



AGENDA

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

August 22, 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:

<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 – Reverend Liversage of Banning Church of the Nazarene
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

3.1. Friends of the Banning Library Lobby Display (Darnise Wiggins)	
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4. REPORT ON CLOSED SESSION

Serita Young, City Attorney

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, CITY ATTORNEY, AND CITY TREASURER 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

None

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.)

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7. PUBLIC HEARING(S)

7.1. Public Hearing and Consideration of Resolution 2023-140, Adopting the 2023 Banning Electric Utility Wildfire Mitigation Plan.....	66
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(Staff Report: Brandon Robinson, Electrical Engineering Supervisor)

Recommendation: Staff recommends that the Banning City Council approve Resolution 2023-140 adopting Banning Electric Utility's ("Utility") attached 2023 Wildfire Mitigation Plan ("WMP").

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-137, Approving a Contract with SATEC, Inc. Providing for the Payment of Previously Contracted Implementation of Expert Power and a Software as a Service (SaaS) Agreement for Continued Annual Maintenance Support for Five Years in a Not-to-Exceed Amount of \$432,310.....	68
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(Staff Report: Jim Steffens, Acting Electric Utility Director)

Recommendation: Staff recommends the City Council adopt Resolution 2023-137 approving the contract for payment for the previously contracted implementation and the future completion of the implementation of Expert Power with a remaining implementation contract balance of \$67,435 for a total not-to-exceed amount of \$432,310. Staff also recommends the City Council approve the SaaS agreement with SATEC, Inc. for Expert Power continued annual maintenance support providing data analytics and cloud services. Authorize the City Manager, or designee, to execute all related agreements between the City and SATEC, Inc. and to make non-substantive

changes to the scope of the agreement and any necessary budget transfers and accounting entries.

8.2. Consideration of Resolution 2023-151, Amending Policy No. B-30 (Procurement Policies & Procedures), and Introduction and First Reading of Ordinance 1591, Amending Chapter 3.24 (Purchasing System) of Title 3 (Revenue and Finance) of the Banning Municipal Code, Concerning the City Manager's Aggregate Monetary Threshold Authorizations for Approval of Certain Contracts.....**71**
(Staff Report: Lincoln Bogard, Administrative Services Director)

Recommendation: 1. Discuss the proposed City Manager Signing Authority changes and determine whether to continue the item, adopt as is, modify the authority levels, or provide alternative direction to staff. 2. Staff recommends City Council adopt Resolution 2023-151, amending Policy No. B-30 (Procurement Policies & Procedures) to update the aggregate monetary threshold authorizations for the City Manager's approval of certain contracts, without the City Council's prior approval. 3. Staff recommends that the City Council waive full reading and introduce, by title only, proposed Ordinance 1591, amending Sections 3.24.070, 3.24.090, and 3.24.130 of Chapter 3.24 of Title 3 of the Banning Municipal Code, concerning the City Manager's authorized monetary thresholds to award and approve certain contracts for purchases of supplies, equipment, and services.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

- 10.1. New Items
- 10.2. Pending Items:
 - 1. Grow Banning (Sanchez)
 - 2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
 - 3. Food Desert Zoning Overlay (Minjares)
 - 4. Beautification of San Gorgonio Overpass Funding (Gonzales)
 - 5. Scope and Duties of the Budget and Finance Committee (Wallace)
 - 6. Neighborhood Groups/Identities (Minjares)
 - 7. Update on Community Garden (Flynn)
 - 8. Update on Street Sign Replacements (Flynn)
 - 9. ARE Animal Rescue Contract (Flynn)

11. ADJOURNMENT

Next Regular Meeting – September 12, 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.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

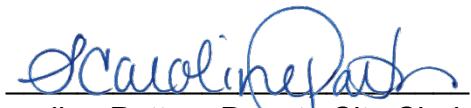
Estándares comunitarios de Zoom para Reuniones Públicas

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

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

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) 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 17th day of August 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.

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, the City of Banning recognizes August 21st as National Fentanyl Prevention and Awareness Day to remember those who have lost their lives to illicit fentanyl poisoning; and

WHEREAS, the City of Banning acknowledges for the first time in our Nation's history that over 100,000 Americans have died from drug related overdoses during a single calendar year 2020-2021; and

WHEREAS, the City of Banning recognizes that fentanyl has become a dangerous stand-alone drug, has become a dangerous additive to existing illegal substances, as well as an additive to counterfeit prescription pills increasing potency and addiction, with fentanyl deaths expected to double by this time next year; and

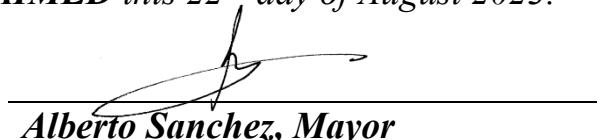
WHEREAS, the City of Banning recognizes that fentanyl poisoning is now the leading cause of death amongst adults ages 18-45 in the United States surpassing suicide related deaths, gun violence and automobile fatalities; and

WHEREAS, the City of Banning recognizes that criminal drug networks are utilizing social media and e-commerce to sell and distribute drugs into communities across the country and are looking to target our Nation's youth; and

WHEREAS, the City of Banning supports fentanyl awareness and prevention organizations in their efforts to educate our youth and the public on the dangers of using illegal substances in an effort to reduce overall addiction and dependency.

