



AGENDA

SPECIAL MEETING (CLOSED SESSION) AND REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

Tuesday, August 25, 2020

4:00 P.M. Closed Session Meeting

5:00 PM Regular Meeting

Council Chamber

99 E. Ramsey Street

and via Video/Teleconference

The following information comprises the agenda for the closed session and regular meeting of the Banning City Council, a joint meeting of the City Council and the Banning Utility Authority, and the Banning City Council sitting in its capacity of the Successor Agency Board.

Due to the COVID-19 pandemic emergency, and to protect the health and safety of all participants, *this meeting is being held in person and via video/teleconference*. Pursuant to Governor Newsom's Executive Orders, members of the Banning City Council, staff and public may observe and participate in this meeting electronically or telephonically as outlined below:

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

Meeting ID: 874 1527 7765

Password: 870511

One tap mobile: +16699009128,, 87415277765#

Dial in: +1 669 900 9128 US

Meeting ID: 874 1527 7765

Find your local number: <https://us02web.zoom.us/u/kdrYMKxbB>

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

Per City Council Resolution 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 4:00 P.M. SPECIAL MEETING

II. CLOSED SESSION

- II.1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Designated Representative: Jennifer Christensen, Administrative Services Director, Art Vela, Public Works Director, and Doug Schulze, City Manager
Employee Organizations: International Brotherhood of Electrical Workers (IBEW)–General, International Brotherhood of Electrical Workers (IBEW)–Utilities, Teamsters Local Union No. 1932 (Teamsters), Banning Police Officers Association (BPOA), and Banning Police Management Association (BPMA)
Unrepresented Employees: All Department Directors
- II.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: 2422 Charles Street
City Negotiator: Douglas Schulze, City Manager
Negotiating Parties: Banning Chamber of Commerce
Under Negotiation: Price and terms for potential lease of property
- II.3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9
Name of case: Robertson's Ready Mix, Ltd. v. City of Banning, et al., Case No. RIC 1513475
- II.4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One potential case

III. ADJOURN SPECIAL MEETING (CLOSED SESSION)

I. CALL TO ORDER - 5:00 P.M. REGULAR MEETING

- I.1. Invocation
- I.2. Pledge of Allegiance
- I.3. Roll Call - *Council Members Happe, Pingree, Wallace, Welch Mayor Andrade*

II. AGENDA APPROVAL

III. PRESENTATIONS

- III.1. Special Recognitions

IV. REPORT ON CLOSED SESSION

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENTS –Items Not on the Agenda

A three (3) 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 three 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 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.

APPOINTMENTS

V.1. Appoint Two Members to the CDBG Ad-Hoc Committee

7

VI. CONSENT ITEMS

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

Recommendation: Approve Consent Items VI.1 – VI.26.

VI.1.	Regular Meeting Minutes - July 14, 2020	11
VI.2.	Closed Session Minutes - July 14, 2020	39
VI.3.	Special Meeting Minutes - August 5, 2020	41
VI.4.	Police Department Statistics for June and July 2020	57
VI.5.	Fire Department Statistics for June and July 2020	59
VI.6.	Cash, Investments and Reserve Report for the Month of June 2020	61
VI.7.	Cash, Investments and Reserve Report for the Month of July 2020	63
VI.8.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of June 2020	65
VI.9.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of July 2020	67
VI.10.	Contracts Approved Under the City Manager’s Signature Authority for the Month of June and July 2020	69

VI.11.	Increase Cell Business Equipment Purchase Order No. 29949 by \$1580 to Complete Final Payment on Four Year Contract	71
VI.12.	Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37298-1 for the Maintenance of the City Owned Electric Distribution System	73
VI.13.	Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37365 for the Maintenance of the City Owned Electric Distribution System	75
VI.14.	Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37474 for the Maintenance of the City Owned Electric Distribution System	77
VI.15.	Joint Powers Agreement (JPA) between Banning Police Department and Beaumont Police Department on Sharing and Maintenance of Mnemonics for CLETS and Remittance to LEVEL II in the amount of \$26,872.50	79
VI.16.	Resolution 2020-105, Approving Riverside County's California Identification System (CAL-ID) Member Agency Assessment FY2020/2021	81
VI.17.	Resolution 2020-104, Approving a Professional Services Agreement with County of Riverside, Riverside University Health System-Medical Center (RUHS-MC) for Adult and Adolescent Forensic Services	83
VI.18.	BorisMetrics – Cost of Service Analysis & Rate Design	85
VI.19.	Public Works Capital Improvement Project Tracking List	87
VI.20.	Resolution 2020-102, Approving a Grant Agreement with the Federal Aviation Administration (FAA) and Awarding Agreement to IMEG Corp. for Design of Runway Rehabilitation	89
VI.21.	Accept the Easements from Pardee Homes for Public Storm Drain Maintenance Purposes for Tract Map No. 37298-1 Within the Atwell Development	93
VI.22.	Resolution 2020-106, Approving a Professional Services Agreement in the amount of \$510,000 with Romo Planning Group for Professional Planning and Land Use Services	95
VI.23.	Resolution 2020-103, Adopting the Water Supply Verification for Tentative Tract No. 37390 (Atwell Phase 2)	99

VI.24.	Notice of Completion for Project No. 2020-01W, "Tank Inspections and Cleaning"	101
VI.25.	Resolution 2020-07 UA, Approving the Second Amendment to the Agreement with G & G Environmental Compliance	103
VI.26.	Resolution 2020-107, Revoking Resolution 2020-76 and Approving the Award of Construction Agreement For Project No. 2020-01 EL, Ivy and Stagecoach Substation	107

VII. PUBLIC HEARINGS

VII.1.	Resolution 2020-99, Approving Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770	109
	Recommendation: Adopt Resolution 2020-99, a Resolution of the City Council of the City of Banning, California, Making an Environmental Determination Under CEQA Guidelines Section 15162 and Approving Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770, a Subdivision of Multiple Vacant Parcels for Purposes of Creating Single Family Residential Lots, Public Streets and Drainage Facilities, on Real Property Located South of Westward Avenue and East of 8 th Street Within the Northeasterly Portion of the Rancho San Gorgonio Specific Plan	

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORTS OF OFFICERS

VIII.1.	Ramsey Street Village Report	125
	Recommendation: Receive and File Report.	
VIII.2.	Proposed Entry Monument Sign at East Ramsey Street	129
	Recommendation: Provide comments, if any, on the proposed entry monument sign at East Ramsey Street.	
VIII.3.	Playhouse Bowl Funding Request	133
	Recommendation: Provide direction regarding funding request from the Playhouse Bowl Association for 2020.	
VIII.4.	Update on the Preparation of a Project Study Report for the Highland Springs Avenue Interchange	135
	Recommendation: Receive and File Report.	

IX. DISCUSSION ITEMS

X. ITEMS FOR FUTURE AGENDAS

New Items:

Pending Items:

1. Fee Suspension Update
2. Website Redesign
3. CNG Facility Update
4. New Energy Workshop
5. Permanent Homeless Solution
6. Commissioner Terms and Attendance Requirements

XI. ADJOURNMENT Next Regular City Council Meeting – September 8, 2020

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 regular meeting agenda but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-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 three 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]

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available on the City's website at www.banningca.gov or via email or regular mail by calling (951) 922-3102 or emailing sdelafuente@banningca.gov in the Office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. and requesting a copy.



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Laurie Sampson, Executive Assistant
MEETING DATE: August 25, 2020
SUBJECT: Request to Appoint Two Members to the CDBG Ad-Hoc Committee

RECOMMENDED ACTION:

Recommend the City Council appoint a committee at the August 25, 2020 meeting, consisting of at least two members from the City Council and the Economic Development Manager, to review and recommend FY 2021/2022 Community Development Block Grant ("CDBG") program applications.

Below is a schedule of important dates that are necessary in order to ensure that the City meets Riverside County Economic Development Agency's application deadline.

BACKGROUND:

The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs that is federally funded by the U.S. Department of Housing and Urban Development ("HUD"). The CDBG program provides annual grants on a formula basis to 1209 general units of local government and States.

The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

Eligible Activities

- Economic Development
- Job Development
- Youth Services
- Senior Programs
- Health Services
- Public Safety Programs
- Neighborhood Revitalization
- Municipal Services
- Code Enforcement
- Transportation Services
- Housing Assistance/First Time Buyers
- Community Centers
- Workforce Development Centers
- Child Care Centers
- Senior Centers
- Health Facilities
- Sheriff/Fire Stations
- Flood and Drainage Facilities
- Water/Sewer Improvements
- Demolition
- Street Improvements/Sidewalks
- Homeless Centers

CDBG-funded projects **must** satisfy one of three national program objectives:

- Provide a benefit to low and moderate income persons,
- Prevent or eliminate slums and blight, or
- Meet other urgent community development needs due to natural disasters or other emergencies.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation or City Council action.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

Approved by:



Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

The following information comprises the minutes for the regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES
CITY COUNCIL

07/14/2020
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade
Mayor Pro Tem Wallace
Councilmember Happe
Councilmember Pingree
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Marie Calderon, City Clerk
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Administrative Services Director
Matthew Hamner, Police Chief
Tom Miller, Electric Utility Director
Adam Rush, Community Development Director
Art Vela, Public Works Director/City Engineer (via teleconference)
Ralph Wright, Parks & Recreation Director
Suzanne Cook, Deputy Finance Director (via teleconference)
James Wurtz, Economic Development Manager
Laurie Sampson, Executive Assistant (via teleconference)

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Andrade on July 14, 2020, at 5:08 P.M.

Ralph Bobik from the Church of Jesus Christ of Latter-Day Saints offered the invocation via teleconference.

Mayor Pro Tem Wallace led the public in the Pledge of Allegiance.

II. AGENDA APPROVAL

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, to approve the agenda. Roll call vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

III. PRESENTATION(S)

1. Lifesaving Award/Recognition

Police Chief Matthew Hamner recognized Officer Christopher Sayeski for receiving the Lifesaving Award.

2. Special Recognitions

The Mayor and City Council recognized community members Kimberly Cartmell-Ybarra and Darrin Harmon as well as the employees of the City of Banning Public Works Department, Streets Maintenance Division, for making Banning a better place to live work and play.

3. Proclamation – July 2020 – Parks and Recreation Month

Parks and Recreation Director Ralph Wright read the Proclamation and the Mayor and City Council presented the Proclamation proclaiming July 2020 as Parks and Recreation Month.

IV. REPORT ON CLOSED SESSION

City Attorney Ennis reported that City Council held a special meeting beginning at 4:00 P.M. today. The items discussed were as follows:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 447 E. Ramsey Street (APN: 541-150-004)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, Shi Pingdong

Under Negotiation: Price and terms for potential acquisition of property

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 553 E. Ramsey Street (APN: 541-150-010)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, DBBF Enterprises

Under Negotiation: Price and terms for potential acquisition of property

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of case: *Robertson's Ready Mix, Ltd. v. City of Banning, et al.*, Case No. RIC 1513475

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

John Hagen thanked Frank Burgess for the billboard on Ramsey Street recognizing the police. He advised the sign has been graffitied and requested the City clean it. He would also like to see a balance sheet showing the cost of the Ramsey Street Village along with statistics regarding the success rate and positive outcomes. He mentioned that he has noticed an improvement.

CORRESPONDENCE

None

APPOINTMENT(S)

1. Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and Expo – October 7-9, 2020

Action: **Mayor Andrade was appointed the Voting Delegate with Mayor Pro Tem Wallace as Alternate and Councilmember Pingree as the second Alternate.**

VI. CONSENT ITEMS

1. Minutes – June 23, 2020, Regular Meeting
2. Minutes – June 23, 2020, Special Meeting (Budget)
3. Minutes – June 23, 2020, Special Meeting (Closed Session)
4. Receive and File Cash, Investments, and Reserve Report for May 2020

5. Approve and Ratify Accounts Payable and Payroll Warrants Issued in May 2020
6. Resolution 2020-90, Approving the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant, and Provision of 10.0 Mpbs Internet Feed to City Hall for Fiscal Year 2020-2021 for \$31,188.00
7. Resolution 2020-91, Approving the Purchase Order with CDW-G for the Purchase of Computers, Software, and Computer Accessories Not to Exceed \$90,000
8. Resolution 2020-96, Adopting an Amended Conflict of Interest Code Containing Revised Designated Positions and Disclosure Categories, and Repealing Resolution No. 2019-09
9. Ordinance 1565, an Ordinance of the City of Banning 1) Amending Chapters 5.33 of Title 5 of the Banning Municipal Code to Allow Cannabis Distributors to Operate in the City and to Amend the Process for Processing Cannabis Retailer Applications, 2) Amending Chapters 17.12, 17.53, and 17.54 of Title 17 of the Banning Municipal Code (Zoning Text Amendment (ZTA) 20-97501) to Include Provisions Regarding the Expiration of Cannabis Retailer Conditional Use Permits, to Allow Indoor Commercial Cultivation Facilities in the Business Park Zone, to Allow Cannabis Distribution Facilities to Operate in the Industrial Zone, and Making Additional Amendments to Regulations Pertaining to Commercial Cannabis Businesses, and 3) Making a Determination Pursuant to CEQA (**2nd Reading**)
10. Resolution 2020-98, a Resolution of the City Council of the City of Banning, Reaffirming and Making Express Findings and Determinations that Modifications to the 2019 California Residential and Fire Codes, as Adopted by the City of Banning)
11. Resolution 2020-70, Approving Nuisance Abatement Charges be Added to the Tax Rolls of Riverside County, California
12. Resolution 2020-94 Approving Final Tract Map Nos. 35966 and 35967 for the Purpose of Subdividing Property within the Atwell Development (Butterfield Specific Plan) for Financing and Conveyance Purposes; Authorizing Staff to Sign the Final Tract Map; and Releasing the Maps for Recordation
13. Resolution 2020-97, Authorizing the City Manager to Execute a Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement with the Western Riverside Council of Governments (WRCOG) for up to \$1,000,000 in TUMF Funds for the Sun Lakes Boulevard Extension Project
14. Accept Easements from Banning Industrial, L.P. for Water Utility Purposes on Assessor's Parcel Numbers 532-130-001 and 532-130-002 for the Maintenance of the City Owned Water System

Public Comments

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace to approve Consent Items 1-14. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Approved Consent Items 1-14.

VII. PUBLIC HEARING(S)

1. Resolution 2020-92, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2020/2021

Public Works Director Art Vela presented the staff report for this item.

Public Hearing

None

A motion was made by Councilmember Welch, seconded by Councilmember Pingree to adopt Resolution 2020-92, 1) Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2020/2021 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code. 2) Authorize and direct the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution 2020-92.

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Welch had nothing to report.

Councilmember Pingree reported that he attended the Banning High School graduation parade on July 11th and it turned out very well. He also commented on the Animal Shelter.

Mayor Pro Tem Wallace reported that she was involved with the Banning High School graduation parade. She requested staff let her know what positions were approved for reclassification during COVID-19. She attended a Zoom meeting and advised that the City of Perris has done some neat things and would like to see Banning grow like they have. She advised a guest speaker from Southern California Gas Company advised they will be going to renewable energy and making solar affordable for residents. They are working with the public and advised they may contact the Public Affairs representative with any questions. She also attended the Mayor's Meeting and advised small cities don't receive as much money as the bigger cities and they are working to improve that. She attended the Mayor's Round Table and advised leaders need to adhere to state directives/guidelines. She read a prepared statement (Attachment 1). She also met with resident Gwen Cotton and read something she wrote and shared a story about how her husband, Ernest Cotton, was harassed by police while walking to work. Finally, she shared her concern regarding the Wells Fargo branch in Banning temporarily closing.

Mayor Andrade reported there is a Mayor's Roundtable held twice per week. COVID-19 is discussed every week. She is trying to put something together to send the Governor regarding assistance for the City. Sandals Church will be doing drive-thru food distribution on Thursdays on Nicolet through the Farm to Family Food Box program. She congratulated Banning High School seniors on their graduation, shared a quote from Tommy Lasorda, and thanked the Girls Empowerment Club for the banner.

REPORT BY CITY ATTORNEY

None

REPORT BY CITY MANAGER

City Manager Doug Schulze reported on the following:

- Airport closure update – Rules Committee did not accept the amendment. Congressman Ruiz, the Mayor and the Tribe are working together to send a letter. Bullet points have been provided to Congressman Ruiz' office. He advised the closure opens economic development opportunities, redevelopment would support long term job opportunities, aid in the realignment of I-10 bypass, free up funds, benefit other nearby airports, good for taxpayers, as the general fund is subsidizing.
- Animal Control and the shelter have been a topic of discussion. Yesterday Chief Hamner and Art Vela met with the Morongo Police Chief to discuss animal control and potential partnership. Efforts are underway to raise funds.
- Pardie's Atwell project has had 101 net sales in the first 85 days. The Centerstone neighborhood opens in July and over 300 homes could be sold in the first year.
- Wells Fargo Banning branch is temporarily closing due to staffing issues.
- The demolition of the Banning Business Center is near completion. Site walkthrough with the receiver is coming up. He explained receivership final steps.
- Ramsey Street Village – monthly reports are provided during City Council meetings. The City has been very successful in obtaining grant funds (estimated \$280,000 to \$300,000). He will provide a more detailed report when finalized. Officer Sayeski provides a report regarding success with moving clients to permanent housing and job placements during June and the July report is expected soon. One resident has been notified there will be inspection in two weeks, and they must comply or face eviction.
- Reclassification of positions during COVID-19 – clarification needed.

REPORTS OF OFFICERS

1. Resolution 2020-78, Approving the Renewal of the Landscape Maintenance Contract for City Parks with Z&T Ventures, Inc. dba Service Scape of Alta Loma, California for Fiscal Year 2020/2021 in the not too exceed amount of \$49,095.20

Parks and Recreation Director Ralph Wright presented the staff report for this item.

Councilmember Pingree expressed concern with the quality of work, that he would like to see the contract go out for bid.

Mayor Pro Tem Wallace asked when the contractors are scheduled at each park.

Parks and Recreation Director Wright advised he will provide the Council with a schedule.

Public Comments

John Hagen recommended contracting with one company to maintain all City landscape instead of piecemealing.

Public Works Director explained that Richard Sanchez Park falls within Landscape Maintenance District No. 1 and that is a separate contract.

