



## AGENDA

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

May 11, 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#

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*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 Damon Allen of First Missionary Baptist Church*

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. Mayor's Special Recognitions  
*(Mayor Wallace)*
- 3.2. Legislative Update  
*(Doug Schulze, City Manager)*
- 3.3. Banning Police Department Mounted Unit .....7  
*(Jeff Horn, Police Captain)*

**4. REPORT ON CLOSED SESSION**

- 4.1. City Attorney

**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

RCTC Committee

- 5.4. CITY COUNCIL COMMITTEE REPORTS

- 5.5. CITY MANAGER REPORT

- 5.6. CITY ATTORNEY REPORT

**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 – 6.9.**

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

- |      |   |           |
|------|---|-----------|
| 6.1. | Minutes of the April 27, 2021 City Council Meetings.....  | <b>9</b>  |
| 6.2. | Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Automobile and Equipment Parts “Not to Exceed” an Annual Aggregate of \$60,000 for Fiscal Years 2022, 2023, 2024 and 2025.....   | <b>10</b> |
| 6.3. | Accept the Well C4 Emergency Generator related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration.....  | <b>13</b> |
| 6.4. | Approving Amendment No. 5 to the Purchase Order with Babcock Laboratories of Riverside, California for Water/Wastewater Laboratory Analytical Testing Services in the amount of \$42,000 for a total Purchase Order Amount of \$102,000 .....   | <b>15</b> |
| 6.5. | Approving the First Amendment to the Custodial Services Agreement with Dynamic Building Maintenance of Riverside, California for Municipal Facility Maintenance for Fiscal Year 2022 in the amount of \$79,213 .....  | <b>18</b> |
| 6.6. | Adopt Resolution 2021-36, Approving a List of Projects to be Funded for Fiscal Year 2021/2022 by SB 1 “The Road Repair and Accountability Act of 2017” .....  | <b>21</b> |
| 6.7. | Resolution 2021-28 Approving an Amendment to the Professional Services Agreement with Innovative Federal Strategies, LLC to Provide Federal Legislative Advocacy and Government Affairs Services for a Term of Three (3) Years ending June 30, 2024 .....   | <b>23</b> |
| 6.8. | Adopt Resolution 2021-37, Approving Amendment No. 3 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Increase the Total Compensation by \$850,000 and to Extend the Term of Agreement through June 30, 2022 for Plan Check, Inspections and Related Administrative Services ..... | <b>25</b> |
| 6.9. | Resolution 2021-35, Approving Revisions to the Compensation and Classification Plan .....   | <b>28</b> |

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

None

**8. REPORTS OF OFFICERS:**

- 8.1. Approve the Software Agreement and Sole Source Purchase of the Online Priority Based Budgeting (PBB) Software System from Resource Exploration LLC (ResourceX) for a Period of Four (4) Years in the Amount of \$140,000.**30**

*(Staff Report: Suzanne Cook, Deputy Finance Director)*

**Recommendation:** 1. Approve the Software Agreement and sole source purchase of the online Priority Based Budgeting (PBB) software system from Resource Exploration LLC (ResourceX) for a period of four (4) years in the Amount of \$140,000.00. 2. Authorize the City Manager to execute Software Agreement with ResourceX for the online PBB software system. 3. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for the online PBB software system.

- 8.2. Resolution 2021-33 Approving an Agreement for Three Years for Fire Services with Riverside County Fire Department.....**33**  
*(Staff Report: Todd Hopkins, Fire Marshal)*

**Recommendation:** Adopt a Resolution Approving an Agreement for Three Years for Fire Service with Riverside County Fire Department.

- 8.3. Public Art Proposals.....**35**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** A motion authorizing the City Manager to proceed with the proposed public art projects.

- 8.4. Development Impact Fee Credit Implementation Agreement with Tri Pointe Homes IE-SD, Inc. in connection with the Atwell Project.....**37**  
*(Staff Report: Arturo Vela, Public Works Director)*

**Recommendation:** Staff recommends the City Council adopt Resolution 2021-38, A Resolution of the City Council of the City of Banning Approving a Development Impact Fee Credit Implementation Agreement with Tri Pointe Homes IE-SD, Inc. ("Tri Pointe") in connection with the Atwell Project allowing "credit" against required Development Impact Fees if Tri Pointe builds certain public infrastructure facilities.

- 8.5. Consider Proposed Ordinance to Update the Local Development Mitigation Fee (LDMF) for Funding the Preservation of the Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).....**41**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Conduct first reading of Ordinance No. 1572, amending and updating the local Mitigation Fee (LDMF) for Funding the Preservation of Natural Ecosystems in Accordance with the Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

- 8.6. Ordinance 1573, Rescinding Ordinance 1522, and Amending the Banning Municipal Code Title 6 Animal Code .....**45**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** Staff recommend the City Council 1) Approve Ordinance 1573, rescinding Ordinance 1522 and Amending the Banning Municipal Code Title 6, Animal Code.

**9. DISCUSSION ITEM(S)**

None

**10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items:

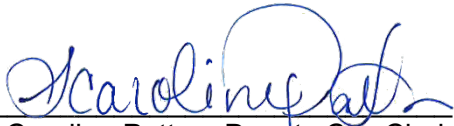
10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Golf Cart/EV Ordinance
5. Census/Redistricting
6. Cannabis Microbusiness/More dispensaries
7. Revenue Generation Ideas

**11. ADJOURNMENT**

***Next Meeting – May 25, 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 6th day of May 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 CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Matthew Hamner, Chief of Police

**PREPARED BY:** Jeff Horn, Captain

**MEETING DATE:** May 11, 2021

**SUBJECT:** Banning Police Department Mounted Unit

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### **RECOMMENDED ACTION:**

This is Information and an Introduction to the newly created volunteer Banning Police Department Mounted Unit

### **BACKGROUND:**

The Banning Police Department would like to introduce a new volunteer unit to the department. The Mounted Patrol or Mounted Posse. Our first two members are Coby Webb and Richard Hamilton. They are excited to give back to the Banning Community and will serve as excellent ambassadors for the inaugural launch of the program. This unit will be utilized for special events and law enforcement functions as prescribed by the City of Banning and the State of California. The unit allows members of the public to give back to the City and would take part in ceremonial activities, celebrations, and parades. Members of this unit will supply their own horse and tack and equipment for the equine. The horse and rider would need certification before joining the unit. The department is working on a draft operational procedure manual for the unit (draft is attached).

### **JUSTIFICATION:**

This is informational only. Staff are not requesting Council Action.

### **FISCAL IMPACT:**

There will be some cost associated with the Mounted Patrol. The Banning Police Department will purchase a specific piece of the tack for the horse that designates they are part of the Mounted Unit. The Mounted Unit will save personnel costs by staffing events that would normally require a sworn position. The Mounted Unit is equipped to

handle pedestrian traffic and dealing with crowd control more effectively than an officer on foot or in a patrol car.

**ATTACHMENT:**

1. Draft Operational Manual for Banning PD Mounted Patrol  
<https://banningca.gov/DocumentCenter/View/8716/Banning-Mounted-Patrol-Draft-Operational-Manual>

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:** Caroline Patton, Deputy City Clerk 

**MEETING DATE:** May 11, 2021

**SUBJECT:** Minutes of the April 27, 2021 City Council Meetings

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**RECOMMENDED ACTION:**

Approve the Minutes of the April 27, 2021 City Council Meetings.

