great thing and we need to be communicating more but again, this can fall under whatever criteria you want it to be because it is so vague but it is all good.

City Manager said that they would come back to the Council and will actually do that when they do the budget and will have a specific plan for the PIO that will be presented as part of that budget unit and will have specific tasks and costs of things that we may need to implement this plan. There are a few costs related to production of video and just materials and supplies that may be needed. They are fairly minor costs but want to bring it to Council in the budget process and every department has to have a business plan as part of the budget and that will be more detailed information than what you see here.

Councilmember Welch said in regards to this not being specific. This to him is the way this plan should be written and it gives us the opportunity now in an organized manner to put the specifics to it but we never had an organized program in the past to achieve those objectives. One of the things that he sees this working in favor of the City's benefit is that this Council has set specific goals for this coming year and this gives our staff an opportunity working against those goals and using this framework to share it with everybody in the city.

#### ADJOURNMENT

By common consent the meeting adjourned at 3:23 p.m.

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Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE.

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/28/17  
SPECIAL MEETING

A special meeting of the Banning City Council was called to order by Mayor Moyer on March 28, 2017, at 4:01 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT:

Councilmember Andrade  
Councilmember Franklin  
Councilmember Welch  
Mayor Moyer

COUNCIL MEMBERS ABSENT:

Councilmember Peterson (*excused*)

OTHERS PRESENT:

Michael Rock, City Manager  
John Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Admin Service Director  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk

Mayor Moyer opened the item for public comments on the closed session items. There were none.

CLOSED SESSION

Interim City Attorney Cotti stated that there are two items on the closed session agenda: 1) conference with real property negotiator pursuant to Government Code Section 54956.8 for the property identified as APN 532-180-038 and under discussion is price and terms; and 2) continued performance evaluation of the City Manager pursuant to Government Code Section 54957.

Meeting went into closed session at 4:02 p.m. and reconvened at 5:02 p.m.

ADJOURNMENT

By common consent the meeting adjourned at 5:02 p.m.

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Marie A. Calderon, City Clerk

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MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

03/28/17  
REGULAR MEETING

A regular meeting of the Banning City Council and a scheduled meeting of the Banning Utility Authority was called to order by Mayor Moyer on March 28, 2017 at 5:09 p.m. at the Banning Civic Center Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL MEMBERS PRESENT: Councilmember Andrade  
Councilmember Franklin  
Councilmember Welch  
Mayor Moyer

COUNCIL MEMBERS ABSENT: Councilmember Peterson (*excused*)

OTHERS PRESENT: Michael Rock, City Manager  
John C. Cotti, Interim City Attorney  
Rochelle Clayton, Deputy City Manager/Administrative Services Dir.  
Fred Mason, Electric Utility Director  
Art Vela, Public Works Director  
Philip Southard, Public Information Officer  
Patty Nevins, Interim Community Development Director  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk  
Marie A. Calderon, City Clerk

The invocation was given by Rev. Dave Horning, Banning United Methodist Church. Mayor Moyer led the audience in the Pledge of Allegiance to the Flag.

## REPORT ON CLOSED SESSION

Interim City Attorney stated that there were two closed session items: 1) Conference with real property negotiators for the property identified as APN 532-180-038 and the Council discussed price and terms for negotiation purposes and took no reportable actions; 2) City Council also discussed the City Manager performance evaluation under Government Code Section 54957 and also took no reportable actions.

## ANNOUNCEMENTS/REPORTS

## City Council

Councilmember Franklin –

- In regards to the Water Alliance they had a meeting last week and they are focusing throughout the region on how to help the public think about conservation and not just when we have a drought but on a regular basis. They decided to focus on educating our young

people, in particular, our 5<sup>th</sup> graders so they are working on a program to be able to work with all the school districts in our area from Yucaipa to Desert Hot Springs to share the same message and hopefully have a program to roll out by the time school starts in the next school year to work with our teachers to help our young people help their families be more educated about water conservation.

- Our Disaster Survival Expo will be held on April 29<sup>th</sup> at city hall from 10 a.m. to 2 p.m. in the Council Chambers and on city property with some very prominent speakers: Dr. Lucy Jones, Earthquake Expert as the keynote speaker and Glen Pomeroy, CEO of the California Earthquake Authority as the opening speaker.
- As everyone knows the 91 lanes opened last week. The ribbon cutting is actually this coming Friday and the public is invited and it will be held at the main Metrolink station at 11:00 a.m. in Corona. RCTC (Riverside County Transportation Commission) also talked about transportation and our project list for throughout Riverside county. The projects are put on a list every 10 to 20 years and our project for the last 10 years was the Sunset Grade Separation so that has been done. Within the next group and out of 46 projects there were 16 that still needed to be done and they ran out of money so there is not a whole lot that is going to happen in our area but the good news is that of the next 10-year and 20-year projects and within the 10-year projects we have the Hargrave Grade Separation listed as one of the top ten and within the next 20-years we have San Gorgonio Grade Separation listed. We have another possible project at 22<sup>nd</sup> Street that will also be added to the priority list and once projects are approved on the list then we look for money to be able to get those done so you will hear more but it won't be a quick process only because it cost in the millions of dollars to do each project. The next project that is actually be tackled by RCTC is the express lanes going on the I-15.
- She thanked everyone for their cards and expressions of sympathy in the loss of her mother.

Councilmember Welch –

- He had no meetings relating to City business this last week but wanted to share with the public that on April 2<sup>nd</sup> at 2:00 p.m. in the Main Ballroom at Sun Lakes Country Club the Veterans of Foreign War Desert Edge Post 233 invites all of us to their Annual Community Awards Ceremony.
- In about a month there is going to be a program held at our Senior Center sponsored by Senator Mike Morell with the question "Is the State Holding Your Money or Property" so the staff will be bringing their own computers and will be able to log anyone on-line to see if indeed there are monies that belong to them or belong to a family member. Last year there was over \$63 million dollars awarded to individuals that had been sitting in an account in Sacramento so if you think you are due something or even if you think you are not, come and let them put you on the computer. It will be held on Friday, May 19<sup>th</sup> starting at 10 a.m.

Councilmember Andrade –

- Thanked Vickie Sellers for taking the time and joining her in walking our community. It is great to hear from the community we serve and she was able to learn a lot from them. They are informed about the community more than we may think.
- This past month she went on a ride along with Mr. Vela visiting City properties and spoke to different City employees and she was very pleased to see the respect the employees have for Mr. Vela. She thanked Mr. Vela stating that we need more people like him in the City. However, she was a little bit concerned when they used his own personal vehicle. She is

aware that the City does provide mileage but it is still a concern in case something happens especially when he has to take other people to see different properties throughout the city and in case anything happens, who is liable for the insurance and everything else. She thinks we need to have something put in place or maybe a City vehicle that he can utilize in order to do those things because it is his family vehicle and we don't want to cause any hardship and you never know what may happen.

- She was also invited to spend a day on a work crew and she looks forward to doing so and will coordinate that date with Mr. Mason.
- She visited the Community Center and has to commend Heidi Meraz for working in such bad conditions. She was not pleased at all with what she saw there and was not happy to see how our facilities are in such bad shape. We need to invest in our community and we must make sure that our facilities for our employees are in good shape as well.
- Since she is still new on the Council she is trying to get as much information and knowledge as she can however she was told unfortunately, to watch her back and be careful of what she asks. She wants everyone to know that she asks questions because she likes to be informed or she receives information and wants to make sure she confirms the facts. She asks questions because that is what a Councilperson should be doing to represent the City they represent. She is not attacking anyone but if anyone feels uneasy with the questions that she is asking, come and talk to her so they can discuss it. It is time to put differences aside and work together as a City.
- She attended Chief Diaz's award ceremony and this was a very deserving award for him. He is a pillar in our community and with the support of his wife, the volunteers, and endless amounts of hours that he puts in so that he can be a role model for our youth. Thank you Chief Diaz, your wife, and all the volunteers for your dedication to this community.
- She attended the opening ceremony for Banning Pass Little League. Thank you President Heidi Garcia for the invitation and the rest of the Little League Board. You do a great job for the League and for our community.
- This week they stopped at La Michoacana on Ramsey Street which just opened last Wednesday. She met the owner David Burmudez and found out that his family are long-time residents of Banning. They have amazing ice cream and other delicious items. Please support our local business.
- We had our Employee Recognition Ceremony today and congratulations to all of our City employees. She can only jump on the bandwagon with Art Welch and George Moyer and say absolutely they are the backbone of the City. They do all the work and have to deal with all of the Council. She cannot say enough about Sonja De La Fuente. She is a blessing and thank you for everything you do. Thank you to Marie Calderon, you are always on top of everything and keep her straight and both of you are appreciated.

Mayor Moyer –

- He said last Friday he and the City Manager had a telephone conference call with our lobbyist in Washington, D. C. She will be here at our April 11<sup>th</sup> meeting to give an update on everything that is going on back in Washington and how it might affect us.
- The next Animal Control meeting will be held on April 17<sup>th</sup> at 6:00 p.m. at the police department. They will have an engineer's estimate on what it might cost to redo the shelter and that will give us a kickoff point then on how we can decide to come back and make recommendations to the whole Council.

## City Committee Reports

Interim City Attorney Cotti said he wanted to alert the Council and the public that they did file a complaint against Banning Office Ventures and the Vanir Group of Companies for breach of contract. Their next step is to serve the two entities and the case will go forward from there and he will continue to keep the Council updated on the progress of the lawsuit.

Report by City Attorney– None

## PUBLIC COMMENTS – On Items Not on the Agenda

Bill Dickson addressed the Council stating that his is kind of a mixed bag for him today. As you know his wife passed away in May and his son didn't request that he should move to Washington with him but for some reason he told him that he will be here as soon as they could get his house sold. So his house has been sold and he will be moving on the 15<sup>th</sup> of next month. A long, long time ago greater than 10 or 12 years ago there was a gray-haired gentleman that came up to him along with another gentleman and asked him to run for this and be involved in this and that was many years ago and he can't begin to image how many different boards and committees he served on and in fact, up until about November of this year he was on five boards. There was another person who he followed and they were on Parks and Recreation together and then they were on the Planning Commission together and then she went on to the City Council and he stopped there. But it has been a pleasure to serve with Debbie Franklin. Marie Calderon has been there for the whole time. To Chief Diaz it has been a pleasure to work with the police department. It has been a blessing working and serving with Heidi Meraz. He has never been involved with a City or anything like that in his life until Art Welch came to him that night telling him that he had to be at the Registrar's office tomorrow but it was the best thing he has ever did. He has seen a lot of changes in the city but the people who have come in always have the same idea and the same desire to serve the people of this fair city. He wanted to say goodbye with a heavy heart and in the first time in his life that he has been involved with a City it has been a pleasure and an experience that he will not forget.

Mayor Moyer said that Bill Dickson was one of the first people that he met when he started getting involved with the City. Your dedication to this City is just phenomenal and will not be forgotten. Nobody wants to see you move but we understand the situation. We want to thank you for all your service and all that you have meant to lots, lots, lots, and lots of people in this town.

Councilmember Welch thanked Bill Dickson stating that he has been an asset to the City. You have given of your time and your effort and the result shows in the city of Banning. He complimented and thank him for the effort that he put forth in relation to the Pass Water Agency but citizens like Bill Dickson are dear to everybody's heart and he wishes him the very, very best in his new adventure.

Mr. Dickson welcomed Councilmember Andrade to the Council and he knows that she will be an asset just hearing what she said tonight. He knows that her heart and her mind is in the right place. He thanked the City Manager for accepting him and he can be kind of a rebel but if he didn't care for the city, it wouldn't make any difference.

Councilmember Franklin said it was mentioned that she met him on the Parks and Recreation Commission a few years ago but one of the things she thinks has been the strongest point is knowing that whether they agreed or disagreed they were always able to treat each other with respect. She thinks one of the things that stands out in her mind for the different times that she has seen him and all the different committees that he has been on is that he is always respectful to other people. It is important, she thinks, to our community to know that we are losing someone who cares about not only our city as a whole but every individual that lives here. She extended her thank you to Bill Dickson for all the hard work he put in in many different places and sometimes not under pleasant circumstances but thanks him for all he had done and for the legacy that he is leaving our city and knowing that he is a community resident who cared about Banning.

Mr. Dickson thanked Councilmember Franklin. He thinks people sitting out there and hearing this today need to do it for yourself just to get involved in the city. Things don't happen unless we the citizens get involved and it is very rewarding but you walk away with far more than you ever give but you walk away with so much and it has been a pleasure being part of Banning.

Ellen Carr, Tender Loving Critters Animal Rescue addressed the Council stating that Bill Dickson has been a blessing to the Rescue. She said that they have one big fundraiser a year and Bill has been their Santa and Sue Barnett has been their Mrs. Claus probably for over ten years. She said that Monday and Tuesday Animal Action League will be here with their spay and neuter mobile clinic. All the appointments for spay and neuter are filled but they will be providing the low-cost shot clinic each day from 10 a.m. to 2 p.m. and if your pet is not up to date this is a great time to do it. The prices are great, no office visit and no appointment necessary. If you do have some paperwork in regards to shots, please bring it with you. She also said that kitten season is in full bloom and have information about handling abandoned kittens.

Inge Schuler resident addressed the Council stating that she has had a few calls this last week and the week before from the neighborhood asking her if she knew anything about the new billing system in the utilities. She said she really didn't know and is as surprised as everybody else. Earlier this month she received a bill that is not due until Thursday and she paid it last week and in the same day she received another bill that designates the current bill that is not due until Thursday as past due and the new bill is due on the 6<sup>th</sup> of April which is a 7-day difference; 42 days on the second bill and everybody else got the same treatment. She has talked and begged for a forensic audit of our utilities for years and she feels as if she is addressing the gargoyles at Notre Dame in Paris; there is absolutely no response. She has a copy of an audit. Our City Manager referred to an audit having been conducted on the utility department and it is an interesting piece of paper. Actually it is not really an audit. It is called an audit but it is just verifying the math that has been submitted to them and actually they clearly state that the report assumes that the financial information that they received from the City is a "fair" presentation. That it also assumes that effective "internal control" is in place and that it assumes that there is no "material misstatement" by the City be it "fraud or error". This means that they didn't check anything that the City provides them with; they just took their word for it. This disclaimer makes this entire audit a complete farce. This is not a forensic audit. As long as these billing practices are imposed on the citizens of this town she thinks it behooves everybody in charge to request and pursue a forensic audit of the department. This has gone beyond just getting questionable software for billing. We have seven ways of paying our bills. They are now sent to another processing center; we can't even do this ourselves. She suspects that maybe there is a math problem, we can't do this, the software isn't there, it doesn't work properly. Well, she is sure

that some of the people probably had a question with a slide rule and we can go back to abacus. Maybe Roman Numerals then we don't have to worry about a zero and we can dispense with the term Arabic which is a sort of bad thing to use these days anyway. Let's have some clarity on this because it is not good for anybody.

Frank Connolly addressed the Council stating that Inge Schuler just spoke about the utilities and he is speaking on behalf of himself and the Vista Serena Homeowners Association and several other tenants and citizens in the city of Banning. Approximately last month he got a call from one of his tenants who is here and will be speaking to the Council who received an excessive City utility bill in the amount of \$500 for a 500 square foot, one bedroom unit. She now has a \$1000 dollar bill. He said that he works 70 hours a week and he is never home and is a tightwad and his bill just went up to \$250.00 for the first time in ten years since he has had his dad; he has never had a bill like that. His brother who lives across the street has the same thing. The dear old lady out here who is his tenant just received a turnoff notice for her utilities that have been overbilled and she called him crying. We need to know what the City Council plans on doing on this billing and how you plan to protect our citizens and credit our accounts. The Vista Serena Homeowners Association has contacted their attorneys who are in contact with consultants throughout California right now to force an audit on your utility department. So somebody here needs to give him an answer or they are going to be proceeding further with litigation. What's happened here is very clearly wrong, something dramatically has gone wrong especially when he has a lady in a one-bedroom place whose bill is \$500 and he has another tenant that just received a \$2000 for a little condo. Something is wrong, very wrong. Who is in charge here and how can they find out and get the contact of what the City plans on doing here? This little lady who is a dear tenant of his cannot afford to pay \$1000 because the City originally told her when she went down to the utility department and they have already done an external audit within her unit and Amber who does it and the guy that is assisting her they clearly stated, "We don't see anything here that would have caused this type of bill." They checked the meters, the air-conditioning, everything and there are no space heaters. His house, same thing, and like he said he works 70 hours a week and he has nothing. After he received the first sky-rocketing bill he went home and unplugged lamps that he doesn't even use just to verify what is going on. He just got his other bill the other day which was \$10 higher. On top of that, his bill that he received for February he didn't get until the 3<sup>rd</sup> of March. He never received a bill in 48 years that late from this City. He said he paid bills when he was a kid so he knows what their bills have been in his home and what his usage has been in the last ten years since he has not had his father there. He is a tightwad and he watches his utilities. He doesn't have central air and heat, he has a gas heater which his gas bill has never gone over \$20.00 because he never uses it. Something dramatically has gone wrong and his biggest concern is: 1) their HOA Association are consulting with attorneys and we don't need to go that way if we don't have to; and 2) he has a dear lady here who just received a notice to turn off her utilities even though she has already paid this sky-rocketing bill that is incorrect and she has it in her hand and will show it to the Council. He said that he has been down to the City and the lady has been very helpful and she tried to help but in the long-run what is happening is that his tenants are being told just pay your bill, shut up and go home and the lady will verify that.

Deputy City Manager Clayton said that she does need the specific billing information to look into this but he knows that there have been some issues with Vista Serena. They have had to go out and perform re-reads and they have been in contact with a few people to perform energy audits but she had been told but hasn't verified this from someone from at the Electric Department

that a lot of the Vista Serena homes are all-electric and no gas which is one factor into the higher bills but again she would need to know the specifics. She would be happy to meet with whoever if she could receive the contact information.

Mr. Connolly said in response their entire complex is all-electric and the only thing they have gas going to is the clubhouse fireplace, the laundry room and their spa. He said he has been at the utility department with his tenants and have had this comment made, "well it is because Vista Serena is all-electric." If it was Vista Serena, we can look at that which he knew it wasn't because he has another tenant whose bill is \$2000 and he has a copy of her bills and statements here with graphs. That owner just spent \$75,000 remodeling her unit two years ago with brand new central air and heat and there is no way. Her bill, you can see from the graph, sky-rocketed January and then February, March it went through the roof and they are all being told to pay these bills or we are going to shut off your utilities. There is proof that something dramatically went wrong and for you to tell people that we are going to turn off your utilities when we made a mistake especially this little old lady here, something is wrong.

Councilmember Andrade asked for an update at the next City Council meeting because this is an on-going issue and apparently there is something wrong and maybe we should look into a forensic audit.

Mr. Connolly said the utility thing that she is referring to he had to go down to the utilities on Lincoln Street to make a request. He was down there and three times she wasn't there within a week and a half because she was off or sick, etc.; what is going on. We are told to do things, request an audit because when this went so awry he told his tenants to go down there and ask for a re-read and request a utility audit on site and he would be there to walk with them. This utility department has been a slush fund of this City for the General Fund for years and it has to stop.

Mayor Moyer said that they are instructing staff to take a hard look at this and to get back to us as soon as possible. He asked Mr. Connolly to give his information to Sonja De La Fuente so that the Council can review it.

Dorothy Familetti-McLean said that somebody gave a report on Vanir and she thinks the public might like to know how much time does Vanir have to respond to the litigation and will someone let the public know what happens at the end of those 30-day.

Interim City Attorney Cotti said they have 30-days and he will let the public know what happens at the end of that time.

Jerry Westholder, resident addressed the Council stating that he would also like to comment on the utility company because he had several people contact him this past week with 42-day utility bills. He understands that in the office there is an explanation because of the change-over however, one way favors the consumer and the other way favors the City and the utility company chose the way to favor the City to charge more to the consumers who cannot afford it and he has been saying this for three years, as well, that we need a forensic audit of the utility company and the Council does nothing. You claim you want to take care of the city and now we have a poor little lady here with a \$500 dollar bill for a one-bedroom apartment. The whole reason a municipality has a utility company is to take care of its citizens, not to make money. The operating word here is "non for profit" and he doesn't believe that we should allow anything or

any purchases for the utility department until we do a forensic audit to see what is really going on here. He is really, really appalled and he would welcome anybody who has a problem to contact him and maybe we have to get together as a citizenry, as a community to challenge these rates because it is out of control. Also, somebody sent him some correspondence here which is really shocking between former Councilman Bob Botts and Jan Spann which he read for the audience (see attached Exhibit "A"). It was an intercepted email between Bob Botts and Jan Spann that somebody sent him and he was shocked and appalled. He said this is collusion again with our City Manager and private citizens and he knows several people who applied to the Planning Commission and put their applications in and does this mean that none of these people have a chance now because this is going on behind the scenes. He is really, really shocked by this and he is just bringing it to the Council's attention and he hopes the Council does something about it.

Johann Dalton addressed the Council stating that she was here to follow-up on what Frank Connolly said and she has lived here since 1976 and they owned quite a few homes and her husband has been deceased for seven years. She was upset when she saw this and when she first moved in she knew she was going to have to downsize from what she was used to and she didn't expect her electric bill not to downsize with her. With this when they went to Gina who she believes works on Lincoln regarding this, she paid \$150 a month which she knew would probably be a little bit more than that, but \$150 a month and then a full \$313.00 dollar bill which was when she decided that she better do something. And as she was doing that she received a \$608.00 dollar bill. She said she watches her grandchildren at her daughter's house leaving at 4:30 a.m. and sometimes does not get back home until 6:00 or 7:00 p.m. When the guys came out to do her their walkthrough they were looking for the space heaters, the washer/dryer, looking for the dishwasher and she doesn't have any of that and first of all she is not even there but it is a shock. She is on a fixed income and now her bill is more than half of what her rent is. She really doesn't think it is fair. They were going to change the meter which was their recommendation and their three-page energy audit which she had to pick up, gave her a breakdown as to how much would be used for a 32-inch TV, lightbulb and all the various things and this one particular bill was for 43-days but she didn't realize that everybody was receiving bills of that larger of an amount on the bill instead of 30-days. She does know that everybody does have problems trying to have personnel do the work and get it done so she is not totally ignorant of workings that the City has to put up with but they gave her the breakdown and based on what they said even on a 30-day period of how much wattage she should be using it was only \$298.80. Her bill that she just received which she received a disconnect notice for just now was \$476.79 which included water which was okay and her daughter paid this because it was due to be shut off on the 29<sup>th</sup>. The bill before that was the \$600 dollar bill. She asked what the hell happened between the \$600 dollar bill and the \$400 dollar; what magically happened. It still is not low enough for one person living in a one-bedroom apartment. Why did she get a shut off notice? She is just assuming that when they say Gina that everything up to the \$600 dollar bill is like Group A and now we are starting with Group B which is the bill she got the disconnect notice on. There was no explanation when she went to the City and spoke to the girl at the window so she doesn't know what is going on there. It was on the \$600 dollar bill and on the top it said, "To cancel and re-bill". How it was broken down she is not aware of and why that was decided she is not aware of and she didn't write that on top of the bill, it was written by somebody within the City. She said she can't do this. She is very upset about this so please take in to consideration her request to have this checked out and she made copies of the information for the Council.

Ann Price thanked Mayor Moyer and Councilmembers Andrade and Welch for coming to the opening day for Banning Pass Little League. She was sorry to hear about Councilmember Franklin's mom and thinks this is the first opening day that she has missed. They had a huge crowd and they enjoyed the many vendors that were there and they had a full day of baseball and softball. They appreciated Mayor Moyer for throwing out the first pitch to start the baseball and Councilmember Welch for throwing out the first softball. She said that Little League offers opportunity for children to learn the games of baseball and softball in a positive, healthy environment. The Banning Pass Little League Mission is to teach children how to play ball while instilling in them good sportsmanship, honesty, loyalty, courage and respect for authority. Wining is second to the molding of future citizens. So they would like to thank the Council for all of their support and their many volunteers, parents and other people who come out to help train and teach these children how to be good citizens and they appreciate the support that they get.

CORRESPONDENCE: None

REPORT BY CITY MANAGER

- There will be an informational meeting here at city hall in the Council Chambers on Wednesday, March 29<sup>th</sup> at 5:30 p.m. to share the improvements that are being made to Roosevelt Williams Park. They encourage residents, especially those who live near the park, to attend to hear the latest updates and timelines.
- There is still time to sign up for the 2017 Leadership Academy. This is a free six-week program for all Banning residents and will provide an inside look into how the City operates. The program will run every Wednesday starting April 5 through May 10 from 5:30 p.m. to approximately 6:30 p.m. or even longer here at city hall.
- Waste Management will be hosting our next Community Clean-Up Event on Saturday, April 8<sup>th</sup> from 8 a.m. to 1 p.m. at Dysart Park. This is a great opportunity for residents to get rid of their bulky waste items like kitchen appliances, furniture and mattresses. There will be document shredding services as well. The event is free but Banning residents will need to provide photo ID or a utility bill showing that they live in Banning.
- The City will be hosting a Community Town Hall Meeting on Tuesday, April 18<sup>th</sup> at 6:00 p.m. at the Banning Senior Center. Residents are encouraged to attend to share their thoughts and concerns on the City's operations and priorities particularly for the future.