A motion was made by Councilmember Pingree, seconded by Mayor Pro Tem Pingree to adopt Resolution 2020-78: 1) Approving renewal of an Agreement with Z&T Ventures, Inc., dba Service Scape of Alta Loma, California in the amount "not to exceed" \$49,095.20 for the remainder of the available contract term through February 28, 2021. 2) Authorizing the Administrative Services Director to make necessary budget adjustments, appropriations and transfers related to the Agreement. 3) Authorizing the City Manager to execute the Amendment No. 3 to the Agreement with Z & T Ventures, Inc. dba Service Scape of Alta Loma, California for the remainder of available contract term, through February 2021; with the understanding that the contract will go out to bid upon expiration and a work schedule showing when the contractor will be at the parks is provided to the City Council. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: **Adopted Resolution 2020-78, with the understanding that the contract will go out to bid upon expiration and a work schedule showing when the contractor will be at the parks is provided to the City Council.**

2. Banning Electric Utility (BEU) - Economic Development Policy and Adoption of Resolution 2020-68 Approving that Policy

Electric Utility Director Tom Miller presented the staff report for this item along with a PowerPoint presentation (Attachment 2).

Public Comments

None

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe to adopt Resolution 2020-68, approving “Electric Utility Involvement in Economic Development” Policy (“Policy”). 2) Direct the City Manager, the Electric Utility Director, and key staff to engage in economic development programs and activities in accordance with the Policy. 3) Direct the City Clerk to include the Policy in the City’s and Banning Electric Utility’s records and administrative policies. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

Action: Adopted Resolution 2020-68.

3. Resolution 2020-93, Approving the Agreement for Purchase and Sale and Escrow Instructions Between the City of Banning, as Buyer, and Shi Pingdong, as Seller, for Real Property located at 447 E. Ramsey Street (APN: 541-150-004)

Electric Utility Director Tom Miller presented a PowerPoint presentation (Attachment 3) for this item and introduced the City’s new Economic Development Manager James Wurtz who presented the staff report for this item.

City Manager Doug Schulze explained that one of the goals the City Council provided him earlier this year was the clean-up of the Ramsey Street corridor, and this would help with that.

Public Comments

None

A motion was made by Councilmember Happe, seconded by Councilmember Pingree to adopt Resolution 2020-93, authorizing the City of Banning to purchase real property located at 447 E. Ramsey Banning CA, 92220 (APN No. 541-150-004), using Banning’s Electric Utility Enterprise Funds, for the purpose of achieving economic development goals, as set forth in the City’s “Electric Utility Involvement in Economic Development” policy.. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

Action: Adopted Resolution 2020-93.

4. Waiver of Permit Fees for Banning Animal Shelter

City Manager Doug Schulze presented the staff report for this item.

Public Comments

None

A motion was made by Mayor Andrade, seconded by Mayor Pro Tem Wallace to authorize the waiver of all permit fees related to improvements and repairs of the City of Banning Animal Shelter and direct the City Manager to prepare a resolution for City Council consideration at the August 25, 2020 meeting. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: **Authorized the waiver of all permit fees related to improvements and repairs of the City of Banning Animal Shelter and directed the City Manager to prepare a resolution for City Council consideration at the August 25, 2020 meeting.**

IX. DISCUSSION ITEM

1. Resolution 2020-95 Providing for the Submission of a Ballot Argument by Councilmembers in Favor of the Cannabis Distribution Tax Measure Pursuant to Elections Code Section 9282

City Attorney Kevin Ennis presented the staff report for this item.

Public Comments

None

There was a consensus of the Council that all would sign the Ballot Argument in favor of the Measure.

A motion was made by Councilmember Welch, seconded by Councilmember Pingree to 1) Designate Mayor Andrade and Councilmember Happe to draft and all of the Council to sign and submit the ballot argument in favor of the Measure; and 2) Adopt Resolution 2020-95, providing for the submission of a Ballot Argument by Council Members in Favor of the Cannabis Distribution Tax Measure

pursuant to Elections Code Section 9282 (including the selection of alternative A for Sections 3 to that Resolution). Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Designated Mayor Andrade and Councilmember Happe to draft and all Council Members to sign and submit the ballot argument in favor of the Measure and adopted Resolution 2020-95.

X. ITEMS FOR FUTURE AGENDAS

Mayor Andrade requested the following future agenda items:

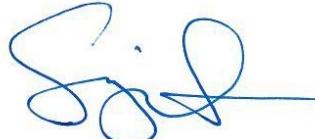
1. Terms of Commissioners
2. Attendance Requirements for Commissioners

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 7:25 P.M.

**Next Meeting: Special Meeting, Tuesday, July 28, 2020, 5:00 P.M.
 Regular Meeting, Tuesday, August 25, 2020, 5:00 P.M.**

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

*The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=CrJ5chQwvql1>. Any related documents maybe viewed here:
<https://banningca.gov/ArchiveCenter/ViewFile/Item/2330> or by purchasing a CD or DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.*

ATTACHMENT 1

Mayor Andrade asked me to represent her and our city on July 9th at the mayors round table discussion. COVID 19 is prevalent topic of discussion and different ways to keep our communities safe. We can agree to disagree on this issue but as leaders we need to set an example and adhere to the governor and the county's order. To date there are 30 counties being monitored and riverside county continues to rise in positive cases. We have been informed of the following:

All counties must close indoor operations moving as many as possible to outside operation.

Restaurants, Movie theaters Family entertainment centers, Museums, Bars must close all operations, as well as Fitness centers, Places of worship, Hair salons, Barber shops and Indoor malls.

Please continue to wear a mask and practice social distancing. Limit your interactions with people outside your household but if you must do so take it outside and keep it at a minimum.

As your mayor Pro Tem and your city leader I will do my part in keeping this community safe and encourage my fellow council members to follow suit.

Thank you

Colleen Wallace



ATTACHMENT 2



City Council Meeting

July 14, 2020

Banning Electric Utility
Electric Utility Involvement in Economic Development





Recommendation:

- Discussion and possible adoption:
- Resolution 2020-068
- City of Banning
- Banning Electric Utility Policy
- Electric Utility Involvement in Economic Development
- Direct and authorize the city manager, electric utility director, and designees to leverage BEU revenues to design, execute, and monitor economic development programs and activities in accordance to the Policy
- In any future rate setting process or cost of service analysis, staff is directed to take into account the economic development programs and activities authorized by the Policy and to consider the impact of such programs and activities on rates



Purpose and Objective

- BEU has an obligation to serve load of end-use customers in our assigned area of service.....
-at the lowest possible cost using sound business practices
- (Purpose) Leverage BEU resources to design, execute, and utilize economic development programs
- Specifically, attract, retain, and expand local business customers
- (Objective) To improve system load factor (system efficiency), diversify load, and maximize system utilization (increase density of load)
- Allowing fix costs to be distributed among a greater number of customers
- The policy directs the City Manager and BEU Director to engage in economic development activities



Required Objectives and Elements

- Present a BUDGET for economic development programs and activities for City Council's review, approval, and adoption
- MUST provide a specific and direct benefit to ratepayers
- SHALL NOT exceed the reasonable costs and unduly burden ratepayers
- EXHIBIT fairness in specific rates in the apportionment of total costs of service among the different ratepayers (Bonbright Principle, 1961)
- REQUIRE the disposition of proceeds to be returned to BEU in order to perpetuate economic development activities



“SMART” Goals: Specific, Measurable, Achievable, Relevant and Timely

- To improve or increase system load factor, currently at 37%
- To improve and promote load diversification, currently 85% residential (not including the additions of the Atwell subdivision)
- To improve system utilization
 - Take advantage of in-fill lots
 - Improve sales in certain system distribution districts (such as Sunset Substation currently at 5% utilization)



Guidelines: Projects *should*

- Benefit the strategic goals of BEU set by City Council
- Be consistent with BEU business and resource plans
- Have a high probability of success (lower risk)
- Promote safety
- Be environmentally friendly
 - Carbon-free
 - Renewable
 - Sustainable
- Demonstrate a wise use of energy and promote an increased standard of living

Economic Development Activities: (including but not limited to)

- Community marketing and Development
- Technical assistance and transfer of technology
- Market research
- Site and Workforce inventories
- Industrial and commercial expansion and relocation assistance
- Business retention and recruitment
- Gap financing for eligible projects
- Partner with Enterprise, economic incentive areas, Opportunity, Federal or other recognized geographical areas, for the purpose community improvement
- Acquire and dispose property as long as funds stay within BEU
- Provide incentives within development zones
- Provide rate discounts or custom rates
- Provide custom line extension arrangements
- Focus on commercial, industrial, and key accounts
- System redundancy and resilience services
- Rebates, grants, low-interest loans, and in-kind services
- Fee waivers





Past Economic Development Activities: Rate Discounts

- San Gorgonio Hospital
- Albertson's Grocery Store
- Brands on Sale



City Council Action:

- Adopt policy
- Adopt policy with changes
- Defer action and provide staff direction

ATTACHMENT 3

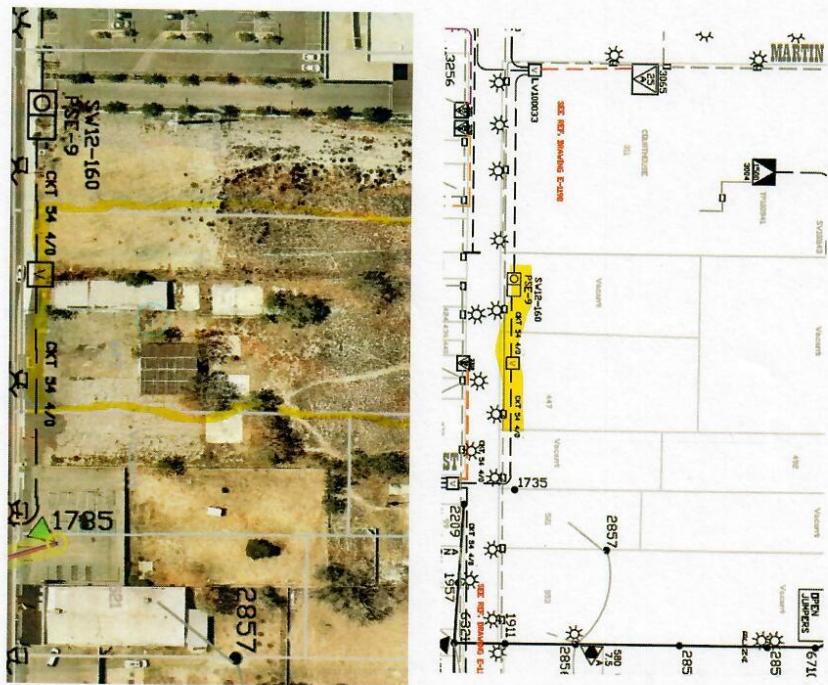


Candidate Economic Development Opportunity





Ready, willing,
and able to
serve at 447
East Ramsey



Purchase of 447 East Ramsey

Required Elements:

- Budgeted for the purchase of property
- Specific and Direct Impact
 - Opportunity Zone
 - Vacant lot – In-fill situation (direct benefit)
 - Zoned Commercial (not residential)
- CIP Funds (does not unduly burden ratepayers)
- Upon the disposition of property
 - Funds returned to BEU
 - Impact on cost of service (Bonbright's fairness principle)

“SMART” Goals:

- Too early to tell if purchase will improve system load factor
- It will diversify load as property is zoned commercial
- It will improve system utilization
 - The downtown underground project was a very expensive project for BEU
 - Any energy sales from this opportunity will benefit existing ratepayers



James Wurtz
Economic Development Manager





In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

07/14/2020
SPECIAL MEETING - CLOSED SESSION

COUNCIL MEMBERS PRESENT:

Mayor Andrade
Councilmember Happe
Councilmember Pingree
Mayor Pro Tem Wallace
Councilmember Welch

COUNCIL MEMBERS ABSENT:

None

OTHERS PRESENT:

Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Sonja De La Fuente, Deputy City Clerk
Tom Miller, Electric Utility Director
Adam Rush, Community Development Director

I. CALL TO ORDER

A special meeting of the Banning City Council was called to order by Mayor Andrade on July 14, 2020, at 4:00 P.M.

II. CLOSED SESSION

The City Attorney listed the items on the closed session Agenda as follows:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 447 E. Ramsey Street (APN: 541-150-004)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, Shi Pingdong

Under Negotiation: Price and terms for potential acquisition of property

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 553 E. Ramsey Street (APN: 541-150-010)

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Property Owner, DBBF Enterprises

Under Negotiation: Price and terms for potential acquisition of property

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of case: *Robertson's Ready Mix, Ltd. v. City of Banning, et al.*, Case No. RIC 1513475

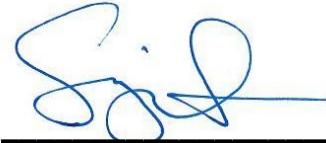
The Mayor opened the closed session items for public comments. Seeing none, the Mayor closed public comments.

The City Council convened to closed session at 4:02 P.M. and reconvened to open session at 4:59 P.M.

II. ADJOURNMENT

By consensus, the meeting adjourned at 4:59 P.M.

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk



In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

The following information comprises the minutes for a special meeting of the City Council of the City of Banning.

MINUTES
CITY COUNCIL

08/05/2020
SPECIAL MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade
Mayor Pro Tem Wallace
Councilmember Happe
Councilmember Pingree
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney (via teleconference)
Marie Calderon, City Clerk
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Admin. Services Director (via teleconference)
Tom Miller, Electric Utility Director
Art Vela, Public Works Director/City Engineer (via teleconference)
Laurie Sampson, Executive Assistant (via teleconference)

I. CALL TO ORDER

A special meeting of the Banning City Council was called to order by Mayor Andrade on August 5, 2020, at 5:00 P.M.

Pastor Jerry Westholder offered the invocation.

Junior Mayor for the Day Joshua Braun led the Pledge of Allegiance.

II. AGENDA APPROVAL

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Pingree, to approve the agenda. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

III. PRESENTATION

1. Special Recognitions

The Mayor introduced Joshua Braun as Junior Mayor for the Day, granting his birthday wish. The Mayor and City Council recognized community members Bea Smith, Juanita Sibole, and David Heiss for making Banning a better place to live work and play.

IV. REPORTS OF OFFICERS

1. Resolution 2020-100, New Energy North America Agreement

City Manager Doug Schulze presented the staff report for this item.

The Council asked several questions regarding the project and potential risks. Electric Utility Director Tom Miller provided additional detail and advised he will get information on a similar project to the Council.

Public Comment

Jerry Westholder advised that he has a lot of concerns and feel many were addressed. He indicated he doesn't like being the first to try something like this. He cautioned that in theory it sounds good, but there may be too much to work out.

Inge Schuler indicated that a lot of her questions have been answered, but still has concerns with the project. She would like the substation protected. She questioned where the numbers come from and expressed concern with the justification provided.

Karen Amirson expressed that a lot of her questions were answered. She shared her concern that the City is jumping into something that hasn't been fully researched.

Electric Utility Director Tom Miller addressed the public's comments. He advised that the City of Banning is not the first to do this type of project. He indicated Los Angeles has done a project like this and believes it is the biggest in the United States.

City Manager Schulze advised this is a milestone in the process and is to obtain to direction on whether to keep moving forward.

A motion was made by Councilmember Happe, seconded by Councilmember Welch to adopt Resolution 2020-100 as amended (Attachment 1) Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution 2020-100, as amended.

The Mayor recessed the meeting at 6:34 p.m. and reconvened at 6:44 p.m.

2. Council's Review, Discussion and Approval of Argument in favor of Banning Ballot Measure L - Cannabis Distribution Tax

City Manager Doug Schulze presented the staff report for this item.

Public Comment

John Hagen recommended the Council make it clear that the tax does not impact residents, only cannabis distributors.

Jerry Westholder indicated the residents were told there would only be three cannabis retailers in the City, not three cultivators. He provided some information on the industry and why he believes it doesn't work in California.

City Manager Doug Schulze explained that this does not add anything to the City, rather it allows the City to assess a tax on the distribution portion of the process.

City Attorney Kevin Ennis provided further clarification.

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace to approve the draft ballot argument in favor of Banning Ballot Measure L for approval of a proposed tax on Cannabis Distribution Facilities (Attachment 2). Electronic vote was taken as follows:

AYES: Andrade, Happe, Wallace & Welch
NOES: Pingree
ABSTAIN: None
ABSENT: None

3. Resolution 2020-101, Ratifying an Emergency Proclamation

City Manager Doug Schulze presented the staff report for this item. He recommended adding language to the proclamation and resolution ordering the Director of Emergency Services to request California Disaster Assistance Act (CDA) Funding.

Public Comment

None

A motion was made by Councilmember Happe, seconded by Councilmember Welch to adopt Resolution 2020-101 with the recommended amendments to the resolution and proclamation (Attachment 3). Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: None

4. 33 S. San Gorgonio Avenue Lease Agreement

City Manager Doug Schulze presented the staff report for this item.

Councilmember Happe recused himself due to a potential conflict of interest.

Councilmember Pingree asked about the price per square foot.

Public Comment

John Hagen expressed concern with the price and setting precedent. He suggested a timeline to increase the price.

Suzanne, part owner of the building, advised that they do not want the rebuild to take longer than one year, as the insurance won't cover the cost.

Robert Ybarra urged the Council to show compassion due to the current economy and COVID-19, like his landlord has done for him.

Ron Duncan advised that the architect has certified that the mural wall to stay and he is working with City staff on design ideas.

A motion was made by Councilmember Welch, seconded by Mayor Andrade to approve the Lease Agreement with D&M Job, Incorporated for 33 S. San Gorgonio Avenue. Electronic vote was taken as follows:

AYES: Andrade, Pingree, Wallace & Welch
NOES: None
ABSTAIN: None
ABSENT: Happe

Councilmember Pingree thanked everyone who has contributed to the Animal Shelter either by volunteering their time or donating goods and services.

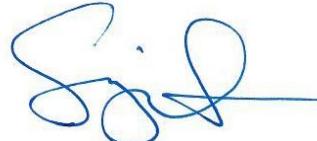
The Mayor thanked the first responders to the Apple Fire emergency.

XI. ADJOURNMENT

The meeting was adjourned at 7:48 P.M.

Next Meeting: Regular Meeting, Tuesday, August 25, 2020, 5:00 P.M.