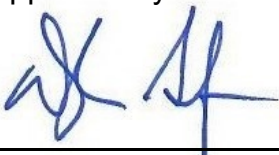
**OPTIONS:**

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

**ATTACHMENTS:**

1. Minutes of the April 27, 2021 Workshop Meeting  
[https://banningca.gov/DocumentCenter/View/8709/ATT-1-20210427\\_Minutes\\_Special-Workshop-Meeting](https://banningca.gov/DocumentCenter/View/8709/ATT-1-20210427_Minutes_Special-Workshop-Meeting)
2. Minutes of the April 27, 2021 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/8708/ATT-2-20210427\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/8708/ATT-2-20210427_Minutes_Regular-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:** Art Vela, Public Works Director  
Holly Stuart, Management Analyst

**MEETING DATE:** May 11, 2021

**SUBJECT:** Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Automobile and Equipment Parts “Not to Exceed” an Annual Aggregate of \$60,000 for Fiscal Years 2022, 2023, 2024 and 2025

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### **RECOMMENDED ACTION:**

Staff recommends that the City Council:

1. Establish a Vendor List for Fiscal Years 2022, 2023, 2024 and 2025 for the procurement of Automobile and Equipment parts.
2. Establish Fiscal Year 2022 blanket orders for the purchase of Automobile and Equipment Parts for an annual aggregate amount “not to exceed” \$60,000.
3. Authorize the City Manager or his designee to renew blanket orders for Fiscal Years 2023, 2024, and 2025 upon satisfactory service review with an annual aggregate “not to exceed” \$60,000.
4. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the procurement of automobile and equipment parts for Fiscal Years 2022, 2023, 2024 and 2025.

### **BACKGROUND:**

The Public Works Department, Fleet Division, procures parts for automobiles and equipment throughout the year for over 200 vehicles and equipment. It is projected that the overall expenditure for Fiscal Year 2022 may reach an aggregate of \$60,000. The funding for this commodity is available in the Fiscal Year 2022, Fleet Division operational budget.

In order to establish a vendor list, bids were solicited through ProcureNow (IFB No. 21-005) on February 25, 2021 notifying seven hundred thirty-six (736) system users of the opportunity. In addition, Fleet Division staff directly notified O'Reilly Automotive, Inc. and Parts Authority of the opportunity released through ProcureNow. Parts Authority was the only vendor that responded to this solicitation and has successfully provided automobile and equipment parts to the City in past, up until current. City staff evaluated the proposal received by Parts Authority and confirmed its government pricing structure and related "best pricing" practices.

In addition to the response received by Parts Authority, staff reviewed approved cooperative agreements through Sourcewell and determined Napa Auto Parts was awarded a purchasing cooperative agreement, Contract # 062916-GPC, authorized under Purchasing Policy B-30. As a result, staff recommends the inclusion of Napa Auto Parts and that a pre-approved vendor list be established utilizing the following two (2) vendors:

Vendor

1. Parts Authority, LLC.
2. NAPA Auto Parts (Sourcewell Contract #062916-GPC)

Allocations for each vendor may be adjusted to be increased or decreased as deemed necessary, as long as, the aggregate dollar amount does not exceed \$60,000 annually. When parts are procured, vendors will be selected based upon prices, availability and lead time.

**JUSTIFICATION:**

Establishing a pre-approved vendor list with multiple vendors will streamline the process and allow staff to procure parts from vendors based on immediate need, price, availability and lead time.

**FISCAL IMPACT:**

The Fleet Division operational budget will fund the acquisition of automobile and equipment parts, Account No. 702-3800-480.38-52 (Auto Parts).

**ALTERNATIVE:**

Reject this recommendation. If rejected, once the annual commodity aggregate of \$25,000 is exhausted, per the City's Purchasing Policy, it will be necessary for staff to solicit bids and obtain City Council approval for additional procurement of automobile and equipment parts.

**ATTACHMENTS:**

1. Bid Summary

<https://banningca.gov/DocumentCenter/View/8688/Attach-1-Bid-Summary>

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

**MEETING DATE:** May 11, 2021

**SUBJECT:** Accept the Well C4 Emergency Generator related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration

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### **RECOMMENDED ACTION:**

City Council accept the installation of an emergency generator for Well C4 related to the Atwell Specific Plan and authorize the 90% reduction of the improvement bonds (i.e. Faithful Performance and Payment Bonds).

### **BACKGROUND:**

On December 10, 2019 City Council adopted Resolution 2019-151 approving Final Tract Map No. 37298-1, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

As a requirement of the development Pardee was required to install an emergency generator for back up power at Well C4 located on Wilson Street.

### **JUSTIFICATION:**

Staff has verified that the improvements related to the bonds were completed per City standards and specifications and recommends that City Council accept the improvements and authorize the 90% bond exoneration for the following bond:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
30098111	\$489,900	Well C4 Emergency Generator

10% of the bond amounts will remain for a period of 12 months (maintenance period) at which point the 10% balance will be released and the improvements will become City owned and maintained improvements.

**FISCAL IMPACT:**

Not applicable

**ALTERNATIVE**

Do not accept staff's recommendation and provide staff with additional direction.

**ATTACHMENTS:**

1. Bond No.30098111

<https://banningca.gov/DocumentCenter/View/8693/Attach-1-Bond-30098111>

Approved by:

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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:** May 11, 2021

**SUBJECT:** Approving Amendment No. 5 to the Purchase Order with Babcock Laboratories of Riverside, California for Water/Wastewater Laboratory Analytical Testing Services in the amount of \$42,000 for a total Purchase Order Amount of \$102,000

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**RECOMMENDED ACTION:**

Staff Recommends that the Banning Utility Authority approve the purchase order amendment:

1. Approving Amendment No. 5 to the purchase order with Babcock Laboratories ("Babcock") of Riverside, California for Water/Wastewater Laboratory Analytical Testing Services as needed in the amount of \$42,000 for a total purchase order in the amount of \$102,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 5 to the purchase order with Babcock Laboratories for the Water/Wastewater Analytical Testing Services as needed.
3. Authorizing the City Manager to execute Amendment No. 5 to the purchase order.

**BACKGROUND:**

The SWRCB is responsible for the enforcement of the Federal and California Safe Drinking Water Acts and the regulatory oversight of public water systems to assure the delivery of safe drinking water. The SWRCB prescribes regulations that limit the amount of certain contaminants in drinking water.

Furthermore, the CRWQCB oversees the City of Banning Wastewater Treatment Plant Wastewater Discharge Requirements ("WDR"). The WDR has set specific groundwater monitoring requirements.

Consequently, the City of Banning Water and Wastewater Divisions obtain over 1,500 water samples annually from more than 33 sample points throughout the City and submits them for laboratory testing in order to confirm that the divisions are operating within their respective permit requirements.

Recently the City approved the Nexom MBBR pilot study to determine if this would be a desirable system for the wastewater treatment plant. During the process there are two sets of samples per week that are required averaging a cost of \$2,000.00 per week for a total of twenty one weeks.

#### Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on May 6, 2016 through Planet Bids resulting in two proposals being submitted. Babcock Laboratories submitted the proposal with the best rates. The first purchase order with Babcock Laboratories was issued on July 1, 2016 and it is allowed to renew the purchase order for a five-year period.