NOW THEREFORE, the City of Banning City Council does hereby recognize August 21st as National Fentanyl Prevention and Awareness Day and will work diligently to help bring awareness to the dangers of fentanyl use in our efforts to help safeguard our community!

BE IT PROCLAIMED this 22nd day of August 2023.



Alberto Sanchez, Mayor



CITY OF BANNING

Small Business Recognition

PRESENTED TO

LITHOPASS PRINTING & COPYING



*This City of Banning recognizes **Lithopass Printing & Copying** for being an exceptional small business. The City Council thanks you for showing pride and commitment to enriching the Banning community.*

Presented on this 22nd day of August 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: August 22, 2023

SUBJECT: Minutes of the July 11, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the July 11, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the July 11, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/13198/2023-07-11_Minutes_Special-Meeting---Closed-Session
2. Minutes of the July 11, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/13199/2023-07-11_Minutes_Special-Meeting---Workshop---Copy
3. Minutes of the July 11, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/13200/2023-07-11_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
Alejandro Geronimo, City Treasurer

PREPARED BY: Lincoln Bogard, Administrative Services Director
Cheryl Stafford, Finance Manager

MEETING DATE: August 22, 2023

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of June 30, 2023

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **June 30, 2023**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	187212-187743	\$ 5,511,687.55	
Voided / Reissue Check		\$ 17,152.66	
Check Total			\$ 5,494,534.89
Wires Total			\$ 1,254,041.10
ACH payments:			
Payroll Direct Deposit	6/2/2023	\$ 552,876.43	
Payroll Direct Deposit	6/16/2023	\$ 598,353.49	
Payroll Direct Deposit	6/30/2023	\$ 715,862.50	
Other Payments		\$ 968,795.76	
Payroll Checks:			
Payroll - Regular	6/2/2023	\$ 5,823.80	
Payroll - Regular	6/16/2023	\$ 12,045.69	
Payroll - Regular	6/30/2023	\$ 15,759.87	
Payroll Check Total			\$ 33,629.36
Total Warrants Issued for June 2023			\$ 9,618,093.53

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/13221/Attachment-1--Fund-List>
2. Warrant Report June 2023
<https://banningca.gov/DocumentCenter/View/13222/Attachment-2-Warrant-Report-June-2023>
3. Warrant Report Detail June 2023
<https://banningca.gov/DocumentCenter/View/13219/Attachment-3-Warrant-Report-Detail-June-2023>
4. Voided Check Log, Payroll Log & Registers – June 2023
<https://banningca.gov/DocumentCenter/View/13220/Attachment-4-Void-Check-Log-Payroll-Log-and-Payroll-Registers>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager
Alejandro Geronimo, City Treasurer

PREPARED BY: Lincoln Bogard, Administrative Services Director
A'ja Wallace, Deputy Finance Director

MEETING DATE: August 22, 2023

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of June 2023

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **August 22, 2023** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 4,055.00	\$ 4,055.00
Checking and Savings Accounts	\$ 10,268,794.91	\$ 8,792,791.77
Investments		
LAIF	\$ 31,455,064.94	\$ 27,722,955.50
Brokerage	\$ 18,198,680.95	\$ 20,330,486.77
Total Funds Under Control of the City	\$ 59,926,595.80	\$ 56,850,289.04
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 13,823,221.43	\$ 11,953,876.04
Restricted Bond Accounts	\$ 4,848,381.19	\$ 4,848,381.31
Union Bank & SCPPA		
Restricted Funds	\$ 4,311,348.69	\$ 4,447,213.98
Total Funds Under Control of Fiscal Agents	\$ 22,982,951.31	\$ 21,249,471.33
Total Funds	\$ 82,909,547.11	\$ 78,099,760.37

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 82,909,547.11	\$ 78,099,760.37
Restricted Funds	\$ 41,467,526.76	\$ 39,468,856.07
Assigned Funds - Specific Purpose	\$ 4,087,199.91	\$ 2,064,004.71
Committed Funds - Specific Purpose	\$ 1,500,000.00	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,469,579.75	\$ 13,469,579.75
Total Restricted, Assigned, Committed and Reserves	\$ 60,524,306.42	\$ 56,502,440.53
Operating Cash - Unrestricted Reserves	\$ 22,385,240.69	\$ 21,597,319.84
Less Accounts held in Investments	\$ 18,198,680.95	\$ 20,330,486.77
Liquid Cash	\$ 4,186,559.74	\$ 1,266,833.07

ATTACHMENTS:

