



AGENDA

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

June 8, 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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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 – Reverend Bill Dunn of St. Stephens Episcopal 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)

None

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

None

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 – 6.8.

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

- | | | |
|------|---|-----------|
| 6.1. | Minutes of the May 25, 2021 City Council Meetings | 7 |
| 6.2. | Resolution 2021-45, Extending the Pre-Approved Grant Writing Services Vendor List through Fiscal Year (FY) 2023..... | 8 |
| 6.3. | Resolution 2021-46, Approving the Reprogramming of Funding Year 2020/2021 Community Development Block Grant Funds From Project 5.BN.46-20 Banning Police Department Explorer Program to Project 5.BN.48-20 Repplier Park Rehabilitation and Improvement Phase II for the Amount of \$11,728.37..... | 10 |
| 6.4. | Resolution 2021-01 HA, Approval of Subordination Agreement for a First Time Homebuyer Program Located at 510 Dorothy Anna..... | 12 |
| 6.5. | Approving an Agreement with Altec Industries, Inc., a Sole Source Provider, for Onsite Inspections and Repair of Bucket Trucks “Not to Exceed” an Annual Aggregate of \$60,000 for Fiscal Year 2021/2022 with the Option for Annual Renewals..... | 14 |
| 6.6. | Approving the First Amendment to the Landscape Maintenance Services Agreement for City Properties with Artistic Maintenance, Inc., of Lake Forest, California for Fiscal Year 2022 in the amount of \$60,960..... | 17 |
| 6.7. | Approving the First Amendment to the Street Sweeping Agreement with Cannon Pacific Services, Inc., dba Pacific Sweep of San Marcos, California in the amount of \$86,680 for Fiscal Year 2021/2022 Services | 20 |
| 6.8. | Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Various Improvement Bonds.. | 23 |

7. PUBLIC HEARING(S):

- | | | |
|------|---|-----------|
| 7.1. | Resolution 2021-48, Confirming the Levy and Collection of Assessments within the City of Banning’s Landscape Maintenance District No. 1 for Fiscal Year 2021/2022 | 25 |
| | <i>(Staff Report: Arturo Vela, Public Works Director)</i> | |

Recommended Action: Staff recommends that the City Council adopt Resolution 2021-48: (1) Confirming the Levy and Collection of Assessments within the City of Banning’s Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code., and (2) Authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder’s Office.

- 7.2. Approve Resolution 2021-50, Adopting the 2020 Urban Water Management Plan (UWMP) and Resolution 2021-51, Adopting the Water Shortage Contingency Plan (WSCP).....**28**
(Staff Report: Arturo Vela, Public Works Director)

Recommended Action: Staff recommends that the City Council adopt: (1) Resolution 2021-50: a. Adopting the 2020 Urban Water Management Plan (UWMP), and b. Authorizing the Public Works Director to File the UWMP with the California Department of Water Resources; (2) Resolution 2021-51: a. Adopting the Water Shortage Contingency Plan (WSCP), and b. Authorizing the Public Works Director to File the WSCP with the California Department of Water Resources.

8. REPORTS OF OFFICERS:

- 8.1. Approve Broker of Record Designation / Employee Benefits Contract with Keenan & Associates for Fiscal Year 2021-2022..... **31**
(Staff Report: Cherie Johnson, Human Resources Manager)

Recommendation: That City Council approve the Broker of Record Designation / Employee Benefits contract, approved by City Manager Schulze.

- 8.2. Approving Amendment No. 1 to the Agreement (C00657) for Billing and Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees by and Between City of Banning and Wittman Enterprises LLC..... **34**
(Staff Report: Suzanne Cook, Deputy Finance Director)

Recommendation: (1) Approve Amendment No. 1 to the agreement between the City of Banning and Wittman Enterprises LLC for billing and cost recovery services for first responder (EMS/Fire) medical billing fees to exercise the first option to extend the Agreement for an additional one-year term, ending on June 30, 2022, and the increase in compensation for services for that term not to exceed Sixty Thousand Dollars (\$60,000.00); (2) Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 1; and (3) Authorize the City Manager to execute Amendment No. 1 to the agreement.

- 8.3. Award Architectural Services
(Staff Report: Thomas Miller, Electric Utility Director)

- 8.4. Emergency Services Contract with Riverside County EMD..... **36**
(Staff Report: Douglas Schulze, City Manager)

Recommendation: A motion to authorize the City Manager to enter into a contract with Riverside County Emergency Management Department (EMD),

Option 2, Shared Emergency Services Coordinator for approximately \$45,000 per year.

- 8.5. Receive and File Bulky Item Community Clean-Up Event Update **38**
(Staff Report: Arturo Vela, Public Works Director)

Recommendation: This is informational only; receive and file report.

- 8.6. Resolution 2021-42 Approving Agreement Pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with Off-Site Improvements..... **40**
(Staff Report: Arturo Vela, Public Works Director)

Recommendation: Staff recommends the City Council adopt Resolution 2021-42, a Resolution of the City Council of the City of Banning approving an agreement pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC (“Developer”) and the City of Banning for acquisition of certain real property interests in connection with Rancho San Gorgonio project off-site improvements (“Agreement”).

9. **DISCUSSION ITEM(S)**

None

10. **ITEMS FOR FUTURE AGENDAS**

10.1. New Items:

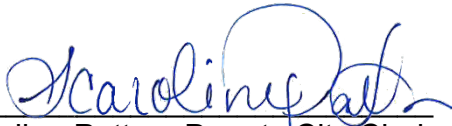
10.2. Pending Items:

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

11. **ADJOURNMENT**

Next Meeting – June 22, 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 3rd day of June 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 to request information be mailed.**



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk 

MEETING DATE: June 8, 2021

SUBJECT: Minutes of the May 25, 2021 City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the May 25, 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 May 25, 2021 Special Meeting
https://banningca.gov/DocumentCenter/View/8926/2021-05-25_Minutes_Special-Meeting
2. Minutes of the May 25, 2021 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/8927/2021-05-25_Minutes_Regular-Meeting

Approved by:



Douglas Schulze
City Manager



Agenda Item 6.2

CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jennifer Jackson, Grants Coordinator

MEETING DATE: June 8, 2021

SUBJECT: Resolution 2021-45, Extending the Pre-Approved Grant Writing Services Vendor List through Fiscal Year (FY) 2023

RECOMMENDED ACTION:

Adopt Resolution 2021-45, extending the current Pre-Approved Grant Writing Services Vendor List through Fiscal Year FY 2023.