The agreement with Babcock has been previously renewed by City Council for Fiscal Years 2017/2018 (Amendment 1), 2018/2019 (Amendment 2), 2019/2020 (Amendment 3) and 2020/2021 (Amendment 4).

#### **JUSTIFICATION:**

This fiscal year's purchase order with Babcock Laboratories included \$5,000 from the Wastewater fund, which has now been exhausted. Amendment No. 5 will amend the purchase order by adding an additional \$42,000 to it, which staff feels is sufficient to cover work orders for the remainder of the fiscal year.

#### **FISCAL IMPACT:**

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

<b>Fund</b>	<b>Account Number</b>	<b>Cost Allocation</b>
Water	660-6300-471.45.06	\$0,000
Wastewater	680-8000-454.30.04	\$42,000
<b>Total Amount of Amendment 1</b>		<b>\$26,000</b>

Fiscal Year 2020/2021 purchase order with Babcock Laboratories is for an amount of \$60,000. If approved, Amendment No. 1 will add \$42,000 to it for a total purchase order amount of \$102,000.

#### **ALTERNATIVES:**

Reject Amendment No. 1, which could delay analytical testing for wastewater treatment.



**ATTACHMENTS:**

1. Babcock Agreement  
<https://banningca.gov/DocumentCenter/View/8713/ATT-1-C00087-Babcock-Laboratories-PSA>
2. Amendment 1  
<https://banningca.gov/DocumentCenter/View/8714/ATT-2-C00087-Babcock-Laboratories-Amendment-1>
3. Amendment 2  
<https://banningca.gov/DocumentCenter/View/8710/ATT-3-C00087-Babcock-Labs-Amendment-2>
4. Amendment 3  
<https://banningca.gov/DocumentCenter/View/8711/ATT-4-C00087-BABCOCK-LABORATORIES-AMENDMENT-3>
5. Amendment 4  
[https://banningca.gov/DocumentCenter/View/8712/ATT-5-C00087\\_BABCOCK\\_LABORATORIES\\_AMENDMENT\\_4](https://banningca.gov/DocumentCenter/View/8712/ATT-5-C00087_BABCOCK_LABORATORIES_AMENDMENT_4)
6. Amendment 5  
<https://banningca.gov/DocumentCenter/View/8715/ATT-6-C00087-BABCOCK-LABORATORIES-INC-AMENDMENT-5>

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, Public Works Director  
Holly Stuart, Management Analyst

**MEETING DATE:** May 11, 2021

**SUBJECT:** Approving the First Amendment to the Custodial Services Agreement with Dynamic Building Maintenance of Riverside, California for Municipal Facility Maintenance for Fiscal Year 2022 in the amount of \$79,213

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### **RECOMMENDED ACTION:**

Staff recommends that the City Council:

1. Approve the First Amendment to the Contractual Services Agreement with Dynamic Building Maintenance to extend the contract term through Fiscal Year 2022 and increase compensation in an amount not to exceed \$79,213 for the extended term.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the First Amendment to the Agreement with Dynamic Building Maintenance.
3. Authorize the City Manager or his designee to execute the First Amendment to the Agreement with Dynamic Building Maintenance.

### **BACKGROUND:**

A Request for Proposals (RFP) was published on March 13, 2020. On May 26, 2020, City Council approved the award of an agreement for custodial services to Dynamic Building Maintenance in the amount of \$79,213. The original agreement was for a one-year period, expiring June 30, 2021, with the option to renew for an additional four (4) single years upon satisfactory review of services.

At this time, staff has reviewed the custodial services agreement and based on satisfactory performance, recommends the execution of the First Amendment. The proposed First Amendment with Dynamic Building Maintenance shall provide complete custodial services including all labor, tools materials and equipment necessary to perform services for the sites described below. If the First Amendment is approved, there will be

three (3) remaining single year options to further extend the agreement, with renewal options and extensions to expire no later than June 30, 2025.

	DESCRIPTION	LOCATION	ESTIMATED CLEANING SQUARE FOOTAGE	DAYS PER WEEK	QUANTITY	QUANTITY COST	ANNUAL TOTAL
A.	Banning City Hall (Civic Center)	99 E. Ramsey St.	20,600	5	12 Months	\$2,297.72	\$27,572.64
B.	Corporate Yard Warehouse	176 E. Lincoln St.	5,400	5	12 Months	\$598.26	\$7,179.12
C.	Banning Police Station	125 E. Ramsey St.	28,000	5	12 Months	\$3,123.12	\$37,477.44
D.	Fleet Maintenance Office	176 E. Lincoln St.	620	5	12 Months	\$101.40	\$1,216.80
E.	Water Shop	3333 Bluff Rd.	1,000	3	12 Months	\$152.10	\$1,825.20
F.	Community/Senior Center	769/789 N. San Gorgonio	Carpet & Window Cleaning Only	N/A	Quarterly (4x/yr.)	\$304	\$1,216.80
G.	Senior Center	769 N. San Gorgonio	Deeping Cleaning	N/A	Biannually (2x/yr.)	\$275	\$550
H.	Aquatic Center Building	789 N. San Gorgonio	Floors	N/A	Annually	\$175	\$175
I.	As Needed Services	TBD	N/A		TBD	TBD	\$2,000
	<b>Total</b>						<b>\$79,213.00</b>

The scope of work includes five (5) days per week facility maintenance of the Civic Center, City Yard and Banning Police Department. The Banning Water Shop will require three (3) days of service per week and the Community/Senior Centers shall be limited to quarterly floor and window cleanings. Additionally, the Senior Center will be deep cleaned biannually, and the Aquatic Center flooring will be cleaned annually.

#### **JUSTIFICATION:**

Services are needed to provide regularly scheduled custodial services to effectively, efficiently and safely maintain a high level of cleanliness for City facilities.

The Public Works Department does not have the required staff needed to provide custodial maintenance for the identified City facilities; therefore, it is necessary to retain a custodial service provider. Currently, Dynamic Building Maintenance provides the City with an acceptable level of service at affordable rates; therefore, staff recommends the approval of the First Amendment.

**FISCAL IMPACT:**

The total agreement amount is \$79,213 and will be funded by the operational budgets of Building and Maintenance (\$37,794), Police Department (\$37,477) and the Community Services Department (\$1,942) with an additional \$2,000 being allocated by the departments at the time additional services are deemed necessary.

The agreement will be funded by the following operational budgets:

ITEM	ACCOUNT NO.	DESCRIPTION	AMOUNT
1.	001-3200-412.33-18	Contractual / Custodian Services; Building Maintenance	\$37,793.76
2.	001-2200-421.33-18	Contractual / Custodian Services; Police	\$37,477.44
3.	001-4000-461.33-18	Contractual / Custodial Services Maintenance; Community Center	\$608.40
4.	001-4050-461.33-18	Contractual / Custodial Services; Senior Center	\$783.40
5.	001-4010-461-30.02	Contract Svc/Repair/Maint.-Buildings	\$550
6.	TBD	Additional Services as Needed	\$2,000
		<b>TOTAL</b>	<b>\$79,213</b>

**ALTERNATIVE:**

The City Council may choose to take no action on this matter which would result in an interruption in janitorial services. The City does not have staff resources to perform these tasks.

