



## **AGENDA**

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

**October 12, 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 Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.*

***This meeting is being held in Chamber and via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically. If you choose to participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda).***

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

**Meeting ID: 874 1527 7765**

**Password: 870511**

Dial in: +1 669 900 9128 ♦ Meeting ID: 874 1527 7765

*Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an 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. CLOSED SESSION**

### **3.1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

City Designated Representatives: Doug Schulze, City Manager, and Cherie Johnson, Human Resources Manager; Shelline Bennett of Liebert Cassidy Whitmore

Employee Organization: International Brotherhood of Electrical Workers Local 47

## **4. REPORT ON CLOSED SESSION**

- 4.1. City Attorney

## **5. PRESENTATION(S)**

- 5.1. Banning Future Fellows

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

- 6.1. PUBLIC COMMENTS – *Non-Agenda Items Only*

*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.***

### **6.2. CORRESPONDENCE**

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

### **6.3. APPOINTMENTS**

RCTC Assignment Update

### **6.4. CITY COUNCIL COMMITTEE REPORTS**

### **6.5. CITY MANAGER REPORT**

### **6.6. CITY ATTORNEY REPORT**

**7. 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 7.1 to 7.8.**

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

- |      |  |           |
|------|--|-----------|
| 7.1. | Approval of Minutes from the September 14 and September 28, 2021 City Council Meetings.....  | <b>7</b>  |
| 7.2. | Resolution 2021-99, replacing Resolution 2021-41, Declaring Certain Real Property Owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APN 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) as Surplus Lands Pursuant to Government Code Section 54221.....          | <b>9</b>  |
| 7.3. | Resolution 2021-87, Accepting Community Development Block Grant Funds for Fiscal Year 2021/2022 in the Total Amount of \$213,916.00, for the Teen Leaders Program (5.BN.50-21) in the Amount of \$4,500; the Lions Park Project (5.BN.51-21) in the Amount of \$45,000; the Roosevelt Williams Park Project (5.BN.52-21) in the Amount of \$20,400; and the Sylvan Park Improvement Project (5.BN.53-21) in the Amount of \$144,016..... | <b>11</b> |
| 7.4. | Resolution 2021-95, Approving an Exclusive Negotiating Agreement with JK Partners for 150 E. Ramsey St.....  | <b>13</b> |
| 7.5. | Adopt Resolution 2021-96, Awarding a Construction Agreement for Project No 2021-02, "AC Overlay for Various Streets" to Vance Corporation of Bloomington, CA in the amount of \$578,577.00 and establishing a total project budget of \$636,434.70 and rejecting all other bids.....   | <b>15</b> |
| 7.6. | Second Reading of Ordinance 1575 Amending Titles 5 and 15 of the Banning Municipal Code revising regulations pertaining to the permitting, operation, and maintenance of alarm systems within the City of Banning and providing for fees and penalties for false alarms and violations.....  | <b>18</b> |
| 7.7. | Adoption of Resolution 2021-91, Approving a Master Agreement and Program Supplement Agreements with the State of California Department of Transportation for two (2) Highway Safety Improvement (HSIP) grants for the Omar/Ramsey Intersection Improvements and Sidewalk project and the Ramsey Street Pedestrian Safety Improvements project.....   | <b>22</b> |
| 7.8. | Resolution 2021-98 Approving Revisions to the Compensation and Classification Plan.....  | <b>24</b> |
| 7.9. | Second Reading of Ordinance 1576 Amending and Restating Existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code, and Finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines.....  | <b>26</b> |

**8. PUBLIC HEARING(S)**

None

**9. REPORT OF OFFICERS**

- 9.1. Update on Smith Creek Park Drag Strip.....**31**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Discussion item for Council input and direction.

- 9.2. Update on the City's Draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and Ordinance ..... **33**  
*(Staff Report: Art Vela, Public Works Director/City Engineer)*

**Recommendation:** That the City Council discuss the update to the City's Draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and Ordinance, consider options and provide staff with direction.

- 9.3. Resolution 2021-100, Approving an Exclusive Negotiation Agreement with Milestone Development LLC for 447 E. Ramsey Street..... **36**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Adopt Resolution 2021-100, authorizing the City Manager to execute the Exclusive Negotiation Agreement with Milestone Development, LLC for 447 E. Ramsey Street.

**10. DISCUSSION ITEM(S)**

- 10.1. Discussion on Planned Uses of the Armory Building .....**38**  
*(Staff Report: Ralph Wright, Parks and Recreation Director)*

**11. ITEMS FOR FUTURE AGENDAS**

## 11.1. New Items

## 11.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Census/Redistricting
4. Golf Cart/EV Ordinance
5. Airport Advisory Commission
6. Retail Marijuana (Happe)
7. Credit Card Fees (Happe)
8. Amending City Code to be more Business-Friendly (Wallace)

**12. ADJOURNMENT**

***Next Regular Meeting – October 26, 2021 at 5:00 p.m.***

**Zoom Community Standards for Public Meetings**

*By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.*

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

**AFFIDAVIT**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, by 5:00 P.M. on the 7th day of October 2021.

  
Caroline Patton, Deputy City Clerk

**PUBLIC NOTICE****Meeting Agendas and Notices**

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website ([www.banningca.gov/archive](http://www.banningca.gov/archive)).

**Public Comment***Agenda Items*

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

*Non-Agenda Items*

Any member of the public may address this meeting of the 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 Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the 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 §54954.2 of the Government Code.

**Special Assistance/Accessibility Requests**

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the City to make arrangements to ensure your accessibility.

**CONTACT**


Office of the City Clerk ♦ 951-922-3102 ♦ [CityClerks@banningca.gov](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 12, 2021

**SUBJECT:** Minutes of the September 14, 2021 and September 28, 2021 City Council Meetings

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### **RECOMMENDATION:**

Approve the Minutes of the September 14, 2021 and September 28, 2021 City Council Meetings.