CONSENT ITEMS

1. Approval of Minutes – Regular Meeting – 02/28/17

Recommendation: That the minutes of the regular meeting of February 28, 2017 be approved.

2. Approval of Minutes – Special Meeting – 03/14/17(*Closed*)

Recommendation: That the minutes of the special meeting of March 14, 2017 be approved.

3. Approval of Minutes – Regular Meeting – 03/14/17

Recommendation: That the minutes of the regular meeting of March 14, 2017 be approved.

4. Authorize the City Manager to Sign and the City Clerk to Record the Notice of Completion for Project 2014-04 E, Corporate Warehouse, Phase III, Tenant Improvements.

Recommendation: That the City Council accept Project 2014-04E, Corporate Warehouse, Phase III, Tenant Improvements as complete, authorize the City Manager to sign and the City Clerk to record the Notice of Completion.

**Motion Welch/Franklin that Consent Items 1 through 4 be approved. Motion carried, all in favor with Councilmember Franklin abstaining on Items 2 and 3.**

Mayor Moyer opened the items for public comments and apologized for not opening the public comments at the appropriate time for this section of the meeting.

#### PUBLIC HEARINGS

1. Discuss and Consider Adopting Resolution 2017-25 Approving the General Plan Annual Progress Report for Calendar Year 2016.  
(Staff Report – Patty Nevins, Interim Community Development Dir.)

Interim Director Nevins gave the staff report on this item as contained in the agenda packet.

Mayor Moyer stated that both he and Councilmember Franklin noticed that on page 85 of the agenda packet regarding Program 4.C about the downtown area and so forth and the Implementation Status states that it is on-going but limited to lack of funding and a lack of interest and that is no accurate. As matter of fact, he has been told by the City Manager that they are actually going to start putting funds in the budget for 2018 so it is not a lack of interest all, it is that we are starting to budget for it now.

Interim Director Nevins said she agrees and they do have budgeting towards the General Plan and the Specific Plan for the downtown. They will be saving money for the next three years and she thinks that implementation starts in 2019. An alternate way of doing that might be to reference that the Economic Development Manager also whose function is to recruit and retain businesses within the city including the downtown was hired last year so they could reference either one of those things. So that can be changed as follows: “Implementation Status – In 2016 the City hired an Economic Development Manager whose function is to recruit and retain businesses within the city including the downtown area.”

Councilmember Franklin said she wanted to update Program 3.A, on page 170, regarding the Mutual Aide Agreement. The City Council already approved that item and she knows that we are working on doing more to flush it out but the agreement was passed earlier this year.

Interim Director Nevins said that she can add that as a statement to the end of that item if the Council is agreeable.

Councilmember Franklin referred to page 169 of the agenda packed and stated that we are working on updating our Emergency Preparedness Plan this year because it says the last one we did was in 2015 and plans are being made to complete the new one this year.

Interim Director Nevins said the note was to indicate that it was being done again this year.

Mayor Welch opened the item for public comments. There were none.

**Motion Franklin/Andrade that the City Council adopt Resolution 2017-25 with the corrections as noted approving the General Plan Annual Progress Report (APR) for Calendar Year 2016 and direct staff to file it with the State of California Office of Planning and Research (OPR) and State Department of Housing and Community Development (HCD). Motion carried, all in favor with Councilmember Peterson absent.**

2. Discuss and Consider Adopting a Categorical Exemption and Adopt Ordinance 1509 Approving Zoning Text Amendment 17-9501 Amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) to Allow for the Establishment of Community Gardens.

(Staff Report – Patty Nevins, Interim Community Development Dir.)

Interim Director Nevins gave the staff report on this item as contained in the agenda packet.

Councilmember Welch said he wanted to make sure that we are talking about private property here. Interim Director Nevins said that was correct.

Councilmember Andrade said to clarify this is going to be a community garden on a private property and they would have to pay their own water bill, etc. Interim Director Nevins said as it is written that is correct. It would just be something that a private proponent, an individual or group would bring forward and it would be treated no differently than any other property.

Councilmember Franklin said she wanted to know if there was a way to keep track if people do come in or they bring the paper work in because no permit is required as she understands it.

Interim Director Nevins said a permit is not required but it does require that they bring their plan for operating to the City.

Councilmember Franklin said because this is something that we never had before it would be nice if for the Council to get a follow-up report a year or so from now to see if there has been any interest in the community for this. Interim Director Nevins said absolutely.

Mayor Moyer opened the public hearing on this item for comments from the public. Seeing no one coming forward he closed the public hearing.

Mayor Moyer asked the City Clerk to read the title of Ordinance 1509. City Clerk read: An Ordinance of the City Council of the City of Banning, California, Approving a Categorical Exemption and Approving Zoning Text Amendment No. 17-97501 Amending the Zoning Ordinance (Title 17 of the Banning Municipal Code) to Allow for the Establishment of Community Gardens.

**Motion Franklin/Welch to waive further reading of Ordinance 1509. Motion carried, all in favor with Councilmember Peterson absent.**

**Motion Welch/Franklin that Ordinance No. 1509 pass its first reading. Motion carried, all in favor with Councilmember Peterson absent.**

3. Discuss and Consider Adopting Resolution 2017-33 and Joining the Statewide Community Infrastructure Program.  
(Staff Report – Ted Shove, Economic Development Manager)

Manager Shove gave the staff report on this item as contained in the agenda packet.

Mayor Moyer asked Councilmember Welch if he had any comments on this item since he was on the committee that recommended this program.

Councilmember Welch said he and Councilmember Peterson were on the Ad Hoc Committee and after having gone through this he thinks they both felt it should be recommended to the full Council for two basic reasons: 1) it gives a developer who is considering moving to the city of Banning an opportunity, they may not qualify, but an opportunity to at least look at this program that is really slated for infrastructure; and 2) by doing so it really aids the City as far as the payment of fees, etc. upfront and also, there is no cost to the City for this program.

Mayor Moyer opened the public hearing on this item for comments from the public. Seeing no one coming forward he closed the public hearing.

**Motion Welch/Andrade that the City Council approve Resolution 2017-33, Authorizing the City to Join the Statewide Community Infrastructure Program (SCIP); 2) Authorizing the City to recover all costs associated with the verification of program applications; and 3) Authorizing the California Statewide Communities Development Authority (CSCDA) to accept applications from property owners, conduct special proceedings, levy assessments within the territory of the City, and approve from of Acquisition Agreement for use when applicable; and authorize related actions. Motion carried, all in favor with Councilmember Peterson absent.**

4. Discuss and Consider Adopting Resolution 2017-35, Approving the Memorandum of Agreement to Form a Groundwater Sustainability Agency for a Portion of the San Gorgonio Pass Sub-Basin and to Coordinate with other Groundwater Sustainability Agencies.  
(Staff Report – Art Vela, Public Works Director)

Director Vela gave the staff report on this item as contained in the agenda packet.

Mayor Moyer said all of the participants that were mentioned are purveyors. One that was mentioned is nothing but a wholesale supplier who doesn't manufacture anything and he is wondering why the inclusion of the San Gorgonio Pass Water Agency in an organization that is concerned about the sustainability of our groundwater because they don't really have anything to do with sustaining groundwater. He would prefer that they not be a member of this and move forward without them. He asked why they are involved.

Director Vela said the San Gorgonio Pass Water Agency service area does cover the entire San Gorgonio Pass Sub-Basin and it goes farther west to include the Beaumont Basin, as well. The general manager for the Pass Water Agency made it clear that his Board had given him direction to be a member of the GSA (Groundwater Sustainability Agency) for the San Gorgonio Pass Sub-Basin, as well as, the GSA to the west. That question was brought up in some of their meetings and the Pass Water Agency made it pretty clear that one way or the other they were going to submit an application to be a GSA over this Basin and what that would mean is that if they were not included as part of our GSA, we could have two conflicting applications to be a GSA over our Basin and the State would see that as there being local conflict and they would put the responsibility on those local agencies to figure that out. If we didn't resolve those conflicts, they would put the Basin in probationary status which could lead to State intervention.

Councilmember Welch asked Director Vela to explain why the San Gorgonio Pass Water Agency has the characteristics or need to have their own organization. Do they fit the same criteria that the rest of us do?

Director Vela said by definition they are not a retailer; they are a wholesaler but are recognized by the Act. So the Act does give them the authority to participate in a GSA.

Mayor Moyer said it gives them access. It doesn't give them authority, does it? Director Vela said it doesn't give them authority but again, they are allowed to submit an application to be a GSA. This MOA before the Council tonight is solely for the purpose of forming the GSA and there is still a lot more that they have to work on.

Councilmember Franklin said as you form the SGMA are you planning to look at the governance and the voting rights or will every agency have one agency, one vote.

Director Vela said that every agency will have one vote and they will flush a lot of that out when they do start talking about the governance structure so this here is just that milestone to meet the June 2017 deadline.

Councilmember Franklin said because the Pass Water Agency would be different would it be possible for them to be like an ex-officio member so they are there but they don't vote the same as everybody else since they don't have the same requirements as the purveyors.

Director Vela said he thinks that would be possible and it is something he can bring up during those discussions.

Councilmember Franklin said right now it is not going to cost us any money to move forward at this point but do you foresee that with putting this plan together that this is something that we will be able to include in our Integrated Regional Water Management Plan (IRWM).

Director Vela said it is and actually it is included now. One of the tasks in the Integrated Regional Water Management Plan to complete is the development of a groundwater model for the basin so that is going to play an important role in the management to comply with SGMA. So whether or not we are part of the IRWM we would still have to develop that model in order to make sure that we are managing the basin in a sustainable manner. We are getting that model which he believes cost about \$270,000 paid for by the IRWM program.

Councilmember Franklin said in regards to the different agencies that are involved when the cost comes up will there be equal cost-sharing among all the agencies or is it prorated. Director Vela said they haven't determined that just yet so they still need to work that out.

Councilmember Franklin said once you move forward, if the Council passes this, then you will be able to come back to the Council maybe in about six months or so to give the Council an update of where you are at. Mayor Moyer said it has to be before six months because he has to have it put together by June.

Director Vela said if this item is approved tonight, then that would meet the June 2017 deadline.

Mayor Moyer said but if we include this tonight, we are including the San Gorgonio Pass Water Agency. Director Vela said that is correct.

Councilmember Andrade said if we approve this tonight, we are just going to go forward even though we do not know the cost and who is going to be paying what so that means it would have to be taken back to all these organizations and they have to agree on certain things. So what if they decide that Banning should take the brunt of it. We are approving something without having all the information.

Director Vela said there would be no cost incurred until well after the governance structure has been approved by all water agencies and so the Council will get a chance to discuss with staff the fair-share formulas that they come up with and approve those before any type of expenses are approved.

Councilmember Andrade said so this is just to approve the formation of the group. Director Vela said that was correct.

Mayor Moyer opened the public hearing on this item for comments from the public.

James Fulmer, resident asked why allow the Pass Water Agency to just bully their way in here and do what they want. Can't we just say no, they can't come in here and if it becomes a bigger problem, that the State come in and resolve it and tell them they can't do this.

Director Vela said in his opinion if we don't allow the Pass Water Agency in we will be in these negotiations for some time and we will end up coming full circle to where we are tonight. Again, if conflicting applications are submitted to the State, the State is going to stay out of it until they decide to put us in a probationary status and that status is what is going to force our hand to play nice. This act is the first of its kind and there is no other state out there that has something like this and in some regards it is a forced marriage with the rest of these water agencies. So it is going to be very important for us in moving forward that when we develop our governance structure for this body that we deal with some of those concerns that we have in that language.

Mr. Fulmer asked if the Pass Water Agency is going to continue doing this through the process saying that they want it done their way.

Director Vela said that they will have a very detailed discussion when it comes to the governance of the body.

Jerry Westholder addressed the Council stating that he agrees with Mayor Moyer and what he sees forming here is another needless bureaucracy that the State is trying to mandate us to fulfill. Again, the Whitewater River east fork has never run dry. The city of Banning is not literally in a drought. We are only in a drought because the State says we are in a drought and in all actuality we do not have any problems. The other problem we have is that we are being forced to work with people who want a part of what we have and he doesn't think that is right at all. He doesn't think that we should standup for another bureaucracy and have another bureaucracy setup where we have to go to them for voting how to use our water and how to reclaim our water. He thinks this is totally absurd. He thinks this is ridiculous and a waste of time and money and why should we give people access to our water.

Mayor Moyer closed the public hearing for comments seeing no one else coming forward.

**Motion Franklin to approve staff's recommendation to: 1) adopt Resolution 2017-35, Approving the Memorandum of Agreement to form a Groundwater Sustainability Agency for a portion of the San Gorgonio Pass Sub-Basin and to coordinate with other Groundwater Sustainable Agencies; and 2) Authorizing the City Manager or his designee to execute the Memorandum of Agreement and to coordinate with other members of the San Gorgonio Pass Groundwater Sustainability Agency the submittal of all required and applicable information to the California Department of Water Resources with the exception that as the governance is put together that the Board would consider the Pass Water Agency as an ex-officio member which would give them a right to be present at all the meetings but not having an equal vote and also come back to the Council later to let them know what that means money wise.**

Mayor Moyer said there is a motion that basically says to approve the resolution with the exception of having the San Gorgonio Pass Water Agency be a non-voting ex-officio member.

Councilmember Welch said that would be the fifth "Whereas" in the resolution that we would like to have changed where it states all of the agencies and it should say as follows: "...San Gorgonio Pass Water Agency to be an ex-officio non-voting member".

**Councilmember Welch seconded the motion with that change. Motion carried, all in favor with Councilmember Peterson absent.**

#### REPORTS OF OFFICERS

1. Discuss and Consider Adopting Resolution 2017-02, Awarding a Contract for Professional Tree Trimming Services to Utility Tree Service, Inc., in an amount not to exceed \$150,000 per year.  
(Staff Report – Rick Diaz, Sr., Electrical Operations Manager)

Manager Diaz gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin asked if he noticed that the amount of work has changed throughout the years. Is it relatively the same year after year in the amount of work that is needed to keep our lines clear?

Manager Diaz said over the years the trees have dwindled down to not as much foliage and the tree crew that they had on-board last year have been away for almost a year now and that was due to having to go out to bid again twice to get this order. They have done such a great job in keeping up with the areas. He thinks with the drought in the past it has kept a lot of the foliage down and with the recent rains that we have had we are going to have a tremendous amount of growth happening. The utility tree service that got the contact know our system and know where the potential problem areas are and as of right now we have some growth coming into play where they are going to need to attack these.

Councilmember Franklin asked if this would be sufficient to be able to meet the needs that we have for this year. Manager Diaz said yes.

Councilmember Franklin said when they go out to trim trees and if trees are dead, what is the process is to remove those trees.

Manager Diaz said it depends on the area. If they are in the easement or the parkways, the parkways would be the determination of the Public Works Department. In the utility easements, such as in backyards and in the streets if the pole line is there and the trees are encroaching into the power lines, staff will take them down. This company also provides the service to stump grind if necessary.

Councilmember Andrade said she was looking at the annual cost to the City and there is quite a bit of service provided but she was wondering if we were to provide the service in-house and actually hire somebody and provided them with all licenses that are needed in order to trim around the utilities wouldn't that be cheaper in the long run.

Manager Diaz said that the personnel that gets certified to do this kind of trimming would have to attend numerous training classes to be able to train in high-voltage. The cost is actually cheaper because if we hired personnel in-house it would be beyond what is being asked for tonight along with benefits and everything else that falls into place. In the past, the staff has taken on some of the trimming but it takes away from the maintenance and on-going projects that they have.

Mayor Moyer opened the item for public comments.

Inge Schuler said that she thinks this \$150,000 a year is very reasonable. She has five acres with hundreds of trees and whenever she needs them trimmed she is talking between \$12,000 and \$15,000 so this is a bargain.

Jerry Westholder said that he is in agreement with Inge but with one caveat. This is coming out of the electric company bills again and again, he thinks we should suspend all purchases from the Electric Department until we have a forensic audit and get it under control because all we are doing is spending and spending and he can guarantee that if this is an issue down the line you are going to want to raise our rates because you have to shell out \$150,000 to cut trees. This is his concern

and we need to make priorities first. We can take care of the trees but let's take a look at the electric company as a whole first.

Frank Connolly stated that the price you are paying for this is a good price. They just spent \$30,000 and they spend about that every two years getting their trees done in their complex. For this to be an annual price for the service is great. His only concern is the time frame and terms of the agreement. Personally he thinks three years is a long time with a renewable two years at 2% increase. His opinion is that if the Council is going to do a three-year, then it comes back to the Council well ahead of time before the renewal for the Council to approve. Three years is quite a long time and the company could slack off and you may not be happy with their service and at least the Council has that opportunity to renegotiate or agree to renew that contact after three years and if that is not the case, then do at a 2-year with the two 2-year renewals through the City Manager.

Mayor Moyer said in response to Mr. Connolly's question the City may terminate this agreement at any time with or without cause. So there are termination clauses that protect the City.

Manager Diaz added that they do police the areas that are trimmed and stay on top of the crews to make sure that they are doing what they are supposed to be doing.

**Motion Franklin/Welch that the City Council:** 1) Adopt City Council Resolution 2017-02, awarding a contract for professional tree trimming services to Utility Tree Service, Inc. in an amount not to exceed \$150,000 (including taxes), each year for an initial three-year term. The agreement provides for the option to renew for two (2) one-year terms with a 2% increase in each of the renewal years; 2) Authorize the City Manager to execute the applicable documents related to the professional tree trimming services contract and approve any subsequent renewals as outlined in the Agreement; and 3) Authorize the Administrative Services Director to make the necessary budget adjustments, appropriations, and transfers related to the Agreement.

Councilmember Franklin said in regards to Mr. Westholder we have to make sure that we are being safe and it would not behoove us to not take care of the tree trimming while we do whatever we need to do in regards to the bills because that is part of making sure our lights stay on.

**Motion carried, all in favor with Councilmember Peterson absent.**

2. Discuss and Consider Adopting Resolution 2017-36, Accepting the 2016-2017 City Law Enforcement Grant in the Amount of \$69,198.  
(Staff Report – Alex Diaz, Chief of Police)

Chief Diaz gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin said she would like to know if after you train the officers would you also be able to put together some kind of training for the public in the “dos” and “don’ts” for the public so that we know better as residents how to deal with situations that we may encounter with the homeless also.

Chief Diaz apologized for not addressing that because that was actually part of the presentation for today. Because they are going to have some money left over his goal is to use some of those monies for educational purposes. His goal a year and a half ago was to start an education process for our citizens letting them know of better ways to use their money to help the people that are homeless. Because of this excess his goal is to use some of that money for that push to educate the public and that will involve more than likely a public service announcement also.

Mayor Moyer opened the item for public comments; there were none.

**Motion Andrade/Franklin that the City Council adopt Resolution 2017-36, authorizing the acceptance of the 2016-2017 City Law Enforcement Grant in the amount of \$69,198 and authorize the Banning Police Department to utilize the funds to pay police officers working on an overtime basis to address issues related to the homeless population in the City. Motion carried, all in favor with Councilmember Peterson absent.**

3. Discuss and Consider Adopting Resolution 2017-27, Approving a Four (4) Year Lease and Maintenance Contract with Option to Terminate After One (1) Year, with Diversified Data Processing & Consulting, Inc. (DivDat) for One (1) Utility Payment Acceptance Kiosk to be Located in the City Hall Lobby for the Annual Amount of \$33,540 and One-Time Set-Up Cost of \$9,800.

(Staff Report – Rochelle Clayton, Deputy City Manager)

Deputy City Manager Clayton gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin said as you were surveying other utilities companies do you know what brand or what company they were using for kiosk and did any of them say they had any problems with the system.

Deputy City Manager Clayton said she didn't ask the brand for all of them, just the most local and the City of Colton was the primary one using this and another desert community and she didn't get to ask if they had any problems.

Councilmember Andrade said that two cities are using the kiosk and are they open on Fridays.

Deputy City Manager Clayton said she believes the City of Colton is closed on Fridays and they have their kiosk available to their outside customers. So they have it set up almost like at a bank where the backside of it is almost inside the building and the front side of it is outside the building.

Councilmember Andrade said so you are comparing two cities that are not even comparable to our size of city. Colton is so much bigger plus they have different opening hours. We are open five days a week and she said she came in to city hall on Fridays and it is absolutely dead. Now when people have to come in to pay for their utilities there is a line but the waiting is really not that long. Also we have different locations where they can pay like at Walmart, for example, or at Rio Ranch Market as well. She said she was talking to the City Manager earlier and he said that we also have the capability to pay by phone.

Deputy City Manager Clayton said we do not have the ability to pay by phone as of yet and will be going forward in getting an RFP for the IVR services but that is not in place currently. Also,

Councilmember Andrade is correct in that they are in the process of setting up Rio Ranch and Walmart to be available. When staff initially proposed this they proposed for one kiosk to be available at Rite Aid for 24-hour service (8<sup>th</sup> and Ramsey location) so as to provide opportunities for most customers to pay outside of business hours and that was the original intent but also this would be the test to see if it is successful and to see if we wanted to move forward and they have already been in touch with Rite Aid and they have granted the City permission to put a kiosk in their location. Again, that was the initial intent but also to have one in the lobby so that customers can become familiar as to how to use it with hands-on training.

Councilmember Andrade said that she pays her utility bill on-line all the time and that is available 24/7. People can come in here all the time and pay. We are too small of a city to be putting in kiosks and wasting taxpayer's money when we have so many other things that need to be upgraded. She would prefer to use this money that staff is suggesting to pay on the kiosk to go to a forensic audit, for example, and use that for an outside auditor to come in and find out why these people have so many issues with their bill. She asked if this went out to bid.

Deputy City Manager Clayton said it did not go out to bid. Staff did informal requests for information and this is a sole source based on the services they offer. None of the other companies offered 24-hour maintenance or customer services and this company offers those services.

Councilmember Andrade said so basically we pick and choose what rules we are going to follow depending on what company is going to come forth or what relationship we have with certain people.

Deputy City Manager Clayton said we certainly don't have any relationship with this company but in surveying the other agencies that is how they were recommended to check into this and specifically Colton said that this has been a great success for their city so staff did their own research and found that it was a fact that this is the only company that provides the kiosk service with 24-hour call-in maintenance available or customer services available if there were any issues with the kiosk. This is only being brought to Council because we are trying to offer our customers better customer service and make it more convenient for them.

Councilmember Welch said he would like to see us try this but not in city hall. He would like to see it tried like at Rite Aid because what we are looking for is increased service to our residents. He said he has been coming to city hall for a long, long time with the idea that there is not a line out here because there usually is. The other thing, as he understands it, is that about 80% of our walk-in customers pay in cash. They do not subscribe to credit cards or on-line or what have you. He would like to see it tried for a stated period of time with a goal in mind. If it meets the service, if there is a substantial number of customers that use it, then maybe move ahead. He would like to see it in place where we are adding service to the residents 24/7 in Rite Aid where they have a substantial amount of security in the store with their own camera system and he believes that the Rite Aid at 8<sup>th</sup> and Ramsey also has a security guard on duty so it is a more secure place than a lot of other places. But it is offering a service because one of the things we have been asked time and time again by the residents in the city is to think of us in relation of services. If this works and it takes the work load off of staff in the city hall, there is the opportunity to: 1) move staff into another position, and 2) replace leaving staff. So it can be financially beneficial to the City. He thinks it is worth a try since one of their goals which the

Council all agreed upon was to move toward more technology in the City to better accommodate the needs of our residents.

Councilmember Franklin said in regards to looking at Rio Ranch and Walmart, would there be a fee to utilize their services?

Deputy City Manager Clayton said she doesn't believe there is a fee for the customer to use their services. There is a minimum fee because they would have to transfer the money to the City.

Mayor Moyer said he has mixed emotions about this and understands what everyone is saying. He liked the thought about having it at Rite Aid but if we do, we don't have staff there to show people how to use it even though he has been told it is magnificently simple to use and it does take cash but does not give change. So if somebody has \$20.00 and they are paying an \$18.00 bill they will get a \$2.00 credit on their next billing and is that correct. Deputy City Manager Clayton said that was correct.

Mayor Moyer said the only thing that salvages this for him is that we put it outside of city hall where we have staff here to help and it would be available 24/7 for anybody in the city to use at any time rather than inside the lobby which defeats the purpose.

Mayor Moyer opened the item for public comments.

Bill Dickson said he knows he is leaving but feels that he has been here long enough to make his opinion known. He thinks the city hall staff has done a marvelous job on getting it through without a lot of waiting. It was mentioned about opening it up to pay by phone. He thinks also to take that money, the \$35,000 to \$40,000 for the kiosk, there is a young lady here from Parks and Recreation that could find a lot better use of that money. So he thinks if the service is not broke, don't fix it. He thinks just being able to pay on-line would be marvelous. We have a system that is working and he has never stood in line for more than five minutes and thinks that you are trying to make something available to a very small group of people within the city; let's look at the majority.

John Cunningham said he would like to know once it is deposited in the kiosk, how long does it take to post. If he pays on-line right now, it is posted immediately. Deputy City Manager Clayton said it is immediate. He thinks the money could be better spent by making an agreement with Walmart to take payments longer hours or something like that instead of spending all this money for a kiosk and you take the chance of being robbed out here.