**ATTACHMENTS:**

1. Draft First Amendment  
[https://banningca.gov/DocumentCenter/View/8694/Attachment-1\\_C00645-DYNAMIC-BUILDING-MAINTENANCE-INC-AMENDMENT-1](https://banningca.gov/DocumentCenter/View/8694/Attachment-1_C00645-DYNAMIC-BUILDING-MAINTENANCE-INC-AMENDMENT-1)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 11, 2021

**SUBJECT:** Adopt Resolution 2021-36, Approving a List of Projects to be Funded for Fiscal Year 2021/2022 by SB 1 “The Road Repair and Accountability Act of 2017”

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### **RECOMMENDED ACTION:**

That the City Council Adopt Resolution 2021-36, adopting a list of projects for fiscal year 2021/2022 to be funded by SB 1, “The Road Repair and Accountability Act of 2017.”

### **BACKGROUND:**

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation shortfalls statewide.

SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year. The City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement.

The City will receive and estimated \$554,011 in RMRA funding in Fiscal Year 2021/2022 from SB 1. The City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used in an efficient and cost-effective manner.

**JUSTIFICATION:**

Local agencies are required to submit a list of projects to be funded by RMRA funds to the California Transportation Commission (CTC) by July 1, 2021 in order to receive funding for Fiscal Year 2021/2022.

**FISCAL IMPACT:**

The State Department of Finance estimates that the City of Banning will receive \$554,011 in RMRA funding in FY 2021/2022 from SB 1. This revenue nearly doubles the annual budget for street rehabilitation projects, which previously was made up of Measure A funds only.

**ALTERNATIVE:**

The City Council may choose not to adopt Resolution No. 2021-36 at this time, which as a result the City will not be eligible to receive SB 1 funding for the Fiscal Year 2021/2022.

**ATTACHMENTS:**

1. Resolution No. 2021-36  
<https://banningca.gov/DocumentCenter/View/8691/Attachment-1---Resolution-2021-36>
2. Exhibit "A" - FY 2021/2022 SB 1 Proposed Projects List  
<https://banningca.gov/DocumentCenter/View/8692/Attachment-2---Exhibit-A---Proposed-Projects-List-for-SB-1-FY21-22>

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:** May 11, 2021

**SUBJECT:** Resolution 2021-28 Approving Amendment No. 2 to the Professional Services Agreement with Innovative Federal Strategies, LLC to Provide Federal Legislative Advocacy and Government Affairs Services Adding an Additional Two (2) Years Ending June 30, 2023.

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### **RECOMMENDED ACTION:**

City Council adopt Resolution 2021-28, approving Amendment No. 2 to the Professional Services Agreement with Innovative Federal Strategies, LLC for Federal Legislative Advocacy and Government Affairs Services add an additional two (2) years; and Authorize the City Manager to execute said Amendment.

### **JUSTIFICATION:**

The primary focus of a Federal Legislative Advocate is to assist the City with improving its efforts to influence legislation, applying for, and receiving competitive grants and other discretionary funding available to the City.

### **BACKGROUND:**

On April 9, 2013, the City Council approved a Contract Services Agreement with Innovative Federal Strategies, LLC for Federal Legislative Advocacy and Governmental Affairs Services and again on October 26, 2018 per Resolution 2018-126 for a period of three (3) years with an option to add two (2) more years. Over the course of the last eight (8) years, Innovative Federal Strategies, LLC has demonstrated their ability to perform the services of Federal Legislative Advocacy and Consulting for the City of Banning.

**FISCAL IMPACT:**

- 1) Fiscal Year 2021-2022 the total fee for services to be provided at \$4,000 per month and related eligible travel expenses at \$1,500 annually, for a total amount not to exceed \$49,500. 2) Fiscal Year 2022-2023 the total fee for services to be provided at \$4,250 per month and related eligible travel expenses at \$1,500 annually, for a total amount not to exceed \$52,500.
- 2) Funding for these services will be paid from the following accounts 001-1000-411.33-11 (40.10%), 660-6300-471.33-11 (40.10%), 670-7000-473.33-11 (9.90%) and 680-8000-454.33-11 (9.90%)

**OPTIONS:**

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

**ATTACHMENTS:**

1. Resolution 2021-28  
<https://banningca.gov/DocumentCenter/View/8695/ATT-1-Resolution-2021-28>
2. Innovative Federal Strategies Proposal  
<https://banningca.gov/DocumentCenter/View/8696/ATT-2-City-of-Banning-Proposal-2021>
3. Amendment No.2  
<https://banningca.gov/DocumentCenter/View/8725/ATT-3-C00493-INNOVATIVE-FEDERAL-STRATEGIES-AMENDMENT-2>

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  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** May 11, 2021

**SUBJECT:** Adopt Resolution 2021-37, Approving Amendment No. 3 to the Professional Services Agreement with Engineering Resources of Southern California to Increase the Total Compensation by \$850,000 and to Extend the Term of Agreement through June 30, 2022 for Plan Check, Inspections and Related Administrative Services

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### **RECOMMENDED ACTION:**

City Council adopt Resolution 2021-37:

1. Approving Amendment No. 3 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) for an additional \$850,000 and to extend the term of the agreement through June 30, 2022 for plan check, inspections and related administrative services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 3 with ERSC.
3. Authorizing the City Manager to execute Amendment No. 3 to the Professional Services Agreement with ERSC.

### **BACKGROUND:**

The Public Works Department, currently staffed with two full-time engineers and one inspector, administers an array of services including management of capital improvement and infrastructure projects related to the design and construction of water, wastewater, streets, storm drain and building infrastructure. In addition to managing public works projects, staff is also responsible for processing private land development projects.

Due to staff resources and the anticipated work load related to land development projects such as the Atwell Development (previously known as the Butterfield Specific Plan), the City Council adopted Resolution No. 2019-05 on January 8, 2019 awarding a professional services agreement to ERSC for plan checks, inspections and related administrative services in the amount of \$250,000 on an as needed basis; and on January 14, 2020, the City Council adopted Resolution No. 2020-05, approving Amendment No. 1 to increase the contract amount by \$350,000; and on May 12, 2020, the City Council adopted Resolution 2020-58, approving Amendment No. 2 to increase the contract amount by \$750,000 and to extend the term of the agreement through June 30, 2021. The contract is set to expire on June 30, 2021.

Due to the continued workload related to the Atwell Development, staff recommends an increase in compensation in the amount of \$850,000 to the existing agreement with ERSC as well as an extension in the term of the agreement through June 30, 2022 to continue to receive the much-needed services through fiscal year 2021/2022.

#### **JUSTIFICATION:**

ERSC has done an excellent job providing the required services (e.g. plan checks, review of technical studies and construction inspections) to meet the demands of Tri Pointe's (formerly Pardee Homes) Atwell development. It is anticipated that the demands created by Tri Pointe's project will continue through the next fiscal year, hence staff's recommendation to increase the compensation and term of ERSC's agreement with the City. If approved, Amendment No. 3 will ensure that we process development projects in a timely manner.

#### **FISCAL IMPACT:**

An appropriation from the General Fund in the amount of \$850,000 to Account No. 001-3000-442.33-53 is necessary and will be directly offset by revenues collected from plan check and inspection fees collected by the Public Works Department. Funds exhausted to date have been 100% recovered by said fees, which are collected prior to providing ERSC the approval to proceed with work.

#### **ALTERNATIVE:**

Do not approve Resolution 2021-37. This alternative would cause a reduction in the level of service to private development applicants in the processing of their projects. Additionally, staff would have less time to work on the City's capital improvement projects.

