



## AGENDA

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

February 8, 2022

5:00 p.m.

**Via Video/Teleconference and In Chambers**

Council Chambers  
99 E. Ramsey Street  
Banning, CA 92220

*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 via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically. If you 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). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la 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=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

**Meeting ID: 874 1527 7765  
Password: 870511**

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*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 Liversage of Banning Church of the Nazarene
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

#### **2. AGENDA APPROVAL**

- 2.1. Approve Agenda

**3. PRESENTATION(S)**

3.1. Proclamation - Black History Month.....**7**

**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 – 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.***

*Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). **POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.***

**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**

**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 to 6.8.**

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

6.1. Approval of Minutes of the January 25, 2022 City Council Meetings.....	<b>8</b>
6.2. Adopt City Council Resolution No. 2022-10, A Resolution of the City Council of the City of Banning, California, Continuing to Authorize Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same.....	<b>9</b>
6.3. Authorization of a Professional Services Agreement with the Kosmont Companies for Advisory Services related to a Financial & Market Feasibility Analysis for JK Partners' Proposed Hotel Development on 5.18 Acres located at 150 E. Ramsey Street.....	<b>11</b>
6.4. Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning...	<b>13</b>
6.5. Consider Contract with Joe A. Gonsalves & Son to Provide Services in Legislative Advocacy and Governmental Affairs.....	<b>14</b>
6.6. Consider Request for Temporary Use Permit Fee Waiver.....	<b>18</b>
6.7. Parks and Recreation Report of Monthly activities through the 2nd quarter of Fiscal Year 2021-22 - December 2021.....	<b>20</b>
6.8. Resolution 2022-12, Authorizing a Budget Amendment for the San Gorgonio Substation Project.....	<b>22</b>

**7. PUBLIC HEARING(S)**

None

**8. REPORTS OF OFFICERS**

8.1. Consideration of Resolution 2022-11, Authorizing and Approving the Agreement with Techline Sports Lighting, LLC for the Purchase and Installation of Replacement Lighting Equipment at Lions Park in the Amount of \$754,467.50 Plus 10% Contingency and Authorizing Entering into a Financing Agreement for the Project Over a Seven-Year Term.....	<b>24</b>
<i>(Staff Report: Ralph Wright, Parks and Recreation Director)</i>	

**Recommendation:** Staff recommends that the City Council adopt Resolution 2022-12, approving the following: (1) Authorizing the Lion's Park Lighting Replacement Project and approving the Agreement for Services (C00741) between the City of Banning and Techline Sports Lighting LLC.in the amount of \$754,462.50 and a 10% contingency of \$75,446.75; (2) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for services (C00741) and to approve Change Orders within the 10% contingency; (3) Authorizing the City Manager or his designee to execute the Agreement for Services (C00741) between the City of Banning and Techline Sports Lighting, Inc.; and (4) Authorize the City Manager or his designee to execute a financing agreement with Government Capital Corporation over a seven-year term of a not to exceed amount of \$932,966.30.

8.2. Consider Removal of Marco Santana from City of Banning's Planning Commission..... **29**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** A motion to remove Marco Santana from the City of Banning Planning Commission.

8.3. Resolution 2022-13, Approving a Professional Services Agreement (PSA C007438) with Michael Baker International (MBI) for Engineering and Environmental design, planning, and permitting services for Smith Creek Park..... **31**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** That City Council Adopt Resolution 2022-13, Approving a Professional Services Agreement (PSA C007438) with Michael Baker International (MBI) for Engineering and Environmental design, planning, and permitting services for Smith Creek Park ("Park") between the City of Banning and MBI through February 28, 2025 in an amount not to exceed \$408,525 over a maximum three (3) year term.

## **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. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Business-Friendly Zoning (Wallace)

## **11. ADJOURNMENT**

**Next Regular Meeting – February 25, 2022 at 5:00 p.m.**  
**Special Meeting on Thursday, February 17, 2022 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.

### **Estándares comunitarios de Zoom para Reuniones Públicas**

*Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.*

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminen por cada violación de estos estándares de la comunidad.
- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

## **AFFIDAVIT • DECLARACIÓN JURADA**

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 3rd day of February 2022.



Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

## **PUBLIC NOTICE • NOTICIA PÚBLICA**

### **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.

**¿Necesita servicios de traducción para participar?** Contacto Oficina del Secretario de la Ciudad.

## **CONTACT • CONTACTO**

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  
OFFICE OF THE MAYOR**



**proclamation**

**WHEREAS**, the nation celebrates Black History Month in February of each year; and

**WHEREAS**, the origins of Black History Month date back to 1915 when Dr. Carter G. Woodson founded the organization known today as the Association for the Study of African American Life and History; and

**WHEREAS**, observing Black History Month provides opportunities to gain a deeper understanding of African American history and acknowledge the centuries of struggles for equality and freedom; and

**WHEREAS**, Black History Month celebrates the achievements and contributions that African Americans have made in shaping our country, society, and communities; and

**WHEREAS**, the City of Banning is proud to honor the history and contributions of African Americans to the city and larger San Gorgonio Pass community.

**NOW THEREFORE**, the City Council of the City of Banning, do hereby proclaim February 2022:

***Black History Month***

*in the City of Banning and encourage citizens of Banning observe this month by acknowledging the history and challenges faced by African Americans and paying tribute to the African American community.*

**BE IT PROCLAIMED** this 8<sup>th</sup> day of February 2022.

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***Kyle Pingree, Mayor***



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** February 8, 2021

**SUBJECT:** Minutes of the January 25, 2022 City Council Meetings

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### **RECOMMENDATION:**

Approve the minutes of the January 25, 2022 City Council Meetings.

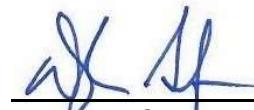
### **ALTERNATIVES:**

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

### **ATTACHMENTS:**

1. Minutes of the January 25, 2022 Special City Council Meeting  
[https://banningca.gov/DocumentCenter/View/10043/2022-01-25\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/10043/2022-01-25_Minutes_Special-Meeting)
2. Minutes of the January 25, 2022 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/10044/2022-01-25\\_Minutes-Regular-Meeting](https://banningca.gov/DocumentCenter/View/10044/2022-01-25_Minutes-Regular-Meeting)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney

**PREPARED BY:** Kevin G. Ennis, City Attorney

**MEETING DATE:** February 8, 2022

**SUBJECT:** Adopt City Council Resolution No. 2022-10, A Resolution of the City Council of the City of Banning, California, Continuing to Authorize Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt proposed City Council Resolution No. 2022-10, a Resolution of the City Council of the City of Banning, California, continuing to authorize the public meetings of all City legislative bodies to be held with a teleconference option for members of those bodies and the public pursuant to Government Code Section 54953(e), and making findings and determinations in compliance with that law (**Attachment 1**).

### **BACKGROUND:**

On March 17, 2020, near the beginning of the COVID-19 pandemic, Governor Newsom issued Executive Order (“EO”) N-29-20 that “relaxed” the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. The City Council and City’s Planning and Parks and Recreation Commissions thereafter met remotely throughout portions of the pandemic to protect the health and safety of the public, staff, and commissioners. The relaxed Brown Act rules expired on September 30, 2021.

In its place, the Legislature passed Assembly Bill (“AB”) 361, which became effective October 1, 2021. Under AB 361, the Brown Act now provides that a Brown Act body, such as the City Council or a City Commission, that wants to continue to allow remote teleconference attendance by one or more its members may do so only if the Brown Act body makes one of three potential findings: (1) that it is meeting during a proclaimed state

of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (2) the Brown Act body determines by majority vote that, whether as a result of the emergency, meeting in person would present an imminent risk to the health or safety of attendees; or (3) that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On November 9, 2021, the City Council adopted Resolution No. 2021-111, finding, as required by AB 361, that the City's legislative bodies continue to hold meetings during the COVID-19 pandemic, and state and local officials have imposed or recommended measures to promote social distancing. On December 14, 2021 and January 11, 2022, the City Council reaffirmed and readopted those same findings in Resolutions 2021-121 and 2022-01.

AB 361 requires that the City Council review these requirements every 30 days, to determine whether in City Council and other City Commission meetings are still occurring during a proclaimed state of emergency, and whether state or local officials have imposed or recommended measures to promote social distancing. Staff has prepared Resolution No. 2022-10 for the City Council's consideration and adoption should the City Council determine during this 30-day review that the Council and other City legislative bodies are continuing to meet during a proclaimed state of emergency, and state and local officials continue to recommend measures to promote social distancing.