1. Cash, Investment and Reserve Report June 2023
<https://banningca.gov/DocumentCenter/View/13226/Attachment-1-Cash-Investment-and-Reserves-June-2023>
2. Investment Report
<https://banningca.gov/DocumentCenter/View/13227/Attachment-2-Investment-Report-June-2023>
3. LAIF Market Valuation Report
<https://banningca.gov/DocumentCenter/View/13223/Attachment-3--City-of-Banning-Broker-Report-June-2023>
4. LAIF Performance Report
<https://banningca.gov/DocumentCenter/View/13224/Attachment-4-LAIF-Market-Valution-June-2023>
5. PMIA-LAIF Performance Report for June 2023
<https://banningca.gov/DocumentCenter/View/13225/Attachment-5-PMIA-LAIF-Performance-Report-June-2023>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
A'ja Wallace, Deputy Finance Director

MEETING DATE: August 22, 2023

SUBJECT: Receipts, Disbursements, & Fund Balances Reporting for June and July 2023 and Fiscal Year-to-Date 2022-23

RECOMMENDATION:

Receive and file Receipts, Disbursements, & Fund Balances Reporting for June and July 2023 and Fiscal Year-to-Date 2022-23.

BACKGROUND:

Per Government Code Section 41004, Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body. This item shall be presented to City Council at the Council meeting following this presentation with any recommendation by the Committee to approve or deny.

JUSTIFICATION:

The Finance Department has historically submitted information on Investments and Disbursements monthly but did not have the ability to provide receipts and fund balance data in a timely fashion. Now that OpenGov Transparency is properly integrated with our financial Enterprise Resource Planning System, staff began providing these reports on a monthly basis in May 2023.

FISCAL IMPACT:

None. This report only shows the results of operations. Also of note is that this reporting for Receipts and Disbursements only takes into consideration money actively received or disbursed externally from or to the City during the periods reported. It does not account for transactions that are internal to the City.

August 15, 2023

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ALTERNATIVES:

1. Receive and file Receipts, Disbursements, & Fund Balances Reporting for June and July 2023 and Fiscal Year-to-Date 2022-23.

ATTACHMENTS:

1. [Receipts, Disbursements, & Fund Balance Reporting – June 2023](#)
2. [Receipts, Disbursements, & Fund Balance Reporting – July 2023](#)

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Todd Hopkins, CALFIRE Division Chief
Laurie Sampson, Assistant City Manager

MEETING DATE: August 22, 2023

SUBJECT: Receive and File Fire Protection Services Statistics for the Months of June and July 2023

RECOMMENDATION:

Receive and file Fire Department statistics for the months of June and July 2023.

BACKGROUND:

CalFire's Riverside County Division, which provides fire protection services in the City of Banning, will provide specific reports to the public and City Council upon request.

FISCAL IMPACT:

None

ATTACHMENT:

1. Fire Statistics for June 2023
<https://banningca.gov/DocumentCenter/View/13202/June-Report>
2. Fire Statistics for July 2023
<https://banningca.gov/DocumentCenter/View/13201/July-Report>

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: Derek Thesier, Police Lieutenant/Acting Chief of Police
Laurie Sampson, Assistant City Manager

MEETING DATE: August 22, 2023

SUBJECT: Receive and File Police Department Statistics for the Months of June and July 2023

RECOMMENDATION:

Receive and file Police Department statistics for the months of June and July 2023.

BACKGROUND:

The Banning Police Department provides statistics to the public and City Council upon request.

ATTACHMENT:

1. Police Statistics for June 2023
<https://banningca.gov/DocumentCenter/View/13204/STATS-JUNE-2023>
2. Police Statistics for July 2023
<https://banningca.gov/DocumentCenter/View/13203/STATS-JULY-2023>

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: Art Vela, Director of Public Works
MEETING DATE: August 22, 2023
SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDATION:

This monthly update is informational only; receive and file.

BACKGROUND:

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

FISCAL IMPACT:

None

ATTACHMENTS:

1. CIP Project List
<https://banningca.gov/DocumentCenter/View/13267/Attach-1-CIP-Update-August-2023>

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: Adam Rush, Community Development Director
Diana Serrano, Code Enforcement Officer

MEETING DATE: August 22, 2023

SUBJECT: Receive and File Code Enforcement Statistics for the Month of July 2023

RECOMMENDATION:

Receive and file Code Enforcement statistics for the month of July 2023:

Code Enforcement Statistics for May 2023			
Opened Cases	18	Closed Cases	25
Citations Issued	1	Citations Paid	\$850.00
Notices to Abate (Significant Hazard)	0		
Red Tagged Properties	0		
Apply or Release Lien/Pendency	8		
Civic Plus Inquiries	3		
Public Records Request	2		

Accomplishments:

- The Code Enforcement Department will welcome its new Officer on September 18, 2023. This is an important step in the moving towards a more proactive compliance strategy.
- The former OYO HOTEL has been successfully demolished. This culminates in a multi-effort to abate this long-standing blight.
- Receivership lawsuits are being drafted for the following properties: 2735 and 775 Lincoln St.
- The City was successful in defending a Notice to Abate Hearing on 2473 Lincoln St., against *Soy LA Pebbles* (Tenant) and *Bowman Trucking* (Owner) for an unpermitted Landscape Materials Business.