BACKGROUND:

On October 9, 2018, Council adopted Resolution 2018-121 establishing the current Pre-approved Grant Writing Services Vendor List (**List**). The List was established as a result of a formal Request for Proposals (RFP) solicitation and evaluation process conducted by the Public Works Department in August 2018 and is set to expire at the end of FY 2021 (June 30):

CONSULTANT	SCORE
Blais & Associates <ul style="list-style-type: none">• Water programs• Transportation• Transit• Streets• Sustainability Planning	426.67
Michael Baker International <ul style="list-style-type: none">• Water• Transportation• Transit	410
TKE Engineering, Inc. <ul style="list-style-type: none">• Water Resources• Sewer• Active Transportation• Master Plans• Parks	364.17

CONSULTANT	SCORE
Engineering Solutions Services, Inc. <ul style="list-style-type: none">• Water & Water Treatment• Meters/AMI• Transit• Street Improvements• City Facilities• Parks• Master Plans	363.33
Carlson & Associates, LLC <ul style="list-style-type: none">• Active Transportation• Safe Routes to School• Sustainability Planning	354.17

JUSTIFICATION:

Since the adoption of Resolution 2018-121 in October 2018, staff has engaged the highest-scoring consultant, Blais and Associates, for multiple grant writing and grants management assignments. Several of these grant projects will not conclude prior to the FY 2021 List expiration date; therefore, staff is requesting the approval of an extension of the current Pre-Approved Grant Writing Services Vendor List through FY 2023.

FISCAL IMPACT:

N/A

ALTERNATIVES:

Reject Resolution 2021-45, allowing the current List to expire and require staff to prepare and advertise a new RFP, review submissions, and evaluate consultants in order to establish an updated Pre-Approved Grant Writing Services Vendor List.

ATTACHMENTS:

1. Resolution 2021-45

<https://banningca.gov/DocumentCenter/View/8894/Attachment-1---Resolution-2021-45>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

**Agenda Item
6.3**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: June 8, 2021

SUBJECT: Resolution 2021-46, Approving the Reprogramming of Funding Year 2020/2021 Community Development Block Grant Funds From Project 5.BN.46-20 Banning Police Department Explorer Program to Project 5.BN.48-20 Repplier Park Rehabilitation and Improvement Phase II for the Amount of \$11,728.37

RECOMMENDATION:

That City Council adopt Resolution 2021-46:

1. Approving the reprogramming of remaining program funds from the Community Development Block Grant (CDBG) FY 2020/2021, Program No. 5.BN.46-20 Banning Police Department Explorer Program to Program No. 5.BN.448-20 Repplier Park Rehabilitation and Improvement Phase II in the amount of \$11,728.38.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the reprogramming of Community Development Block Grant funds.
3. Authorize City Manager or his designee to take such additional, related action that may be necessary.

BACKGROUND:

The City seeks funding through Housing, Homelessness Prevention, and Workforce Solutions (HPPWS) as the local administrator for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Program. Each year, funding requests are submitted, reviewed, and approved by the County of Riverside Housing, Homelessness Prevention, and Workforce Solutions (HHPWS) based upon funding availability and project eligibility. Funding is restricted to specific criteria and generally includes projects that provide community, economic, and social development facilities and/or activities to the public.

In 2020, the HHPWS allocated Fiscal Year 2020/2021 funding in the amount of \$18,000 to the Banning Police Department Explorer Program, HHPWS Program No. 5.BN.46-20. At the conclusion of the project, a program balance in the amount of \$11,728.38 remained.

Following discussions with the HPPWS and considering the options to utilize the funding balance, the only feasible solution is to reprogram the funds to an existing HPPWS approved project. In 2020, the HPPWS allocated funding in the amount of \$166,336 for the Repplier Park Rehabilitation and Improvement Phase II Project, HPPWS Project No. 5.BN.48-20, and \$154,745 for the Senior Center ADA Ramp Project, HPPWS Project No. 5.BN.49-20. After consulting the Parks & Recreation Director, Ralph Wright, it was determined the best use of these funds would be to reprogram them to Project 5.BN.48-20, Repplier Park Rehabilitation and Improvement Phase II. If City Council approves the reprogramming of funds, the total approved program balance for Repplier Park Rehabilitation and Improvement Phase II will be in the amount of \$178,806.37.

JUSTIFICATION:

The City completed the intended project programmed with the Community Development Block Grant (CDBG) Fiscal Year 2020/2021 Funding Cycle, with funds remaining in the amount of \$11,728.38. Riverside County Housing, Homelessness Prevention, and Workforce Solutions (HPPWS) has indicated that the remaining funds could be reprogrammed into to another project in the same funding cycle.

FISCAL IMPACT:

The total amount of CDBG funds to be reprogrammed to the Repplier Park Rehabilitation and Improvement Phase II is \$11,728.38. Once funding is reprogrammed, the total CDBG funding for this project will amount to \$178,806.37.

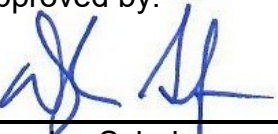
ALTERNATIVE:

1. Approve request to reprogram CDBG FY 2020/2021 funding.
2. Deny grant fund reprogramming request and provide staff direction.

ATTACHMENTS:

1. Resolution No. 2021-46
<https://banningca.gov/DocumentCenter/View/8898/Att-1-Resolution-2021-46--Reprogram-CDBG-Funds>
2. Reprogram Letter
<https://banningca.gov/DocumentCenter/View/8897/Att-2-Reprogram-Letter-to-HPPWS-6-9-2021>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING BANNING HOUSING AUTHORITY REPORT

TO: HOUSING AUTHORITY BOARD

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: June 8, 2021

SUBJECT: Resolution 2021-01 HA, Approval of Subordination Agreement for a First Time Homebuyer Program Located at 510 Dorothy Anna.

RECOMMENDED ACTION:

That the Housing Authority Board Adopt Resolution 2021-01 HA, approving a Subordination Agreement for a First Time Homebuyer Program Loan for Real Property Located at 510 Dorothy Anna, Banning, CA, Assessor's Parcel No. 537-262-002-5.

BACKGROUND:

In July 2009, the Agency entered into an agreement through the First Time Homebuyer Program ("FTHB"), to provide a fully forgivable 30 year loan. The FTHB program was implemented to reduce the financial burden of a down payment for residents at or below 120% of the current annual median income for the Riverside-San Bernardino County area, adjusted for family size, as defined by the U.S. Department of Housing and Urban Development.

The Agency executed several FTHB loans up until its dissolution and included a \$20,000 down payment toward the purchase of a new home that would be fully forgiven after 30 years, subject to basic provisions. FTHB loans are secured by a 'silent' second trust deed. The silent second is repaid from proceeds upon sale, foreclosure or transfer of the property. One exception in the silent second provides applicants to refinance their primary mortgage, with specific requirements. To ensure the value and security of the Agency's investment, refinancing an existing loan must not exceed the original 30 year term. For example, if the applicant executed a FTHB loan in 2010 and refinanced in 2015, the new loan term could not exceed 25 years.

The applicant's request meets all the criteria outlined within the FTHB loan agreement. The subject property has appreciated while the principal mortgage amount has reduced

from \$114,641 to \$100,700. The new loan will result in monthly savings to the applicant and preserves the former Agency's investment in the community.