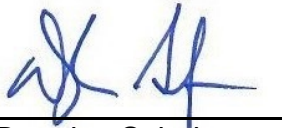
### **ALTERNATIVES:**

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

### **ATTACHMENTS:**

1. Minutes of the September 14, 2021 Special City Council Meeting  
[https://banningca.gov/DocumentCenter/View/9506/2021-09-14\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/9506/2021-09-14_Minutes_Special-Meeting)
2. Minutes of the September 14, 2021 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/9507/2021-09-14\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/9507/2021-09-14_Minutes_Regular-Meeting)
3. Minutes of the September 28, 2021 Special City Council Meeting  
[https://banningca.gov/DocumentCenter/View/9512/2021-09-28\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/9512/2021-09-28_Minutes_Special-Meeting)
4. Minutes of the September 28, 2021 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/9511/2021-09-28\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/9511/2021-09-28_Minutes_Regular-Meeting)

Approved by:

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Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 12, 2021

**SUBJECT:** Resolution 2021-99, Replacing Resolution 2021-41 and correcting the City's Surplus Lands Act Declaration for Real Property Owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APN 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034)

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### **RECOMMENDATION:**

Staff recommends that the City Council approve the Resolution 2021-99, replacing Resolution 2021-41 and declaring pursuant to Government Code Section 54221 that real property owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APN 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.

### **BACKGROUND:**

The City of Banning ("City") is the owner in fee simple of that certain real property, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (consisting of APNs 532-130-011, 012 & 018, APNs 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) described in Exhibit "A" to the attached Resolution ("Property"). Under the Surplus Land Act, Government Code Sections 54220-54233 ("Act"), as recently amended by AB 1486, surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The Act provides that such land shall be declared either surplus land or exempt surplus land before the City may take action to dispose of it consistent with the City's policies or procedures.

The city completed the Surplus Lands Act process for these parcels, however, the final authorizing resolution passed by City Council did not include 2 of the included parcels (APNs).

California Housing and Community Development (HCD) reached out to staff to correct the resolution. They confirmed that since the notice and maps correctly listed the APNs, that correcting this resolution is the final action required.

**FISCAL IMPACT:**

Future revenue from sale or lease of the Banning Municipal Airport property.

**ALTERNATIVES:**

1. Approve Resolution 2021-99.
2. Approve Resolution 2021-99 with amendments.
3. Don't approve Resolution 2021-99 and provide staff alternate direction.

**ATTACHMENTS:**

1. Resolution 2021-99  
<https://banningca.gov/DocumentCenter/View/9519/Att-1-Resolution-No-2021-99>
2. Original Resolution 2021-41  
<https://banningca.gov/DocumentCenter/View/9505/Att-2-Resolution-2021-41-Surplus-Lands-Declaration-BMA>
3. Notice of Surplus Lands Availability  
[https://banningca.gov/DocumentCenter/View/9503/Att-3-NOA\\_Banning-Municipal-Airport-Surplus-Land-0517-2021](https://banningca.gov/DocumentCenter/View/9503/Att-3-NOA_Banning-Municipal-Airport-Surplus-Land-0517-2021)
4. Letter from California HCD  
[https://banningca.gov/DocumentCenter/View/9504/Att-4-HCD-SLA-Letter\\_Banning\\_220SHathaway-9221-final](https://banningca.gov/DocumentCenter/View/9504/Att-4-HCD-SLA-Letter_Banning_220SHathaway-9221-final)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** October 12, 2021

**SUBJECT:** Resolution 2021-87, Accepting Community Development Block Grant Funds for Fiscal Year 2021/2022 in the Total Amount of \$213,916.00, for the Teen Leaders Program (5.BN.50-21) in the Amount of \$4,500; the Lions Park Project (5.BN.51-21) in the Amount of \$45,000; the Roosevelt Williams Park Project (5.BN.52-21) in the Amount of \$20,400; and the Sylvan Park Improvement Project (5.BN.53-21) in the Amount of \$144,016

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### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2021-87 and authorize staff to execute and submit the Supplemental Agreement to the Riverside County Housing, Homelessness Prevention and Workforce Solutions.

### **BACKGROUND:**

The submittal of the project applications for CDBG 2021/2022 program funding was approved by City Council on November 10, 2020, under Resolution 2020-136. The execution of the 2021/2022 CDBG Supplemental Agreement is required for the City to obtain and utilize the CDBG funds.

### **JUSTIFICATION:**

On an annual basis, the City of Banning has participated in the federally funded CDBG program. On November 10, 2020, the City Council adopted Resolution 2020-136 approving the project applications submittal to the Riverside County Housing, Homelessness Prevention and Workforce Solutions for consideration.

To utilize Fiscal Year 2021/2022 CDBG program funds, the City is required to execute a Supplemental Agreement attached hereto by reference. The CDBG FY 2021/2022 funding will be allocated to the Teen Leaders (5.BN.50-21) in the amount of \$4,500; Lions Park Project (5.BN.51-21) in the amount of \$45,000; the Roosevelt Williams Park Project

(5.BN.52-21) in the amount of \$20,400; the Sylvan Park Improvement Project (5.BN.53-21) in the amount of \$144,016

**FISCAL IMPACT:**

By approving the CDBG Supplemental Agreement, Fiscal Year 2021/2022, the City anticipates receiving \$4,500 for the Teen Leaders, \$45,000 for the Lions Park Project, \$20,00 for the Roosevelt Williams Park Project and \$144,016 for the Sylvan Park Improvement Project. Acceptance of these funds are restricted exclusively for these projects.

**ALTERNATIVES:**

1. Approve Resolution 2021-87 as recommended.
2. Approve Resolution 2021-87 with amendments.
3. Do not approve and provide alternative direction

**ATTACHMENTS:**

1. Resolution 2021-87  
<https://banningca.gov/DocumentCenter/View/9510/Att-1-Resolution-2021-87>
2. Resolution 2020-136  
<https://banningca.gov/DocumentCenter/View/9508/Att-2-Resolution-2020-136>
3. Supplemental Agreement, CDBG FY 2021/2022  
<https://banningca.gov/DocumentCenter/View/9509/Att-3-CDBG-FY-2021-2022-Supplemental-Agreement>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** James Wurtz, Economic Development Manager

**MEETING DATE:** October 12, 2021

**SUBJECT:** Resolution 2021-101, Approving an Exclusive Negotiation Agreement with JK Partners for 150 E. Ramsey Street

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### **RECOMMENDATION:**

Adopt Resolution 2021-101, authorizing the City Manager to execute the Exclusive Negotiation Agreement with JK Partners for 150 E. Ramsey Street.