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:

<https://banninglive.viebit.com/player.php?hash=LuAitGdVz4Fx> and
<https://banninglive.viebit.com/player.php?hash=iKjcySHnjQdZ>. Any related
documents maybe viewed here:

<https://banningca.gov/ArchiveCenter/ViewFile/Item/2347> or by purchasing a CD or
DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BANNING AUTHORIZING THE EVALUATION,
NEGOTIATION AND PREPARATION OF A BATTERY
STORAGE DEVELOPMENT AND LEASE AGREEMENT
BETWEEN THE CITY OF BANNING AND NEW ENERGY
NORTH AMERICA, LLC

WHEREAS, the City of Banning owns and operates Banning Electric Utility, a municipal electric utility, as a department of the City; and

WHEREAS, Banning Electric Utility has an energy portfolio that exceeds requirements established by the State of California for "Green Energy," which includes solar sources; and

WHEREAS, solar energy is abundantly available during daylight hours, but without battery storage capability surplus solar energy is lost; and

WHEREAS, New Energy North America, LLC has proposed a collaboration with the City of Banning to develop a 50 MW/200 MWh energy storage project (the "Project") on property that is immediately adjacent to the Sunset Substation (the "Site"); and

WHEREAS, the Sunset Substation is owned by the City of Banning and operated by the Banning Electric Utility, as a department of the City; and;

WHEREAS, New Energy North America, LLC has proposed to lease the Site under an arrangement that is intended to generate revenue for the City of Banning and provide an option to Banning Electric Utility to purchase products and services from the Project; and

WHEREAS, the proposed arrangement would also provide the City of Banning with options to participate in future energy storage projects and solar installations sponsored by New Energy North America, LLC; and

WHEREAS, New Energy North America, LLC will be responsible for all construction costs and financing for the Project.

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

1. The City Council directs the City Manager and City staff to continue to evaluate the proposed Battery Storage Project at the Banning Electric Utility Sunset Substation Site and to continue to develop appropriate terms and conditions for potential development of the Project that would enable the City Council to find that the Project is

consistent with the City's interests to pursue, such terms and conditions as have been identified to date being is hereby approved in concept as described in Exhibit A, which consists of a draft Term Sheet for Energy Storage Development and Lease Agreement Between the City of Banning and New Energy North America, LLC (the "Term Sheet"); and City staff is further directed to prepare necessary documents, including but not limited to any necessary document or determination as required by the California Environmental Quality Act, for processing and consideration of the Project as required by law; and

2. The City Council directs the City Manager and City staff to continue to evaluate and to negotiate with New Energy North America, LLC regarding the terms of a potential Development and Lease Agreement, and to prepare a Development and Lease Agreement consistent with the Term Sheet if the City Manager and City staff determine to recommend that the City enter into such a Development and Lease Agreement for the Project based on their evaluation of the proposed Project; and to submit the Agreement to the City Council for review and approval when completed.

PASSED, APPROVED AND ADOPTED this 5th day of August 2020.

Daniela Andrade, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

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

Resolution 2020-XX

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

ATTACHMENT 2



In 2018, voters in Banning approved Measures N & O, allowing cannabis cultivation, manufacturing testing and retail dispensaries within the City of Banning and imposes taxes upon these activities. Distribution is an integral part of the cannabis industry, because it involves the movement of product between the cultivators, manufacturers, testers, and retailers. Distribution activity and taxation of distribution was inadvertently left out of Measures N & O in 2018. This measure allows for cannabis distribution activity in the City of Banning, keeping this vital element of the supply chain in our city and allowing taxation of that activity.

The City of Banning depends on tax revenue to fund basic services like park maintenance, recreation programming, street maintenance, law enforcement, fire protection and general services. Depending on the level of business activity, the City of Banning can potentially generate an additional \$400,000 in tax revenue. We strongly urge a YES vote on Measure L.

Mayor Dominic Andrade

Council Member David Happe

ATTACHMENT 3

RESOLUTION 2020-101

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA,
DECLARING A LOCAL EMERGENCY CAUSED BY THE APPLE FIRE**

WHEREAS, Chapter 6A, Section 6 of the Municipal Code of the City of Banning empowers the Director of Emergency Services to proclaim the existence or threatened existence of a disaster or an emergency, and the termination thereof; and

WHEREAS, the City Council of the City of Banning has been requested by the Director of Emergency Services of said City to confirm the existence of a local emergency therein; and

WHEREAS, on August 3, 2020, the Director of Emergency Services of the City of Banning, Douglas Schulze, signed a Proclamation of Existence of a Local Emergency, declaring a local emergency due to the Apple Fire that broke out on July 31, 2020; and

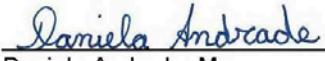
WHEREAS, the City Council does hereby find that:

1. The conditions of extreme peril to the safety of persons and property have arisen with said City, caused by the Apple Fire; and
2. The conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

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

1. A local emergency now exists throughout said City; and
2. It is ordered that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city approved by the City Council; and
3. It is ordered that the Director of Emergency Services request California Disaster Assistance Act (CDAA) Funding; and
4. It is further proclaimed and ordered that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Banning.

PASSED, APPROVED AND ADOPTED this 5th day of August 2020.

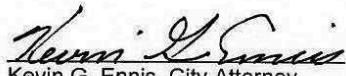

Daniela Andrade, Mayor
City of Banning

ATTEST:



Sonja De La Fuente, Deputy City Clerk
City of Banning

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



Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2020-101, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 5th day of August, 2020, by the following vote, to wit:

AYES: Councilmembers Happe, Pingree, Wallace, Welch, and Mayor Andrade

NOES: None

ABSTAIN: None

ABSENT: None



Sonja De La Fuente, Deputy City Clerk
City of Banning, California

EXHIBIT A
CITY OF BANNING
STATE OF CALIFORNIA

PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Ordinance 1378 of the City of Banning empowers the Director of Emergency Services to proclaim the existence of a "Local Emergency" when the City Council is not in session; and

WHEREAS, the Director of emergency services finds:

WHEREAS, that at the time of this proclamation the City Council is not in session; and

WHEREAS, conditions of extreme peril to the safety of person and property have arisen within the City of Banning caused by the Apple Fire; and;

WHEREAS, there exists an imminent threat to life, property and critical infrastructure; and

WHEREAS, limited resources within the City are available due to the number of ongoing incidents throughout Riverside County; and

WHEREAS, State Resources have been called upon to assist in controlling the spread of the fire; and

WHEREAS, evacuation of critical facilities and citizens are eminent; and

WHEREAS, communities in the unincorporated areas are isolated; and

WHEREAS, the aforementioned conditions of extreme peril warrant and necessitate the proclamation of a "Local Emergency".

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a "Local Emergency" exists throughout the City of Banning; and

IT IS FURTHER PROCLAIMED AND ORDERED that during existence of said "Local Emergency" the powers, functions and duties of the Director of Emergency Services and the Emergency Management Organization of this County shall be those prescribed by State law and the charter, ordinances, resolutions and approved plans of the City of Banning in order to mitigate the effects of said "Local Emergency"; and

IT IS FURTHER PROCLAIMED AND ORDERED that said "Local Emergency" shall be deemed to continue to exist for the next fourteen days; and, thereafter by ratification of the City of Banning, until its termination is proclaimed by the City Council of the City of Banning; and

IT IS FURTHER PROCLAIMED AND ORDERED that the Director of Emergency Services request California Disaster Assistance Act (CDAA) Funding; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the Governor of California with the request that he proclaim the existence of a State of Emergency throughout Riverside County and that the Governor request a Presidential Declaration.

Dated: August 3, 2020



Director of Emergency Services
City of Banning

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Sol Ivett Avila, Executive Assistant

MEETING DATE: August 25, 2020

SUBJECT: Receive and File Police Department Statistics for June and July 2020

RECOMMENDED ACTION:

Receive and File June and July 2020 Police Statistics.

BACKGROUND:

The Police Department provides statistics to the public and City Council upon request.

FISCAL IMPACT:

None

OPTIONS:

1. Receive and File

ATTACHMENT:

1. Police Statistics June 2020
<https://banningca.gov/DocumentCenter/View/7732/June-2020-stats>
2. Police Statistics July 2020
<https://banningca.gov/DocumentCenter/View/7733/July-2020-stats>

Approved by:

A handwritten signature in blue ink, appearing to read "ASL SH".

Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Todd Hopkins, Division Chief
Laurie Sampson, Executive Assistant

MEETING DATE: August 25, 2020

SUBJECT: Receive and File Fire Department Statistics for June and July 2020

RECOMMENDED ACTION:

Receive and file Fire Department statistics for June and July 2020.

BACKGROUND:

The Fire Department provides statistics to the public and City Council upon request.

JUSTIFICATION:

N/A

FISCAL IMPACT:

None

ATTACHMENTS:

1. Fire Statistics for June 2020
<https://banningca.gov/DocumentCenter/View/7714/Banning-June-2020-Fire-Report>
2. Fire Statistics for July 2020
<https://banningca.gov/DocumentCenter/View/7715/Banning-July-2020-Fire-Report>

Approved by:

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

Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: August 25, 2020

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of June 2020

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **June 30, 2020** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 9,610,520.57	\$ 12,769,612.05
Investments		
LAIF	\$ 42,364,757.93	\$ 42,364,757.93
Brokerage	\$ 27,404,249.18	\$ 27,425,352.34
Total Funds Under Control of the City	\$ 79,383,682.68	\$ 82,563,877.32
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 14,801,012.94	\$ 14,801,217.35
Restricted Bond Accounts	\$ 4,820,405.13	\$ 4,820,405.13
Union Bank & SCPPA		
Restricted Funds	\$ 4,186,405.38	\$ 3,871,435.08
Total Funds Under Control of Fiscal Agents	\$ 23,807,823.45	\$ 23,493,057.56
Total Funds	\$ 103,191,506.13	\$ 106,056,934.88

Staff Report: Investment Report June 2020

August 25, 2020

Page 2 of 2

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 103,191,506.13	\$ 106,056,934.88
Restricted Funds	42,678,191.20	\$ 42,284,699.32
Assigned Funds - Specific Purpose	8,969,200.65	\$ 8,969,200.65
Committed Funds - Specific Purpose	3,242,731.75	\$ 3,242,731.75
Fund Balance Reserves	15,455,882.97	\$ 15,455,882.97
Total Restricted, Assigned, Committed and Reserves	\$ 70,346,006.57	\$ 69,952,514.69
Operating Cash - Unrestricted Reserves	\$ 32,845,499.56	\$ 36,104,420.19
Less Accounts held in Investments	\$ 27,404,249.18	\$ 27,425,352.34
Liquid Cash	\$ 5,441,250.38	\$ 8,679,067.85

ATTACHMENTS:

1. Cash, Investment and Reserve Report June 2020
https://banningca.gov/DocumentCenter/View/7697/Attachment-1---Cash-Investment_Reserve-Report---June-2020
2. Investment Report June 2020
<https://banningca.gov/DocumentCenter/View/7693/Attachment-2---Investment-Report---June-2020>
3. City of Banning Broker Investment Report – June 2020
<https://banningca.gov/DocumentCenter/View/7694/Attachment-3---City-of-Banning-Broker-Investment-Report-as-of-June-2020>
4. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/7695/Attachment-4---PMIA-LAIF_perform-June-2020
5. LAIF Market Valuation Report June 2020
<https://banningca.gov/DocumentCenter/View/7696/Attachment-5---LAIF-Market-Valuation-June-30-2020>

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: August 25, 2020

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of July 2020

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **July 31, 2020** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 12,769,612.05	\$ 6,819,237.44
Investments		
LAIF	\$ 42,364,757.93	\$ 42,519,338.64
Brokerage	\$ 27,425,352.34	\$ 27,425,415.59
Total Funds Under Control of the City	\$ 82,563,877.32	\$ 76,768,146.67
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 14,801,217.35	\$ 14,801,389.91
Restricted Bond Accounts	\$ 4,820,405.13	\$ 4,820,405.13
Union Bank & SCPPA		
Restricted Funds	\$ 3,871,435.08	\$ 4,136,420.57
Total Funds Under Control of Fiscal Agents	\$ 23,493,057.56	\$ 23,758,215.61
Total Funds	\$ 106,056,934.88	\$ 100,526,362.28

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 106,056,934.88	\$ 100,526,362.28
Restricted Funds	42,284,699.32	\$ 41,881,242.76
Assigned Funds - Specific Purpose	8,969,200.65	\$ 8,881,339.00
Committed Funds - Specific Purpose	3,242,731.75	\$ 3,525,858.25
Fund Balance Reserves	15,455,882.97	\$ 15,649,011.27
Total Restricted, Assigned, Committed and Reserves	\$ 69,952,514.69	\$ 69,937,451.28
Operating Cash - Unrestricted Reserves	\$ 36,104,420.19	\$ 30,588,911.00
Less Accounts held in Investments	\$ 27,425,352.34	\$ 27,425,415.59
Liquid Cash	\$ 8,679,067.85	\$ 3,163,495.41

ATTACHMENTS:

1. Cash, Investment and Reserve Report July 2020
https://banningca.gov/DocumentCenter/View/7701/Attachment-1---Cash-Investment_Reserve-Report---July-2020
2. Investment Report July 2020
<https://banningca.gov/DocumentCenter/View/7702/Attachment-2---Investment-Report---July-2020>
3. City of Banning Broker Investment Report – July 2020
<https://banningca.gov/DocumentCenter/View/7698/Attachment-3---City-of-Banning-Broker-Investment-Report-as-of-July-2020>
4. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/7699/Attachment-4---PMIA-LAIF_perform-July-2020
5. LAIF Market Valuation Report July 2020
<https://banningca.gov/DocumentCenter/View/7700/Attachment-5---LAIF-Market-Valuation-July-31-2020>

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: August 25, 2020

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of June 2020

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **June 30, 2020**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	174208 - 174755	\$ 4,095,312.78	
Voided / Reissue Check		\$ 2,912.00	
Check Total			\$ 4,092,400.78
Wires Total	1032		\$ 1,108,929.69
ACH payments:	9006763 - 9006793		
Payroll Direct Deposit	6/5/2020	\$ 375,225.94	
Payroll Direct Deposit	6/19/2020	\$ 434,705.87	
Other Payments		\$ 863,525.09	
ACH Total			\$ 1,673,456.90
Payroll Checks:	12099 - 12118		
Payroll - Regular	6/5/2020	\$ 1,923.87	
Payroll - Regular	6/19/2020	\$ 1,734.38	
Manual Check(s)	6/10/2020 & 6/25/2020	\$ 4,508.91	
Payroll Check Total			\$ 8,167.16
Total Warrants Issued for June 2020			\$ 6,882,954.53

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/7704/Attachment-1---Fund-List>
2. Warrant Report June 2020
<https://banningca.gov/DocumentCenter/View/7705/Attachment-2---Warrant-Report-June-2020>
3. Warrant Report Detail June 2020
<https://banningca.gov/DocumentCenter/View/7706/Attachment-3---Warrant-Report-Detail-June-2020>
4. Voided Check Log, Payroll Log & Registers – June 2020
https://banningca.gov/DocumentCenter/View/7707/Attachment-4---Void-and-Payroll-Logs_Payroll-Registers

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: August 25, 2020

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of July 2020

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **July 31, 2020**, per California Government Code Section 37208.

WARRANT SUMMARY:

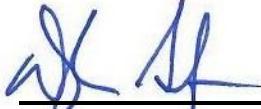
Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	174756 - 175059	\$ 3,369,981.15	
Voided / Reissue Check		\$ 2,710.00	
	Check Total		\$ 3,367,271.15
	Wires Total	1033	\$ 1,424,230.25
ACH payments:	9006793 - 9006819		
Payroll Direct Deposit	7/3/2020	\$ 490,162.21	
Payroll Direct Deposit	7/17/2020	\$ 369,789.96	
Payroll Direct Deposit	7/31/2020	\$ 402,312.66	
Other Payments		\$ 4,064,222.20	
	ACH Total		\$ 5,326,487.03
Payroll Checks:	12099 - 12118		
Payroll - Regular	7/3/2020	\$ 1,926.41	
Payroll - Regular	7/17/2020	\$ 2,573.65	
Payroll - Regular	7/31/2020	\$ 3,115.63	
Manual Check(s)	7/6/2020	\$ 904.19	
	Payroll Check Total		\$ 8,519.88
	Total Warrants Issued for July 2020		\$ 10,126,508.31

ATTACHMENTS:

1. Fund List
https://banningca.gov/DocumentCenter/View/7708/Attachment-1---Fund_Department-Legend-FY-20-21
2. Warrant Report July 2020
<https://banningca.gov/DocumentCenter/View/7709/Attachment-2---Warrant-Report-July-2020>
3. Warrant Report Detail July 2020
<https://banningca.gov/DocumentCenter/View/7710/Attachment-3---Warrant-Report-Detail-July-2020>
4. Voided Check Log, Payroll Log & Registers – July 2020
<https://banningca.gov/DocumentCenter/View/7711/Attachment-4---Void-and-Payroll-Logs-and-PR-Register-July-2020>

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: August 25, 2020

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of June and July 2020

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority for the Month of June and July 2020.

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 June 2020
<https://banningca.gov/DocumentCenter/View/7712/June-2020-Contracts>
2. List of Contracts July 2020
<https://banningca.gov/DocumentCenter/View/7713/July-2020-Contracts>

Approved by:

A blue ink signature of Douglas Schulze.

Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant
Eric Brown, IT Manager

MEETING DATE: August 25, 2020

SUBJECT: Increase Cell Business Equipment Purchase Order No. 29949 by \$1580 to Complete Final Payment on Four Year Contract

RECOMMENDED ACTION:

City Council increase Cell Business Equipment purchase order No. 29949 by \$1580 to complete final payment on four year contract.

BACKGROUND:

In August 2016, the City of Banning IT team entered into an agreement with Canon Financial Services to lease several high capacity printers. The agreement with Cell Business Equipment is a companion maintenance agreement. This agreement is based on the number of copies produced per copier. This agreement expired August 4, 2020 and the final invoice is now due. The existing purchase order was issued for \$24,869.34, with the additional funds the total is \$26,449.34. This amount is above the City Manager's signature authority.

JUSTIFICATION:

The City of Banning entered into an agreement to pay all charges. In order to fulfill our obligation, we must pay this final invoice.