#### **ATTACHMENTS:**

1. Resolution 2021-37

<https://banningca.gov/DocumentCenter/View/8689/Attachment-1-Reso-2021-37>

2. Amendment No. 3

<https://banningca.gov/DocumentCenter/View/8690/Attachment-2-C00472-ERSC-AMENDMENT-3>

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

**MEETING DATE:** May 11, 2021

**SUBJECT:** Resolution 2021-35, Approving Revisions to the Compensation and Classification Plan

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### **RECOMMENDED ACTION:**

City Council adopt Resolution 2021-35:

1. Approving revisions to the Compensation and Classification Plan.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, and transfers.

### **BACKGROUND:**

It is necessary to amend the City's Classification and Compensation Plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs. The adoption of Resolution 2021-35 would replace Resolution 2021-31.

### **JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

#### **Police Department:**

Banning Police Department is under-staffed based on crime rate, population, and calls for service. Shift coverage is frequently reduced to less than three officers, which places officers and members of the public at risk. At the Council meeting on April 27, 2021, Council approved the authorization of five (5) additional Police Officer positions. Based on this authorization, a resolution to amend the class and compensation plan is necessary to increase the number of authorized and budgeted positions.

**FISCAL IMPACT:**

**General Fund – Police Department**

Police Officer (P67 – Salary Range \$70,801.44 - \$95,785.66) at Step 13 with benefits an average of \$200,106.11 for five (5) officers = \$1,000,530.55

***Maximum General Fund Fiscal Impact Fiscal Year 20-21 \$125,066 (1.5 Months for 5 Officers)***

Revisions to Class and Compensation Plan:

Add: Police Officer 5

**OPTIONS:**

1. Approve Resolution 2021-35 authorizing the revisions to the Classification and Compensation Plan and make the necessary budget adjustments, appropriation, and transfers based on authorization provided at Council Meeting on April 27, 2021.

**ATTACHMENTS:**

1. Resolution 2021-35 Amending Class and Comp Plan  
<https://banningca.gov/DocumentCenter/View/8720/ATT-1-Reso-2021-35-Amended-Class-Plan>
2. Exhibit B – Classification and Compensation Plan  
<https://banningca.gov/DocumentCenter/View/8721/Exhibit-B-Schedule-A-Class-and-Compensation-Plan---Updated-5-11-2021>
3. Position Costs  
<https://banningca.gov/DocumentCenter/View/8722/ATT-2-Position-Cost---Police-Officer>

Approved by:



Douglas Schulze  
City Manager



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

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, CGFM, Deputy Finance Director / Interim ASD

**MEETING DATE:** May 11, 2021

**SUBJECT:** Approve the Software Agreement and Sole Source Purchase of the Online Priority Based Budgeting (PBB) Software System from Resource Exploration LLC (ResourceX) for a Period of Four (4) Years in the Amount of \$140,000.00.

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### **RECOMMENDED ACTION:**

1. Approve the Software Agreement and sole source purchase of the online Priority Based Budgeting (PBB) software system from Resource Exploration LLC (ResourceX) for a period of four (4) years in the Amount of \$140,000.00.
2. Authorize the City Manager to execute Software Agreement with ResourceX for the online PBB software system.
3. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for the online PBB software system.

### **BACKGROUND:**

The PBB software solution that ResourceX offers helps governments get the resources, as well as free up the resources, that it needs and prioritize those resources while tackling society's grand challenges to create a better future.

Applying PBB, organizations discover solutions to optimize their current resources, and explore opportunities to attain new resources to successfully launch the new programs and bolster the highest priority programs required to create the best future they can.

The challenge is one of resource scarcity, for which there are two primary means to create an abundance of resources to help overcome the problem. Conceivably, the organization can either change the way it spends or allocates the current resource base it is provided,

and/or it can devise of new ways to bring additional resources into it's possession. To solve resource scarcity, both of these levers aim to create new resources, with which the City can fuel the programs it desires to launch.

- Free up and re-allocate current resources – this approach focuses on the “expense” side of the equation, exploring opportunities to rethink how current resources are being spent. Presumably, one hundred percent of an organization’s budget is the maximum potential of the solutions in this realm of opportunity.
- Generate new revenue – this approach focuses on the “revenue” side of the equation, determining opportunities to bring new resources into the organization that were not previously collected.

The purpose is to create a practical vehicle to discover and take advantage of every opportunity to free-up and reallocate resources, as well as to maximize new revenue, in order to fund the programs required to produce a better future.

As of 2020, 159 local government organizations across thirty-three states in the United States, and two provinces in Canada have sole-sourced the implementation of Priority Based Budgeting to the Center for Priority Based Budgeting and/or ResourceX. These agreements are for Priority Based Budgeting consulting services, software implementation and ongoing software license, support, and maintenance services. ResourceX is the only vendor that offers a software solution for the recognized best practice of Priority Based Budgeting. Based upon their documented due diligence, there is no equivalent. The software applies a unique scoring and ranking algorithm that places programs in priority levels (four specific “quartile rankings”), based on the programs influence on societal objectives and basic program attributes.

This method of procurement has been vetted by the City’s Purchasing Division and is authorized under Purchasing Policy B-30.

### **JUSTIFICATION:**

The PBB software will make the process of analyzing project/program data in conjunction with the City’s budget to assess the best way to maximize the City’s potential for reaching essential project goals and objectives set by City Council and the community. The PBB software facilitates exploration of the data based on unique analytics drawn from the scoring process, allowing the organization to understand and act upon insights such as: which programs are ideal for public/public partnership; which programs are ideal for public/private partnerships; which programs are charging a fee, where the fee is less than the true cost of providing the program; which programs are best served by another source; which programs are the organization’s most influential to achieving Results, etc.

**FISCAL IMPACT:**

The PBB software system costs \$65,000.00 for the first year including the configuration and start up fees. The subsequent annual software maintenance and renewal cost is \$25,000.00 per year, for up to three (3) renewal terms, for a total of four (4) years not to exceed a total of \$140,000.00. This will be allocated across funds.

**OPTIONS:**

1. Approve the recommended actions:
  - a. Approve the Software Agreement and sole source purchase of the online Priority Based Budgeting (PBB) software system from Resource Exploration LLC (ResourceX) for a period of four (4) years in the Amount of \$140,000.00.
  - b. Authorize the City Manager to execute Software Agreement with ResourceX for the online PBB software system.
  - c. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for the online PBB software system.
2. The City Council may choose to reject the recommended actions and provide alternative options.

**ATTACHMENTS:**

1. Resource X Priority Based Budgeting (PBB) Proposal/Agreement  
<https://banningca.gov/DocumentCenter/View/8717/ATT-1-Resource-X-Priority-Based-Budgeting-PBB-Proposal-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:** Todd Hopkins, Division Chief  
Laurie Sampson, Executive Assistant

**MEETING DATE:** May 11, 2021

**SUBJECT:** Resolution 2021-33 Approving an Agreement for Three Years  
for Fire Services with Riverside County Fire Department

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### **RECOMMENDATION:**

Adopt a Resolution 2021-33, Approving an Agreement for Three Years for Fire Service with Riverside County Fire Department.

### **BACKGROUND:**

Since 1998, the City of Banning has entered into this agreement with the Riverside County Fire Department for medical, fire protection and other emergency response. Two type 1-engine companies of three firefighters (including one paramedic) per engine provide this protection. The second engine providing fire protection to the south-west City area is split funded three ways with Beaumont and Riverside County.