Should the City Council adopt proposed City Council Resolution No. 2022-10, the City will continue to follow certain procedures for its meetings. Those procedures required by AB 361 include the following:

- The City cannot require public comments to be submitted in advance of the meeting.
- Agencies may not close a public comment period until members of the public are given the opportunity to register and the time for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or "otherwise be recognized" for the purpose of providing public comment.
- In the event of a disruption that prevents the City from broadcasting the remote meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

#### **FISCAL IMPACT:**

There is no significant financial effect to the City for invoking the procedures under AB 361. If the City chooses to comply with the provisions of AB 361 to allow remote

February 8, 2022

Page 3 of 3

attendance of City Council or members of other legislative bodies of the City, some staff time and cost will be incurred in preparing agenda items to make monthly findings as to the need for the continued remote attendance by members. The City will continue to incur some cost by using Zoom at meetings for public attendance.

**ALTERNATIVES:**

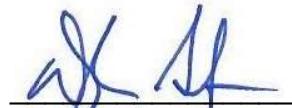
1. Adopt Resolution No. 2022-10.
2. Not adopt the Resolution and require all in-person attendance by members of City legislative bodies but with the exception that allows the Planning Commission to adopt the findings to validate remote attendance by two members at a prior meeting of that Commission.

**ATTACHMENT:**

1. Resolution No. 2022-10

<https://banningca.gov/DocumentCenter/View/10045/1-Resolution-2022-10>

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:** February 8, 2021

**SUBJECT:** Authorization of a Professional Services Agreement with the Kosmont Companies for Advisory Services related to a Financial & Market Feasibility Analysis for JK Partners' Proposed Hotel Development on 5.18 Acres located at 150 E. Ramsey Street

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### **RECOMMENDATION:**

Staff recommends approving the budget adjustment and Professional Services Agreement between the City of Banning & The Kosmont Companies of Manhattan Beach California for the City of Banning Financial & Market Feasibility Analysis of a Proposed Development located at 150 E. Ramsey Street.

### **BACKGROUND:**

The City and JK Partners LLC executed an Exclusive Negotiating Agreement on October 12, 2021 (Resolution 2021-101) for the 5.18 acre property located at 150 E. Ramsey for the purpose of developing a mixed use Hotel / Retail project that would consist of approximately 200 rooms with meeting space and spaces for retail businesses in the Downtown Commercial Zoning District. Three proposals were submitted to the city for consideration and those proposals were scored based on four widely accepted criteria, Price, Scope & Approach, Previous Experience working with Banning, overall Qualifications & Experience.

### **JUSTIFICATION:**

The City is seeking an independent assessment of the proposed project to help the City evaluate the developer capabilities, understand current market conditions, and estimate the financial feasibility of the project.

### **FISCAL IMPACT:**

A mid-year budget adjustment in the amount of \$19,000 from account 001-1210-412.33-11.

February 8, 2022

Page **2** of **2**

**ALTERNATIVES:**

1. Approve as recommended to accept a Professional Services Agreement between the City of Banning and The Kosmont Company Inc. of Manhattan Beach CA.
2. Do not approve as recommended and provide alternative direction to staff.

**ATTACHMENTS:**

1. Kosmont Companies Proposal for Banning Hotel  
<https://banningca.gov/DocumentCenter/View/10046/Att-1-Kosmont-Proposal-for-Banning-Hotel-1-10-21>
2. Kosmont Qualifications for Hotel Studies  
<https://banningca.gov/DocumentCenter/View/10047/Att-2-Kosmont-Quals-for-Hotel-Studies-1-20-22>

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:** February 8, 2022

**SUBJECT:** Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning

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### **RECOMMENDATION:**

Receive and file reports with updates on cost recovery services for first responder (EMS/Fire) medical billing fees collected by Wittman Enterprises LLC for the City of Banning through December 31, 2021.

### **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.

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.

On June 8, 2021 City Council authorized an amendment to the Contract with Wittman Enterprises for an additional one-year term, ending on June 30, 2022. Staff was directed to bring recurring updates on fees collected by Wittman for the City of Banning and in addition on November 9, 2021 to include costs incurred by the City.

**FISCAL IMPACT:**

The chart below reflects the payments we have received, and costs paid by fiscal year and since inception of the first responder medical billing fees:

Fiscal Year 2021	1st Quarter	2nd Quarter	3rd Quarter	Fourth Quarter	Total FY
	FY2021	FY2021	FY2021	FY2021	2021
Medical Response Payments	-	2,000.00	7,720.00	7,590.00	17,310.00
Wittman Costs	-	15,900.00	15,870.00	17,145.00	48,915.00
Net Amount	-	(13,900.00)	(8,150.00)	(9,555.00)	(31,605.00)