FISCAL IMPACT:

Accounts: 001-2200-421.30-06 (\$602-01), 001-4000-461.30-06 \$559.44, 001-4500-412.30-06 \$985.26, 660-6300-470.30-06 \$368.18, 670-7000-473.30-06 \$400.78, 761-3100-480.30-06 \$ (133.66).

August 25, 2020

Page 2 of 2

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: August 25, 2020

SUBJECT: Accept the Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37298-1 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDED ACTION:

Accepting the easements from Pardee Homes for electric utility purposes on Assessor's Tract MAP No. 37298-1 for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37298-1 (Phase I) within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Pardee Homes has constructed electrical improvements within Tract Map No. 37298-1 that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easements
 - a. Attachment 1A - Easements - 37298-1 Creekside Ave
<https://banningca.gov/DocumentCenter/View/7716/Attachment-1A---Easements---37298-1-Creekside-Ave>
 - b. Attachment 1B - Easements - 37298-1 Wilson St PA-18
<https://banningca.gov/DocumentCenter/View/7717/Attachment-1B---Easements---37298-1-Wilson-St-PA-18>
 - c. Attachment 1C - Easements - 37298-1 Atwell Dr and Landmark Ave
<https://banningca.gov/DocumentCenter/View/7718/Attachment-1C---Easements---37298-1-Atwell-Dr-and-Landmark-Ave>
 - d. Attachment 1D - Easements - 37298-1 Highland Springs (Wilson to Atwell)
<https://banningca.gov/DocumentCenter/View/7719/Attachment-1D---Easements---37298-1-Highland-Springs-Wilson-to-Atwell>
2. Certificates of Acceptance
 - a. Attachment 2A – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7720/Attachment-2A---Certificate-of-Acceptance>
 - b. Attachment 2B – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7721/Attachment-2B---Certificate-of-Acceptance>
 - c. Attachment 2C – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7722/Attachment-2C---Certificate-of-Acceptance>
 - d. Attachment 2D – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7723/Attachment-2D---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: August 25, 2020

SUBJECT: Accept the Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37365 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDED ACTION:

Accepting the easements from Pardee Homes for electric utility purposes on Assessor's Tract MAP No. 37365 for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37365 (Phase I) within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Pardee Homes has constructed electrical improvements within Tract Map No. 37365 that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

August 25, 2020

Page 2 of 2

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easements
 - a. Attachment 1A - Easements - 37365 WO #1 PA4-9B
<https://banningca.gov/DocumentCenter/View/7724/Attachment-1A---Easements---37365-WO-No1-PA4-9B>
 - b. Attachment 1B - Easements - 37365 Wilson St (Creekside to Monarch)
<https://banningca.gov/DocumentCenter/View/7725/Attachment-1B---Easements---37365-Wilson-St-Creekside-to-Monarch>
 - c. Attachment 1C - Easements - 37365 Wilson St (Monarch to Apex)
<https://banningca.gov/DocumentCenter/View/7726/Attachment-1C---Easements---37365-Wilson-St-Monarch-to-Apex>
2. Certificates of Acceptance
 - a. Attachment 2A – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7727/Attachment-2A---Certificate-of-Acceptance>
 - b. Attachment 2B – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7728/Attachment-2B---Certificate-of-Acceptance>
 - c. Attachment 2C – Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7729/Attachment-2C---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: August 25, 2020

SUBJECT: Accept the Easements from Pardee Homes for Electric Utility Purposes on Assessor's Tract Map No. 37474 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDED ACTION:

Accepting the easements from Pardee Homes for electric utility purposes on Assessor's Tract MAP No. 37474 for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37474 (Phase I) within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Pardee Homes has constructed electrical improvements within Tract Map No. 37474 that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

August 25, 2020

Page 2 of 2

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easement - 37474 WO #1 PA3
<https://banningca.gov/DocumentCenter/View/7730/Attachment-1---Easement---37474-WO-No1-PA3>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7731/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Jeff Horn, Police Captain

MEETING DATE: August 25, 2020

SUBJECT: Annual renewal for the Joint Powers Agreement (JPA) between Banning Police Department and Beaumont Police Department on Sharing and Maintenance of Mnemonics for CLETS and Remittance to LEVEL II in the amount of \$26,872.50.

RECOMMENDED ACTION:

City Council approve the annual renewal for the Joint Power Agreement between The Banning and Beaumont Police Departments regarding the maintenance of Mnemonics shared between the agencies and submit renewal fee for software to Level II in the amount of \$26,872.50.

BACKGROUND:

The original agreement was executed in 1992 that included 5 police agencies for CLETS/MSS (California Law Enforcement Telecommunications System/Message Switching System) usage. The agreement was entered into pursuant to the provisions of California Government Code Section 6500. The agencies jointly purchased equipment, software, materials, supplies and professional services necessary to establish CLETS/MSS to service each of the member agencies (See Original Agreement). In 2013 the only remaining departments involved in the agreement are The Banning Police Department and the Beaumont Police Department (See 2013 Amendment).

JUSTIFICATION:

This item is a routine annual renewal for the Joint Power Agreement (JPA) between the Beaumont Police Department and the Banning Police Department and allows for the continued use of the Mnemonics required for CLETS usage, in place since 1992. Level II is instrumental in the maintenance and upkeep of the Mnemonics and the entire CLETS

system for both departments. Without this agreement the Banning Police Department (and the Beaumont Police Department) would not be able to do wanted checks, driver license checks, or have access to other databases that provide information required to operate a police department. Exploring other options would be more costly because the current cost is shared by the two police departments that are entered into the JPA, and it could also cause an interruption or gap in police services that are essential to public safety.

FISCAL IMPACT:

The Banning Police Department budgeted for the amount required \$26,872.50 to pay Level II and receives nearly half of the \$50,482 total cost for the JPA from the Beaumont Police Department (See Proposed CLETS JPA 20/21 Budget). The funding for the Level II fees are taken out of accounts: 370-2200-421-30-17 and 370-2200-421-30-19.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Original JPA Contract 1992
<https://banningca.gov/DocumentCenter/View/7734/Att-1---Original-JPA-Contract-1992>
2. JPA 2013 Amendment
<https://banningca.gov/DocumentCenter/View/7735/Att-2---JPA-2013-Amendment>
3. Proposed CLETS JPA 20/21 Budget
<https://banningca.gov/DocumentCenter/View/7736/Att-3---Proposed-CLETS--JPA-20-21-Budget>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Chief of Police
Sol Ivett Avila, Executive Assistant

MEETING DATE: August 25, 2020

SUBJECT: Resolution 2020-105, Approving Riverside County's California Identification System (CAL-ID) Member Agency Assessment FY2020/2021

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution No. 2020-105, approving payment in the amount of \$31,044 to the Riverside County Sheriff's Department for Riverside County's California Identification System (CAL-ID) Member Agency Assessment for Fiscal Year (FY) 2020/2021 to provide the Banning Police Department with local agency access to the CAL-ID system maintained by the Department of Justice for retaining fingerprint files and identifying latent fingerprints.

BACKGROUND:

The California Identification System (CAL-ID) is the automated system maintained by the Department of Justice for retaining fingerprint files and identifying latent fingerprints. Each year, participating local agencies are required to contribute to CAL-ID. The amount is based upon a use-based sharing methodology derived from population data from the previous year which is used to compute the current fiscal year's member agency assessment. Our member agency assessment for FY2020/2021 is \$31,044.

FISCAL IMPACT:

Funding is available in the City budget; Ref: Account # 001-2200-421.41-26 CAL-ID SYSTEM.

OPTIONS:

1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENT:

1. Resolution 2020-105
<https://banningca.gov/DocumentCenter/View/7737/2020-105-Reso-081320>
2. Member Agency Assessment payments for CAL-ID (5-year lookback)
<https://banningca.gov/DocumentCenter/View/7738/Attachment-2>
3. City/County Population Estimates with Annual Percentage Change
<https://banningca.gov/DocumentCenter/View/7739/Attachment-3>
4. Riverside CAL-ID invoice
<https://banningca.gov/DocumentCenter/View/7740/Attachment-4>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Jeff Horn, Police Captain

MEETING DATE: August 25, 2020

SUBJECT: Resolution 2020-104, Approving a Professional Services Agreement with County of Riverside, Riverside University Health System-Medical Center (RUHS-MC) for Adult and Adolescent Forensic Services

RECOMMENDED ACTION:

City Council adopt Resolution 2020-104 approving a Professional Services Agreement with County of Riverside, Riverside University Health System-Medical Center (RUHS-MC) for Adult and Adolescent Forensic Services.

BACKGROUND:

The Banning Police Department currently works with the Riverside Health System-Medical Center (RUHS-MC) for forensic services. While this isn't the only medical center that has the services, it is the preferred provider for the Banning Police Department. I specifically asked to see the previous version of the agreement and found that there has never been a formal agreement with RUHS-MC and the Banning Police Department. This agreement formalizes the services provided and the fee associated with each. The other agencies in Riverside County have this agreement in place with RUHS-MC.

JUSTIFICATION:

This agreement will solidify the cost associated with each procedure offered by RUHS-MC. The agreement also has a period of performance for the agreement (from time accepted to June 30, 2023). The agreement also details the responsibilities of RUHS-MC and the Banning Police Department.

FISCAL IMPACT:

The Banning Police Department is currently paying all charges we have incurred with RUHS-MC using the reimbursement chart and the fees listed. The Police Department has budgeted money in account 001-2200-421-33-31 to pay fees as required. There is no blanket fee for the department which means the charges are based on each individual incident and usage.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2020-104
<https://banningca.gov/DocumentCenter/View/7741/Resolution-2020-104-RUHS-MC-agreement>
2. Professional Service Agreement for Adult/Adolescent Forensic Services with the County of Riverside and the City of Banning
https://banningca.gov/DocumentCenter/View/7742/City-of-Banning-SAFE_Counsel-Approved- to-Vendor

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director

MEETING DATE: August 25, 2020

SUBJECT: BorisMetrics – Cost of Service Analysis & Rate Design

RECOMMENDED ACTION:

Staff respectfully requests that the City Council:

1. Approve additional \$25,000 in professional services from BorisMetrics.
2. Authorize staff to make the adjustments to the Electric budget including the additional appropriation of funds to accommodate the additional services requested.

BACKGROUND:

Staff, in conjunction with an electric ad-hoc committee of the city council, have been working on an electric fund cost of service analysis. Based upon the findings of the draft report, the committee recommends redesigning several of the classes of service rates to better reflect the findings of the report. In order to complete this task, additional funds will need to be appropriated, and the purchase order amended to accommodate completion of the tasks.

FISCAL IMPACT:

Increase to the electric fund budget (670) professional services (7000.47.473.33.11) in the amount of \$25,000.

OPTIONS:

1. Approve as recommended.
2. Approve with modifications.
3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Cost of Service Analysis presentation dated July 27, 2020

<https://banningca.gov/DocumentCenter/View/7743/BorisMetrics-COSA-Presentation>

Approved by:



Douglas Schulze, City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Art Vela, Director of Public Works
MEETING DATE: August 25, 2020
SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDED ACTION:

This is informational only; receive and file report.

BACKGROUND:

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

FISCAL IMPACT:

None

ATTACHMENTS:

1. CIP Status List <https://banningca.gov/DocumentCenter/View/7759/Attachment-1-CIP-Tracking-August>

Approved by:

Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works/City Engineer

MEETING DATE: August 25, 2020

SUBJECT: Resolution 2020-102, Acceptance of an Allocation of Funds in the amount of \$64,970 and Execution of a Grant Agreement with the Federal Aviation Administration (FAA) for an Airport Improvement Program Matching Grant and Awarding a Professional Services Agreement to IMEG Corp. for Project No. 2020-06, "Design for the Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport" in the amount of \$56,970

RECOMMENDED ACTION:

That the City Council Adopt Resolution 2020-102:

1. Authorizing the City Manager or his designee to execute the FAA Agreement No. 3-06-0018-015-2020 and all documentation related to the 2020 AIP grant funding.
2. Awarding a Professional Services Agreement for Project No. 2020-06, "Design for the Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport" to IMEG Corp. in the amount of \$56,970.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for the design of runway and taxiway improvements at Banning Municipal Airport.

4. Authorizing the City Manager or his designee to execute the Professional Services Agreement with IMEG Corp. of Ontario, California in the “not to exceed” amount of \$56,970.

BACKGROUND:

FAA Grant

The FAA issues Airport Improvement Plan (AIP) grants for only those developments and planning projects that are included in the FAA approved ACIP. On January 28, 2020 the City Council adopted Resolution 2020-13, approving the five year (2020-2024) Airport Capital Improvement Plan (ACIP).

The ACIP included a future runway rehabilitation project to be designed in 2020 and constructed in 2021 for the purpose of increasing operational safety at the airport. Staff submitted an initial Grant application in December of 2019, and the FAA has approved the grant application and prepared a Grant Offer in the amount of \$64,970 to fund the design of the runway rehabilitation project. The grant will cover the consultant costs of \$56,970 and an additional \$8,000 for Public Works’ staff time to administer the design contract, prepare and submit monthly required FAA forms, and plan check, review and approve the consultant’s design drawings and Specifications. The construction phase of this project will be submitted for funding as a grant application to the FAA next fiscal year.

Award of Design Contract

The Scope of Work is to provide engineering design services for the rehabilitation of the existing airport runway and taxiway areas with crack sealing, slurry seal and the repainting of pavement markers. This work will include design, a Site Improvement Plan, Sediment and Erosion Control BMPs, Restriping Plan, Construction Safety and Phasing Plan (CSPP), and project Specifications to rehabilitate and improve the safety and longevity of the airport runway and taxiway.

The detailed scope of work is outlined in Attachment 3, the Request for Proposals (RFP), and in the attached recommended consultant’s proposal (Attachment 4). If approved, it is anticipated that the design work would be completed by the early 2021. It should be noted that Task 2 (Construction Services) of the scope of work will be initiated and authorized later during the construction phase. Public Works staff will prepare a FAA Grant application for FY 2020/21 requesting the funding to perform the construction of this project.

On March 31, 2020, staff released a Request for Proposal Bid (RFP) for the “Design of Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport” to eight (8) consultants from the on-call engineering list approved by City Council on September 10, 2019 under Resolution No. 2019-116 with proposals being due on April

17, 2020. In response to these efforts, one (1) proposal was received. Given the fact that most offices were closed due to COVID-19, staff contacted the firms that did not acknowledge the receipt of the RFP to ensure they received it and were interested. Most responded that they felt their firm did not have the required FAA experience to submit a proposal or they were not interested at the time in submitting a proposal. The RFP included: a detailed Consultant Scope of Services/Tasks, submittal requirements, and a description of the evaluation criteria and selection process for the RFP.

An Evaluation/Selection committee comprised of three Public Works Department staff was formed to score and rank the one proposal that was received. The committee ranked the consultant as follows:

CONSULTANT	TOTAL SCORE
IMEG Corp.	80

IMEG Corp. had an average score of 80.0 amongst the three panel members. The project team members each had more than 20 years of experience with aviation projects, and in their proposal clearly outlined their project understanding and approach for all the tasks in the Scope of Work. The members apparently have very good experience with and have extensive knowledge of the FAA Advisory Circulars and requirements, FAA regulations, policies and procedures and they have performed numerous projects with similar scope of work to this design project.

The FAA requires that consultant selection be qualifications based, therefore staff negotiated the Proposal Fee after the detailed Scope of Work was agreed upon. An Independent Fee Estimate (IFE) is required by the FAA on all grant funded design projects. Staff compared the fee proposal to the IFE that KWC Engineers, Inc. prepared and negotiated the Fee schedule of a "not to exceed" amount of \$56,970. The IFE resulted in an amount of \$53,015.

JUSTIFICATION:

Runway 8-26 has longitudinal pavement cracks and other pavement failures which present a hazard to aircraft operations and thus rehabilitation and routine maintenance of the pavement is now needed to ensure safety and maintain the integrity of the existing runway pavements. The design will include crack repairs and sealing, slurry seal treatment and restriping of the existing pavement markings.

IMEG Corp. is a reputable qualified firm from the preapproved on-call engineering list and has received a qualifying score.

FISCAL IMPACT:

The FAA is currently providing one-hundred percent (100%) of a project's funding by using entitlement and/or discretionary grant funding. Each federal fiscal year the FAA appropriates \$150,000 to the Banning Municipal Airport in entitlement grant funding to be used towards the cost of ACIP projects. Thus, the typical City's local match equal to five percent (5%) of the federal funded project cost (i.e. 5% of the 90%) will not be required for this project and no City funds will be utilized.

The Professional Services Agreement will have a total project budget amount of \$56,970 and will be funded by the Airport fund, Account 600-5100-435.90-41.

ALTERNATIVE:

The City Council may choose not to adopt Resolution No. 2020-102 at this time, which would result in the City not being eligible to receive FAA Grant funding for the Design for the Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport.

ATTACHMENTS:

1. Resolution 2020-102
<https://banningca.gov/DocumentCenter/View/7753/Attach-1---Resolution-to-Award-Design-for-Rehab-of-the-Aiport>
2. FAA Grant Agreement
https://banningca.gov/DocumentCenter/View/7754/Attach-2-FAA-Grant-Agreement-BNG-WPG-3-06-0018-015-2020-Grant-Agreement_encrypted
3. Invitation for Bid/Request for Proposal
https://banningca.gov/DocumentCenter/View/7755/Attach-3-RFP-Banning-Airport-Design-of-Runway-and-Taxiway-Improvements_3312020
4. IMEG Corp. Proposal dated April 17, 2020
<https://banningca.gov/DocumentCenter/View/7756/Attach-4-Proposal-from-IMEG-Corp-41720>
5. Draft Professional Services Agreement
<https://banningca.gov/DocumentCenter/View/7757/Attach-5-Draft-PSA-C00671-IMEG-7-30-2020>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: August 25, 2020

SUBJECT: Accept the Easements from Pardee Homes for Public Storm
Drain Maintenance Purposes for Tract Map No. 37298-1 within
the Atwell Development

RECOMMENDED ACTION:

Accept an easement from Pardee Homes for public storm drain maintenance purposes for Tract Map No. 37298-1 within the Atwell Development.

BACKGROUND:

Final Tract Map No. 37298-1 (Phase I) within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tract Map No. 37298-1 subdivided into 6 numbered lots, a future school site and commercial site and 29 lettered lots for street and public utility purposes and open space.