### **BACKGROUND:**

A meeting for the proposal for development of the City-owned property at 150 E. Ramsey Street was held on August 24, 2021. City staff and the developer have been working to draft an Exclusive Negotiation Agreement (ENA) for City Council consideration. The ENA is a tool that gives a developer an exclusive opportunity to conduct due diligence on a property prior to acquiring the property. The standard timeframe of an ENA is typically one year.

Attachment 1 of the ENA provides a timeline and detailed tasks that the developer will deliver for City staff review and preliminary approval. Although the term of the ENA is one year, it is anticipated that a decision on acquisition of the property and development of the project could be completed by June 1st of 2022. During the ENA period, the City is prohibited from negotiating with any person or entity other than the Developer for the sale, lease, or development of the Property.

### **JUSTIFICATION:**

The City-owned property at 150 E. Ramsey Street has potential to serve as a catalyst for other development within downtown Banning. The proposed project will bring 75 to 150 jobs to downtown Banning daily in addition it will serve both the local citizens and travelers who transit the Interstate 10 corridor. 100% of the Transient Occupancy Tax generated by the proposed project would flow directly to the City's General Fund to supplement city-wide projects without any restrictions. The proposed project will also help the city achieve its goal of creating a diverse economy.

**FISCAL IMPACT:**

Future sale of the property will generate one-time General Fund revenue. If the project is completed it will generate Transient Occupancy Tax for the city's general fund.

**ALTERNATIVES:**

1. Approve Resolution 2021-101 as recommended.
2. Approve Resolution 2021-101 with amendments.
3. Do not approve and provide alternate direction.

**ATTACHMENTS:**

1. Resolution 2021-101  
<https://banningca.gov/DocumentCenter/View/9545/Att-1-Resolution-2021-101>
2. Exclusive Negotiating Agreement with JK Partners  
<https://banningca.gov/DocumentCenter/View/10120/JK-Partners-ENA-Agreement>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 12, 2021

**SUBJECT:** Adopt Resolution 2021-96, Awarding a Construction Agreement for Project No 2021-02, "AC Overlay for Various Streets" to Vance Corporation of Bloomington, CA in the amount of \$578,577.00 and establishing a total project budget of \$636,434.70 and rejecting all other bids

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### **RECOMMENDATION:**

The City Council adopt Resolution 2021-96 approving the following actions:

1. Approving a Construction Agreement for Project No. 2021-02, "AC Overlay for Various Streets" to Vance Corporation of Bloomington, California in the amount of \$578,577.00 and a 10% contingency in the amount of \$57,857.70 for a total project budget of \$636,434.70 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2021-02, "AC Overlay for Various Streets" and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with Vance Corporation for Project No. 2021-02, "AC Overlay for Various Streets".

### **BACKGROUND:**

#### Senate Bill 1

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 funding shortfalls statewide.

Each city must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) created by SB 1, 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. A list of the proposed projects was approved by City Council on April 28, 2020. The approved list of projects are part of the Project.

#### Project

Public Works staff prepared plans and specifications for the Project which included the following items: grinding of existing asphalt concrete (AC) pavement; constructing new AC pavement; crack sealing of existing AC pavement; remove and replace broken sidewalks, curb and gutters; remove and replace access ramps to comply with ADA requirements; and remove and replace all affected pavement markings and striping. A list of streets for the various improvements can be found attached hereto.

A Notice Inviting to Bid and the Bid Documents for the Project were posted and advertised on the City's electronic bidding system, "ProcureNow" on September 8, 2021. In response to these efforts, eight (8) bids were received on September 29, 2021 from the following contractors:

<u>Company</u>	<u>Bid Amount</u>
1) Vance Corporation of Bloomington, CA	\$578,577.00
2) Onyx Paving Company, Inc. of Anaheim, CA	\$595,000.00
3) All American Asphalt of Corona, CA	\$616,069.00
4) Hardy and Harper of Lake Forest, CA	\$629,000.00
5) LC Paving and Sealing of Escondido, CA	\$648,153.68
6) Matich Corporation of Highland, CA	\$665,289.24
7) Calmex Engineering, Inc. of Bloomington, CA	\$674,643.20
8) Christensen Brothers General Engineering, Inc.	\$848,839.84

The apparent lowest bidder is Vance Corporation of Bloomington, California.

Purchasing and Public Works staff have conducted reference checks on Vance Corporation and found that the company was responsive and responsible on their contracts with other agencies.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, Vance Corporation of Bloomington, California, in the amount of \$578,577.00. A copy of the bid schedule for the lowest bid can be found attached hereto.

If awarded, staff anticipates the work to commence early November, 2021 and to be completed within sixty (60) working days or approximately three (3) months from the issuance of a Notice to Proceed.



**JUSTIFICATION:**

Vance Corporation is the lowest responsive and responsible bidder to construct Project No. 2021-02, "AC Overlay for Various Streets" ("Project").

**FISCAL IMPACT:**

The Construction Agreement with Vance Corporation is for an amount of \$578,577.00 with a 10% contingency of \$57,857.70 for a total project budget amount of \$636,434.70.

The project shall be funded by the following source:

<u>Account No.</u>	<u>Amount</u>
102-4904-431.93-15 (Street Improvements – SB1)	\$636,434.70

**ALTERNATIVES:**

1. Adopt Resolution 2021-96.
2. Adopt Resolution 2021-96 with amendments.
3. Reject Resolution 2021-96 and provide alternate direction to staff.

**ATTACHMENTS:**

1. Resolution 2021-96  
<https://banningca.gov/DocumentCenter/View/9524/Attachment-1-Resolution-2021-96>
2. Vance Corporation Bid Schedule  
<https://banningca.gov/DocumentCenter/View/9522/Attachment-2-Vance-Corporation-Bid-Schedule>
3. Project List and Map of Street Improvements  
<https://banningca.gov/DocumentCenter/View/9523/Attachment-3-List-and-Map-of-Street-Improvements>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 12, 2021

**SUBJECT:** Second Reading of Ordinance 1575 Amending Titles 5 and 15 of the Banning Municipal Code revising regulations pertaining to the permitting, operation, and maintenance of alarm systems within the City of Banning and providing for fees and penalties for false alarms and violations

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### **RECOMMENDATION:**

Staff recommend City Council adopt Ordinance 1575.

