



AGENDA

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

October 11, 2022

5:00 p.m.

In Chambers and via Zoom

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 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/81007280759?pwd=d0JCK0yeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759
Password: 092220**

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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
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

- 3.1. Introduction of Katie Gilbertson from the SAFE Family Justice Centers by Police Chief Hamner
- 3.2. Proclamation – Code Enforcement Appreciation Week – October 9-15, 2022
Recognizing Code Compliance Supervisor Art Chacon and Code Compliance Officer Diana Serrano..... **7**
- 3.3. Certificate of Recognition for Jack Sanchez – Mayor Wallace..... **8**

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

- 5.3.1. Request to Appoint Two Council Members to the Community Development Block Grant (CDBG) Ad-Hoc Committee for FY 2023/2024..... **9**

5.4. CITY COUNCIL COMMITTEE REPORTS

5.5. CITY MANAGER REPORT

5.6. CITY ATTORNEY REPORT

5.7. CITY TREASURER 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.	Minutes of the September 13 and 27, 2022 City Council Meetings.....	12
6.2.	Consideration of Resolution 2022-135, Authorizing an Agreement with Windstream Enterprise to Provide Consolidated Phone and Internet Services to the City of Banning.....	13
6.3.	Consideration of Resolution 2022-137, Awarding a Professional Services Agreement for the Design of an LED Electronic Message Board Sign to BOA Architecture in the Amount of \$64,700 and Approving a 10% Contingency for a Total Project Budget Not-to-Exceed \$71,170.....	16
6.4.	Consideration of Resolution 2022-138, Approving an Agreement with Telrepco to Provide, Install, and License In-Car Cameras and Body Cameras and Recording Equipment for Three (3) Interview Rooms in an Amount Not-to-Exceed \$406,200 for Use by the Banning Police Department.....	19
6.5.	Consideration of Resolution 2022-139, Approving Amendment No. 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$148,222 for the Design of Sun Lakes Boulevard Extension; Extending the Term of Agreement to June 30, 2024; and Rescinding Resolution 2022-106.....	21
6.6.	Consideration of Resolution 2022-140, Authorizing the Purchase of Transit Vehicles Funded by State Transit Assistance as Included in the City's Approved Short Range Transit Plan.....	24
6.7.	Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map Nos. 35966 and 35967 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System.....	27
6.8.	Second Reading and Adoption of Ordinances 1583 and 1584, A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element and an Amendment to the Official Zoning Map (ZC 22-3501).....	29

7. PUBLIC HEARING(S)

7.1.	Public Hearing, Second Reading, and Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters.....	35
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(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommend City Council: (1) Open public hearing on proposed Ordinance 1585, receive public comment, and close the public hearing; and, (2) Waive further reading and adopt Ordinance 1585, as read by title only, "An Ordinance of the City of Banning, California, Adding a New Chapter 15.80 to Title 15 of the Banning Municipal Code and Amendment Appendix X of the California

Residential Code to Adopt Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters and Structures and Facilities thereon, Pursuant to Government Code Section 8699.4, and Making Findings Pursuant to CEQA.

8. REPORTS OF OFFICERS

8.1. Consideration of Ordinance 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by adopting by reference, with Amendments, the entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code concerning Pool Fencing and Enclosure Standards..... **38**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1586, and schedule a public hearing and second reading for November 8, 2022, per Gov. Code, § 50022.3.

8.2. Consideration of Resolution 2022- 136, Accepting a Grant Award from the Outdoor Equity Grant Program in an Amount of \$655,729 and Authorizing the City Manager or his Designee to Execute All Documents and Make All Necessary Budget Adjustments for Completion of the Project Scope..... **42**
(Staff Report: Ralph Wright, Parks and Recreation Director)

Recommendation: Staff recommends that the City Council adopt Resolution 2022-136, approving the following: (1)Accepting the award of the three-year programming grant; (2) Authorizing the City Manager or his designee to execute the Outdoor Equity Grant Contract and sign all documents, including, but not limited to agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; (3) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054; (4) Authorizing the City Manager or his designee to make necessary changes to the classification plan related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054.

8.3. Report on Homeless in the City from Police Chief Hamner
(Staff Report: Matthew Hamner, Chief of Police)

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

1. Affordable Housing Solutions
2. Internship Program
3. Traffic Circles/Diverging Diamonds (Happe)
4. Cannabis Regulations (Happe)
5. Cannabis Microbusiness (Wallace)
6. Grow Banning (Sanchez)

11. ADJOURNMENT

Next Regular Meeting – October 25, 2022 at 5:00 p.m.

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- 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.

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) 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 6th day of October 2022.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

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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
99 East Ramsey Street, Banning, California 92220



**CITY OF BANNING
OFFICE OF THE MAYOR**



Proclamation

WHEREAS, Code enforcement officers provide for the safety, health, and welfare of citizens in communities throughout the State of California through the enforcement of local, state, and federal laws and ordinances dealing with various issues of building, zoning, housing, animal control, environmental, health, and life safety; and

WHEREAS, Code enforcement officers have challenging and demanding roles and often do not receive recognition for the job they do in improving quality of life for residents and businesses of local communities; and

WHEREAS, the role of many code enforcement officers has expanded in recent years with jurisdictions increasingly relying on expertise and training of code enforcement officers in their communities; and

WHEREAS, the California State Legislature has proclaimed the second week of October as Code Enforcement Appreciation Week; and,

WHEREAS the City of Banning encourages all of its citizens to learn more about local civic values and how respecting property, homes, and businesses have positively enriched our community, state and country.

NOW THEREFORE, I, Colleen Wallace, Mayor of the City of Banning, do hereby proclaim:

Code Enforcement Appreciation Week

October 9, 2022 – October 15, 2022

in the City of Banning and encourage citizens of Banning to join in this community celebration.

BE IT PROCLAIMED this 11th day of October 2022.

Colleen Wallace, Mayor



City of Banning

CERTIFICATE OF RECOGNITION

PRESENTED TO
JACK SANCHEZ



*The City Council of the City of Banning recognizes you for
your outstanding achievements. We thank you for making
the City of Banning a better place to live, work & play!*

Presented on this 11th day of October 2022

Colleen Wallace, Mayor



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant City Manager

MEETING DATE: October 11, 2022

SUBJECT: Request to Appoint Two Council Members to the Community Development Block Grant (CDBG) Ad-Hoc Committee for FY 2023/2024

RECOMMENDATION:

Recommend the City Council appoint a committee at the October 11, 2022, meeting, consisting of two members from the City Council and the Economic Development Manager, to review and recommend FY 2023/2024 Community Development Block Grant ("CDBG") program applications.

BACKGROUND:

The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs that is federally funded by the U.S. Department of Housing and Urban Development ("HUD"). The CDBG program provides annual grants on a formula basis to 1209 general units of local government and States.