BACKGROUND:

The City's Code Enforcement Division ("Code") employs two full-time officers responsible for enforcement of the City's Municipal Code with cases that range from lack of a business license, to unsafe buildings, to street vendors and much more. Within Code, the City employs a Code Enforcement Supervisor, who is responsible for managing and organizing nearly 400 open cases, and a Senior-level officer. In addition to the typical code enforcement duties and responsibilities (e.g., unsafe buildings, unpermitted land use, no business license, construction without permit, and unregistered food vendors, just to name a few) Code is responsible for managing our Weed Abatement Program. This Program includes the patrol, noticing, enforcement, and remediation of potential fire hazards, before the traditional fire season begins. These duties, while important, reduces the function of other code enforcement duties by half.

Code Enforcement activities typically do not recoup the cost associated with labor, nuisance abatement, and legal fees to name a few, through the collection of administrative citations and penalties. Revenue from code cases can be delayed months or years given the manner in which fines penalties are assessed and ultimately collected. Further, the City is missing out on a potential revenue source associated with abandoned vehicles. The Division lacks the staffing to manage this program.

Within the previous six months, the Division has implemented the following updates, upgrades, and improvements with the primary goal of increasing the number of closed cases through voluntary compliance, and if necessary, through legal action:

- Upgrading the Code Enforcement Reporting and Case Management System (e.g., Comcate.®)
- Upgrading the IT equipment for Code Enforcement to achieve greater efficiency and allow Code Officers to work complexly mobile.
- Continued enforcement of unpermitted food vendors; citation and disposal of unsafe food.

Lastly, the City of Banning Code Enforcement Division provides statistics to the public and City Council upon request.

ATTACHMENTS:

None

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: August 22, 2023

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority of \$25,000 or less.

BACKGROUND:

Per Purchasing Policy B-30, 3-105(5), written notification by the Purchasing Officer of all City Manager approved contracts will be provided quarterly to the City Council for review, and 16-107(3), The City Manager, or his designated representative, shall make a monthly written report to the City Council as to all Change Orders approved by the City Manager during the month, and of all possible future Change Orders that may appear probable prior to the next monthly report. At a minimum, the City Manager shall provide the Council with the name and nature of the contract, all Change Orders approved during that month, the reason for the Change Orders, the cumulative amount of the Change Orders for that contract, and any additional information the Council requests.

JUSTIFICATION:

While the policy requires contracts signed under the City Manager's signature authority be submitted to City Council on a quarterly basis, it is staff's intent to submit these reports on a monthly basis to provide continuity with other monthly reports submitted to Council.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Contracts Approved under City Manager's Signature Authority June 2023
<https://banningca.gov/DocumentCenter/View/13269/June-2023-Contract-Data>

August 22, 2023

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2. Contracts Approved under City Manager's Signature Authority July 2023

<https://banningca.gov/DocumentCenter/View/13268/July-2023-Contract-Data>

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: August 22, 2023

SUBJECT: Parks and Recreation Report of Monthly Activities through June 30, 2023 (4th Quarter of Fiscal Year 2022/2023)

RECOMMENDATION:

That the City Council receive and file the quarterly activities report as of June 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 ten-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming, special events and a newly added Outdoor Equity Grant page. 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 June 2023 report that contains participation information through the end of the 4th quarter of FY 2022-23.

The 4th quarter report compiles data for the entire Fiscal Year and represents a complete year of programming in all Parks and Recreation Program Areas. The report recognizes the Banning Pass Little League all-stars (Page 2), Our Amazing Senior Center (Page 5) the start of summer programming with our Day Camp (Page 6) and Aquatic Center's programming including Swim Lessons (Page 8) The June report shows continued overall growth in most of our program areas. The report also includes an additional page reporting information and progress on the implementation of the Outdoor Equity Program Grant (Page 10). This page will be expanded moving forward to show ongoing yearly participation. The State grant has provided an opportunity to take multiple community

August 22, 2023

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trips to outdoor locations in Southern California and over 180 participants went on three trips in June.

One continuing negative trend is the increased vandalism and graffiti incidents in our parks. (Page 1 of the report) 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 continues to strain the staff's ability to perform ongoing parks maintenance as they are dealing with these incidents. We continue to work with the Banning Police Department to have an increased Police presence in our parks. In August, the installation of the pilot Park camera project will be completed in Repplier Park and we hope this along with increased positive activities will mitigate the negative activities in our parks so that the Community can enjoy the parks without safety concerns or aesthetic issues.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ATTACHMENTS:

1. Parks and Recreation Monthly Report of Activities through June 2023
<https://banningca.gov/DocumentCenter/View/13228/Jun-2023>

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 Manager

MEETING DATE: July 11, 2023

SUBJECT: Second Reading and Adoption of Ordinance 1594, An Ordinance of the City of Banning, California, Amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code Regarding the Regular Meeting Time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5)

RECOMMENDATION:

Conduct a second reading and adopt Ordinance 1594, an Ordinance of the City of Banning, California, amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code regarding the regular meeting time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5).