JUSTIFICATION:

In support of home ownership in Banning, the former Community Redevelopment Agency ("Agency") provided down payment assistance for first time home buyers. From time-to-time, homeowner's desire to refinance their mortgages for more favorable terms, approval is at the discretion of the Housing Authority Board.

FISCAL IMPACT:

None

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2021-01 HA
<https://banningca.gov/DocumentCenter/View/8895/Att-1-Resolution-2021-01-HA>
2. Subordination Agreement – 510 Dorothy Ann
<https://banningca.gov/DocumentCenter/View/8896/Att-2-Subordination-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: Art Vela, Public Works Director
Holly Stuart, Management Analyst

MEETING DATE: June 8, 2021

SUBJECT: Approving an Agreement with Altec Industries, Inc., a Sole Source Provider, for Onsite Inspections and Repair of Bucket Trucks "Not to Exceed" an Annual Aggregate of \$60,000 for Fiscal Year 2021/2022 with the Option for Annual Renewals

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Approve an Agreement with Altec Industries, Inc., for onsite inspections and repair of bucket trucks for an annual aggregate amount "not to exceed" \$60,000 for Fiscal Year 2021/2022 with the option for annual renewals for up to three additional single year periods for Fiscal Years 2022/2023, 2023/2024 and 2024/2025.
2. Authorize the City Manager to execute the Agreement with Altec Industries, Inc., for Fiscal Year 2021/2022 with the option for annual renewals for up to three (3) additional single year periods for Fiscal Years 2022/2023, 2023/2024 and 2024/2025.
3. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to Altec Industries, Inc., annual inspections, and repair services.

BACKGROUND:

The City of Banning owns five (5) bucket trucks. The Street Division utilizes one (1) truck to perform general maintenance services with the remaining four (4) trucks being utilized by the Electric Department for overhead line repair and maintenance. To remain in compliance with safety standards and requirements regulated by Occupational Safety and Health Administration (OSHA) and American National Standards Institute (ANSI),

annual bucket truck inspections are necessary which include inspection of aerial devices and boom platforms.

Electric Utility operations specifically require dielectric testing of the bucket trucks which is the process of applying high voltage to a device in order to determine the status of its electrical insulation. Other bucket truck inspection tests are administered to address structural, functional and operational aspects of the equipment. These regular inspections are designed to identify developing problems in an effort to avoid injuries or equipment downtime. Following the inspections, if any defects are found, they are categorized by severity and scheduled for repairs. Inspection is performed onsite, and certification is provided verifying annual equipment inspection and operability.

All five (5) City-owned bucket trucks utilize Altec Industries, Inc., (Altec) aerial devices. In order to obtain inspection and repair services, in years past, staff has solicited Altec, a company proven to provide reliable and effective services. In reviewing services, it has been determined that Altec is a sole source provider in performing onsite inspections. Additionally, per the attached letter, Altec is a sole source provider for Altec OEM parts and accessories. For these reasons, staff respectfully requests City Council approval to process an annual blanket order with Altec for annual onsite inspection and repair of the bucket trucks as needed for an annual aggregate amount “not to exceed” \$60,000.

If approved, this shall include the option to renew services for three (3) additional single year periods for Fiscal Years 2022/2023, 2023/2024 and 2024/2025 upon satisfactory review and approval of annual services.

JUSTIFICATION:

Annual inspections of bucket trucks are required in order to maintain compliance with safety standards related to the operation of the trucks.

Altec is a sole source provider of Altec OEM parts and accessories and is unique in that they provide onsite inspection and repair services.

FISCAL IMPACT:

The Fleet Division operational budget will fund the annual onsite inspections and repairs as needed of the bucket trucks, Account No. 702-3800-480.38-52 (Auto Parts) and Account No. 702-3800-480.30-05 (Repair/Maint-Vehicles).

ALTERNATIVE:

The City Council may choose to take no action which will result in delays in performing the required safety inspections and needed repairs.

ATTACHMENT:

1. Altec Sole Source Letter

<https://banningca.gov/DocumentCenter/View/8902/Attachment-1-Sole-Source-Letter>

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**

**Agenda Item
6.6**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: June 8, 2021

SUBJECT: Approving the First Amendment to the Landscape Maintenance Services Agreement for City Properties with Artistic Maintenance, Inc., of Lake Forest, California for Fiscal Year 2022 in the amount of \$60,960

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Approve the First Amendment to the Contractual Services Agreement with Artistic Maintenance, Inc., to extend the contract term through Fiscal Year 2021/2022, add an additional location to the scope of services, and increase compensation in an amount "not to exceed" \$60,960 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 Artistic Maintenance, Inc., related Landscape Maintenance of City Properties.
3. Authorize the City Manager or his designee to execute the First Amendment to the Agreement with Dynamic Building Maintenance for Fiscal Year 2021/2022.

BACKGROUND:

A Request for Proposals (RFP) was published on March 20, 2020. On May 26, 2020, City Council approved the award of an agreement for landscape maintenance services of City properties to Artistic Maintenance, Inc., (Artistic) in the amount of \$59,760. The original agreement was for a one-year period, expiring June 30, 2021, with the option to renew for an additional four (4) single year periods upon satisfactory review of services.

At this time, staff has reviewed the agreement and based on satisfactory performance, recommends the execution of the First Amendment. The proposed First Amendment with Artistic shall provide complete services including all labor, tools, materials and equipment necessary to perform turf management; shrub bed maintenance; tree care and pruning; fertilization; environmental weed and pest control program; irrigation equipment and operations for all locations identified below. Additionally, Artistic agreed to forgo a cost increase and maintain the existing maintenance costs established during the initial contract period, also detailed below.

Landscape Maintenance of City Properties - First Amendment

June 8, 2021

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	DESCRIPTION	LOCATION	QUANTITY	MONTHLY COST	ANNUAL TOTAL
A.	Ramsey Street Medians	Highland Springs Avenue to Highland Home Road	12 Months	\$1,550	\$18,600
B.	Banning City Hall (Civic Center)	99 E. Ramsey St.	12 Months	\$730	\$8,760
C.	Banning Police Station	125 E. Ramsey St.	12 Months	\$285	\$3,420
D.	Banning Police Station Northeast Parking Lot	125 E. Ramsey St.	12 Months	\$175	\$2,100
E.	Fire Station	5261 W. Wilson	12 Months	\$160	\$1,920
F.	Community/Senior Center	769/789 N. San Gorgonio	12 Months	\$600	\$7,200
G.	Aquatic Center	749 N. San Gorgonio	12 Months	\$285	\$3,420
H.	Former Army National Guard	2041 W. Nicolet St.	12 Months	\$135	\$1,620
I.	Brinton Reservoir	1700 N. Mountain Ave.	12 Months	\$85	\$1,020
J.	Sunset Reservoir	1202 N. Sunset	12 Months	\$350	\$4,200
K.	San Gorgonio Parking Lot	128 N. San Gorgonio	12 months	\$100	\$1,200
L.	As Needed Services (i.e., plant replacement, etc. irrigation repairs)	TBD	TBD	TBD	\$7,500
	Total				\$60,960

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 expiring no later than June 30, 2025.