The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

Eligible Activities:

- Economic Development
- Job Development
- Youth Services
- Senior Programs
- Health Services
- Public Safety Programs

- Neighborhood Revitalization
- Municipal Services
- Code Enforcement
- Transportation Services
- Housing Assistance/First Time Buyers

CDBG-funded projects **must** satisfy one of three national program objectives:

- Provide a benefit to low- and moderate-income persons,
- Prevent or eliminate slums and blight, or
- Meet other urgent community development needs due to natural disasters or other emergencies.
- Community Centers
- Workforce Development Centers
- Child Care Centers
- Senior Centers
- Health Facilities
- Sheriff/Fire Stations
- Flood and Drainage Facilities
- Water/Sewer Improvements
- Demolition
- Street Improvements/Sidewalks
- Homeless Centers

Riverside County Housing, Homelessness Prevention and Workforce Solutions will make the final determination of a project's eligibility.

Below is a schedule of important dates that are necessary to ensure that the City meets Riverside County Housing, Homelessness and Workforce Solutions Agency's application deadline.

- 10/1/2022 Application period opens to the public
- 10/31/2022 Applications due at 4:00 PM (hard copy only)
- 11/2/2022 Ad-Hoc meeting to review applications and make recommendation
- 11/8/2022 City Council to approve applications for submission to Riverside County
- 11/18/2022 Approved Applications due to Riverside County

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation or City Council action.

ALTERNATIVES:

1. Appoint (2) Ad-Hoc Committee Members

Staff Report: Appoint (2) CDBG Ad-Hoc Committee Members

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2. Do not appoint committee members and provide alternative direction.

ATTACHMENTS:

None

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: October 11, 2022

SUBJECT: Minutes of the September 13 and 27, 2022 City Council Meetings

RECOMMENDATION:

Approve the minutes of the September 13 and 27, 2022 City Council Meetings.

ALTERNATIVES:

1. Approve as recommended.
2. Approve with modifications.

ATTACHMENTS:

1. Minutes of the September 13, 2022 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/11511/2022-09-13_Minutes_Special-Meeting---Closed-Session
2. Minutes of the September 13, 2022 Special City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/11510/2022-09-13_Minutes_Special-Meeting---Workshop
3. Minutes of the September 13, 2022 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/11558/2022-09-13_Minutes-Regular-Meeting
4. Minutes of the September 27, 2022 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/11512/2022-09-27_Minutes_Special-Meeting---Closed-Session
5. Minutes of the September 27, 2022 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/11564/2022-09-27_Minutes-Regular-Meeting

Approved by:

A handwritten signature in blue ink, appearing to read "D. Schulze".

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Eric Brown, IT Manager
Laurie Sampson, Assistant City Manager

MEETING DATE: October 11, 2022

SUBJECT: Consideration of Resolution 2022-135, Authorizing an Agreement with Windstream Enterprise to Provide Consolidated Phone and Internet Services to the City of Banning

RECOMMENDATION:

The City staff recommends that the City Council adopt Resolution 2022-135, authorizing agreement(s) with Windstream Enterprise to provide phone and internet services for a three-year term and point-to-point services for a one-year term (with options to renew) for City Facilities, and;

1. Authorizing the City Manager to execute the related agreements; and
2. Authorizing the Deputy City Clerk to certify adoption of this resolution and file in the book of original resolutions.

BACKGROUND:

Based on the need to provide reliable, cohesive, and cost conscience voice and Internet services to City facilities, it will be beneficial to consolidate phone and Internet services under one provider. The benefits include one point of contact for system issues, streamlining dialing plans throughout the organization and fault tolerance with automatic failover.

JUSTIFICATION:

After analysis of the City's current phones and internet services, staff has determined that it would be beneficial for the City to streamline its phone and Internet services. Moving the City's services to the new agreement will provide the City with improved service resiliency, vendor consolidation, real-time network visibility while providing monthly cost savings. Currently the City uses 3 different providers (TPX, Frontier & Spectrum) for phone and Internet services. Our current configuration does not give us visibility into our network, which leaves the City at the mercy of current providers when outages occur. In the last couple of months, the City has experienced multiple outages and it has been difficult to

determine where the problem originated and/or which provider was having the issue, leading to extended downtimes.

Windstream Enterprise will provide phone and internet services for a three-year term for \$5,388.41 per month and Point-to-Point services for a term of 1 year for \$3,801.00 per month. The Electric Utility Department is working to prove a fiber optic network that will serve all city facilities. When this project is complete the Point-to-Point service will not longer be required. As the completion date for this project is unknown at this time, an option to renew the Point-to-Point services for two additional terms is requested.

FISCAL IMPACT:

Funds are already budgeted. This action would provide considerable savings for the City.

TPX, Frontier, & Spectrum Current Monthly Total	\$11,115.37
Windstream Enterprise New 3-Year Monthly Total	\$5,388.41
Windstream Point to Point New 1-Year Monthly Total	\$3,801.00
Monthly Savings Year One	\$1,925.96
Annual Savings Year 1	\$23,111.52
Annual Savings Year 2 and Three	\$68,723.52

ALTERNATIVES:

1. Approve as recommended.
2. Approve with modifications.
3. Do not approve and stay with current providers at a significantly higher cost to the city.

ATTACHMENTS:

1. Resolution 2022-135
<https://banningca.gov/DocumentCenter/View/11523/Att-1-Resolution-2022-135-Windstream>
2. Windstream Service Agreement
<https://banningca.gov/DocumentCenter/View/11519/Att-2-Windstream-Service-Agreement>
3. Windstream Service Agreement Point to Point
<https://banningca.gov/DocumentCenter/View/11520/Att-3-Windstream-Service-Agreement-Point-to-Point>
4. Windstream Addendum #1 Early Termination
<https://banningca.gov/DocumentCenter/View/11521/Att-4-Windstream-Addendum-1-Early-Termination>

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5. Windstream Addendum #2 30 Day Negotiation

<https://banningca.gov/DocumentCenter/View/11522/Att-5-Windstream-Addendum-2-30-Day-Negotiation-Period>

Approved by:



Douglas Schulze

City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Patrick Safari, Associate Engineer

MEETING DATE: October 11, 2022

SUBJECT: Consideration of Resolution 2022-137, Awarding a Professional Services Agreement for the Design of an LED Electronic Message Board Sign to BOA Architecture in the Amount of \$64,700 and Approving a 10% Contingency for a Total Project Budget Not-to-Exceed \$71,170

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2022-137:

1. Awarding a Professional Services Agreement for the design of an LED Electronic Message Board Sign, to BOA Architecture in the amount of \$64,700 and approving a 10% contingency for a total project budget of "not-to-exceed" \$71,170.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, transfers and approving change orders within the approved contingency related to the Professional Services Agreement for the design of an LED Electronic Message Board Sign.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with BOA Architecture of Long Beach, California.