BACKGROUND:

On September 14, 2010, the City Council adopted Ordinance 1427, changing the Banning Planning Commission's regular meeting day to the first Wednesday of each month (while maintaining the current meeting start time of 6:30 p.m.). During the June 7, 2023 regular Planning Commission meeting, the Planning Commission and the Community Development Director determined that the Commission would be better served by a regular meeting start time of 5:30 p.m. rather than 6:30 p.m., pending the City Council's approval. The Planning Commission and staff are not recommending a change to the Commission's regular meeting day (e.g., first Wednesday of each month).

JUSTIFICATION:

The City of Banning is experiencing tremendous growth across all sectors of land use (i.e., residential, commercial, and industrial). Furthermore, Planning staff is also processing an update to both the General Plan Land Use and Circulation Elements as well as several Zoning Code amendments, all of which requires review, consideration, oversight, and action by the Commission.

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A recent Planning Commission regular meeting concluded at approximately 1:30 a.m. Because of this recent late meeting, the Community Development Director recommended that the Commission change the regular meeting start time from 6:30 p.m. to 5:00 p.m. or 5:30 p.m. After discussion and deliberation, the Commission determined that starting the Commission's regular meetings at 5:30 p.m. would better serve the Commission.

Analysis:

In order to effectuate the proposed change in the Planning Commission's regular meeting time, the Council must introduce and adopt an Ordinance amending Section 2.28.080 of the Banning Municipal Code. The attached proposed Ordinance 1594, if adopted, would amend Section 2.28.080 as follows:

“2.28.080 – Meeting times and places.

- A. The planning commission shall meet on the first Wednesday of each month at ~~6:30 p.m.~~ 5:30 p.m. at the city council chambers located at 99 E. Ramsey Street, or at such time and place as the commission may designate by resolution.
- B. Commissioners will attend special meetings as they arise.”

FISCAL IMPACT:

Staff anticipates the change to Commission's regular meeting start time will result in a cost savings as the Commission's regular meetings may potentially conclude earlier, reducing the amount of staff overtime that is accrued.

ATTACHMENTS:

1. Ordinance 1594
<https://banningca.gov/DocumentCenter/View/13281/1-Banning---Ordinance-1594-PC-Meeting-Date-and-Time>
2. Notice of Exemption (NOE)
<https://banningca.gov/DocumentCenter/View/13282/2-NOE>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: James Steffens, Acting Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-138, Approving the Professional Services Agreement with Cornerstone Development Company

RECOMMENDATION:

Staff recommends that Banning City Council adopt Resolution 2023-138:

1. Approving the Professional Services Agreement with Cornerstone Development Company in the amount of \$547,290.00 for services ending June 30, 2025.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.
3. Authorizing the City Manager to execute the Professional Services Agreement with Cornerstone Development Company.

BACKGROUND:

The City of Banning Electric Utility Department (BEU) staff currently administers an array of services including management of capital improvement and infrastructure projects related to the design and construction of electric power distribution systems. In addition to managing these projects, staff is also responsible for completing design review and inspections for various projects completed by BEU and the City's Public Works Department. To maintain an acceptable level service, BEU executed a three-year contract with two (2) one-year options to extend and a not to exceed amount of \$900,000 with Cornerstone Development Company. The City Council approved through Resolution 2020-110 in September 2020 for professional engineering services to assist with completing design engineering for the BEU's capital improvement program.

The scope of services requested will include but not be limited to project management, engineering and design, environmental review and permitting, assistance with procurement of materials and equipment, and engineering services during construction. The recommendation to extend the existing professional agreement was presented by staff to the Banning City Management and Finance staff and a case was made by BEU

to continue the working relationship with Cornerstone Development Company to assist with the completion of future projects for the BEU's capital improvement program. The existing Agreement has expired on June 30, 2023 with a remaining amount of \$547,290 and two (2) one year extensions available. Staff recommends approving a new Professional Services Agreement in the amount of \$547,290 with services ending June 30, 2025 which would allow services to continue.

JUSTIFICATION:

Cornerstone Development Company has proven to be a responsible contractor that has effectively and successfully provided professional design engineering services for the City's Electric Utility capital projects. It is essential that the City preserve this relationship for future projects that are administered by BEU.

In addition to being awarded BEU's professional services contract related to Resolution 2020-110, Cornerstone Development Company has served as the engineer for the Apple Fire restoration and has worked with BEU in the past as Tri-Pointe-Atwell's electric distribution consultant and is extremely familiar with BEU's design and construction standards thru this working relationship.

This Professional Services Agreement, if approved, will allow continued professional services necessary to complete projects for the City until June 30, 2025.