### **BACKGROUND:**

In the past year, the Banning Police Department responded to 1,500 alarm calls, with the vast majority being false alarm situations. Each alarm call requires two officers to ensure officer safety, as there is nothing more dangerous than responding to a call with little information other than something has triggered the alarm. These calls require the officers to anticipate the worst-case scenario and respond accordingly.

Council directed staff to investigate cost recovery methods and staff prepared this program for review. City Council approved the first reading of Ordinance 1575 at its September 28, 2021 regular meeting.

### **JUSTIFICATION:**

The intent of this ordinance is to reduce false alarms in the city, thereby reducing the amount of time police officers spend responding to these incidents. By enforcing false alarm violations more officers will be available to respond to active emergencies. The Police Department hopes to reduce false alarms through education first, using enforcement as a last resort for those owners who do not properly maintain their alarm systems.

The proposed updated alarm permit ordinance will require all monitored alarms be registered with the City. This provides the City with a good contact in case of an actual break-in at your property. If a false alarm occurs, officers will begin by issuing a warning.

Following the third false alarm police response, the city may impose a penalty to the permit holder. This encourages owners to maintain and properly care for their alarm systems to prevent more false alarms.

**FISCAL IMPACT:**

When an alarm system experiences more than two false alarm responses in one year, that permit holder will be issued a citation for every subsequent false alarm. The **current fees** provided in the City's master user fee schedule are shown here:

Number of False Alarms	Current Fee
1st Response	None
2nd Response	None
3rd Response	\$72.00
4th Response	\$144.00
5th + Response	\$144.00

On the next page is a comparison for other agencies in the area and what they charge and how many "free" responses they allow. Four of the cities reviewed offer one false alarm exemption while the remaining cities reviewed allowed two responses before a fee.

Riverside PD required a one-time cost for permitting while the remaining cities required some type of annual renewal. San Jacinto required a one-time fee for residential alarms but no renewal charge while business alarms required an annual fee.

The cost to send officers to each alarm call depends on the business/residence. A two-officer response is a standard response to an alarm call, but a larger business or government building will require more officers due to the size of the building. An additional charge for the time it takes the communication center to take the call and dispatch it to officers and conclude the call with a disposition should be considered. Again, the cost of the communication side is dependent on how long the officers are on-scene and the magnitude of the scenario. The call could take between a couple minutes to a couple hours dependent on the specifics of the alarm call. Most of the cities reviewed would require a fee on any "non-permitted" false alarms. In other words, if the homeowner/business failed to purchase a permit they would not get the "free" false alarm allowance.

There is software available that will handle the permitting over a web-based program as well as having it connected to our RMS (Records Management System) for reporting purposes. This software is anywhere between \$3000.00 to \$6000.00 per year to maintain the records. The cost would be more to have the company manage the program.

Recommendation-Permit Fee \$20.00 Annual Cost, 2 Free False Alarms, \$72.00 for the third false alarm and \$144.00 for the fourth and any subsequent alarms. Non-permitted alarm fees start at \$72.00 for the first and \$144.00 for the second and any subsequent violations.

Location	Permit Fee	Free False Alarms	Alarm Fee Scale	Fees with No Permit
<b>Beaumont</b>	\$21.00 Annually	1 Free per 12 months	2-100 3-500 4-1000	1-100 2-500 3+1000
<b>Cathedral City</b>	\$35.00 Initial \$30.00 Renewal	1 Free per 12 months	2-100 3-150 4-200	1-100 2+ 200 per
<b>Indio</b>	\$30.00 Initial \$20.00 Renewal *Ages 65+ at no cost	1 Free per 12 months	2-93 3+93	1+93 per
<b>Riverside</b>	\$16.00 Initial	2 Free	3-100 4-150 5-200 6+-250	Same
<b>San Jacinto</b>	\$25.00 Initial \$20.00 Annual (Business) No cost residential renewals *Ages 60+ at no cost	2 Free per 365 days	3-50 4-75 5-100 6+250	1-warning 2-350 3-400 5+500 per
<b>Palm Springs</b>	\$33.00 Initial \$29.00 Annual Renewal	1 Free per 365 days	2-150 3-200 4+250 per	1-free 2-150 3-200 4+250
<b>San Bernadino</b>	\$30.00 Annual \$15.00 Low Income Rate	2 Free per 12 months	3-100 4-200 5+300	1-200 2-250 3-350 4+ 400
<b>Banning* (PROPOSED)</b>	\$20.00 Annual	2 Free per 365 days	3-72 4+144	1-72 2+144

#### **ALTERNATIVES:**

1. Adopt Ordinance 1575.
2. Do not adopt the ordinance and provide alternate direction.


#### **ATTACHMENTS:**

1. Ordinance 1575  
<https://banningca.gov/DocumentCenter/View/9526/Att-1-Ordinance-1575-False-Alarms-Titles-5-and-15-of-BMC>
2. Public Notice  
[https://banningca.gov/DocumentCenter/View/9527/Att-2-Public-Notice\\_Record-Gazette](https://banningca.gov/DocumentCenter/View/9527/Att-2-Public-Notice_Record-Gazette)

3. Review of Other Local Alarm Permit Programs

<https://banningca.gov/DocumentCenter/View/9525/Reviewed-Cities-False-Alarm-Policy>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jennifer Jackson, Grants Coordinator

**MEETING DATE:** October 12, 2021

**SUBJECT:** Adoption of Resolution 2021-91, Approving a Master Agreement and Program Supplement Agreements with the State of California Department of Transportation for two (2) Highway Safety Improvement (HSIP) grants for the Omar/Ramsey Intersection Improvements and Sidewalk project and the Ramsey Street Pedestrian Safety Improvements project

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### **RECOMMENDATION:**

The City Council adopt Resolution 2021-91, authorizing the City Manager or Designee to execute Caltrans Master Agreement 08-5214S21 and two (2) Program Supplemental Agreements No. HSIPSL-5214(013) and No. HSIPSL-5214(014).