JUSTIFICATION:

The Public Works Department does not have the required field staff needed to maintain the identified landscape areas, therefore; it is necessary to retain a landscape maintenance contractor to provide these services. Upon review, staff determined that Artistic has continued to provide satisfactory landscape maintenance services for City properties.

FISCAL IMPACT:

The total agreement amount is \$60,960 and will be funded by the operational budgets of Police Department (\$7,440), Building and Maintenance (\$11,580), the Community Services Department (\$10,620), Street Division (\$18,600), and Water Division (\$5,220) with an additional 7,500 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.	001-2200-421.23-29	Contractual Services/Landscape Maintenance; Police	\$7,440
2.	001-3200-412.23-29	Contractual Services/Landscape Maintenance; Building Maintenance	\$11,580
3.	001-4000-461.23-29	Contractual Services/Landscape Maintenance; Recreation	\$3,600
4.	001-4010-461.23-29	Contractual Services/Landscape Maintenance; Aquatics	\$3,420
5.	001-4050-462.23-29	Contractual Services/Landscape Maintenance; Senior Center	\$3,600
6.	100-4900-431.23-29	Contractual Services/Landscape Maintenance; Street	\$18,600
7.	660-6300-471-45-07	Reservoir Expenses; Water	\$5,220
8.	TBD	Additional Services as Needed	\$7,500
		TOTAL	\$60,960

ALTERNATIVE:

The City Council may choose to reject the recommendation and discontinue services. If directed, staff could proceed with a new RFP to obtain required services. This alternative would result in an interruption in landscape maintenance services of City properties as the City does not have staff resources to perform these tasks in-house.

ATTACHMENT:

1. Draft First Amendment

https://banningca.gov/DocumentCenter/View/8903/Attachment-1_C00647-ARTISTIC-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
Holly Stuart, Management Analyst

MEETING DATE: June 8, 2021

SUBJECT: Approving the First Amendment to the Street Sweeping Agreement with Cannon Pacific Services, Inc., dba Pacific Sweep of San Marcos, California in the amount of \$86,680 for Fiscal Year 2021/2022 Services

RECOMMENDED ACTION:

City Council adopt the following:

1. Approving the First Amendment to the Contractual Services Agreement with Cannon Pacific Services, Inc., dba Pacific Sweep of San Marcos, California, extending the contract term through Fiscal Year 2021/2022 and increasing the compensation in an amount "not to exceed" \$86,680 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 Cannon Pacific Services, Inc., dba Pacific Sweep related to street sweeping services.
3. Authorize the City Manager or his designee to execute the First Amendment to the Agreement with Cannon Pacific Sweep, Inc., dba Pacific Sweep for Fiscal Year 2021/2022.

BACKGROUND:

A Request for Proposals (RFP) was published on March 6, 2020. On June 9, 2020, City Council approved the award of an agreement for citywide street sweeping services to Cannon Pacific Sweep, Inc., dba Pacific Sweep ("Pacific Sweep") in the amount of \$91,177. The original agreement was for a one-year period, expiring June 30, 2021, with the option to renew for an additional four (4) single year periods upon satisfactory review of services.

At this time, staff reviewed the agreement and confirmed satisfactory performance. During this review, staff also evaluated the scope of work and number of curb miles

serviced monthly. As a result, staff identified that residential areas shall continue to be swept once per month. Commercial sweeping will adjust from weekly services to four times per month. With these adjustments and overall identified 300 curb miles being serviced monthly, a cost reduction will be realized. Consequently, staff recommends the execution of the First Amendment.

The proposed First Amendment with Pacific Sweep shall provide complete services including all labor, tools, materials and equipment necessary to perform citywide street sweeping services. In addition to beautifying the City, street sweeping services will eliminate roadside debris, pollutants and sediments that might otherwise enter the storm drain assisting the City in complying with the requirements of its National Pollutant Discharge Elimination System (NPDES) permit. In addition to standard monthly needs, the scope requires the Contractor to respond to special requests should there be hazards posing threat to public safety, such as debris creating traffic issues. Street sweeping services may also be scheduled for special events. Routes, service days and curb miles are summarized as follows:

	ROUTE	ROUTE TYPE	FREQUENCY	SERVICE DAYS	ROUTE CURB MILES	MONTHLY CURB MILES	ANNUAL CURB MILES
A.	1	Commercial	4 X/Month	Thursdays	31	124	1488
B.	2	Residential	Monthly	1 st Wednesday	14	14	168
C.	3	Residential	Monthly	1 st Thursday	28	28	336
D.	4	Residential	Monthly	1 st Friday	27	27	324
E.	5	Residential	Monthly	2 nd Wednesday	20	20	240
F.	6	Residential	Monthly	2 nd Thursday	15	15	180
G.	7	Residential	Monthly	2 nd Friday	31	31	372
H.	8	Residential	Monthly	3 rd Wednesday	22	22	264
I.	9	Residential	Monthly	3 rd Thursday	19	19	228
K.	As Needed	TBD	TBD	TBD	TBD	TBD	200
	Total				207	300	3,800

JUSTIFICATION:

The Public Works Department does not have the required staff needed to maintain regularly scheduled street sweeping services; therefore, it is necessary to retain a contractor. Upon review, staff determined that Pacific Sweep has continued to provide satisfactory citywide street sweeping services.

FISCAL IMPACT:

Street sweeping services in the amount of \$86,680 will be funded by Gas Tax Funds, Account 100-4900-431.33-11 (Professional Services).

ALTERNATIVES:

The City Council may choose to reject the recommendation and discontinue services. If directed, staff could proceed with a new RFP to obtain required services. This alternative would result in an interruption in citywide street sweeping services as the City does not have staff resources to perform these services in-house.

ATTACHMENTS:

1. Draft First Amendment
<https://banningca.gov/DocumentCenter/View/8930/Attachment-1--C00644-PACIFIC-SWEEPING-AMENDMENT-1>
2. Route Map
https://banningca.gov/DocumentCenter/View/8929/Attachment-2 PS Overview-Street-Sweeping-Map_Cropped

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: June 8, 2021

SUBJECT: Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Various Improvement Bonds

RECOMMENDED ACTION:

City Council accept various public improvements constructed within the Atwell Specific Plan development and authorize the 90% bond exoneration for said improvements.

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 condition of the development Pardee was required to sign a Subdivision Improvement Agreement and submit bonds to assure the City that the required public improvements including street, sewer, water, non-potable water and storm drain improvements are constructed according to City standards and specifications.