BACKGROUND:

The City of Banning would benefit from an electronic message board sign that will help promote the City, advertise public notices, community programs, events and emergency notices. The message board sign will be a key form of communication and it will be able to convey information that will benefit individual drivers and pedestrians. The electronic message board sign will be capable of displaying words, symbols, figures, or images that can be electronically changed by remote access or other automatic means.

On April 12, 2022 City Council approved Resolution 2022-35 authorizing the use of American Rescue Plan Act (ARPA) funds on certain eligible projects including the construction of one or two electronic message board signs to help communicate city services and messages to the community.

On July 20, 2022 staff released a Request for Proposals (RFP) for the Design of an LED Electronic Message Board to three (3) consultants on the on-call Professional Architect Services list approved by City Council on December 14, 2021 under Resolution 2021-117. The proposals were due on August 17, 2022. In response to the RFP, one (1) proposal was received from the following consultants:

<u>Companies</u>	<u>Bid Amount</u>
1) BOA Architecture, of Long Beach CA	\$64,700
2) Infrastructure Engineers, of Brea, CA	-
3) TR Design Group, Inc., of Riverside, CA	-

City staff has identified three intersections as potential locations for an LED electronic message board sign. The intersections include Ramsey Street and 22nd Street, Ramsey Street and San Gorgonio Avenue, and Ramsey Street and Highland Springs Avenue.

The scope of work will include the development of six (6) conceptual designs with three (3) concepts representing a gateway electronic message board sign that will be erected above and across the street and three (3) additional concepts representing an electronic message board sign constructed at street level. Upon selection of a concept by the City, the consultant will produce two (2) colored rendering of the LED electronic message board sign for further discussion and approval. The final deliverable will be bidding documents for the construction phase of the selected concept.

JUSTIFICATION:

One proposal was submitted by architectural firms currently identified in the City's approved vendor list. Staff evaluated the proposal based on qualifications, cost and experience. As a result, staff recommends the award of a professional services agreement to BOA Architecture, in the amount of \$64,700.

BOA Architecture is a reputable qualified firm that has successfully provided services to the City in the past.

FISCAL IMPACT:

Staff recommends awarding an agreement to BOA Architecture in the amount of \$64,700 and approving a 10% contingency in the amount of \$6,470 for a total "not-to-exceed" project budget of \$71,170.

The agreement with BOA Architecture will be funded by ARPA funding approved by City Council in Resolution 2022-35 and included as Attachment 4.

ALTERNATIVES:

Do not approve Resolution 2022-137 and provide alternative direction to staff.

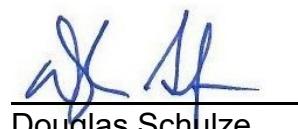
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ATTACHMENTS:

1. Resolution 2022-137
<https://banningca.gov/DocumentCenter/View/11545/Att-1-Resolution-2022-137>
2. Resolution 2021-117
<https://banningca.gov/DocumentCenter/View/11546/Att-2--Approved-Resolution-2021-117>
3. BOA Architecture Proposal
<https://banningca.gov/DocumentCenter/View/11543/Att-3-BOA-Proposal>
4. Resolution 2022-35
<https://banningca.gov/DocumentCenter/View/11544/Att-4-ARPA-Fund-Approval>

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 11, 2022

SUBJECT: Consideration of Resolution 2022-138, Approving an Agreement with Telrepco to Provide, Install, and License In-Car Cameras and Body Cameras and Recording Equipment for Three (3) Interview Rooms in an Amount Not-to-Exceed \$406,200 for Use by the Banning Police Department

RECOMMENDATION:

Staff respectfully recommend that City Council adopt Resolution 2022-138:

1. Approving the agreement with Telrepco to provide, install, and license cameras (in-car, body cameras, interview room cameras) for use by the Banning Police Department.
2. Authorize the City Manager or designee to make the necessary budget adjustments, appropriations, and transfers related to the agreement with Telrepco.

BACKGROUND:

During the April 12, 2022, City Council Meeting, the use of the American Rescue Plan Act (ARPA) funds to purchase, install in-car and body cameras and interview room cameras for the Banning Police Department. This staff report is requesting the use of vendor, Telrepco, to provide the cameras and complete the installation. The cameras are Getac Cameras and are a significant upgrade from the few current cameras that the department has mounted in patrol vehicles.

JUSTIFICATION:

This roll out of camera equipment is much needed and will modernize the system and provide a jump in technology for the department. This includes upgrading the camera systems in the detective bureau interview rooms. This camera purchase for both in-care and body cameras will capture video of any potential foul play or chicanery. While camera systems are not able to capture everything possible, this purchase will assist with prosecution of crimes, identifying issues during calls for service, and help build trust in the community by having the accountability of most interactions captured on video.

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FISCAL IMPACT:

This camera upgrade is coming from the previously approved ARPA funding. Telrepco provided a Cooperative Price (GSA 47QTCA19D00MM, EXP 9-26-2024). This agreement is for the installation, cameras, and a 5-year licensing agreement. This will be reviewed at the end of the 5-year agreement for renewal. The funding is from the aforementioned ARPA Funds that was approved on April 12, 2022 and will be drawn from Account No. 001-2200-421-90-48.

Approved ARPA Funding for Body Cameras/In Car Cameras: \$380,100. Approved ARPA Funding for Interview Room Cameras and Equipment: \$26,100. An additional \$30,000 set aside for overage and additional connectivity costs (ATT) from the 148 SLEF Fund.

ALTERNATIVES:

The City Council may choose to reject staff's recommendation and provide alternative direction.

ATTACHMENTS:

1. Resolution 2022-138
<https://banningca.gov/DocumentCenter/View/11531/Att-1-Resolution-2022-138-Telrepco>
2. Telrepco Quote for Body Cameras/In Car Cameras, Installation, 5-Year Agreement
<https://banningca.gov/DocumentCenter/View/11532/Att-2-Telrepco-Quote>
3. GSA Contract Price List
<https://banningca.gov/DocumentCenter/View/11528/Att-3-GSA-Price-List>
4. GSA Letter of Authorization
<https://banningca.gov/DocumentCenter/View/11529/Att-4-Letter-of-Authorization-for-GSA-2022>
5. 2022-035 ARPA Funding Approval
<https://banningca.gov/DocumentCenter/View/11530/Att-5-CC-Resolution-No-2022-035-ARPA-Funding>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Patrick Safari, Associate Engineer

MEETING DATE: October 11, 2022

SUBJECT: Consideration of Resolution 2022-139, Approving Amendment No. 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$148,222 for the Design of Sun Lakes Boulevard Extension; Extending the Term of Agreement to June 30, 2024; and Rescinding Resolution 2022-106

RECOMMENDATION:

City Council adopt Resolution 2022-139:

1. Approving Amendment No. 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an additional amount of \$148,222 for the Design of Sun Lakes Boulevard Extension and extend the term of the agreement to June 30, 2024.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 1 with Albert A. Webb Associates, Inc.
3. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc.
4. Rescinding Resolution 2022-106.