Fiscal Year 2022	1st Quarter	2nd Quarter	3rd Quarter	Fourth Quarter	Total FY
	FY2022	FY2022	FY2022	FY2022	2022
Medical Response Payments	17,567.07	20,572.98			38,140.05
Wittman Costs	14,385.00	13,920.00			28,305.00
Net Amount	3,182.07	6,652.98	-	-	9,835.05

<b>Total from Inception of Program</b>					
Medical Response Payments	17,567.07	22,572.98	7,720.00	7,590.00	55,450.05
Wittman Costs	14,385.00	29,820.00	15,870.00	17,145.00	77,220.00
Net Amount	3,182.07	(7,247.02)	(8,150.00)	(9,555.00)	(21,769.95)

Attached are additional reports reflecting the total amounts charged, write offs and payments received monthly, for 2020 and 2021 and fiscal year to date as of December 2020 and December 2021.

**ATTACHMENTS:**

1. FY 2021\_Banning YTD & Dec 20  
[https://banningca.gov/DocumentCenter/View/10049/Att-1-FY-2021\\_Banning-YTD-Dec-20](https://banningca.gov/DocumentCenter/View/10049/Att-1-FY-2021_Banning-YTD-Dec-20)
2. FY 2022\_Banning YTD & Dec 21  
[https://banningca.gov/DocumentCenter/View/10048/Att-2-FY-2022\\_BanningYTD-Dec-21](https://banningca.gov/DocumentCenter/View/10048/Att-2-FY-2022_BanningYTD-Dec-21)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** February 8, 2022

**SUBJECT:** Consider Contract with Joe A. Gonsalves & Son to Provide Services in Legislative Advocacy and Governmental Affairs

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### **RECOMMENDATION:**

A motion authorizing the City Manager to enter into a contract with Joe A. Gonsalves & Son to provide services in legislative advocacy and governmental affairs in matters affecting cities in the State of California.

### **BACKGROUND:**

Joe A. Gonsalves & Son have been providing legislative advocacy and governmental affairs services to the City of Banning since 2007. In 2015, due to the City's financial challenges, Gonsalves & Son offered to continue providing services at no cost to the City. For the past six years, the City has received the benefit of these services at no cost.

During a recent telephone call with Jason Gonsalves, it was brought to the attention of the City Manager that these services have been provided for six years without compensation. The City Manager requested a proposal from Gonsalves for City Council consideration (attached).

### **JUSTIFICATION:**

The City of Banning has unique challenges that will benefit from legislative advocacy in Sacramento. As a rapidly growing small city, funding for infrastructure is critical. While the City has an active grant writing program, it is beneficial to have a voice in Sacramento to communicate the City's needs. Furthermore, governmental affairs services are also important as has recently been reported regarding challenges experienced with California Department of Fish and Wildlife, which is not only adversely impacting housing development, but also public improvement projects.

### **FISCAL IMPACT:**

The monthly fee for contract services is \$3,000, which will be allocated to the General Fund and Enterprise Funds based on the current Cost Allocation Plan. Annual cost is \$36,000.

February 8, 2022

Page **2** of **2**

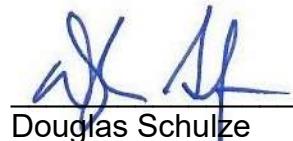
**ALTERNATIVES:**

1. Authorize consulting contract.
2. Provide alternate direction to staff.

**ATTACHMENTS:**

1. Introductory Letter  
<https://banningca.gov/DocumentCenter/View/10053/Att-1-Introductory-Letter>
2. 2012 Contract  
<https://banningca.gov/DocumentCenter/View/10054/Att-2-Banning-2012-Contract>
3. Scope of Service 12/14/2021  
<https://banningca.gov/DocumentCenter/View/10055/Att-3-Scope-of-Services>
4. Draft Contract – 2021  
<https://banningca.gov/DocumentCenter/View/10056/Att-4-Draft-Contract-2021>
5. JAGS Accomplishments  
<https://banningca.gov/DocumentCenter/View/10050/Att-5-Accomplishments>
6. JAGS Client List  
<https://banningca.gov/DocumentCenter/View/10051/Att-6-Client-List>
7. Project Funding Secured by JAGS  
<https://banningca.gov/DocumentCenter/View/10052/Att-7-Project-Funding>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** February 8, 2022  
**SUBJECT:** Consider Request for Temporary Use Permit Fee Waiver

---

### **RECOMMENDATION:**

A motion authorizing waiver of the Temporary Use Permit fee for Sun Lakes Charities Annual Fundraiser in an amount of \$1,065.00.

