



## AGENDA

### REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

**April 27, 2021  
5:00 p.m.**

**In Chamber and via Video/Teleconference**  
Council Chambers  
99 E. Ramsey Street

*The following information comprises the agenda for the 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 Chamber and via Video/Teleconference on Zoom. 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=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

**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/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

*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.*

#### **1. CALL TO ORDER**

1.1. Invocation – *Pastor Ryan Houssein of Calvary Chapel Sweet Hills*

1.2. Pledge of Allegiance

1.3. Roll Call – *Council members Hamlin, Happe, Pingree, Sanchez and Mayor Wallace*

**2. AGENDA APPROVAL**

2.1. Approve Agenda

**3. PRESENTATION(S)**

3.1. Proclamation – Kids to Parks Day.....7

**4. REPORT ON CLOSED SESSION**

4.1. *Moved to Item 12*

**5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT**

5.1. PUBLIC COMMENTS – *On 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 their time 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 Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.***

5.2. CORRESPONDENCE

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

5.3. APPOINTMENTS

None

**6. 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 Board wishes to remove an item for separate consideration.)*

***Mayor to Open Consent Items for Public Comments***

**Motion: Approve consent items 6.1 – 6.17.**

*(Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority)*

6.1.	Minutes of the April 13 and April 16, 2021 City Council Meetings.....	8
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6.3.	Receive and File Cash, Investments and Reserve Report for the Month of March 2021 .....	10
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6.9.	Authorize the City Manager to sign the Notice of Completion for Project No. 2020-03, "Building Demolition & New Parking Lot Construction" as complete and direct the City Clerk to record the Notice of Completion.....	19
6.10.	Approving Amendment No. 1 to the Agreement (C00623) for Backflow Services by and Between City of Banning and E.R. Block Plumbing, Inc.....	21
6.11.	Approving the Addition of One Vehicle to Support the City's Animal Control Services to the List of Vehicles for Fiscal Year 2021 pursuant to the Five (5) Year Master Equity Lease Agreement with Enterprise Fleet Management.....	23
6.12.	Adopt Resolution 2021-30, Approving the Measure "A" Five Year Capital Improvement Plan Project List and Authorizing the City Manager to Execute the Maintenance of Effort Certification Statement.....	25
6.13.	Adopt Resolution 2021-29, awarding a Construction Agreement for Project No. 2016-11 "Ramsey Street and Hathaway Street Improvements" to All American Asphalt of Corona, CA in the amount of \$3,697,562.50 and establishing a total project budget of \$4,067,318.75 and rejecting all other bids .....	28
6.14.	Authorize City Manager to Enter Into a New Exclusive Negotiated Agreement with Grandave Capital, LLC for City-owned Property located at 200 S. Hathaway Street.....	32
6.15.	Butterfield Special Plan ("Atwell") Annual Review.....	34
6.16.	Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390 for the Maintenance of the City Owned Electric Distribution System .....	36
6.17.	Resolution 2021-22, Mapping Project – Amending Acculine, LLC Contract to the amount of \$400,000 for Continuation of Project Software Development and Field Inventory.....	38

## 7. **PUBLIC HEARING(S):**

None

## 8. REPORTS OF OFFICERS:

- 8.1. Adopt Resolutions approving: Mid-Year Budget Adjustments for Fiscal Year 2020-2021 for the City of Banning, Banning Utility Authority and Amending the Classification and Compensation Plan.....40  
(*Staff Report: Suzanne Cook, Deputy Finance Director*)

**Recommendation:** 1. Adopt Resolution No. 2021-17 approving the Mid-Year Budget Adjustments for Fiscal Year 2020-2021 for the City of Banning; 2. Adopt Resolution No. 2021-31 Amending the Classification and Compensation Plan; 3. Authorize the Administrative Services Director or designee to make necessary budget adjustments, appropriations, and transfers.

- 8.2. Resolution 2021-27, Approving a New Franchise Agreement between the City and Waste Management of the Inland Empire for the Collection, Transportation and Disposal of Solid Waste and to Proceed with Proposition 218 Notifications, and Scheduling a Proposition 218 Public Hearing..... 46  
(*Staff Report: Arturo Vela, Public Works Director*)

**Recommendation:** City Council adopt Resolution 2021-27 approving the following: 1. Approving a new Collection Services Franchise Agreement for the Provision of Residential and Commercial Garbage, Recyclable Materials and Organics Waste Collection, Transportation, Recycling and Disposal Services between the City and Waste Management of the Inland Empire. 2. Authorizing the City Manager, or his designee, in consultation with the City Attorney, to make any non-substantive revisions to the draft Franchise Agreement, that are consistent with the action of City Council. 3. Scheduling a Public Hearing for June 22, 2021 at 5 p.m. to consider all public protests related to the proposed rates in the Franchise Agreement. 4. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Prop 218 notification and public hearing process.

- 8.3. Animal Care and Shelter Services Agreement..... 53  
(*Staff Report: Doug Schulze, City Manager*)

**Recommendation:** Authorize the City Manager to execute the Animal Shelter Service Agreement with ARE Animal Rescue.

## 9. DISCUSSION ITEM(S)

- 9.1. Strategic I-10 Corridor Projects..... 55
- 9.2. Authorization of Additional Police Officers

## **10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items:

10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Golf Cart/EV Ordinance
5. Census/Redistricting/Demographer

## **11. CLOSED SESSION**

### **11.1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 548956.9 Name of Case and Case No.: City of Banning v. Terra Firma Enterprises, LLC, et al., Riverside Superior Court Case Number RIC2002049

### **11.2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 548956.9 Name of Case and Case No.: City of Banning v. Raymond Ngoc Huyhn, Trustee, et al., Riverside Superior Court Case Number RIC2002135

### **11.3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 548956.9 Name of Case and Case No.: City of Banning v. Jen H. Huang, et al., Riverside Superior Court Case Number RIC2002131

### **11.4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One (1) Case

## **12. REPORT ON CLOSED SESSION**

*City Attorney*

## **13. ADJOURNMENT**

***Next Meeting – May 11, 2021 at 5:00 p.m.***

**IT IS HEREBY CERTIFIED** under the laws of the State of California that the above Agenda was posted on the Banning City Hall Bulletin Board and the City's Website by 5:00 P.M. on the 22nd day of April 2021.

  
Caroline Patton, Deputy City Clerk

**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 their time 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 their time 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. Advanced notification of at least 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 at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. **Since City Hall is currently closed to the public due to COVID, please call (951) 922-3102 or email [cpatton@banningca.gov](mailto:cpatton@banningca.gov) to request information be mailed.**



**CITY OF  
BANNING OFFICE  
OF THE MAYOR**



# proclamation

**WHEREAS**, May 15, 2021, is the eleventh Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

**WHEREAS**, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks, public lands and waters; and

**WHEREAS**, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension and hypercholesterolemia; and

**WHEREAS**, the Coronavirus Pandemic has forced the cancellation of a great deal of programming, especially for children; and

**WHEREAS**, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

**WHEREAS**, the City of Banning will begin to offer increased outdoor programming in our parks, including a six-week soccer clinic for kids of all ages that will begin on May 15, 2021

***NOW THEREFORE**, the City Council of the City of Banning do hereby proclaim and designate the May 15, 2021, as **KIDS TO PARKS DAY** and urge all citizens to visit Banning Parks on Saturday, May 15, 2021 and throughout the year.*

**KIDS TO  
PARKS DAY  
NATIONAL PARK TRUST**

**ATTEST:**

*Dated this 27<sup>th</sup> day of April 2021*

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Caroline Patton, Deputy City Clerk

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Colleen Wallace, Mayor



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Caroline Patton, Deputy City Clerk

**MEETING DATE:** April 27, 2021

**SUBJECT:** Minutes of the April 13 and April 16, 2021 City Council Meetings

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### **RECOMMENDED ACTION:**

Approve the Minutes of the April 13, 2021 and April 16, 2021 City Council Meetings.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. [Minutes of the April 13, 2021 Regular City Council Meeting](#)
2. [Minutes of the April 13, 2021 Workshop Meeting](#)
3. [Minutes of the April 16, 2021 Special City Council Meeting](#)

Approved by:

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Douglas 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:** April 27, 2021

**SUBJECT:** Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of March 2021

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**RECOMMENDATION:**

Receive and file contracts approved under the City Manager's signature authority for the Month of March 2021.

**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 March 2021](#)

Approved by:

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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Deputy Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** April 27, 2021

**SUBJECT:** Receive and File Cash, Investments and Reserve Report for the Month of March 2021

### **RECOMMENDATION:**

That City Council receive and file Cash, Investment and Reserve Report for **March 31, 2021** in accordance with California Government Code 53646.