Inge Schuler said it seems that we sent this back for a six-month lease agreement. The company responded and said we don't have a six-month lease agreement; that should have been the end of that if you really stand by what you request. On the other hand if you go with this business and put it in the lobby, how is this going to change or be beneficial to people when we have seven particular ways to pay utilities bills. It includes payment in person, payment on-line, payment by bank auto pay, drop-off points, U.S. Mail, payment at Walmart and at Rio Ranch Market and then you have this kiosk inside the lobby. We were told in passing, two or three meetings ago when the video camera issue came up, that the cameras in the city hall do not work; interesting. We have cameras to protect telephone poles at the yard and in those buildings but we don't have working cameras in city hall. We have had some interesting events worldwide where people

walk in and help themselves to various things but we have no cameras working to keep a record of this; interesting. The fee is apparently for a lease. Evidentially the kiosk company basically rents these things out but services them and gets a five percent cut of what is deposited. That is quite different from this lease agreement that we have. She thinks the Council should just chuck this whole thing and follow through with what Councilmember Andrade has pointed out. It is not going to benefit anybody except the kiosk company and possibly the ones who are clearing out the cash when no cameras are checking it, when nobody is watching it; what securities do we have. It sounds like a reverse ATM machine.

Ann Price, resident said that she had a little speech but almost all of her questions have been answered. It doesn't make change, it accepts cash, wouldn't want it in the lobby because it doesn't accomplish anything because it is the same lobby hours. She doesn't see the point of it. She doesn't know how many people you surveyed who said they would just love it but she did an informal survey on nextdoor.com and none of her neighbors would never use the kiosk; they all said so. They also said they have 41 days on their electric bills. So it is not the service that we are worried about, we get good service. We want lower rates.

Jerry Westholder said he would like to reiterate a few things: 1) forensic audit. The problem is not with paying, it is not with the service; I don't trust you. Forty-one day bills, fifty-one day bills, \$500 dollar bills and we have already learned that our City Manager interrupted and intruded on a City election, we learned also that he is in collusion with former City Councilman Bob Botts and Jan Spann to have her appointed to the City Planning Commission and he presented evidence of that tonight and that Bob Botts is working for Diversified Pacific. He said my problem is, I don't trust you. And now people are going to give cash. Who is going to pick this cash up? There is no video camera, there is no surveillance. He thinks your mind is made up already anyway. He would suggest that if you are following through on this, that the only people that retrieve money from the machine and deposit it would be our City police department. That way we don't have any questions and that they go in pairs. He said he used to do money runs for the City of Beaumont because he still worked there always in pairs and the city police department made the deposits and in that way there is no question. But the fact of the matter is, we have a bigger issue and that is we don't need to be spending any more money on the electric company until they get their act together, until we have lower rates, and until the citizens of this city are comfortable with their rates. That's your job; the citizens. Not putting up another kiosk. And as Councilmember Andrade pointed out we have so many different ways of paying our bills why do we need one more. He said he has never heard one person in this city complain about having another way to pay our bills. He agrees with Bill Dickson that that money would be better off given to help our recreation center seeing how we have a \$200,000 dollar gymnasium for the Electric Department. Wouldn't it be nice if our citizens had their community center fixed up with some of this money?

City Clerk read a letter from Ed Miller regarding this item (attached Exhibit "B").

Councilmember Franklin said in going back to some of the comments made by the public is there any kind of a payback to the vendor. It was mentioned that 5% goes back to the vendor of whatever is paid in.

Deputy City Manager Clayton said there is a fee for certain purchases. For cash there is no fee. The fees are listed on the back in the actual staff report and it is not 5%. The credit card is basically what a credit card company charges so that is passed on to the customer versus the City.

There was some further dialogue between Councilmember Franklin and Deputy City Manager Clayton regarding Rio Ranch and Walmart confirming us of their facilities, starting time for using these stores, how many people were actually surveyed about this item, what is the average time that people actually stand in line, and the purchasing process provision for sole source.

Councilmember Franklin said maybe she missed it but she wasn't thinking about other sources for places for them to be able to pay with Rio Ranch and Walmart although she is not thrilled about them going to Beaumont to pay a Banning bill but it sounds like that is another option that is out there now that we didn't have before and maybe trying that for six months to see what kind of impact that has on the customers that come to city hall and whether or not that is a viable alternative or not especially if it is not costing us any more money, might be something to look at.

Deputy City Manager Clayton said that the Customer Service and Billing Manager identified all of the different avenues that we can go forward with and they was just trying to go forward with all of them at the same time. The other two locations were not going to exceed City Manager cost so those didn't need to come to Council but staff is pursing all avenues at the same time so we can swiftly improve our service to our customers primarily giving more options to those people who come in and stand in line every month to pay cash.

Councilmember Andrade said you mentioned earlier that there would be a fee associated to it if they are using their credit card. So if they used the credit card on the kiosk, there would be a fee passed on to the customers. Well, currently paying on-line is free so wouldn't be better off spending that money in putting a couple of computers in the lobby and showing the customers how to use it so they will not have additional fees because apparently they are already paying an astronomical amount.

Deputy City Manager Clayton said our intent was to offer more options for customers who pay cash and anticipate this being heavily used to pay cash.

**Motion Welch/Franklin to deny acceptance of Resolution 2017-27. Motion carried, all in favor with Councilmember Peterson absent.**

Councilmember Franklin said with that though she would like to see if maybe we can get an update once Rio Ranch and Walmart are used to see if that has an impact on our customers that come into the lobby and if it does not, then maybe to find out if they would be willing to use a kiosk so that we have some kind of numbers as to what we are looking at at that point. Deputy City Manager Clayton said absolutely.

4. Approve the Implementation of the Strategic Communications Plan and Messaging Training as Presented by CV Strategies.  
(Staff Report – Rochelle Clayton, Deputy City Manager)

Deputy City Manager Clayton gave the staff report on this item as contained in the agenda packet.

Mayor Moyer opened the item for public comments; there were none.

**Motion Franklin/Welch that the City Council approve the implementation of the Strategic Communications Plan and Messaging Training as presented by CV Strategies. Motion carried, all in favor with Councilmember Peterson absent.**

Mayor Moyer recessed the Regular City Council Meeting and called to order a Scheduled Meeting of the Banning Utility Authority.

#### BANNING UTILITY AUTHORITY

Meeting recessed at 7:20 p.m. and reconvened at 7:25 p.m.

#### REPORTS OF OFFICERS

1. Discuss and Consider Adopting Resolution 2017-04 UA, Approving the Purchase of a CCTV Sewer Inspection Van and Equipment in the Amount of \$139,649.  
(Staff Report – Art Vela, Public Works Director)

Director Vela gave the staff report on this item as contained in the agenda packet.

Councilmember Franklin asked Director Vela to explain a little bit more about the National Joint Powers Alliance and how that benefits the City.

Director Vela said the National Joint Powers Alliance (NJPA) is a group of municipalities that use their buying power to leverage some of these solicitations. He said the last time he was on their website there was something like 50,000 members and when they take items to bid they follow the uniform municipal contracting law so it is all done by general contracting practices. The biggest benefit is that it is a streamlining process. The alternative would be for staff to write a set of specs, go out to bid, put together an evaluation team and as discussed previously that takes staff time and money so this is an extremely streamlined process because that whole procurement process has been done for you. In his opinion that is the greatest benefit to use NJPA and it is a process that is allowed by our purchasing policy.

Councilmember Franklin asked even with that you did put it out to local companies to bid on or not.

Director Vela said no they did not go to local companies. They looked at common equipment that is used by wastewater utilities and the one that they were in favor of was available through the NJPA.

Mayor Moyer said the staff report indicates that we now spend \$25,000 per year to do six miles of pipe a year. The city has 119 miles of pipe so it would take nearly 20 years to inspect our entire system. With this equipment we will be able to inspect our entire system every 4.3 years and it would be a continuous operation. He asked if we needed any additional personnel to operate it. Director Vela said no, they do have staff available.

Mayor Moyer opened the item for public comments.

Jerry Westholder addressed the Council stating this is actually a real decent price and he is familiar with the technology and it can be very expensive. His only concern again is spending money from the utility company until we have had a forensic audit. He said he is going to keep harping on this. We have customers that need relief, we have people that need lower bills, we have people that have ridiculous bills he doesn't like the idea. He thinks this is a good deal and will save us money in the long run but he doesn't like throwing money away until we got home base taken care of. We need a forensic audit. We need to take care of the people. We need to look at what we have going on in the utility company. People need to prioritize and the people come first.

**Motion Welch/Franklin that the Banning Utility Authority: 1) Adopt Resolution 2017-04 UA, approving the purchase of a CCTV Sewer Inspection Van, including camera, rover, reel, controller, associated peripherals and software in the amount "Not to Exceed" \$139,649; and 2) authorizing the City Manager or his designee to execute the Contract with Haaker Equipment Company of La Verne, CA. Motion carried, all in favor with Councilmember Peterson absent.**

2. Discuss and Consider Adopting Resolution 2016-18 UA, Approving an Amendment to the Contract with Willdan Financial Services for the Water, Wastewater and Reclaimed Water Rate Study in the Amount of \$24,927.

(Staff Report – Rochelle Clayton, Deputy City Manager)

Deputy City Manager Clayton gave the staff report on this item as contained in the agenda packet. She said that Mark Risco from Willdan is here and available to answer any questions in addition to staff.

Councilmember Andrade said she knows that this is necessary but again this goes to show how much money we are actually wasting in this City. This study should have never been interrupted because the study in order to get the rates has nothing to do with our Chromium-6. This could have been done and over with and now here we are again putting in and wasting more money. She is not blaming staff on this one; she is blaming the Council however because what Rochelle was saying it was Council's direction to stop the study.

Councilmember Franklin commented that when the study is done we are able to do it looking at the cost with Chromium-6 and without Chromium-6. Deputy City Manager Clayton said yes, that is the way the model will be available. Mark Risco said yes, that is the design that they are looking at.

Councilmember Franklin asked about the time frame to complete the study.

Mr. Risco said he is actually not the consultant that does all of the work. He is the CEO that is going to make sure the Council is happy and get the work done.

Deputy City Manager Clayton said the schedule is included and it was just delayed because they originally brought this a few of months ago. She referred to page 485 stating that it was originally scheduled to be done by April 5<sup>th</sup> so it would just be moved out to June.

Councilmember Franklin said as a member of the Council that did postpone it, Councilmember Andrade is correct. The Council did request to stop because they were concerned about the cost and sometimes they may not make the right decisions.

Mayor Moyer said according to this schedule it is to be done by June. He asked if they could build in liquidated damages if it is not prepared by June.

Mr. Risco said that liquidated damages are for engineering projects. Mayor Moyer said he understands that but he is tired of waiting on a rate study that he has been waiting on for three years. He understands that there were some circumstances but he believes that all of these types of things should have dates certain, things of completion on them and that is what he is concerned about. They can say they will be done by June but for all he knows a lot of times it will go out to July and August and he doesn't like that.

Deputy City Manager Clayton said that she does have a dedicated staff member that will be working with Willdan to gather all of this data. She is guaranteeing that her staff will provide everything expeditiously to Willdan.

Mr. Risco said that he is here to commit that they have the necessary staff as long as the data comes in and they are working with the City that this is a top priority to get it done for the Council. If that doesn't happen, he will be the person that will come back here and answer to the Council, City Manager and staff.

Mayor Moyer opened the item for public comments; there were none.

**Motion Andrade/Welch that the Banning Utility Authority adopt: 1) Resolution 2016-18 UA, approving an amendment to the contract with Willdan Finance Services (Willdan) in the amount of \$24,927, for the Water, Wastewater and Reclaimed Water Rate Study (Rate Study) approved in October 2013 and delayed due to newly adopted regulations in July 2014 by California on chromium-6; 2) Authorize the City Manager to execute the amendment; and 3) Authorize the Administrative Services Director to make necessary budget adjustments, appropriations, and transfers. Motion carried, all in favor with Councilmember Peterson absent.**

BANNING FINANCING AUTHORITY (BFA) - no meeting.

Mayor Moyer adjourned the scheduled meetings and reconvened the regular City Council meeting.

#### ITEMS FOR FUTURE AGENDAS

New items -

Councilmember Franklin said that she would like a report come back regarding the utility bills, in particular, the electric because there are a lot of questions about the billing and what happened.

Mayor Moyer said he would like that by their next meeting.

Deputy City Manager Clayton said that she has been in contact with the Electric Department, those who go out and perform the audits and the internal staff that processes the re-bills which what was brought up earlier and they already have a meeting scheduled to discuss the whole process and check further into it so she can absolutely bring something back to the Council at the next meeting.

Deputy City Manager Clayton said she would also like to add that she is in contact with our external auditors who process our audit report to find out if they would also be able to provide an external audit into what it would cost for an external audit/detailed audit.

Councilmember Andrade addressed Ms. Clayton stating did she say she would be bringing back to the Council companies or you have people in place that is going to be doing that. Ms. Clayton said that we have an auditor that we contract with that we have a multi-year contract.

Councilmember Andrade said she wouldn't want that because if the people don't trust you already and you are going to bring us the auditor that you have already been doing business with all along, how can they trust that audit is going to be good.

Mayor Moyer said so you want a forensic audit on a future item. Councilmember Andrade said that she wants to bring it back for discussion for possibly hiring a firm to do an audit. It will either show that we did something wrong or that we didn't do anything wrong and she thinks we owe this to the community.

Pending Items – City Council

1. Join other agencies to challenge the State in regard to Chromium-6 water issues.
2. Attraction of professional firms through economic development to locate in Banning.

*(Note: Dates attached to pending items are the dates anticipated when it will be on an agenda. The item(s) will be removed when completed).*

ADJOURNMENT

By common consent the meeting adjourned at 7:42 p.m.

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Marie A. Calderon, City Clerk

THE ACTION MINUTES REFLECT ACTIONS TAKEN BY THE CITY COUNCIL. A COPY OF THE MEETING IS AVAILABLE IN DVD FORMAT AND CAN BE REQUESTED IN WRITING TO THE CITY CLERK'S OFFICE

Received 3/28/17  
cmca

## Bob Botts Prayers



Yesterday at 7:22 PM · Like · Reply

## Jan Spann



any news after the golf tournament?

Yesterday at 7:28 PM · Like · Reply

Write a reply...



## Bob Botts



Michael thought it was a great idea and he said he was going to call you...I would call him.

He said there were to spots and the one lady on the Commission doesn't want to   
convo any more

seive aiiy iiiiic.

George was not there.

Once you submit your app I would call art,  
Debbie and george....

Good luck on your surgery!!

Yesterday at 7:34 PM · Like · Reply

John Traynor

may God send his angels to wrap their  
wings around u and help you heal fast

Yesterday at 7:44 PM · Like · Reply

EXHIBIT "A"

Write a comment...



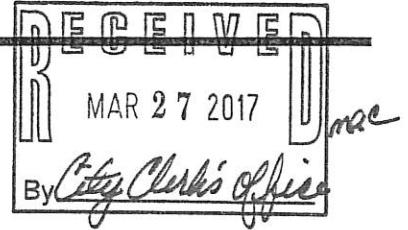
Post



Exhibit "A"

**Marie Calderon**

**From:** emiller1  
**Sent:** Sunday, March 26, 2017 9:08 PM  
**To:** Marie Calderon  
**Subject:** Letter to Council



Hi Marie:

I ask that this letter to the council be read as correspondence at the next Council meeting. I would appreciate an acknowledgement of your receipt of this email.

Ed

To: Banning City Council

The agenda item for a payment kiosk from Divdat was pulled last meeting, and is on the agenda again this meeting. My comment is about the process by which this item was offered for the Council's consideration, and not specifically about the agenda item itself. This purchase was submitted as a sole-source purchase, with a brief statement that the Divdat company was the only one which provided needed 24 hour service and desired pricing.

No information was provided as to how the decision to claim this is a valid sole-source was made, except to briefly compare this company to one other.

Any purchase of this cost should, and must be obtained through the standard bidding process by city regulations, and with the recognition that any purchase by a government agency must be by an open and transparent process. In this bidding process the specifications for the desired purchase, (the kiosk in this case), are listed, and the bidder that comes closest to satisfying those requirements at the lowest cost is chosen.

No indication that these steps were followed has been given to the Council.

The statement that Divdat is a sole-source provider is not backed with sufficient data. There is a plethora of kiosk providers besides the two listed in the agenda item. . A quick Google search finds, among others, the following companies:

QuotePro, Kioskinformaion servies, Tio netwirks, Us payments, Sourcetech, Pasite, Kisosksinc, Atmexperts, Aps Inc, Kiskmarket, as well as Divdat.

I ask that the Council in all its purchases (both in the case of this kiosk and in all future purchase), follow the standard bidding practice, and not accept without sufficient background data, in this case and in the future items to be purchased, any statements as to the necessity for sole-source purchases without sufficient background data. Failure to follow these procedures leaves the city open to protests and lawsuits filed by other vendors. Following the standard purchasing practices also provides to the people of Banning the assurance that their Council is proceeding in an appropriate and accepted manner. The city has recently hired a purchasing agent, and dubious short-cuts should certainly not be accepted, or needed.

Ed Miller

Exhibit "B"

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**ORDINANCE NO. 1509**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A CATEGORICAL EXEMPTION AND APPROVING ZONING TEXT AMENDMENT NO. 17-97501 AMENDING THE ZONING ORDINANCE (TITLE 17 OF THE BANNING MUNICIPAL CODE) TO ALLOW FOR THE ESTABLISHMENT OF COMMUNITY GARDENS**

**WHEREAS**, the City Council has authority per Chapter 17.116 (Zoning Ordinance Amendments) of the City of Banning Municipal Code to approve, approve with modifications, or disapprove amendments to the Zoning Ordinance; and

**WHEREAS**, on the 17<sup>th</sup> day of February, 2017 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zoning Text Amendment would be considered; and

**WHEREAS**, on March 1, 2017, during a duly advertised public hearing, the Planning Commission adopted Resolution No. 2017-04 recommending to the City Council the adoption of Ordinance No. 1509 approving the Categorical Exemption and Zoning Text Amendment No. 17-97501; and

**WHEREAS**, on the 17<sup>th</sup> day of March, 2017 the City gave public notice as required under Chapter 17.68 (Hearings and Appeals) of the City of Banning Municipal Code by advertising in the Record Gazette newspaper of the holding of a public hearing at which the Categorical Exemption and Zoning Text Amendment would be considered; and

**WHEREAS**, on the 28<sup>th</sup> day of March, 2017 the City Council held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to the proposed amendments, and at which time the City Council considered the Categorical Exemption and Zoning Text Amendment No. 17-97501; and

**WHEREAS**, at this public hearing on the 28<sup>th</sup> day of March, 2017 the City Council considered and heard public comments on the proposed Categorical Exemption and Zoning Text Amendment; and

**WHEREAS**, the City Council has carefully considered all pertinent documents and the staff report offered in this case as presented at the public hearing held on the 28<sup>th</sup> day of March, 2017.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Banning as follows:

## **SECTION 1. ENVIRONMENTAL.**

### California Environmental Quality Act (CEQA)

In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment No. 17-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA. The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment No. 17-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### Multiple Species Habitat Conservation Plan (MSHCP)

The amendments to the Zoning Ordinance do not relate to any one physical project and are not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of MSHCP including mitigation through payment of the MSHCP Mitigation Fee.

## **SECTION 2. REQUIRED FINDINGS.**

The California Government Code and Section 17.116.050 (Findings) of the City of Banning Municipal Code require that Zoning Text Amendments meet certain findings prior to the approval by the City Council. The following findings are provided in support of the approval of the Zoning Text Amendment No. 17-97501

***Finding No. 1:*** *Proposed Zoning Text Amendment No. 17-97501 is consistent with the goals and policies of the General Plan.*

**Findings of Fact:** Proposed Zoning Text Amendment No. 17-97501 is consistent with the goals and policies of the General Plan, insofar as the General Plan designations and Zoning designations within the City will not change, and the text amendments will result in meeting some of the objectives of the General Plan and more specifically that of the Economic Development Element. Community gardens provide positive attributes as urban green spaces, build a sense of community, and contribute to the preservation of, access to, and use of open space, vacant lots, and public parks.

***Finding No. 2:*** *Proposed Zoning Text Amendment No. 17-97501 is internally consistent with the Zoning Ordinance.*

**Findings of Fact:** Proposed Zoning Text Amendment No. 17-97501 is consistent with the purpose and objective of the Zoning Ordinance to ensure orderly development of all lands within the city to protect the public health, safety, and welfare in that the establishment of Community Gardens will contribute to the public health by providing alternatives for the cultivation of healthy foods.

**Finding No. 3:** *The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.*

**Findings of Fact:** In accordance with the requirements of the California Environmental Quality Act (CEQA), the City Council has analyzed proposed Zoning Text Amendment No. 17-97501 and has determined that it is Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. *Where, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is not subject to CEQA.* The amendments to the Zoning Ordinance do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that Zoning Text Amendment No. 17-97501 may have a significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **SECTION 3. CITY COUNCIL ACTION.**

The City Council hereby takes the following actions:

1. **Adoption of Categorical Exemption.** In accordance with Public Resources Code Section 21006 and CEQA Guidelines Section 15061 the City Council hereby adopts the Categorical Exemption prepared pursuant to CEQA Guidelines Section 15061(b)(3) for Zoning Text Amendment No. 17-97501.
2. **Approve Zoning Text Amendment 17-97501 as follows:**

Amend Title 17 (Zoning) of the Banning Municipal Code as follows:

1. The alphabetized list of definitions provided for in Section 17.04.070 (Definitions) of Chapter 17.04 (Basic Provisions) is hereby amended to add the following definitions:

“Community Garden” means an area of land used to grow and harvest food crops by individuals or collectively by members of a group for non-commercial purposes.”

2. Table 17.08.020 of Section 17.08.020 (Permitted, conditional and prohibited uses) of Chapter 17.08 (Residential Districts) is hereby amended to add the following use:

	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
<b>Agricultural Uses</b>									
Community Gardens	P	P	P	P	P	P	P	P	P

3. Table 17.12.020 of Section 17.12.020 (Permitted, conditional and prohibited commercial and industrial uses) of Chapter 17.12 (Commercial and Industrial Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
<b>Resource and Open Space Uses</b>								
Community Gardens	P	P	P	P	P	P	P	P

4. Table 17.16.020 of Section 17.16.020 (Permitted, conditional and prohibited public facilities uses) of Chapter 17.16 (Public Facilities Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	PF-A	PF-G	PF-F	PF-S	PF-H
Community Gardens	P	P	P	P	P

5. Table 17.20.020 of Section 17.20.020 (Permitted, conditional and prohibited open space uses) of Chapter 17.20 (Open Space Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended to add the following uses:

Zone	OS-R	OS-PA	OS-PU	OS-H
Community Gardens	P	P	P	P

6. Table 17.12.050 (Use Specific Development Standards [Residential]) of Section 17.08.040 (Use specific standards) shall be amended to add Community Gardens as follows:

	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR	MHP
Q. Community Gardens	*	*	*	*	*	*	*	*	*

7. Section 17.08.202 shall be added as follows:

17.08.202 Community Gardens

Community Gardens are allowed in all zones, subject to the following regulations:

- A. Consent of the property owner shall be required.
- B. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community garden; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The operating rules along with a site plan of the Community Garden shall be kept on file with the Community Development Department and shall include the name and telephone number of the garden coordinator.
- C. All plots shall be tended on a regular (minimum weekly) basis. Gardens shall be maintained in a weed-free condition and produce must be harvested and not allowed to go to seed.
- D. Hours of Operation: Hours of operation shall be limited to daylight hours.
- E. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies or greenhouses, may be allowed in a community garden pursuant to meeting zoning setback requirements and shall not exceed 10 percent of the garden site lot area or 120 square feet, whichever is less. Accessory structures shall be compatible with the neighborhood and shall be approved by the Community Development Director.
- F. Parking. A minimum of two (2) graveled parking spaces with approved access shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.
- G. Utilities. Proposed connection to public utilities shall require permits from the City and shall meet any required City of Banning Electric Utility and City of Banning Water Utility requirements.
- H. Addressing. Addresses shall be assigned to vacant parcels for Community Gardens. The property address shall be identified using 4" address numbers displayed in a visible location.
- I. Fencing. Fences shall not exceed six feet in height, shall be subject to any setback requirements of the zones in which they are located, shall be at least 50 percent open if they are taller than four feet, and shall be

constructed of wood, vinyl, or ornamental metal. Chain link shall be permitted for community gardens.

- J. Drainage. The Community Garden Site shall be designed and maintained so that water and fertilizer do not drain onto adjacent property.
- K. Water Use. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.
- L. Composting. Composting may be performed onsite within a composting container subject to all of the following:
  - 1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.
  - 2. Composting containers shall be located a minimum of three feet from the property lines.
  - 3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.
- M. Organic Gardening. Organic gardening is strongly encouraged.
- N. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site weekly so that the receptacle area and the lot are kept free from litter.
- O. Personal Use Only. Food crops grown and harvested are for personal use only; commercial sale of produce is not permitted and the garden shall not be run as a profit-making venture.
- P. Prohibited plants. Planting illegal or invasive plants shall be prohibited. Plants grown must be food crops for personal consumption. Planting and cultivation of marijuana shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens, including but not limited to grading and noise ordinances. Applicable permits from other departments may be required.