### **BACKGROUND:**

A new fee schedule was adopted by the City Council in 2021 and included a fee for Temporary Use Permits that was not in the prior fee schedule. As a result, Sun Lakes Charities was not charged a fee in previous years for their annual fundraising event. The majority of activities associated with the Sun Lakes Charities Annual Fundraiser do not require a Temporary Use Permit since the activities occur with Sun Lakes Golf and Country Club. However, the fireworks display triggers the requirement for the Temporary Use Permit.

When event organizers were notified of the newly established fee for a Temporary Use Permit they correctly pointed out that fees were not charged for previous fundraising events. A request for a fee waiver was submitted at that time.

### **JUSTIFICATION:**

Sun Lakes Charities is a charitable non-profit organization that provides grants to numerous local organizations, including the City of Banning. Fees charged for the annual fundraising event reduces the amount of funds available to provide grants.

### **FISCAL IMPACT:**

Lost revenue of \$1065.00

### **ALTERNATIVES:**

1. Authorize a full fee waiver.
2. Do not authorize a fee waiver.

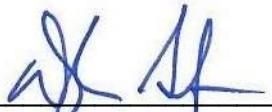
February 8, 2022

Page **2** of **2**

**ATTACHMENTS:**

None

Approved by:



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:** February 8, 2022

**SUBJECT:** Parks and Recreation Report of Monthly activities through the 2<sup>nd</sup> quarter of Fiscal Year 2021-22 - December 2021

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### **RECOMMENDATION:**

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

### **BACKGROUND:**

To better track the participation levels of parks and recreation program offerings and the facilities usage for parks and recreation programs and services, staff developed a monthly report that is used to compile and present our numbers, help tell our story and allow for easy year over year comparison.

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

Staff brings the report to the Council after each quarter of the Fiscal Year. Attached in this item, is the December 2021 report that contains information through the end of the 2<sup>nd</sup> quarter of FY 2021-22.

The 2<sup>nd</sup> quarter report reflects the second quarter since March of 2020 that Parks and Recreation Operations were able to take place without or with minimal COVID 19 restrictions limiting our program offerings. The department was able to offer our Halloween event as well as multiple Christmas events in the 2<sup>nd</sup> quarter and had great community participation in all of our events.

Of note, the Senior Center has been closed for the past twenty-one months and remains closed. The Senior Center ADA project has been completed and due to the surge in Covid cases this winter, we delayed opening the Senior Center. We plan to open the Senior Center on a reduced schedule beginning this month where we will open initially

February 8, 2022

Page 2 of 2

Tuesday and Thursday from 10am to 1pm and continue to provide cold meal distribution weekly on Wednesdays. Beginning in March of 2022, the current plan is to open with warm daily meal services to our Seniors and Monday through Friday programming on a 10:00 am to 1pm schedule and in April of 2022, open our regular daily hours 9am to 2pm.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**ATTACHMENT:**

1. Parks and Recreation Monthly Report of Activities for December 2021

<https://banningca.gov/DocumentCenter/View/10057/Att-1--Parks-and-Recreation-Department-Monthly-Activity-Report---Dec-21>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Carla Young, Business Support Manager  
Tom Miller, Electric Utility Director

**MEETING DATE:** February 8, 2021

**SUBJECT:** Resolution 2022-12, Authorizing a Budget Amendment for the San Gorgonio Substation Project

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### **RECOMMENDATION:**

City Council adopt Resolution 2022-12 approving the following:

1. Appropriation of \$425,000 from the Electric Fund to account 673-7000-473.96-25 to aid in the construction of the San Gorgonio Substation project.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this purchase.
3. Authorize the City Manager and/or designees to complete and execute all documents related to this transaction.

### **BACKGROUND:**

The existing electrical distribution infrastructure at San Gorgonio Substation is reaching the end of its useful life and it is pertinent that the City of Banning Electric Utility ("Utility") make improvements to this substation to prevent the failure of the old equipment.

The Utility has solicited and executed contracts for design, procurement, and construction of distribution infrastructure at San Gorgonio Substation. The Utility has realized the need to expand the infrastructure within the San Gorgonio Substation as the electric distribution feeders from San Gorgonio Substation are expected to support the initial phase of the Rancho San Gorgonio development project and is therefore requesting to add funding to meet procurement needs.

### **JUSTIFICATION:**

The Utility maintains a capital improvement plan that has been reviewed and approved by the City Council. Further, the capital improvement plan and annual operations and

February 8, 2022

Page 2 of 2

maintenance programs are included in annual budgets and are authorized by the City Council. The primary purpose of the Utility is to provide continued reliable, and uninterrupted utility services. To ensure that the Utility's services remain consistently reliable, it is necessary for the Utility to have the means to acquire specific goods, equipment and services quickly and efficiently as identified and approved in advance by the City Council and set forth as exceptions in the City's Purchasing Policy.