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 bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS331788	\$ 49,887.00	Apex Street Non-Potable Water
CMS331782	\$207,506.00	Creekside Avenue Water
CMS331791	\$ 56,655.75	Wilson Street Water

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.

ATTACHMENT:

1. Subdivision Improvement Agreement TM 37298-1
<https://banningca.gov/DocumentCenter/View/8915/Attachment-1--SIA-37298-1>

Approved by:

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

Douglas Schulze
City Manager



Agenda Item 7.1

CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: June 8, 2021

SUBJECT: Resolution 2021-48, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2021/2022

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2021-48:

1. Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
2. Authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office.

BACKGROUND:

In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of LMD No. 1, ("the District"). An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution 2005-36 on May 10, 2005. A map displaying LMD No. 1 is shown as Attachment 2. On February 23, 2021 the City Council approved Resolution 2021-06, initiating proceedings for the fiscal year update of LMD No. 1 and ordering the City Engineer to prepare and to file a report in accordance with the 1972 Act. The District, by special benefit assessments, provides funding for the operation and maintenance of certain landscape areas within the City of Banning, all of which were constructed as part of private development projects and all of which are located in the public right-of-way and/or city owned property. The 1972 Act requires that assessments be levied according to benefit rather than according to assessed value.

Subsequently, on April 13, 2021, the City Council adopted Resolution 2021-21, approving the Engineer's Report. Resolution 2021-48, if approved, will confirm the assessments for

the Fiscal Year 2021/2022. The schedule updating LMD No. 1 is shown as Attachment 3, and the Notice of Public Hearing is shown on Attachment 4.

For Fiscal Year 2021/2022, the Engineer's Report does reflect a CPI percentage increase of 2.25% on the assessments over the last fiscal year applied only to those tracts annexed into the District in 2005: Tracts 28252, 30793, 31833, 31834, 31835 and 30906, Zones six through ten. The Annual Engineer's Report approved as part of Resolution 2021-21 lists the Assessment Unit (AU) rates and costs to be levied to the property owners within LMD No. 1 for FY 2021/2022 and a summary is shown as Attachment 5.

JUSTIFICATION:

The City Council approved the formation of Landscape Maintenance District (LMD) No. 1 by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of this Resolution will enable the City of Banning to assess the property owners located within LMD No. 1 to provide for the funding required to maintain landscape areas located within the public right-of-way directly benefiting said property owners.

FISCAL IMPACT:

Based on the proposed assessments in the Engineer's Report, the estimated revenues for Fiscal Year 2021/22 for LMD No. 1 will be approximately \$141,219.74, with the 2.25% CPI increase applied to the existing tracts annexed into the District in 2005: Tracts 28252, 30793, 31833, 31834, 31835 and 30906. If approved, the annual assessment for a single-family dwelling in these Zones would increase from the current rate of \$216.69 to \$221.57.

The estimated expenses are \$239,933.24, a shortfall of approximately \$98,713.50.

Attachment 6 identifies funding reserve balances in each Zone. Many of the zones do not have sufficient reserves to cover the projected expenses; therefore, a reduction in maintenance services is imminent to reduce costs.

ALTERNATIVE:

The City Council may reject Resolution No. 2021-48, which would result in staff not continuing with the process of assessing the homeowners and properties within LMD No. 1 a fee to pay for operation and maintenance costs. Expenses funded by the fee currently include the landscape maintenance contractor, utility costs (water and electric), administrative costs, and miscellaneous costs. Without an assessment, other funding sources would have to be utilized to pay for the expenses related to the operation and maintenance of LMD No.1.

ATTACHMENTS:

1. Resolution 2021-48
<https://banningca.gov/DocumentCenter/View/8904/Att-1-Resolution-2021-48-LMD-Assessment>
2. LMD No. 1 Map for FY 2021/22
<https://banningca.gov/DocumentCenter/View/8905/Att-2-LMD-No1-Map>
3. Schedule for Updating LMD No. 1
<https://banningca.gov/DocumentCenter/View/8907/Att-3-Schedule-for-Updating-LMD-No-1-FY-21-22>
4. LMD No. 1 Assessments/Public Hearing Publication
<https://banningca.gov/DocumentCenter/View/8906/Att-4-Public-Notice-of-Public-Hearing>
5. LMD No. 1 Assessments
<https://banningca.gov/DocumentCenter/View/8908/Att-5-Tracts-and-Assessments-for-FY-2021-2022>
6. Zone Funding
<https://banningca.gov/DocumentCenter/View/8909/Att-6-Zone-Funding>
7. Staff Report and Executed Resolution 2021-21
<https://banningca.gov/DocumentCenter/View/8910/Att-7-Staff-Report-and-Resolution-21-21>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS' followed by a stylized flourish.

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
Luis Cardenas, Senior Civil Engineer

MEETING DATE: June 8, 2021

SUBJECT: Approve Resolution 2021-50, Adopting the 2020 Urban Water Management Plan (UWMP) and Resolution 2021-51, Adopting the Water Shortage Contingency Plan (WSCP)

RECOMMENDED ACTION:

Staff recommends that the City Council adopt:

1. Resolution 2021-50:
 - a. Adopting the 2020 Urban Water Management Plan (UWMP), and
 - b. Authorizing the Public Works Director to File the UWMP with the California Department of Water Resources.
2. Resolution 2021-51:
 - a. Adopting the Water Shortage Contingency Plan (WSCP), and
 - b. Authorizing the Public Works Director to File the WSCP with the California Department of Water Resources.

BACKGROUND:

In accordance with the Urban Water Management Planning Act (UWMPA) of 1983 and subsequent amendments, all urban water agencies that either provide over 3,000 acre-feet of water annually for municipal purposes or serve more than 3,000 customers are required to assess the reliability of their water sources over a 20 year planning horizon. The assessment must consider normal and dry years, and estimate future water demands. New for 2020 is the requirement to consider extended droughts of up to five years, and adoption of a Water Shortage Contingency Plan that has a minimum of 6 stages, in keeping with the latest State guidelines.

The City is the Urban Water Supplier for the water service area of the City of Banning, which includes portions of the County south of the City. The City of Banning has, in the past, complied with California state law as set forth in the UWMPA by preparing and submitting an UWMP in 1998 and an updated UWMP in 2005, 2010, and 2015. The

California UWMPA requires that the UWMP be updated every five years. The California Water Code specifies the contents and procedures for the adoption of the UWMP, which must be adopted and submitted to the DWR. For the 2020 UWMP, the deadline for submittal to DWR is July 1, 2021.

On December 8, 2021, a Professional Services Agreement was awarded to West & Associates Engineering, Inc. for the preparation of the City's 2020 UWMP.

The Draft 2020 UWMP was developed according to the 2020 Urban Water Management Plan Guidebook and includes demand analysis and projections through 2045; analysis of water source system supply, demand and reliability; an updated Water Shortage Contingency Plan and demand management measures.