### **JUSTIFICATION:**

The City of Banning, with approval of this agreement, will keep its current level of service to all citizens within the City of Banning, and cooperatively provide integrated, regional response to surrounding jurisdictions.

### **FISCAL IMPACT:**

Cost to the City for 1.33 fire engine staffing:

FISCAL YEAR 2021/2022	\$1,731,998
FISCAL YEAR 2022/2023	\$1,818,598
FISCAL YEAR 2023/2024	\$1,909,527

**OPTIONS:**

1. Approve agreement from July 1, 2021-June 30, 2024
2. Provide fire protection for the City of Banning by some other means.

**ATTACHMENTS:**

1. Resolution 2021-33  
<https://banningca.gov/DocumentCenter/View/8681/Attachment-1-Resolution-2021-33>
2. Cooperative Agreement for the City of Banning  
<https://banningca.gov/DocumentCenter/View/8682/Attachment-2-Cooperative-Agreement-2021-2024>
3. Exhibit A  
<https://banningca.gov/DocumentCenter/View/8683/Attachment-3-Exhibit-A---22Banning-E20-2021-2024>
4. Exhibit C  
<https://banningca.gov/DocumentCenter/View/8684/Attachment-4-Exhibit-C---Banning-2021-2024>
5. Exhibit D  
<https://banningca.gov/DocumentCenter/View/8685/Attachment-5-Exhibit-D---Banning-2021-2024>
6. Engine 20 Agreement  
<https://banningca.gov/DocumentCenter/View/8686/Attachment-6-E20-Cost-Share--Agreement-2021-2024>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** May 11, 2021

**SUBJECT:** Public Art Proposals

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### **RECOMMENDED ACTION:**

A motion authorizing the City Manager to proceed with the proposed public art projects.

### **BACKGROUND:**

City Council has directed the establishment of an ad hoc public art committee to review public art programs and submit a recommended ordinance for City Council consideration. In addition to the Mayor and Mayor Pro Tem, committee members should include community members who represent the local arts and cultural community. The number of committee members should be at least five, but not more than seven. Notices of an open application period for volunteers will be published and posted on City social media. In addition, it will be helpful to personally invite local artists to submit volunteer applications.

Two low-cost “kickoff” projects for the Art in Public Places program have been identified and are ready to move forward upon City Council approval.

#### Street Intersection Public Art Contest

- Paint downtown intersections on Ramsey Street at Alessandro, San Geronio, First and Second Avenues or Hays/San Geronio.
- Artwork representing local points of interest, cultural diversity, endless opportunities.
- No political statements, vulgar language, nudity, gang references, violence or hatred.
- City provides paint and sealant.
- Submittals accepted from groups or individuals.
- Committee will select top four designs and assign an intersection.
- Painting will be conducted on a weekend to be determined.

Project budget will include expenses for paint, paint tools, and sealant. Donations will be solicited from local businesses to cover expenses.

### The Haven Mural Project

- Mural to be designed by local artist Rich Lopez (see attached resume').
- Mural will be installed inside The Haven.
- Theme of mural will be "Willie Boy" and local points of interest.
- Artist will attend May 11, 2021 City Council meeting to provide details.

### **JUSTIFICATION:**

Creating a vibrant economy is one of the strategic goals of the City Council, adopted in 2019 and reaffirmed in 2020. The downtown business core is a critical component of the local economy and a component that requires shopping, services and entertainment. Attracting people to the downtown area is critical to the success of downtown businesses. Public Art in a downtown business area creates a sense of place, which will draw people to visit and gather.

### **FISCAL IMPACT:**

Street intersection project will be funded entirely by donations. The Haven Mural Project will require financial support once a budget has been established.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Street Intersection Public Art Project Example  
<https://banningca.gov/DocumentCenter/View/8728/Attachment-1>
2. Artist Rich Lopez background information  
<https://banningca.gov/DocumentCenter/View/8732/Attachment-2>

Approved by:



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Douglas Schulze  
City Manager



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

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Doug Schulze, City Manager  
Art Vela, Director of Public Works  
Kevin G. Ennis, City Attorney

**MEETING DATE:** May 11, 2021

**SUBJECT:** Development Impact Fee Credit Implementation Agreement with Tri Pointe Homes IE-SD, Inc. in connection with the Atwell Project

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### **RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2021-38, A Resolution of the City Council of the City of Banning Approving a Development Impact Fee Credit Implementation Agreement with Tri Pointe Homes IE-SD, Inc. ("Tri Ponte") in connection with the Atwell Project allowing "credit" against required Development Impact Fees if Tri Pointe builds certain public infrastructure facilities.

### **BACKGROUND:**

When developers build City infrastructure, such as certain major streets, sewer lines, water lines and tanks, storm drains, parks and other public facilities, that are part of the City's long-range infrastructure plan, the developer is entitled under the City's Development Impact Fee Ordinance to get a "credit" for the cost of building that infrastructure. That credit is applied against the developer's obligation to pay development impact fees (DIF) that is imposed on each dwelling unit constructed. This means that when the developer seeks final inspection by the City for construction of each dwelling unit, the developer would normally be required to pay a certain dollar amount of DIF for each category of infrastructure. The amount of DIF is set by resolution as adopted by the City Council. However, if the developer can demonstrate that it has incurred costs in building the infrastructure to which the DIF would otherwise be used by the City to build those same facilities, then the developer can use the costs of building the facilities as an offset or credit against the total amount of DIF to be paid for a housing unit. In certain circumstances if the cost of the public infrastructure built by the developer and which is

eligible for a credit against DIF exceeds the amount of DIF that would otherwise be owed in that category, the developer's excess costs can be reimbursed over time as the City collects DIF from other developers who also benefit from that same infrastructure.

The means by which all of this is documented is in a Development Impact Fee Credit Implementation Agreement. This Agreement has now been drafted and negotiated for the Atwell Project. It is required to be in place as Tri Pointe builds certain pieces of major infrastructure so that the terms by which Tri Pointe DIF obligations can appropriately be offset are agreed to in advance of the DIF becoming due.

Tri Pointe (formerly known as Pardee Homes) is the owner and developer of property formerly known as the Butterfield Specific Plan area, now known as the Atwell Community ("Atwell") comprising about 1,543 acres of undeveloped land generally located in the northwestern corner of the City. The Atwell Project is one of the largest and most important housing development projects in the City's history.

In 2012, Tri Pointe obtained certain entitlements from the City including General Plan Amendment No. 11-2501, Zone Change No 11-3501, the Butterfield Specific Plan, FEIR (SCH No. 2007091149), as modified in a Minor Modification on February 14, 2017, and a Development Agreement, which entitlements together allow for the development of a master planned community consisting of up to 4,862 residential units, schools, commercial buildings, parks and open space ("Project"). The Development Agreement became effective on February 9, 2015 ("Development Agreement").

On September 10, 2019, the Banning City Council adopted Resolution 2019-112, approving updated development impact fees, including fees for General Facilities, Police Facilities, Fire Facilities, Parkland and Park Facilities, Traffic Control Facilities, and Water Facilities and Wastewater Facilities, (collectively "Development Impact Fees" or "DIF.") The amount of each of those fees is listed in the chart below.