**FISCAL IMPACT:**

The amount of \$425,00.00 shall be appropriated from the Electric Fund to account 673-7000-473.96-25 for the purpose of upgrading electric distribution equipment at San Gorgonio Substation.

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2021/2022	\$425,000

**ALTERNATIVES:**

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

**ATTACHMENT:**

1. Resolution 2022-12  
<https://banningca.gov/DocumentCenter/View/10058/Resolution-2022-12-San-G-Substation-Budget-Amendment>

Approved by:



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:** February 8, 2022

**SUBJECT:** Consideration of Resolution 2022-11, Authorizing and Approving the Agreement with Techline Sports Lighting, LLC for the Purchase and Installation of Replacement Lighting Equipment at Lions Park in the Amount of \$754,467.50 Plus 10% Contingency and Authorizing Entering into a Financing Agreement for the Project Over a Seven-Year Term

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2022-12, approving the following:

1. Authorizing the Lion's Park Lighting Replacement Project and approving the Agreement for Services (C00741) between the City of Banning and Techline Sports Lighting LLC.in the amount of \$754,462.50 and a 10% contingency of \$75,446.75.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for services (C00741) and to approve Change Orders within the 10% contingency.
3. Authorizing the City Manager or his designee to execute the Agreement for Services (C00741) between the City of Banning and Techline Sports Lighting, Inc.
4. Authorize the City Manager or his designee to execute a financing agreement with Government Capital Corporation over a seven-year term of a not to exceed amount of \$932,966.30.

### **BACKGROUND:**

Lions Park has three baseball fields that are used consistently throughout the year for our local Banning Pass Little League as well as numerous travel baseball teams for practice, games and tournaments. Over 500 Banning youth use the fields for baseball each year

with hundreds more attending games throughout the year. The current ballfield lighting system is over 40 years old and for at least the last ten years, the Banning Electric Utility has gone out to the ballfields each year and evaluated the ballfield lights and replaced fixtures and patched the system to maintain effective light levels on the ballfields. Beginning in 2020, they were unable to replace the fixtures or bulbs and for the last two years, the fields have not been able to be used for night baseball as the current fixtures do not provide adequate lighting for games and practice. Staff had a lighting company come out and evaluate the current light levels and a diagram of the results is provided as an attachment with this report. The lighting levels are 50% to 90% below the national Little League ballfield field standard light levels. Due to the Covid pandemic, Little League's seasons have been truncated and reduced participation levels have minimized the impact of the lighting situation but as participation grows and Banning's population increases, not having lit fields could force Banning Pass Little League to limit participation and reduce their seasonal offerings.

Over the last two years, staff has been working with multiple sports lighting companies for potential options of retrofitting and or replacing the lighting system. Retrofitting the current ballfield lights is not feasible as the light poles are under 40 feet tall and with current fixture arms and lighting, we are unable to use the existing poles.

Techline Sports Lighting, LLC. has been installing ballfield lights for over twenty years and their resume includes large stadium lighting projects for Super Bowls, NCAA Final fours as well as little league and high school ballfields nationwide. Techline Sports Lighting has also installed baseball field lighting throughout California including Cal State Monterey and the City of Tustin within the last year. Their lighting technology is state of the art and their references are superb.

The Lion's park lighting replacement project will include the installation of fourteen 70-foot mounting height steel poles with 118 LED fixtures providing state of the art lighting that meets the youth baseball and adult softball lighting standards. The lighting system includes manual and remote access allowing staff to turn on and off the lights remotely when applicable and a 10 year warranty on all labor and parts. The turnkey cost of the project is \$754,462.50. The installation of new LED fixtures through Techline is estimated to reduce electrical consumption costs with an estimated 60% reduction as compared to fixtures with 1,500 watt metal halide system and with the 10 year warranty will significantly reduce labor costs during the warranty period. A LED Energy Savings Analysis is attached with this report estimated a total annual LED life cycle savings of over \$37,000. This project cost through Techline Sports Lighting is 25% below the cost estimate provided by Musco Lighting, another major ballfield light manufacturer operating in California.