On June 8, 2021, a noticed workshop will be held before the City Council to provide an opportunity to receive and consider comments from the public on the Draft 2020 UWMP. Additionally, the notice of the workshop provided the website link to the Draft 2020 UWMP for review.

Additionally, staff sent notifications regarding the Draft 2020 UWMP to local agencies and water suppliers such as the Cabazon Water District, Morongo Band of Mission Indians, Beaumont Cherry Valley Water District, San Geronio Pass Water Agency, Beaumont Basin Watermaster, City of Beaumont, Banning Heights Mutual Water Company, High Valley Water District, Yucaipa Valley Water District, Riverside County Planning Department and the South Mesa Water Company. Although City Hall has been closed to the public for much of 2021 due to the COVID-19 pandemic, copies of the draft were also made available upon request at the Public Works Department counter and with the Deputy City Clerk.

Once all comments are received and considered, the Draft 2020 UWMP will be finalized. On May 25, 2021 and June 1, 2021 a notice of public hearing was advertised in the Press Enterprise notifying the public of the hearing scheduled for the adoption of the 2020 UWMP which is attached hereto. Once finalized, the 2020 UWMP will be sent to the California DWR for final approval before the July 1, 2021 deadline.

JUSTIFICATION:

In order to remain in compliance with the UWMPA and the subsequent amendments to the Act, the City of Banning is required to prepare, adopt and submit to the California DWR an UWMP, including a WSCP, on or before July 1, 2021.

The UWMP serve as a long-range planning document for water supply-demand management, a source of data for General Plan updates, a foundation document and source of information for Water Supply Assessments (Senate Bill 610) and Written Verifications of Water Supply (Senate Bill 221) and a useful tool in assessing whether or not there will be enough water for the City in future years.

FISCAL IMPACT:

None

ALTERNATIVES:

1. Continue this item to the June 22, 2021 City Council regular scheduled meeting providing the opportunity to update the plan and incorporate any comments provided at the June 8, 2021 Public Hearing.
2. Not adopt Resolutions 2021-50 and 2021-51, and provide further direction. If the 2020 UWMP is not filed with DWR by the July 1, 2021 deadline, the City will be in violation of UWMPA and this could jeopardize the City's eligibility for grant funding from the State.

ATTACHMENTS:

1. Resolution 2021-50
<https://banningca.gov/DocumentCenter/View/8911/Attachment-1---Resolution-2021-50---Adopting-UWMP>
2. Resolution 2021-51
<https://banningca.gov/DocumentCenter/View/8912/Attachment-2---Resolution-2021-51---Adopting-WSCP>
3. Final Draft 2020 UWMP
https://banningca.gov/DocumentCenter/View/8914/Attachment-3---Final-Draft-2020-UWMP---Banning_May-2021
4. Public Notice in Press Enterprise
<https://banningca.gov/DocumentCenter/View/8913/Attachment-4---Public-Notice-in-Press-Enterprise>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS' followed by a stylized flourish.

Douglas Schulze
City Manager

Agenda Item 8.1



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Cherie Johnson, Human Resources Manager

MEETING DATE: June 8, 2021

SUBJECT: Approve Broker of Record Designation / Employee Benefits Contract with Keenan & Associates for Fiscal Year 2021-2022

RECOMMENDATION:

That City Council approve the Broker of Record Designation / Employee Benefits contract, approved by City Manager Schulze.

BACKGROUND:

Each year, our dedicated brokerage firm is expected to approach our employee insurance providers for potential rate savings and/or projected increases based on utilization, wellness efforts, and other factors.

The staff and elected officials at the City of Banning expect competitive rates, as do new hires. Competitive insurance rates have a direct effect on retention, recruitment, and the overall health of our workforce.

To the best of our knowledge, the City of Banning has not entertained a new brokerage or competitive bids since at least 2001. In 2021, the proposed provider rate increases from HRBC seemed excessive and, in an immediate cost-savings effort, the City sought out a competitive bid. The Benefits Advisory Committee received a full presentation from Keenan & Associates and voted in favor of this recommended change.

JUSTIFICATION:

With a change in broker, the City will realize a lower overall broker commission rate, lower overall premiums, and a more modernized service approach. Employees will see reduced rates for Kaiser medical, dental, life/AD&D, and voluntary life products, as well as a more comprehensive dental provider. The new brokerage firm, Keenan & Associates, has greater capacity to service our employees and has the company size to leverage more

competitive rates. Keenan & Associates has over 200 public agency clients and has its largest office in Riverside. They will provide an online enrollment experience with Spanish and English-speaking professional benefits advisors, wellness programs, a WellCard discount, employee benefits surveys, additional mental health/EAP benefits, online health assessments, a preventative health fair, Kaiser Workforce Solutions, and a Kaiser Mobile Van visit. The Broker of Record Designation / Employee Benefits contract (FY21-22) recommended for approval is attached hereto.

FISCAL IMPACT:

Brokerage percentage rates will be reduced for FY21-22 as documented below:

	HRBC	Keenan
Carrier	Commission	Commission
Blue Shield (Medical)	3.63%	3.13%
Blue Shield (Vision)	5.00%	5.00%
Kaiser (Medical)	2.50%	2.00%
Delta Dental DHMO (Stand-alone)	5.00%	4.50%
Delta Dental DPPO	10.00%	7.00%
Standard (Group Life/AD&D)	10.00%	10.00%
Standard (Voluntary Life)	10.00%	10.00%
Standard (STD) Plan 1	10.00%	0.00%
Standard (LTD) Plan 4	10.00%	0.00%

As identified below, the City will realize annual insurance premium savings of (-\$46,553) from current rates. More importantly, the City will realize annual insurance premium savings of (-\$70,345) from the current broker's original rate increase proposal.