### **CASH AND INVESTMENT SUMMARY:**

Description		Prior Month	Current Month
<b>Funds Under Control of the City</b>			
Cash			
	Cash on Hand \$	4,155.00	\$ 4,155.00
	Checking and Savings Accounts \$	6,323,594.40	\$ 7,217,183.41
Investments			
	LAIF \$	39,669,409.52	\$ 39,669,409.52
	Brokerage \$	27,527,082.14	\$ 27,527,196.04
<b>Total Funds Under Control of the City</b>		<b>\$ 73,524,241.06</b>	<b>\$ 74,417,943.97</b>
<b>Funds Under Control of Fiscal Agents</b>			
US Bank			
	Restricted Bond Project Accounts \$	14,802,351.72	\$ 13,804,514.91
	Restricted Bond Accounts \$	4,867,983.67	\$ 4,820,126.99
Union Bank & SCPPA			
	Restricted Funds \$	4,169,595.79	\$ 3,823,091.08
<b>Total Funds Under Control of Fiscal Agents</b>		<b>\$ 23,839,931.18</b>	<b>\$ 22,447,732.98</b>
<b>Total Funds</b>		<b>\$ 97,364,172.24</b>	<b>\$ 96,865,676.95</b>

**RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:**

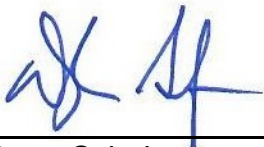
Description	Prior Month		Current Month	
<b>Total Funds</b>	<b>\$</b>	<b>97,364,172.24</b>	<b>\$</b>	<b>96,865,676.95</b>
Restricted Funds		42,952,094.68	\$	41,760,359.66
Assigned Funds - Specific Purpose		8,881,339.00	\$	8,881,339.00
Committed Funds - Specific Purpose		3,525,858.25	\$	3,525,858.25
Fund Balance Reserves		13,059,561.44	\$	13,059,561.44
<b>Total Restricted, Assigned, Committed and Reserve</b>	<b>\$</b>	<b>68,418,853.37</b>	<b>\$</b>	<b>67,227,118.35</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$</b>	<b>28,945,318.87</b>	<b>\$</b>	<b>29,638,558.60</b>
Less Accounts held in Investments	\$	27,527,082.14	\$	27,527,196.04
Liquid Cash	\$	1,418,236.73	\$	2,111,362.56

**ATTACHMENTS:**

1. [Cash, Investment and Reserve Report March 2021](#)
2. [Investment Report March 2021](#)
3. [City of Banning Broker Investment Report – March 2021](#)
4. [LAIF / PMIA Performance Report](#)
5. [LAIF Market Valuation Report March 2021](#)

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  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** April 27, 2021

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of March 2021

**RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **March 31, 2021**, per California Government Code Section 37208.

**WARRANT SUMMARY:**

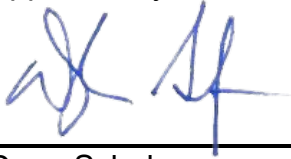
Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	177491-177813	\$ 2,196,687.61	
Voided / Reissue Check		\$ 1,103.50	
<b>Check Total</b>			<b>\$ 2,195,584.11</b>
<b>Wires Total</b>	1051		<b>\$ 1,112,085.30</b>
<b>ACH payments:</b>	9006963-9006980		
Payroll Direct Deposit	3/12/2021	\$ 424,393.43	
Payroll Direct Deposit	3/26/2021	\$ 415,678.85	
Other Payments		\$ 923,383.58	
<b>ACH Total</b>			<b>\$ 1,763,455.86</b>
<b>Payroll Checks:</b>	12273-12292		
Payroll - Regular	3/12/2021	\$ 1,122.96	
Payroll - Regular	3/26/2021	\$ 2,610.88	
<b>Payroll Check Total</b>			<b>\$ 3,733.84</b>
<b>Total Warrants Issued for March 2021</b>			<b>\$ 5,074,859.11</b>

**ATTACHMENTS:**

1. [Fund List](#)
2. [Warrant Report March 2021](#)
3. [Warrant Report Detail March 2021](#)
4. [Voided Check Log, Payroll Log & Registers – March 2021](#)

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

Approved by:



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Doug Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

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

**MEETING DATE:** April 27, 2021

**SUBJECT:** Public Works Capital Improvement Project Tracking List

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### **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

### **ATTACHMENT:**

1. [CIP Status List](#)

Approved by:

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Doug Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO: CITY COUNCIL**

**FROM: Douglas Schulze, City Manager**

**PREPARED BY: Matthew Hamner, Police Chief  
Angie Lam, Police Assistant II**

**MEETING DATE: April 27, 2021**

**SUBJECT: Receive and File Police Department Statistics for March 2021**

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**RECOMMENDED ACTION:**

Receive and File March 2021 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 March 2021](#)

Approved by:

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Douglas Schulze  
City Manager



**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:** April 27, 2021

**SUBJECT:** Receive and File Fire Department Statistics for March 2021

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**RECOMMENDED ACTION:**

Receive and File Fire Department statistics for March 2021.

**BACKGROUND:**

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

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. [Fire Statistics for March 2021](#)

Approved by:

---

Douglas Schulze  
City Manager





## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Ralph Wright

**MEETING DATE:** April 27, 2021

**SUBJECT:** Parks and Recreation Report of Monthly activities through March 2021

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### **RECOMMENDATION:**

That the City Council receive and file the monthly activities report.

### **BACKGROUND:**

In an effort to better track the participation levels of parks and recreation program offerings and the facilities usage for parks and recreation programs and services, staff developed a monthly report that would be used to compile our numbers, help tell our story and allow for easy comparison from year to year.

The nine-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming and special events. The report is aligned with the fiscal year, July through June and compiled each month.

Staff plans to bring the report to the Council after each quarter of the Fiscal Year. Attached in this item, is the March 2021 report that contains information through the 3<sup>rd</sup> quarter of FY 2020-21.

As the Council is aware, much of the parks and recreation programming has been canceled or modified during the coronavirus pandemic and staffing levels have been reduced. The March 2021 report shows that impact with prohibitions on almost all indoor programming and rentals, minimal offerings in sports and other than outdoor church services, and sports clinics, no field or park rentals. To ensure we could still reach our customers and provide senior services, staff modified our delivery of much of our programming, designed a Virtual Website with many activities for all ages and provided drive thru activities throughout the year.

Of note, the Senior Center has been closed for the past thirteen months. During this time, the congregate meal program was redesigned to deliver frozen weekly meals to our Seniors and participation in the meal program has seen a significant increase of nearly 130%. Similar growth in our Fill the Cupboard food pantry has taken place. Additionally, since the seniors have lost a significant opportunity to socialize, staff has increased their morning greeter program by nearly eight-fold during the pandemic to offer someone to talk to as well as connect seniors with needed services.

Recently, as the County has moved into the less restrictive tiers, staff has begun preparations to offer more outdoor programming including partnering with Banning United Soccer Academy to offer a six-week soccer clinic beginning May 15<sup>th</sup>. Additionally, we will be starting to offer more indoor activities in May with Zumba, dance classes and pickleball. Provided that the positive trend in coronavirus metrics continue and the County is able to move to the Yellow tier within the month and then perhaps removal of the tiered guidelines altogether, Staff plans to offer many of our traditional programs including a 9-week day camp, a full summer aquatics season as well as expanded indoor programming and private rentals.

**FISCAL IMPACT:**

There is no fiscal impact associated with receiving and filing of the monthly report.

**ATTACHMENT:**

1. [Parks and Recreation Monthly Report of Activities for March 2021](#)

Approved by:



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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  
Patrick Safari, Associate Engineer

**MEETING DATE:** April 27, 2021

**SUBJECT:** Authorize the City Manager to sign the Notice of Completion for Project No. 2020-03, "Building Demolition & New Parking Lot Construction" as complete and direct the City Clerk to record the Notice of Completion.

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### **RECOMMENDED ACTION:**

That the City Council accept Project No. 2020-03, "Building Demolition & New Parking Lot Construction" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

On September 8, 2020 City Council adopted Resolution 2020-113 awarding a Construction Agreement to Horizons Construction Company International, Inc. for Project No. 2020-03, "Building Demolition & New Parking Lot Construction". The project was approved in the amount of \$417,410.20 with a 10% contingency for a total project budget of \$459,151.22.

The scope for the construction of the new parking lot included site remediation for lead-based paint and asbestos abatement, demolition of an existing 4,000 sq.ft vacant 2-story building, construction of paved parking lot with thirty five (35) parking stalls and installation of four (4) Electric Vehicle charging stations.

One project change order was processed in the amount of \$34,903.70 to install a needed electric vault, trash enclosure side gate, miscellaneous concrete work and removal of an abandoned steel pipe and unknown building foundation.