BACKGROUND:

On April 14, 2020, under Resolution No. 2020-48, the City Council approved the Professional Services Agreement with Albert A. Webb Associates, Inc. for the design of Sun Lakes Boulevard Extension ("Project") in the amount of \$548,416.05 with a 10% contingency of \$54,841.61, for a total of \$603,725.66.

On July 14, 2020, City Council adopted Resolution No. 2020-97, authorizing the City Manager to execute a Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement with Western Riverside Council of Government (WRCOG) for up to \$1,000,000 in TUMF funds for the Sun Lakes Boulevard Extension project. The TUMF

funding would fully fund the environmental documentation (CEQA) and the design of the Project.

On February 11, 2022, Public Works Department approved a change order to the Professional Services Agreement with Albert A. Webb Associates, Inc. for out-of-scope work including coordination with Western Riverside County Regional Conservation Authority (RCA) in the amount of \$24,983.25, leaving a contingency balance of \$29,858.36.

On March 21, 2022, Public Works Department approved a change order to the Professional Services Agreement with Albert A. Webb Associates, Inc. for the preparation of a sediment transport analysis (out of scope) in the amount of \$5,974.88, leaving a contingency balance of \$23,883.48.

On May 12, 2022, Public Works Department approved a change order to the Professional Services Agreement with Albert A. Webb Associates, Inc. for additional out-of-scope work such as storm drain system design, environmental coordination with Wildlife Agencies and Western Riverside County Regional Conservation Authority (RCA), supplemental environmental documentation and jurisdictional delineation and permitting in the amount of \$148,222. The change order increased the contract amount to \$751,947.66.

JUSTIFICATION:

Throughout the design process and coordination with the various environmental regulatory agencies, several out-of-scope tasks were identified that were needed to be completed in order to continue progress on the Project leading to the change orders described in the background section of this report.

As a result of the extra work, Amendment No.1 will also extend the term of the Agreement to June 30, 2024.

FISCAL IMPACT:

An appropriation from the Measure A Fund in the amount of \$148,222 to Account No. 101-4900-431.93-16 is necessary to cover the current change order \$148,222 as described above. A contingency balance will remain equal to \$23,883.48.

The project is fully funded by the TUMF program up to \$1,000,000, therefore the additional expenditures related to Amendment No. 1 will be fully reimbursed by the TUMF program.

ALTERNATIVES:

1. Approve Resolution 2022-139
2. Do not approve Resolution 2022-139 and provide alternative direction to staff.

October 11, 2022

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ATTACHMENTS:

1. Resolution 2022-139
<https://banningca.gov/DocumentCenter/View/11549/Att-1-Resolution-2022-139>
2. Approved Resolution 2020-48
<https://banningca.gov/DocumentCenter/View/11550/Att-2-CC-Resolution-No-2020-048>
3. Approved Resolution 2020-97
<https://banningca.gov/DocumentCenter/View/11551/Att-3-CC-Resolution-No-2020-097>
4. Professional Services Agreement with Webb
<https://banningca.gov/DocumentCenter/View/11552/Att-4-Professional-Services-Agreement-with-Webb>
5. Amendment No.1 to the Webb Agreement
<https://banningca.gov/DocumentCenter/View/11547/Att-5-Amendment-No-1>
6. Change Orders
<https://banningca.gov/DocumentCenter/View/11548/Att-6--Change-Orders>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: October 11, 2022

SUBJECT: Consideration of Resolution 2022-140, Authorizing the Purchase of Transit Vehicles Funded by State Transit Assistance as Included in the City's Approved Short Range Transit Plan

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2022-140:

1. Authorizing the purchase of two Transit relief vehicles and two Class C Dial-a-Ride vehicles with a total State Transit Assistance (STA) budget of \$500,000.
2. Authorizing the purchase of one Transit Fixed Route bus with a total STA Budget of \$550,000 pending approval of the City's request to reprogram STA funds from Fiscal Year 2023/2024 to Fiscal Year 2022/2023.
3. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related this purchase.

BACKGROUND:

The City of Banning, under the management of the Department of Public Works, owns and operates the Banning Connect Transit System which includes the operation of Fixed-Route services that serve between Banning and Cabazon. Additionally, the Dial-A-Ride division offers curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning.

In support of the transit operations, and to maintain safe and reliable services, it is necessary to purchase new vehicles to maintain efficient and operational fleet inventory by ensuring that aging vehicles are replaced. Currently the City is need to replace:

- Unit 231, a 2007 Ford E-450 Cut-Away Bus that was previously removed from service due to being in an accident and beyond repair.
- Unit 232, a 2010 Ford El Dorado E-450 Cut-Away which has 195,500 miles that has served beyond its life expectancy.
- Unit 225 and Unit 226, both 2001 Ford Rangers used as administrative relief vehicles.

Unfortunately, due to the volatility of the market and manufacturer constraints, dealers, wholesalers and leasing companies are unable to fill purchase orders or accept pre-payment for wait list items. As a result, when vehicle ordering slots become available, orders are fulfilled on a “first come, first served” bases. Consequently, in order to compete for availability, City Council pre-approval is required.

In order to establish costs, estimates were obtained as shown in the attachments. It is anticipated that a 2022 Starcraft Allstar CNG Dial-A-Ride purchase will amount to approximately \$208,811.79, for a total of \$417,623.59 for two (2) Dial-A-Ride buses. Additionally, it is anticipated that two 2022 Ford Escape transit relief vehicle will cost approximately \$67,321.61. Overall, the total purchase amount for all four (4) vehicles amounts to \$484,945.20, below the budgeted \$500,000 for fiscal year 2022/2023.

Additionally, the City has \$550,000 in STA funding approved in the current Short Range Transit Plan (SRTP) budgeted for fiscal year 2023/2024. Due to the demand for new transit vehicles, limited availability, long lead times and short timeframes for placing orders, City staff has submitted a request to the Riverside County Transportation Commission (RCTC) to move the STA funding from fiscal year 2023/2024 to the current fiscal year (2022/2023). Staff is requesting authority to place an order for a new fixed route bus, up to a value of \$550,000, to add to the Transit fleet inventory. Said order will only be done if and when RCTC approves the City's request to move the STA funding.

Once alerted of order availability, staff will establish final costs, and purchases will be executed through utilizing California Association for Coordinated Transportation (CALACT). CALACT is a statewide, non-profit organization that has represented the interests of small, rural, and specialized transportation providers since 1984. Their membership is comprised of individuals and agencies from diverse facets of transportation, including operators of small and large systems, planning and government agencies, social service agencies, suppliers and consultants.

CALACT administers competitive processes for various types and sizes of transit vehicles to assist its members with procuring equipment. This provides a compliant purchasing solution that allows, as member, the City to select vehicles that best meet its transit needs.

CALACT shall be utilized for the purchase of Dial-a-Ride and Fixed Route buses. The two relief vehicles described above will be acquired consistent with and in compliance with the City's purchasing policies.