### **BACKGROUND:**

In October 2020, the city applied for two (2) Highway Safety Improvement Program (HSIP) grants administered by California Department of Transportation (Caltrans):

#### **Omar and Ramsey Intersection Improvements and Sidewalk Project**

Intersection of Ramsey Street and Omar Street and 1,000 ft. West of Intersection along Eastbound Ramsey Street. Install sidewalk, curb and gutter, curb ramps, signage and striping, modify existing median to limit left turns from eastbound Ramsey Street only, install left-turn pocket and improve site distance. Funding requested: \$376,650.

#### **Ramsey Street Pedestrian Safety Improvements Project**

Four (4) non-Signalized intersections on Ramsey Street: Martin Street, 2nd Street, 6th Street, and 16th Street. Install/upgrade pedestrian crossings at uncontrolled locations; Install Rectangular Rapid Flashing Beacons (RRFB). Funding requested: \$250,000.

In March 2021, the city received notification from Caltrans that both projects were selected for funding.

**JUSTIFICATION:**

To proceed with the preliminary Engineering phase for the two projects, the city and Caltrans must enter into a master agreement and program supplement agreements as part of the funding authorization process.

Resolution 2021-91 authorizes the City Manager or his designee to execute these agreements.


**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

1. Resolution 2021-91  
<https://banningca.gov/DocumentCenter/View/9530/Att-1---Reso-2021-91-HSIP-Grants>
2. Master Agreement 08-5214S21  
<https://banningca.gov/DocumentCenter/View/9531/Attachment-2--Master-Agreement-08-5214S21>
3. Program Supplement Agreement HSIPSL-5214(013)  
<https://banningca.gov/DocumentCenter/View/9528/Attachment-3---5214013 UnsignedPSAtoAGENCY>
4. Program Supplement Agreement HSIPSL-5214(014)  
<https://banningca.gov/DocumentCenter/View/9529/Attachment-4---5214014 UnsignedPSAtoAGENCY>

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Finance Director

**MEETING DATE:** October 12, 2021

**SUBJECT:** Resolution 2021-98 Approving Revisions to the Compensation and Classification Plan

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### **RECOMMENDATION:**

City Council adopt Resolution 2021-98 approving revisions to the Compensation and Classification Plan and 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 2021-98 would replace Resolution 2021-88.

### **JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

#### **Police Department**

At the September 28<sup>th</sup>, 2021 council meeting the City Council approved a contract with the Banning Unified School District (BUSD) to add three (3) School Resource Officers (SRO). This action requires us to make an amendment to the Class and Compensation plan to add these three officer positions.

### **FISCAL IMPACT:**

#### **General Fund (001-2200) – Police Department**

This will be a 30% impact to the General Fund. Per the agreement, 70% of the officer's salaries will be reimbursed by BUSD.



Police Officer (P67 – Salary Range \$70,801.44 - \$95,785.66) at Step 13 with benefits, Classic \$206,778.10, PEPRA \$193,434.11 – Average \$200,106.11 per officer (see Attachment 2 - Position Costs for details)

Allocation as follows:

		Classic	PEPRA	Average
<b>One (1) School Resource Officer</b>				
<b>Banning General Fund</b>	30%	\$ 62,033.43	\$ 58,030.23	\$ 60,031.83
<b>Banning Unified School District</b>	70%	\$ 144,744.67	\$ 135,403.88	\$ 140,074.28
		<u>\$ 206,778.10</u>	<u>\$ 193,434.11</u>	<u>\$ 200,106.11</u>
<b>Three (3) School Resource Officers</b>				
<b>Banning General Fund</b>	30%	\$ 186,100.29	\$ 174,090.70	\$ 180,095.50
<b>Banning Unified School District</b>	70%	\$ 434,234.00	\$ 406,211.64	\$ 420,222.84
		<u>\$ 620,334.29</u>	<u>\$ 580,302.34</u>	<u>\$ 600,318.34</u>

Revisions to Class and Compensation Plan:

Add: Police Officer (SRO) 3

### **ALTERNATIVES:**

1. Approve Resolution 2021-98 authorizing the revisions to the Classification and Compensation Plan and make the necessary budget adjustments, appropriation, and transfers.
2. Do not approve the resolution and provide direction to staff.

### **ATTACHMENTS:**

1. Resolution 2021-98, including Exhibits A – Job Description (None) & B – Schedule A Class and Compensation Plan  
<https://banningca.gov/DocumentCenter/View/9532/Attachment-1---Reso-2021-98>
2. Position Costs  
<https://banningca.gov/DocumentCenter/View/9533/Attachment-2---Position-Cost---Police-Officer-SCO>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Holly Stuart, Public Works Program Manager

**MEETING DATE:** October 12, 2021

**SUBJECT:** Second Reading of Ordinance 1576 Amending and Restating Existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code, and Finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines

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### **RECOMMENDATION:**

Staff recommends Council approve the second reading of Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code and finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines. If approved, a second reading will be scheduled and considered by Council on September 28, 2021. Adoption of Ordinance 1576 requires a two-thirds vote of the City Council.

### **BACKGROUND:**

The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, ("AB 939" or the "Act") (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process which requires cities and other local jurisdictions to implement plans for source reduction, reuse and recycling as integrated waste management practices for solid waste attributed to sources within their respective jurisdictions.

The Act provides that aspects of solid waste handling of local concern include but are not limited to frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste services. The Act encompasses mandates including Assembly Bill (AB) 341 and AB 1826, as well as the newly adopted Short-Lived Climate Pollutants mandate, Senate Bill (SB) 1383.