- 8. Table 17.08.040 (Use Specific Development Standards [Commercial and Industrial]) of Section 17.08.040 (Use specific standards) shall be amended to add Community Gardens as follows:

	DC	GC	HSC	PO	I	AI	BP	IMR
U. Community Gardens	*	*	*	*	*	*	*	*

9. 17.12.050(U) shall be added as follows:

U. Community Gardens. Community Gardens in all zones shall meet the requirements of 17.08.202 Community Gardens.

**SECTION 4. SEVERABILITY.**

If any section, subsection, sentence, clause, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Banning hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 5. PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California.

**PASSED, APPROVED, AND ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning, California

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

John C. Cotti, Interim City Attorney  
Jenkins & Hogan, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1509 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 28<sup>th</sup> day of March, 2017, and was duly adopted at a regular meeting of said City Council on the 11<sup>th</sup> day of April, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning, California



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Sonja De La Fuente, Executive Assistant/Deputy City Clerk

**MEETING DATE:** April 11, 2017

**SUBJECT:** Receive and File List of Contracts Approved Under the City Manager's Signature Authority

---

### **RECOMMENDATION:**

Receive and file the list of Contracts approved under the City Manager's signature authority of \$25,000 or less.

### **BACKGROUND:**

City Council requested regular reports of contracts signed under the City Manager's signature authority of \$25,000 or less.

### **ATTACHMENT:**

- 1) List of Contracts approved by City Manager

Reviewed and Approved by:



---

Michael Rock, City Manager

# **ATTACHMENT 1**

Contracts Approved Under City Manager Signature Authority				
Date	Department	Vendor/Contractor	Amount	Services Provided
2/14/2017	Public Works	American Air Service	\$ 7,420	HVAC Services
2/24/2017	Admin Services	Safety Compliance Company, Inc	\$ 10,000	Monthly Safety Meetings Consultant - Amendment #2
3/2/2017	Public Works	Applied Earthworks, Inc.	\$ 3,567	Enviormental Services (East Ramsey Street)
3/10/2017	Public Works	Geoscience Support Services	\$ 15,000	Water Supply Assessment for Rancho San Gogonio
3/14/2017	Public Works	Couts Heating & Cooling, Inc.	\$ 13,000	HVAC Services
3/23/2017	Police	Airwave Communications Ent.	\$ 25,000	Radio Communications Maintenance
3/28/2017	Public Works	V2C Group, Inc.	\$ 10,960	Design Replplier Park Parking Lot Landscape Improvements
3/28/2017	Public Works	Design West Engineering	\$ 24,750	HVAC Assessment & Recommendations (Police Department & City Hall)
3/29/2017	Community Services	Pyro Spectacular	\$ 25,000	4th of July Fireworks Display
3/30/2017	Public Works	Albert A. Webb Associates	\$ 17,700	Traffic Survey Services

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Rochelle Clayton, Deputy City Manager

**MEETING DATE:** April 11, 2017

**SUBJECT:** Information on a Detailed Audit of the City of Banning's Utility Departments and Utility Billing

---

### **RECOMMENDATION:**

This is informational only; receive and file report.

### **JUSTIFICATION:**

An audit was requested by Council at its March 28, 2017 meeting, in response to the complaints that have been made about the City's utility departments and utility billing.

### **BACKGROUND:**

The City contracts with Lance, Soll & Lunghard, LLP (LSL) to perform annual audit services of the City, Banning Utility Authority and Banning Housing Authority. At the April 4, 2017 Budget and Finance Adhoc Committee Meeting, LSL presented the FY2016 Draft Audit Reports. LSL will present the Audit Reports to Council at its meeting on April 25, 2017.

During that meeting, LSL explained to the Committee how they perform their audit of internal controls, transactions, and processes. They also explained that a forensic audit costs approximately six times the amount of a regular audit due to the extensive detail required. The City currently pays an annual cost of approximately \$60,000 for audit services of all of the City's financial transactions.

The City has requested a quote from LSL on the cost of a detailed external audit of the utility departments and billing. It is anticipated that the City will receive the cost estimate within two weeks, and staff will then provide it to Council as information only. The cost will be significantly higher for an audit of each separate utility.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

None.

Approved by:

A handwritten signature in blue ink, appearing to read "Michael Rock".

Michael Rock  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** **CITY COUNCIL**

**FROM:** **Michael Rock, City Manager**

**PREPARED BY:** **Art Vela, Public Works Director  
Kevin Sin, Senior Civil Engineer**

**MEETING DATE:** **April 11, 2017**

**SUBJECT:** **Discuss and Consider Adopting Resolution 2017-34,  
Approving the Measure "A" Five Year Capital Improvement  
Plan Project List and authorizing the City Manager to execute  
the Maintenance of Effort Certification Statement**

---

**RECOMMENDATION:**

That City Council adopt Resolution 2017-34, approving the Measure "A" Five Year Capital Improvement Plan Project List and authorizing the City Manager to execute the Maintenance of Effort Certification Statement.

**JUSTIFICATION:**

The City of Banning ("City") is required to submit a Five Year Capital Improvement Plan (CIP) annually to the Riverside County Transportation Commission (RCTC) in order to receive Measure "A" funds.

**BACKGROUND:**

Voters in Riverside County approved Measure "A" in 1988, which authorized the RCTC to impose an additional one-half percent (0.5%) sales tax for the next 20 years to be used for improvements of state highways, public transit systems, and local streets. In 2002, voters in Riverside County approved a 30-year extension of the one-half percent sales tax for transportation improvements.

Each City in Riverside County is required by the RCTC to submit a Five Year CIP, as approved by its governing board, to indicate how Measure "A" funding is to be utilized over the next five years. The list of street locations under the Five Year CIP is attached hereto.

In 2012, the City hired Mission Geographics, LLC ("Mission") to complete a citywide mapping and data collection of the City's street network. Mission used automated data collection technology to collect pavement surface distress data such as cracking, roughness, rutting, raveling/weathering, bleeding/flushing and deflection. Using these asset parameters the streets are scored and prioritized.

As part of the yearly Measure "A" CIP list submittal, the City is required to submit a Project Status Report for projects previously approved by City Council in previous fiscal years that have not been completed. Attached hereto is the Project Status Report for FY 2015/2016 – 2016/2017.

Additionally, the Measure "A" Ordinance requires annual certification that discretionary General Fund expenditures for transportation-related construction and maintenance activities for Fiscal Year 2017/2018 will meet or exceed the Maintenance of Effort (MOE) Certification base year amount and commitment to expending Measure "A" funds to projects identified in the City's Five Year CIP. The MOE base year amount has been set to \$164,325. The MOE, attached hereto, must be signed by the City Manager and submitted to RCTC along with the Five-Year CIP.

The program is intended to support public transit systems, street pavement rehabilitation, and public street improvements. If needed, City Council can request a change in the priority list of street locations after RCTC has approved the list by submitting a written request.

#### **FISCAL IMPACT:**

RCTC has estimated that the City of Banning will receive Measure "A" Funds totaling \$2,871,000 as follows for the next five years:

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
<b>2017/2018</b>	<b>\$552,000</b>
<b>2018/2019</b>	<b>\$563,000</b>
<b>2019/2020</b>	<b>\$574,000</b>
<b>2020/2021</b>	<b>\$585,000</b>
<b>2021/2022</b>	<b>\$597,000</b>

**OPTIONS:**

1. Adopt Resolution No. 2017-34 "Approving the Measure "A" Five Year Capital Improvement Plan".
2. The City Council may choose not to adopt Resolution No. 2017-34, which would result in the City losing its Measure "A" entitlements.

**STRATEGIC PLAN OBJECTIVE:**

Strategic Goal No. 4 - Public Health and Safety. The Measure "A" Five Year Capital Improvement Plan will identify and fund street and sidewalk improvements to enhance the safety of drivers and pedestrians within the City of Banning.

**ATTACHMENTS:**

1. Resolution No. 2017-34
2. Exhibit "A": 5-Year Measure "A" CIP
3. Exhibit "B": Project Status Report
4. Exhibit "C": Maintenance of Effort Certification Statement

Approved by:



---

Michael Rock,  
City Manager

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# **ATTACHMENT 1**

(Resolution No. 2017-34)

## RESOLUTION 2017-34

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE MEASURE "A" FIVE YEAR CAPITAL IMPROVEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MAINTENANCE OF EFFORT CERTIFICATION STATEMENT**

**WHEREAS**, in 1988, Riverside County voters approved a 0.5% sales tax (Measure "A") over a 20-year span to be used toward improvements of state highways, local transit systems, and public streets; and

**WHEREAS**, in 2002, Riverside County voters approved a 30-year extension of the Measure "A" 0.5% sales tax; and

**WHEREAS**, each City in Riverside County is required by the Riverside County Transportation Commission (RCTC) to submit a Five Year Capital Improvement Plan (attached as Exhibit "A"), as approved by its governing board, to indicate how Measure "A" funding is to be utilized over the next five years; and

**WHEREAS**, the RCTC has estimated that the City of Banning will receive a total of \$2,871,000 in Measure "A" funds over the next five years; and

**WHEREAS**, the program is intended to support local transit systems, street pavement rehabilitation and public street improvements; and

**WHEREAS**, the Measure "A" Ordinance requires annual certification that discretionary General Fund expenditures for transportation-related construction and maintenance activities for Fiscal Year 2017/2018 will meet or exceed the Maintenance of Effort Certification (MOE) base year amount and commitment to expending Measure "A" funds to projects identified in the City's Five Year CIP; and

**WHEREAS**, the priority list of street locations can be changed by the City Council by submitting a written request to RCTC.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** City Council adopts Resolution 2017-34, approving the Measure 'A' Five Year Capital Improvement Plan.

**SECTION 2.** The City Manager is authorized to execute the Maintenance of Effort Certification Statement.

**PASSED, APPROVED and ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning

ATTEST:

---

Marie A. Calderon, City Clerk

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

---

John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-34 was duly adopted by the City Council of the City of Banning at a Regular Meeting thereof held on the 11<sup>th</sup> of April, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning  
Banning, California

# **ATTACHMENT 2**

(Exhibit "A": 5-Year Measure "A" CIP)

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
FY 2017/2018**

**Agency:** City of Banning

**Page 2 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**FY 2015-16 Audited Measure A Balance:** \$2,012,674.00

**Date:** 3-8-17

**FY 2016-17 Measure A Revenue:** \$544,000.00

**FY 2016-17 Project Status report expenses:** \$1,726,000.00

**Estimated Prior Year Measure A Balance:** \$830,674.00

**Estimated FY 2017/2018 Measure A Allocation:** \$552,000.00

**Estimated Measure A Available for FY 2017/2018 Projects:** \$1,382,674.00

**FY 2017/2018**

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>
1	Sun Lakes Boulevard Extension: Highland Home Road to Sunset Avenue	Environmental Document and Plans, Specs and Estimates Only	\$1,200,000.00	\$1,200,000.00
2	SB 821 Match - Christie Street: Almond Way to Blanchard St.; Christie Street: Cherry St. to Allen St.; Sun Lakes Blvd: 480' west of Lakes Retirement Community	Street and Sidewalk Rehab	\$188,278.00	\$113,000.00
	<b>TOTALS</b>		<b>\$1,388,278.00</b>	<b>\$1,313,000.00</b>

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
FY 2018/2019**

**Agency:** City of Banning

**Page 3 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**Date:** 3-8-17

Estimated Prior Year Measure A Balance:	\$69,674.00
Estimated FY 2018/2019 Measure A Allocation:	\$563,000.00
Estimated Measure A Available for FY 2018/2019 Projects:	\$632,674.00

**FY 2018/2019**

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>
1	Cottonwood Road: 8th Street to 12th Street	AC Overlay	\$100,000.00	\$100,000.00
2	George Street: 8th Street to 12th Street	AC Overlay	\$100,000.00	\$100,000.00
3	10th Street: Williams Street to George Street	AC Overlay	\$115,000.00	\$115,000.00
4	12th Street Williams Street to George Street	AC Overlay	\$122,000.00	\$122,000.00
5	14th Street: Williams Street to George Street	AC Overlay	\$120,000.00	\$120,000.00
<b>TOTALS</b>			<b>\$557,000.00</b>	<b>\$557,000.00</b>

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
FY 2019/2020**

**Agency:** City of Banning

**Page 4 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**Date:** 3-8-17

Estimated Prior Year Measure A Balance:	\$75,674.00
Estimated FY 2019/2020 Measure A Allocation:	<u>\$574,000.00</u>
Estimated Measure A Available for FY 2019/2020 Projects:	\$649,674.00

**FY 2019/2020**

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>
1	Indian School Lane: 8th Street to San Gorgonio Avenue	AC Overlay	\$200,000.00	\$200,000.00
2	Lincoln Street: San Gorgonio Avenue to Hargrave Street	AC Overlay	\$300,000.00	\$300,000.00
3	City Wide Slurry Seal	Slurry Seal	\$91,000.00	\$91,000.00
<b>TOTALS</b>			<b>\$591,000.00</b>	<b>\$591,000.00</b>

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
FY 2020/2021**

**Agency:** City of Banning

**Page 5 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**Date:** 3-8-17

<b>Estimated Prior Year Measure A Balance:</b>	<b>\$58,674.00</b>
<b>Estimated FY 2020/2021 Measure A Allocation:</b>	<b><u>\$585,000.00</u></b>
<b>Estimated Measure A Available for FY 2020/2021 Projects:</b>	<b>\$643,674.00</b>

**FY 2020/2021**

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>
1	Monroe Street: 22nd St to Jefferson St	AC Overlay/Rehab	\$100,000.00	\$100,000.00
2	Jefferson Street: Monroe St to 22nd St	AC Overlay/Rehab	\$90,000.00	\$90,000.00
3	Lincoln Street: Sunset Ave to 22nd St.	AC Overlay	\$180,000.00	\$180,000.00
4	George Street: Hargrave St to Hathaway St	AC Overlay	\$140,000.00	\$140,000.00
5	Citywide Slurry Seal	Slurry Seal	\$120,000.00	\$120,000.00
<b>TOTALS</b>			<b>\$630,000.00</b>	<b>\$630,000.00</b>

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
FY 2021/2022**

**Agency:** City of Banning

**Page 6 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**Date:** 3-8-17

Estimated Prior Year Measure A Balance:	\$13,674.00
Estimated FY 2021/2022 Measure A Allocation:	<u>\$597,000.00</u>
Estimated Measure A Available for FY 2021/2022 Projects:	\$610,674.00

**FY 2021/2022**

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>
1	Ramsey Street: 4th St. to 12th St.	AC Overlay/Rehab	\$300,000.00	\$300,000.00
2	First Street: Livingston St. to Williams St.	AC Overlay	\$85,000.00	\$85,000.00
3	Second Street: Hays St. to Williams St.	AC Overlay	\$13,000.00	\$13,000.00
4	Third Street: Hays St. to Williams St.	AC Overlay	\$30,000.00	\$30,000.00
5	Fourth Street: Livingston St. to Williams St.	AC Overlay	\$85,000.00	\$85,000.00
6	Second Street: Nicolet St. to George St.	AC Overlay	\$35,000.00	\$35,000.00
7	Omar Street & Ramsey Street Intersection Improvements	AC Overlay/Rehab	\$50,000.00	\$50,000.00
<b>TOTALS</b>			<b>\$598,000.00</b>	<b>\$598,000.00</b>

# **ATTACHMENT 3**

(Exhibit "B": Project Status Report)

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
MEASURE A LOCAL FUNDS PROGRAM  
PROJECT STATUS REPORT FY 2015/16 - 2016/17**

**Agency:** City of Banning

**Page 1 of 6**

**Prepared by:** Kevin Sin, P.E.

**Phone #:** 951-922-3130

**Date:** 3-8-17

<b>Item No.</b>	<b>Project Name / Limits</b>	<b>Project Type</b>	<b>Total Cost</b>	<b>Measure A Funds</b>	<b>Estimated Completion</b>	<b>Status</b>
1	Nicolet Street: Sims Street to Sunset Avenue	AC Overlay	\$310,000.00	\$310,000.00	6/8/2017	Under construction
2	FTIP: Ramsey Street: Hargrave Street to East City Limits	AC Overlay	\$477,000.00	\$295,000.00	3/1/2018	Environmental hold up
3	Nicolet Street: McGovern Ave to Sunset Avenue	AC Overlay	\$45,000.00	\$45,000.00	6/8/2017	Under construction
4	Nicolet Street: Sims Street to 16th Street	AC Overlay	\$20,000.00	\$20,000.00	6/8/2017	Under construction
5	Ramsey Street: San Gorgonio Avenue to 4th Street	AC Overlay	\$300,000.00	\$300,000.00	6/8/2017	Under construction
6	City Wide Slurry Seal	Slurry Seal	\$110,000.00	\$110,000.00	6/8/2017	Under construction
7	Sims Street: Nicolet St. to Williams St.; and 2nd & 3rd Street: Livingston St. to Hays St.	AC Overlay	\$100,000.00	\$100,000.00	6/8/2017	Under construction
8	City-Wide Various Streets Improvements (Theodore St.: Alessandro Rd to Almond Way, 8th Street: Lincoln St to Westward AVE, Charles Street: Hargrave Ave to 1037 E. Charles St., and Wesley Street: Hargrave Ave to 1041 E. Wesley St.)	AC Overlay	\$546,000.00	\$546,000.00	12/30/2017	Scheduled to bid on June 1, 2017
		<b>TOTALS</b>	<b>\$1,908,000.00</b>	<b>\$1,726,000.00</b>		

**Note:** An amendment is requested to revise Item No. 4 "Nicolet Street: Sims Street to 16th Street" and add Item No. 7 "Sim Street: Nicolet St. to Williams St.; and 2nd & 3rd Street: Livingston St. to Hays St." to the approved FY 2015/16 CIP.

# **ATTACHMENT 4**

(Exhibit "C": Maintenance of Effort Certification Statement)

**FY 2017/2018 MEASURE A PROGRAM  
MAINTENANCE OF EFFORT  
CERTIFICATION STATEMENT**

The undersigned agrees and certifies for the CITY OF BANNING (the "Agency") that sales tax transportation funds received pursuant to Ordinance No. 02-001 of the Riverside County Transportation Commission (Measure "A") shall be used in compliance with the Commission's Maintenance of Effort Guidelines and a base year amount of \$164,325.00, approved by the Commission at its July 11, 2012 meeting, and that the Agency shall not use such funds to replace discretionary Local Funds previously expended by the Agency for local transportation purposes. The Agency hereby acknowledges that the failure of the Agency to continue such local expenditure shall result in a reduction or loss of Measure "A" funds. Additionally, the Agency commits to expending Measure A Local Streets and Roads funds for projects listed in the Five Year Capital Improvement Plan as approved by Riverside County Transportation Commission.

Dated: \_\_\_\_\_, 2017

---

Michael Rock, City Manager

Attest:

---

Secretary



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** April 11, 2017

**SUBJECT:** Discuss and Consider Adopting Resolution 2017-37, Authorizing a Grant Application Submittal for SB-821 Bicycle and Pedestrian Grant Program Funding Including a Commitment to Allocate Matching Funds

---

### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2017-37 authorizing a grant submittal for Senate Bill 821 (SB-821) Bicycle and Pedestrian Grant Program funding, which includes a commitment to allocate matching funds.

### **JUSTIFICATION:**

Per the City's Grant Management Policy, when matching funds are involved, the City Council shall review and approve grant applications prior to their submittal to the funding agency. If awarded the requested grant funds, the SB-821 program shall provide \$75,311 towards the construction of pedestrian safety improvements.

### **BACKGROUND:**

The Bicycle and Pedestrian Facilities Grant Program was created through SB-821. As a result, each year 2% of the Local Transportation Fund (LTF) revenues are made available for use on bicycle and pedestrian facility projects. This program is administered by the Riverside County Transportation Commission (RCTC) and made available to cities within Riverside County for eligible projects that may include sidewalks, access ramps, bicycle facilities and so forth to improve pedestrian safety.

On February 6, 2017 a call for projects with a total program amount of \$3,467,784 was released by RCTC for the biennial SB-821 Bicycle and Pedestrian Grant Program. Applications are due to RCTC by April 27, 2017. Staff has prepared the attached grant application which includes the construction of sidewalks, curbs, gutters, access ramps, and driveway approaches on Christie Street (from Almond Way to Blanchard Street and from Cherry Street to Allen Street) and along Sun Lakes Boulevard. The construction of improvements will tie new pedestrian infrastructure (sidewalks, curbs, etc.) into existing facilities with the below budget breakdown.

Total Estimated Project Cost:	\$188,278 (100%)
Local Match (Measure "A" Funding):	\$122,967 (60%)
SB 821 Funds Requested:	\$75,311 (40%)

If approved by Council, staff will submit the application by the deadline and present the project to RCTC for consideration. RCTC will prioritize projects and present a list of funding recommendations to their Commission on June 14, 2017.

RCTC scores grant applications based on: (1) destinations served (i.e. schools, parks, retail centers, etc.), (2) safety enhancement, (3) project enhancement (i.e. connectivity to existing improvements), (4) multimodal access (i.e. transit stops), (5) matching funds (1 point for every 5% match), and (6) population equity.

If the City is awarded funds, this item will be brought back to the City Council for further approval including the acceptance of funds and authorization to execute grant documents. The proposed project, if approved, will be formally bid and the award of contract is anticipated to occur in March of 2018. The construction is projected to be completed within six (6) months from issuance of the notice to proceed.

#### **FISCAL IMPACT:**

City Council approval of this resolution will secure approximately \$75,311 in SB-821 Bicycle and Pedestrian Grant Funding and commit \$122,967 in local Measure "A" funding toward the project for a total project budget of \$188,278.

#### **STRATEGIC PLAN OBJECTIVE:**

Resolution 2017-37 assists in meeting Strategic Goal No. 2, Policy Objective No. 2, which sets a goal for effectively managing the City's street assets including the submittal of SB-821 grant applications for the construction of new sidewalk improvements.

**OPTIONS:**

1. Adopt Resolution 2017-37.
2. Reject Resolution 2017-37 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2017-37
2. Proposed SB-821 Grant Application

Approved by:



Michael Rock,  
City Manager

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# **ATTACHMENT 1**

**(Resolution 2017-37)**

## RESOLUTION 2017-37

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING A GRANT APPLICATION SUBMITTAL FOR SB-821 BICYCLE AND PEDESTRIAN GRANT PROGRAM FUNDING INCLUDING THE COMMITMENT TO ALLOCATE MATCHING FUNDS**

**WHEREAS**, the Bicycle and Pedestrian Facilities Grant Program was created through Senate Bill 821 (SB-821) resulting in 2% of the Local Transportation Fund (LTF) revenues being available to cities within Riverside County for eligible projects that include sidewalks, access ramps, bicycle facilities and so forth to improve pedestrian safety; and

**WHEREAS**, on February 6, 2017, a call for projects with a total program amount of \$3,467,784 was released by Riverside County Transportation Commission (RCTC) for the biennial SB-821 Bicycle and Pedestrian Grant Program with applications being due to RCTC by April 27, 2017; and

**WHEREAS**, staff prepared the attached grant application which includes the construction of sidewalks, curbs, gutters, access ramps and driveway approaches on Christie Street (from Almond Way to Blanchard Street and from Cherry Street to Allen Street) and along Sun Lakes Boulevard which will tie new pedestrian infrastructure (sidewalks, curbs, etc.) into existing facilities; and

**WHEREAS**, staff will submit the application by the deadline for consideration which will then be prioritized by RCTC and presented to their Commission on June 14, 2017; and

**WHEREAS**, if funds are awarded staff will return to City Council with a recommendation to accept the funds and to execute grant documents; and

**WHEREAS**, the application includes a request for SB-821 grant funding in the amount of \$75,311 (40%) with a local match (Measure "A" Funding) in the amount \$122,967 (60%) for a total estimated project cost of \$188,278 (100%).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** Adopts Resolution 2017-37 authorizing a grant submittal for SB-821 Bicycle and Pedestrian Grant Program funding including the commitment to allocate matching funds.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon,  
City Clerk of the City of Banning

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

---

John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-37, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11th day of April, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, City Clerk  
City of Banning, California

# **ATTACHMENT 2**

**(Proposed Grant Application)**

## FY17/18 SB 821 Bicycle and Pedestrian Facilities Program

### BIENNIAL CALL FOR PROJECTS APPLICATION

#### I. APPLICANT INFORMATION

Lead Agency: City of Banning  
Project Name: Sidewalk and Street Improvements at Various Locations  
Contact Person: Art Vela Title: Director of Public Works  
Telephone #: 951.922.3130 Fax #: 951.922.3141  
Email Address: avela@ci.banning.ca.us  
Address: 99 East Ramsey Street, Banning, CA 92220

#### II. PROJECT DETAILS

Project type (check all that apply):

Bicycle Project  Pedestrian Project

Project location:

Coachella Valley  Western Riverside County

Does this project proposal include any of the following? (check all that apply):

Curb  Gutter  Driveway ramps

If any of the above were checked, is the benefit provided for the exclusive use of bicyclists/pedestrians?