The public storm drain easement is within Lot 6 (a park as Planning Area 22) of Tract Map No. 37298-1.

JUSTIFICATION:

It is necessary to obtain the easement for operation and maintenance activities for this public owned facility.

FISCAL IMPACT:

There is no fiscal impact associated with these two easements acceptance.

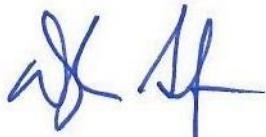
August 25, 2020

Page 2 of 2

ATTACHMENTS:

1. Public Storm Drain Easements
<https://banningca.gov/DocumentCenter/View/7745/Attachment-1---Public-Storm-Drain-Easement>
2. Certificates of Acceptance
<https://banningca.gov/DocumentCenter/View/7746/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, AICP, Community Development Director
Shiloh Rogers, Purchasing Manager

MEETING DATE: August 25, 2020

SUBJECT: Resolution 2020-106, Approving a Professional Services Agreement in the amount of \$510,000 with Romo Planning Group for Professional Planning and Land Use Services.

RECOMMENDED ACTION:

City Council adopt Resolution 2020-106 approving the following:

1. Approving a Professional Services Agreement in the amount of \$510,000 with Romo Planning Group for Professional Planning and Land Use Services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.
3. Authorizing the City Manager to execute the Professional Services Agreement with Romo Planning Group.

BACKGROUND:

The City of Banning has contracted with Romo Planning Group for professional planning and land use consulting services since 2014. The most recent contract amendment (Amendment No. 9); was approved by the City Council on August 27, 2019 and subsequently expired on June 30, 2020. Pursuant to City Purchasing Policy B-30, a new public procurement is typically initiated at least every five years in order to ensure a competitive edge.

That being said, Romo Planning Group has completed six years, of their initial five-year contract term. Due to extenuating circumstances at the time, City staff requested an

additional one-year contract extension, which was approved by the City Council on August 27, 2019.

The Community Development Department released a Request for Proposal (RFP) on May 26, 2020 where six firms submitted a complete proposal. An evaluation team, drawn from three separate city departments (including Community Development) reviewed all six qualifying proposals. The resulting top three proposals were then selected for in-person interviews, which were conducted on July 14, 2020.

The same evaluation team conducted the interviews and unanimously agreed that Romo Planning Group was the most qualified firm to fulfill the staffing and resources needs of the Department. In addition, Romo Planning Group received the highest score on both the proposal review and interview process.

Therefore, City staff is requesting the Council approve a new professional services agreement, with Romo Planning, for a period of three years, with two, one-year, optional extensions.

JUSTIFICATION:

The City of Banning is poised to experience significant growth, within our residential and industrial markets. As such, the need to supplement the existing Community Development staff is critical to ensure customer service response times remain at current levels and that development projects are efficiently and thoroughly managed.

FISCAL IMPACT:

The total compensation for the services shall not exceed \$510,000.00 for the next three fiscal years (FY20/21; FY 21/22; FY22/23) and these costs will be offset by developer fund deposits required for the submittal of any planning or land use project. As such, expenditures will be revenue neutral and will further be governed by the balance of developer deposits.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2020-106
https://banningca.gov/DocumentCenter/View/7770/Attachment-1_Resolution_2020
2. Draft Agreement
https://banningca.gov/DocumentCenter/View/7771/Attachment-2_Please_DocuSign_C00658_ROMO_PLANNING_GROUPp-1

Approved by:



Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Luis Cardenas, Senior Civil Engineer

MEETING DATE: August 25, 2020

SUBJECT: Resolution 2020-103, Adopting the Water Supply Verification for Tentative Tract No. 37390 (Atwell Phase 2)

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2020-103, approving the Water Supply Verification (WSV) prepared by KWC Engineers for Tentative Tract No. 37390, also known as Atwell Specific Plan (SP) Phase 2, previously known as Butterfield SP Phase 2.

BACKGROUND:

California Government Code §66473.7 requires affirmative written verification from the water purveyor of the public water system that sufficient water supplies are available for projects meeting certain criteria. In the case of Tentative Tract No. 37390, the estimated water demands when accounting for irrigation of parks and open space areas, are 444 Equivalent Dwelling Units (EDU), which is below the 500 EDU threshold requiring written verification of sufficient water supplies. However, as part of the conditions of approval, the City required that a WSV be prepared for each phase of Atwell SP.

California Water Code §10910 requires the preparation of a water supply assessment, which provides substantial evidence in support of the written verification. A water supply assessment (WSA) was previously prepared for the entire Atwell SP (previously Butterfield SP) and approved by City Council with final modifications in 2011.

In addition to the WSA prepared for the entire SP, each individual tract map with water demands in excess of 500 equivalent dwelling units (EDUs) requires the preparation of a Water Supply Verification, pursuant to California Senate Bill 221 (Chapter 642, Statutes

August 25, 2020

Page 2 of 2

of 2001) and Government Code §66473.7(a)(1). If the water demand of the proposed project was accounted for in the most recent Urban Water Management Plan (UWMP), the water supply verification may draw upon the information and analysis in the UWMP previously prepared by the City. The City prepared and adopted its 2015 UWMP as of June 2016, and the prepared Water Supply Verification relied on the information within the City's UWMP.

The Water Supply Verification demonstrates that the City's water supply will meet the water demands of the proposed Project. The combined indoor and outdoor water demands for Tentative Tract No. 37390 are estimated at 142 acre-feet per year. For the years 2020 through 2040, the City has a projected water supply of between 13,318 and 13,659 acre-feet per year. In addition, the City of Banning maintains a storage account in the Beaumont Basin, currently estimated at 52,320 acre-feet. The City produced a total of approximately 7,935 acre-feet to meet demands during the 2019 calendar year.

JUSTIFICATION:

The WSV prepared for Tentative Tract No. 37390 is subject to and meets the requirements of the California Water and Government Codes.

FISCAL IMPACT:

There are no costs from the City's existing budget involved with the above action, however the proposed development will generate operational and impact fee revenues for the City's water funds.

ATTACHMENTS:

1. Resolution 2020-103
<https://banningca.gov/DocumentCenter/View/7768/Attachment-1---Resolution-2020-103-WSV-for-TT-No-37390>
2. Water Supply Verification for Tentative Tract No. 37390
<https://banningca.gov/DocumentCenter/View/7769/Attachment-2---WSV-for-TT-No-37390>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Luis Cardenas, Senior Civil Engineer

MEETING DATE: August 25, 2020

SUBJECT: Authorize the City Manager to sign the Notice of Completion for Project No. 2020-01W, "Tank Inspections and Cleaning" as complete and direct the City Clerk to record the Notice of Completion

RECOMMENDED ACTION:

That the City Council accept Project No. 2020-01W, "Tank Inspections and Cleaning" as complete, authorize the City Manager or designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

BACKGROUND:

On May 14, 2020, a contract was entered in with Inland Potable Services, Inc., for Project No. 2020-01W, "Tank Inspections and Cleaning". The project was approved in the amount of \$74,330.

The scope of work included all parts, labor, equipment and materials required for the inspections and cleaning of all City-owned potable water reservoir; and minor leak and coating repairs. Additionally, the contractor installed OSHA-required fall protection systems at reservoirs where Operators could be reasonably expected to work requiring harnesses and safety tie-offs. The final project cost was \$74,330.

August 25, 2020

Page 2 of 2

JUSTIFICATION:

As part of normal maintenance, water storage reservoirs should be cleaned and inspected on a regular interval, recommended every 3 to 5 years per the American Water Works Association. The lowest bidder, Inland Potable was awarded the contract and work was completed on July 6, 2020. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory and that the contractor met the required contract obligations.

FISCAL IMPACT:

The project was completed in the amount of \$74,330 and was funded by the Water Operations Fund, Account No. 660-6300-471.45-07 (Special Utility Costs/Reservoir Expenses).

ALTERNATIVE:

City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

ATTACHMENT:

1. Notice of Completion
<https://banningca.gov/DocumentCenter/View/7766/Attachment-1---Notice-of-Completion>
2. Inspection Report (one tank sample)
<https://banningca.gov/DocumentCenter/View/7767/Attachment-2---Inspection-Report-Sample>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works/City Engineer
Perry Gerdes, Water / Wastewater Superintendent

MEETING DATE: August 25, 2020

SUBJECT: Adopt Resolution 2020-07 UA, Approving the Second Amendment to the Agreement with G & G Environmental Compliance, of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services in the Amount of \$30,000

RECOMMENDED ACTION:

Staff Recommends that the Banning Utility Authority adopt Resolution 2020-07 UA:

1. Approving an Amendment to the Agreement with G & G Environmental Compliance, of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services in the amount of \$30,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Amendment to the Agreement with G & G Environmental Compliance for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services.
3. Authorizing the City Manager to execute the Amendment to the Agreement, including term extensions not to exceed a total of five years, with G & G Environmental Compliance.

BACKGROUND:

The City of Banning owns and operates its own sewer collection system. In order to reduce the occurrence of sanitary sewer overflows (SSOs), regular inspections are conducted at

all food service facilities under the Fats, Oils, and Grease (FOG) Control Program. Large commercial, industrial, and institutional users are also inspected regularly to verify compliance with discharge limits and pretreatment requirements. These inspections require specialized training and knowledge and are best outsourced to consultants that provide these services on an as-needed basis for smaller municipalities such as the City of Banning.

With strict discharge limits being enforced at the waste water treatment plant, it is important to monitor the point sources of various constituents such as Nitrogen and Total Dissolved Solids (TDS) so they can be removed to the extent possible before entering the sewer collection system. Assistance in developing new monitoring requirements and guidelines in response to ever-evolving regulations will also be provided by the consultant.

Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on April 27, 2018 through its Planet Bids website. Three firms submitted proposals for consideration. A three-member panel evaluated the proposals on qualifications (30%), experience (30%), understanding & approach (30%), and responsiveness to the RFP (10%).

The evaluation scores are summarized as follows:

<u>Company</u>	<u>Score</u>
G&G Environmental Compliance	395
CASC Engineering and Consulting, Inc.	336.67
Lynn Merrill and Associates, Inc.	321.67

JUSTIFICATION:

The amendment is required to continue to use G & G Environmental Compliance's services to complete inspections that ensure compliance with the National Pollution Discharge Elimination System (NPDES) permit and the Waste Discharge Requirements (WDR) at the waste water treatment plant.

FISCAL IMPACT:

The Water and Waste Water funds will each pay for a portion of the costs, based on anticipated work needed for each Division. The cost breakdown:

Fund	Account Number	Cost Allocation
Water	660-6300-471.23-37	\$10,000
Waste Water	680-8000-454.23-37	\$20,000
Total Amount of Amendment 2		\$30,000

The original contract, approved in 2018, with G & G Environmental Compliance was for \$25,000. Amendment 1, approved in 2019, brought the contract amount to \$50,000 and Amendment 2 will bring the total contract amount to \$80,000.

ALTERNATIVES:

1. Approve Resolution 2020-07 UA.
2. Reject Resolution 2020-07 UA and provide further direction to staff.

ATTACHMENTS:

1. Resolution 2020-07 UA
https://banningca.gov/DocumentCenter/View/7747/Attachment-1-Resolution-2020-07-UA_Amendment-No-2
2. Request for Proposals (RFP)
<https://banningca.gov/DocumentCenter/View/7748/Attachment-2---RFP---Industrial-Waste-Program-Management>
3. Proposal from G & G Environmental Compliance
<https://banningca.gov/DocumentCenter/View/7749/Attachment-3---GG-Proposal>
4. Original Agreement
<https://banningca.gov/DocumentCenter/View/7750/Attachment-4---Original-Agreement-with-GG>
5. Amendment 1
<https://banningca.gov/DocumentCenter/View/7751/Attachment-5---Amendment-1>
6. Amendment 2
<https://banningca.gov/DocumentCenter/View/7752/Attachment-6-Amendment-No-2>

Approved by:



Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Tom Miller, Electric Utility Director
MEETING DATE: August 25, 2020
SUBJECT: Stagecoach and Ivy Substation Construction Contract

RECOMMENDED ACTION:

Staff respectfully recommends that the City Council consider approving City Council Resolution 2020-107, which would:

1. Revoke City Council Resolution 2020-076 awarding the contract for construction of Stagecoach and Ivy Substations to Electric Power Systems International, Inc.
2. Award the contract for construction of Stagecoach and Ivy Substations to Electric Power Systems International, Inc., pursuant to Public Contract Code (PCC) Section 22002(c)(3); and
3. Authorize the City Manager and/or designees to complete and execute all documents related to this transaction for construction.

BACKGROUND:

At the June 9th meeting of the City Council, Banning Electric Utility staff presented Electric Power Systems (EPS) for award of a \$6.6 million construction contract that included a 10% contingency for the construction of the Stagecoach and Ivy Substations. City Council acted approving City Council Resolution 2020-076.

In preparing the contract documents for execution, it was discovered that EPS listed in their bid a contractor's license held by a different corporation, which we were informed is a wholly owned subsidiary. Staff also discovered that EPS did not hold the contractor's license required by the bid specifications at the time of contract award. The California Public Contract and Business and Professions Codes prohibit the award of a public works contract to a contractor that does not hold the specified contractor's license at the time of contract award.

Staff was informed, and has verified, that EPS subsequently obtained the required contractor's license. Because EPS did not hold the required license at the time of the June 9th contract award, that award is subject to challenge. For that reason, staff recommends

that the Council revoke June 9th contract award, and award the contract anew to EPS. As EPS now holds the required license, the City can award the contract to EPS.

Staff further recommends that the new award be made pursuant to Public Contract Code Section 22002(c)(3), which authorizes construction of publicly owned utility substations without further compliance with the Public Contract Code.

FISCAL IMPACT:

Previously approved budgeted item and approved capital improvement project in the amount not to exceed \$6,618,636.70.

OPTIONS:

1. Approve as recommended.
2. Approve with modifications.
3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2020-107 <https://banningca.gov/DocumentCenter/View/7775/Resolution-2020-107-Award-Substation-Construction-EPS-redo>
2. Meeting of the City of Banning City Council of June 9th, 2020, Agenda Item materials. <https://banningca.gov/DocumentCenter/View/7776/06092020---EPS-Agenda-Item>
- 3.

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Adam B. Rush, Community Development Director**

MEETING DATE: **August 25, 2020**

SUBJECT: **Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770, a proposal to subdivide multiple vacant parcels for purposes of creating single family residential lots and public streets within Planning Areas 16C 6D, 5F, 5E, 4D, and 3C of the Rancho San Gorgonio Specific Plan**

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2020-99, concurring with the Planning Commission's recommendation, and take the following actions:

- I. Find that in accordance with CEQA Guidelines Section 15162 relating to Subsequent EIRs and Negative Declarations, that all previous environmental impacts, relating to the project, have been evaluated and disclosed. The Council finds that all impacts have been previously evaluated and a subsequent environmental document is not required.
- II. Approve Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770, to subdivide multiple vacant parcels of land into single family residential lots and public streets, subject to the recommended conditions of approval.

PROJECT / APPLICANT INFORMATION:

Project Applicant: Rancho San Gorgonio, LLC
10621 Civic Center Drive
Rancho Cucamonga, CA 91730

Property Owner:	Rancho San Gorgonio, LLC 10621 Civic Center Drive Rancho Cucamonga, CA 91730
Project Location:	South of Westward Avenue, east of 8 th Street, generally in the northeasterly portion of the Rancho San Gorgonio Specific Plan.
APN Information:	Portions of 543-040-001, 543-040-002, 543-050-002, 543-050-003 and 543-050-005.

REQUEST:

Tentative Tract Map (TTM) 37766, identified as Planning Area (PA) 16C, proposes to subdivide approximately 14.16 gross acres of vacant land into 80 single-family residential lots and public streets (see Figure 2 and Attachment 2). TTM 37766 is zoned Low Density Residential (LDR) 4,500; which means, the zoning allows for residential development with a minimum lot size of 4,500 square feet. Planning Area 16C was originally approved as a School Site but the School District has not purchased the site as of the date of this report. Until development occurs, the site remains available in the event the school district wishes to utilize the property. Therefore, pursuant to the approved Rancho San Gorgonio Specific Plan (RSGSP), the site can be used for residential development as requested herein (see Figure 7).

TTM 37767, identified as PA 6D, proposes to subdivide approximately 9.97 gross acres of vacant land into 57 single-family residential lots and public streets (see Figure 3 and Attachment 3). TTM 37767 is zoned LDR 4,500.

TTM 37768, identified as PA 5F, proposes to subdivide approximately 5.90 gross acres of vacant land into 23 single-family residential lots, public streets and three lettered lots for drainage improvements (see Figure 4 and Attachment 4). TTM 37768 is zoned LDR 5,000.

TTM 37769, identified as PA 5E, proposes to subdivide approximately 10.34 gross acres of vacant land into 48 single-family residential lots, public streets and one lettered lot for drainage improvements (see Figure 5 and Attachment 5). TTM 37769 is zoned LDR 5,000.

TTM 37770, identified as PAs 3C and 4D, proposes to subdivide approximately 21.37 gross acres of land into 105 single-family residential lots and public streets (see Figure 6 and Attachment 6). TTM 37770 is zoned LDR 5,500.