Senate Bill 1383 builds on existing legislation, AB 341 and AB 1826. The purpose of SB 1383 is to reduce organic waste disposal, recover edible food waste from the waste

stream and reduce methane emissions. The goal of SB 1383 is to reduce greenhouse gas emissions to 40% below 1990 levels by the year 2030. To achieve this, the target is to reduce organic waste that ends up in the landfill by 50% by the year 2020 and 75% by the year 2025. In addition to reducing landfilled organics by 75%, the State will also be required to recover edible food that is currently thrown away by 20% through programs such as establishing edible food recovery programs. In order to achieve the reduction of landfilled waste and to increase recovery, the State has mandated the following:

1. Provide Organics Collection Services to All Residents, Multi-family Complexes and Businesses
2. Establish Edible Food Recovery Programs
3. Conduct Education and Outreach to the Community
4. Procure Recyclable and Recovered Organics Products
5. Secure Access to Recycling Capacity
6. Monitor Compliance and Conduct Enforcement

The schedule summarizing implementation requirements of SB 1383 is provided below:

SB 1383 Requirements		
January 1, 2022	Organics Recycling Programs for all accounts	Regulations take effect. Organics Recycling Programs for all accounts including businesses, multi-family complexes and residential units shall be implemented. Enforceable regulations will be required to take effect. Jurisdictions must implement an enforceable ordinance or ordinances.
January 1, 2022	Edible Food Recovery Programs (Tier 1)	As required by the State, jurisdictions must take progressive enforcement actions against non-compliant regulated Tier 1 entities including food service providers, food distributors, grocery stores (10,000+ Sq Ft), Supermarkets, and whole food vendors.
January 1, 2022	Local Ordinance and Purchasing Policy	To implement State mandate, the adoption of a local ordinance is necessary. Additionally, State mandate requires local jurisdictions procure recyclable and recovered organics products that meets or exceeds its assigned procurement target.
January 1, 2024	Edible Food Recovery Programs (Tier 2)	As required by the State, jurisdictions must take progressive enforcement actions against non-compliant regulated Tier 2 entities including hotels with an on-site food facility and 200+ rooms, health facilities with an on-site food facility and 100+ beds, state agency cafeterias with 5,000+ sq. ft. or 250+ seats, large venues, large events, and restaurant facilities that are 5,000+ sq. ft. or 250+ seats.

On April 27, 2021, Council approved a new collection services franchise agreement between the City and Waste Management of the Inland Empire (WM) for the Provision of Residential and Commercial Garbage, Recyclable Materials and Organics Waste Collection, Transportation, Recycling and Disposal Services. This franchise agreement became effective on July 1, 2021 and addresses requirements of the Act and SB 1383. Pursuant to the requirements of SB 1383, as well as the newly adopted franchise agreement, it is necessary to amend and replace existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code. As outlined above, SB 1383 obligates jurisdictions to adopt a local ordinance addressing State mandates by January

1, 2022. Additionally, the franchise agreement identifies tax roll provisions for certain delinquent accounts be adopted by October 29, 2021.

The proposed ordinance, as presented to the City Council at the September 14, 2021, meeting addresses key elements including the following:

Collection Services: Trash, recyclable and organic collection services for all commercial, multi-family and residential accounts are required unless a commercial waiver is granted.

Commercial Edible Food Generator: These generators are required to recover the maximum amount of edible food that would otherwise be disposed in the waste stream and implement related programs. These generators shall maintain and provide record access to City staff.

Food Recovery Organizations: Shall maintain and provide record access to City staff.

Locking Containers: Commercial Edible Food Generators shall use locking bins to prevent access to unauthorized persons, animals, wind, rain, insects and rodents. Commercial or residential premises in the downtown area shall keep containers secured to prevent access to unauthorized persons, animals, wind, rain, insects and rodents. Accessible containers in the downtown area shall be locked. See below regarding modifications to the ordinance with respect to the downtown area.

Tax Roll, Delinquencies: Legal action may be pursued to collect unpaid fees and/or adding unpaid fees to the County Tax Roll.

Inspections and Investigations: City representative are authorized to conduct inspections and investigations to confirm compliance. Regulated entities shall provide access and cooperate with staff during the process.

Enforcement: Violation of any provision of this chapter shall constitute grounds for issuance of a penalty (e.g. failure to implement organics recycling collection services or programs, regulated food organizations not implementing edible food recovery programs or maintaining records, failure to permit access for inspections and investigations, etc.).

The first reading of Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, was presented to the City Council on September 14, 2021, during its Regular Meeting. During discussion of this item, the City Council directed staff to define “hauler” and “downtown area”, as well as remove residential service recipients in the downtown area from being required to secure or lock containers.

Additionally, the City Council requested staff to clarify contractor and service recipient responsibilities regarding the repair and replacement of damaged containers. In

summary, pursuant to the City's franchise agreement with Waste Management of the Inland Empire, all service recipients, at no cost, are entitled to one replacement cart or bin every 10 years during the agreement term, for each service. This replacement applies to carts or bins that have been lost, stolen or damaged beyond repair through no fault of the service recipient. Further, Waste Management is responsible for the repair or replacement of carts and bins, including but not limited to, hinged lids, wheels and axles, and the removal of graffiti, at no cost to the service recipient. . For all collection services, Waste Management employees must take care in preventing damage to containers by unnecessary rough treatment. Any cart or bin damaged by Waste Management, and that is considered non-usable, will be replaced at no cost to the service recipient. (See attached pages of Waste Management's Franchise Agreement in Attachment 4 to this Staff Report).

Ordinance 1576, as presented, requires the Authorized Collector (meaning Waste Management) to provide and maintain containers. To clarify Waste Management and service recipient responsibilities, Section 8.28.180 and Section 8.28.210 of the ordinance were modified.

Following discussion, City Council voted to continue the public hearing and first reading of the ordinance to the September 28, 2021 regular City Council meeting so that the above items could be addressed prior to approval of the first reading. At its regular meeting on September 28, 2021 the City Council voted to waive further reading and introduce Ordinance 1576 for a first reading.

#### **JUSTIFICATION:**

Proposed Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, Garbage Collection and Disposal, must be approved to establish provisions of the new franchise agreement, and to obtain compliance with SB 1383.

#### **CEQA:**

Staff determined that proposed Ordinance 1576 is exempt from 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 Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in proposed Ordinance 1576 will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

#### **FISCAL IMPACT:**

Penalty amounts for various types of violations will be phased in and begin January 1, 2024 as required by SB 1383 and outlined by Ordinance 1576 as shown below. Violation of any provision of this chapter shall constitute grounds for issuance of a penalty (e.g. failure to implement organics recycling collection services or programs, regulated food

organizations not implementing edible food recovery programs or maintaining records, failure to permit access for inspections and investigations, etc.).