JUSTIFICATION:

The purchase of two CNG Dial-A-Ride buses, two 2022 Ford Escape SE transit relief vehicles and one Fixed Route CNG bus are necessary in to provide and maintain efficient, safe and reliable transit services.

Due to the volatility of the market and manufacturer constraints, dealers, wholesalers and leasing companies are unable to fill purchase orders or accept pre-payment for wait list items. As a result, when vehicle ordering slots become available, orders are fulfilled on a

"first come, first served" bases. Consequently, in order to compete for availability, City Council pre-approval is required.

The Purchasing Policy identifies that cooperative bids prepared by and processed through local, state or federal government agencies, may be utilized by the City; therefore, as soon as staff is alerted of availability, these purchases will be executed through utilizing California Association for Coordinated Transportation (CALACT).

All vehicles purchases described in this report will be in unison with purchasing staff and consistent with the City's purchasing policies.

FISCAL IMPACT:

An appropriation from the Transit Fund to Account No. 610-5800-434.90-51 (Capital Expenditures/Automotive Equipment) in the amount of \$550,000 is necessary to fund the transit vehicle purchases. The appropriation will be offset by the removal of the planned expenditure for buses in the City's approved Capital Improvement Plan for fiscal year 2023/2024 for the purchase of a Fixed Route bus.

The expense is included as part of the City's Short Range Transit Plan and State Transit Assistance (STA) funding will be made available, as a reimbursement, by the Riverside County Transportation Commission to cover the full amount of the purchases.

ALTERNATIVES:

1. Approve Resolution 2022-140 as presented.
2. Approve with modifications.
3. Do not approve Resolution 2022-140 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2022-140
<https://banningca.gov/DocumentCenter/View/11556/Att-1-Resolution-2022-140>
2. Estimate CNG Dial-A-Ride Buses
<https://banningca.gov/DocumentCenter/View/11557/Att-2-CALACT-Class-C-E450-Allstar-15>
3. Estimate 2022 Ford Escape SE (Transit Emergency Relief Vehicle)
<https://banningca.gov/DocumentCenter/View/11554/Att-3-Ford-Escape-Quotes>
4. SRTP Summary of Funding
<https://banningca.gov/DocumentCenter/View/11555/Att-4-Banning-Table-40-FY202223---31122>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: October 11, 2022

SUBJECT: Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Accessor's Tract Map Nos. 35966 and 35967 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System

RECOMMENDATION:

Staff recommends that City Council accepts easements from Tri Pointe Homes for electric utility purposes for Tract Map Nos. 35966 and 35967 within the Atwell Development for the maintenance of the City-owned electric distribution system.

BACKGROUND:

Final Tract Map Nos. 35966 (Phase 2B) and 35967 (PA 74) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2020-94 on July 14, 2020. Banning Electric Utility has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

This easement will cover electric facilities that were constructed in the proposed access road along the eastern boundary of Planning Area 74, thru Lots 20 and 24 within Tract Map 35967, thru the Southern California Edison Corridor along Highland Home Road, and thru several lots within Tract Map 35966. The facilities within the proposed easement consist of primary overhead and underground electric service for the Atwell development.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with the acceptance of the easement.

ALTERNATIVE:

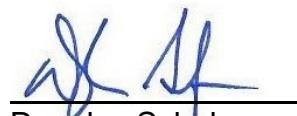
Do not approve and provide alternative direction.

ATTACHMENT:

1. Easement – Tracts 35966 and 35967

<https://banningca.gov/DocumentCenter/View/11553/Att-1-Atwell--Tracts-35966-35967>

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: October 11, 2022

SUBJECT: Second Reading and Adoption of Ordinances 1583 and 1584, A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element and an Amendment to the Official Zoning Map (ZC 22-3501)

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Ordinance 1583, as read by title only, An Ordinance of the City of Banning, California, Amending Sections 17.08.010.B.10. and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code, and Making Findings Pursuant to CEQA; and
2. Adopt Ordinance 1584, as read by title only, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone of (1) Nine Parcels (APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) from Low Density Residential (LDR) and Medium Density Residential (MDR) Zones To Very High Density Residential (VHDR) Zone; (2) an Approximately 215.46 Gross Acre Parcel (APN: 532-080-007) from High Density Residential-20 Du/Acre (HDR-20)/AHO Zone to Open Space – Resources (OS-R) Zone; (3) an Approximately 0.40 Gross Acre Parcel (APN: 534-161-008) from HDR-20/AHO Zone to VHDR Zone; (4) an Approximately 0.61 Gross Acre Parcel (APN: 534-161-009) from HDR-20/AHO Zone to VHDR Zone; (5) an Approximately 0.91 Gross Acre Parcel (APN: 534-161-010) from HDR-20/AHO Zone to VHDR Zone; (6) Approximately 9.00 Gross Acres of a 72.3 Acre Parcel (APN: 537-110-014) from HDR-20/AHO Zone to High Density Residential (HDR) Zone; (7) an Approximately 8.20 Gross Acre of a 21.21-Acre Parcel (APN: 537-120-034) from HDR-20/AHO Pre-Zone to HDR Pre-Zone; (8) an Approximately 1.60 Gross Acre Parcel (APN: 541-110-009) from HDR-20/AHO Zone to HDR Zone; and (9) an Approximately 1.68 Gross Acre Parcel (APN: 541-110-013) from HDR-20/AHO Zone to HDR Zone, and Making Findings Pursuant To CEQA.

BACKGROUND:

At the September 13, 2022 City Council Meeting, the Council waived the full reading and introduced Ordinances 1583 and 1584.

Project Location: Citywide (for GPA 22-2501 and ZTA 22-97501) and parcel specific (for GPA 22-2501 and ZC 22-3501).

APN Information: APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023; 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013

Project Description:

The City initiated a Zone Change (ZC 22-3501) that amended the zoning classifications of 16 privately owned, and one publicly owned, parcels of land¹. These amendments to the Official Zoning Map are required by programs established in the 6th Cycle RHNA Housing Element (“Housing Element”). These amendments affect properties within two categories: First, Program 4 (Residential Sites Inventory and Rezone Program) of the Housing Element requires that the City re-designate and rezone nine (9) parcels that met the standards of the California Department of Housing and Community Development (“HCD”) for affordable housing development at the highest density possible.² The City is required to complete the rezonings by October 2023. These changes are required in order to identify enough vacant property to accommodate the unmet housing needs of the Housing Element.

Ordinance 1584 (ZC 22-3501) will amend the City’s official zoning map to remove the HDR-20 and HDR-20/AHO zoning from the following residential parcels: 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; and 541-110-013. The LDR zoning will be amended to the VHDR zone for the following parcels: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; and 543-060-002; and the MDR zone will be amended to VHDR for the following parcels: 540-250-014 and 540-250-023.