No  Yes

#### III. PROJECT DESCRIPTION

The project improvements include the construction of sidewalks, curbs, gutters, access ramps and driveway approaches on Christie Street (from Almond Way to Blanchard Street and from Cherry Street to Allen Street) and along Sun Lakes Blvd (480' west of the Sun Lakes Retirement Community) as shown in Attachment 1. Once constructed, the construction of sidewalks in identified locations will tie into existing sidewalks, no longer requiring pedestrians to walk on unpaved surfaces or in the streets.

The construction of the sidewalks, curb and gutters will promote safer pedestrian travels and reduce potential pedestrian injuries or traffic accidents. The proposed improvements will

## FY17/18 SB 821 Bicycle and Pedestrian Facilities Program

### BIENNIAL CALL FOR PROJECTS APPLICATION

improve pedestrian safety and are located by Roosevelt Williams Park, Hoffer Elementary School and near the Sun Lakes Retirement Community and Sun Lakes Village Shopping Center.

The project will include mobilization, traffic control, NPDES compliance, clearing and grubbing. If approved, 740 square feet of sidewalk will be constructed and 910 linear feet of curb and gutter. Five (5) driveway approaches and four (4) access ramps will also be constructed. Attachment 2 provides additional details and cost estimate breakdown.

#### IV. DESTINATIONS SERVED (15 pts)

The construction of missing sidewalks identified will connect existing sidewalks promoting safer travels for pedestrians to and from **Roosevelt Williams Park** and **Hoffer Elementary School** from surrounding residential dwellings and to and from designated transit stops. Currently Hoffer Elementary School has approximately 535 Kindergarten through Fourth Graders enrolled at the school as shown in Attachment 3. In addition, the Boys & Girls Club of the San Gorgonio Pass operates an afterschool program out of a building facility located at Roosevelt Williams Park five (5) days per week with an average daily attendance of thirty (30).

The construction improvements near the Sun Lakes Retirement Community and **Sun Lakes Village Shopping Center** will attract nearby pedestrian users that may generally walk to surrounding residential dwellings or commercial businesses in the area.

The destinations identified are shown in Attachment 4.

#### V. SAFETY (10 pts)

The project improvements will provide a safe and level walkway and access for pedestrians including those that are elderly or that require wheelchair access. The construction of sidewalks will also provide a safe place for children to walk, skate or ride their bikes. The project improvements may reduce pedestrian collision with vehicles and enhance abilities to safely walk to schools, parks or retail centers. Attachment 5 provides site photos for locations 1 and 2. Traffic survey information was not available for Location 1; however, the Engineering and Traffic Survey for Location 2, Sun Lakes Boulevard is shown in Attachment 6.

#### VI. PROJECT ENHANCEMENT (5 pts)

The project will enhance current locations by linking existing sidewalks, ultimately promoting safer pedestrian travels. Currently, sidewalks, curbs and gutters are located in surrounding areas identified; however with the construction of improvements, existing conditions will be enhanced by completing “missing sidewalk links” that are present in all locations identified.

## **FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**

### **BIENNIAL CALL FOR PROJECTS APPLICATION**

In addition, the construction and/or replacement of ADA access ramps and driveway approaches will enhance the areas and the ability of pedestrians to take advantage of the facilities and overall, these improvements will encourage pedestrian usage.

#### **VII. MULTIMODAL ACCESS (5 pts)**

Pedestrian facility improvements on Christie Street (Project Location No. 1) are within  $\frac{3}{4}$  of a mile from 4 transit stops that may serve Hoffer Elementary School, Roosevelt Williams Park and surrounding areas.

Pedestrian facility improvements on Sun Lakes Blvd. (Project Location No. 2) are also within  $\frac{3}{4}$  of a mile from 4 transit routes that are near the Sun Lakes Village Shopping Center and surrounding areas.

Bus stops are within  $\frac{3}{4}$  of a mile from each project location as shown in Attachment 7 with the radius circle representing  $\frac{3}{4}$  of a mile distance from the center of the project locations.

Attachment 8 provides information from Pass Transit that generally identifies bus stop locations and routes within the City of Banning and project area.

#### **VIII. PROJECT BUDGET AND SCHEDULE**

The project budget and local match may only encompass the pedestrian or bicycle facility project; no additional maintenance, street projects, etc. expenses should be included.

<b>Total Estimated Project Cost</b>	<b>\$188,278 (100 %)</b>
<b>Local Match* Committed: (10 pts)</b>	<b>\$122,967 (60%)</b>
<b>SB 821 Funds Requested:</b>	<b>\$75,311 (40 %)</b>

\*Supporting documentation of proposed match must be included.

**Breakdown of Estimated Project Cost** (must add up to "Total Estimated Project Cost" above):

Engineering/Administration	\$0
Right-of-Way	\$0
Construction	\$183,278
Other (specify): NPDES Compliance	\$5,000

**Estimated Construction start date (Mo/Yr):** 3/15/2018

**Estimated Construction end date (Mo/Yr):** 9/15/2018

#### **IX. CERTIFICATION**

I certify that the information presented herein is complete and accurate and, if this agency receives funding, it will be used solely for the purposes stated in this application and following the adopted policies.

Signature \_\_\_\_\_

Title \_\_\_\_\_

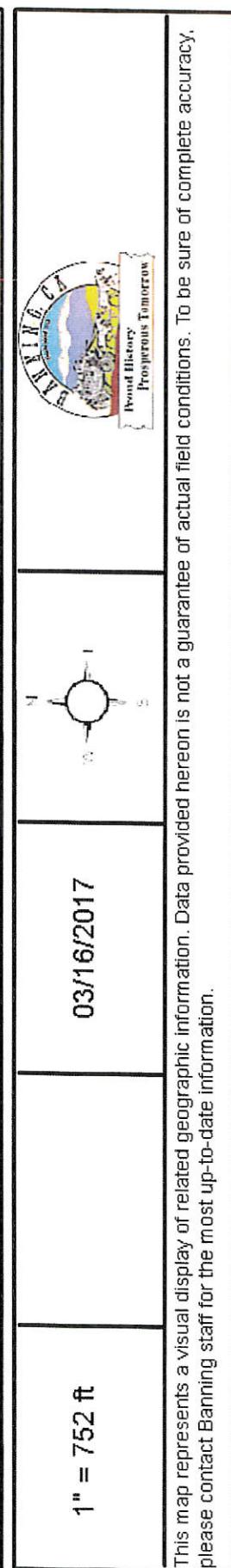
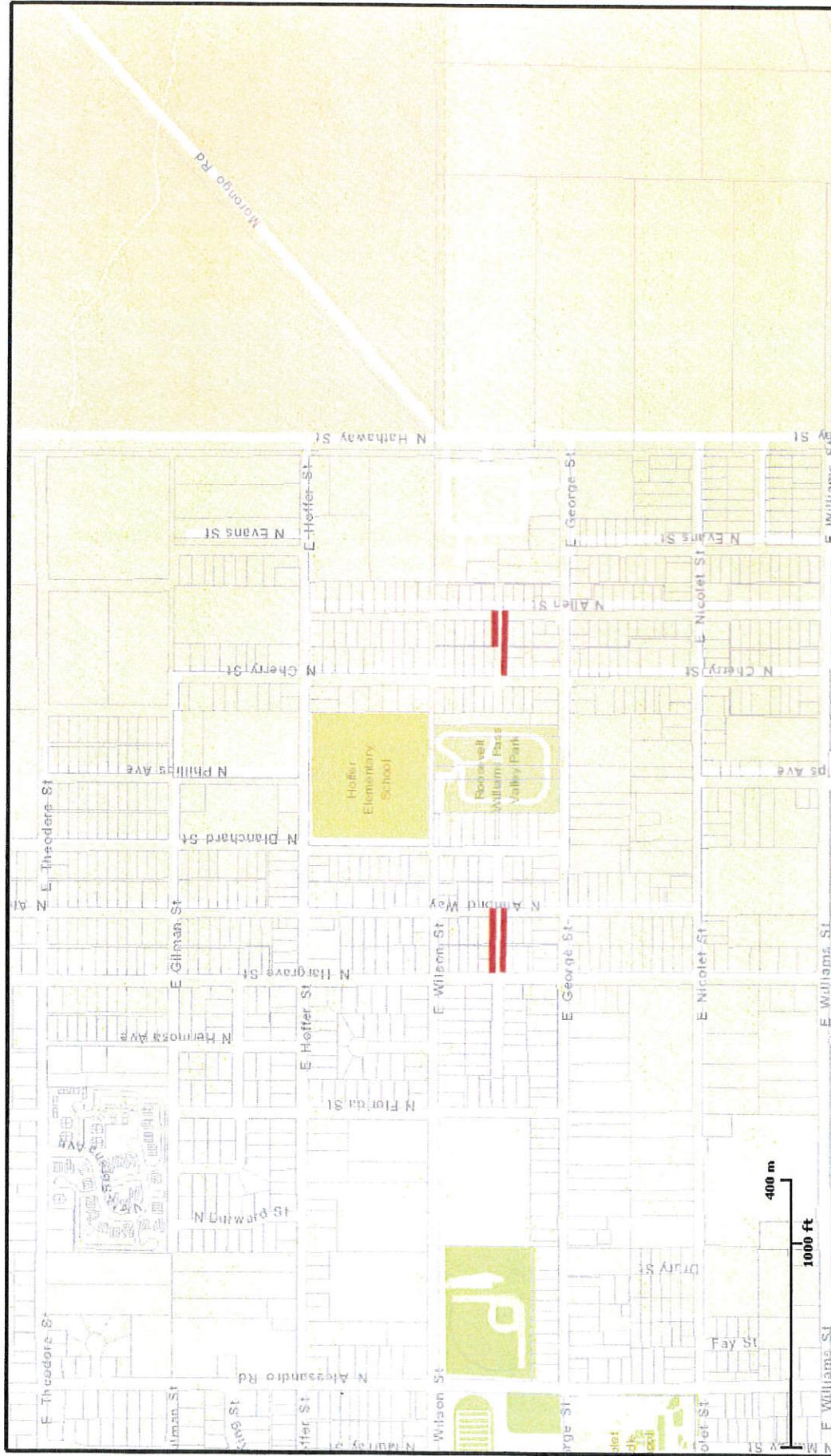
Date \_\_\_\_\_

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 1**

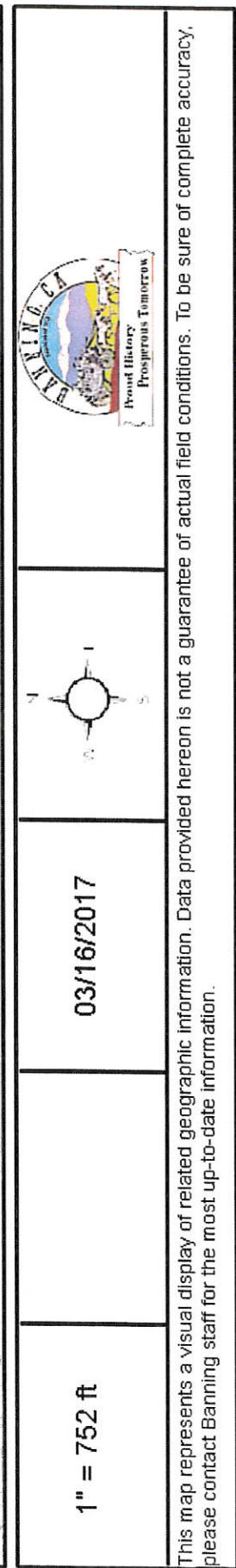
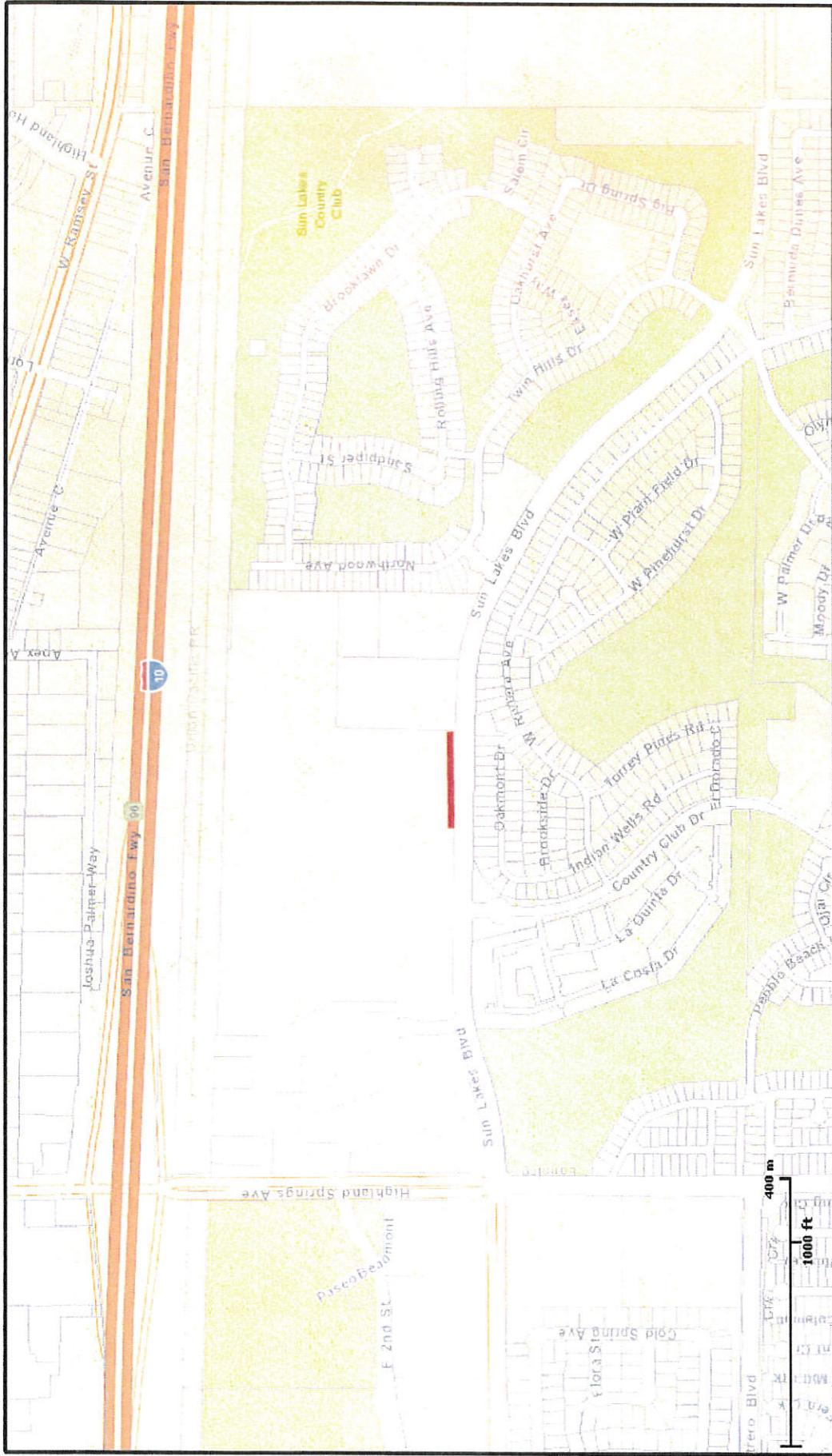
**(Project locations)**

## SB 821 Location 1



This map represents a visual display of related geographic information. Data provided herein is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

SB821 Location 2



This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 2**

**(Project Cost Estimate)**

City of Banning  
 Public Works/ Engineering  
 Curb & Gutter and Sidewalk Construction on Christie Street  
 (from Almond Way to Blanchard Street and from Cherry Street to Allen Street)  
 And Sidewalk Construction on Sun Lakes Blvd (480' west of Lakes Retirement Community)  
 Engineer's Cost Estimates

3/9/2017

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
1	MOBILIZATION	1	L.S.	5,000.00	5,000.00
2	TRAFFIC CONTROL	1	L.S.	3,000.00	3,000.00
3	NPDES COMPLIANCE	1	L.S.	5,000.00	5,000.00
4	CLEARING AND GRUBBING	1	L.S.	5,000.00	5,000.00
5	CONSTRUCT P.C.C. CURB AND GUTTER PER CITY STANDARD	910	L.F.	35.00	31,850.00
6	CONSTRUCT P.C.C. SIDEWALK (4" THICKNESS) PER CITY STANDARD	7,430	S.F.	9.00	66,870.00
7	CONSTRUCT P.C.C. ACCESS RAMP PER CITY STANDARD	1	EA	3,500.00	3,500.00
8	REMOVE AND REPLACE P.C.C. ACCESS RAMP PER CITY STANDARD	3	EA	4,500.00	13,500.00
9	CONSTRUCT RESIDENTIAL DRIVEWAY APPROACH PER CITY STANDARD	5	EA	6,000.00	30,000.00

Construction Total: \$ 163,720.00  
 Contingency (15%): \$ 24,558.00  
**Project Total: \$ 188,278.00**

Measure A (60% Match) \$ 112,967.00  
 SB 821 Fund Request (40%) \$ 75,311.00

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 3**

**(Hoffer Elementary School Enrollment)**



Dynamic 2016-17 Reports

California public schools annually provide information about themselves to the community allowing the public to evaluate and compare schools for student achievement, environment, resources, and demographics. The dynamic displays below are updated as the data is released by the state. Paper copies of school SARCs are available at every school site.

**SARC**

District Office	Hoffer Elementary
Banning High	1115 East Hoffer Street
Banning Independent Study	Banning, CA 92220 (951) 922-0257
Cabazon Elementary	Grades: K-4
Central Elementary	Enrollment: 535
Hemmerling Elementary	SARC(s):
Hoffer Elementary	English      Spanish
New Horizon High	
Nicolet Middle	
Susan B. Coombs Intermediate	

[Need Help?](#) (800) 818-3010 © 2017 Axiom Advisors & Consultants, Inc. All Rights Reserved

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 4**

**(Serviced Destinations)**

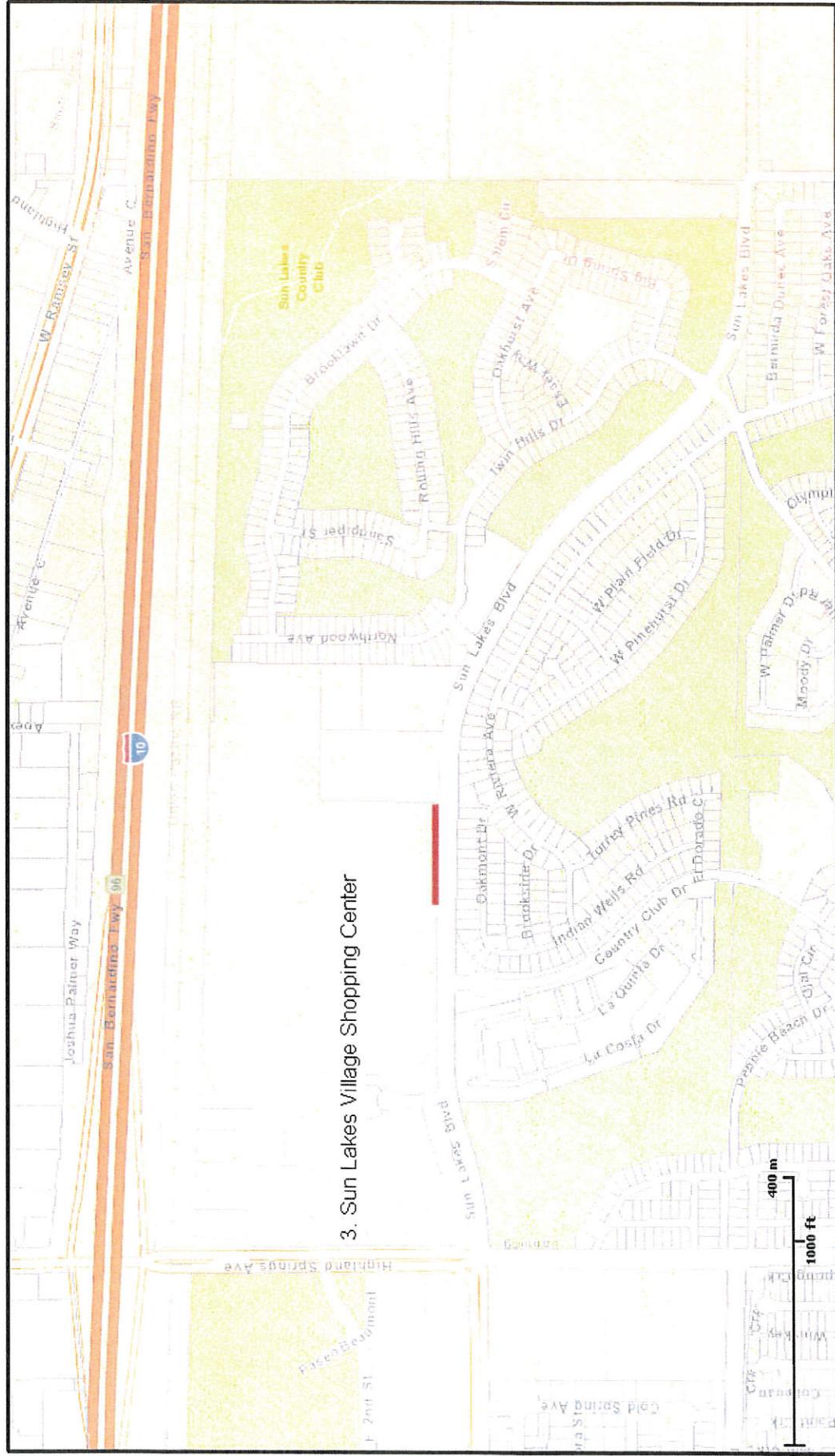
SB821 Location 1



1" = 752 ft	Destinations Served	03/16/2017	 Banning California Population: 30,000 Founded: 1851 Incorporated: 1880 Home of the Banning High School and the Banning Police Department
-------------	---------------------	------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

## SB821 Location 2



1" = 752 ft	Destination Served	03/16/2017
		

This map represents a visual display of related geographic information. Data provided herein is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

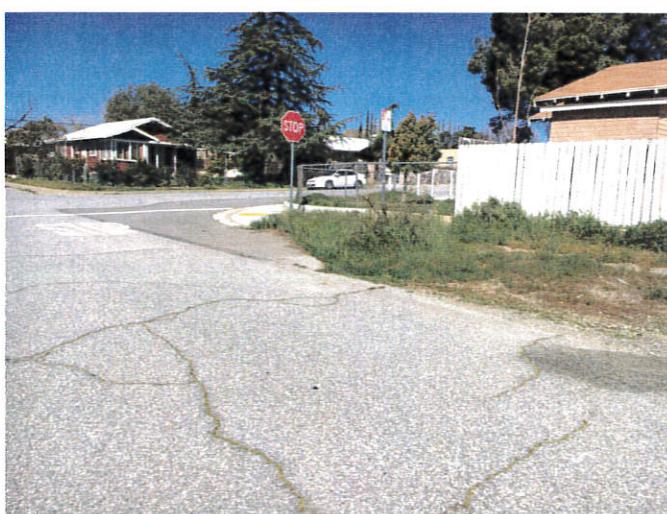
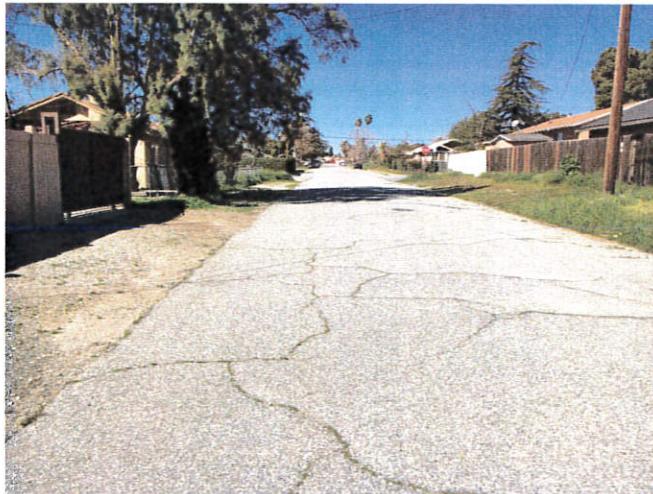
**ATTACHMENT 5**

**(Site photos for Locations 1 & 2)**

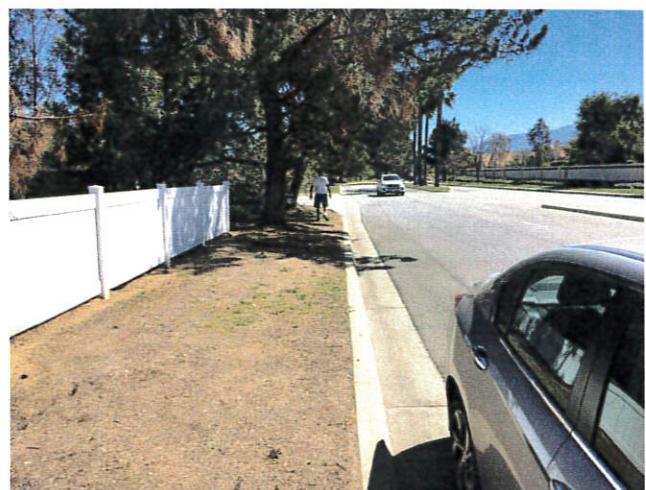
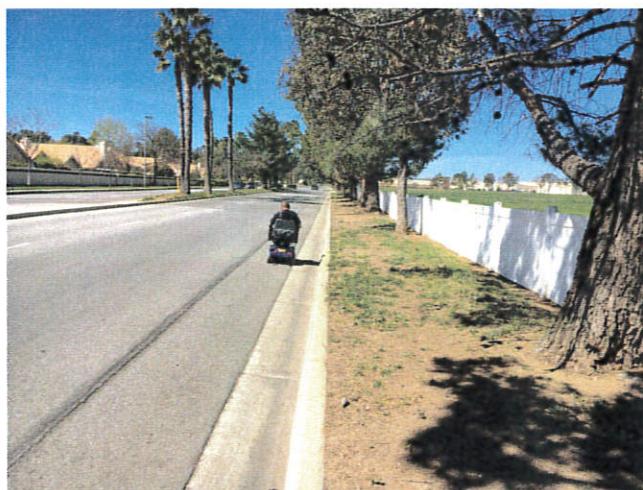
## Christie Street Site Photos (Location 1)



