



AGENDA

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

February 14, 2023

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:

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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 Dave Kieffer of Our Savior's Lutheran Church*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

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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.

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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 6.15.

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

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7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-33, Approving a Revised Water Shortage Contingency Plan Reflecting Reasonable Alternative Actions Consistent with the State Water Resources Control Board's Emergency Regulation Related to Water Conservation.....	45
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(Staff Report: Art Vela, Director of Public Works)

Recommendation: Staff recommends the approval of Resolution 2023-33, approving a revised Water Shortage Contingency Plan ("WSCP") reflecting "reasonable alternative actions" consistent with the State Water Resources Control Board's emergency regulation related to water conservation.

8.2. Consideration and Adoption of Resolution 2023-34, Approving Amendments to Sections 6.1 and 6.6 of Article VI – Order of Business – of the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning to Incorporate a City Treasurer's Report into Every City Council Regular Meeting Agenda, and Paragraph Formatting Amendments.....	51
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(Staff Report: Caroline Patton, Deputy City Clerk)

Recommendation: City staff recommends that the City Council adopt Resolution 2023-34, A Resolution of the City Council of the City of Banning, California, Amending Sections 6.1 and 6.6 of Article VI ("Order of Business") of the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning to Incorporate a City Treasurer's Report into Every City Council Regular Meeting Agenda, and Making Other Paragraph Formatting Amendments.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

1. Cannabis Microbusiness (Wallace)
2. Grow Banning (Sanchez)
3. Rent Control (Sanchez)
4. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
5. Committee for Seniors (Gonzales)
6. Food Desert Zoning Overlay (Minjares)
7. Historic Site Preservation Board/Mills Act? (Minjares)
8. Roadside Services (Minjares)
9. Beautification of San Gorgonio Overpass Funding (Gonzales)
10. Update to Elected Official Reimbursement Policy Section D (Wallace)
11. ~~Fountain Allowances under Water Conservation Mandates (Flynn) (See Agenda Item 8.1)~~

11. ADJOURNMENT

Next Regular Meeting – February 28, 2023 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.
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- 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.

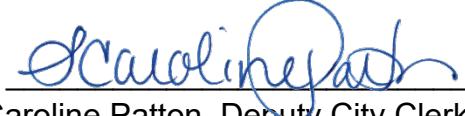
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- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la 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) 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 9th day of February 2023.



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.

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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, Engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and,

WHEREAS, Engineers face the major technological challenges of our time – from rebuilding towns devastated by natural disaster, cleaning up the environment, and assuring safe, clean, and efficient sources of energy, to designing information systems that will speed our country into the future; and,

WHEREAS, Engineers are encouraging our young math and science students to realize the practical power of their knowledge; and,

WHEREAS, We will look more than ever to engineers and their knowledge and skills to meet the challenges of the twenty-first century; and,

WHEREAS, Engineers within the City of Banning work to ensure the services expected by our citizens are met on a daily basis, to ensure they will continue to be met into the future, and to ensure Banning can meet future challenges.

NOW THEREFORE, I, Alberto Sanchez, Mayor of the City of Banning, do hereby proclaim the week of

**February 19 - 25, 2023
National Engineers Week**

BE IT PROCLAIMED this 14th day of February, 2023.

Alberto Sanchez, Mayor



CITY OF BANNING

Beautification Award

PRESENTED TO

WESTERN DENTAL & ORTHODONTICS



*This City of Banning Beautification Award recognizes
Western Dental & Orthodontics in Banning for exemplary
property appearance. The City Council thanks you for your
pride in ownership and commitment to the Banning community.*

Presented on this 14th day of February, 2023

Alberto Sanchez, 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 14, 2023

SUBJECT: Appointment of Four Positions on the Banning Planning Commission (Positions 1, and 3 through 5)

RECOMMENDATION:

Staff recommend that City Council make a motion to appoint four Planning Commission applicants to fill four Positions on the Banning Planning Commission, with terms to commence immediately upon appointment:

1. Appoint _____ to Position 1, with a term ending on January 31, 2025.
2. Appoint _____ to Position 3, with a term ending on January 31, 2027.
3. Appoint _____ to Position 4, with a term ending on January 31, 2027.
4. Appoint _____ to Position 5, with a term ending on January 31, 2027.

BACKGROUND:

The Banning Planning Commission is established by Chapter 2.28 of the Banning Municipal Code (BMC). The Commission has five members that are appointed for staggered four-year terms, concurrent with City elections. The current positions up for reappointment are held by Planning Commissioners Brosious (Position 3), Krick (Position 4), and Figueroa (Position 5). Commissioner Brosious has informed staff he no longer wishes to continue serving on the Commission.

In addition, Planning Commissioner Shaw (Position 1) has resigned his position on the Commission effective upon the appointment of his successor. Therefore, the City Council is being asked to appoint an additional Commissioner to an unexpired term that would end on January 31, 2025.

POSITION*	NAME	ORIGINALLY APPOINTED	MOST RECENTLY APPOINTED	END OF TERM
1	Eric "Joe" Shaw	5/14/2013	1/12/2021	1/31/2025
2	David Lopez	3/10/2020	1/12/2021	1/31/2025
3	Scott Brosious	10/23/2018	1/12/2021	1/31/2023

4	Richard Krick	9/8/2015	1/12/2021	1/31/2023
5	Alannah Figueroa	4/26/2022	4/26/2022	1/31/2023

In anticipation of three Commissioner term's expiring on January 31, 2023, the City Clerks' Office publicly noticed the impending vacancies in the Record Gazette. The notice was published in the November 11, 2022 edition (See Attachment 3). The vacancies were subsequently promoted in the Record Gazette in the November 18, 2022 edition. Information about the vacancies and application information was also promoted on the City's website and Facebook page (See Attachment 4).

After a 66-day application period, the City Clerk's Office received six applications. All six applicants have been verified to be registered voters of the City of Banning and are qualified to serve. Applicant interviews are scheduled to occur at a Special Meeting of the City Council beginning at 4:00 p.m. on February 14, 2023.

ALTERNATIVES:

1. Following these interviews, City Council may move to appoint one or more applicants to fill vacancies on the Planning Commission.
2. Alternately, Council could delay their appointment decision until their next Regular Meeting on February 28, 2023, choose to reopen the recruitment, or provide staff other direction.

ATTACHMENTS:

1. Submitted Applications
<https://banningca.gov/DocumentCenter/View/12171/Att-1-2023-PC-Apps-Combined>
2. Interview Questions
<https://banningca.gov/DocumentCenter/View/12168/Att-2-Interview-Questions-for-Planning-Commission-2023>
3. Proof of Publication - Public Notice of Vacancies
https://banningca.gov/DocumentCenter/View/12169/Att-3-Proof-of-Publication_Note-of-PC-Vacancies
4. Promotion of Vacancies
<https://banningca.gov/DocumentCenter/View/12170/Att-4-Vacancy-Promotions>
5. Banning Municipal Code Chapter 2.28 – Planning Commission
https://banningca.gov/DocumentCenter/View/12179/Att-5-Chapter_228_PLANNING_COMMISION

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Manager

MEETING DATE: February 14, 2023

SUBJECT: Appoint a Replacement to the Cannabis Ad-Hoc Committee for Fiscal Year 2023-2024

RECOMMENDATION:

Staff recommend City Council appoint a replacement to the Cannabis Ad-Hoc Committee for FY 2023-2024.