Ordinance 1583 will remove text from Sections 17.08.010.B.10 and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code referencing the HDR-20/AHO Zone and make additional confirming amendments to the Banning Municipal Code pertaining to the removal of the HDR-20/AHO overlay zone.

¹ Assessors Parcel Number 532-080-007, proposed to be rezoned to Open Space - Resources (OS-R), is owned (in fee) by the Morongo Band of Mission Indians. This parcel is within the boundary of the tribal reservation.

² See Appendix B-2

JUSTIFICATION:

- A. That the proposed Ordinances would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - i. The Initial Study/Negative Declaration (IS/ND) prepared for the Housing Element previously evaluated this scenario and found that impacts were less than significant without mitigation incorporated.
 - ii. This IS/ND was adopted by the Council prior to the adoption of the 6th Cycle Housing Element on November 9, 2021. The Notice of Determination (NOD) was posted with the County Clerk and State Clearinghouse (SCH) on November 10, 2021 with no challenges being received within the 30-day posting timeline. As such, proposed GPA 22-2501 will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- B. The City Council may amend the provisions of the Official Zoning Map and Title 17 – Zoning Ordinance for the public health, environmental protection, safety, general welfare, and the aesthetic harmony of the City.
- C. The Planning Commission shall make a written recommendation on the proposed zoning map changes and zoning text amendments to approve, approve in modified form, or disapprove based upon the Commission's findings.
- D. The Commission may recommend to the City Council that the proposed changes to the Official Zoning Map and Title 17 – Zoning Ordinance shall be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's recommendation to approve, or approve in modified form, shall be forwarded to the City Council.
- E. Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings, Amendments to the Official Zoning Map and Title 17 – Zoning Ordinance, which shall be adopted by ordinance.
- F. An amendment to the Official Zoning Map and Title 17 – Zoning Ordinance may be adopted only if the following findings are made:
 - a. The proposed zoning map changes and amendments are consistent with the goals and policies of the General Plan.
 - b. The proposed zoning map changes and amendments are internally consistent with the Zoning Ordinance.
 - c. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.
- G. The proposed zoning map changes and amendments are consistent with the goals and policies of the General Plan.
 - a. The proposed ZC 22-3501 and ZTA 22-97501 will implement elements already approved and contained within the City's General Plan Housing Element.

- b. The proposed ZC 22-3501 change will bring the City's Official Zoning Map into consistency with the Housing Element and GPA 22-2501, adopted by City Council Resolution 2022-85.
- c. The proposed ZC 22-3501 and ZTA 22-97501 will support GPA 22-2501, adopted by City Council Resolution 2022-85, and ensure the City's compliance with Senate Bill 330, by increasing the City's total net residential zoning capacity by 268 units even though the HDR-20/AHO land use designation and zone are being concurrently eliminated.

H. The proposed Amendment is internally consistent with the Zoning Ordinance.

- a. The proposed ZTA 22-97501 reconciles the removal of Program 5, of the 5th RHNA Cycle Housing Element, which was eliminated upon adoption of the current Element by removing these provisions of the Zoning Ordinance that make reference to the HDR-20 zone and AHO overlay zone. The HDR-20 Zoning District is being removed from both the Official Zoning Map and the Zoning Ordinance and the AHO overlay zone is being removed in the same manner.
- b. The proposed ZC 22-3501 changes the zoning capacity of parcels referenced in Table 1.

I. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Environmental Determination

- A. On November 9, 2021, the City Council reviewed and adopted an Initial Study/Negative Declaration prepared for the 6th RHNA Cycle Housing Element and all comments received regarding the IS/ND and, based on the whole record before it, found that:
 - a. The Negative Declaration was prepared in compliance with CEQA; and
 - b. There was no substantial evidence that the 6th RHNA Cycle Housing Element would have a significant effect on the environment.
- B. The IS/ND considered the re-designation and rezoning of nine (9) parcels identified as APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023.
- C. The IS/ND considered the removal of the HDR-20/AHO land use designation and zone from eight (8) parcels identified as APNs: 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013³.
- D. Based upon the review of a previously considered and adopted IS/ND, the Planning Commission recommended that the City Council make the following findings and adopt an Addendum to the IS/ND:
 - a. The proposed ZC 22-3501 and ZTA 22-97501 (collectively, the "Project") does not create or result in substantial changes which will require major

³ See Attachment 7, Maps and Legals for HDR-20/AHO Parcels 537-110-003; -004; -011; -012; -013; -014)

revisions of the previous IS/ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- b. The Project does not create or result in substantial changes occur with respect to the circumstances under which the 6th RHNA Cycle Housing Element is undertaken which will require major revisions of the previous IS/ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the IS/ND was adopted, showing any of the following:
 - i. The Project will have one or more significant effects not discussed in the previous negative declaration;
 - ii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative.

Multiple Species Habitat Conservation Plan (MSHCP):

This Project does not relate to any one physical project and is not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of the MSHCP, including mitigation through payment of the MSHCP Mitigation Fee.

Public Communication

The Project was advertised in the Record Gazette newspaper on August 12, 2022, and September 2, 2022. As of the date of this report, staff has met with one adjacent property owner requesting further clarification on the Project. City staff has not received any written comments on the project. In addition, property owner notification labels were mailed to the owners of parcels listed herein.

FISCAL IMPACT:

The preparation of staff reports, research and documents are funded, and within, current budget projections.

ALTERNATIVES:

1. Adopt Ordinances 1583 and 1584 with modifications and direction to staff.
2. Do not adopt Ordinances 1583 or 1584 and provide alternative direction to staff.

ATTACHMENTS:

1. Ordinance 1583 (Addendum, ZTA 22-97501 - Housing Element Program 4 Compliance)
https://banningca.gov/DocumentCenter/View/11542/Att-1-Banning---Ordinance-No-1583_FINAL
2. Ordinance 1584 (Addendum, ZC 22-3501 - Housing Element Program 4 Compliance)
https://banningca.gov/DocumentCenter/View/11541/Att-2--Banning---Ordinance-No-1584_FINAL
3. Table 1 – AHO & VHDR Rezone Parcel List
https://banningca.gov/DocumentCenter/View/11535/Att-3-TABLE-1--AHO-VHDR-REZONE-PARCEL-LIST_20221003

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: October 11, 2022

SUBJECT: Public Hearing, Second Reading, and Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters

RECOMMENDATION:

Staff recommend City Council:

1. Open public hearing on proposed Ordinance 1585, receive public comment, and close the public hearing; and
2. Waive further reading and adopt Ordinance 1585, as read by title only, "An Ordinance of the City of Banning, California, Adding a New Chapter 15.80 to Title 15 of the Banning Municipal Code and Amendment Appendix X of the California Residential Code to Adopt Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters and Structures and Facilities thereon, Pursuant to Government Code Section 8699.4, and Making Findings Pursuant to CEQA.