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

**ALTERNATIVES:**

1. Adopt Ordinance 1576.
2. Reject Ordinance 1576 and provide direction to staff.

**ATTACHMENTS:**

1. Ordinance 1576  
<https://banningca.gov/DocumentCenter/View/9547/Attachment-1-Banning-Solid-Waste-Ordinance>
2. Redline changes to Banning Municipal Code Chapter 8.28  
<https://banningca.gov/DocumentCenter/View/9549/Attachment-2-Redline-Changes-to-BMC-Chapter-828-dated-9142021>
3. Public Notice  
<https://banningca.gov/DocumentCenter/View/9550/Attachment-3-Public-Notice-Affidavit-09-07-2021>
4. Franchise Agreement – Replacement Cart Language  
<https://banningca.gov/DocumentCenter/View/9548/Attachment-4-Franchise-Agreement---Cart-Replacement-Language>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 12, 2021

**SUBJECT:** Update on Smith Creek Park Drag Strip

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### **RECOMMENDATION:**

Discussion item for Council input and direction.

### **BACKGROUND:**

The City Council previously directed the Park Board to review and consider updating the Smith Creek Park Master Plan. The Board has discussed an update of the Master Plan and will begin work on the update soon. However, progress for the proposed drag strip at Smith Creek Park, led by Councilmember Pingree, has moved forward rapidly.

Most recently, a Notice of Exemption was filed with Riverside County for grading, drainage and paving of a ¼ mile drag strip, which will include burn out and shutdown areas as well as return lanes. It is possible that the drag strip could be constructed and operational by the end of the year.

Costs associated with grading, drainage and paving will be provided for through donations. The drag strip will be owned by the City of Banning, but operation and management of the drag strip will be contracted out to an organization with appropriate experience and expertise.

### **JUSTIFICATION:**

Smith Creek Park has been undeveloped due to lack of funds to create appropriate access to the property, which involves structures to cross Smith Creek. In addition, the previous Master Plan included park amenities, such as a golf course, that are not financially feasible. The proposed drag strip is expected to generate substantial revenue that can be used to fund future improvements at Smith Creek Park.

### **FISCAL IMPACT:**

The proposed drag strip project will be funded through private donations.

**ATTACHMENTS:**

1. Site Map  
[https://banningca.gov/DocumentCenter/View/9541/Att-1-SMITH-CREEK-PARK---PRELIM-REVIEW\\_20210927](https://banningca.gov/DocumentCenter/View/9541/Att-1-SMITH-CREEK-PARK---PRELIM-REVIEW_20210927)
2. Layout Plan  
<https://banningca.gov/DocumentCenter/View/9540/Att-2-Smith-Creek-Park>

Approved by:

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Douglas Schulze  
City Manager





## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 12, 2021

**SUBJECT:** Update on the City's Draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and Ordinance

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### **RECOMMENDATION:**

That the City Council discuss the update to the city's draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and ordinance, consider options and provide staff with direction.

### **BACKGROUND:**

This report by staff is a continuance of the discussion held on July 13, 2021. The previous staff report is attached for reference.

Public Works Department staff has worked with Transtech, one of the City's approved engineering vendors, to develop the attached *Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance* ("Draft Golf Cart, LSV and NEV Plan/Ordinance").

The draft Golf Cart, LSV and NEV Plan/Ordinance makes several recommendations which requires Council's direction on. The California Vehicle Code (CVC) Section 21716 requires that golf carts can only be operated on a roadway with a speed limit of 25 miles per hour (MPH) or less. Currently, the speed limit along Sun Lakes Boulevard, classified as a Major Highway in the city's General Plan, has a posted speed limit of 35 MPH, therefore the speed would have to be reduced by 10 MPH to allow golf carts to be used on the road. The reduction would be supported by the preparation of a Speed Reduction Justification Report.

Staff would also like to highlight Intersection #3 (Sun Lakes Boulevard/Sun Lakes Village Drive) as identified in the attached *Draft Golf Cart, LSV and NEV Plan/Ordinance*. If golf carts were allowed to be driven to and from the shopping center on Highland Springs Avenue, golf carts and drivers would return to the Sun Lakes Country Club by making a

left out of Sun Lakes Village Drive onto Sun Lakes Boulevard. This entails crossing four lanes of traffic and may not be ideal considering the speed and safety of golf carts along with conflicts with through traffic. Traffic volumes are expected to increase in the future with the construction of the Sun Lakes Boulevard Extension project which will connect Sun Lakes Boulevard through to Sunset Avenue.

In the future, the turning movement from Sun Lakes Village Drive described above would be eliminated by requiring future development on the vacant lot located on the north side of Sun Lakes Boulevard and immediately east of Sun Lakes Village Drive ("Sun Lakes Village North Specific Plan") to provide a way to traverse through the property to the existing shopping center on Highland Springs Avenue.

Considering the issues above staff presents the following potential options:

1. Do nothing
  - a. This would result in keeping everything as it exists today including the existing speed limit on Sun Lakes Boulevard. Under this option golf carts would not be legally allowed to utilize Sun Lakes Boulevard.
2. Reduction of speed limit on Sun Lakes Boulevard
  - a. This would require the completion of a Speed Reduction Justification Report. With this option the City would have to move forward with the approval of a Transportation Plan and Ordinance to allow the use of golf carts on Sun Lakes Boulevard. The safety of the traffic movement out of the Sun Lakes Village Drive should be considered with this option.
3. Defer until the development of the Sun Lakes Village North Specific Plan
  - a. This option is similar to #2, except that in this option the turning movement out of the Sun Lakes Village Drive would not be required. Golf carts would utilize the future all way stop (signalized) intersection of Sun Lakes Boulevard/Country Club Drive and traverse across the Sun Lakes Village North Specific Plan property to access the shopping centers.

#### **JUSTIFICATION:**

Council's direction would provide the needed information for staff to identify its next steps.

#### **FISCAL IMPACT:**

Staff estimates that a speed reduction report will cost between \$5,000 and \$7,500 to have completed.

#### **ALTERNATIVES:**

Staff has provided City Council with three options above and will consider others as directed by City Council.