BACKGROUND:

On February 22, 2022, the City Council appointed then Council Member Sanchez and Council Member Happe to the Cannabis Ad-Hoc Committee. With the election of Council Member Gonzales, the Council must appointment a replacement to fill the vacancy.

JUSTIFICATION:

The Cannabis Ad Hoc Committee is appointed for a specific purpose and finite duration of time. The Council's intention is for the Committee to develop recommendations to be incorporated into the ongoing update to the City's Cannabis Program..

FISCAL IMPACT:

None

ATTACHMENTS:

None

Approved by:

A handwritten signature of Douglas Schulze in black ink.

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: February 14, 2023

SUBJECT: Minutes of the January 24, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the January 24, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the January 24, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/12137/2023-01-24_Minutes_Special-Meeting---Closed-Session
2. Minutes of the January 24, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/12138/2023-01-24_Minutes_Special-Meeting---Workshop
3. Minutes of the January 24, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/12136/2023-01-24_Minutes-Regular-Meeting

Approved by:

A handwritten signature of Douglas Schulze in black ink.

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 14, 2023

SUBJECT: Parks and Recreation Report of Monthly Activities through the 2nd Quarter of Fiscal Year 2022/2023 – December 2022

RECOMMENDATION:

That the City Council receive and file the quarterly activities report for the 2nd quarter of Fiscal Year 2022/2023.

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 of each year 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 2022 report that contains participation information through the end of the 2nd quarter of FY 2022-23.

The 2nd quarter report continues to show overall growth in our programming. Overall, our regular ongoing classes continue to be at capacity or nearing capacity. Examples of these programs are instructor classes such as Karate, Kung Fu, Zumba, Yoga, etc. December was full of events that were hosted or co-hosted by the Parks and Recreation Department, and it was a very successful Christmas season. Some of the events included were the Breakfast with Santa and Santa Shoppe, the Christmas at the Ranch event and the new Santa is Coming to Banning Parks event where we partnered with the Chamber and The Banning Partners group to bring Santa to each park in Banning. Over 850 people came out to see Santa in our parks.

February 14, 2023

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One continuing negative trend for the Fiscal year is the increased vandalism and graffiti incidents in our parks. Parks staff has been tasked with cleaning the graffiti as soon as feasible to minimize the negative aesthetic and to not allow for the normalization of the graffiti in our parks. However, this has stained the staff's ability to perform ongoing parks maintenance as they are dealing with these incidents.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ATTACHMENTS:

1. Parks and Recreation Monthly Report of Activities for December 2022

<https://banningca.gov/DocumentCenter/View/12197/Parks-and-Recreation-Report---Dec-2022>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-24, Awarding a Construction Agreement for Project 2022-22 "Repplier Park Rehabilitation and Improvement Project - Camera Installation" to Vector Resources, Inc.

RECOMMENDATION:

Adopt City Council Resolution 2023-24:

1. Awarding a construction agreement for the Repplier Park Rehabilitation and Improvement Project Camera Installation Project 2022-022, to Vector Resources, Inc. DBA Vector USA, of Rancho Cucamonga, CA in the amount of \$39,481.19 and a 10% contingency in the amount of \$3,948.14 for a total project budget of \$43,429.63.
2. Authorizing the City Manager or his designee to execute the Construction Agreement with Vector Resources, Inc. DBA Vector USA of Rancho Cucamonga, CA.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for the project and to approve applicable Change Orders within the 10% contingency.
4. Directing the City Clerk to certify the adoption of the Resolution and to have said resolution filed in the book of original resolutions.

BACKGROUND:

The City applied for and was awarded Funds for the Repplier Park Rehabilitation and Improvement Project through the 2020 Community Development Block Grant Program (CDBG) as part of Project 5.BN.48-20. The project consisted of repairs and replacement of amenities within Repplier Park as well as the purchase and installation of cameras within the park. The City Council adopted Resolution 2020-137 at their November 10, 2020, meeting of the City Council accepting the CDBG Funds.

Staff researched camera options and planned to use Repplier Park as the initial pilot program for the park cameras and later expand the cameras to all of Banning's Park

system. The manufacturer, Verkada, was selected and Cameras were purchased and an Invitation for Bid, IFB 22-016 was issued on May 10, 2022 for the installation of an eight camera system for Repplier Park. IFB 22-016 closed on June 1, 2022 with no received bids. A second Invitation for bids, IFB 22-022 was issued on November 22, 2022 and a job walk was held on December 8, 2022 with three vendors in attendance. IFB 22-022 closed on 12/21, 2022 with one responsive bidder, Vector Resources, Inc. DBA Vector USA.

JUSTIFICATION:

The Banning Park's system and Repplier Park in particular continue to have significant vandalism and graffiti that requires a great deal of staff time to mitigate. The installation of cameras will provide both a deterrent to this negative activity and aid law enforcement in combatting these actions after they have taken place.

IFB 22-022 was a properly issued Invitation for bid through the City's Online Procurement system, OPEN Gov. The bid was noticed in the Press Enterprise on 11/28/22 and in La Prensa on 12/2/2022. Over 35 vendors viewed the IFB documents. The County of Riverside, Community and Housing Development reviewed and approved the bid submittal. The vendor, Vector Resources, Inc. DBA Vector USA is a responsive bidder licensed that has completed multiple camera installation projects for municipalities on time and within the scope parameters.

FISCAL IMPACT:

The construction agreement with Vector Resources, Inc. DBA Vector USA is for the amount of \$39,481.19 and a 10% contingency in the amount of \$3,948.14 for a total project budget of \$43,429.63. The City was awarded CDBG Funds in the amount of \$166,336, as part of CDBG Project 5BN.48-20; Repplier Park Rehabilitation and Improvement project. The entire project cost will be reimbursed to the City after completion of the project.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-24
<https://banningca.gov/DocumentCenter/View/12189/Att-1-Resolution-2023-24-Repplier-Park-Cameras-Award>
2. Draft Agreement – Contract C00764 with Vector Resources Inc, DBA Vector USA
<https://banningca.gov/DocumentCenter/View/12186/Att-2-DRAFT-C00764-VectorUSA>

3. IFB 2022-22, Repplier Park Rehabilitation and Improvement – Camera Installation Project
<https://banningca.gov/DocumentCenter/View/12187/Att-3-IFB-2022-022-Repplier-Park-Cameras>
4. Vector USA – Bidder Detail
<https://banningca.gov/DocumentCenter/View/12188/Att-4-Vector-USA-Bidder-Details>
5. Resolution 2020-137, Accepting CDBG Funding for Repplier Park Rehabilitation and Improvement Project
<https://banningca.gov/DocumentCenter/View/12184/Att-5-CC-Resolution-No-2020-137>
6. County of Riverside Funding Approval and Bid Review Letter
<https://banningca.gov/DocumentCenter/View/12185/Att-6-County-of-Riverside-IFB-22-022-Bidder-Review-letter>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-25, Approving the Reprogramming of Leftover Community Development Block Grant (CDBG) Funds from the Dysart Improvement Project (5.BN.43-19) in Fiscal Year 2018/2019 and for the Senior Center ADA Improvements Project (5.BN.49.20) in Fiscal Year 2019/2020

RECOMMENDATION:

That the City Council adopt Resolution 2023-25, approving the following:

1. Authorizing the reprogramming of the remaining Fiscal Year 2018/2019 (CDBG Program 5.BN.43-19) Community Development Block Grant Funds in the amount of \$1,677.77 and Fiscal Year 2019/2020 (CDBG Program 5.BN.49-20) Community Development Block Grant Funds in the amount of \$26,297.50 to Fiscal Year 2021/2022 (CDBG Program 5.BN.58.22) Sylvan Park Improvement Project II a total of \$27,975.27.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to Fiscal Years 2018/2019, 2019/2020 and 2021/2022 CDBG Program funds.
3. Authorizing the City Manager or his designee to submit a letter requesting the reprogramming of CDBG program funds to the County of Riverside, Housing and Workforce Solutions Division.