**JUSTIFICATION:**

The lowest qualified bidder, Horizons Construction Company International, Inc. was awarded the contract and work was completed on March 19, 2021. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory, and that the contractor had met the required contract obligations.

**FISCAL IMPACT:**

The project was completed in the amount of \$452,313.90, within the approved 10% contingency. The project was funded through BEA Capital Funds Account 840-9500-369.99-98.

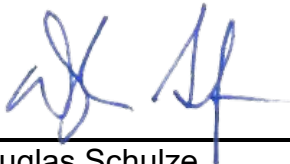
**ALTERNATIVE:**

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.

**ATTACHMENTS:**

1. [Notice of Completion](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

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:** April 27, 2021

**SUBJECT:** Approving Amendment No. 1 to the Agreement (C00623) for Backflow Services by and Between City of Banning and E.R. Block Plumbing, Inc.

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**RECOMMENDED ACTION:**

Staff Recommends that the Banning Utility Authority approve the amendment No. 1:

1. Approving Amendment No. 1 to the agreement between the City of Banning and E.R Block Plumbing, Inc. of Riverside, California for backflow testing and services. The amendment increases the term for four (4) additional years and adds an additional \$100,000 (\$25,000 per year) to the contract.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 1 to the agreement with E.R. Block Plumbing, Inc. for the Backflow testing services.
3. Authorizing the City Manager to execute Amendment No. 1 to the agreement.

**BACKGROUND:**

The City of Banning owns and operates its own water and wastewater systems, which includes the water conveyance system. Title 22 and Title 17 of the California Code of Regulations requires public water systems to use backflow prevention devices that have been laboratory and field tested by a recognized testing organization that has demonstrated its competency to the California Water Boards Department. The City of Banning currently charges customers with backflows a monthly fee of \$4 per month to cover the City's costs for performing testing and inspections and minor repairs on backflow devices on an annual basis.

**Vendor Selection Process**

The City of Banning issued a Request for Proposals (RFP) on October 24, 2019 through its Planet Bids website and received six proposals with E.R. Block Plumbing, Inc. submitting the lowest acceptable bid.

**JUSTIFICATION:**

On January 14, 2020 City adopted City Council Resolution No. 2020-02 UA, which authorized the City and Contractor to enter into that certain Agreement for Contract Services dated February 13, 2020 ("Agreement") whereby Contractor agreed to provide backflow testing services following Invitation for Bids No. 19-049.

Backflow testing services are needed to ensure the City's municipal water system remains protected from contaminants resulting from the waterflow in the reverse direction.

Staff will evaluate, on an annual basis, the services provided to the City by E.R. Block Plumbing, Inc. to confirm that it is appropriate to continue receiving said services.

**FISCAL IMPACT:**

Amendment No. 1 to the agreement between the City of Banning and E.R Block Plumbing, Inc. adds an additional \$100,000 (\$25,000 per year) to the contract for a total contract amount of \$125,000. The amount needed to fund the amendment is budgeted in Water Division Operational Fund, Account No. 660-6300-471.33-11 (Professional Services).

**ALTERNATIVE:**

1. Reject Amendment No. 1, which could potentially result in fines by the California Water Boards.

**ATTACHMENTS:**

1. [E.R. Block Plumbing Inc. Agreement](#)
2. [Amendment No. 1](#)

Approved by:



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Douglas Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

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

**MEETING DATE:** April 27, 2021

**SUBJECT:** Approving the Addition of One Vehicle to Support the City's Animal Control Services to the List of Vehicles for Fiscal Year 2021 pursuant to the Five (5) Year Master Equity Lease Agreement with Enterprise Fleet Management

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### **RECOMMENDED ACTION:**

Staff Recommends the following:

1. Approving the addition of one vehicle to the list of vehicles to acquire for Fiscal Year 2020/2021 pursuant to the Five (5) Year Master Equity Lease Agreement with Enterprise Fleet Management and authorizing the City Manager or designee to execute all required documents related to the Fiscal Year 2020/2021 vehicles acquisition list.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Vehicle Lease Program.

### **BACKGROUND:**

On June 23, 2020 City Council adopted Resolution 2020-80, approving the replacement and lease of vehicles for Fiscal Year 2021 pursuant to the five (5) year Master Equity Lease Agreement with Enterprise Fleet Management, staff reports and attachments are included as part of this report for reference and additional background.

Staff desires to amend the list of vehicles for Fiscal Year 2021 to add one vehicle to support the City's new animal control services and for the direct use by the City's Animal Control Officers.

The vehicle specifications were developed with cooperation from the Riverside County Animal Control Services staff as well as the Police Department. The vehicle to be acquired, if approved by City Council, is a 2021, Ford F-250, XL 4x2 Crew Cab with an 8-foot bed. The vehicle will be equipped with an animal control body that includes 6 animal

control compartments and appurtenances (e.g. doors, cages, storage, dead animal trays, exhaust ventilators, A/C system, lighting and fold out steps).

Staff also recommends, for consideration, that the City obtain a second vehicle, preferably slightly used, as a secondary vehicle to be used during times that the new vehicle is in the shop for routine preventative maintenance service and during times of unplanned repairs/service.

**JUSTIFICATION:**

It is staff's recommendation that the City's Animal Control officers be provided with one new animal control vehicle to provide reliable services to the community. The continued implementation of the Enterprise Equity Lease program will help reduce fleet operating costs (maintenance, fuel & repairs).

If approved, the vehicle can be delivered and equipped no later than July 1<sup>st</sup>, 2021.

**FISCAL IMPACT:**

The total monthly cost is \$914.93 which includes the lease payment and maintenance services. In addition, a one-time expense of \$33,841.50 will be due for the animal control body as described above. The one-time expense will be funded by Account: 001-2300-424.90-52 and the ongoing lease payments will be funded by Account: 001-2300-424.32-06.

Like the other vehicles previously approved for acquisition through Enterprise, at the end of the vehicle lease term (i.e. 5 years) the City will have the option to either purchase the vehicle at market value or sell the vehicle and apply the proceeds (i.e. resale value minus balance of vehicle) as a down payment for a replacement vehicle, which would in turn will lower the monthly lease payment.

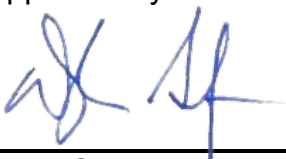
**ALTERNATIVE:**

Reject staff's recommendation and provide alternative direction.

**ATTACHMENTS:**

1. [Quote 1](#)
2. [Quote 2](#)
3. [Staff Report and Resolution 2020-80](#)

Approved by:



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Doug Schulze  
City Manager





## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

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

**MEETING DATE:** April 27, 2021

**SUBJECT:** Adopt Resolution 2021-30, Approving the Measure “A” Five Year Capital Improvement Plan Project List and Authorizing the City Manager to Execute the Maintenance of Effort Certification Statement

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### **RECOMMENDATION:**

That City Council adopt Resolution 2021-30, approving the Measure “A” Five Year Capital Improvement Plan (CIP) Project List and authorizing the City Manager to execute the Maintenance of Effort Certification Statement (“MOE Certification”).

### **BACKGROUND:**

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

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

In 2012, the City completed a data collection and mapping project of the City’s street network and in the process collected pavement surface distress data such as cracking, roughness, rutting, raveling/weathering, bleeding/flushing and deflection. The information along with traffic volume data is entered into assessment management software which is utilized to prioritize pavement rehabilitation projects.

As part of the yearly Measure “A” CIP list submittal, the City is required to submit a Project Status Report for projects previously approved by City Council in previous fiscal years that have not been completed. Attached hereto is the Project Status Report for FY 2020/21.

The Measure “A” Ordinance also requires annual certification that discretionary General Fund expenditures for transportation-related construction and maintenance activities for Fiscal Year 2021/2022 will meet or exceed the Maintenance of Effort (MOE) Certification base year amount and commitment to expending Measure “A” funds to projects identified in the City’s Five Year CIP. The MOE base year amount has been set to \$164,325. The MOE, attached hereto, must be signed by the City Manager and submitted to RCTC along with the Five-Year CIP.

**JUSTIFICATION:**

The City is required to submit a Five-Year CIP along with an executed MOE Certification annually to the RCTC in order to receive Measure “A” funds for street rehabilitation projects.

**FISCAL IMPACT:**

RCTC has estimated that the City of Banning will receive Measure “A” Funds totaling \$3,180,000 as follows for the next five years:

<u>Year</u>	<u>Estimated Amount</u>
2021/2022	\$624,000
2022/2023	\$630,000
2023/2024	\$636,000
2024/2025	\$642,000
2025/2026	\$648,000

**ALTERNATIVE:**

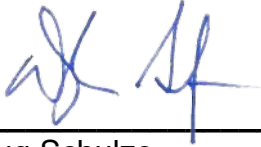
The City Council may choose not to adopt Resolution No. 2021-30, which would result in the City losing its Measure “A” entitlements.