## Christie Street Site Photos (Location 1)



## Sun Lakes Blvd Site Photos (Location 2)



## Sun Lakes Blvd Site Photos (Location 2)



**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 6**

**(Sun Lakes Blvd. - Engineering and Traffic Survey Summary)**

**City of Banning**  
**Engineering and Traffic Survey Summary**

**Zone "40"**

**Sun Lakes Boulevard - From Country Club Drive to Highland Home Rd**

<b>Location:</b> Sun Lakes Blvd - From Country Club Drive to Highland Home Rd	Original Limits: From Highland Springs Ave to Twin Hill Dr
-------------------------------------------------------------------------------	------------------------------------------------------------

**PART I - CRITICAL SPEED**

(See Speed Zone Survey Sheet for Details)

Date of Survey: 9/6/2011	85th %tile Speed: 38 mph
Posted Speed Limit: 35 mph	Average Speed: 34 mph
10 mph Pace Speed: 28 - 37 mph	Percent in Pace Speed: 74%
<input type="checkbox"/> Meet CVC §515 or §235	

**PART II - COLLISION RECORDS (\*)**

Duration of Study: 07/01/05 to 06/30/06		
Total Collisions: 0	At Intersections: 0	Mid-block 0
Collision Rate: 0.00 (MVM)	State Avg. Rate: 3.35 (MVM)	

**PART III - ROADWAY TRAFFIC AND ROADSIDE CHARACTERISTICS**

Roadway:	1.0 mile long, 86-ft wide with raised median, straight/curved roadway
Traffic:	5,400 ADT
Roadside:	Gated residential communities with limited entrances/limits
Not Readily Apparent to Driver:	

**PART IV - RECOMMENDATIONS**

Recommended Speed Limit: <b>35 mph</b>

(\*) - No recent collision records available

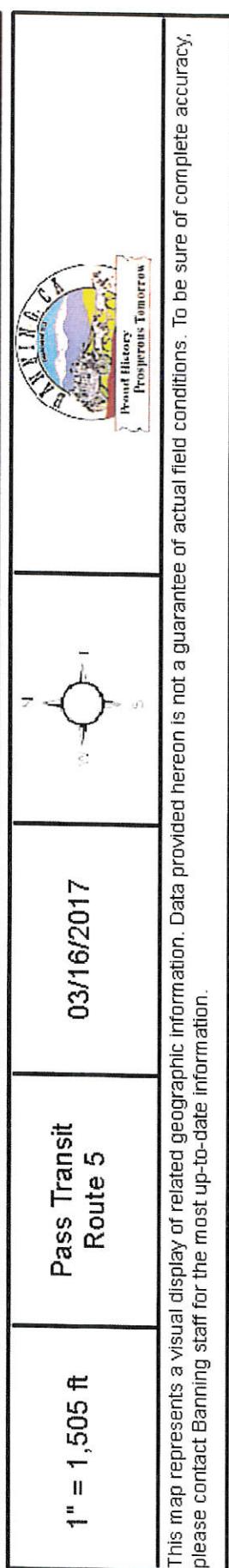
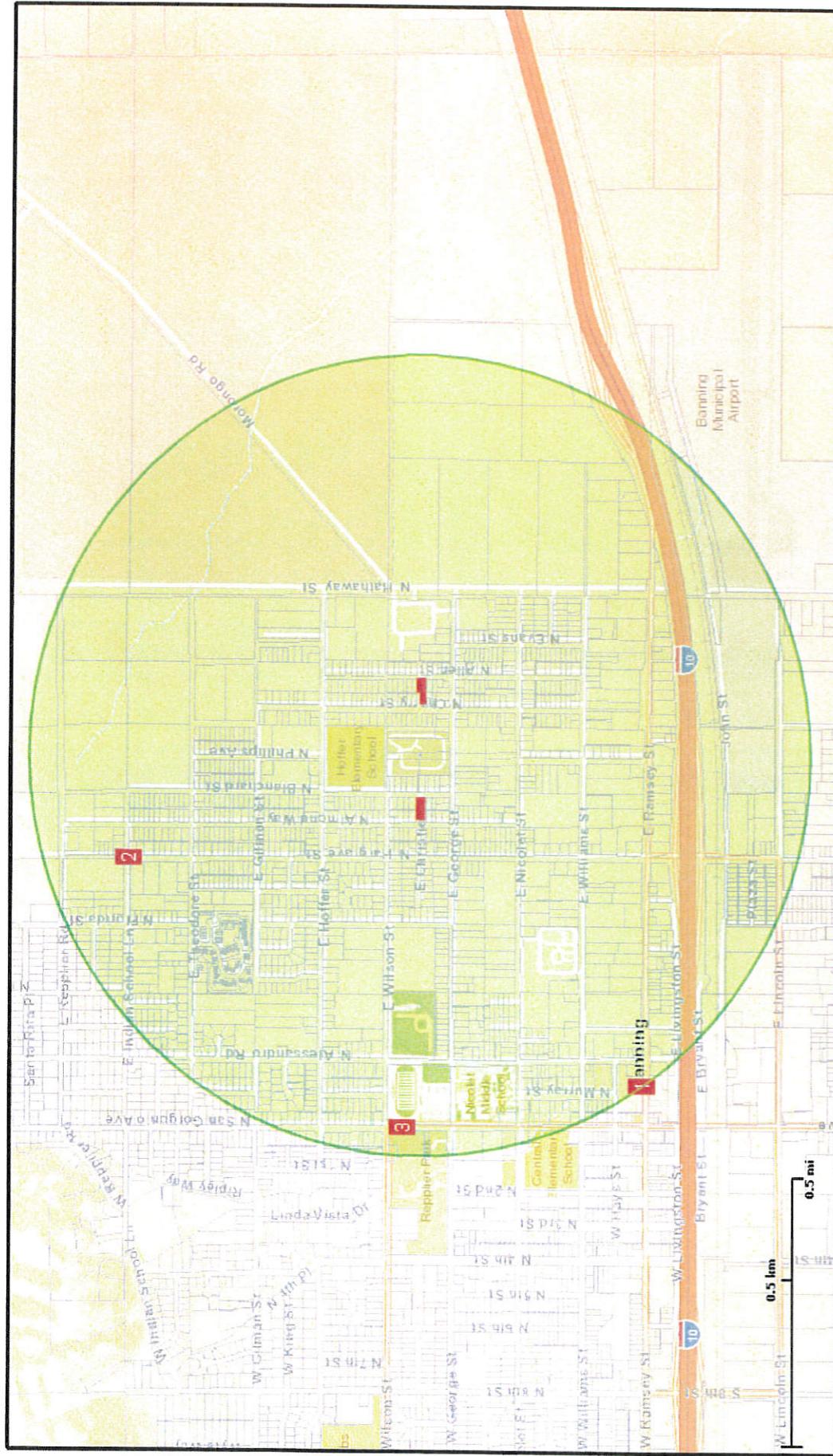
ZONE "40"

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

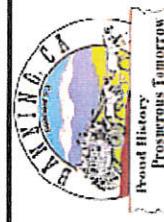
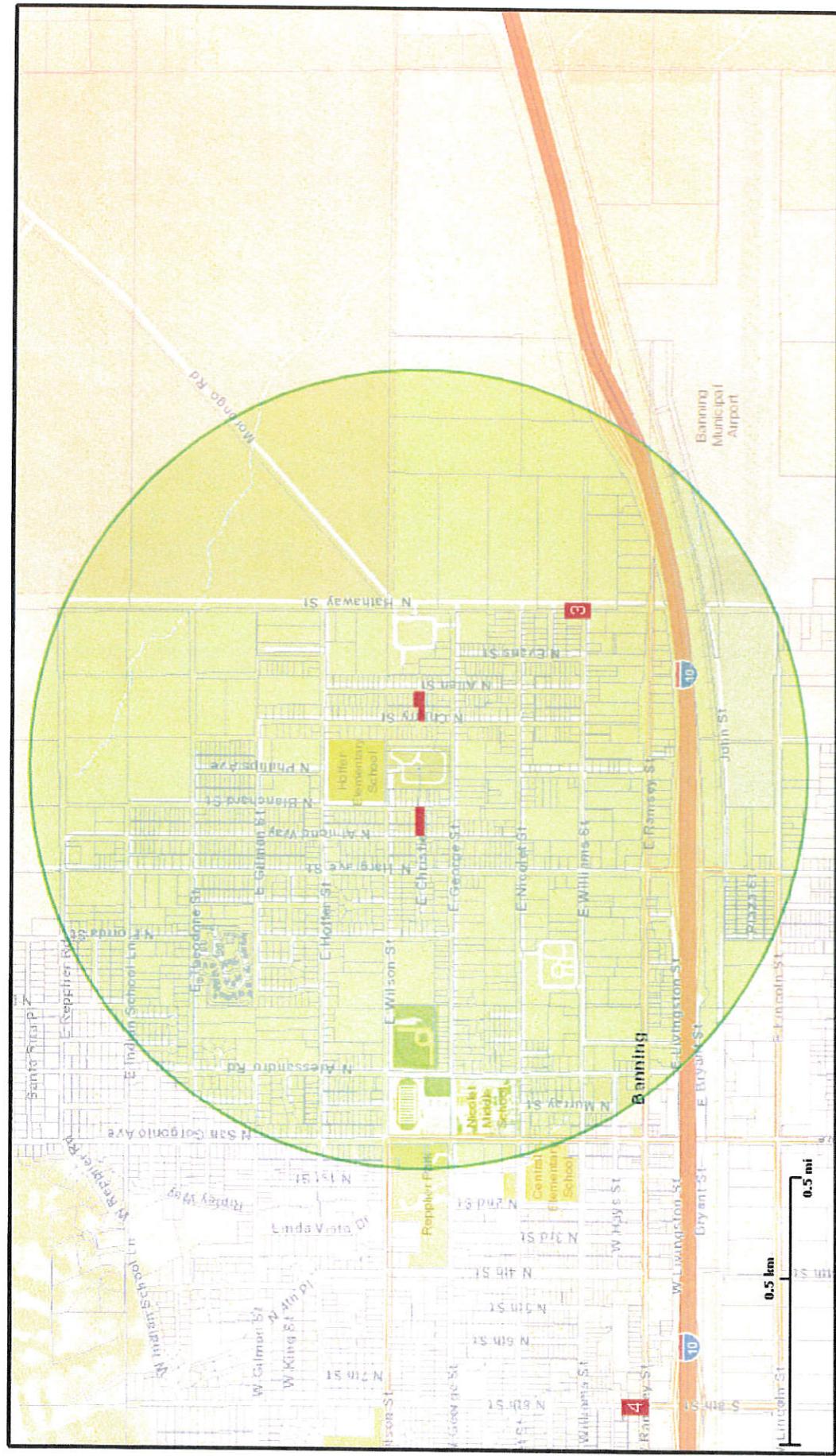
**ATTACHMENT 7**

**(Site maps identifying bus stop locations in relation to project locations)**

## SB821 Location 1



SB821 Location 1



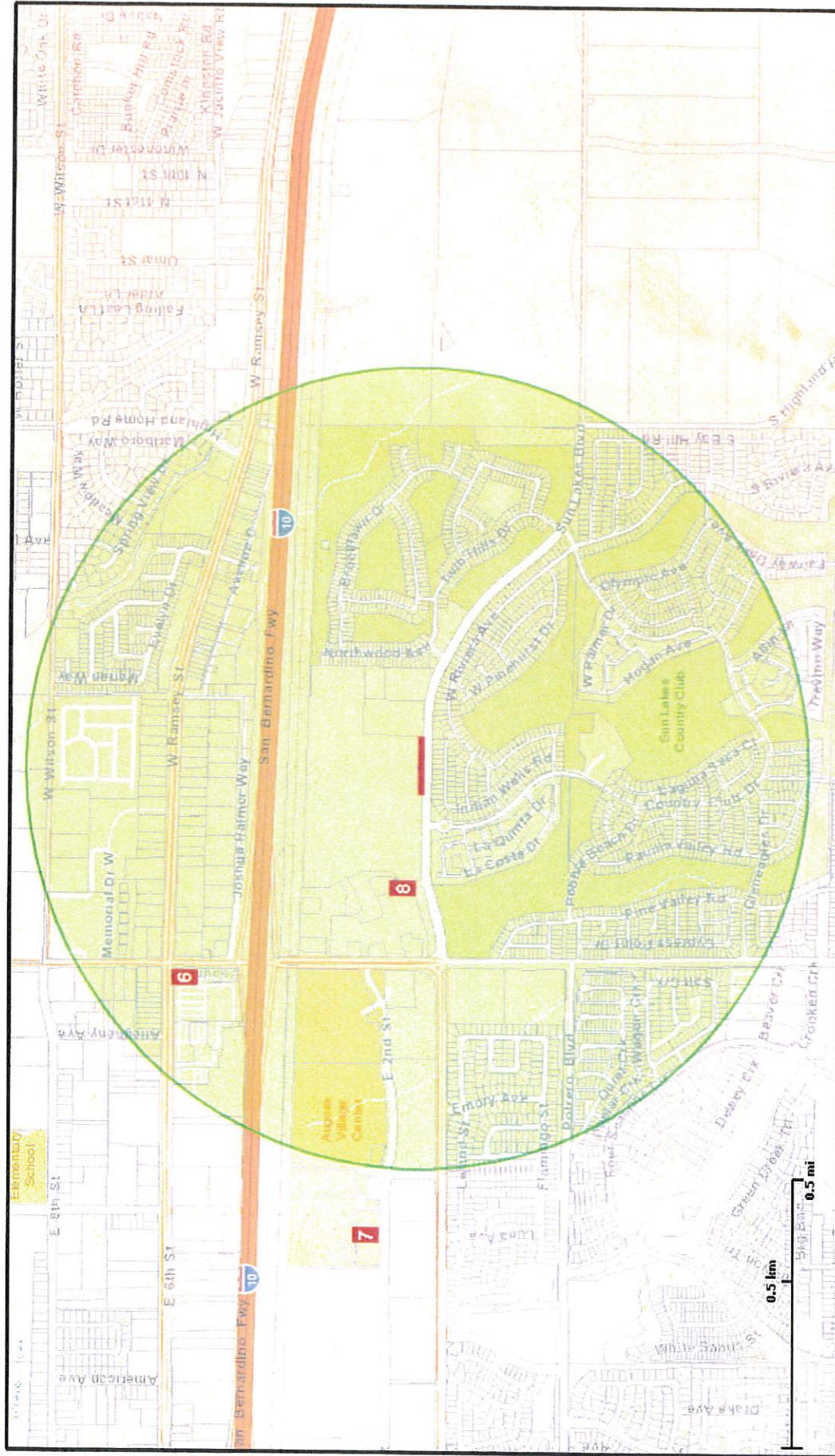
03/16/2017

Pass Transit  
Route 6

$$1'' = 1.505 \text{ ft}$$

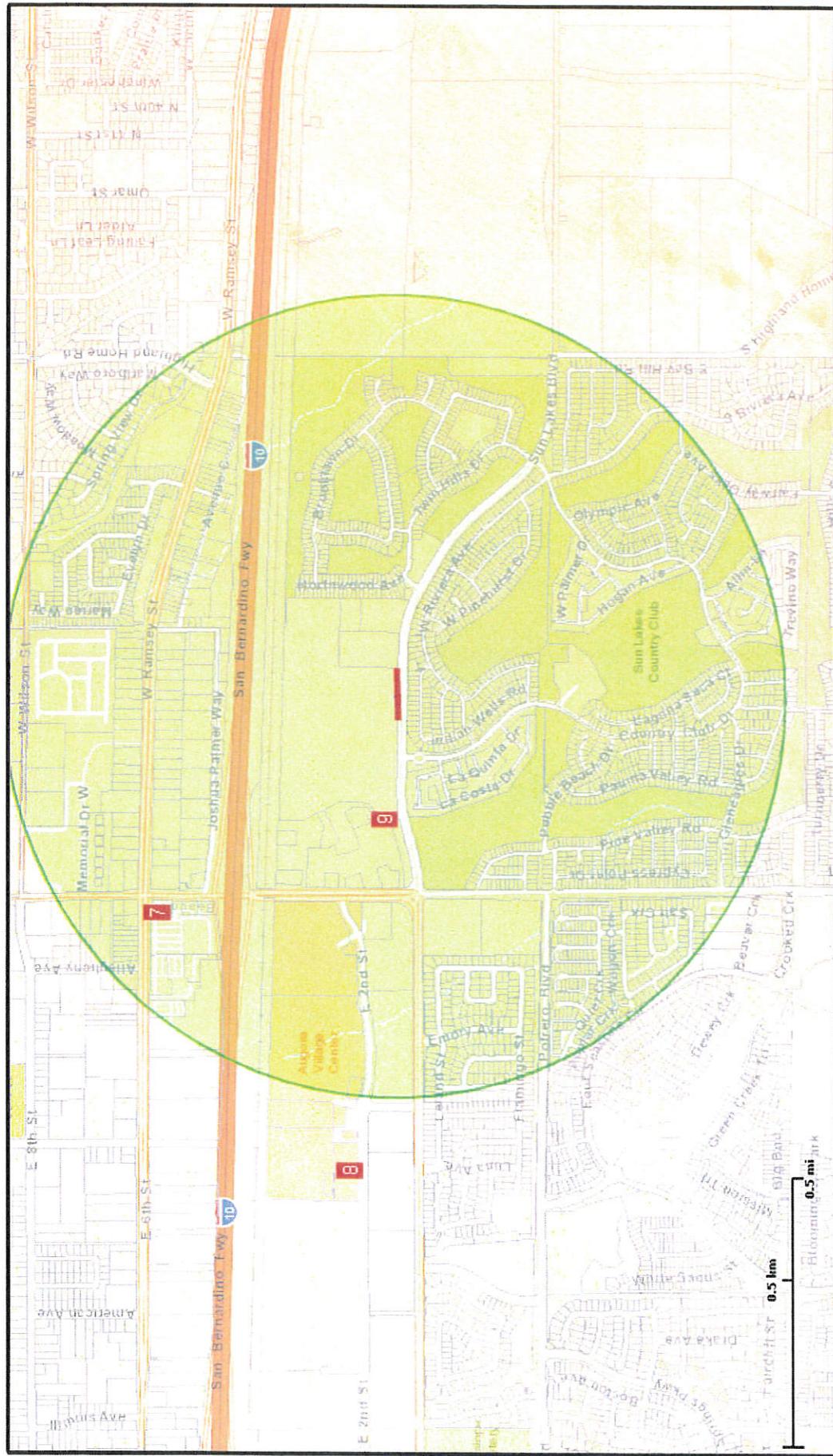
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

## SB821 Location 2



1" = 1,505 ft	Pass Transit Route 5	03/16/2017
<p>This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.</p>		

## SB821 Location 2



Pass Transit	03/16/2017
Route 6	

**SB821 Location 2**

**Map Legend:**

- 1" = 1,505 ft
- 0.5 mi
- North Arrow
- Scale Bar
- Pass Transit Date: 03/16/2017
- Route Number: Route 6

**Map Notes:**

- This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

**FY17/18 SB 821 Bicycle and Pedestrian Facilities Program**  
**BIENNIAL CALL FOR PROJECTS APPLICATION**

**ATTACHMENT 8**

**(Pass Transit Bus Stop Locations and Schedules)**

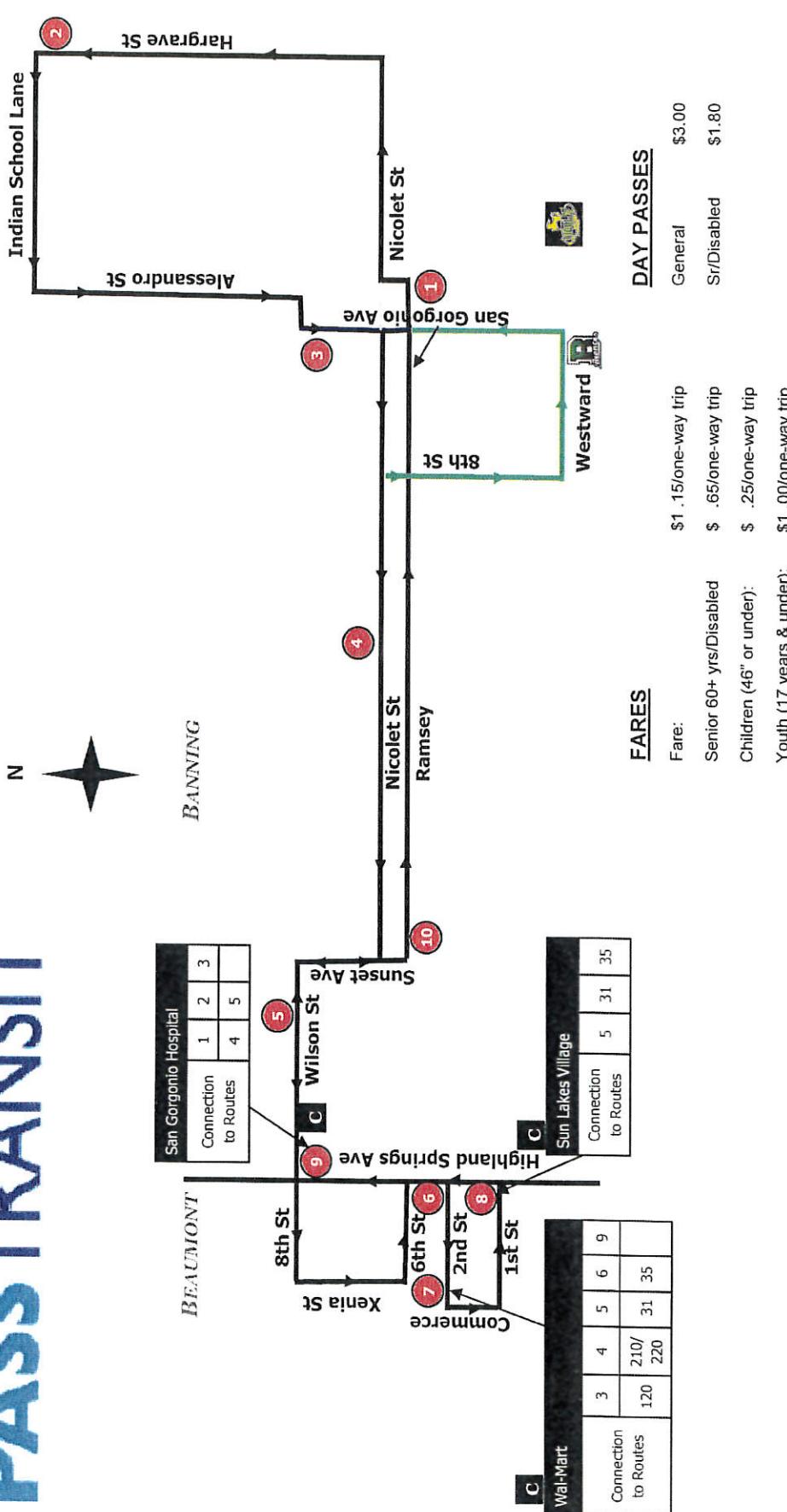
# Route 5



INFO: 951-922-3243

[www.ci.banning.ca.us/transit](http://www.ci.banning.ca.us/transit)

Legend   Map not to scale	
	Time Point
	Connection Point



# Route 5

## WEEKDAY ROUTE ONLY

Post Office/ Court House	Indian School & Hargrave	Library & Nicolet School	Banning High School	Armory	Oregon Trail & Wilson	Stater Bros/ Food4Less	Walmart	Sun Lakes Village	San Gorgonio Hospital	Citibank @Sunset & Ramsey	Banning High School	Banning Police Dept. (across street)
1 5:30	2 5:37	3 5:42	4 6:47	5 6:52	6 7:00	7 7:05	8 7:09	9 7:18	10 7:23	11 7:27	12 7:34	13 7:40
7:50	8:02	8:07	8:11	9:17	9:21	10:27	10:31	10:40	10:45	10:49	10:54-11:04	11:10
9:00	9:12	10:22	11:32	11:37	11:41	11:50	11:55	11:59	12:04-12:14	12:20	12:28	
10:10	10:17	11:27	12:37	12:42	12:47	12:51	1:00	1:05	1:09	1:14-1:24	1:30	1:38
11:20												
12:30												
1:40	1:47	1:52										
2:59	3:06	3:11										
4:00	4:07	4:12										
5:10	5:17	5:22										
6:20	6:27	6:32										

- Please have exact change for your fare or your bus pass ready when the bus arrives. Drivers do not carry change.