BACKGROUND:

DYSART PARK IMPROVEMENT PROJECT

The City applied for, was awarded, and accepted by Resolution 2018-152, funds for the Dysart Park Improvement Project through the 2019 Community Development Block Grant Program (CDBG) as part of Project 5.BN.43-19. The project consisted of replacing the exterior park fencing on the North side of the park with wrought iron fencing, a new park entrance sign and the purchase of a storage container. The project was completed, and the City Council authorized the submittal of a Notice of Completion (NOC) for Project NO. 2019—046 on June 23, 2020. After completion of the CDBG project, \$1,677.77 remained in the project funds.

SENIOR CENTER ADA IMPROVEMENT PROJECT

The City Council applied for, was awarded and accepted through Resolution 2020-137, funds for the City of Banning Senior Center Improvement Project through the 2019/2020 Community Development Block Grant Program, as part of Project 5.BN.49-20. The project consisted of replacing the ADA ramp, walkways, stairs and installing an automatic entrance door in the Banning Senior Center. The project was completed and the City Council authorized the submittal of a Notice of Completion (NOC) for Project NO. 2020-02 on January 11, 2022. After completion of the project, \$26,297.50 remained in the project funds.

SYLVAN PARK IMPROVEMENT PROJECTS

The County of Riverside, Housing and Workforce Solutions Division manages Community Development Block Grant Funds and requested the closing out of these two completed projects and the remaining funds reallocated to an existing outstanding project. The Sylvan Park Improvement Project(5.BN.53-21 and the Sylvan Park Improvement Project II(CDBG Program 5.BN.58.22) consists of rehabilitation of Sylvan Park and includes replacement of the antiquated picnic shelter, resurfacing of the basketball court, sidewalk and park amenity installations as well as the park restroom replacement. The allocated project funds for this project are insufficient to complete all of the proposed projects and therefore reallocating the remaining funds \$27,975.27 from CDBG Projects 5.BN.43-19 and 5.BN-49-20 will be best used in this project.

JUSTIFICATION:

Sylvan Park is in need of significant updated amenities and repairs. The picnic shelter is a wood structure with small steel posts and has been vandalized on many occasions. A new larger completely steel structure will benefit the community. The basketball court is a concrete pad and not surfaced. Park amenities such as benches, drinking fountains, picnic tables are in need of replacement. The restroom is not large enough for the activities that take place in the park, is not designed with safety in mind and is in need of replacement. For these reasons, the City Council has authorized the submittal of CDBG grant applications over three years to address these issues. The remaining funds from the two completed projects will aid in the rehabilitation of a well-attended park.

FISCAL IMPACT:

The remaining CDBG project funds need to be reallocated from the completed Dysart Park and Senior Center ADA improvement projects. The reallocation to the Sylvan Park Improvement project will benefit the City, Sylvan Park and it's patrons with an improved and safer experience. The use of grant funds will mitigate the use of General Fund allocations for these needed improvements.

ALTERNATIVES:

1. Approve Resolution 2023-25 as recommended.
2. Do not approve and provide alternate direction.

ATTACHMENTS:

1. Resolution 2023-25
<https://banningca.gov/DocumentCenter/View/12228/Att-1-Resolution-2023-25---Authorizing-the-Reprogramming-of-CDBG-Funds>
2. Resolution 2018-152 – Authorizing the submittal of an application for Community Development Grant Funds for Dysart Park Improvement Project
<https://banningca.gov/DocumentCenter/View/12248/Att-2-CC-Resolution-No-2018-152>
3. 2018-2019 Supplemental Agreement for use of Community Development Block Grant Funding for Dysart Park Improvement Project
<https://banningca.gov/DocumentCenter/View/12249/Att-3-2018-19-CDBG-Supplemental-Agreement>
4. Resolution 2020-137 – Accepting Community Development Block Grant Funding for the Senior Center Improvement Project
<https://banningca.gov/DocumentCenter/View/12250/Att-4-CC-Resolution-No-2020-137>
5. NOC – Project No. 2019-046 – Dysart Park Fencing Project
<https://banningca.gov/DocumentCenter/View/12245/Att-5-NOC---2019-046-Dysart-Park-Fencing-Project>
6. NOC – Project 2020-02 – Senior Center ADA Improvement Project
<https://banningca.gov/DocumentCenter/View/12246/Att-6-NOC---2020-02---Senior-Center-ADA-Improvements>

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

MEETING DATE: February 14, 2022

SUBJECT: Consideration of Resolution 2023-26, Approving the Agreement for Purchase and Sale and Escrow Instructions between the City of Banning, as Buyer, and Mr. Eulogio Garcia as Seller, for the Purchase of Real Property Identified as APN 538-040-006 in the Amount of \$250,000

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-26:

1. Approving the Agreement for Purchase and Sale and Escrow Instructions between the City of Banning and Mr. Eulogio Garcia for the purchase of real property identified as APN: 538-040-006 in the amount of \$250,000; and
2. Authorizing the City Manager, or his designee, to execute the Agreement for Purchase and Sale and Escrow Instructions on behalf of the City Council.

BACKGROUND:

As part of the City of Banning's ("City") Integrated Master Plan for the City's water and wastewater system, the City identified the need to split the Main Zone water system pressure zone into two zones (i.e. Upper Main Zone and Lower Main Zone) in order to reduce high pressures (i.e. 150 psi to 180 psi) observed along the southerly boundary of the existing Main Zone pressure zone.

For redundancy and operational efficiency purposes, it is good practice to have dedicated storage reservoirs for each zone. After the zone split of the Main Zone, the Lower Main Zone will not have a dedicated storage reservoir. Staff located a 1.74 acre vacant parcel identified as APN: 538-040-006 that would provide the correct hydraulic grade line (HGL) for a new reservoir to feed into the future Lower Main Zone. Additional benefits of the proposed purchase site include (1) its size, which would allow for a second reservoir to meet future storage requirements as the City's demands increase, and (2) its location, which places the reservoir near the Lower Main Zone water mains reducing the amount of water mains needed to connect the future reservoir(s).

Eulogio Garcia is the property owner of the subject parcel and is interested in selling the property. Through ongoing discussions, he has maintained an asking price of \$250,000.

Staff engaged Capital Realty Analysts (CRA) to develop an appraisal report on the property. The appraisal was completed on September 30, 2022, and resulted in an appraised value of \$210,000. Mr. Garcia's asking price is approximately 19% above the appraised value.