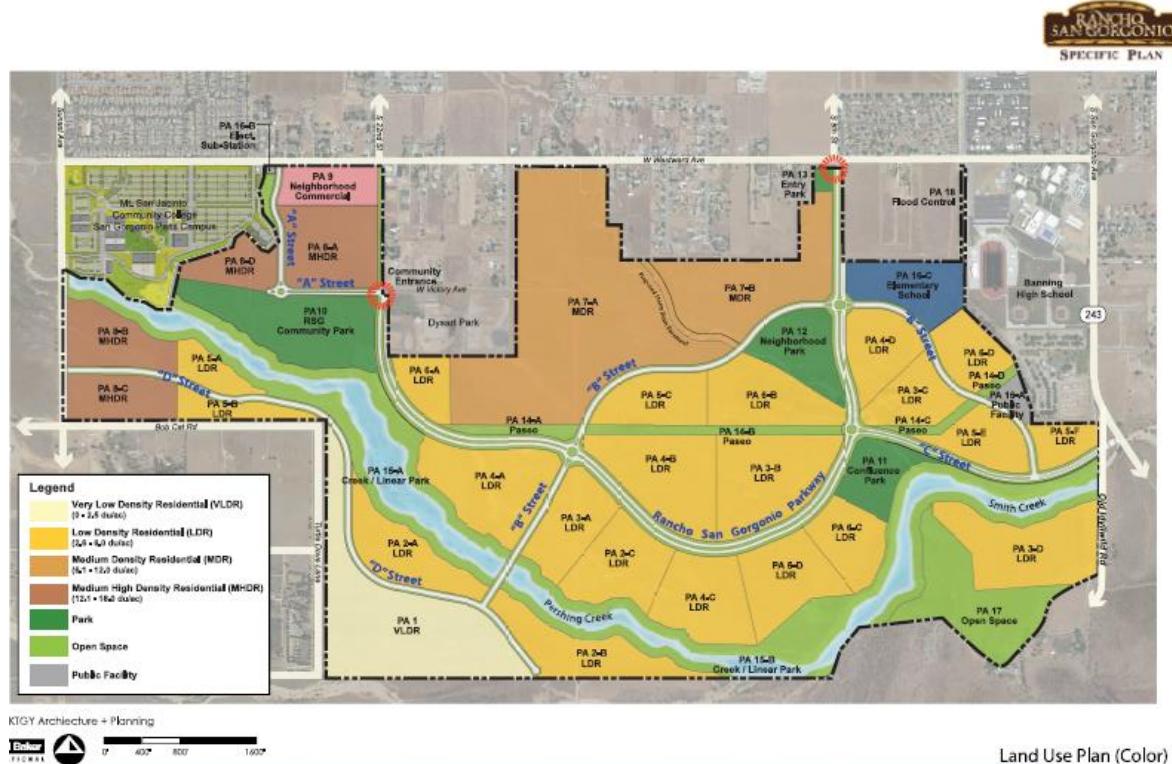
The proposed Tract Maps are located south of Westward Avenue and east of 8th Street within the RSGSP; see Figure 1 for the overall RSGSP area.

Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 3 of 16

FIGURE 1. RSGSP Land Use Map

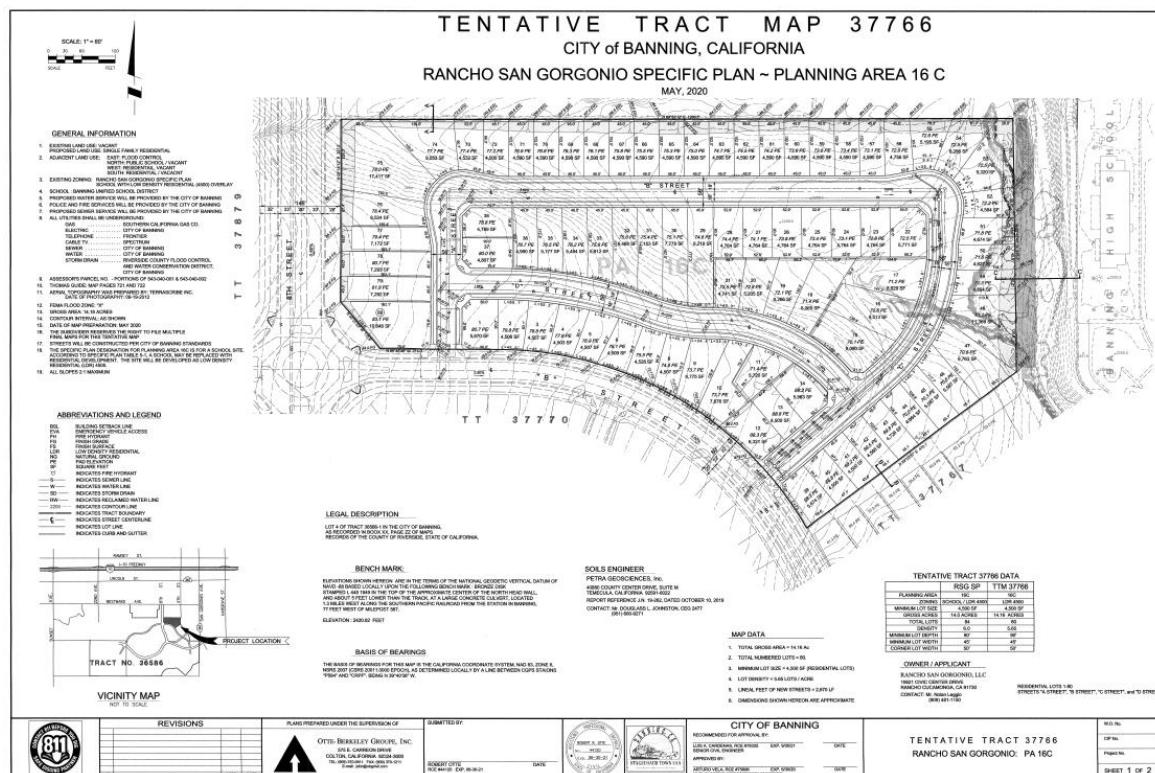


Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 4 of 16

FIGURE 2. RSG Tentative Tract Map 37766, PA 16C

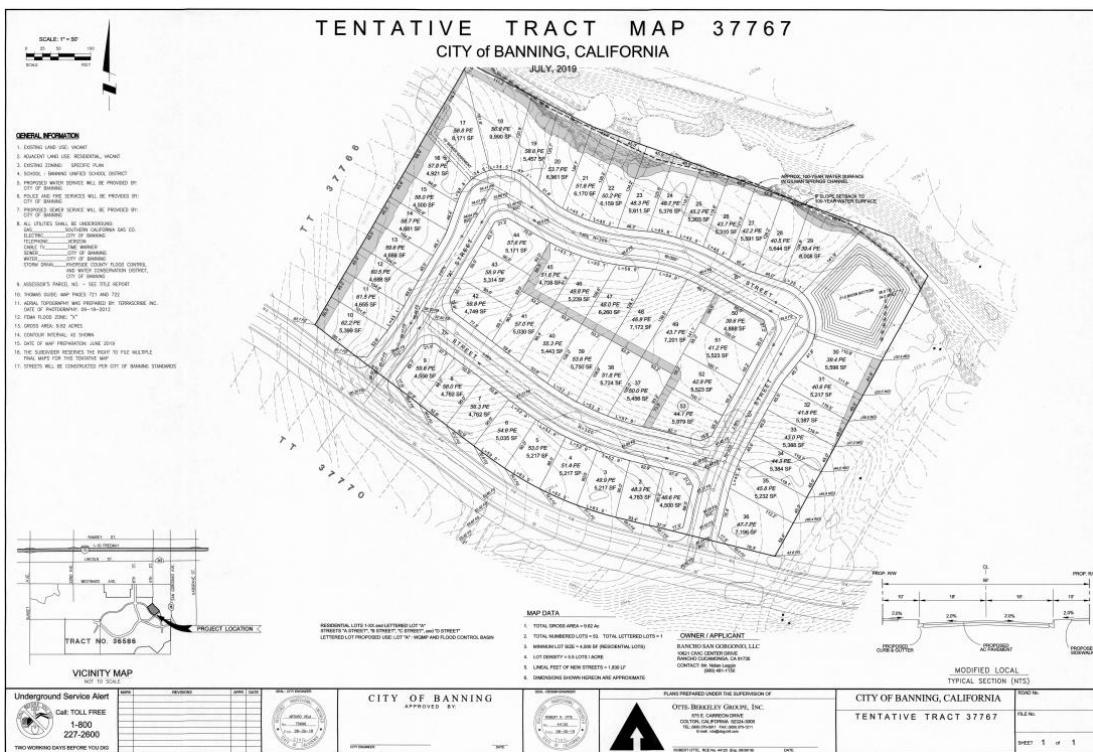


Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 5 of 16

FIGURE 3. RSG Tentative Tract Map 37767 PA 6D

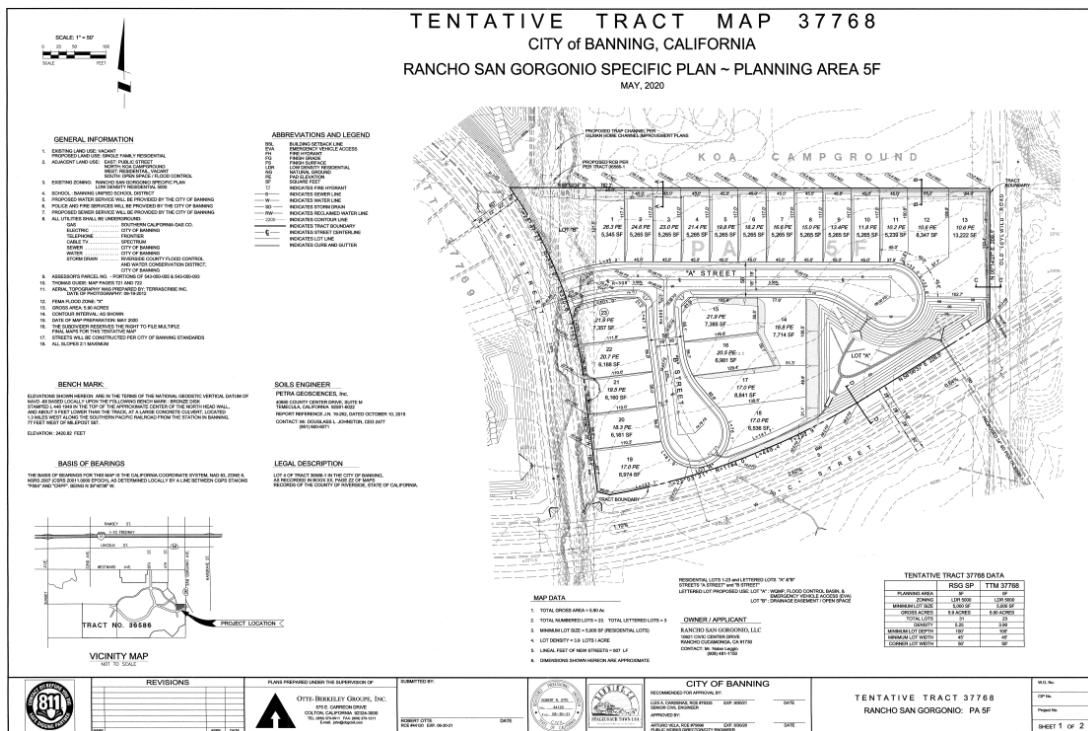


Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 6 of 16

FIGURE 4. RSG Tentative Tract Map 37768 PA 5F

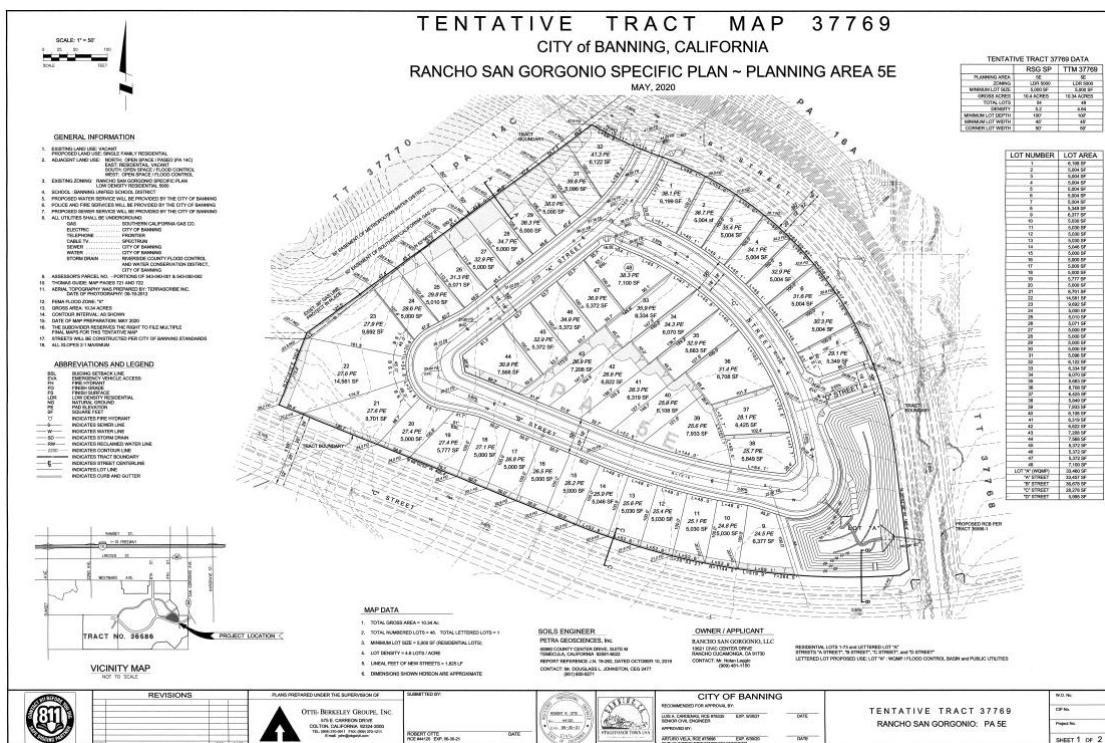


Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 7 of 16

FIGURE 5. RSG Tentative Tract Map 37769 PA 5E



Staff Report: Resolution 2020-99 Rancho San Gorgonio

August 25, 2020

Page 8 of 16

FIGURE 6. RSG Tentative Tract Map 37770 PAs 3C and 4D

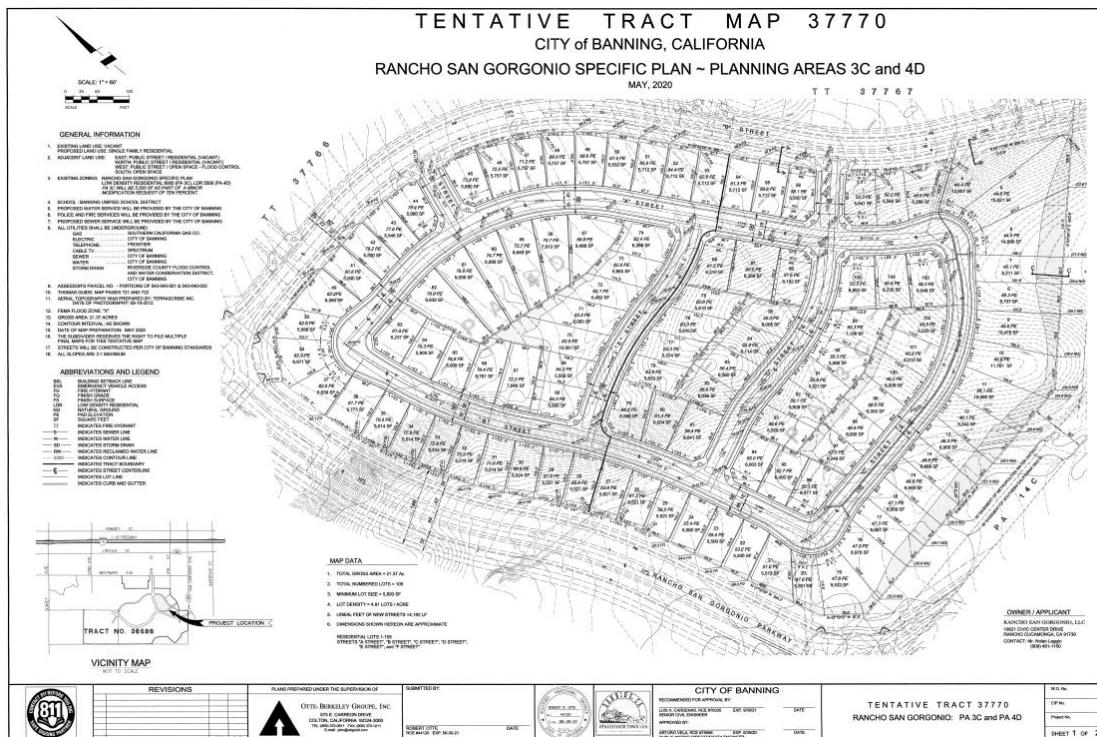


FIGURE 7. RSGSP (Table 2.2)

Table 2-2: Planning Areas Statistical Summary (cont.)

Planning Area	Land Use ¹	Target Minimum Lot Size (sq.ft.)	Allowed Density Range (du/ac)	Target Density (du/ac)	Gross Acres	Target Dwelling Units (DU)
PA 16-A	Public Facility				2.4	
PA 16-B	Electrical Sub-station				0.2	
PA 16-C	School				14	
PA 16-C	Residential Overlay Alternative ³	4,500	2.6-6.0	6.0	(14) ³	84
PA 17	Natural Open Space				25.7	
PA 18	Storm Drain Easement				1.1	
	Backbone Roadways Right-of-Way ⁴				77.1	
TOTAL (Maximum Dwelling Units Allowed)					830.8	3,385

Notes:

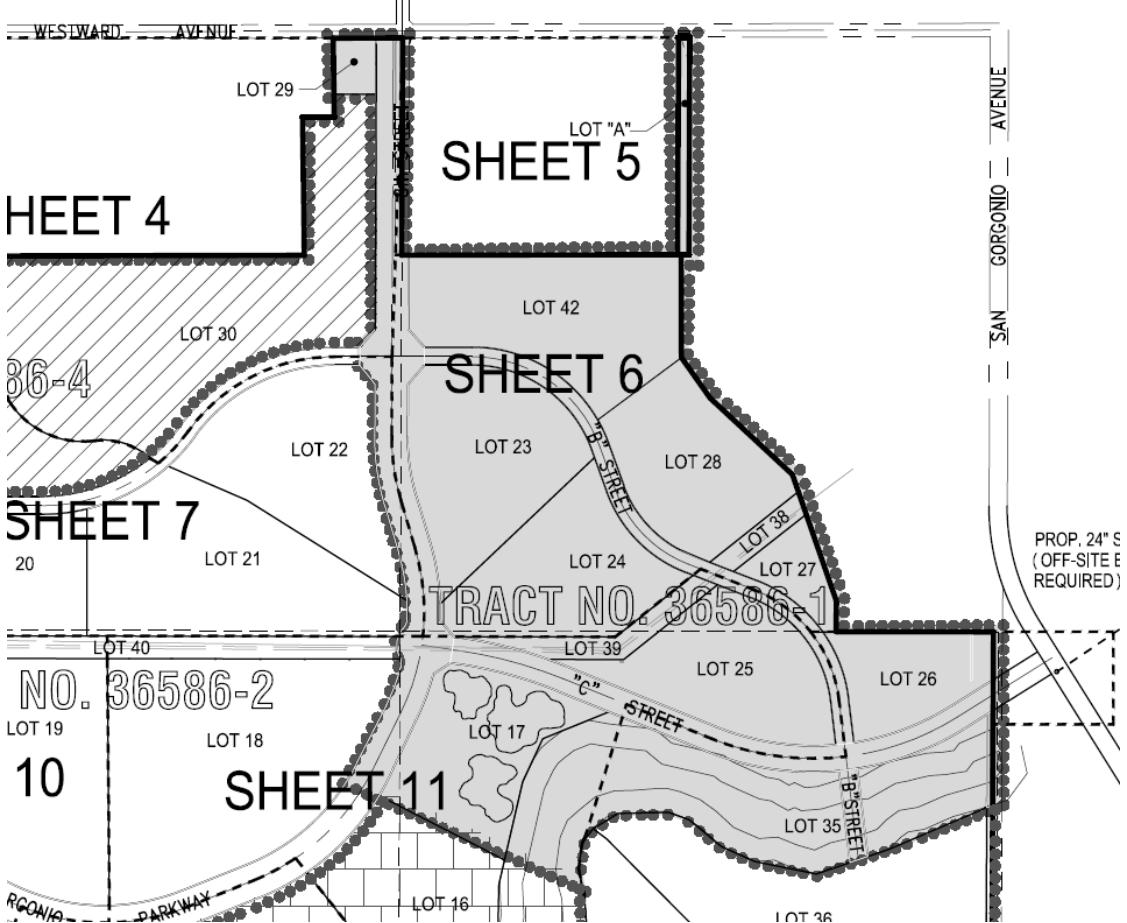
¹ Very Low Density Residential (VLDR) and Low Density Residential (LDR) = detached single-family units only; Medium Density Residential (MDR) - Age Qualified includes detached or attached single-family units; Medium-High Density Residential (MHDR) includes detached or attached single-family and multi-family units.