- Unsealed food and drink is not permitted on the bus.

- Strollers and carts must be folded before boarding the bus and stay folded until you are off the bus.

- Carry-on bags are limited to three and must fit in lap, not in aisle.

### FARES

Fare:	\$1 .15/one-way trip	
Senior 60+ yrs/Disabled	\$ .65/one-way trip	
Children (46" or under):	\$ .25/one-way trip	
Youth (17 years & under):	\$ .00/one-way trip	
		\$10.00

### DAY PASSES

General	\$3.00	\$36.00
Sr/Disabled	\$1.80	\$21.50
Youth		\$30.00
Banning HighSchool & Nicolet Middle School Student Pass		

### MONTHLY PASSES

General	\$3.00	\$36.00
Sr/Disabled		
Youth		

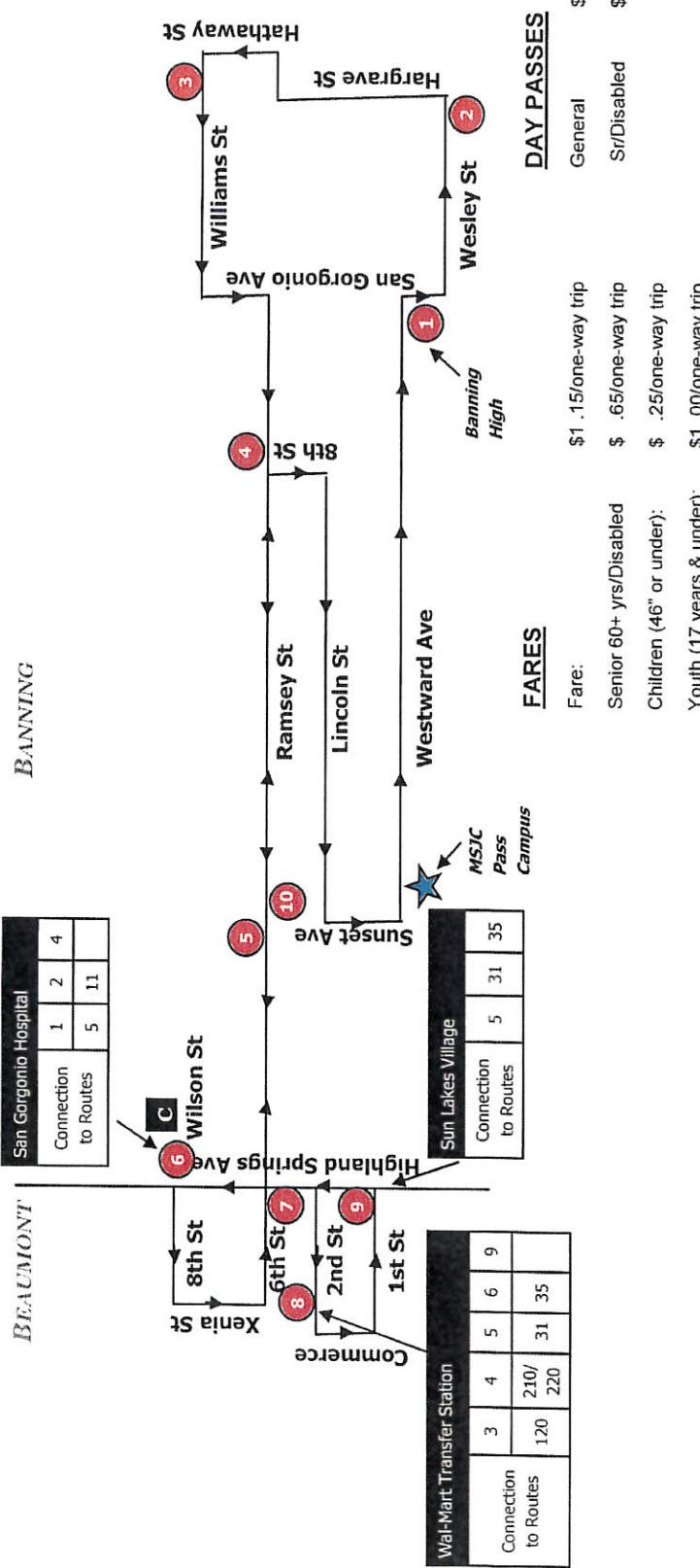
# EFFEC Route 6



**EFFECTIVE WEDNESDAY, JULY 15th 2015**

Route 6

Legend   Map not to scale	Time Point	Connection Point
		C



# Route 6

## WEEKDAY

Banning High School	Smith Correctional Facility	Hathaway & Williams	8th & Ramsey	Sunset & Ramsey	San Gorgonio Hospital	Stater Bros/ Food4Less	Walmart	Sun Lakes Village	Citibank @ Sunset & Ramsey	MSJC Pass Campus
1	2	3	4	5	6	7	8	9	10	★
-	-	-	-	-	5:54	6:00	6:04	6:10	6:17	6:26
6:31	6:33	6:40	6:48	6:53	6:58-7:08	7:12	7:16	7:20	7:27	7:36
7:41	7:43	7:50	7:58	8:03	8:08-8:18	8:22	8:26	8:30	8:37	8:46
8:51	8:53	9:00	9:08	9:13	9:18-9:28	9:32	9:36	9:40	9:47	9:56
10:01	10:03	10:10	10:18	10:23	10:28-10:38	10:42	10:46	10:50	10:57	11:06
11:11	11:13	11:20	11:28	11:33	11:38-11:48	11:52	11:56	12:00	12:07	12:16
12:21	12:23	12:30	12:38	12:43	12:48-12:58	1:02	1:06	1:10	1:17	1:26
1:31	1:33	1:40	1:48	1:53	1:58-2:08	2:12	2:16	2:20	2:27	2:36
2:41-2:52	2:55	3:02	3:10	3:15	3:18	3:22	3:26	3:30	3:37	3:46
3:51	3:53	4:00	4:08	4:13	4:18-4:28	4:32	4:36	4:40	4:47	4:56
5:01	5:03	5:10	5:18	5:23	5:28	5:32	5:36	5:40	5:47	5:56
6:11	-	-	-	-	-	-	-	-	-	-

## WEEKEND

7:41	7:43	7:50	7:58	8:03	8:08-8:18	8:22	8:26	8:30	8:37	8:46
8:51	8:53	9:00	9:08	9:13	9:18-9:28	9:32	9:36	9:40	9:47	9:56
10:01	10:03	10:10	10:18	10:23	10:28-10:38	10:42	10:46	10:50	10:57	11:06
11:11	11:13	11:20	11:28	11:33	11:38-11:48	11:52	11:56	12:00		
1:31	1:33	1:40	1:48	1:53	1:58-2:08	2:02	1:06	1:10	1:17	1:26
2:41	2:43	2:50	2:58	3:03	3:08-3:18	3:22	3:26	3:30	3:37	3:46
3:51	3:53	4:00	4:08	4:13	4:18-4:28	4:32	4:36	4:40	4:47	4:56
5:01	-	-	-	-	-	-	-	-	-	-

• Please have exact change for your fare or your bus pass ready when the bus arrives. Drivers do not carry change.

• Unsealed food and drink is not permitted on the bus.

• Strollers and carts must be folded before boarding the bus and stay folded until you are off the bus.

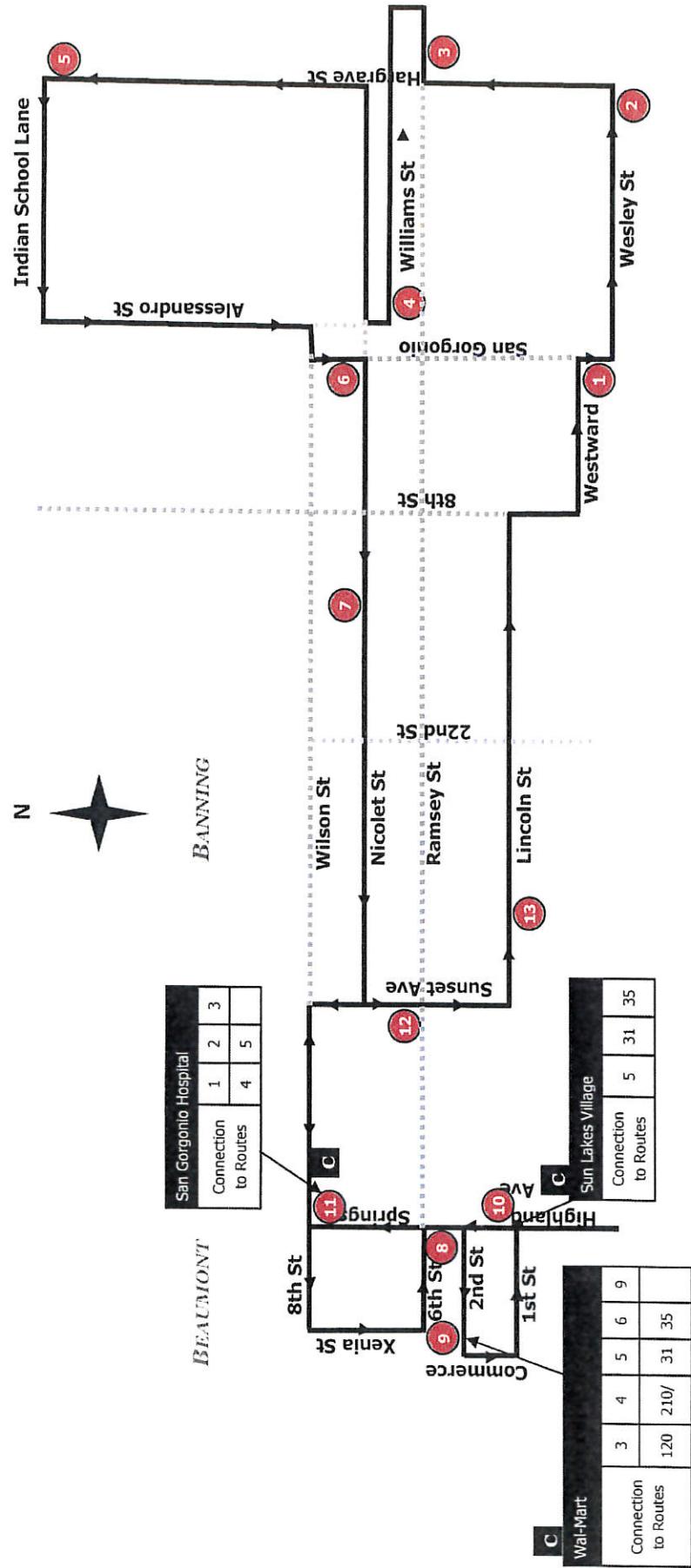
## 5/6 COMBO

## Weekend Route



INFO: 951-922-3243

[www.ci.banning.ca.us/transit](http://www.ci.banning.ca.us/transit)



# Route 5/6 Combo

## WEEKEND ROUTE ONLY

Banning High School	Smith Correctional Facility	East Ramsey	Post Office	Indian School & Alessandro	Banning Library	19th & Nicolet Armory	Oregon Trail & Wilson	Stater Bros/ Food4less	Walmart	Sun Lakes Village	San Gorgonio Hospital	Citibank @Sunset & Ramsey	Lincoln & 22nd Southside of Street
1	2	3	4	5	6	7	8	9	10	11	12	13	14
7:40	7:42	7:44	7:48	7:55	7:57	8:00	8:04	8:11	8:16	8:20	8:25-8:30	8:36	8:38
8:40	8:42	8:44	8:48	8:55	8:57	9:00	9:04	9:11	9:16	9:20	9:25-9:30	9:36	9:38
9:40	9:42	9:44	9:48	9:55	9:57	10:00	10:04	10:11	10:16	10:20	10:25-10:30	10:36	10:38
10:40	10:42	10:44	10:48	10:55	10:57	11:00	11:04	11:11	11:16	11:20	11:25-11:30	11:36	11:38
11:40	11:42	11:44	11:48	11:55	11:57	12:00	12:04	12:11	12:16	12:20	12:25		
1:40	1:42	1:44	1:48	1:55	1:57	2:00	2:04	2:11	2:16	2:20	2:25-2:30	2:36	2:38
2:40	2:42	2:44	2:48	2:55	2:57	3:00	3:04	3:11	3:16	3:20	3:25-3:30	3:36	3:38
3:40	3:42	3:44	3:48	3:55	3:57	4:00	4:04	4:11	4:16	4:20	4:25-4:30	4:36	4:38
4:40	4:42	4:44	4:48	4:55	4:57	5:00	5:04	5:11	5:16	5:20	5:25-5:30	5:36	5:38
5:40													

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- Unsealed food and drink is not permitted on the bus.
- Strollers and carts must be folded before boarding the bus and stay folded until you are off the bus.
- Carry-on bags are limited to three and must fit in lap, not in aisle.

### FARES

Fare:	\$1.15/one-way trip	General	\$3.00	\$36.00
Senior 60+ yrs/Disabled	\$.65/one-way trip	Sr/Disabled	\$1.80	\$21.50
Children (46" or under):	\$.25/one-way trip	Youth		\$30.00
Youth (17 years & under):	\$.00/one-way trip	Banning HighSchool & Nicolet Middle School Student Pass		\$10.00

### DAY PASSES

General	\$3.00
Sr/Disabled	\$1.80

### MONTHLY PASSES

General	\$36.00
Sr/Disabled	\$21.50
Youth	\$30.00



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** April 11, 2017

**SUBJECT:** Discuss and Consider Adopting Resolution 2017-38, Approving an Amendment to the Professional Services Agreement with BOA Architecture for Design of Improvements to the Community Center Facilities in the amount of \$13,300 to Include Mold Remediation, Repairs to Water Damaged Areas, and Roof Improvements

---

### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2017-38:

1. Approving the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in the amount of \$13,300 for Design of Improvements to the Community Center Facilities for a total project budget of \$45,640.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to Resolution 2017-38.
3. Authorizing the City Manager to execute the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in the amount of \$13,300.

### **JUSTIFICATION:**

The design of future improvements to the Community Center and Senior Center are currently in progress. Additional improvements have recently been identified that were not originally part of the design scope. Amending the existing agreement with BOA

Architecture (BOA) to include mold remediation, repairs to water damaged areas and roof improvements has been determined to be the most expeditious and cost effective way for completing the much needed improvements. Proposals from BOA were found to be acceptable and within the expected costs of the additional design.

### **BACKGROUND:**

On January 24, 2017 City Council awarded a Professional Services Agreement to BOA for the Design of Improvements to the Community Center Facilities under Resolution 2017-13.

The current approved scope of work to be completed by BOA includes architectural design and engineering services required to upgrade and improve the facilities to enhance accessibility and to continue to provide safe, comfortable, and appealing usage of the facilities.

During recent rain events staff was made aware of leaks in the roof that damaged the ceiling in several areas within the Community Center and Senior Center. It was later determined through discussions with staff that leaks have been a problem in these areas over the course of several years. Titan Environmental was hired to perform mold testing on the damaged areas resulting in the detection of mold. The amendment to the agreement with BOA will result in the inclusion of mold remediation, repairs to water damaged areas, and roof improvements in the final design and construction bidding documents.

The Community Services Department has secured funding from the California Governor's Office of Emergency Services under the California Transit Security grant program for safety and security upgrades to the administrative offices and facilities used by the Transit Department. The proposed upgrades include security cameras, motion activated lighting, enhanced lighting and controlled access to the Community Center. The amendment to the agreement with BOA will result in the inclusion of the proposed improvements in the final design and construction bidding documents.

Amending the agreement with BOA to include the abovementioned tasks will expedite the completion of the improvements and provide cost savings to the City (i.e. additional staff time would be required if the projects were handled separately).

### **FISCAL IMPACT:**

The First Amendment to the Professional Services Agreement with BOA is for an amount of \$13,300. With approval under this resolution, the total contract amount will be \$45,640. The amendment will be funded by 15/16 CDBG funding in the amount of \$7,000 and by the California Transit Security Grant in the amount of \$6,300.

**OPTIONS:**

1. Adopt Resolution 2017-38.
2. Reject Resolution 2017-38, and direct staff to take the additional tasks out for bid as a separate project instead of amending the BOA agreement. This option will require additional staff time for the preparation and processing of a Request for Proposal for the additional design services. Additionally, a separate construction project to complete the improvements would be required.

**STRATEGIC PLAN OBJECTIVE:**

Strategic Goal No. 1, Policy Objective No. 3, identifies the need to assess and upgrade City facilities to positively reflect the City's image. The design of improvements to the Community Center Facilities will address repairs and overdue maintenance that are necessary in order to improve Community Services operations and programs while increasing the City's image in a positive manner.

**ATTACMENTS:**

1. Resolution 2017-38
2. Resolution 2017-13
3. Amendment Proposals

Approved by:



---

Michael Rock,  
City Manager

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# **ATTACHMENT 1**

**(Resolution 2017-38)**

## RESOLUTION 2017-38

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BOA ARCHITECTURE OF LONG BEACH, CALIFORNIA, FOR DESIGN OF IMPROVEMENTS TO THE COMMUNITY CENTER FACILITIES IN THE AMOUNT OF \$13,300

**WHEREAS**, on January 24, 2017 City Council awarded a Professional Services Agreement to BOA Architecture for the Design of Improvements to the Community Center Facilities under Resolution 2017-13; and

**WHEREAS**, after the award to BOA Architecture staff identified several improvements needed at the Community Center facilities resulting from storm water damage and additional funds were secured for safety and security improvements from the California Transit Security Grant program; and

**WHEREAS**, amending the agreement with BOA Architecture to include the additional design tasks will expedite the completion of the improvements and provide cost savings to the City; and

**WHEREAS**, the amendment to the Professional Services Agreement with BOA Architecture is for an amount of \$13,300, which provides for a total contract amount of \$45,640; and

**WHEREAS**, the amendment will be funded by 2015/16 Community Development Block Grant (CDBG) funding in the amount of \$7,000 and by the California Transit Security Grant in the amount of \$6,300.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** The Banning City Council adopts Resolution 2017-38 approving the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in the amount of \$13,300 for additional design of Improvements to the Community Center facilities.

**SECTION 2.** The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers related to this amendment.

**SECTION 3.** The City Manager is authorized to execute the First Amendment to the Professional Services Agreement with BOA Architecture of Long Beach, CA in an amount of \$13,300.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

---

John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-38, was duly adopted by the City Council of the City of Banning, California, at a Regular Meeting thereof held on the 11<sup>th</sup> day of April, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Marie A. Calderon, City Clerk  
City of Banning, California

# **ATTACHMENT 2**

**(Resolution 2017-11)**

## RESOLUTION 2017-13

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT TO BOA ARCHITECTURE OF LONG BEACH, CA FOR DESIGN OF IMPROVEMENTS TO THE COMMUNITY CENTER FACILITIES IN THE AMOUNT OF \$29,400 AND APPROVING A 10% CONTINGENCY

**WHEREAS**, architectural design and structural engineering services are required to upgrade and improve the Community Center Facilities (789 N. San Gorgonio Avenue) in order to enhance accessibility and to continue to provide safe, comfortable and appealing usage of the facilities; and

**WHEREAS**, the design scope of services for improvements to the Community Center includes the replacement of gym flooring; replacement of kitchen flooring; complete remodel of the restrooms; replacement of cabinetry in meeting rooms; replacement of drop ceiling in one (1) meeting room; ADA entry way improvements; door replacement (interior and exterior); new light fixtures and paint throughout the facility; and

**WHEREAS**, the design scope of services for improvements to the Senior Center includes ADA improvements to the restrooms (doorways, stalls, etc.); the reconstruction of one (1) exterior and one (1) interior ramp; and

**WHEREAS**, the Request for Proposals was published in the El Chicano Newspaper one November 10, 2016 and in the Record Gazette and Press Enterprise on November 11, 2016 and notices were sent directly to minority and female-owned businesses and as a result two (2) proposals were received; and

**WHEREAS**, a committee consisting of three (3) members was assembled to evaluate the proposals based on qualifications and experience of the proposed team; project understanding and approach including creative and/or innovative perspectives that provide additional efficiencies or performance capabilities; and proposal costs; and

**WHEREAS**, proposals were also transmitted to the Riverside County Economic Development Agency (EDA). The EDA reviewed the submittals for completeness and conformance with regulatory requirements and subsequently the EDA authorized the City to award the design project to BOA Architecture; and

**WHEREAS**, as a result BOA Architecture is the highest rated, best qualified firm to perform the services in the amount of \$29,400; and

**WHEREAS**, the Professional Services Agreement with BOA Architecture in the amount of \$29,400 and 10% contingency will be funded by CDBG Fiscal Year 2015/2016 funds reprogrammed by City Council on January 10, 2017 to this project.

The approximate design and construction project budget is funded by 2015/2016 and 2016/2017 CDBG funds and amounts to \$220,615.

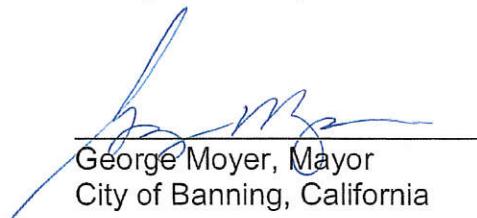
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

**SECTION 1.** The Banning City Council adopts Resolution 2017-13 awarding a Professional Services Agreement to BOA Architecture of Long Beach in the amount of \$29,400 and approved a 10% contingency for a total project budget of \$32,340 for Design of Improvements to the Community Center Facilities.

**SECTION 2.** The City Manager or his designee is authorized to make necessary budget adjustments, appropriations and transfers and to approve change orders within the 10% contingency related to the Professional Services Agreement.

**SECTION 3.** The City Manager is authorized to execute the Professional Services Agreement with BOA Architecture of Long Beach, CA in an amount of \$29,400.

**PASSED, APPROVED AND ADOPTED** this 24th day of January, 2017.



George Moyer, Mayor  
City of Banning, California

**ATTEST:**



Marie A. Calderon, City Clerk  
City of Banning, California

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**



John Q. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-13, was duly adopted by the City Council of the City of Banning, California, at a Regular Meeting thereof held on the 24th day of January, 2017, by the following vote, to wit:

AYES: Councilmembers Andrade, Franklin, Peterson, Welch, Mayor Moyer

NOES: None

ABSTAIN: None

ABSENT: None



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Marie A. Calderon, City Clerk  
City of Banning, California

# **ATTACHMENT 3**

**(Amendment Proposals)**

# EXTRA FEE PROPOSAL

## City of Banning, Mold Abatement & Roof Replacement to: Community Center and Senior Center

date: March 10, 2017

Construction Cost: TBD  
prepared by: BOA Architecture, Edward Lok Ng

	HOURS	UNIT	HR RATE	COST	TOTAL
<b>PRE-DESIGN</b>					
project management, confirm cost/work plan & prep field work	0 hrs		140	0	
site assessment, confirm as-built measurements & photos	7 hrs		140	980	
<b>SUB-CONSULTANTS and EXPENSES</b>					
structural engineering				0	
mechanical (to be done by architect with drawing notes)				0	
plumbing engineering				0	
electrical				0	
topographic survey (to be provided by City)				0	
photocopies, large size prints, travel, delivery				90	
<b>ARCHITECTURAL CONSTRUCTION DOCUMENTS</b>					
CADD of roof plans	5 hrs		90	450	
CADD or construction document drawings	20 hrs		90	1,800	
roof cricket, flashing, drainage details	6 hrs		140	840	
project management	4 hrs		140	560	
corrections and refinements from City	0 hrs		90	0	
client meeting or coordination	2 hrs		140	280	
specifications in CSI format	3 hrs		140	420	
construction cost estimate	2 hrs		140	280	
quality control	3 hrs		140	420	
client/bldg dept dept submittal and corrections to comments	2 hrs		90	460	
<b>LIMITED CONSTRUCTION SUPPORT</b>					
construction meeting	0 hrs		140	0	
Respond to RFI and technical assistance	3 hrs		140	420	
57 total architectural hrs.					420
<b>TOTAL FEE FOR DESIGN</b>					<b>\$7,000</b>

### NOTES AND RESTRICTIONS

1. these 2 tasks shall be do concurrently.

*Edward Lok Ng  
DATE 3-10-17*

# EXTRA FEE PROPOSAL

## City of Banning, Security System Design for: Community Center and Senior Center

date: March 23, 2017

Construction Cost: TBD  
prepared by: BOA Architecture, Edward Lok Ng

	HOURS	UNIT	HR RATE	COST	TOTAL
<b>PRE-DESIGN</b>					
project management, confirm cost/work plan & prep field work	0 hrs		140	0	
site assessment, confirm as-built measurements & photos	2 hrs		140	280	
<b>SUB-CONSULTANTS and EXPENSES</b>					
structural engineering				0	
mechanical (to be done by architect with drawing notes)				0	
plumbing engineering				0	
electrical				2,500	
topographic survey (to be provided by City)				0	
photocopies, large size prints, travel, delivery				70	
<b>ARCHITECTURAL CONSTRUCTION DOCUMENTS</b>					
CADD or construction document drawings	10 hrs		90	900	
project management	4 hrs		140	560	
corrections and refinements from City	3 hrs		90	270	
client meeting or coordination	2 hrs		140	280	
specifications in CSI format	2 hrs		140	280	
construction cost estimate	1 hrs		140	140	
quality control	2 hrs		140	280	
client/bldg dept dept submittal and corrections to comments	2 hrs		90	460	
<b>LIMITED CONSTRUCTION SUPPORT</b>					
construction meeting	0 hrs		140	0	
Respond to RFI and technical assistance	2 hrs		140	280	
30 total architectural hrs.					
<b>TOTAL FEE FOR DESIGN</b>					
\$6,300					

*Edward Lok Ng 3-23-17*

### NOTES AND RESTRICTIONS

1. This Security System design tasks shall be done concurrently w renovation design of Community/Senior Centers.

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Ted Shove, Economic Development Manager

**MEETING DATE:** April 11, 2017

**SUBJECT:** Discuss and Consider Granting Temporary Access to City-Owned Real Property (APN 532-180-038) to Vining Industrial Park, LLC.