JUSTIFICATION:

In order to implement the City's water system master planned improvements, it will need to construct a new potable water reservoir at an elevation that hydraulically works with pressure profile of the future Lower Main Zone. Staff believes the subject parcel (APN: 538-040-006) meets the City's needs in size, elevation, and in near proximity to the Lower Main Zone water system.

FISCAL IMPACT:

Staff anticipated that efforts would be put into acquiring property for a future reservoir site and included \$200,000 in the Capital Improvement Plan for fiscal year 2022/2023. The purchase will be funded by Fund 661, Water Capital Facilities Fund, which is projected to have a fund balance of approximately \$6,900,000 at the end of fiscal year 2022/2023. An appropriation in the amount of \$55,000 from Fund 661 is needed to cover the purchase price and any related closing costs.

ALTERNATIVES:

1. Adopt Resolution 2023-26 as recommended.
2. Adopt Resolution 2023-26 with modifications.
3. Do not approve Resolution 2023-26 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-26
<https://banningca.gov/DocumentCenter/View/12230/Att-1-Resolution-2023-26-PSA-725-W-Sunrise-Property>
2. Proposed Agreement for Purchase and Sale and Escrow Instructions
https://banningca.gov/DocumentCenter/View/12229/Att-2-PSA_Garcia-Sunrise-Property-12523
3. Site Map
<https://banningca.gov/DocumentCenter/View/12231/Att-3-Site-Map>

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
Nate Smith, Deputy Director of Public Works/City Engineer
Ann Marie Loconte, Associate Engineer

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-27, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2023/2024

RECOMMENDATION:

Adopt Resolution 2023-27, Initiating Proceedings to Update Landscape Maintenance District No. 1 for Fiscal Year 2023/2024 in order to prepare the assessments of the area.

BACKGROUND:

In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of Landscape Maintenance District (LMD) No. 1, ("the District") the boundaries of which are shown in Attachment "2." An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution No. 2005-36 on May 10, 2005.

The District, by special benefit assessments, provides funding for the servicing and maintenance of certain landscape areas within the City of Banning, all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value. Resolution No. 2023-27 will initiate the proceedings to update the District for Fiscal Year 2023/2024. A tentative schedule for updating the District, as required by the "Landscaping and Lighting Act of 1972," is attached hereto as Attachment 3.

JUSTIFICATION:

The City Council approved the formation of Landscape Maintenance District No. 1 by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of Resolution No. 2023-27 will enable the City Engineer to prepare the assessments for Fiscal Year 2023/2024.

FISCAL IMPACT:

There is no fiscal impact at this time. A detailed estimate will be prepared and presented to City Council with the LMD No. 1 Engineer's Report at their April 11, 2023 meeting.

ALTERNATIVES:

1. Adopt Resolution 2023-27 as recommended.
2. Adopt Resolution 2023-27 with modifications.
3. Do not approve Resolution 2023-27 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-27
<https://banningca.gov/DocumentCenter/View/12192/Att-1-Resolution-2023-27-LMD-Initiation-FY-23-24>
2. LMD No. 1 Map for FY 2023/24
<https://banningca.gov/DocumentCenter/View/12190/Att-2-LMD-No1-Map>
3. Tentative Schedule for Updating LMD No. 1
<https://banningca.gov/DocumentCenter/View/12191/Att-3-Tentative-Schedule-for-Updating-LMD-No-1>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant City Manager

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-28, Approving Amendment No. 1 to the Landscape Maintenance Agreement for City Properties with Mariposa Landscapes, Inc. to Include Fire Station #89 Located at 172 N. Murray Street and the Fire Administration Building Located at 3900 W. Wilson Street for an Additional Cost of \$7,248 through June 30, 2023

RECOMMENDATION:

Adopt City Council Resolution 2023-28:

1. Approving Amendment No. 1 to the Landscape Maintenance Agreement with Mariposa Landscapes, Inc. to include Fire Station #89 located at 172 N. Murray St. and the Fire Administration Building located at 3900 W. Wilson St. for \$7,248.00 through June 30, 2023.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Landscape Maintenance Agreement Amendment No. 1 with Mariposa Landscapes, Inc.
3. Authorizing the City Manager to execute Amendment No. 1 to the Landscape Maintenance Agreement with Mariposa Landscapes.

BACKGROUND:

On June 28, 2022, City Council Approved Resolution 2022-86, Approving a Landscape Maintenance Agreement with Mariposa Landscapes, Inc. to provide landscape maintenance to the various City properties for an annual amount not to exceed \$140,807.

JUSTIFICATION:

In an effort to pursue the council directive of the beautification of the City of Banning, staff requests the two fire facilities, owned by the City of Banning, be added to the annual landscape maintenance agreement.

FISCAL IMPACT:

The cost of \$7,248.00 will be funded by account number 001-2400-422.30-01.

ALTERNATIVES:

1. Adopt Resolution 2023-28 as recommended.
2. Do not approve Resolution 2023-28 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-28
<https://banningca.gov/DocumentCenter/View/12200/Att-1-Resolution-2023-28-Mariposa-Landscape-Am-1>
2. Mariposa Landscape Agreement
<https://banningca.gov/DocumentCenter/View/12195/Att-2-Mariposa-Landscapes-Inc-Agreement>
3. Mariposa Landscape Fire Facilities Proposals
<https://banningca.gov/DocumentCenter/View/12193/Att-3-Mariposa-Fire-Station-Quote>
4. Amendment No. 1 (Draft)
<https://banningca.gov/DocumentCenter/View/12240/Att-4-Draft-Amendment-1-to-Mariposa-Agreement>
5. Resolution 2022-86
<https://banningca.gov/DocumentCenter/View/12194/Att-5-Resolution-No-2022-086>

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
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-29, Approving a Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District, and Tri Pointe Homes for the Construction of the Banning Master Drainage Plan (MDP) Line I-1 Stage 1 and Stage 3, and Banning Master Drainage Plan Smith Creek Lateral Basin, Stage 1

RECOMMENDATION:

Adopt Resolution 2023-29 authorizing the City Manager or designee to sign the Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District (RCFC), and Tri Pointe Homes for the construction and inspection of the Banning Master Drainage Plan MDP Line I-1 Stage 1, Line I-1 Stage 3, and Smith Creek Lateral Basin Stage 1, all MDP facilities related to the Atwell Development (Map 37446).

BACKGROUND:

A Condition of Approval for the Atwell Project (TTM 37446) requires the construction of certain storm drain facilities along the Highland Home Road corridor north of the SCE Easement. Tri Pointe Homes has prepared storm drainage plans for the Banning MDP Line I-1 Stage 1 and 3, and Smith Creek Lateral Basin Stage 1 consistent with the RCFC MDP for the area. Once constructed, the storm drains and basin will be maintained by RCFC.

The cooperative agreement (Attachment 2) between the City of Banning, RCFC, and Tri Pointe Homes grants RCFC the necessary rights to inspect, operate, and maintain the proposed storm drain channel; identifies facilities to be maintained by RCFC and the City; and defines each parties responsibility for the construction, inspection, access, and maintenance of the facility.