² A Residential Overlay alternative of Medium-High Density Residential (MHDR, 12.1-18.0 du/ac) is allowed on Planning Area 9 in lieu of the Neighborhood Commercial designation, if PA 9 does not develop as commercial, and the maximum number of residential units in the Specific Plan does not exceed 3,385.

³ A Residential Overlay alternative of Low Density Residential (LDR, 2.6 – 6.0 du/ac) is allowed on Planning Area 16-C in lieu of the School use designation, if the Banning Unified School District does not acquire PA 16-C and the site is not developed with a school use, and the maximum number of residential units in the Specific Plan does not exceed 3,385.

⁴ Backbone Roadways Right-of-Way includes adjacent landscaped parkway corridors.

FIGURE 8. Tract Map 36586-1



BACKGROUND:

The RSGSP, including its companion entitlement applications for General Plan Amendment 13-2503, Zone Change 13-3501, Water Supply Assessment, Tentative Tract Map 36586, Development Agreement, Annexation and accompanying Environmental Impact Report were originally reviewed and recommended for approval by the Planning Commission, September 7, 2016. These applications were introduced to the City Council, September 27, 2016, and approved by the Council, October 11, 2016. (See Attachment 7 through 15.)

At the meeting of July 8, 2020, by Resolution 2020-14, the Planning Commission recommended the City Council approve Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770, with the recommended conditions of approval.

ANALYSIS:

The overall project site is approximately 831 gross acres; which are generally located at the southwestern corner of San Gorgonio Avenue and Westward Avenue and extend approximately 2-miles to the southwest (see Figure 1). Tentative Tract Maps 37766, 37767, 37768, 37769 and 37770 are located generally within the northeasterly area of the RSGSP, within Tract Map 36586-1 (see Figure 8).

Residential Planning Areas**Low Density Residential: PA 16C**

Proposed TTM 37766 encompasses one LDR Planning Area (PA) 16C.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot size:	4,500 square feet
Minimum lot width:	
Interior	45'
Corner	50'
Minimum Lot Depth:	90'
Minimum lot frontage	
At Setback:	45'
Maximum density:	5.65 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 16C. In PA 16C, the minimum lot size proposed is 4,500 square feet and the maximum lot size is 17,417 square feet.

Below is a comparison of the proposed TTM 37766 statistics as compared to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 16C # units	84	80	-4
PA 16C acreage	14.0	14.16	+0.16
PA 16C density	6 du/ac	5.65 du/ac	within approved range

Low Density Residential: PA 6D

Proposed TTM 37767 encompasses one LDR Planning Area (PA) 6D.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot size: 4,500 square feet
 Minimum lot width:
 Interior 45'
 Corner 50'
 Minimum Lot Depth: 90'
 Minimum lot frontage
 At Setback: 45'
 Maximum density: 5.7 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 6D. In PA 6D, the minimum lot size proposed is 4,500 square feet and the maximum lot size is 12,360 square feet.

Below is a comparison of the proposed TTM 37767 statistics as compared to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 6D # units	60	57	-3
PA 6D acreage	10.0	9.97	-0.03
PA 6D density	6.0 du/ac	5.7 du/ac	within approved range

Low Density Residential: PA 5F

Proposed TTM 37768 encompasses one LDR Planning Area (PA) 5F.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot size: 5,000 square feet
 Minimum lot width:
 Interior 45'
 Corner 50'
 Minimum Lot Depth: 100'
 Minimum lot frontage
 At Setback: 45'
 Maximum density: 3.9 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 5F. In PA 5F, the minimum lot size

proposed is 5,239 square feet and the maximum lot size is 13,222 square feet.

Below is a comparison of the proposed TTM 37768 statistics as compared to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 5F # units	31	23	-8
PA 5F acreage	5.9	5.9	0
PA 5F density	5.25 du/ac	3.9 du/ac	within approved range

Low Density Residential: PA 5E

Proposed TTM 37769 encompasses one LDR Planning Area (PA) 5E.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot size: 5,000 square feet

Minimum lot width:

 Interior 45'

 Corner 50'

Minimum Lot Depth: 100'

Minimum lot frontage

At Setback: 45'

Maximum density: 4.64 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 5E. In PA 5E, the minimum lot size proposed is 5,000 square feet and the maximum lot size is 14,581 square feet.

Below is a comparison of the proposed TTM 37769 statistics as compared to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 5E # units	54	48	-6
PA 5E acreage	10.4	10.34	-0.06
PA 5E density	5.2 du/ac	4.64 du/ac	within approved range

Low Density Residential: PAs 3C/4D

Proposed TTM 37770 encompasses two LDR Planning Areas (PA) 3C and 4D.

The proposed subdivision contains residential lots that are conventionally plotted as detached single-family homes. The minimum lot sizes and dimensions are as follows:

Minimum lot size: PA 3C = 6,000 and PA 4D = 5,500 square feet

Minimum lot width:

Interior	50'
Corner	55'

Minimum Lot Depth: 100'

Minimum lot frontage

At Setback: 50'

Maximum density: 4.91 du/ac

All residential lots within the proposed subdivision comply with the minimum lot area and dimensional requirements as specified for PA 4D. PA 3C was approved for a 10% reduction in lot size by the Community Development Director in accordance with RSG Specific Plan Section 5.1.5, Substantial Conformance and Minor Modifications/Technical Adjustments (see Attachment 16). In PAs 3C and 4D, the minimum lot size proposed is 5,500 square feet and the maximum lot size is 15,698 square feet.

Below is a comparison of the proposed TTM 37770 statistics as compared to the approved Specific Plan:

	Approved SP	Proposed TTM	Difference
PA 3C/4D # units	99	105	+6
PA 3C/4D acreage	22.9	21.37	-1.53
PA 3C/4D density	4.32 du/ac	4.91 du/ac	within approved range

Adjustment of residential planning boundaries of 10% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Future City Approvals:

Grading permits (rough and precise grading); encroachment permits, water sewer, and reclaimed water connection permits may be issued by the City of Banning Department of Public Works after approval of the proposed Tentative Tract Maps.

Open Space Lettered Lots

TTM 37768 Lot A is 31,462 square feet in size and will be used as a Water Quality Management Plan (WQMP) flood control basin and Emergency Vehicle Access (EVA). Lot B will be used as a Drainage Easement/Open Space area and is 14,355 square feet in size. The EVA lot is 694 square feet in size.

TTM 37769 Lot A is 33,460 square feet in size and will be used as a WQMP flood control basin.

Future City Approvals:

Permits for grading may be issued after approval of the Tentative Tract Maps.

Streets/Circulation System

Proposed streets within the subdivision's will be public streets and are consistent with requirements set forth in the RSG Specific Plan. Residential streets proposed will be 36' wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking.

Utilities

Electrical service will be provided by the City of Banning. The Electric Utility has provided conditions of approval that have been incorporated into the proposed project conditions. Permanent City of Banning electrical utilities will be underground with the exception of temporary overhead electrical lines and pad-mount equipment, such as transformers and switchgear.

Water and wastewater services will be provided by the City of Banning.

ENVIRONMENTAL DETERMINATION:

1. California Environmental Quality Act (CEQA)

Potential environmental issues associated with the proposed Tentative Tract Map were analyzed in the previously certified Environmental Impact Report for the

RSGSP project (SCH 2015041064) approved by the City Council on September 27, 2016, which documents are on file in the Community Development Department. There have been no substantial changes in the project nor in the circumstances under which the project is undertaken which will require major revisions of the previous environmental document; nor is there new information that shows that the project will have a significant environmental effect or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required. A Notice of Exemption has been prepared for filing with the County (Attachment 17).

The project will be conditioned to comply with the mitigation measures of the approved Mitigation Monitoring and Reporting Program (MMRP).

2. Multiple Species Habitat Conservation Plan (MSHCP): The Project EIR's mitigation measures, including submittal of a Determination of Biologically Equivalent of Superior Preservation (DBESP), ensure consistency with the Western Riverside County MSHCP. These mitigation measures will be incorporated into all development approvals as required by the project MMRP to ensure consistency with the MSHCP.

PUBLIC COMMUNICATION

The Planning Commission's consideration of the proposed Tentative Tract Maps were advertised in the Record Gazette newspaper on June 27, 2020 (Attachment 18). Additionally, the notice was mailed to all property owners within 300-feet of the Project boundary and the mailing was expanded to include property owners within 300' of the Specific Plan boundaries. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

FISCAL IMPACT:

There is no direct fiscal impact to the City's General Fund as a result of the recommended action.

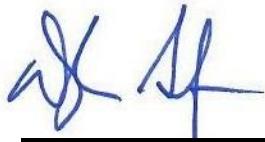
OPTIONS:

1. Approve as recommended.
2. Provide direction to Staff.

ATTACHMENTS:

1. City Council Resolution 2020-99 with Maps and Conditions
<https://banningca.gov/DocumentCenter/View/7762/1-Resolution-2020-99-Final>
2. Rancho San Gorgonio Specific Plan Land Use Plan
<https://banningca.gov/432/Rancho-San-Gorgonio-Specific-Plan>
3. Notice of Determination (NOD)
https://banningca.gov/DocumentCenter/View/7763/3-NOD_RSG-TTMspdf
4. Public Hearing Notice (PHN)
<https://banningca.gov/DocumentCenter/View/7764/4-PHN-newspaper>

Approved by:



Douglas Schulze, City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: August 25, 2020
SUBJECT: Ramsey Street Village Report

RECOMMENDED ACTION:

Receive and file.

BACKGROUND:

In April 2020, the City of Banning established a non-congregate shelter for homeless individuals at 1909 E. Ramsey Street. Since the initial occupancy of the shelters, Ramsey Street Village has provided housing for 40 individuals who would otherwise be without shelter. Community businesses, faith-based organizations and non-profit organizations have collaborated with the City of Banning to provide meals, clothing, showers, AA meetings, and religious services. The Riverside County Housing Authority and Riverside County Social Services have also collaborated to help Village residents transition to more permanent housing, connect with services, and find employment.

Previously, it was reported to the City Council during a public meeting that the Ramsey Street Village projected budget was approximately \$420,000, including \$165,000 for the Pallet Shelters. Funding for the project was to be provided through emergency grant funds related to COVID-19 pandemic. The actual revenues and expenses for Ramsey Street Village are provided in the chart below:

Item	Revenue	Expenditure
CDBG Emergency Funds	\$170,000	
CARES Act ESG Funds	\$125,000	
Pallet SPC		\$165,493.50
Red Hawk Fencing		\$ 28,995.35
So Cal West Coast Electric		\$ 19,655.00
Grainger (Bike Rack)		\$ 419.94
Utility Bills		\$ 2,048.24
Diamond		\$ 2,360.66
Police Officer Time		\$ 668.59
TOTAL	\$295,000.00	\$219,641.28

The City has remaining unspent grant funds of approximately \$75,000, which is proposed to be used for a mobile restroom/shower/laundry facility to be placed within the Village.

Grant funds are not available for some of the other expenses that had been identified, which included a coordinator and on-site security. In an effort to help advise City staff regarding programs, services and operation of the Village, use of an advisory committee is proposed. Members of the advisory committee would be appointed by the City Manager, except for two members of the City Council who would be appointed by the City Council.

Members of the advisory committee would include representatives from local faith-based organizations, non-profit organizations, and individuals who provide services to the homeless. At this point, the Ramsey Street Village has been operational for approximately five (5) months. When the Village was created, it was intended to be a pilot project and re-evaluated after six (6) months of operation. Overall, the project has successfully provided shelter for a significant number of homeless individuals. The Village has not created the type of problems that were predicted by individuals opposed to the project. Crime has not increased and the community has not experienced an increase in the number of homeless individuals in Banning. Monthly reports have been provided to the City Council during public meetings.

During the months of May, June and July, numerous arrests were conducted for outstanding warrants, trespassing and narcotics by homeless individuals who have refused shelter beds. The Banning Police Department will continue, when staffing permits, to address homeless encampments and related criminal activity. Lack of cooperation from businesses providing shopping carts, frequently removed by homeless individuals, continues to be a problem. In addition, a recycling center located on Lincoln Street has encouraged collection of scrap metal as a means of providing income to homeless individuals. Scrap metal collection frequently results in theft and vandalism, including stripping plumbing and electric wiring from abandoned or vacant buildings.

While services are being provided to the residents of Ramsey Street Village, it is clear that adjustments need to be made to ensure continued success. Approximately 50% of the Village residents are employed at least part-time. Those residents who are not employed will be approached to provide community volunteer services, including trash collection, landscape maintenance, and possibly work in City parks. Coordination of these programs will require staff time that is not available and grant funding will not support hiring a staff coordinator. An outreach effort will be initiated to work with local organizations to use volunteers to coordinate these efforts. Local organizations can also provide volunteers to monitor activities at the Village, which include sanitation, unauthorized visitors, donation drop-offs, etc.

Staff Report: Ramsey Street Village Report

August 25, 2020

Page 3 of 3

	April	May	June	July
Tenants	40	40	40	40
Vacancies	0	0	0	0
Wait List	3	8	3	6
Evictions	6	0	0	0
Housing Transitions	0	1	1	0
Job Placement	0	5	2	0
Crimes – 1 mile				
Mal Mischief	3	1	3	1
Comm Burglary	2	1	1	1
Res Burglary	1	1	1	1
Vehicle Theft	1	1	0	0
Theft	0	0	1	1
Trespass	1	1	2	0
Felony Theft	0	0	1	0

Approved by:



Douglas Schulze
City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: August 25, 2020

SUBJECT: Discuss the Proposed Entry Monument Sign at East Ramsey Street

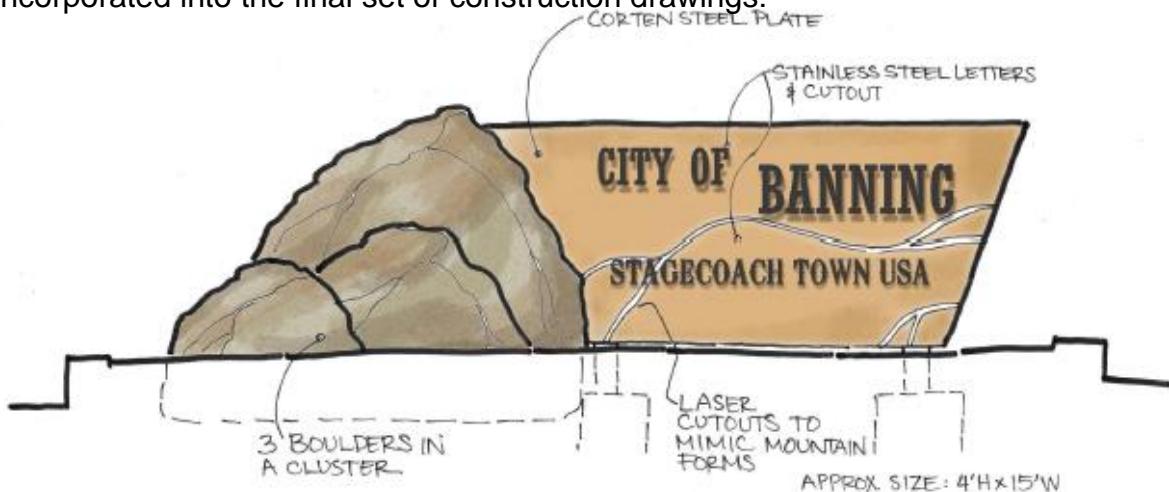
RECOMMENDED ACTION:

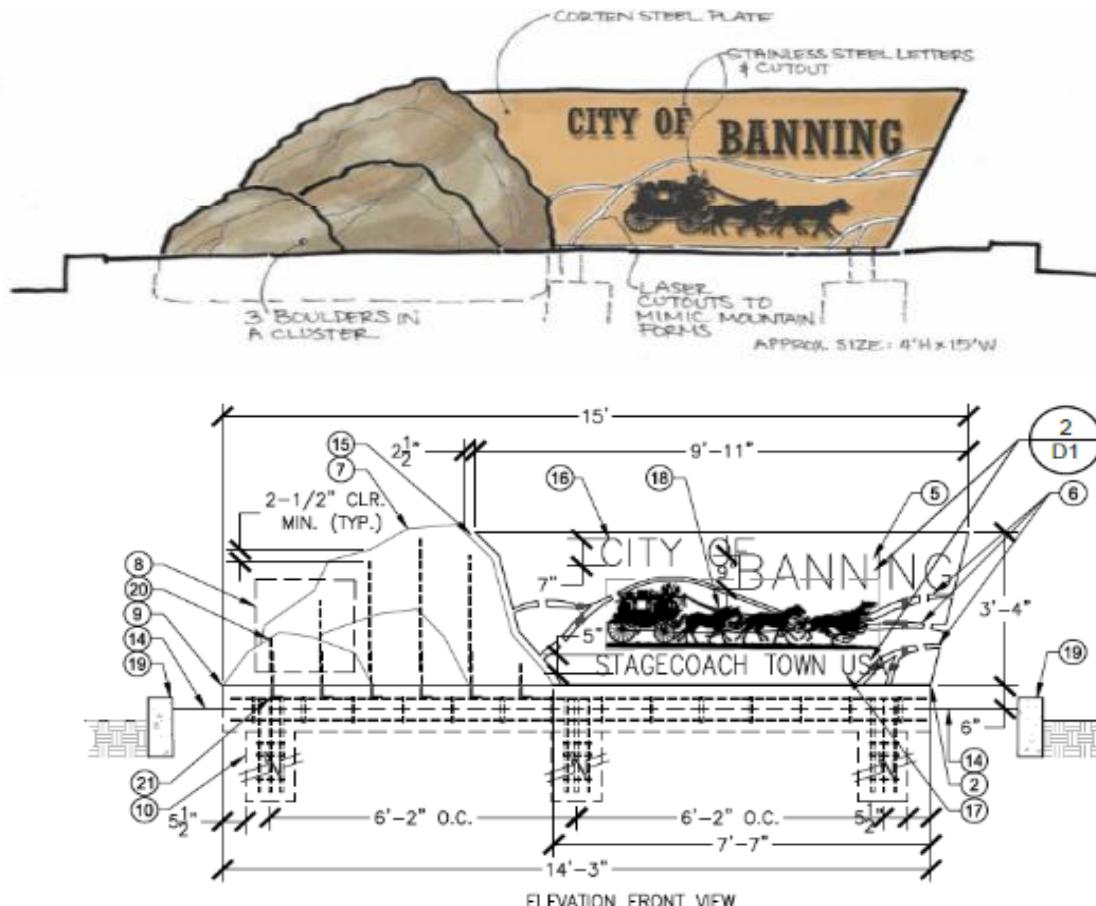
That the City Council discuss and provide comments, if any, on the proposed entry monument sign at east Ramsey Street.