<b>No.</b>	<b>DIF Category</b>	<b>DIF Fee Amount (per Single Family Residential Unit)</b>
1	General Facilities	\$521
2	Police Facilities	\$1,200
3	Fire Facilities	\$746
4	Parkland and Park Facilities	\$3,840
5	Traffic Control Facilities	\$3,409
6	Water Facilities	\$9,744
7	Wastewater Facilities	\$5,061
	<b>Total of 1 through 7</b>	<b>\$24,521</b>

In addition to these City DIF, developers of single family homes also pay school impact fees, TUMF fees and MSHCP fees. This DIF Credit Agreement does not apply to those non-City fees.

Development Agreement Sections 6.4 through 6.5, 7.3 through 7.5 and Exhibit F provide that Tri Pointe is to design and construct certain components of the public infrastructure improvements required by the Development Agreement, Specific Plan, or otherwise required by the City for the Project (“Proposed Project Facilities”) in exchange for: (1) City offset of the design, permitting, land, right of way, construction, installation and related costs for delivery of the Proposed Project Facilities by means of a development impact fee credit; and, (2) City reimbursement of those costs in excess of the development impact fee obligation, provided that the DIF Improvements, as defined below, are included in the City’s DIF Nexus Study (as possibly amended in the future) and provided further that the City receives development impact fee funds from other developers to make those reimbursements.

The draft DIF Credit Implementation Agreement is intended to implement the Project in a manner consistent with the Development Agreement for the following purposes: (1) to provide for the timely delivery of the certain key infrastructure components, (2) to provide a means by which Tri Pointe’s costs for delivery of those components and related right-of-way are offset against Tri Pointe’s Development Impact Fee obligations, and (3) to provide a means for Tri Pointe to be reimbursed for Proposed Project Facilities that are included in the DIF Nexus Study for which the City obtains Development Impact Fees from other developers that contribute to a need for the facilities and to the extent the actual and authorized costs for the delivery of the Proposed Project Facilities exceed Tri Pointe’s Development Impact Fee obligations.

This DIF Credit Implementation Agreement is separate from, and in addition to, the Pre-litigation Settlement Agreement (“Settlement Agreement”) that was entered into between the City and Tri Pointe in February 2021. In that Settlement Agreement, the City addresses and resolves three disputes and two other issues with Tri Pointe. The disputes involve: (1) the terms under which Development Impact Fee (“DIF”) waivers were earned for the first 479 dwelling units for which building permits were issued in 2020; (2) the type of major tenant that would be allowed to be developed on the 23-acre commercial site in Planning Area 18; and (3) whether the 2016 or 2019 California Building Code (“CBC”) applies to a planned additional 355 dwelling units that are to be commenced prior to the end of 2022. The additional issues were: (4) the terms and conditions by which the City would provide a dedicated building inspector for the Atwell Project; and (5) the amount and timing of General Fund payments to the City that provide benefits to the City for the resolution of the disputed items and issues.

Regardless, and whether or not, that Settlement Agreement had been entered into or not, this DIF Credit Implementation Agreement would be necessary to address the standard issue of DIF credits for infrastructure built by Tri Pointe.

**FISCAL IMPACT:**

The DIF Credit Implementation Agreement will allow Tri Pointe to offset its DIF obligations with infrastructure costs. Through the Agreement, the amount of DIF that the City will collect from Tri Pointe will be less than the per-unit DIF for each category of DIF. However, the amount of DIF funds that the City will need to build infrastructure will be reduced by the amount of public infrastructure built by Tri Pointe instead of the City. So, over time, the full value of the reduction in DIF earned through credits will be balanced against the savings to the City in not having to expend collected DIF to build DIF improvements. In this regard the DIF Credit Implementation Agreement should be revenue neutral.

**CEQA DETERMINATION:**

City Staff has reviewed the terms of the DIF Credit Implementation Agreement and finds that the Agreement implements the Development Agreement and the City's DIF Ordinance and does not make any physical changes to the Atwell Project previously reviewed and approved by the City pursuant to the Final Environmental Impact Report (SCH No. 2007091149) that would cause any new or more severe impacts than what were previously reviewed in the Final EIR. The terms of the DIF Credit Implementation Agreement are administrative and financial in nature, and the City Staff therefore finds that the Agreement does not require, and is not subject to, additional environmental review under the California Environmental Quality Act (CEQA).

**ATTACHMENTS:**

1. City Council Resolution 2021-38  
<https://banningca.gov/DocumentCenter/View/8729/ATT-1-Resolution-2021-38>
2. DIF Credit Implementation Agreement  
<https://banningca.gov/DocumentCenter/View/8730/ATT-2-DIF-Credit-Implementation-Agreement>

Approved by:



Douglas Schulze  
City Manager





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

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam Rush, Community Development Director  
Sandra Calderon, Development Project Coordinator

**MEETING DATE:** May 11, 2021

**SUBJECT:** Consider Proposed Ordinance to Update the Local Development Mitigation Fee (LDMF) for Funding the Preservation of the Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

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### **RECOMMENDED ACTION:**

Conduct the first reading of Ordinance No.1572, amending and updating the local Mitigation Fee (LDMF) for Funding the Preservation of Natural Ecosystems in Accordance with the Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

### **BACKGROUND:**

The City of Banning is a Member Agency of the Western Riverside County Regional Conservation Authority (RCA), a joint powers authority comprised of the County of Riverside and the eighteen (18) cities located in western Riverside County. The RCA was formed to acquire, administer, operate, and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan).

The Western Riverside County MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on the permanent conservation of 500,000 acres and the protection of 146 species, including 33 that are currently listed as threatened or endangered. The MSHCP was developed in response to the need for future growth opportunities in western Riverside County, from housing developments to transportation and infrastructure, while addressing the requirements of the State and federal Endangered Species Acts (ESA). The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 as well

as a Natural Communities Conservation Plan (NCCP) under California's NCCP Act of 2001. The MSHCP streamlines environmental permitting processes by allowing the participating jurisdictions such as City of Banning to authorize "take" of plant and wildlife species identified within the Plan Area. Without the MSHCP, each development and transportation project would need to conduct an individual assessment and mitigation for impacts to endangered species, an approach that would be less efficient and effective, and more costly.

The City of Banning receipt of local Measure A sales tax funds for local streets and roads is conditioned upon the City's participation in the MSHCP. This condition of funding is memorialized in the voter-adopted ordinance that authorizes Measure A. In the previous fiscal-year the City of Banning received \$627,191.39 in Measure A funding for local transportation projects.

The MSHCP required a Nexus Study under the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) to establish a Local Development Mitigation Fee (LDMF) that would then be adopted by each jurisdiction participating in the MSHCP. The LDMF pays for acquisition of Additional Reserve Lands (ARL) to meet the target conservation acreage that local governments are responsible to acquire per the Plan. The original Nexus Study was completed in 2003 coinciding with the adoption of the MSHCP, Implementing Agreement, and signing of the Permits. Section 8.5.1 of the MSHCP allows the fee to be reevaluated and revised should it be found to insufficiently cover mitigation of new development. Based on the 2003 Nexus Study, the City of Banning adopted and implemented an ordinance authorizing the imposition of the LDMF.

Pursuant to the Mitigation Fee Act, RCA prepared a new nexus study ("2020 Nexus Study") to update the fees for the first time since original adoption. On December 7, 2020, the RCA Board of Directors adopted the 2020 Nexus Study. On December 31, 2020 RCA transmitted a model ordinance and model resolution to the City of Banning. The RCA Board of Directors also approved the use of the MSHCP Mitigation Fee Implementation Manual to assist Member Agencies with LDMF collection questions.