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### **RECOMMENDATION:**

It is recommended that City Council:

1. Approve Temporary Access License Agreement with Vining Industrial Park, LLC.;
2. Adopt Resolution No. 2017-40 approving Temporary Access License Agreement with Vining Industrial Park, LLC. and authorizing access to conduct field inspections, observations, and sampling; and
3. Authorize City Attorney to take such additional, related action that may be necessary.

### **JUSTIFICATION:**

Approval of the Temporary Access License Agreement would authorize Vining Industrial Park, LLC. ("VIP") and its contractors and subcontractors to access City-Owned real property for the purpose of conducting various field inspections, observations, and sampling. The rationale for granting this access is to allow VIP to commence 'due diligence' on a portion of City-Owned real property that the City is considering for 'Surplus' and sale.

### **BACKGROUND:**

The City currently owns a seventy eight (78) acre parcel west of Hathaway Street and south of Charles Street on the southeast side of town, identified at APN: 532-180-038. The current use of this property is the City's wastewater treatment plant, which occupies a portion of this lot.

Vining Industrial Park, LLC. submitted an offer to purchase approximately thirty (30) acres of the existing lot, not utilized for the current or future waste water treatment operation. In order for the City and VIP to consider fair market value, a subdivision is required in addition to environmental review for a potential rezoning of the new lot.

The Temporary Access License Agreement, if approved by City Council, would authorize legal access to VIP, its contractors and subcontractors to conduct field inspections, observations, and sampling of the property for a period of one year.

Should the Council proceed with selling the newly subdivided parcel, the lot would need to be declared 'Surplus' property by the Council and a fair market value would need to be determined as a basis to sell.

By granting the Temporary Access License Agreement, the City is only authorizing physical access for environmental sampling and inspections for the site.

### **FISCAL IMPACT:**

None.

### **OPTIONS:**

1. Approve Temporary Access License Agreement with Vining Industrial Park, LLC.
2. Reject Temporary Access License Agreement and provide staff with alternative direction.

**ATTACHMENTS:**

1. Resolution 2017-40
2. Temporary Access License Agreement

Approved by:



---

Michael Rock  
City Manager

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# **ATTACHMENT 1**

**RESOLUTION NO. 2017-40**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING TEMPORARY ACCESS LICENSE AGREEMENT WITH VINING INDUSTRIAL PARK, LLC. TO CONDUCT FIELD INSPECTIONS, OBSERVATIONS AND SAMPLING ON CITY-OWNED REAL PROPERTY IDENTIFIED AS APN: 532-180-038, AND AUTHORIZE CITY ATTORNEY TO TAKE SUCH ADDITIONAL, RELATED ACTION THAT MAY BE NECESSARY**

**WHEREAS**, Vining Industrial Park, LLC (VIP), an entity that has expressed interest in acquiring a portion of City-owned real property (APN 532-180-038); and

**WHEREAS**, as a requirement for 'Due Diligence', VIP will require physical access to the site to conduct various non-destructive environmental testing, including a land survey.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

1. Resolution No. 2017-40 is approving Temporary Access License Agreement with Vining Industrial Park, LLC. for the purpose of conducting field inspections, observations, and sampling.
2. If such agreement is not executed by all parties within 60 days from the effective date of this resolution, such authorization shall become void and no effect.
3. The City Council authorizes the Mayor for the City of Banning to execute Lease and Operating Agreement with Vining Industrial Park, LLC. in the form that is approved by the City Attorney.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning, California

**ATTEST:**

---

Marie A. Calderon, City Clerk  
City of Banning

**APPROVED AS TO FORM  
AND LEGAL CONTENT:**

---

John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2017-40 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11<sup>th</sup> day of April, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Marie A. Calderon, City Clerk  
City of Banning, California

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## **ATTACHMENT 2**

## **TEMPORARY ACCESS LICENSE AGREEMENT**

This Temporary Access License Agreement ("License") is made and entered into on April\_\_\_\_, 2017 by and between the CITY OF BANNING (the "City") and VINING INDUSTRIAL PARK LLC. ("VIP"). The City and VIP are collectively referred to as the "Parties" with respect to the following:

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

**1. TEMPORARY LICENSE:** The City licenses VIP to use, on the terms and conditions in this License, the eastern 30 acres of the real property identified as of the Assessor Parcel Number 532-180-038 within the County of Riverside ("Property"), as depicted on the attached Exhibit A. CITY's action is not, and should not be construed to be, a conveyance of a property interest or a lease; it is a license to use property only.

**2. USE OF PROPERTY.**

A. VIP may temporarily use the Property for the purposes of land surveying, collecting soil and biological observations, and sampling at the Property (the "Allowed Uses"). The sampling will be performed using basic hand tools and measuring and visual observation equipment. Any sample borings will be backfilled and the surface restored to the reasonable satisfaction of the City prior to VIP departing from the Site.\_\_\_\_\_.

B. The results of any samples collected as part of this License shall be provided to the City within ten (10) business days of their receipt by VIP. VIP shall strive to provide where practical a courtesy copy to the City of any documents prepared for distribution to the public and/or any regulatory agency (including, but not necessarily limited to the City) under this License at least 2 business days prior to its publication and/or submittal.

C. VIP must provide at least 72- hours advanced notice of the commencement date of the Allowed Uses.

**3. TERM.** Except as provided in Section 4, the term of this license will begin on April\_\_\_\_, 2017 and end on April\_\_\_\_, 2018. Upon mutual written agreement between the parties, this License may be renewed for additional time.

**4. TERMINATION.**

A. As stated above, CITY may terminate this License at any time with or without

cause, upon written or verbal notification. Termination will be effective upon notification, unless CITY specifies otherwise.

- B. LICENSEE may terminate this License at any time in writing at least five (5) days before the effective termination date.
- C. By executing this document, LICENSEE waives any and all claims for damages that might otherwise arise from CITY's termination under this Section.
- D. Upon termination, LICENSEE will remove all personal property and improvements from Property within two (2) days. Property will be left in a clean and orderly fashion.

**5. ENTRY BY CITY.** This License does not convey any property interest to VIP. Except for areas restricted because of safety concerns, the City has unrestricted access upon the Property for all lawful acts.

**6. BREACH OF AGREEMENT.** The violation of any of the provisions of this License will constitute a breach of this License by VIP, and in such event the License will automatically cease and terminate.

**7. INDEMNIFICATION.** To the furthest extent allowed by law, VIP shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, VIP or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Agreement. VIP's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City or any of its officers, officials, employees, agents or volunteers.

If VIP should subcontract all or any portion of the work to be performed under this Agreement, VIP shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph.

Notwithstanding the preceding paragraph, to the extent that Subcontractor is a "design professional" as defined in Section 2782.8 of the California Civil Code and performing work hereunder as a "design professional" shall, in lieu of the preceding paragraph, be required to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers to the furthest extent allowed by law, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in Agreement, tort or strict liability,

including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

This section shall survive termination or expiration of this Agreement.

**8. INSURANCE.** Throughout the life of this Agreement, VIP shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) as may be authorized in writing by City Manager or his/her designee at any time and in his/her sole discretion. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Agreement) with limits of liability of not less than the following:

\$2,000,000 per occurrence for bodily injury and property damage  
\$1,000,000 per occurrence for personal and advertising injury  
\$4,000,000 aggregate for products and completed operations  
\$4,000,000 general aggregate

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 - Any Auto) with limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

(iii) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS' LIABILITY insurance with limits of liability of not less than \$1,000,000 each accident, \$1,000,000 disease policy limit and \$1,000,000 disease each employee.

(v) CONTRACTORS POLLUTION LIABILITY insurance with limits of liability of not less than \$1,000,000 per occurrence or claim and \$2,000,000 general aggregate per annual policy period

(vi) PROFESSIONAL LIABILITY (Errors and Omissions) insurance

appropriate to Consultant's profession, with limits of liability of \$1,000,000 per claim/occurrence and \$2,000,000 policy aggregate. **Only required if VIP retains an engineer to assist in or perform any testing on the Site.**

In the event VIP purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

VIP shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and VIP shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee in his/her sole discretion. At the option of the City Manager or his/her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its officers, officials, employees, agents and volunteers; or (ii) VIP shall provide a financial guarantee, satisfactory to the City Manager or his/her designee in his/her sole discretion, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall City be responsible for the payment of any deductibles or self-insured retentions.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, VIP shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, VIP shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form. The Contractors Pollution Liability insurance policy shall be written on either an occurrence form, or a claims-made form. The General Liability (including ongoing operations and completed operations), Automobile Liability and Contractors Pollution Liability insurance policies shall name City, its officers, officials, employees, agents and volunteers as an additional insured. All such policies of insurance shall be endorsed so VIP's insurance shall be primary and no contribution shall be required of City, its officers, officials, employees, agents or volunteers. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, employees, agents and volunteers. The coverage(s) shall contain no special limitations on the scope of protection afforded to City, its officers, officials, employees, agents and volunteers. Should VIP maintain insurance with broader coverage and/or limits of liability greater than those shown above, City requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by VIP. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

**Claims-Made Policies** - If any coverage required is written on a claims-made coverage form:

- (i) The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by VIP.
- (ii) Insurance must be maintained and evidence of insurance must be provided for at least 5 years after completion of the work or termination of the Agreement, whichever first occurs.
- (iii) If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement, or work commencement date, VIP must purchase extended reporting period coverage for a minimum of 5 years after completion of the work or termination of the Agreement, whichever first occurs.
- (iv) A copy of the claims reporting requirements must be submitted to City for review.
- (v) These requirements shall survive expiration or termination of the Agreement.

VIP shall furnish City with all certificate(s) and applicable endorsements effecting coverage required hereunder. **All certificates and applicable endorsements are to be received and approved by the City's Risk Manager or his/her designee in his/her sole discretion prior to City's execution of the Agreement and before work commences.** Upon request of City, VIP shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

If at any time during the life of the Agreement or any extension, VIP or any of its subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City hereunder shall in any way relieve VIP of its responsibilities under this Agreement.

The fact that insurance is obtained by VIP shall not be deemed to release or diminish the liability of VIP, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by VIP. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of VIP, its principals, officers, agents, employees, persons under the supervision of VIP, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

If VIP should subcontract all or any portion of the services to be performed under this

Agreement, VIP shall require each subcontractor to provide insurance protection in favor of City, its officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that the subcontractors' certificates and endorsements shall be on file with VIP and City prior to the commencement of any work by the subcontractor.

**9. RESTORATION OF PROPERTY.** Promptly after completing the Work, VIP shall restore the Site to the condition that existed prior to the execution of this License. VIP will not make, or cause to be made, any alterations to Property, or any part thereof, without City's prior written consent.

**10. COMPLIANCE WITH APPLICABLE LAWS.** VIP agrees that all activities performed pursuant to this License shall comply with all applicable local, state and federal laws, including, but not limited to, statutes, regulations, codes, rules and ordinances.

**11. GOVERNING LAW.** This License shall be governed by and interpreted pursuant to California law.

**12. ENTIRE AGREEMENT.** The terms and conditions set forth herein constitute the entire understanding of the Parties relating to the subject matter of this License. This License may be amended only by written instrument signed by both Parties.

**13. RELATIONSHIP OF THE PARTIES.** The Parties expressly disavow any intent or desire to create a partnership, joint venture, joint enterprise, principal and agent, or any other business relationship by entering into this License other than that of licensor and licensee.

**14. APPROVAL AND NOTICES.** Any approval, disapproval, demand or other notice which either party may desire or is required to give to the other party must be in writing or by electronic mail (E-mail) transmission.

To the City:

Michael Rock  
City Manager  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220  
Phone: (951) 922-3104  
Email: [mrock@ci.banning.ca.us](mailto:mrock@ci.banning.ca.us)

Ted Shove  
Economic Development Manager  
City of Banning  
99 E. Ramsey Street

Banning, CA 92220  
Phone: (951) 922-3181  
Email: [tshove@ci.banning.ca.us](mailto:tshove@ci.banning.ca.us)

With a Copy to:

John Cotti, Interim City Attorney  
Jenkins & Hogin, LLP  
1230 Rosecrans Avenue, Suite 110  
Manhattan Beach, CA 90266

To Vining Industrial Park, LLC.:

Phone:  
Email:

With a Copy to:

Phone:  
Email:

**15. COUNTERPARTS.** This License agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the City and VIP have caused this License to be executed by their respective duly authorized representative as of the dates set forth below.

[Signatures Follow on Next Page]

[Notary Acknowledgement Required]

**VINING INDUSTRIAL PARK, LLC**

By: \_\_\_\_\_  
Name  
President

**CITY OF BANNING**

\_\_\_\_\_  
George Moyer  
Mayor

Attest:

---

Marie Calderon  
City Clerk

Approved as to form:

---

John Cotti  
Interim City Attorney

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**EXHIBIT A**

Depiction of Portion of APN 532-180-038 Authorized for Access





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Michael Rock, City Manager

**PREPARED BY:** Eric Brown, Information Technology Manager  
Jennifer McCoy, Purchasing Manager  
Sonja De La Fuente, Executive Assistant/Deputy City Clerk

**MEETING DATE:** April 11, 2017

**SUBJECT:** Discuss and Consider Approving Resolution 2017-41  
Establishing a Pre-Approved Information Technology (IT)  
Vendor List for the Remainder of Fiscal Year 2017 and for  
Fiscal Year 2018

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### **RECOMMENDATION:**

City Council approve Resolution 2017-41 establishing a pre-approved vendor list established through existing city wide usage and authorize the purchase of IT supplies and commodities from competitively bid cooperative organizations and/or GSA Schedule 70 (GSA Advantage) for the remainder of FY 2017 and for FY 2018 concurrent approved budgets.

B&H Photo & Electronics Corp  
Bear Communications  
Business Telecommunication Systems(BTS)  
Cell Business Equipment (CBE)  
CDW-Government (CDW-G)  
Canon  
Card Integrators dba CI Solutions

ComDirect  
Dell Computer Corporation  
Office Depot  
PI Manufacturing Corp.  
Transact Technologies, Inc.  
Vision Security Systems  
Win-911

### **JUSTIFICATION:**

The IT Division in the City Manager's office purchases hardware, software and miscellaneous equipment on a regular basis for all departments throughout the City. While budgets have been approved for all of the departments during the regular budget

process, specific commodity sources have not been approved for cumulative annual spending. The vendors listed have either been competitively bid through the City's bidding process (Attachment 1) or through the competitive bidding process of the US General Services Association Schedule 70, National IPA/TCPN and US Communities (Attachment 2). Per the City's purchasing policy we are able to utilize competitively bid cooperative agreements.

#### **BACKGROUND:**

Currently all departments purchase the majority of their technology supplies through the IT department based on their approved budgets. The City would like to centralize the process through the use of open purchase orders to better track expenditures and procurement compliance throughout. Established purchase orders are to be monitored by the IT Division for spend, product and procurement compliance. Procurement compliance will be authorized through the use of cooperative agreements, the GSA Advantage Schedule 70 or the competitive bid processes to be reviewed and approved by the Purchasing Manager upon initial set-up.

#### **FISCAL IMPACT:**

There is no fiscal impact, as this request is for already budgeted items for technology commodities from current and competitively bid vendors or cooperative agency lists. Funding is included within the Fiscal Year 2016 Budget and will be included in the Fiscal Year 2017 and 2018 budgets.

#### **IT BUDGET**

<b>Department</b>	<b>FY 2017</b>	<b>FY 2018</b>
Administrative Services	\$37,950	\$39,780
City Manager	\$110,644	\$110,500
Community Development	\$22,080	\$18,180
Community Services	\$6,900	\$9,500
Electric	\$50,000	\$50,000
Police	\$67,158	\$86,805
Public Works	\$46,320	\$39,750

#### **OPTIONS:**

1. Approve recommended vendors for IT purchases.
2. Do not approve the recommended vendors and provide staff with alternative direction.

**ATTACHMENTS:**

- 1) Resolution 2017-41
- 2) City of Banning IT Contract Tracking List
- 3) Co-Op Listings

Approved by:



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Michael Rock  
City Manager

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# **ATTACHMENT 1**

## RESOLUTION NO. 2017-41

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, PRE-APPROVING A VENDOR LIST FOR THE PURCHASE OF INFORMATION TECHNOLOGY SUPPLIES AND COMMODITIES FOR THE CITY

**WHEREAS**, the City desires to create a list of pre-approved vendors to provide Information Technology (IT) supplies and commodities for the remainder of FY 2017 and for FY 2018 concurrent approved budgets; and

**WHEREAS**, upon evaluation of the City's current contract tracking list and co-operative vendor list the following vendor list was established:

B&H Photo & Electronics Corp	ComDirect
Bear Communications	Dell Computer Corporation
Business Telecommunication Systems(BTS)	Office Depot
Cell Business Equipment (CBE)	PI Manufacturing Corp.
CDW-Government (CDW-G)	Transact Technologies, Inc.
Canon	Vision Security Systems
Card Integrators dba CI Solutions	Win-911

**WHEREAS**, the IT Division in the City Manager's office purchases hardware, software and miscellaneous equipment on a regular basis for all departments throughout the City.

**WHEREAS**, budgets have been approved for all of the departments during the regular budget process, however specific commodity sources have not been approved for cumulative annual spending.

**WHEREAS**, the vendors listed have either been competitively bid through the City's bidding process or through the competitive bidding process of the US General Services Association (GSA) Schedule 70, National IPA/TCPN and US Communities.

**WHEREAS**, procurement compliance will be authorized through the use of cooperative agreements, the GSA Advantage Schedule 70 or the competitive bid processes to be reviewed and approved by the Purchasing Manager upon initial set-up.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Banning as follows:

1. Resolution No. 2017-41 is approved, pre-approving a vendor list for the purchase of IT supplies; and
2. The City Council authorizes the Purchasing Manager for the City of Banning to execute purchase orders for IT supplies and commodities from the pre-approved vendor list in accordance with the City's purchasing policies.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2017.

---

George Moyer, Mayor  
City of Banning

**ATTEST:**

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Marie A. Calderon, City Clerk  
City of Banning

**APPROVED AS TO FORM AND  
LEGAL CONTENT:**

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John C. Cotti, Interim City Attorney  
Jenkins & Hogin, LLP

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2017-41, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 11<sup>th</sup> day of April, 2017, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Marie A. Calderon, City Clerk  
City of Banning, California

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# **ATTACHMENT 2**

**CITY OF BANNING IT CONTRACT LOG**

Vendor	Description of Item/Service	Compensation Amount (Original)	Department
Canon	Copiers	\$ 52,337.00	City Wide
CBE	Copier Maintenance and Overage Fees	\$ 35,345.49	City Wide
Canon	Copiers (Includes PD)	\$ 56,056.04	City Wide/Police Dept.
Software One	Microsoft Enterprise Licensing Agreement	\$ 48,230.08	IT
Bear Communications, Inc	Electronics and Maintenance	\$ 5,346.00	Police Dept.
Business Telecommunication Systems	Shortel Telephone Communication Equipment and Support	\$ 288.92	IT
Transact Technologies Incorporated	Receipt Printer Supplies	\$ 1,000.00	Utilities - Water Billing
CDW Government	Computer Supplies	\$ 25,000.00	IT
Itron	Itron Maintenance for: Hardware, Multidock, Software & Endpoint Electronic Delivery	\$ 6,082.99	Administrative Services
WIN-911 Software	J1 WIN/MAINT R - Annual Software Maintenance & Support	\$ 495.00	Public Works
Card Integrators dba CI Solutions	Misc. Supplies and Maintenance	\$ 1,000.00	Police Dept.
Vision Security Systems	Keypad Replacement/Repairs	\$ 2,400.00	Police Dept.
ComDirect	Mitel 5000 Software Assurance License, Call Recording	\$ 7,525.00	Police Dept.
B&H Photo & Electronics Corp.	Software and Partner Plan Annual Agreement	\$ 5,000.00	Purchasing
Dell Computer Corporation	Audio/Video Supplies	\$ 2,500.00	Purchasing
PI Manufacturing Corp.	Computer Supplies	\$ 1,500.00	Purchasing
	Computer Repair Parts	\$	

# ATTACHMENT 3

<b>Cooperative Organization</b>	<b>Vendor</b>
GSA Federal Acquisition Service	COOP Purch Vendors (Thousands)
HGAC Buy	911 Datamaster, Inc
HGAC Buy	Akimeka LLC
HGAC Buy	CenturyLink
HGAC Buy	Colossus, Incorporated dba Interact Public Safety Systems
HGAC Buy	Dictation Sales and Service, Inc. (dba DSS Corporation)
HGAC Buy	ErgoFlex Systems, Inc. dba Xybix Systems, Inc
HGAC Buy	Evans Consoles Incorporated
HGAC Buy	Frontier Communications of America, Inc
HGAC Buy	Hitech Systems, Inc.
HGAC Buy	Integrated Computer Systems, Inc
HGAC Buy	Intrado Systems
HGAC Buy	Modular Communication Systems (ModUcom)
HGAC Buy	Motorola Solutions, Inc
HGAC Buy	Purvis Systems Incorporated
HGAC Buy	Russ Bassett Corporation
HGAC Buy	Ryan Public Safety Solutions
HGAC Buy	SBC Global Service Inc. dba AT&T Global Services
HGAC Buy	Solacom Technologies, Inc.
HGAC Buy	Southern Software, Inc
HGAC Buy	Spok, Inc
HGAC Buy	TeleCommunication Systems
HGAC Buy	Western States Communications, Inc.
HGAC Buy	Westnet, Inc
HGAC Buy	WestTel
HGAC Buy	Zoll Data Systems Inc
HGAC Buy	Alcatel-Lucent USA Inc.
HGAC Buy	Bearcom Operating, LLC
HGAC Buy	Communications-Applied Technology
HGAC Buy	E.F. Johnson Compnay
HGAC Buy	Harris RFCD
HGAC Buy	Hytera America Inc.
HGAC Buy	Icom America, Inc.
HGAC Buy	JVC Kenwood
HGAC Buy	Motorola solutions, Inc.
HGAC Buy	Raytheon JPS Communications, Inc.
HGAC Buy	ReadyOp Communications, Inc.
HGAC Buy	Relm Wireless Corp.
HGAC Buy	Sepura LLC
HGAC Buy	Tait North America Inc.
HGAC Buy	West Safety Services Inc.
HGAC Buy	Scientel Wireless
HGAC Buy	Sprint
National IPA/TCPN	Christal Vision, Inc.
National IPA/TCPN	Don Johnston, Inc.
National IPA/TCPN	EnableMart

National IPA/TCPN	HumanWare
National IPA/TCPN	Lightspeed Technologies, Inc.
National IPA/TCPN	B&H Photo, Vidio, Pro Audio
National IPA/TCPN	Clearwig Productions Inc.
National IPA/TCPN	Troxell Communications
National IPA/TCPN	Kyocera Document Solutions America, Inc.
National IPA/TCPN	Xerox
National IPA/TCPN	Smartfiles
National IPA/TCPN	X-IO
National IPA/TCPN	Delta-T Digital Archiving
National IPA/TCPN	CDW-G
National IPA/TCPN	Wesco Distribution, Inc.
National IPA/TCPN	ADP
National IPA/TCPN	Xerox
National IPA/TCPN	HP
National IPA/TCPN	Toshiba
National IPA/TCPN	Mythics, Inc.
National IPA/TCPN	Panasonic
National IPA/TCPN	Crisis Go
National IPA/TCPN	Haystax Technology
National IPA/TCPN	Anixter
National IPA/TCPN	Ardham Technologies
National IPA/TCPN	BrightBytes
National IPA/TCPN	Carahsoft Technology Corp
National IPA/TCPN	Hayes Software
National IPA/TCPN	Hyland Software, Inc.
National IPA/TCPN	Infosnap, Inc.
National IPA/TCPN	PCM, Inc.
National IPA/TCPN	Zones, Inc.
National IPA/TCPN	CDW-G
National IPA/TCPN	HP
National IPA/TCPN	Office Depot
National IPA/TCPN	Ford Audio-Video Systems, LLC
National IPA/TCPN	RPS Holdings, Inc.
National IPA/TCPN	SKC Communications, Inc.
National IPA/TCPN	Visionality
NJPA	Tyler Technologies
NJPA	CDW-G
NJPA	FATPOT Technologies
NJPA	Zones, Inc.
NJPA	Mitel Business Systems
US Communities	Ricoh/Savin/Lanier
US Communities	Insight Public Sector
US Communities	Graybar Telecommunications

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