	Current	HRBC Original Renewal Proposal	HRBC Final Renewal Proposal	Keenan Proposal 1
	Blue Shield KP (Medical)	Blue Shield KP (Medical)	Blue Shield KP (Medical)	Blue Shield KP (Medical)
	Sun Life (Dental)	Sun Life (Dental)	Delta (Dental)	Delta (Dental)
	Sun Life (Group Life)	Sun Life (Group Life)	Sun Life (Group Life)	Standard (Group Life)
	Sun Life (Disability)	Sun Life (Disability)	Sun Life (Disability)	Standard (Disability)
Trio HMO	\$ 50,384.52	\$ 52,041.14	\$ 52,041.14	\$ 51,781.38
Access+ 15	\$ 19,021.65	\$ 20,596.67	\$ 20,596.67	\$ 20,493.68
Blue Shield PPO	\$ 7,273.99	\$ 7,876.23	\$ 7,876.23	\$ 7,836.86
Kaiser 15	\$ 51,095.05	\$ 50,919.38	\$ 50,919.38	\$ 50,664.86
Kaiser 20	\$ 2,738.72	\$ 2,729.81	\$ 2,729.81	\$ 2,716.81
DPPO High	\$ 5,672.43	\$ 5,672.43	\$ 5,218.53	\$ 5,025.82
DPPO Low	\$ 1,821.62	\$ 1,821.62	\$ 1,675.86	\$ 1,621.44
Dental HMO	\$ 739.80	\$ 739.80	\$ 680.80	\$ 646.79
Group Life/AD&D	\$ 3,060.69	\$ 3,060.69	\$ 2,349.15	\$ 1,834.15
STD	\$ 4,596.12	\$ 4,596.12	\$ 2,068.25	\$ 1,608.64
LTD	\$ 3,360.22	\$ 3,360.22	\$ 3,321.60	\$ 3,321.60
Monthly Premium	\$149,764.81	\$153,414.11	\$ 149,477.42	\$ 147,552.03
Annual Premium	\$ 1,797,177.72	\$ 1,820,969.32	\$ 1,773,729.04	\$ 1,750,624.33
% Change Over Current		1.32%	-1.30%	-2.59%
\$ Change Over Current		\$ 23,791.60	\$ (43,448.68)	\$ (46,553.39)

ALTERNATIVE:

The City Council may choose not to approve the new Broker of Record / Employee Benefits contract, which would result in the City experiencing higher premiums with a reduced service level.

ATTACHMENT:

1. Broker of Record / Employee Benefits Contract
https://banningca.gov/DocumentCenter/View/8925/BOR-City-of-Banning-Final_Signed-2021_0521

Approved by:

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

Douglas Schulze
City Manager



Agenda Item 8.2

CITY OF BANNING BANNING CITY COUNCIL

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Acting ASD / Deputy Finance Director

MEETING DATE: June 8, 2021

SUBJECT: Approving Amendment No. 1 to the Agreement (C00657) for Billing and Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees by and Between City of Banning and Wittman Enterprises LLC

RECOMMENDED ACTION:

1. Approve Amendment No. 1 to the agreement between the City of Banning and Wittman Enterprises LLC for billing and cost recovery services for first responder (EMS/Fire) medical billing fees to exercise the first option to extend the Agreement for an additional one-year term, ending on June 30, 2022, and the increase in compensation for services for that term not to exceed Sixty Thousand Dollars (\$60,000.00).
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 1.
3. Authorize the City Manager to execute Amendment No. 1 to the agreement.

BACKGROUND:

On March 24, 2020, the City Council directed staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write Off Policy modeled after the Cities of Indian Wells, Rancho Mirage and Palm Desert. The emergency medical services billing program fee is paid by insurance. Insurance will be billed directly whenever possible. If insurance information isn't available, the statement will clearly indicate that the bill should be submitted to insurance for payment. No collection activities are proposed in the event a bill is not paid.

JUSTIFICATION:

On May 26, 2020 City Council authorized the Agreement with Wittman Enterprises LLC to begin the Emergency Medical Services Billing Program which allows Wittman Enterprises LLC to bill medical insurance companies (at no cost to the public) for medical Fire/EMS response fees. This program is intended to recover costs and generate revenue for the City.

Staff will evaluate, on an annual basis, the services provided to the City by Wittman Enterprises LLC to confirm that it is appropriate to continue receiving said services.

FISCAL IMPACT:

Wittman Enterprises LLC charges a \$15.00/incident fee to the city to administer this program. With an average of 4,000 incidents per year, the contract expenditure amount is estimated to be \$60,000. The anticipated revenue to the city is \$400,000-\$500,000 annually.

Amendment No. 1 to the agreement between the City of Banning and Wittman Enterprises LLC adds an additional \$60,000 to the contract for year two (2).

OPTIONS:

1. Approve the recommended actions:
 - a. Approve Amendment No. 1 to the agreement between the City of Banning and Wittman Enterprises LLC for billing and cost recovery services for first responder (EMS/Fire) medical billing fees to exercise the first option to extend the Agreement for an additional one-year term, ending on June 30, 2022, and the increase in compensation for services for that term not to exceed Sixty Thousand Dollars (\$60,000.00).
 - b. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 1.
 - c. Authorize the City Manager to execute Amendment No. 1 to the agreement.
2. The City Council may choose to reject the recommended actions and provide alternative options.

ATTACHMENTS:

1. Amendment No. 1 to the Agreement with Wittman Enterprises LLC
<https://banningca.gov/DocumentCenter/View/8900/Att-1-Amendment-No-1>
2. Original Executed Agreement with Wittman Enterprises LLC
<https://banningca.gov/DocumentCenter/View/8899/Att-2-Original-Executed-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

MEETING DATE: June 8, 2021

SUBJECT: Emergency Services Contract with Riverside County EMD

RECOMMENDED ACTION:

A motion to authorize the City Manager to enter into a contract with Riverside County Emergency Management Department (EMD), Option 2, Shared Emergency Services Coordinator for approximately \$45,000 per year.

BACKGROUND:

Prior to July 1, 2021, Emergency Management Services have been included in the Fire Services Contract with Riverside County. The new agreement with Riverside County Fire Department removed Emergency Management Services. As such, Riverside County Emergency Management Department has developed a proposal for cities to consider. The proposal includes different service level options ranging from no emergency management services to a full-time dedicated Emergency Services Coordinator.

Shortly after receiving the proposal from Riverside County EMD, a conversation with the City of Beaumont City Manager occurred regarding a shared position between the two cities. In mid-May, City Manager Todd Parton informed me that the City of Beaumont would be partnering with Beaumont Unified School District. Since Riverside County EMD services terminate June 30, 2021, unless new contracts are executed, there is not sufficient time to consider and implement other options prior to the contract expiration.

The City of Banning has historically relied heavily upon Riverside County EMD for emergency services. Current City staffing does not provide the expertise and capacity required to assume the responsibilities and duties of an emergency services coordinator. Eligibility for reimbursement of emergency/disaster costs requires that emergency plans are updated and approved, which will be a primary responsibility of the Emergency Services Coordinator. In addition, City staff training is critical so staff members understand their roles and responsibilities during the response and recovery phases of a major emergency or disaster.

JUSTIFICATION:

Emergency Services are a critical responsibility of the City and consistent with the City's goal of being a Safe City.

FISCAL IMPACT:

Option 2: Shared Emergency Services Coordinator (ESC) will result in an annual cost of approximately \$45,000.

OPTIONS:

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

ATTACHMENTS:

1. Letter from Riverside County EMD dated April 5, 2021
<https://banningca.gov/DocumentCenter/View/8892/Attachment-1-EMD-Emergency-Services-Proposal>
2. Agreement for Emergency Services Coordinator
<https://banningca.gov/DocumentCenter/View/8893/Attachment-2-EMD-Partnership-Agreement>

Approved by:

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Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

**Agenda Item
8.5**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Edith Garcia, Solid Waste Program Coordinator

MEETING DATE: June 8, 2021

SUBJECT: Receive and File Bulky Item Community Clean-Up Event Update

RECOMMENDED ACTION:

This is informational only; receive and file report.