JUSTIFICATION:

The RCFC will be the owner of the proposed facility and will maintain the storm drain. The Cooperative Agreement between the City, RCFC, and Tri Pointe Homes is necessary in order to grant RCFC the necessary rights to inspect, operate, and maintain the storm drain facility.

FISCAL IMPACT:

There is no fiscal impact to the City of Banning. The inspection, operation, and maintenance of the storm drain facility will be the responsibility of the RCFC.

ALTERNATIVES:

The City Council may choose not to adopt Resolution 2022-116. Without the Cooperative Agreement, RCFC may choose not to maintain the storm drain, placing the burden to inspect, operate, and maintain on the City of Banning.

ATTACHMENTS:

1. Resolution 2023-29
<https://banningca.gov/DocumentCenter/View/12214/Att-1-Resolution-2023-29-Coop-Agreement-MDP>
2. Cooperative Agreement – Banning MDP Line I-1 Stage 1, Stage 3, and Smith Creek Lateral Basin Stage 1
<https://banningca.gov/DocumentCenter/View/12212/Att-2-Cooperative-Agreement-Banning-MDP-Line-TR37446-FINAL-122822>
3. Improvement Plan Vicinity Map
<https://banningca.gov/DocumentCenter/View/12213/Att-3-Project-Index-Map>

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
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-30, Approving a Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District, and KB Homes for the Construction of the East Gilman Home Channel A, Stage 1 and East Gilman Home Debris Basin, Stage 1

RECOMMENDATION:

Adopt Resolution 2023-30 authorizing the City Manager or designee to sign the Cooperative Agreement between the City of Banning, Riverside County Flood Control and Water Conservation District (RCFC), and KB Homes for the construction and inspection of the East Gilman Home Channel A, Stage 1 and East Gilman Home Debris Basin, Stage 1.

BACKGROUND:

A Condition of Approval for TTM 33540, located north of Gilman Street and west of 11th Street requires the construction of certain storm drain facilities within the project. KB Homes has prepared storm drainage plans for the East Gilman Home Channel A and East Gilman Home Debris Basin consistent with the RCFC Master Drainage Plan for the area. Once constructed, the storm drains and basin will be maintained by RCFC.

The cooperative agreement (Attachment 2) between the City of Banning, RCFC, and KB Homes grants RCFC the necessary rights to inspect, operate, and maintain the proposed storm drain channel; identifies facilities to be maintained by RCFC and the City; and defines each parties responsibility for the construction, inspection, access, and maintenance of the facility.

JUSTIFICATION:

The RCFC will be the owner of the proposed facility and will maintain the storm drain. The Cooperative Agreement between the City, RCFC, and KB Homes is necessary in order

to grant RCFC the necessary rights to inspect, operate, and maintain the storm drain facility.

FISCAL IMPACT:

There is no fiscal impact to the City of Banning. The inspection, operation, and maintenance of the storm drain facility will be the responsibility of RCFC.

ALTERNATIVES:

The City Council may choose not to adopt Resolution 2022-116. Without the Cooperative Agreement, RCFC may choose not to maintain the storm drain, placing the burden to inspect, operate, and maintain on the City of Banning.

ATTACHMENTS:

1. Resolution 2023-30
<https://banningca.gov/DocumentCenter/View/12216/Att-1-Resolution-2023-30-Coop-Agreement-E-Gilman-Home-Channel-A>
2. Cooperative Agreement – East Gilman Home Channel A, Stage 1 and East Gilman Home Debris Basin, Stage 1
<https://banningca.gov/DocumentCenter/View/12217/Att-2-Coop-Agreement-East-Gilman-Home-Channel-Line-A-TR33540-FINAL-122822>
3. Improvement Plan Vicinity Map
<https://banningca.gov/DocumentCenter/View/12199/Att-3-Approved-SD---RCFCD-111621>

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
Carla Young, Business Support Manager

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-32, Approving the First Amendment to the Contract Services Agreement C00727 with Electric Power Systems International, Inc., for Construction of the San Gorgonio Substation

RECOMMENDATION:

Adopt City Council Resolution 2023-32:

1. Approve the First Amendment to the Contract Services Agreement C00727 with Electric Power Systems International, Inc. (EPS) to extend the substation by 45 feet. This will increase the contract by \$72,950 and increase the total amount to \$3,702,078.80. This contract is pursuant to Public Contract Code (PCC) Section 22002 (c)(3); and
2. Appropriate funds to the Electric capital improvement fund and authorize the City Manager and/or designees to complete and execute all documents related to this transaction for continued construction.

BACKGROUND:

On September 28, 2021, City Council awarded Electric Power Systems (EPS) the contract for award of a \$3.6 million construction contract that included a 10% contingency for the construction of the San Gorgonio Substation. The award was made pursuant to Public Contract Code Section 22002(c)(3), which authorizes construction of publicly owned utility substations without further compliance with the Public Contract Code. Additionally, City Council authorized a budget amendment on February 8, 2022 to assist with expanding the infrastructure within the San Gorgonio Substation as the electric distribution feeders from this substation will support the initial phase of the Rancho San Gorgonio project.

At the beginning of this contract the final engineering was incomplete and is now finished. This includes extending the original footprint of the substation by 45 to include procurement and installation for the grating for the transformers within this area.

JUSTIFICATION:

The Electric Utility is currently in the process of system standardization to improve safety within the operations of the utility. This includes equipment standardization to expand continuity and reliability throughout the City. Over the past two years, the utility has experienced abrupt escalations to materials and equipment that are integral to utility operations. These increased costs in goods have impacted initial budget projections for the San Gorgonio Substation project, which has prompted a need for additional funds 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:

Funds shall be appropriated from the Electric Fund to account 673-7000-473.96-25 in the amount of \$72,950 for the purpose of extending the San Gorgonio Substation.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$72,950

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-32
<https://banningca.gov/DocumentCenter/View/12183/Att-1-Resolution-2023-32-EPC-Contract-Amendment>
2. Change Order Request
<https://banningca.gov/DocumentCenter/View/12182/Att-2-Change-Order-Request>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **UTILITY AUTHORITY BOARD**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Director of Public Works**

MEETING DATE: **February 14, 2023**

SUBJECT: **Consideration of Resolution 2023-02UA, Approving a Construction Agreement with Best Drilling and Pump, Inc. for Project No. 2018-02W "Drilling, Construction, Development and Testing of City of Banning Well C-8" in the amount of \$2,181,456 and Establishing a Total Project Budget of \$2,399,601 and Rejecting All Other Bids**

RECOMMENDATION:

Adopt Utility Authority Resolution 2023-02UA:

1. Approving a Construction Agreement for Project No. 2018-02W, "Drilling, Construction, Development and Testing of City of Banning Well C-8" to Best Drilling and Pump, Inc. of Colton, California in the amount of \$2,181,456 and approving a 10% contingency in the amount of \$218,145 for a total project budget of \$2,399,601 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2018-02W, "Drilling, Construction, Development and Testing of City of Banning Well C-8" and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with Best Drilling and Pump, Inc. for Project No. 2018-02W, "Drilling, Construction, Development and Testing of City of Banning Well C-8".