**ATTACHMENTS:**

1. Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance  
<https://banningca.gov/DocumentCenter/View/9535/Attach-1-DRAFT-V4-06-03-21-GOLF-LSV-NEV-PLAN-ORDINANCE>
2. Staff Report 7/13/2021  
<https://banningca.gov/DocumentCenter/View/9536/Attach-2-Golf-Cart-and-NEV-Ordinance-Update>
3. Select pages from the Sun Lakes Village North Specific Plan  
[https://banningca.gov/DocumentCenter/View/9534/Attach-3-Select-Pages-from\\_Revised-Public-Review-Draft-Sun-Lakes-Village-North-SPA---12-08-2020](https://banningca.gov/DocumentCenter/View/9534/Attach-3-Select-Pages-from_Revised-Public-Review-Draft-Sun-Lakes-Village-North-SPA---12-08-2020)

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 12, 2021

**SUBJECT:** Resolution 2021-100, Approving an Exclusive Negotiation Agreement with Milestone Development LLC for 447 E Ramsey Street

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### **RECOMMENDATION:**

Adopt Resolution 2021-100, authorizing the City Manager to execute the Exclusive Negotiation Agreement with Milestone Development, LLC for 447 E. Ramsey Street.

### **BACKGROUND:**

Several meetings for the proposal for development of the City-owned property at 447 E. Ramsey Street have been held during the past year. City staff and the developer have been working to draft an Exclusive Negotiation Agreement (ENA) for City Council consideration. The ENA is a tool that gives a developer an exclusive opportunity to conduct due diligence on a property prior to acquiring the property. The standard timeframe of an ENA is typically one year.

Attachment 1 of the ENA provides a timeline and detailed tasks that the developer will deliver for City staff review and preliminary approval. Although the term of the ENA is one year, it is anticipated that a decision on acquisition of the property and development of the project could be completed by July 1st of 2022. During the ENA period, the City is prohibited from negotiating with any person or entity other than the Developer for the sale, lease, or development of the Property.

### **JUSTIFICATION:**

The City-owned property at 447 E. Ramsey Street has potential to provide a grocery store for the east side of Banning. The proposed project will bring approximately 200 senior, veteran and workforce apartments to the downtown core. In addition, the project includes approximately 14,000 square feet of commercial space on the ground floor. The proposed project will clean up a blighted area along the Ramsey Street corridor and provide affordable housing.

**FISCAL IMPACT:**

Future sale or lease of the property will generate General Fund revenue. If the project is completed it will generate Property Tax and Sales Tax for the city's general fund.

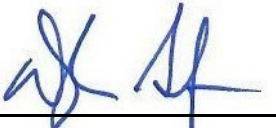
**ALTERNATIVES:**

1. Approve Resolution 2021-100 as recommended.
2. Approve Resolution 2021-100 with amendments.
3. Do not approve and provide alternate direction.

**ATTACHMENTS:**

1. Resolution 2021-100  
<https://banningca.gov/DocumentCenter/View/9539/Att-1-Resolution-2021-100>
2. Exclusive Negotiating Agreement with Milestone Development LLC  
<https://banningca.gov/DocumentCenter/View/9537/Att-2-Milestone-ENA>
3. Location Map  
<https://banningca.gov/DocumentCenter/View/9538/Att-3-Milestone-Development-LLC-Location-Map>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Ralph Wright, Parks and Recreation Director

**MEETING DATE:** October 12, 2021

**SUBJECT:** Discussion on Planned Uses of the Armory Building

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### **RECOMMENDATION:**

1. That the City Council provide direction on the future use of the Armory building and authorize the expenditure in the not to exceed amount of \$30,000 for engineering and architectural services.
2. Authorize the Finance Director to make the necessary budget adjustments for the professional services.

### **SUMMARY:**

Staff will provide a presentation and lead a discussion on the potential use of the Armory Building as a Community Center.

### **BACKGROUND:**

In January 2020, the City Council authorized Mayor Daniela Andrade to execute a lease termination with the State of California Department of General Services for the Armory Building located at 2041 W. Nicolet Street in Banning. At this time, the discussion was that the building could potentially serve a need as an Emergency Operations Center (EOC) for the city and or a revenue producing facility hosting special events.

Public Works has made necessary aesthetic improvements to the building since the City took control of the building but due to the Covid restrictions, the formal evaluation of the building was put on hold and the direction for future use has not been discussed. Staff believes the most productive use of the Armory Building would be to use the building as a Community Center. The use of this building as a Community Center would allow for the city to bring on additional programming space as the city grows that could be used for camps, classes as well as a site for facility rentals for private and public events. Additionally, in the capacity as a community center, the site would still be able to serve as an Emergency Operation Center in the event of an EOC activation. This would be

accomplished by ensuring the building is equipped with the technology requirements of the EOC and storage of necessary equipment to manage the EOC that can be pulled out and set up quickly as part of the activation. The use of the facility as an EOC also provides the city with opportunities to secure grants to help improve the building for this purpose.

Over the last six to twelve months, there have been many ideas that have been brought forward regarding the use of the Armory including requests for leasing opportunities of the building for different potential uses by multiple nonprofit entities. These requests range from churches requesting use for ongoing services, a travel baseball team requesting use of the building to install an indoor batting cage, a non-profit looking to run a short-term thrift store and another non-profit looking to use a part of the building for food drive storage. These requests have multiple timeframes and impacts on the availability of the facility and are not necessarily compatible with the use as a community center and EOC.

The building currently has heater units but does not have an HVAC system. To operate as an E.O.C., the Armory building needs a back-up generator that has an estimated cost of \$100,000. To determine the other needs and potential options for the building, it is the recommendation of the Public Works Director that a structural engineer and an architect be contracted to evaluate the building for building code compliance, structural integrity and to ensure that the roof system can support installation of a potential HVAC system for the facility. It is estimated that these professional services can be completed at a cost of between \$25,000 to \$30,000.

#### **JUSTIFICATION:**

Defining the planned use of the Armory building will ensure that the current condition of the building is properly evaluated for safety and compliance and align the potential improvement needs of the facility with its proposed use.

#### **FISCAL IMPACT:**

Providing direction as to how to best use the facility moving forward will allow us to compile cost estimates and evaluate the total budgetary impact based on the selected and necessary improvements. The cost of \$30,000 for professional services is not a currently budgeted item and would require additional allocations.

Approved by:



Douglas Schulze  
City Manager