FISCAL IMPACT:

BEU funds within the Electric Fund are available amongst several projects, to include Capital projects and funds, and will be determined at the time of purchase order requisition for each specific project. Total costs over the initial three-year contract had a not exceed contract value of \$900,000. The current amount expended for this contract to date is \$352,710, and BEU does not intend to add additional funding to this contract at this time. The consultant will invoice the City on a monthly basis so long as funded contract tasks have been completed, with an itemized list of work performed, along with delivery of the specific work products.

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$347,290
2024/2025	\$200,000

ALTERNATIVES:

1. Adopt Resolution 2023-138 as recommended.
2. Adopt Resolution 2023-138 with modifications.
3. Do not approve Resolution 2023-138 and provide alternative direction to staff.

August 22, 2023

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ATTACHMENTS:

1. Resolution 2023-138

https://banningca.gov/DocumentCenter/View/13292/Att-1_Resolution-2023-138---New-PSA-Contract

2. Professional Services Agreement

https://banningca.gov/DocumentCenter/View/13293/Att-3_Reso-2023-138_C00888-CORNERSTONE-DEVELOPMENT-COMPANY

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
A'ja Wallace, Deputy Finance Director

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-141, Approving a Revision to the City's Classification and Compensation Plan

RECOMMENDATION:

Staff recommends City Council adopt Resolution 2023-141 amending the City's Classification and Compensation Plan

BACKGROUND:

It is necessary to amend the City's classification and compensation plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs.

Past City Resolutions have identified the necessity to maintain a current classification & compensation Plan which reflects the nature of work and organizational structure, that the plan is updated to reflect both market changes and appropriate compensation for work performed. City of Banning's bargaining units have been supportive of updated compensation & classification Plans to obtain objective salary information and job comparisons.

JUSTIFICATION:

Proposed changes to the Classification and Compensation plan include:

PLANNING

Approve and Re-fund the Building Official position (Job Code 3210) Range T84

Promotional opportunity for current Community Development staff contingent upon successful completion of License and Certification requirements within a specified determined timeframe. Additionally, the City anticipates a 10% decrease in hours billed by contracted Inspectors with the refunding of this position. The net cost is expected to be within current General Fund budget for FY 2023-24.

August 22, 2023

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CITY MANAGER

Update Public Information Officer (Job Code 1015) Range from T68 to Range T79

Update the current position range to market wage.

FISCAL IMPACT:

Proposed Base Wage Increase			
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference
Building Official/001/T84		\$106,354	\$106,354
Public Information Officer/001/T79	\$89,869	\$94,001	\$4,132
TOTAL GENERAL FUND IMPACT			\$110,486

ALTERNATIVES:

1. Adopt Resolution 2023-141 as recommended.
2. Adopt Resolution 2023-141 with modifications.
3. Do not approve Resolution 2023-141 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-141
<https://banningca.gov/DocumentCenter/View/13229/Attachment-1--Resolution-2023-141-Amendment-to-Classification-and-Compensation-Plan>
2. Current Teamsters Salary Schedule
<https://banningca.gov/DocumentCenter/View/13230/Attachment-2--Teamsters-Salary-Schedule>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Derek Thesier, Police Lieutenant/Acting Chief of Police
Brandon Smith, Police Lieutenant

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-142, Authorizing the Purchase of 50 Motorola APX NEXT Radios and Accessories in the Amount of \$466,927.48

RECOMMENDATION:

Staff recommend the City Council adopt Resolution 2023-142 authorizing the purchase of 50 Motorola APX NEXT portable radios and related accessories for use by the Banning Police Department.

BACKGROUND:

Currently the Banning Police Department utilizes the Motorola APX 7000 radios as its handheld portable radio. The APX 7000 is now a radio that is no longer serviceable by Motorola as the 8000 series and now APX NEXT have since replaced the 7000 series. The Banning Police Department tested and evaluated products from multiple vendors and determined that based on functionality, interoperability, and reliability, the Motorola APX NEXT radio is the optimal piece of equipment to fill the needs of the Banning Police Department, ensure enhanced officer safety for department members, and effectively respond to emergencies throughout the City of Banning and neighboring jurisdictions.

JUSTIFICATION:

The Banning Police Department is currently utilizing all its handheld radio resources and needs to be able to equip incoming personnel, as well as upgrade radio equipment to ensure all personnel are utilizing equipment that is able to be serviced should a problem occur. The purchase of Motorola APX NEXT portable radios will allow the Banning Police Department to fully equip staff members with the most up-to-date and technologically advanced radio equipment currently available. These radios will allow department members to utilize a piece of life-saving equipment that will enhance officer safety and allow uninterrupted communication between the Banning Police Department and allied agencies. The Motorola APX NEXT radios include features such as GPS location services so while officers are conducting their duties it is possible to locate officers and deploy

resources appropriately during emergency situations, including natural disasters such as wildfires. The APX Next radio is also LTE enabled so when a traditional radio loses the ability to communicate because it is out of range of radio towers, the APX NEXT LTE kicks in for uninterrupted service.