**ATTACHMENTS:**

1. [Resolution No. 2021-30](#)
2. 5-Year Measure “A” CIP
  - 2.1. [FY 2021-22](#)
  - 2.2. [FY 2022-23](#)
  - 2.3. [FY 2023-24](#)
  - 2.4. [FY 2024-25](#)

- 2.5. [FY 2025-26](#)
- 3. [Project Status Report](#)
- 4. [Maintenance of Effort Certification Statement](#)

Approved by:



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Doug Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director/City Engineer  
Patrick Safari, Associate Engineer

**MEETING DATE:** April 27, 2021

**SUBJECT:** Adopt Resolution 2021-29, awarding a Construction Agreement for Project No. 2016-11 "Ramsey Street and Hathaway Street Improvements" to All American Asphalt of Corona, CA in the amount of \$3,697,562.50 and establishing a total project budget of \$4,067,318.75 and rejecting all other bids

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### **RECOMMENDED ACTION:**

That the City Council Adopt Resolution 2021-29:

1. Approving a Construction Agreement for Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements" to All American Asphalt of Corona, CA in the amount of \$3,697,562.50 and establishing a total project budget of \$4,067,318.75 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements," and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with All American Asphalt for Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements."

### **BACKGROUND:**

On December 12, 2016 under Resolution No. 2016-116, the City Council approved the Professional Services Agreement with Stantec Consulting Services, Inc. for the design of

the reconstruction and widening of Ramsey Street and Hathaway Street in the amount of \$254,512.

The 2016 original Professional Services Agreement has been amended four (4) times and includes:

- On December 12, 2017, Amendment No.1 to the 2016 Agreement was approved to extend the Agreement term to December 11, 2018.
- On December 12, 2018, Amendment No.2 to the 2016 Agreement was approved to extend the Agreement term to December 11, 2019.
- On April 14, 2020, Amendment No.3 to the 2016 Agreement was approved to increase compensation by \$25,200 and extend the Agreement term to December 11, 2020.
- On March 23, 2021, Amendment No.4 to the 2016 Agreement was approved to extend the Agreement term to June 30, 2022.

On January 9, 2018, Public Works Department approved a change order to the Professional Services Agreement with Stantec Consulting Services, Inc. for the preparation of temporary construction easements in the amount of \$19,200. The change order increased the contract amount to \$273,712.

On November 20, 2020, the City of Banning entered into a Development Agreement with Robertson's Ready Mix, Ltd and Matich Corporation. The Development Agreement seeks to resolve ongoing litigation between the parties by providing to the City certain financial benefits which include Robertson's contribution to the construction of this project. Robertson's scope will include installation of the final 2-inch Asphalt Concrete cap on Ramsey Street and Hathaway Street; construction of sidewalks along Hathaway Street from Ramsey Street to Nicolet Street and installation of striping along Ramsey Street and Hathaway Street.

Although the design phase was completed towards the latter part of 2019, delays were encountered during negotiations to acquire the necessary right-of-way and temporary construction easements from the affected property owners.

On February 25, 2021 Public Works and Purchasing staff advertised an Invitation for Bids (IFB No. 21-006) on the City's electronic bidding system ProcureNow. In response to these efforts, on April 5, 2021 the City received the following nine (9) bids:

<b><u>Companies</u></b>	<b><u>Price</u></b>
1) All American Asphalt	\$3,697,562.50
2) GMC Engineering, Inc.	\$3,737,000.00
3) Griffith Company	\$3,745,309.00
4) Weka, Inc.	\$3,756,659.00
5) Hardy & Harper, Inc.	\$3,944,000.00
6) Riverside Construction Co., Inc.	\$4,133,485.00
7) Los Angeles Engineering, Inc.	\$4,187,770.00
8) Trinity Construction	\$4,688,940.71

9) Pub Construction, Inc.

\$4,771,925.00

Purchasing staff has conducted reference checks on the apparent low bidder, All American Asphalt and found that the company is responsive and responsible on their contracts with other agencies on similar projects.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, All American Asphalt of Corona, California, in the amount of \$3,697,562.50. A copy of the bid schedule for the lowest bid can be found attached hereto.

If awarded, staff anticipates the work to commence toward the end of May, 2021 and to be completed within one hundred eighty (180) working days or approximately six (6) months from the issuance of a Notice to Proceed.

The scope of work under this project includes improving the intersection of Ramsey Street and Hathaway Street, which consists of construction and placement of new asphaltic concrete paving; grinding and overlay of existing asphaltic concrete pavement; construction of concrete sidewalk, ramps, gutters, spandrels, curbs, and driveway approaches; installation of storm drain facilities; installation of striping and signage, installation of new traffic control devices; installation of a new 12" Ductile Iron water main, hydrants, air vacs, etc. on Ramsey Street from Hathaway Street to the I-10 Freeway ramps; installation of electric utility improvements; installation of City of Banning monument sign and accompanying landscaping; and all in accordance with the City of Banning Standard Drawings, Standard Specifications for Public Works Construction and the Project Plans and Specifications.

#### **JUSTIFICATION:**

All American Asphalt is the lowest responsive and responsible bidder to construct Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements". The project will improve circulation at the intersection of Ramsey Street and Hathaway Street, will install a new water line along Ramsey Street, will improve electrical infrastructure and will rehabilitate the existing pavement along a portion of Hathaway Street from Ramsey Street to Nicolet Street.

#### **FISCAL IMPACT:**

The Construction Agreement for Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements" will be for a "not-to-exceed" amount of \$4,067,318.75 which includes a 10% contingency and will be funded by the following accounts:

ACCOUNT	AMOUNT (includes 10% contingency)
Bond Expenditure Account Account 840-9500-490.93-15	\$1,299,674.00
Measure A Account 101-4900-431.93-16	\$1,457,400.75
Water Operations Account 660-6300-471.95-10	\$250,000.00
Electric Improvement Fund Account 673-7000-473.96-37	\$1,060,244.00
<b>TOTAL</b>	<b>\$4,067,318.75</b>

An appropriation in the amount \$1,457,400.75 from the Measure A Fund and \$1,060,244.00 from the Electric Improvement Fund are required to fund the project.

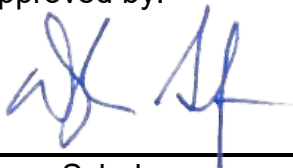
**ALTERNATIVE:**

Reject Resolution No. 2021-29. If rejected the various improvements as identified in this project will not be constructed at this time.

**ATTACHMENTS:**

1. [Resolution No. 2021-29](#)
2. [Approved Resolution 2016-116](#)
3. [Robertson's Development Agreement](#)
4. [Approved Amendment 1](#)
5. [Approved Amendment 2](#)
6. [Approved Amendment 3](#)
7. [Approved Amendment 4](#)
8. [All American Asphalt Bid Schedule](#)

Approved by:



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Doug Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** April 27, 2021

**SUBJECT:** Authorize City Manager to Enter Into a New Exclusive Negotiated Agreement with Grandave Capital, LLC for City-owned Property located at 200 S. Hathaway Street

---

### **RECOMMENDED ACTION:**

City Council adopt a motion authorizing the City Manager to execute a new Exclusive Negotiated Agreement with Grandave Capital, LLC for City-owned Property located at 200 S. Hathaway Street, known as Banning Municipal Airport.

### **BACKGROUND:**

Representatives from Grandave Capital, LLC approached City staff regarding a proposed development of City-owned property at 200 S. Hathaway Street, which includes Assessor Parcel Numbers 532-130-011, 012, and 018. This property is commonly known as Banning Municipal Airport. The proposed development would allow the airport to continue operating and greatly improve the condition and amenities for airport users.

An Exclusive Negotiated Agreement was authorized at the October 27, 2020 City Council meeting and that agreement expires April 30, 2021. While substantial progress has been made, the process has taken longer than anticipated and more time is required to complete the necessary and required tasks for a Development Agreement.

The October 27, 2020 ENA has been modified by changing the dates and status of deliverables. Grandave representatives and City staff have been conducting two conference calls weekly during 2021 and will continue to dedicate the time and resources required to move the project forward.

### **JUSTIFICATION:**

The Exclusive Negotiated Agreement is necessary to allow the developer to obtain project financing and move forward with due diligence and the entitlement process. The City can terminate the ENA with an appropriate notice to the developer in the event of insufficient



progress. Airport operations will not be impacted as a result of the ENA. In addition, the proposed development would bring a substantial number of quality jobs to Banning as well as generate revenue for the City.

**FISCAL IMPACT:**

The ENA requires the developer to deposit funds to be drawn down as expenses are incurred. Funds will be replenished as needed throughout the entitlement process.