BACKGROUND:

The need for a new municipal production well in the near future was identified in the Integrated Master Plan ("2018 IMP"), and designated as Well C-8. In an effort to implement the capital project identified in the 2018 IMP, staff developed and advertised a Request for Proposals (RFP) for design and inspection services for Well C-8, and subsequently awarded a contract to the highest-rated firm, Hazen and Sawyer, on September 10, 2018.

Hazen and Sawyer's initial task was to review available data and assess the feasibility of locating a new municipal well in the Cabazon Storage Unit. After the completion of a preliminary well siting report in April, 2019, it was determined that it would be in the City's best interest to focus on installing the new well in the Beaumont Basin, where the City has a water storage account and where imported water purchased is stored. A site located within Tri-Pointe Homes' Atwell development was selected in early 2020 for the proposed location of Well C-8.

Subsequently, Hazen and Sawyer prepared and finalized an Initial Study/Mitigated Negative Declaration for the project and finalized technical specifications for the first phase of the construction project which includes the drilling, construction, development and testing of Well C-8.

The City finalized the bidding documents and released an Invitation for Bids (IFB 22-026) on November 23, 2022. A mandatory pre-proposal meeting was held on December 13, 2022 to go over the scope of work, deadlines and to answer any questions from prospective bidders. As a result of the Invitation for Bids, the City received three proposals:

<u>Contractor</u>	<u>Bid Amount</u>
Best Drilling and Pump Inc.	\$2,181,456
Layne Christensen Company	\$2,332,090
South West Pump & Drilling Inc.	\$2,595,572

The apparent lowest bidder is Best Drilling and Pump Inc. of Colton, California.

The City's Purchasing staff has conducted reference checks on Best Drilling and Pump Inc. and found that the company was responsive and responsible on similar contracts with other agencies.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, Best Drilling and Pump Inc. of Colton, California, in the amount of \$2,181,456. A copy of the bid schedule for the lowest bid can be found attached hereto.

If awarded, staff anticipates the work to commence in the middle of March, 2023 and to be completed within one hundred and thirty (130) working days or approximately seven (7) months from the issuance of a Notice to Proceed.

JUSTIFICATION:

With expected population growth, and the associated increase in water demands, the City must add additional water production facilities to offer reliable service to existing and new customers.

As a result of the City's Invitation for Bids (IFB 22-026), Best Drilling and Pump Inc. is the apparent lowest bidder and is qualified to complete the scope of work.

FISCAL IMPACT:

The recommended Construction Agreement with Best Drilling and Pump Inc. is for an amount of \$2,181,456. Staff requests a 10% contingency in the amount of \$218,145 for any unforeseen conditions or circumstances. The total project budget, including the Construction Agreement and contingency, is for an amount of \$2,399,601.

The current adopted budget for Fiscal Year 2022/2023 includes a budgeted amount of \$2,250,000 in Account No. 661-6300-471.95-08. An appropriation in the amount of \$149,601 is required from Fund 661 to cover the shortfall.

The project is partially funded by an Underrepresented Community (URC) set-aside grant in the amount of \$513,326 through the Urban and Multi-benefit Drought Relief Grant Program.

ALTERNATIVES:

1. Adopt Resolution 2023-02UA as recommended.
2. Adopt Resolution 2023-02UA with modifications.
3. Do not approve Resolution 2023-02UA and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-02UA
<https://banningca.gov/DocumentCenter/View/12203/Att-1-Resolution-2023-02UA-Well-C8-Drilling-Award>
2. IFB 22-026
https://banningca.gov/DocumentCenter/View/12202/Att-2-IFB-22-026-WELL_C-8
3. Bid Summary
<https://banningca.gov/DocumentCenter/View/12201/Att-3-Bid-Overview>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **UTILITY AUTHORITY BOARD**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Director of Public Works**
Perry Gerdes, Water/Wastewater Superintendent

MEETING DATE: **February 14, 2023**

SUBJECT: **Consideratrion of Resolution 2023-03UA, Approving the Purchase of a Case 588H Forklift in the Amount of \$121,966.14 for the Water and Wastewater Divisions of the Public Works Department**

RECOMMENDATION:

Adopt Utility Authority Resolution 2023-03 UA:

1. Approving the purchase of a new Case 588H off road Forklift from Sonsray Machinery in the amount of \$121,966.14.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the purchase.

BACKGROUND:

The Water and Wastewater Divisions of the Public Works Department currently have a fleet consisting of several work trucks, large pieces of equipment (backhoes, loaders, forklifts, etc.) and miscellaneous equipment (air compressors, welders, etc.). As part of its fleet, the Water and Wastewater Divisions operate one forklift, which is utilized during the receiving and distributing of pipe and other water and wastewater related materials. More commonly, the forklift is used for unloading and loading of pipe, valves, pipeline appurtenances and miscellaneous inventory.

The Water and Wastewater Division is in need to replace the current forklift, Unit 810, a 1999 Caterpillar DP 40 Forklift with 9,886 hours. Unit 810 was a used forklift when it was originally acquired in 2005. Unit 810, which is at the end of its useful life is downed due to needed break assembly repairs estimated to cost \$7,900. Rather than fix Unit 810 it has been determined that it would be best to replace the unit.

Staff has identified the availability of a Case 588H forklift from Sonsray Machinery through Sourcewell. Sourcewell, which the City is a member of, provides for cooperative purchasing options resulting in discounted costs in an efficient manner.

JUSTIFICATION:

Provisions of Purchasing Policy B-30 identifies that cooperative bids prepared by and processed through local, state or federal government agencies, may be utilized by the City. City Council consent is required for such arrangements where purchases exceed \$25,000.

The purchase of a new Case 588H off road forklift is necessary in order to maintain safe and reliable Water and Wastewater Division operations.

FISCAL IMPACT:

The sell price of the Case 588H off road forklift is \$121,966.14. Through the Sourcewell purchasing contract a 30% discount is applied for a net sell price of \$113,300.78. After taxes and state tire tax fees the total purchase price is \$121,966.14. The current forklift will be sent to auction to help recoup some funds.

The Water Operations Fund (660) will fund the purchase as follows:

Account	Description	Amount
660-6300-471.90-56	Machinery/Equipment	\$96,966.14
680-8000-454.90-56	Machinery/Equipment	\$25,000.00
	TOTAL	\$121,966.14

An appropriation from Fund 660 and Fund 680 in the full amounts shown above are required to fund the purchase.

ALTERNATIVE:

Do not approve Resolution 2023-03UA and provide alternative direction. Continual operations with the existing forklift may result in delays and receiving materials for completing work (e.g. receiving and distributing materials, etc.) due to potential downtime of the forklift. Additionally, the cost to maintain the existing forklift will continue to increase.

ATTACHMENTS:

1. Resolution 2023-03UA
<https://banningca.gov/DocumentCenter/View/12205/Att-1-Resolution-2023-03UA-Purchase-of-Forklift>
2. Quote from Sonsary Machinery
<https://banningca.gov/DocumentCenter/View/12204/Att-2-Sonsray-Machinery>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **UTILITY AUTHORITY BOARD**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Director of Public Works**

MEETING DATE: **February 14, 2023**

SUBJECT: **Consideration of Resolution 2023-04 UA, Approving a Purchase Order in the Amount of \$250,087.72 with Zenner USA for the Purchase of Water Meters, Communications Equipment, and Hardware**

RECOMMENDATION:

Adopt Utility Authority Resolution 2023-04 UA:

1. Approving the purchase of water meters, communications equipment, software and hardware from Zenner USA in the amount of \$250,087.72.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the purchases from Zenner USA.