BACKGROUND:

As demonstrated by the point-in-time counts performed in 2019 and 2020, the number of sheltered and unsheltered homeless adults and children has been increasing in Riverside County and in the City of Banning. The County was not able to perform the annual point-in-time count in January 2021 due to the ongoing COVID-19 pandemic, but COVID-driven loss of employment and income has led to increases in the number of people experiencing housing insecurity or homelessness across the nation and within the State of California. Banning currently has several illegal homeless encampments that are creating public health and safety concerns for community members as well as those occupying the encampments. The number of homeless individuals in Banning has grown in the past several months and impacts on residents and businesses are significant.

Individuals who are living without shelter are at increased risk of exacerbating existing health conditions and developing new health conditions, due to increased exposure to communicable diseases such as COVID-19, violence, and temperature extremes or other

adverse weather conditions; heightened stress; the difficulty of maintaining a healthy diet; and inadequate access to sanitation facilities, healthcare, and other services.

JUSTIFICATION:

If adopted, Ordinance 1585 will add a new Chapter 15.80 to Title 15 of the Banning Municipal Code (BMC) and amend Appendix "O" of the California Building Code (CBC) and Appendix "X" of the California Residential Code (CRC) to adopt local standards and procedures for the design, site development, and operation of homeless shelters and facilities.

The need to develop city-wide specific standards is due to the products available in the market at a cost the City can afford due to the limited federal, state, and local grant funding that is highly competitive.

The Construction Codes proposed for adoption by reference include the following:

- 2019 California Building Code
- 2019 California Residential Code

The City is also required to adopt the new 3-year cycle of Building Code Amendments, e.g., the 2022 ICC-based codes, which is a tri-annual requirement for all jurisdictions in California (see Agenda Item 7.2). At this time, staff has not identified future conflicts with the 2022 Building Code updates compared to this effort.

FISCAL IMPACT:

Staff time dedicated to the review and update by ordinance is nominal.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$3,500
2023/2024	\$0

ALTERNATIVES:

1. Conduct a second reading and adopt Ordinance 1585 as presented.
2. Choose not to adopt proposed Ordinance 1585.
3. Continue the item and request additional information from staff or provide direction to staff.

ATTACHMENTS:

1. Ordinance 1585
https://banningca.gov/DocumentCenter/View/11560/Att-1-Ordinance-1585_Adopting-Homeless-Shelter-Standards
2. Notice of Exemption
<https://banningca.gov/DocumentCenter/View/11536/Att-2-NOE>
3. Public Hearing and Ordinance Adoption Notices
https://banningca.gov/DocumentCenter/View/11537/Att-3-Proof-of-Publication_Pre-Adoption-Summary-and-PHN

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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: October 11, 2022

SUBJECT: Consideration of Ordinance 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by adopting by reference, with Amendments, the entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code concerning Pool Fencing and Enclosure Standards

RECOMMENDATION:

Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1586, and schedule a public hearing and second reading for November 8, 2022, per Gov. Code, § 50022.3.

BACKGROUND:

Every three years the City goes through the California Building Standards Code (CBSC) adoption process. On July 1, 2022, the California Building Standards Commission published the 2022 edition of the CBSC.

The California Health and Safety Code requires the City of Banning to adopt specified codes contained in the CBSC by reference (e.g., building, residential, electrical, mechanical, plumbing, fire, etc.) by Jan 1, 2023, for any local modifications to be effective when the new codes go into effect. If the City of Banning does not adopt and amend the codes comprising the CBSC, the City will be subject to all building standards (but not administrative provisions) contained in the 2022 CBSC, unless and until such codes with amendments are adopted by the City.

Revisions to building standards are permitted in order to make any such standard stricter, and only where findings adopted by a local agency support that such revisions are necessary based on local topographic, climatic, or geological conditions. Each amendment must be separately identified and supported by the appropriate finding. Modifications to administrative provisions do not, however, require such findings. The

City's Building Official and Fire Marshall has reviewed the 2022 editions of the CBSC and is recommending an amendments to the Building Code, Fire Code, Residential Code, and Energy Code.

In regard to the 2022 Residential Code, the City again will make amendments to the fencing and enclosures for Swimming Pools, referenced in Section 15.40.030, which states, "

"15.40.030 - Fencing and enclosure—Doors, gates, and other openings.

All gates or doors opening through the enclosure required by this chapter shall be equipped with a self-closing and self-latching device, consistent with the requirements of Subsection B of section 15.08.020, not less than fifty-four inches high, designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use. The door of any dwelling house or accessory building and forming any part of the enclosure need not be so equipped."

In regard to the 2022 Fire Code, the City of Banning contracts with the Riverside County Office of the Fire Marshall for code compliance and fire prevention services, plan check review, business inspection, and customer service. If adopted, Ordinance 1586 would amend Title 8 and 15 by repealing references to the prior 2019 editions of the CBSC and prior edition of the International Property Maintenance Code. The list below identifies the model codes upon which the 2022 edition of Title 24 is based.

The Construction Codes proposed for adoption by reference include the following:

- 2022 California Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code
- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

The City's Building Official and Fire Marshall are recommending certain changes and amendments to the 2022 California Building, Residential, Energy, and Fire Codes, respectfully; which have been itemized and are detailed in Sections 2 and 3 of Ordinance 1586 and Exhibit A to Ordinance 1586. If the proposed amendments are approved by the City Council, the amendments must be filed with the California Building Standards Commission before they will become effective.

JUSTIFICATION:

If not adopted, the City must implement the 2022 edition of the CBSC without amendments specifically tailored to the City's unique topography, geography and/or climate.

The need to develop City-wide specific standards is due to the products available in the market at a cost the City can afford due to the limited federal, state, and local grant funding that is highly competitive.

The Construction Codes proposed for adoption by reference include the following:

- 2022 California Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code
- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

The adoption of the 2022 updated building codes will start with the October 11th Council meeting and will incorporate and carry forward changes proposed herein. At this time, staff has not identified future conflicts with the 2022 Building Standards Code updates compare to this effort.

FISCAL IMPACT:

Staff time dedicated to the review and update by ordinance is nominal.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$3,500
2023/2024	\$0

ALTERNATIVES:

1. Choose not to waive full reading and introduce proposed Ordinance 1586.
2. Continue the item and request clarification from or provide direction to staff.

ATTACHMENTS:

1. Ordinance 1586 – 2022 Building Standards Code Update
<https://banningca.gov/DocumentCenter/View/11562/Att-1-Ordinance-1586-2022-Building-Standards-Code-Adoption>

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2. Notice of Exemption (NOE)

<https://banningca.gov/DocumentCenter/View/11561/Att-2-NOE>

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: October 11, 2022

SUBJECT: Consideration of Resolution 2022- 136, Accepting a Grant Award from the Outdoor Equity Grant Program in an Amount of \$655,729 and Authorizing the City Manager or his Designee to Execute All Documents and Make All Necessary Budget Adjustments for Completion of the Project Scope

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2022-136, approving the following:

1. Accepting the award of the three-year programming grant.
2. Authorizing the City Manager or his designee to execute the Outdoor Equity Grant Contract and sign all documents, including, but not limited to agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054.
4. Authorizing the City Manager or his designee to make necessary changes to the classification plan related to the implementation and completion of the scope of the Outdoor Equity Program Grant Contract C5053054.