**ATTACHMENTS:**

1. [ENA with Grandave Capital, LLC](#)
2. [Grandave Capital, LLC Statement of Information](#)
3. [Grandave Capital, LLC Articles of Incorporation](#)
4. [October 27, 2020 Exclusive Negotiated Agreement](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

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:** April 27, 2021

**SUBJECT:** BUTTERFIELD SPECIFIC PLAN (“ATWELL”) ANNUAL REVIEW

---

### **RECOMMENDED ACTION:**

Staff recommends that the City Council:

Receive and File the enclosed Annual Review for the Butterfield Specific Plan being developed by Tri-Pointe Homes as the *Atwell Master Planned Community*. In considering the Annual Review, the City Council finds and determines that Tri-Pointe Homes is proceeding in Good Faith in accordance with Section 12.1 of the Development Agreement and Government Code Section 65865.1.

### **PLANNING COMMISSION ACTION:**

The Tri-Pointe Development Agreement is under the sole jurisdiction of the City Council and as such, Planning Commission review is not required.

### **PROJECT DESCRIPTION:**

In accordance with Section 12, page 34, of the Development Agreement between the City of Banning (“City”) and Tri-Pointe Homes (“Developer”), which was entered into on March 27, 2012, with a subsequent revised effective date of February 9, 2015, the City is conducting its third annual review, following the commencement of construction, which is to review the performance of the agreement on or about each anniversary of the effective date of said agreement. The Developer has delivered the necessary information, reasonably requested by the City, regarding performance under the agreement. Staff has reviewed the information requested, performed a series of site inspections, and determined that Tri-Pointe Homes continues to demonstrate compliance with the Development Agreement. Furthermore, Tri-Pointe Homes continues to comply with the provisions and regulations of the Adopted Specific Plan, the Certified Environmental Impact Report, and the existing land use regulations set forth by the City, through the Banning Municipal Code and the Butterfield Specific Plan.

**ENVIRONMENTAL DETERMINATION:**

City staff has reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Maps are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 ("Subsequent EIRs and Negative Declarations"), a subsequent environmental document is not required.

**FISCAL IMPACT:**

The cost of preparing this report, the research, meeting coordination, and staff time associated with all aspects of the Pardee project are borne by the Developer through a reimbursement agreement with the City.

**OPTIONS:**

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

**ATTACHMENTS:**

1. [Annual Review Matrix](#)
2. [Pardee Development Agreement](#)
3. [Site Plan](#)

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:** April 27, 2021

**SUBJECT:** Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390 for the Maintenance of the City Owned Electric Distribution System

---

### **RECOMMENDED ACTION:**

Accepting the easements from Tri Pointe Homes for electric utility purposes on Assessor's Tract Map No. 37390 along Highland Springs Avenue and Landmark Way for the maintenance of the City owned electric distribution system.

### **BACKGROUND:**

Final Tract Map No. 37390 (Phase I) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tri Pointe Homes has constructed electrical improvements within these tracts 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. [Attachment 1 – Easements – 37390 PA 8 APN 408-120-034, 408-120-092 and TRA 001-005](#)
2. [Attachment 2 – Certificate of Acceptance](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

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  
Carla Young, Business Support Manager

**MEETING DATE:** April 27, 2021

**SUBJECT:** Resolution 2021-22, Mapping Project – Amending Acculine, LLC Contract to the amount of \$400,000 for Continuation of Project Software Development and Field Inventory

---

### **RECOMMENDED ACTION:**

Staff recommends amending the Acculine Consulting, LLC (Acculine) Contract for the mapping project to move into the Fiscal Years 2021-22 phases of the project. Acculine has completed more than one-third of the map points. This phase is continually growing as the Tri-Point development infrastructure and connection points increase.

### **BACKGROUND:**

On June 11, 2019, the City of Banning City Council adopted Resolution 2019-71 authorizing the electric utility director to complete a pilot mapping project including: project development, software, hardware, and contingency utilizing specific vendors. At that time specific consultants were identified to best serve the project. Acculine is the primary consultant to the completion of the project.

On December 19, 2019 the City of Banning Council adopted Resolution 2019-147 moving the Acculine contract into the design-build phase of the project. This phase was developed in order to capture initial and ongoing software savings and provide greater flexibility in designing workflow processes customized for Banning Electric Utility.

### **JUSTIFICATION:**

The results of the onsite design-build and discovery phases enabled Acculine Consulting for customized workflow design, development, and implementation. These savings have been redirected to software customization and field inventorying as previously approved. To date they have mapped over 6000 points. This phase is continually growing as the Tri-Point development infrastructure and connection points increase.

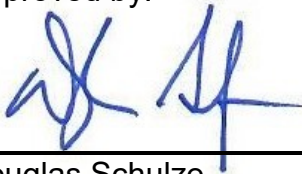
**FISCAL IMPACT:**

No additional fiscal impact as funds are available in the Mapping Project Budget.

**ATTACHMENTS:**

1. [Resolution 2019-71 \(Original Project Authorization\)](#)
2. [Resolution 2019-147 \(Redirecting Project Funds to Acculine Consulting\)](#)
3. [Resolution 2021-22 \(Continuation of Project Software Development and Field Inventory\)](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Deputy Finance Director  
A'ja Wallace, Budget & Financial Analyst

**MEETING DATE:** April 27, 2021

**SUBJECT:** Adopt Resolutions approving: Mid-Year Budget Adjustments for Fiscal Year 2020-2021 for the City of Banning, Banning Utility Authority and Amending the Classification and Compensation Plan

---

### **RECOMMENDED ACTION:**

1. Adopt Resolution No. 2021-17 approving the Mid-Year Budget Adjustments for Fiscal Year 2020-2021 for the City of Banning
2. Adopt Resolution No. 2021-31 Amending the Classification and Compensation Plan
3. Authorize the Administrative Services Director or designee to make necessary budget adjustments, appropriations, and transfers.

### **JUSTIFICATION:**

The budget is an evolving document throughout the fiscal year. Due to this reason, changes need to be made to the budget during the year to adjust the funds required to perform the necessary functions of the City. The proposed adjustments are based on reductions or increases in budgeted appropriations and estimated revenues due to various reasons which are outlined below.

### **BUDGET PROCESS**

As outlined in the City Council's adopted budget policies, the adoption of the budget is not the end of the budget process. To ensure execution of the Council's adopted policies, the City will use a formal reporting and review process to monitor and evaluate progress and assist in achieving stated objectives and priorities. The City will maintain a budgetary



control system to ensure compliance with the budget. The City will prepare quarterly status reports, Mid-Year Reviews and Mid-Cycle reviews comparing actual revenues and expenditures to the projected budgeted amounts. We do this to promote fiscal responsibility and the City's core values.

## **GENERAL FUND**

### Revenues:

- Reduction in cannabis tax revenue in the amount of \$350,000 due to delay in business opening. The delay will cause deferred revenue however, a full cost recovery is not expected.
- Reduction in CVC/court fees/fines & forfeits in the amount of \$70,000 due to COVID-19 closures.
- Reduction in sports and class related fees in the amount of \$19,100 within Parks and Recreation due to COVID-19 required closures.
- Various reductions within Police Services to adjust for projected shortfalls; \$245,751 from reimbursement for Police Services (School Resource Officer, PACT & RAID), \$27,000 reduction in parking fines due to COVID-19 stay at home order. \$130,000 from special overtime (pertaining to events that will not occur this fiscal year such as Stagecoach and Coachella).
- Reduction of \$300,000 from miscellaneous Fire Department fees that pertain to pre-stabilization medical fees due to program implementation challenges. Additionally, a reduction from pass zone noncompliance in the amount of \$15,000.
- Increase in General Fund revenue from unanticipated CARES Act Federal Aid in the amount of \$384,304.

**Table 1 General Fund Impact**

DETAIL	EXPENDITURE	REVENUE	TOTAL GENERAL FUND IMPACT
General Fund/Discretionary Requests	\$866,728	(\$738,825)	(\$1,605,553)
Proposed backfill-Transit	\$405,445		(\$405,445)
Proposed backfill-Streets	\$779,930		(\$779,930)
<b>TOTAL PROPOSED APPROPRIATION</b>	<b>\$2,052,103</b>	<b>(\$738,825)</b>	<b>(\$2,790,928)</b>

### Expenditures:

- The Police Department is proposing an increase for overtime in the amount of \$725,000 (current overtime has actuals of \$85,000 per month), \$25,000 for staff training, \$10,000 for tuition reimbursement, \$10,000 for repair/maintenance of vehicles, \$19,400 for radio transmission (RCIT invoices), \$11,000 for departmental supplies (emergency supplies for officers), \$5,000 for uniforms and \$122,831 for payouts that were not budgeted for (vacation, sick leave, compensatory leave, and holiday). Animal Control is proposing an increase in the amount of \$44,434 for a vehicle (\$10,927 for the annual lease and

\$33,407 for equipment). Animal Control will become an in-house division, thereby creating an offset from the previous contracted service (estimated annual savings of \$100,000).