BACKGROUND:

The City has converted its existing meter reading infrastructure from a traditionally read system, which required a team of field service representatives to manually read each water meter to an Advanced Meter Infrastructure (AMI) system which allows for meters to be read wirelessly. In addition to increasing the efficiency in the manner data is collected, AMI smart meters provide much more detailed information on consumption patterns and anomalies that can help alert both customers and utilities of potential issues as soon as they arise.

The City selected Zenner USA smart meters to be used as part of its AMI conversion project. The conversion project has depleted the Water Division's inventory of water meters and related equipment and has resulted in the need to restock.

JUSTIFICATION:

The Public Works Department, Water Division has depleted their water meter, communications equipment and hardware related to the AMI system and is in need of replenishing its supplies.

FISCAL IMPACT:

The total cost of the purchase is \$250,087.72 and will be funded using Account 660-6300-471.95-13.

ALTERNATIVES:

1. Adopt Resolution 2023-04 UA as recommended.
2. Adopt Resolution 2023-04 UA with modifications.
3. Do not approve Resolution 2023-04 UA which would result in not having water meters when needed for replacement and or new service connections and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-04 UA
<https://banningca.gov/DocumentCenter/View/12242/Att-1-Resolution-2023-04UA-Zenner-Agreement>
2. Zenner Meter Quote
<https://banningca.gov/DocumentCenter/View/12243/Att-2-Quote>

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
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: February 14, 2023

SUBJECT: Release of Maintenance Bond for Improvements at Well C4

RECOMMENDATION:

City Council releases the maintenance bond for improvements at Well C4.

BACKGROUND:

On December 10, 2019 City Council adopted Resolution 2019-151 approving Final Tract Map No. 37298-1, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements. As a requirement of the development Pardee was required to install an emergency generator for backup power at Well C4 located on Wilson Street.

This emergency generator has been installed at the site, and Council authorized a 90% Bond exoneration of May 11, 2021. As more than the required 1-year maintenance period has passed, Tri-Pointe is requesting to the release of the remaining maintenance portion of the bonds.

JUSTIFICATION:

Staff has verified that the improvements related to the bonds were maintained as necessary over the 1-year maintenance period and recommends that the City Council authorize the exoneration of the remaining 10% of the bond. This action will transfer the improvements to the City for future and ongoing maintenance.

<u>Bond #</u>	<u>Remaining Bond Amount</u>	<u>Improvements</u>
30098111	\$48,990	Well C4 Emergency Generator

FISCAL IMPACT:

Not applicable

ALTERNATIVES:

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

ATTACHMENTS:

1. 90% Bond Release Letter

<https://banningca.gov/DocumentCenter/View/12222/Att-1-Atwell---Well-C4-90-Bond-Release-Letter-No-30098111>

2. Bond No. 30098111

<https://banningca.gov/DocumentCenter/View/12221/Att-2-Bond-30098111>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Paul Lindley, Assistant Fire Marshal for Riverside County

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-35 Acknowledging Receipt of a Report made by the Fire Chief of the Riverside County Fire Department Regarding Compliance with the Annual Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code

RECOMMENDATION:

Staff recommends that the City Council adopt proposed City Council Resolution No. 2023-35 A Resolution of the City Council of the City of Banning, California, acknowledging receipt of a report made by the Fire Chief of the Riverside County Fire Department regarding compliance with the annual inspection of certain occupancies pursuant to sections 13146.2 and 13146.3 of the California Health and Safety Code (Attachment 2).

BACKGROUND:

In 2018, California Health and Safety Code Section 13146.4 was added by Senate Bill 1205 (SB1205) and became effective January 1, 2019. Section 13146.4 requires all fire departments, that provide fire protection services, to report annually to their administering authority on their compliance with Health and Safety Code Sections 13146.2 and 13146.3. Sections 13146.2 and 13146.3 require annual inspections of every building used as a public or private school (used by more than 6 persons for educational purpose through the 12th grade), hotel, motel, lodging house, apartment house (3 units or more) and certain residential care facilities for compliance with building standards.

The proposed Resolution 2023-35 demonstrates the required compliance.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of this resolution.

ALTERNATIVES:

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

February 14, 2023

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3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2023-35
<https://banningca.gov/DocumentCenter/View/12257/Att-1-Resolution-2023-35-Annual-Fire-Inspection-Report>
2. California Health and Safety Code Section 13146.2 to Section 13146.4
<https://banningca.gov/DocumentCenter/View/12253/Att-2-SB1205-text>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Paul Lindley, Assistant Fire Marshal for Riverside County

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-35 Acknowledging Receipt of a Report made by the Fire Chief of the Riverside County Fire Department Regarding Compliance with the Annual Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code

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The proposed Resolution 2023-35 demonstrates the required compliance.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of this resolution.

ALTERNATIVES:

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

February 14, 2023

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3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2023-35
<https://banningca.gov/DocumentCenter/View/12257/Att-1-Resolution-2023-35-Annual-Fire-Inspection-Report>
2. California Health and Safety Code Section 13146.2 to Section 13146.4
<https://banningca.gov/DocumentCenter/View/12253/Att-2-SB1205-text>

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

MEETING DATE: February 14, 2023

SUBJECT: Consideration of Resolution 2023-33, Approving a Revised Water Shortage Contingency Plan Reflecting Reasonable Alternative Actions Consistent with the State Water Resources Control Board's Emergency Regulation Related to Water Conservation

RECOMMENDATION:

Staff recommends the approval of Resolution 2023-33, approving a revised Water Shortage Contingency Plan ("WSCP") reflecting "reasonable alternative actions" consistent with the State Water Resources Control Board's emergency regulation related to water conservation.

BACKGROUND:

2020 UWMP and WSCP

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

On June 8, 2021, the City Council adopted the 2020 UWMP and WSCP after holding a public hearing to consider public comments.

The intent of the City's WSCP is to provide a tool for implementing demand reduction actions (i.e. water use prohibitions/restrictions) in the case of actual water shortages or catastrophic supply interruptions (e.g. system failures, earthquakes, power outages, etc.).

Emergency Water Conservation Regulations

The State Office of Administrative Law (“OAL”) approved an emergency regulatory action (“Article 2”) consistent with Governor Newsom’s Executive Order N-7-22 issued as a response to California’s ongoing drought conditions effective June 10, 2022 through June 10, 2023. Among other things, Article 2 requires urban water suppliers to implement Stage 2 (i.e. Level 2) of their WSCP. Following the effective date, the City began outreach to inform the public regarding the demand reduction actions contained in the City’s WSCP, Stage 2.

On December 21, 2022 the OAL approved an emergency regulatory action (“Article 3”) effective December 21, 2022 through December 21, 2023. Article 3 provides a list of seven (7) specific water use prohibitions.