An updated Nexus Study was needed to ensure adequate funding to complete reserve acquisition to fulfill local governments' responsibilities under the MSHCP. Over the last 16 years, many of the assumptions underlying the original Nexus Study were not borne out by reality. Forces contributing to the unmet expectation include the Great Recession, less acreage dedicated to RCA by private landowners, and less state and federal funding than expected. The 2020 Nexus Study calculated the expected costs to complete ARL acquisition, manage the conservation lands in perpetuity via an endowment, and administration of the MSHCP. The Nexus Study extended the reserve acquisition period by an additional fifteen years. Currently, the acquisition period ends in 2029. By extending the acquisition period, the LDMF increase is lower because it covers more development over a longer period. The RCA Board also adopted a phased increase of the new fee, with 50 percent of the fee increase taking effect on July 1, 2021 and the remainder of the increase taking effect on January 1, 2022. Public deliberation over the 2020 Nexus Study stretched over a year in multiple public meetings.

**DISCUSSION:**

The proposed Ordinance provides the legal basis for a revised MSHCP LDMF schedule. The actual MSHCP LDMF schedule will be established through the Resolution.

In accordance with the Mitigation Fee Act, the proposed Ordinance and 2020 Nexus Study: (i) identifies the purpose of the revised fees; (ii) identifies the use to which the revised fees is to be put, including identification of any facilities to be financed; (iii) determines how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; (iv) determines how there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fee is imposed; and (v) determines how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

The ordinance will establish the Fee Schedule for the MSHCP LDMF as described in the two right-hand columns below:

Category	Current Fee	Jul. 1, 2021 - Dec. 31, 2021	Jan. 1, 2022 – Jun. 30, 2022	▲\$
Residential, density less than 8.0 DU/AC (fee per DU)	\$2,234	\$2,935	\$3,635	\$1,401
Residential, density between 8.0 and 14.0 DU/AC (fee per DU)	\$1,430	\$1,473	\$1,515	\$85
Residential density greater than 14.0 DU/AC (fee per DU)	\$1,161	\$670	\$670	(\$491)
Commercial (fee per acre)	\$7,606	\$11,982	\$16,358	\$8,752
Industrial (fee per acre)	\$7,606	\$11,982	\$16,358	\$8,752

**PROJECT MILESTONES:**

The following is a brief outline concerning the public hearing and noticing milestones:

COUNCIL DATE	ITEM	DESCRIPTION	ACTION
May 11, 2021	Ord. 1572	Amendment to BMC to update fee program	1 <sup>st</sup> Reading
May 25, 2021	Ord. 1572	Amendment to BMC to update fee program	2 <sup>nd</sup> Reading
May 25, 2021	Resolution 21-32	Establishment of new MSHCP fees	2 <sup>nd</sup> Reading

**ATTACHMENTS:**

1. Ordinance 1572  
<https://banningca.gov/DocumentCenter/View/8698/ATT-2-Ordinance-1572>
2. Nexus Study Fact Sheet  
<https://banningca.gov/DocumentCenter/View/8701/ATT-3-Nexus-Study-Background-Factsheetfinal-3-3-21>
3. 2020 Nexus Study  
<https://banningca.gov/DocumentCenter/View/8699/ATT-4-2020-NEXUS-STUDY-FINAL>
4. MSHCP Mitigation Fee Implementation Manual  
<https://banningca.gov/DocumentCenter/View/8700/ATT-5-MSHCP-Mitigation-Fee-Implementation-Manual-Final-w--Dividers>

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:** Laurie Sampson, Executive Assistant

**MEETING DATE:** May 11, 2021

**SUBJECT:** Consideration and Introduction of Ordinance 1573, An Ordinance of the City of Banning, California, Amending Title 6 (Animals) of the Banning Municipal Code, Amending the City's Animal Code Provisions, and Finding an Exemption from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

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### **RECOMMENDED ACTION:**

Staff recommends the City Council waive full reading and introduce, as read by title only, Ordinance 1573, An Ordinance of the City of Banning, California, Amending Title 6 (Animals) of the Banning Municipal Code, Amending the City's Animal Code Provisions, and Finding an Exemption from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

### **BACKGROUND:**

The City of Banning previously contracted for animal control services with the City of Beaumont from July 1, 2010 to June 30, 2018. In May 2018, the City of Banning received notice from the City of Beaumont of their intention to terminate services as of June 30, 2018. The Riverside County Department of Animal Control Services was contracted to provide basic animal sheltering services, field operations and licensing services for the FY 2018-2019. Without a local animal shelter, the City was not able to establish internal animal control services within the short time period given by the City of Beaumont.

In February 2020, the City received notice from Riverside County that the animal control services contract would increase from \$14,000 to \$27,000 per month effective March 1, 2020. In addition, Riverside County retains animal license fees, impound fees and other fines or penalties related to animal control services. The total cost of the contract with Riverside County for animal control services exceeds \$350,000 annually.

On September 8, 2020, the City Manager, Doug Schulze, was directed by the Council to create an Animal Control Division.

The Banning Chamber of Commerce signed a lease for the City's Animal Shelter located at 2244 Charles Avenue and began efforts to upgrade the shelter with donated materials and volunteer labor. City Staff began the recruiting process to find a non-profit group to provide shelter services. On October 13, 2020, the Council adopted Resolution No. 2020-121, approving the creation of Animal Control Officer positions.

On April 27, 2021, the City Council approved an agreement with ARE Animal Rescue Services to provide shelter services within the City. In accordance with the agreement all shelter service fees will be collected and retained by ARE Rescue Services and animal license fees will be collected and retained by the City.

#### **JUSTIFICATION:**

Proposed Ordinance 1573, amending the City's animal code provisions, must be approved to grant the City of Banning's Animal Control Officers the authority to enforce the City's Animal Code within the City.

If the Council introduces Ordinance 1573, staff intends to recommend that the Council adopt a resolution establishing licensing fees concurrent with the Council's second reading and adoption of Ordinance 1573. The license fees will be collected and retained by the City. The City will honor all lifetime licenses issued by Riverside County prior to June 18, 2018. Rabies certification requirements will apply to these licenses.

#### **CEQA:**

City staff determined that proposed Ordinance 1573 is exempt from review under the California Environmental Quality Act (Cal. Pub. Resources Code, § 21000 *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs., § 15000 *et seq.*, the "CEQA Guidelines") pursuant to CEQA Guidelines Section 15061(b)(3). It can be seen with certainty that there is no possibility that the adoption of the proposed Ordinance, and the regulations established thereby, may have a significant effect on the environment, and the action taken herein is not a "project" within the meaning of CEQA. The proposed Ordinance will adopt an administrative process of the City that will not result in direct or indirect physical changes in the environment.

#### **FISCAL IMPACT:**


The anticipated savings of providing the City's own animal control and sheltering services is approximately \$100,000 per fiscal year plus revenue generated from licensing fees. The anticipated license fee revenue is \$30,000 the first fiscal year.

**ATTACHMENTS:**

1. Ordinance 1573

<https://banningca.gov/DocumentCenter/View/8726/Ordinance-No-1573-Animal-Code>

Approved by:

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Douglas Schulze  
City Manager