**Table 2 Police Department/Animal Control Proposed Amendments**

DEPARTMENT	DETAIL	PROPOSED ADJ	TOTAL GF IMPACT
POLICE DEPARTMENT			
	Reimb For Police Svcs		(\$245,751)
	Parking Fines		(\$27,000)
	REV for Special Overtime line		(\$130,000)
	Special Overtime	(\$130,000)	
	Overtime	\$725,000	
	Payroll Savings	(\$210,000)	
	Staff Training	\$25,000	
	Tuition Reimbursement	\$10,000	
	Repair/Maint-Vehicles	\$10,000	
	Radio Transmission SVC	\$19,400	
	Departmental Supplies	\$6,000	
	Dept Supplies/Clothing	\$5,000	
	Special Dept Supplies	\$5,000	
	Comp Time Payoff	\$29,656	
	Vacation Payoff	\$33,902	
	Sick Leave Payoff	\$18,490	
	Holiday Payoff	\$40,783	
ANIMAL CONTROL			
	Vehicle *add new line item	\$42,000	
	<b>TOTAL POLICE SERVICES</b>	<b>\$630,231</b>	<b>(\$402,751)</b>
			<b>(\$1,032,982)</b>

- Planning is proposing an increase in the amount of \$10,000 for new contact costs associated with policy updates. Additionally, an increase is proposed for software maintenance/repair services in the amount of \$38,188 (\$8,400 Nobel Solutions annual license and \$29,788 for Dude Solutions annual license). \$22,013 is the proposed increase for payouts that were not budgeted and have no offsetting source within the fund (vacation, sick leave, holiday, and compensatory time).

**Table 3 Planning Department Proposed Amendments**

DEPARTMENT	DETAIL	PROPOSED ADJ	TOTAL GF IMPACT
PLANNING			
	Contract Services	\$10,000	
	Maintenance/Repair Software	\$38,188	
	Comp Time Payoff	\$8,974	
	Vacation Payoff	\$14,236	
	Sick Leave Payoff	\$6,211	
	Holiday Payoff	\$1,566	
	<b>TOTAL PLANNING</b>	<b>\$79,175</b>	<b>\$0</b>
			<b>(\$79,175)</b>

- Parks and Recreation is proposing an increase for salary associated line items including salaries/payroll in the amount of \$32,000, staff overtime in the amount of \$18,000 and

standby pay in the amount of \$16,000. Parks is proposing \$6,000 for park maintenance/grounds, \$4,400 for lease payments (Parks took over a lease from Transit) and \$9,000 for professional services in obtaining new grant opportunities (grant writing services). A General Fund project will be covered by a CDBG grant, thereby creating an offset for the proposed increases in the amount of \$40,000.

**Table 4 Parks and Recreation Proposed Amendments**

DEPARTMENT	DETAIL	PROPOSED ADJ	TOTAL GF IMPACT
PARKS & REC			
	Sports League Fees	(\$7,000)	
	Contract Class Fees	(\$12,100)	
PARKS			
	Salaries/payroll	\$32,000	
	Parks Staff OT	\$18,000	
	Parks Standby	\$16,000	
	Parks Maint Grounds	\$6,000	
	Lease/Purchase Payments	\$4,400	
	Contract Professional Svcs	\$9,000	
	Building Capital Improvement	(\$40,000)	
	<b>TOTAL PARK &amp; REC</b>	<b>\$45,400</b>	<b>(\$19,100)</b>
			<b>(\$64,500)</b>

- Safety and Emergency Operations is proposing an increase in the amount \$10,500 for professional grant services related to services provided for CARES Act funding.
- City Manager is proposing increases in the amount of \$3,000 for furniture for the Grants Coordinator and \$20,000 for professional services (consulting) due an increase in real estate transactions.
- The Finance Department is proposing an increase for professional services in the amount of \$22,700 for annual Cost Allocation Plan consulting services (FY 21-22, 22-23 & 23-24).
- The Fire Department is proposing an increase in the amount of \$6,000 to cover their vehicle lease through fiscal year end and \$16,000 in professional services to cover Wittman consulting services (Wittman handles the pre-stabilization fees and payments).

*\*See Attachment 1 for details regarding Department's proposed increases that do not contain a Table.*

## **SPECIAL REVENUE FUND**

### **Streets**

#### **Revenue:**

- Streets has a negative cash balance of \$779,930 that the General Fund will need to backfill.

#### **Expenditure:**

- Increase in overtime in the amount of \$10,000 due to unforeseen call outs.

## ***ENTERPRISE FUND***

### ***Transit***

#### Revenue:

- Transit has a negative cash balance of \$405,446 that the General Fund will need to backfill.

## ***CLASS AND COMPENSATION PLAN UPDATES***

### Add a position

- Building

#### **Full time Building Inspector, Salary range G62**

The Building division will reinstate and budget for a full-time Building Inspector.

This position performs a variety of duties associated with performing building, plumbing, electrical and mechanical inspections for residential and commercial buildings. The Tri-Pointe Settlement will fund this position, thereby creating salary savings for the General Fund.

### Reclassification

- Human Resources

#### **Full time Human Resource Manager, Salary range T85**

The Human Resources Manager is responsible for developing, implementing, evaluating and administering the City's personnel policies, programs, services and systems. The position is also responsible for ensuring organizational development principles are applied to employee practices and administration of the City's Risk Management program. The Director serves as a resource to the City Manager, City Council, other governmental agencies and the general public.

## **FISCAL IMPACT:**

Recommended FY 2020-21 Mid-Year budget adjustments are illustrated below. Additionally, see Attachment 1 for details regarding requested items by department, account number and with justification.

## **General Fund**

DETAIL	EXPENDITURE	REVENUE	TOTAL GENERAL FUND IMPACT
General Fund/Discretionary Requests	\$866,728	(\$738,825)	(\$1,605,553)
Proposed backfill-Transit	\$405,445		(\$405,445)
Proposed backfill-Streets	\$779,930		(\$779,930)
<b>TOTAL PROPOSED APPROPRIATION</b>	<b>\$2,052,103</b>	<b>(\$738,825)</b>	<b>(\$2,790,928)</b>

### Citywide

DETAIL/FUND	EXPENDITURE	REVENUE	TOTAL FISCAL IMPACT
General Fund/Discretionary	\$2,052,103	(\$738,825)	(\$2,790,928)
Enterprise Fund	\$0	\$405,445	\$405,445
Special Revenue Fund	\$10,000	\$779,930	\$769,930

### OPTIONS:

1. Adopt Resolutions approving the Proposed Mid-Year Budget adjustments and amendments to the Classification and Compensation Plan.
2. Provide direction to staff on amending the Proposed Mid-Year Budget Adjustments for Fiscal Year 2020-21.

### ATTACHMENTS:

1. [Detailed Proposed Budget Amendments for FY 2020-2021](#)
2. [Resolution No. 2021-17 approving the Mid-Year Budget Adjustments for Fiscal Year 2020-2021 for the City of Banning](#)
3. [Adopt Resolution No. 2021-31 Amending the Classification and Compensation Plan](#)
  - a. [Job Descriptions for Building Inspector and HR Manager](#)
  - b. [Class and Compensation Plan](#)
4. [Position Costs for Building Inspector](#)



## **CITY OF BANNING REPORT OF OFFICERS**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Holly Stuart, Management Analyst

**MEETING DATE:** April 27, 2021

**SUBJECT:** Resolution 2021-27, Approving a New Franchise Agreement between the City and Waste Management of the Inland Empire for the Collection, Transportation and Disposal of Solid Waste and to Proceed with Proposition 218 Notifications, and Scheduling a Proposition 218 Public Hearing

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### **RECOMMENDED ACTION:**

City Council adopt Resolution 2021-27 approving the following:

1. Approving a new Collection Services Franchise Agreement for the Provision of Residential and Commercial Garbage, Recyclable Materials and Organics Waste Collection, Transportation, Recycling and Disposal Services between the City and Waste Management of the Inland Empire.
2. Authorizing the City Manager, or his designee, in consultation with the City Attorney, to make any non-substantive revisions to the draft Franchise Agreement, that are consistent with the action of City Council.
3. Scheduling a Public Hearing for June 22, 2021 at 5 p.m. to consider all public protests related to the proposed rates in the Franchise Agreement.
4. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Prop 218 notification and public hearing process.