Through The Interlocal Purchasing System, TIPS, the city is able to piggyback on a cooperative purchasing agreement for installation and purchase of the replacement lighting system. The cooperative agreement was competitively bid by another lead government agency. If approved, it is expected the lighting project can be completed

within three months with minimal impact to the Little League season and available for game and practice use mid-season and for the all-stars.

**FUNDING SOURCES:**

At the October 27, 2020 meeting of the City Council, the Banning City Council adopted Resolution 2020-132, authorizing the submittal of grant applications and receipt for the State of California Per Capita Grant Funds as part of the Park and Water Bond Act of 2018(Prop 68). The City of Banning was allocated a total of \$196,926.00 and the Lion's Park project was the selected project for these funds. This grant amount is allocated to the City of Banning and is a reimbursable after the completion of the project.

Currently, we do not have funds immediately available to complete the project and the remaining project cost of \$632,983.25. Staff recommends financing the project over a seven-year term. If approved the remaining project cost would be funded equally between the General Fund and the Banning Electric Utility's Public Benefit Fund.

Including the contingency amount, the total project cost would be \$829,909.25. Staff received a financing term sheet with options for five, seven and ten years and believes the seven-year term provides the best option. Over a seven-year term the estimated yearly payment would be \$133,280.39. The final terms of the financing would be dependent on execution of the contract and date of financing. After the grant funding, the yearly payment would be estimated at \$101,654.80 split between the Electric Utility's Public Benefit Fund and the General Fund at \$50,827.40 allocated from each fund in Fiscal Years 2022-23 through 2028-29.

**JUSTIFICATION:**

The current lighting system does not adequately or safely provide lighting that allows for evening games and practices. As Banning's population is increasing with the recent development, Little League's numbers are growing and the lighting project is necessary to provide lit ballfields to accommodate the growing participation.

The LED fixtures have an average lifespan of more than twenty years, provide an estimated 60% reduction in power operating costs and with the included warranty, the estimated annual LED life cycle savings are estimated at \$37,138.95.

With the financing terms available through Government Capital Corporation, and the support of the Electric Utility's Public Benefit Fund, the annual General Fund impact is just over \$50,000.

**FISCAL IMPACT:**

The exact terms will be determined at the date of finance contract execution, but the not to exceed maximum including the 10% contingency will be \$932,966.30 paid over seven years with the annual not to exceed maximum listed as follows:

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2022/2023	\$298,580.80 (Per Capita Grant \$196,926, Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2023/2024	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2024/2025	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2025/2026	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2026/2027	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2027/2028	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)
2028/2029	\$101,654.80 (Electric Utility Public Benefit Funds - \$50,827.40, General Fund \$50,827.40)

**ALTERNATIVES:**

1. Do not adopt Resolution 2020-11 and provide alternate direction

**ATTACHMENTS:**

1. Resolution 2022-11

<https://banningca.gov/DocumentCenter/View/10060/Att-1---Resolution-2022-11-Lions-Lighting>

2. Agreement for Contract Service (C00741)

<https://banningca.gov/DocumentCenter/View/10061/Att-2---Agreement-for-Contract-Services-C00741>

3. Techline Sports Lighting Lion's Park proposal and quote

<https://banningca.gov/DocumentCenter/View/10063/Att-3---Techline-Sports-Lighting-Lions-Park-proposal-and-quote>

4. LED energy Savings Analysis

<https://banningca.gov/DocumentCenter/View/10062/Att-4---LED-Savings---Lions-Park-Final>

5. Financing Term Sheet (without possible contingency)

<https://banningca.gov/DocumentCenter/View/10065/Att-5---Draft-Lions-Park-Lighting-Project-Financing-terms>

6. Lion's Park Lighting levels analysis – January 16, 2020

<https://banningca.gov/DocumentCenter/View/10059/Att-6---Lions-Park-Baseball-Light-Levels-1-16-20>

February 8, 2022

Page **5** of **5**

7. Staff Report and Resolution 2020-132 – Per Capita Grant Funds

<https://banningca.gov/DocumentCenter/View/10064/Att-7---Staff-Report-Resolution-2020-132>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** February 8, 2022

**SUBJECT:** Consider Removal of Marco Santana from the City of Banning's Planning Commission

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**RECOMMENDATION:**

A motion to remove Marco Santana from the City of Banning Planning Commission.

**BACKGROUND:**

On January 19, 2022, an Opinion Article was published in the Record Gazette newspaper titled, "Warehousing Mortgages Banning's Future for a Quick and Unhealthy Buck." The author of the Opinion Article is Marco Santana, a member of the City of Banning Planning Commission. Members of the Planning Commission provide two primary functions, including policy advisors to the City Council and, a quasi-judicial role when specific applications are under review.