Radios are a key component for communication to officers who must have reliable communication with not only the Banning Police Department but to other agencies in the line of duty. Staff researched hardware and in evaluation of functionality and compatibility, determined that using the Motorola APX radios would be in the best interest of the City. Staff identified the availability of alternative radios and found similar products to have compatibility issues, less coverage, and were less reliable than using the Motorola radios. After careful consideration, Staff recommends a single source the Motorola APX NEXT portable radios.

FISCAL IMPACT:

The purchase of 50 Motorola APX NEXT radios and related accessories will require an amount not to exceed \$466,927.48, with multiple options for payment.

1. Motorola Solutions allows for a one-year deferred payment option, which would allow the City of Banning and Banning Police Department to seek grant funding during that year.
2. After the one-year deferred payment period if grant funding were not located to fund the entirety of the project, then the City of Banning would pay for any remaining balance of the purchase cost over three annual payments (including lease rate).
3. Three annual payments, beginning one-year after contract execution, in the amount of \$176,183.41 (includes lease rate of 6.28%).

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-142
<https://banningca.gov/DocumentCenter/View/13259/Att-1-Resolution-2023-142-Motorola-Handheld-Radios>
2. Sole Source Form
<https://banningca.gov/DocumentCenter/View/13256/Att-2-Sole-Source-Vendor-Form---Motorola>
3. Motorola Solutions Quote
<https://banningca.gov/DocumentCenter/View/13257/Att-3-QUOTE-2231276-350APXNext>

August 22, 2023

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4. Three-year payment option

https://banningca.gov/DocumentCenter/View/13258/Att-4-Banning_8723

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Derek Thesier, Police Lieutenant/Acting Chief of Police
Brandon Smith, Police Lieutenant

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-143, Authorizing the Purchase and Upfitting of Five New Police Vehicles

RECOMMENDATION:

Staff recommend the City Council adopt Resolution 2023-143 authorizing the purchase of five new police vehicles through National Auto Fleet Group under Sourcewell Contract 091521-NAF, or similar, and upfitting of vehicles using the same vendors as previous police vehicles.

BACKGROUND:

The Banning Police Department reached a previous agreement with the City of Banning to purchase five vehicles for the department each year. The Banning Police Department has attempted to upgrade its fleet of vehicles over the past year with a purchase of 12 police vehicles (7 patrol vehicles and 5 administration vehicles) utilizing General Fund dollars in 2022 and one police vehicle utilizing funds from a PACT Grant in 2023. These purchases allowed the department to slowly phase out aging Ford Crown Victorias from the patrol vehicle fleet that were costly to maintain due to the lack of part availability. The new administration vehicles allowed the Banning Police Department to redeploy appropriate administration vehicles to be utilized in the detective bureau to replace some of the ageing and high-mileage vehicles. The Banning Police Department seeks to continue the upgrade of fleet vehicles for officer safety and maintenance cost reasons.

JUSTIFICATION:

The purchase of five new police vehicles will allow the Banning Police Department to replace three vehicles on patrol, including the Homeless Liaison Officer (HLO) vehicle. Currently the HLO utilizes an aging Crown Victoria that would be replaced with a new Ford F150 Police Responder truck. The Crown Victoria (which is unmarked) would be utilized as a transport vehicle for the Banning Police Department's Community Service Officer while assisting with jail transports to prolong the use of the vehicle by keeping it local with fewer miles driven. The newly purchased truck would allow the HLO to be more

proactive in the dismantling of unauthorized encampments and the removal of unsightly residential trash receptacles and shopping carts from public view. Two other new Ford F150 Police Responders will be utilized on patrol and with their 4x4 capabilities they will enable officers to respond effectively to natural disasters in areas on both the north and south ends of the city, where 4x4 is needed to access and provide service. The remaining two vehicles will be utilized in the Detective Bureau to replace vehicles with over 100,000 miles. One will be an additional Ford F150 Police Responder truck that will be utilized as a detective's assigned vehicle as well as an additional resource for the department's drone program and secondary equipment vehicle for the response to emergency situations. The configuration of the detective bureau F150 would allow computers used for drone deployment and other electronic equipment needed at major incidents to be plugged into power during deployments. The remaining vehicle will be an assigned vehicle to replace a vehicle in service with over 100,000 miles.

The purchase of these five vehicles will enhance the safety of officers by taking officers out of ageing and high-mileage vehicles, allow officers to more effectively service the citizens of the community by keeping department vehicles in-service and out of the repair shop, and help reduce the costs of maintaining aging vehicles (by mileage and year).

FISCAL IMPACT:

The purchase of five new police vehicles will utilize \$265,965 from the General Fund dollars. The upfitting of five new police vehicles will utilize \$184,332 from the General Fund. The total impact to the General Fund will not exceed \$450,297.