### **BACKGROUND:**

The City of Banning entered into a Franchise Agreement (“Existing Agreement”) for the Collection, Transportation and Disposal of Solid Waste with Waste Management of the Inland Empire (WM) in 1993. Since its original adoption, the Existing Agreement has been

amended on five (5) occasions extending the term of the Existing Agreement and modifying the scope of services. Currently, the Existing Agreement is scheduled to expire on June 30, 2021.

In preparation of this fast-approaching expiration, on March 19, 2019, staff presented the future of the solid waste collection, transportation and disposal services, to the Budget & Finance Committee. Information included as part of this presentation addressed State regulations and unfunded mandates, financials, schedules, and rates. As a result of this meeting, the Committee directed staff to proceed with negotiating a new franchise agreement with the City's current hauler, Waste Management.

Following this directive, in September of 2019, staff solicited proposals from qualified firms to assist the City with identifying deal points, draft a new franchise agreement and assist with negotiations to ensure that the City provides solid waste collection services that are comparable to industry standards, as well as, compliant with applicable regulations such as Assembly Bills 939, 341, 1826 and Senate Bill 1383.

As a result of the solicitation process, R3 Consulting Group, Inc. ("R3 Group") was identified as the most qualified firm to provide the services and was awarded a professional services agreement. Consequently, City staff and R3 Group developed deal points which set the foundation for a new franchise agreement. Since that time, City staff along with R3 Group have been in negotiations with Waste Management.

### **JUSTIFICATION:**

The term of the Existing Agreement expires June 30, 2021. In addition to this fast-approaching expiration date, it is also necessary to obtain a New Agreement that addresses existing unfunded mandates including Assembly Bill (AB) 341 and AB 1826, as well as the newly adopted Short-Lived Climate Pollutants mandate, Senate Bill 1383 (SB 1383). SB 1383 requires cities to implement organics services to all residential and commercial accounts by January 1, 2022. Additionally, the City will be required to conduct related education and outreach; establish edible food recovery programs; monitor compliance; and conduct enforcement related to the bill. As a result, and in addition to the upcoming expiration, it is necessary to address the franchise scope and services.

In negotiating the New Agreement, staff considered State legislation and CalRecycle regulations, key elements, terms, and rates as described in detail below. The draft New Agreement is attached hereto. In finalizing the New Agreement and negotiation process, staff requests authorization, in consultation with the City Attorney, to make any non-substantive revisions that are consistent with the action of the Council.

Key Elements:

As part of the negotiation process, existing programs and solid waste expenditures were considered. Essentially, through the negotiation process, it was determined that all programs will generally remain the same with the addition of a few key elements.

Currently, the billing and collection process is administered in-house by the City of Banning Utility Billing Division. Although Banning staff will be available to respond to service calls and inquires, the billing and collection function will be transferred to WM, with the hauler being responsible for the process. This will include any account additions, deletions, or adjustments. The benefit with WM performing the billing and collection activities include: streamline the process for new accounts, account changes and closing of accounts; efficient and accurate records keeping that will benefit all parties during audits and reporting for compliance with regulations; and reduction in the volume of customer calls and workload for the City's Utility Billing Department which is currently inundated with work.

Another key element addressed by the New Agreement is the collection and services offered by the waste hauler to businesses, multi-family complexes and residential accounts. In brief, existing mandatory commercial recycling legislation, AB 341, requires commercial recycling be provided to businesses generating four (4) cubic yards or more of waste and multi-family complexes with five (5) or more units, to recycle and implement recycling programs. These services are currently available to commercial accounts as mandated by the bill, but at this time it is voluntary for businesses to acquire recycling services. Due to the voluntary participation in recycling services by the customer, the City has not been able to reach full compliance with AB 341.

Following AB 341, and to further support the State's goals, mandatory organics commercial recycling law, AB 1826, was adopted and implemented in April of 2016. This bill required the phasing in of organics services and programs to businesses and multi-family complexes that generated specific thresholds of waste. The last phase of AB 1826 became effective January 1, 2021, requiring customers generating two (2) cubic yards of solid waste or more, to obtain organic services and/or implement programs. Under the Existing Agreement, mandatory services are available to covered accounts through the hauler; however, similar to AB 341, the City has not fully reach compliance with AB 1826.

To further build on AB 341 and AB 1826, on January 1, 2022, the new unfunded SB 1383 State mandate becomes effective. Unlike AB 341 and AB 1826, SB 1383 extends and requires all accounts to obtain organics services and programs, including residential accounts. Although SB 1383 is applicable to all accounts, de minimis waivers may be granted to business accounts if more than two (2) cubic yards of solid waste is generated but less than twenty (20) gallons of organics waste is generated per week. Additionally, if business accounts generate less than two (2) cubic yards of solid waste per week and less than ten (10) gallons of organics, then a waiver may be applicable. Other than these identified threshold exemptions, all accounts are covered by the new legislation and it is mandated by the State for organic services to be provided.



If approved, following the adoption of the New Agreement, the City will update Title 8, Healthy and Safety, Section 8.28, Garbage Collection and Disposal of its municipal code through an adoption of a new ordinance. This item will be presented to City Council in the following months and will incorporate State mandates and requirements of AB 341 and 1826, as well as SB 1383, addressing items such as exemptions, mandatory collection services, and enforcement mechanisms.

With the New Agreement, at a minimum, all residential accounts will be provided a bundled package and rates with services including a 96-gallon trash, 96-gallon recycle and 96-gallon organics container to be serviced on a weekly basis. Regarding business accounts, at a minimum, a bundled service will be provided and include a 3-yd trash, 96-gallon recycle and 64-gallon organics containers to be serviced on a weekly basis, unless a de minimis waiver is approved. It is anticipated that with the implementation of bundled rates, that the City may obtain near 100% compliance with the new mandate.

The last key element that was addressed is delinquent accounts and the ability to collect past due payments. The New Agreement will allow for action to be pursued for the collection of non-payments through the Assessor's Tax Roll following a noticed hearing process. This new element, on an annual basis, will allow the waste hauler and City to collect outstanding revenues for services provided. The waste hauler is responsible for preparing, at no cost to the City, all required information, reports, notices, and materials. The City will be responsible for administering the public hearings.

#### New Terms:

The term of the New Agreement is for a twenty (20) year period beginning July 1, 2021 and ending June 30, 2039. Additionally, if not in default of the New Agreement, WM may request two (2) separate and sequential five-year term extensions to the initial term, possibly extending the term to June 30, 2049. The franchise fee will increase from 10% to 12.5% and is based on monthly gross revenues.

A one-time franchise fee payment in the amount of \$4,500,000 will be paid to the City at the beginning of the term. The franchise fee, both the initial payment and the ongoing monthly payments, will support solid waste related activities such as the in-house administration of the solid waste programs (e.g. consultant services, solid waste contract administration, etc.), enforcement of ordinances, street rehab projects due to impacts to roads related to waste collection vehicles, trash amendment inlets to comply with storm water regulations, cleanup of illegal dumping within City rights-of-way, street sweeping operations, and customer service calls.

The terms also include an AB 939/Legislation Support annual fee in the amount of \$300,000. This fee is due on an annual basis beginning July 1, 2021 and will assist in funding the City's Solid Waste Program Coordinator position and related activities such as compliance monitoring through administrative and field audits; education and outreach programs; program tracking software and account maintenance; consultant support

services; analysis and studies; planning and monitoring of legislation and so forth. These efforts are also supported by revenues collected from the franchise fee.

Finally, as mentioned above, the billing and collection process will be handled by the waste hauler. As a result, the associated 11% of gross revenues currently collected by the City for this administration process will no longer be included.

Rates:

On July 1, 2021, if approved through the Prop 218 process, the attached proposed rates associated with the New Agreement will be effective.

As written in the New Agreement, the service component may be adjusted annually by the percent change in the Riverside-San Bernardino-Ontario Index and is calculated using the change in the 12-month average between the January to December period of the previous year. The total increase to the service component cannot exceed four percent (4%) nor be less than one percent (1%) over the last reporting period. Any percent overage or decrease not applicable during the adjustment period shall be carried over into any succeeding year until such time as it may be applied.

The disposal component may be adjusted annually based on the tipping fees charged by approved disposal site(s). Likewise, recyclable and organics waste processing components may be adjusted annually based on the "per ton processing fee" charged by the approved facility(ies). In regard to the disposal, recycling and organic waste processing components, increases or decreases related to Waste Management-owned or operated facilities, or its affiliates, cannot exceed four percent (4%) nor be less than one percent (1%) unless the fees are set or adjusted by a public agency. Any percent overage or decrease not applicable during the adjustment period shall be carried over into any succeeding year until such time as it may be applied.

In addition to annual adjustments, WM shall also be entitled to request an adjustment to the Schedule of Rates to address extraordinary changes in costs for providing services required under the New Agreement. Extraordinary adjustments may be requested no more than once per rate year and shall be accompanied by substantial proof and supporting justification.