BACKGROUND:

At the August 24, 2021, meeting of the Banning City Council, the Council adopted Resolution 2021-74, authorizing the submittal of a grant application for the California Department of Parks and Recreation's Outdoor Equity Grants Program. The Outdoor Equity Grant Program is a unique grant offering from the State that provides programming funds to facilitate outdoor experiences for a community that might otherwise not be able to partake in these types of outdoor programming. Staff held public outreach to create a program that provided the community with outdoor programming that would meet their needs and with the aid of Blais and Associates, developed a grant submittal that offered a two-prong program for Banning:

1. The first prong will be the development of a teen mentor/leadership/volunteer program for interested middle schoolers and high schoolers; This prong will include community improvement days like Community Clean Ups, Gardening expos and Arbor Day Tree Planting as well as teen development training both in Banning and outside the community.
2. The second prong is a program to provide both youth and adults an opportunity to participate in outdoor activities both locally and regionally as part of organized trips to educate, enjoy and learn the value of outdoor recreation.

Staff will present a PowerPoint outlining the scope and timeline of the grant. The grant provides funds for three years of programming and will require the recruitment of additional programming staff and recruitment will begin soon after execution of the contract. It is our hope to begin programming by January 2023. The grant performance period initially scheduled through March of 2026 has been extended through June of 2027.

The following two tables are excerpts from the grant submittal that list planned activities and anticipated participation over the three-year performance window:

Activity Goal #	a. Activity Goal Title	b. Location(s) where activity will take place (name and addresses if available).	c. Number of intended PARTICIPANTS	d. Number of planned activity days.	e. Total number of intended PARTICIPANTS
1.	Gardening Day Expo and Teen Festival	R. Williams Park, 1101 E George Street, Banning 92220	50	4 days per year 12 days over 3 years	200 per year 600 over 3 years
2.	Tree Planting & Neighborhood Cleanup Service Days	Roosevelt Williams, San Gorgonio and Lion's Parks	20	10 days per year 30 over 3 years	200 per year 600 over 3 years
3.	Living Desert Zoo & Gardens Visit	Living Desert Zoo & Gardens 47900 Portola Ave, Palm Desert, 92260	56	1 day per year 3 over 3 years	56 per year 168 over 3 years
4.	Kidspace Children's Museum Visit	Kidspace Children's Museum 480 N. Arroyo Blvd, Pasadena, 91103	56	1 days per year 3 over 3 years	56 per year 168 over 3 years
5.	Natural Cooking & Mentorship Class for Teen Leaders	Roosevelt Williams Park, 1101 E. George Street, Banning 92220	15	15 days per year 45 days over 3 years	225 per year 675 over 3 years

Trip #	a. Trip Title (use up to 7 words. Include name of destination)	b. Destination(s) location name and address (if available).	c. Number of intended PARTICIPANTS for this trip.	d. For REOCCURRING NATURAL AREA TRIPS to the same location, list the number (#) of repeat trips. Otherwise, list (1).	e. Total number of intended PARTICIPANTS (Multiply c times d)
1.	Big Bear Discovery Center Tour	Big Bear Discovery Center, 40971 North Shore Drive/Hwy 38, FawnSkin, 92333	56	1 day per year 3 over 3 years	56 per year 168 over 3 years
2.	Pali Institute Overnight Outdoor Leadership Training	Pali Institute Outdoor Education Center, 30778 CA-18, Running Springs, 92382	15	1 day per year 3 over 3 years	15 per year 45 over 3 years
3.	Pali Institute Day Trip Outdoor Leadership Training	Pali Institute Outdoor Education Center, CA-18, Running Springs, 92382	56	1 day per year 3 over 3 years	56 per year 168 over 3 years
4.	Mountain and Sea Adventures Catalina Island	1 Whites Landing Road, Avalon, 90704	15	1 day per year 3 over 3 years	15 per year 45 over 3 years
5.	Lake Idyllwild Fishing Trip	Idyllwild Regional Park, 54000 Riverside County Playground Rd, Idyllwild-Pine Cove, 92549	56	2 days per year 6 over 3 years	112 per year 336 over 3 years
6.	Lake Idyllwild Fishing Trip Teen Leadership Program	Idyllwild Regional Park, 54000 Riverside County Playground Rd, Idyllwild-Pine Cove, 92549	15	1 days per year 3 over 3 years	15 per year 45 over 3 years
7.	Oak Glen Farm Tour and Hike	Oak Glen, CA	56	1 days per year 3 over 3 years	56 per year 168 over 3 years
8.	Horseback Riding at Dysart Park	Dysart Park Equestrian Center, 2101 W Victory Ave, Banning 92220	15	1 days per year 3 over 3 years	15 per year 45 over 3 years
9.	La Jolla Shores Park Beach Exploration Trip	La Jolla Shores Park, San Diego	56	1 days per year 3 over 3 years	56 per year 168 over 3 years
10.	Palm Springs Tramway Tour	Palm Springs Tramway, 1 Tram Way, Palm Springs, 92262	56	1 days per year 3 over 3 years	56 per year 168 over 3 years

11.	La Brea Tar Pits Tour	La Brea Tar Pits, 5801 Wilshire Blvd, Los Angeles, 90036	56	1 day per year 3 over 3 years	56 per year 168 over 3 years
12.	Joshua Tree National Park Teen Leadership Program	Joshua Tree National Park	15	1 day per year 3 over 3 years	15 per year 45 over 3 years

FISCAL IMPACT:

The total grant award for three years programming is \$655,729. Although there is no match requirement, as part of the submittal for the grant, there were \$45,000 in tools and supplies that were not allowed as grant expenditures. To implement the programming as designed additional General Fund allocations will be required as follows:

FY 2022-23	\$ 7,600
FY 2023-24	\$14,600
FY 2024-25	\$15,800
FY 2025-26	\$ 7,000

ATTACHMENTS:

1. Resolution 2022-136
<https://banningca.gov/DocumentCenter/View/11526/Att-1---Resolution-2022-136---Award-of-Outdoor-Equity-Program-Grant>
2. Outdoor Equity Grant Contract C5053054
https://banningca.gov/DocumentCenter/View/11527/Att-2---C5053054_20220919092708
3. C5053054 Contract provisions
https://banningca.gov/DocumentCenter/View/11524/Att-3---ContractProvisionsC5053054_w-Gov-Provisions
4. Adopted Resolution 2021-74
<https://banningca.gov/DocumentCenter/View/11525/Att-4---CC-Resolution-No-2021-074>

Approved by:



Douglas Schulze
City Manager