BACKGROUND:

City staff has been working on improvements of the intersection at Hathaway Street and Ramsey Street. As part of the design package staff has included a new entry monument sign that would be constructed within the Ramsey Street raised median.

On September 26, 2017 staff presented four alternatives, as shown on Attachment 1. The selected design was combination of Concept 3A and Concept 3B, incorporating both the stagecoach and the "StageCoach Town USA". The design is currently incorporated into the final set of construction drawings:





Considering that a new City logo has been adopted, staff thought it prudent to obtain City Council's concurrence with the proposed monument sign design or to receive new direction from City Council.

FISCAL IMPACT:

If City Council desires to make revisions to the proposed monument sign it will come at an additional expense associated with the City's design consultant's time for making the necessary revisions.

ATTACHMENT:

1. Entry monument sign alternatives

<https://banningca.gov/DocumentCenter/View/7760/Attachment-1-Monument-Signs>

Staff Report: East Ramsey Monument Sign

August 25, 2020

Page 3 of 3

Approved by:

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

Douglas Schulze

City Manager

***THIS PAGE
INTENTIONALLY
LEFT BLANK***



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: August 25, 2020
SUBJECT: Playhouse Bowl Funding Request

RECOMMENDED ACTION:

City Council provide direction to City Manager regarding funding request from Playhouse Bowl Association for 2020. Recommended action is to withhold funding due to City budget constraints.

BACKGROUND:

The attached letter was received after a discussion with Playhouse Bowl Association Chair Lynette Espinoza regarding the impact COVID-19 would have on concerts and the uncertainty regarding restrictions on large public gatherings. Although the concerts were cancelled, as the letter explains, the Playhouse Bowl Association still had some expenses. As such, they have submitted the letter requesting the City's annual contribution. In 2018 and 2019, the City contributed \$12,500 each year to the concert series.

City staff will continue to monitor revenue performance and, if revenues improve, it may be possible to re-consider this request at a future date.

JUSTIFICATION:

Significant cuts to the 2020 – 2021 and 2021 – 2022 budget could not be avoided due to impacts from COVID-19 on general fund revenues. Cuts included hiring freezes, furloughs, unfunding vacant positions, and no cost of living adjustments for employees, where possible.

The contributions to the Playhouse Bowl Association were not included in the 2020 – 21 or 2021 – 22 budget.

FISCAL IMPACT:

\$12,500 would require use of reserves and a budget amendment.

OPTIONS:

1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Letter from Playhouse Bowl Association Chair Lynette Espinoza

<https://banningca.gov/DocumentCenter/View/7773/Letter-to-BNGCM-6-19-20>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: August 25, 2020

SUBJECT: Update on the Preparation of a Project Study Report for the Highland Springs Avenue Interchange

RECOMMENDED ACTION:

Receive and file the update on the preparation of the Project Study Report (PSR) for the Highland Springs Avenue interchange.

BACKGROUND:

The Highland Springs Avenue Interchange (the “Interchange”), which is located within the jurisdictional boundaries of the Cities of Banning and Beaumont and Caltrans, has been greatly impacted by the increase in traffic related to development along the Highland Springs Avenue corridor. The Interchange is in need of improvements to mitigate the current congestion as well as to provide additional capacity for future developments such as Pardee’s Atwell development and projects within Beaumont’s city limits.

On September 10, 2019 City Council approved Resolution 2019-114, “Authorizing the City Manager to Execute a Cooperative Agreement between the City of Banning, City of Beaumont and Riverside County Transportation Commission for the Preparation of the Highland Springs Interchange Project Study Report.” The PSR (refined as a Project Study Report – Project Development Support, “PSR-PDS”) is the project initiation document (PID) that provides an opportunity for Caltrans and regional and local agencies to achieve consensus on the purpose-and-need, scope and schedule of project. Additionally, the use of a PSR-PDS will provide approval for the project studies in order to move into the Project Approval and Environmental Document (PA&ED) phase.

The current draft Purpose and Need statement which will drive the development of the PSR-PDS is as follows:

Purpose:

The purpose of the project is to reduce queuing and congestion currently experienced by traffic on Highland Springs Avenue at the I-10/Highland Springs Avenue interchange. The Project will accommodate increases in traffic volumes expected over the course of the 20-year time horizon without requiring a widening of the Highland Springs Avenue Underpass bridge structure.

Need:

The proposed project is needed to address current and future operational performance issues. Due to lane constraints under the I-10 overpass and the short queuing distances for highway access, the area experiences high levels of congestion and delay during peak periods.

- Current queue lengths exceed capacity at the left-hand-turns from Highland Springs Ave to the EB/WB highway on ramps.
- Current queue lengths exceed capacity at the right and left hand turns from the WB off ramp onto Highland Springs Avenue.

City staff has actively been working with Beaumont, Caltrans, RCTC and traffic design consultants to identify feasible alternatives that would accomplish the needs of the project. As a result four alternatives have been identified:

- Alternative 1: Existing/No build
- Alternatives 2a and 2b: Hook ramps
- Alternatives 3 and 4: Diverging Diamond Interchange

All four alternatives have been analyzed for level of service (LOS) delays at several key intersections utilizing available data for the opening year (2025) and the design year (2045), as shown in the attached Traffic Forecasting and Operations Analysis (TFOA). LOS is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS "A", representing completely free-flow conditions, to LOS "F", representing breakdown in flow resulting in stop-and-go conditions. LOS "E" represents operations at or near capacity, an unstable level, where vehicles are operating with the minimum spacing for maintaining uniform flow.

Additionally, the TFOA also analyzes the vehicular queuing (stacking) by considering signal timing (cycling), physical spacing of intersections and storage length provided at each intersection. Storage capacity is a significant source of existing congestion at the Interchange.

Alternative 1: Existing/No Build

Alternative 1 consists of leaving the interchange as is. Under this condition delays currently observed would continue at the opening year of 2025 for the westbound (W/B) off ramp and east bound (E/B) off ramp and further deterioration of operations in the design year of 2045 as shown in the following table:

Opening Year 2025	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 W/B Ramps	C	C
Highland Springs Av. / I-10 E/B Ramps	C	C

Design Year 2045	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 WB Ramps	F	E
- W/ ramp widening and extension	D	C
Highland Springs Av. / I-10 E/B Ramps	E	F
- W/ ramp widening and extension	C	D

Based upon 2020, 2025, and 2045 peak hour volumes, the analysis indicates that peak hour left turn queues exceed the storage lengths provided on Highland Springs Avenue between the I-10 ramp intersections for Alternative 1 (existing/no build) condition. Bridge widening, which could be financially infeasible, would be required in order to accommodate additional lane capacity.

Additionally, the proximity of Joshua Palmer Way to the Interchange would continue to cause operational delays in Alternative 1.

Alternative 2

Two options are evaluated with the Alternative 2 (hook ramps) configuration. With both of the Alternative 2 options, the alignment of Joshua Palmer Way is proposed to be modified and connect directly opposite of the existing westbound on-ramp and the existing WB off-ramp is relocated easterly and intersects Joshua Palmer Way at Apex Street. The eastbound off-ramp is also reconfigured to provide a new EB on-ramp access west of Highland Springs Avenue for each option. With Alternative 2 Option A, a new westbound on-ramp is provided from Joshua Palmer Way east of Highland Spring Avenue, west of Apex Street. With Alternative 2 Option B, a new westbound on-ramp is provided at the Apex Street/Joshua Palmer Way intersection. In both options for Alternative 2 the existing on ramps will remain in place.

Alternative 2, E/B Ramp



Staff Report: Highland Springs Interchange

August 25, 2020

Page 5 of 8

Alternative 2, Option A, W/B Ramp



Alternative 2, Option B, W/B Ramp



Opening Year 2025	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 W/B Ramps (A&B)	B	B
Highland Springs Av. / I-10 E/B Ramps (A&B)	B	B
Apex St/Joshua Palmer Way (Option A)	B	D
Apex St/Joshua Palmer Way (Option B)	A	A

Opening Year 2045	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 W/B Ramps (A&B)	C	D
Highland Springs Av. / I-10 E/B Ramps (A&B)	C	C
Apex St/Joshua Palmer Way (Option A)	A	C
Apex St/Joshua Palmer Way (Option B)	A	A

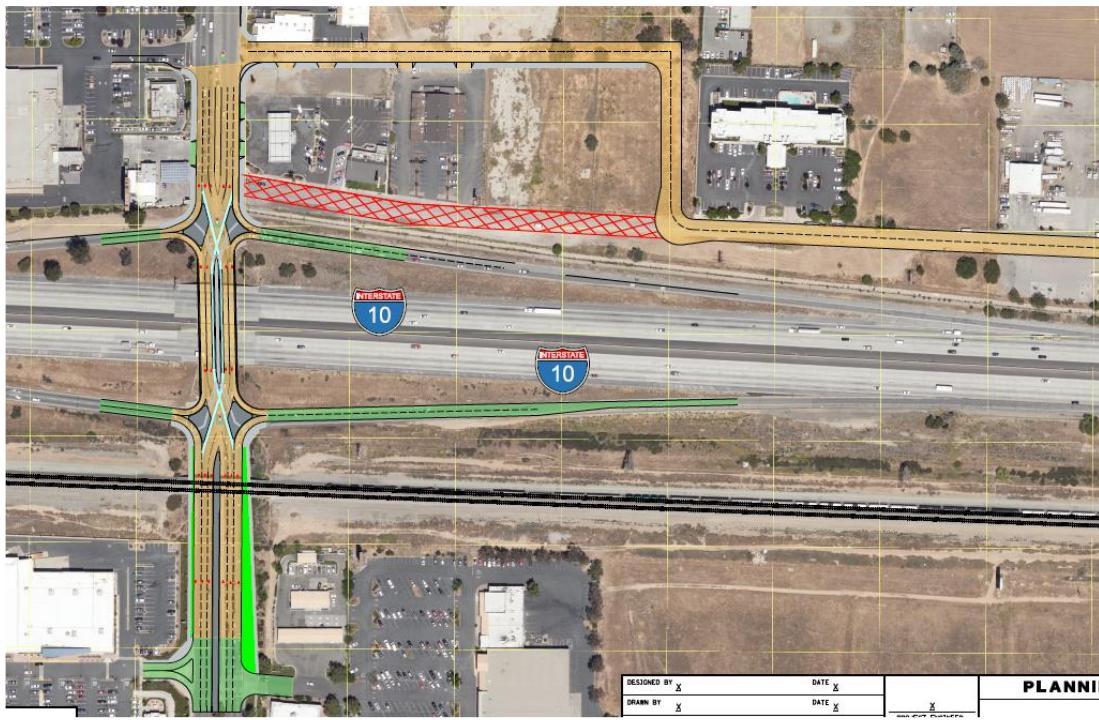
Queuing lengths required in both Alternative 2 options are accommodated by the proposed storage lengths.

Alternative 3 & 4

Alternative 3 and Alternative 4 both include a Diverging Diamond Interchange (DDI). A DDI allows for two directions of traffic to temporarily cross to the opposite side of the road allowing for a higher volume of traffic movements through an intersection without increasing the number of lanes and traffic signals. DDIs are easy to navigate, help reduce lane changes and provides better sight distance resulting in fewer accidents. An additional added benefit that the DDI provides is cost effectiveness; DDIs often can reduce the need for additional right-of-way by using the existing street widths and bridge structure.

Alternative 3 and 4 also would require the realignment of Joshua Palmer Way north of it's current location.

Alternative 3

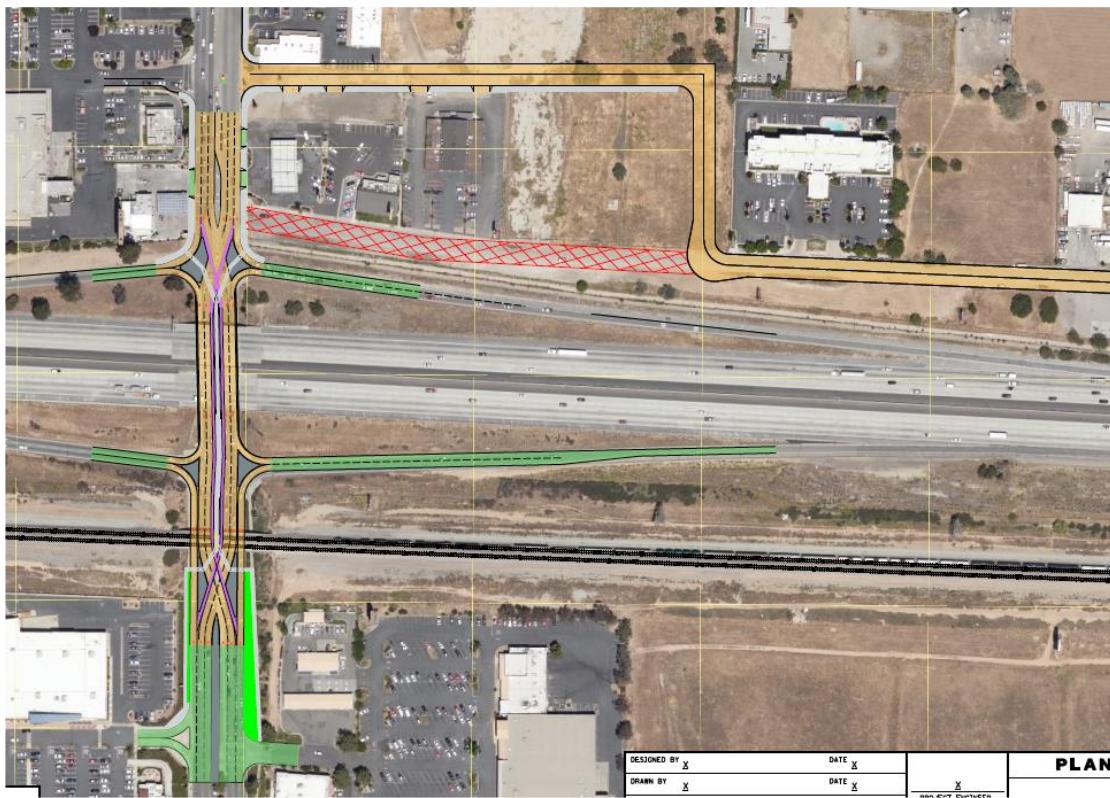


Alternative 4

Staff Report: Highland Springs Interchange

August 25, 2020

Page 7 of 8



The primary difference between Alternative 3 and 4 is the location of the crossover on the south side of the I-10. Alternative 3 shows the crossover occurring between the I-10 and the railroad bridge. Alternative 4 shows the crossover occurring south of the railroad bridge.

Opening Year 2025	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 W/B Ramps (Right Turns)	A	A
Highland Springs Av. / I-10 W/B Ramps (Left Turns)	A	B
Highland Springs Av. / I-10 E/B Ramps (Right Turns)	A	A
Highland Springs Av. / I-10 E/B Ramps (Left Turns)	A	C

Opening Year 2045	LOS (AM Peak)	LOS (PM Peak)
Highland Springs Av. / I-10 W/B Ramps (Right Turns)	A	C
Highland Springs Av. / I-10 W/B Ramps (Left Turns)	A	A
Highland Springs Av. / I-10 E/B Ramps (Right Turns)	A	A

Staff Report: Highland Springs Interchange

August 25, 2020

Page 8 of 8

Highland Springs Av. / I-10 E/B Ramps (Left Turns)	B	D
---	---	---

Both DDI alternatives provide significant more storage lengths to accommodate queuing lengths.

Next Steps

- Completion of the PSR – April, 2021
- Project Approval and Environmental Document (PA/ED) – April, 2023
- Plans, Specifications, and Estimates (PS&E) – October, 2024
- Commence Construction – February, 2025

FISCAL IMPACT:

The cost for the preparation of the PSR-PDS is funded by Western Riverside Council of Government (WRCOG) Transportation Uniform Mitigation Fee (TUMF) funds.

ATTACHMENT:

1. Traffic Forecasting and Operations Analysis

<https://banningca.gov/DocumentCenter/View/7765/TFOA-Highland-Springs-Ave-at-I-10-08102020---Report>

Approved by:



Douglas Schulze
City Manager