Regarding the residential rates, the proposed overall increase over the existing rates is approximately 7.8%, increasing the monthly rate from \$22.96 to \$24.75. As part of the new rate, bundled services will be provided to all residents weekly and include 96-gallon trash, 96-gallon recyclable, and 96-gallon organics containers. In addition to the \$24.75/month that will be effective July 1, 2021, with the approval of the New Agreement, the residential rate will increase by an additional \$2.72, which will be phased in over a two-year period. The predetermined increases are directly related to the organics portion of the bundled rate and is a result of the implementation of new residential organics programs and related organics processing fees. Beginning July 1, 2022, the residential rate will increase by an additional \$1.36 to \$26.11 per month. Beginning July 1, 2022,

the residential rate will increase by an additional \$1.36 to \$27.47 per month. As a result, in consideration of the predetermined increases, by July 1, 2023, the existing rate will increase by approximately 19.6% from the current rate of \$24.75.

	Existing Rate	Proposed Rate Effective 7/1/21	Proposed Rate Effective 7/1/22	Proposed Rate Effective 7/1/23
Residential Bundled Rates 96-gallon recycle, 96-gallon organics & 96-gallon trash services one-time per week pick-up	\$22.96	\$24.75	\$26.11	\$27.47

Regarding the commercial rates, the proposed overall increase for commercial services is approximately 20% and the proposed overall increase for roll-off services is approximately 40%. All commercial rates are reflected in the attached rate schedule.

	Existing	Proposed
Bundled Service Rate (3-yd trash, 96-gallon recycle, 64-gallon organics) 1x per week pick-up	N/A	\$227.53
3-yd Commercial Trash, 1x per week pick-up	\$129.35	\$156
3-yd Commercial Recycle, 1x per week pick-up	\$117.70	\$141.95
64-gallon Commercial Organics, 1x per week p/u	\$49.75	\$60
40-yd Roll-off + landfill tipping fee	\$236.72	\$331.41

The approval of the New Agreement is contingent upon City Council's approval of the new terms and rates. If approved, staff will pursue a Prop 218 hearing to consider the new rates and will notify all property owners and rate payers of the New Agreement and rates. Tentatively, Prop 218 notifications will be mailed no later than May 7, 2021. Following the 45-day required noticing period, the rates will be tentatively scheduled to be considered by City Council on June 22, 2021. At this time, if City Council approves the New Agreement, then it will be effective July 1, 2021. If the rates are approved following the Proposition 218 notices and hearing that is scheduled for June 22, 2021, then rates will be effective on July 1, 2021. If the rates are not approved, then staff will pursue measures outlined in the New Agreement that identifies a process for either considering different rates or terminating the agreement.

**FISCAL IMPACT:**

The term of the New Agreement is for twenty (20) years, with extension options allowing for two (2) separate and sequential five-year term extensions to the initial term. Per the terms of the New Agreement, an initial one-time lump sum Franchise Fee payment will be made to the City in the amount of \$4,500,000. An ongoing Franchise Fee payment of 12.5% of gross revenues shall be paid monthly and is estimated to be \$540,000 per year. The New Agreement also includes an Annual AB 939 Support Fee in the amount of \$300,000 that will be paid to the City.

Regarding the Prop 218 notifications, the Refuse Enterprise Fund Account No. 690-9600-453.23-01 (Advertising/Publishing) will be utilized to cover the costs associated with printing and mailing the notifications.

**OPTIONS:**

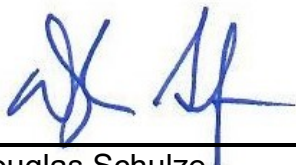
Reject the proposed New Agreement and negotiated terms with Waste Management. If rejected, as an alternative, City Council may direct staff to formally solicit competitive bids and award to the lowest, most qualified bidder.

In order to solicit competitive bids, it would be necessary to allow approximately 12-months for its completion, dedicating 8-months for staff to pursue bids and include an additional 4-months for a transitional period should a new hauler be awarded the solid waste franchise agreement. With this option, the adoption of a new franchise agreement will occur after the January 1, 2022 SB 1383 deadline and an extension of the Existing Agreement would be required.

**ATTACHMENTS:**

1. [Resolution 2021-27](#)
2. [Draft Franchise Agreement](#)
3. [Proposed Banning Rates](#)
4. [Residential Rate Comparison of Surrounding Areas](#)
5. [Commercial Rate Comparison of Surrounding Areas](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** April 27, 2021

**SUBJECT:** Animal Care and Shelter Services Agreement

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### **RECOMMENDED ACTION:**

Authorize the City Manager to execute the Animal Shelter Service Agreement with ARE Animal Rescue.

### **BACKGROUND:**

On March 26, 2021, the City Council approved a ground lease agreement with ARE Animal Rescue for the City-owned Animal Shelter property. ARE Animal Rescue has expressed interest in operating the animal shelter. In addition, ARE has several years' experience operating an animal rescue. At the April 13, 2021 City Council meeting, the City Council directed modification of the Animal Services Agreement with ARE Animal Rescue to address pet licensing.

A discussion with ARE Animal Rescue occurred on Monday, April 19 and it was agreed that the City of Banning will retain all animal licensing responsibility and revenue generated from animal licensing fees. The Agreement has been updated to reflect this change.

The Service Agreement is a five -year term and includes an additional one-time extension of five years. Compensation is based on the current rates/fees established by the City of Banning, plus annual compensation of \$60,000 to be paid on a quarterly basis.

ARE Animal Rescue will operate the shelter as the primary shelter for City of Banning Animal Control Services. Residents of Banning will be able to recover impounded animals locally and adopt pets from the shelter. Our goal is to improve animal control services in the community by increasing the level of service with more animal control hours and local animal sheltering.

### **JUSTIFICATION:**

The City Council has authorized notification of intent to not renew the animal care services agreement with Riverside County, which is effective July 1, 2021.

**FISCAL IMPACT:**

The current contract with Riverside County costs the City of Banning \$325,000 annually and services are extremely limited. In addition, impounded animals are sheltered outside of Banning requiring pet owners to travel significant distances to recover impounded pets. During the first year of operation, annual savings is projected to be \$25,000 - \$50,000. Savings in years two through five are projected to be in excess of \$50,000.

**OPTIONS:**

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

**ATTACHMENTS:**

1. [Animal Care and Shelter Service Agreement](#)

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO: CITY COUNCIL**

**FROM: Doug Schulze, City Manager**

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

**MEETING DATE: April 27, 2021**

**SUBJECT: Consideration of the I-10 Corridor Strategic Plan Concept and  
Authorize Mayor Wallace to Coordinate with Area  
Stakeholders**

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### **RECOMMENDATION:**

That City Council support the I-10 Corridor Strategic Plan concept and authorize Mayor Wallace to coordinate with area stakeholder in these regional efforts.

### **BACKGROUND:**

As the San Geronio Pass ("Pass") continues to develop, the prosperity and quality of life in the region will be challenged from a number of fronts including transportation. Transportation in the Pass is one of the key elements that impact social, economic and environmental goals of not only the City of Banning, but the region, primarily along the I-10 corridor.

Transportation impacts related to local and regional development due not respect political boundaries and spill-over across the region and therefore there is a need to support and synchronize local transportation objectives. A holistic approach to address transportation issues at a regional level must be coordinated at all levels of government and with multiple partners and stakeholders.

An I-10 Corridor Strategic Plan could achieve a collective vision of a region of communities, which for these specific efforts, would include the Cities of Calimesa, Beaumont and Banning as well as the Morongo Band of Mission Indians and the County of Riverside (District 5).

The I-10 Corridor Strategic Plan, amongst other things, would set out to look at highway improvements and “regional roads”, transit operations, active transportation, bicycle and pedestrian systems.

**JUSTIFICATION:**

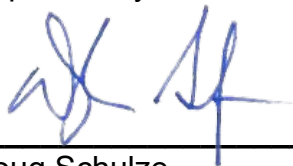
A regional transportation plan such as the conceptual I-10 Corridor Strategic Plan can a beneficial planning document that would identify transportation deficiencies, priorities, timing, cost estimates and funding sources for al modes of transportation. Such as plan could also strengths stakeholders’ opportunities for obtaining competitive funding for transportation projects.

If authorized to do so, Mayor Wallace would be the lead person to work with the Mayors of the Cities of Calimesa and Beaumont and the leadership of Morongo and Supervisor Hewitt.

**FISCAL IMPACT:**

Discussion will continue amongst the stakeholders to identify the scope of work of the I-10 Corridor Strategic Plan and estimated costs for it’s development. Staff opines that this endeavor could potentially be funded through grant funds such as the California Department of Transportation (Caltrans) Sustainable Transportation Grant Program.

Approved by:



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Doug Schulze,  
City Manager