It has come to staff’s attention that the prohibitions listed in Article 3 are, in most cases, less restrictive than similar prohibitions identified in the City’s WSCP Stage 2. The following table identifies those restrictions between the WSCP and Article 3 that are different (the table is not inclusive of either document’s full list of restrictions):

WSCP – Stage 2	Article 3
No washing sidewalks and driveways with water.	No use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots or other hard surfaced areas, except in cases where health and safety are at risk.
Cease all operation of decorative water features (fountains, ponds, etc.).	The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with the exceptions for those decorative fountains lakes or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses.
No landscape irrigation during or within 72 hours of a rain event.	The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision.

There are two possible courses of action for City Council to take if it desires to revise the WSCP Stage 2 prohibitions.

California Water Code 10632.2 states that “An urban water supplier shall follow, where feasible and appropriate, the prescribed procedures and implement determined shortage response actions in its water shortage contingency plan, as identified in subdivision (a) of Section 10632, or reasonable alternative actions, provided that descriptions of the alternative actions are submitted with the annual water shortage assessment report

pursuant to Section 10632.1. Nothing in this section prohibits an urban water supplier from taking actions not specified in its water shortage contingency plan, if needed, without having to formally amend its urban water management plan or water shortage contingency plan.”

Per this section of the California Water Code, City Council could temporarily replace, as “reasonable alternative actions”, those restrictions listed in the WSCP that are not consistent with Article 3. If approved, the restrictions could remain in place while the emergency water conservation regulations are in effect; until the requirement for the implementation of Stage 2 of the WSCP is lifted or until another time as approved by City Council.

A second option would be to formally amend the WSCP to be consistent with those restrictions listed in Article 3. With this option, a public hearing would be required with a 60-day public notice of the public hearing. The earliest the public hearing could be set for is April 25, 2023.

JUSTIFICATION:

Revisions to the City’s WSCP list of water use prohibitions in a manner consistent with the State Water Resources Control Board’s emergency water conservation regulations would reduce public confusion on what uses are allowed and not allowed.

FISCAL IMPACT:

None

ALTERNATIVES:

1. Adopt Resolution 2023-33 as recommended
2. Adopt Resolution 2023-33 with modifications.
3. Do not approve Resolution 2023-33 and provide alternative direction to staff, such as setting a public hearing for April 25, 2023 to formally amend the WSCP.

ATTACHMENTS:

1. Resolution 2023-33
<https://banningca.gov/DocumentCenter/View/12233/Att-1-Resolution-2023-33-Water-Conservation>
2. Article 2 “Prevention of Drought Wasteful Water Uses”
<https://banningca.gov/DocumentCenter/View/12225/Att-2-2022-0606-03E-approval>
3. Public Outreach Material
<https://banningca.gov/DocumentCenter/View/12226/Att-3-Conservation-Outreach>
4. Article 3 “Prohibit Wasteful Water Uses”
<https://banningca.gov/DocumentCenter/View/12227/Att-4-2022-1212-01EE-Approval>
5. WSCP
<https://banningca.gov/DocumentCenter/View/12223/Att-5-WSCP>

6. WSCP Redlined

<https://banningca.gov/DocumentCenter/View/12224/Att-6-WSCP-Redlined>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Serita R. Young, City Attorney
Caroline Patton, Deputy City Clerk

MEETING DATE: February 14, 2023

SUBJECT: Consideration and Adoption of Resolution 2023-34, Approving Amendments to Sections 6.1 and 6.6 of Article VI – Order of Business – of the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning to Incorporate a City Treasurer's Report into Every City Council Regular Meeting Agenda, and Paragraph Formatting Amendments

RECOMMENDATION:

City staff recommends that the City Council adopt Resolution 2023-34, Amending Sections 6.1 and 6.6 of Article VI ("Order of Business") of the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning to Incorporate a City Treasurer's Report into Every City Council Regular Meeting Agenda, and Making Other Paragraph Formatting Amendments.

BACKGROUND:

Proposed Amendments

At the City Council's July 12, 2023 Regular Meeting, the City Council directed staff to include a City Treasurer's Report as a standing item on the Council's regular meeting agendas.

The order of the Council's regular agenda, and what is contained therein, is dictated by the "Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning" ("Manual"). Banning Municipal Code ("BMC") Section 2.04.080 provides that the Council may amend the Manual from time to time by adoption of a resolution. The proposed amended Manual (Attachment 2) amends Section 6.1 ("Order of Business") of Article VI of the Manual to place City Council "Announcements and Reports" after "Public Comments, Correspondence, Presentations, Appointments" on the agenda, which is consistent with current meeting practices, and move "Report(s) of Officers" to occur after "Public Hearings" in the order of business.

The proposed amended Manual also amends Section 6.6 (“Items from Members”) of Article VI of the Manual to add a new subparagraph (d) concerning reports from the City Treasurer. The new subparagraph (d) reads as follows:

(d) There is an agenda item referred to as Reports from City Treasurer. The City Treasurer shall attend the meetings of the Legislative Body, unless excused. The City Treasurer may report on (i) the activities of the City Council Budget and Finance Committee and (ii) the duties of the City Treasurer as imposed under State law, except such duties otherwise delegated by the City Council to the City Clerk or the Administrative Services Director.

The proposed amended Manual also removes the following statement from Section 7.1, “and the Presiding Officer should handle such matters as provided in Section 7.3, below.” Section 7.3, however, is Reserved and contains no language.

Lastly, the proposed amended Manual includes formatting amendments that add paragraph breaks after Section 4.1, the second paragraph in Section 5.1, and Section 6.2.

Future Updates

During staff’s review of the Manual to incorporate the changes directed by the City Council in July 2023, staff identified other areas of the Manual that could be updated. For example, updates are needed for Article VI of the Manual to accurately reflects the City’s current practices for the ordering of business on the City Council’s regular meeting agendas. Additionally, the City Attorney has suggested the inclusion of language in Section 9.3 (“Email Policy”) of Article IX (“Officers”) concerning the use of social media by members of the City Council under the Brown Act consistent with AB 992 (2020).

Also, in reviewing procedural manuals for legislative bodies from other jurisdictions across the state, staff has found that the format and general accessibility—for example, technical language, font, and visual layout—of the Manual is very much out of date. As a result, the City Clerk’s Office intends to undertake a longer-term project to more substantively update the Manual.

Staff is proposing that City Council adopt Resolution 2023-34, approving the limited changes to the Manual as directed by the Council in July 2022, until such time as staff brings back more substantive proposed revisions for the Council’s review and approval.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-34
<https://banningca.gov/DocumentCenter/View/12237/Att-1-Resolution-2023-34-Amending-Procedural-Manual>

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2. Proposed Amended Manual of Procedural Guidelines
<https://banningca.gov/DocumentCenter/View/12238/Att-2-Banning-Manual-of-Procedural-Guidelines---2023-Update>
3. Resolution 2020-67 (Most recent amendment to Manual)
<https://banningca.gov/DocumentCenter/View/12208/Att-3-Resolution-2020-67-Amending-Procedural-Manual---Public-Comment>
4. Resolution 2012-83 (Original Adoption of Manual)
<https://banningca.gov/DocumentCenter/View/12207/Att-4-CC-Resolution-No-2012-083>
5. Banning Municipal Code Section 2.04.080 – Manual of meeting procedures
https://banningca.gov/DocumentCenter/View/12206/Att-5-204080_Manual_of_meeting_procedures

Approved by:



Douglas Schulze
City Manager