BACKGROUND:

Every year the City of Banning partners with Waste Management for two free community clean-up events held at Dysart Park. These events allow residents an opportunity to dispose of unwanted items too large to dispose of using regular refuse collection services. Disposal services for electronic waste and onsite paper shredding are provided to our residents at these events as well.

The latest event, held on Saturday, April 10, 2021 welcomed 413 vehicles. An accumulation of 32.21 tons of municipal solid waste, 9.24 tons of green waste, 18.13 tons of white goods/metal, 3.97 tons of e-waste and 1.91 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 64.46 tons of waste of which 33.25 tons were successfully diverted from the landfill. The overall tonnage collected equates to Waste Management servicing approximately 3,223 homes. A total of 5,200 pounds of paper were shredded, this equates to approximately 166 banker's boxes.

The City's Bulky Item clean up events continue to be a success and provide a great service to our citizens. The events also help in keeping the community clean by offering a place to get rid of large items, which would normally be illegally dumped throughout our City if not taken to a landfill.

FISCAL IMPACT:

The material cost associated with producing the event was \$1917.63, which funded the advertisement of the event, shredding vendor, battery disposal, and a team lunch. The event is staffed by the Public Works Department, Street Division. Staff time and material costs were funded by the Refuse fund.

ATTACHMENT:

1. Event Pictures

https://banningca.gov/DocumentCenter/View/8916/Attachment-1_Event-Pictures

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**

**Agenda Item
8.6**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: June 8, 2021

SUBJECT: Resolution 2021-42 Approving Agreement Pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with Off-Site Improvements

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2021-42, a Resolution of the City Council of the City of Banning approving an agreement pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC ("Developer") and the City of Banning for acquisition of certain real property interests in connection with Rancho San Gorgonio project off-site improvements ("Agreement").

BACKGROUND:

On October 11, 2016, the City Council adopted Ordinance No. 1500 approving the Rancho San Gorgonio Specific Plan ("Project"), adopting conditions of approval, and making findings in support. As part of the Project, Developer will develop a master plan development on that certain real property owned by Diversified Pacific Development Group, LLC consisting of approximately 831 acres. The Project was approved for the development of a mix of residential units, Neighborhood Commercial uses, an elementary school site, parks, recreational areas with passive open space trails and sports fields, and 77 acres for circulation uses, including ways, pathways, and bridges for vehicular, bikes, pedestrian, and equestrian uses.

Ordinance No. 1500 contained specific conditions of approval requiring Developer to construct several public improvements, including the construction of "C" Street from the Project boundary to State Route (SR) 243 and construction of sewer improvements. The public improvements include:

- Right-of-way acquisition, design, and construction for the off-site portions of "C" Street from the Project boundary to SR 243. "C" Street shall intersect SR 243.
- Construction of approximately 600 feet of off-site sewer main to the point of connection with the existing sewer system. The Project would connect the existing

21" sewer trunk line located south of Wesley Street, east of San Gorgonio Avenue (i.e SR 243).

The City and Developer acknowledge that a portion of the property needed to secure road access alignment for "C" Street and for the sewer trunk line, as described above, is on private property and not owned or controlled by the Developer. The Developer is required to make a good faith effort to acquire any necessary right-of-way for said improvements including securing all required easements for the sewer trunk line.

The Developer has provided credible evidence that Developer has made a good faith effort to acquire the right-of-way and easements, but has been unable to do so by negotiated purchase. In order to facilitate the acquisition of the needed right-of-way and easements needed for the Project, the Developer has requested that the City acquire the right-of-way and easements pursuant to Government Code Section 66462.5.

Pursuant to California Government Code Section 66462.5, when a condition of a subdivision map approval or a development agreement requires the installation or construction of off-site improvements on property not owned or controlled by a developer, and title cannot be obtained by negotiated purchase, a city is required to commence proceedings to acquire the required right-of-way and/or easements by eminent domain or such off-site improvement conditions will be waived. In the case of the Project, compliance with the conditions of approval are necessary and should not be waived.

Pursuant to said Section 66462.5, a city and a developer may enter into an agreement to allocate the costs and responsibilities for acquisition of right-of-way and/or easements necessary for the orderly development of a project. To facilitate the satisfaction of the conditions of approval, City and Developer have mutually agreed to enter into the Agreement which sets forth the obligations for the costs and responsibilities in connection with the acquisition of the right-of-way and easements.

Resolution 2021-42 as presented here was discussed at the May 25, 2021 meeting and continued to the June 8, 2021.

JUSTIFICATION:

Approved Ordinance No. 1500 contained conditions of approval that require the construction of improvements that involve the acquisition of real property interests in order to be completed. The Agreement will facilitate the development of the project and compliance with the conditions of approval, which requires the construction of "C" Street to SR 243 and the construction of a sewer trunk main as described in Ordinance No. 1500.

FISCAL IMPACT:

The Developer is responsible for all costs associated with the cost of acquisition. Upon execution of the Agreement the Developer is required to deposit \$60,000, as a deposit, to the City and agrees to provide additional deposits to keep no less than \$25,000 in the deposit account. The deposit will be used to reimburse the City for costs incurred

in the acquisition process. Additionally, the Developer will provide the City with the entire amount to acquire the right-of-way and easements by either negotiated price or by Eminent Domain Law.

CEQA DETERMINATION:

City Staff has reviewed the terms of the Agreement and finds that the Agreement does not make any physical changes to the Rancho San Gorgonio project previously reviewed and approved by the City pursuant to the Final Environmental Impact Report (EIR) that would cause any new or more severe impacts than what were previously reviewed in the Final EIR. The terms of 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. Resolution 2021-42
<https://banningca.gov/DocumentCenter/View/8917/Attach-1-Reso-2021-42-RSG-Acquisition-of-Real-Property>
2. Agreement Pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with the Off-Site Improvements
<https://banningca.gov/DocumentCenter/View/8919/Attach-2-Agree-per-Gov-Code-664625-Acq-Off-Site-Prop-51221docx>
3. Letters request for City's assistance in acquisition of right-of-way and easements
<https://banningca.gov/DocumentCenter/View/8918/Attach-3-All-Letters>
4. Ordinance 1500
<https://banningca.gov/DocumentCenter/View/8920/Attach-4-Ordinance-No-1500-COA>
5. C Street Right-of-Way Exhibits
<https://banningca.gov/DocumentCenter/View/8921/Attach-5-C-Street-Right-of-Way-Exhibits>
6. Sewer Easement Exhibits
<https://banningca.gov/DocumentCenter/View/8922/Attach-6-Sewer-Easement-Exhibits>

Approved by:



Douglas Schulze
City Manager