The Appearance of Fairness Doctrine requires members of the Planning Commission and City Council, when sitting as a quasi-judicial body, to review applications in a fair and unbiased manner. Unfortunately, Mr. Santana has openly and publicly expressed a very clear bias against warehousing, which will require him to be recused from consideration of any future warehouse project application that comes before the Planning Commission. There are currently as many as five (5) known warehouse projects that are likely to be considered by the Planning Commission in 2022.

The opinion article gives rise to an assertion that Mr. Santana has a predetermined bias against future warehouse projects in Banning and cannot fairly and objectively consider future quasi-judicial applications for warehouse projects that come before the Planning Commission. Mr. Santana has been advised to recuse himself from upcoming Planning Commission decisions that involve a quasi-judicial decision (tentative map, CUP, Design Review) for warehouse projects. This is to avoid a claim from applicants that Mr. Santana has a pre-existing bias against those applications and that his participation in those decisions would violate the applicant's due process rights to a fair hearing.

In addition, Mr. Santana has been informed of the City Council consideration to remove him from the Planning Commission.

February 8, 2022

Page 2 of 2

**JUSTIFICATION:**

Members of the Planning Commission are appointed by and serve at the pleasure of the City Council. Members of the Planning Commission may be removed at any time by a majority of the entire Council. This item has been placed on the City Council agenda at the request of the Mayor and Mayor Pro Tem.

**FISCAL IMPACT:**

Not applicable.

**ALTERNATIVES:**

1. A motion to remove Mr. Marco Santana from the City of Banning Planning Commission
2. Do not adopt a motion for removal.

**ATTACHMENTS:**

1. Record Gazette Opinion Article, "Warehousing Mortgages Banning's Future for a Quick and Unhealthy Buck"  
<https://banningca.gov/DocumentCenter/View/10069/Att-1-Opinion-Article-in-Record-Gazette>

Approved by:



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



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** February 8, 2022

**SUBJECT:** Resolution 2022-13, Approving a Professional Services Agreement (PSA C007438) with Michael Baker International (MBI) for Engineering and Environmental design, planning, and permitting services for Smith Creek Park

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### **RECOMMENDATION:**

That City Council Adopt Resolution 2022-13, Approving a Professional Services Agreement (PSA C007438) with Michael Baker International (MBI) for Engineering and Environmental design, planning, and permitting services for Smith Creek Park ("Park") between the City of Banning and MBI through February 28, 2025 in an amount not to exceed \$408,525 over a maximum three (3) year term.

### **BACKGROUND:**

The City Council previously directed the City of Banning Parks Commission to review and consider updating the Park. The Board has discussed an update of the Master Plan and will begin work on the update soon. In an effort to support the future development of the Park Master Plan it is critical to understand what acreage is available for development versus the potential constraints that may deter active or passive activities. As such, the City staff wishes to engage MBI to review and identify possible environmental and engineering constraints within the Park property. The Scope of Services will also review identify possible off-site improvements necessary to provide ingress and egress associated with future park development, including special events and large-scale activities.

### **JUSTIFICATION:**

The 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. However, development of the Park holds significant potential to hold large-scale events

and offer a first class amenity for the enjoyment of Banning residents and tourist. In plain terms, smart development of the Park can put Banning on the map as a tourist destination.

**FISCAL IMPACT:**

The proposed contracted amount is for a lump sum amount, that is not exceed \$408,525.00 per year, through February 28, 2025. Services will be funded through the Public Utility Community Benefit, GL account number 673-7000-473-90-01.0

<b><u>Services:</u></b>	<b><u>Estimated Amount</u></b>
Professional Consulting Services	408,525.00

**ALTERNATIVES:**

1. Approve as recommended
2. Do not approve and direct staff to prepare and issue a new RFP.

**ATTACHMENTS:**

1. Resolution 2022-13  
<https://banningca.gov/DocumentCenter/View/10067/Att-1-Resolution-2022-13-Michael-Baker-International>
2. Draft Professional Services Agreement  
<https://banningca.gov/DocumentCenter/View/10066/Att-2-Draft-PSA>
3. Proposal  
[https://banningca.gov/DocumentCenter/View/10068/Att-3-Smith-Creek-Park-Technical-Studies\\_Cost-Proposal-11122](https://banningca.gov/DocumentCenter/View/10068/Att-3-Smith-Creek-Park-Technical-Studies_Cost-Proposal-11122)

Approved by:



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Douglas Schulze  
City Manager