Available funds in Capital Expenditures/Vehicles account is \$228,845.27. Staff are requesting the balance to cover purchase and upfitting not to exceed \$221,452 from the General Fund.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-143
<https://banningca.gov/DocumentCenter/View/13264/Att-1-Resolution-2023-143-Vehicle-Purchase>
2. National Auto Fleet Group quotes for five vehicles
<https://banningca.gov/DocumentCenter/View/13265/Att-2-National-Auto-Fleet-Group-Quote>
3. Motorola Solutions Quote (unit radios)
<https://banningca.gov/DocumentCenter/View/13266/Att-3-Motorola-Quote>
4. Grafix Systems Quote (unit graphics)
<https://banningca.gov/DocumentCenter/View/13260/Att-4-Grafix-Quote>

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5. Midnight Window Tint quote (unit window tinting)
<https://banningca.gov/DocumentCenter/View/13261/Att-5-Tint-Invoice>
6. Golden Star Technology quote (unit Getac computer equipment)
<https://banningca.gov/DocumentCenter/View/13262/Att-6-Golden-Star-Technology-Quote>
7. Innovative Emergency Equipment quotes (unit police equipment)
<https://banningca.gov/DocumentCenter/View/13263/Att-7-Innovatice-Emergency-Equipment-Quotes>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
A'ja Wallace, Deputy Finance Director

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-144, Approving a Five-Year Contract Term (C00886) for Billing and Cost Recovery Services provided by Wittman Enterprises, LLC.

RECOMMENDATION:

City staff recommend City Council adopt Resolution 2023-144:

1. Authorizing the City Manager to execute a five-year contract term with Wittman Enterprises, LLC for billing and cost recovery services that pertain to first responder (EMS/Fire) medical billing fees. Additionally, increase appropriation to cover services for a total five year contract amount not to exceed Three Hundred and Forty-Eight Thousand Dollars \$348,000.
2. Authorizing the City Manager or designee to make non-substantive changes to contract language and enact necessary budget adjustments, appropriations and transfers related to the contract (C00886).

BACKGROUND:

On May 26, 2020, the City Council approved the contract and adopted Resolution 2020-39 to begin services with Wittman Enterprises, LLC. The emergency medical services billing program fee is paid for by the client/resident's insurance. Insurance will be billed directly whenever possible. If insurance information isn't available, the statement will clearly indicate that the bill should be submitted to insurance for payment. The City also approved a Write-Off Policy (Under section 3. Of Resolution 2020-39) which states The City accepts insurance payments as payment in full. All patients will receive a maximum of four insurance information request notices. Accounts that have had no activity for 90 days will be deemed uncollectable at that time and will be written off. Any patient without insurance is deemed eligible for a financial hardship waiver; the City will write the account off. All other billing aspects shall comply with State and Federal law.

JUSTIFICATION:

Wittman Enterprises, LLC has submitted a proposal to review for the five-year contract request for FY 2023-24 to FY 2027-28. The revenue received has increased year over year since adoption in 2020:

Year	Count	Charges	Payments	Billing Fees
2020	1,562	\$624,000	\$14,900	\$23,430
2021	3,618	\$1,447,200	\$79,165	\$54,270
2022	4,045	\$1,618,000	\$119,133	\$61,686

FISCAL IMPACT:

Wittman Enterprises LLC will charge a \$17.00/incident fee in the first two years of the contract to the city to administer the program. \$17.50/incident fee in years three and four of the contract. And \$18.00/incident fee in year five. The assumed incident fee is based on an average of 4000 processed incidents per year.

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$68,000
2024/2025	\$68,000
2025/2026	\$70,000
2026/2027	\$70,000
2027/2028	\$72,000

ALTERNATIVES:

1. Adopt Resolution 2023-144 as recommended.
2. Adopt Resolution 2023-144 with modifications.
3. Do not approve Resolution 2023-144 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-144
<https://banningca.gov/DocumentCenter/View/13234/Attachment-1-RESOLUTION-2023-144>
2. Exhibit A-Professional Services Agreement (C00886) with Wittman Enterprises, LLC
<https://banningca.gov/DocumentCenter/View/13231/Attachment-2-C00886-PSA---Wittman---Cost-Recovery-First-Responder-Medical-Billing-Fees>
3. Wittman Enterprises, LLC Technical Proposal
<https://banningca.gov/DocumentCenter/View/13232/Attachment-3-Wittman-Enterprises-LLC-Technical-Proposal>
4. Sole Source Justification-Wittman Enterprises, LLC
<https://banningca.gov/DocumentCenter/View/13233/Attachment-4-Sole-Source-Vendor-Form-Wittman-Enterprises-LLC---signed>

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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: Lincoln Bogard, Administrative Services Director

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-145, Approving the Bundling of NEOGOV Modules to Obtain Renewal Alignment

RECOMMENDATION:

City staff recommend City Council adopt Resolution 2023-145 to authorize the City Manager to bundle all current NEOGOV software service modules for ease of software management to include service periods and renewal dates. The modules to bundle with the new NEOGOV HRIS software are eForms, Governmentjobs.com, Insight, and Onboard to include as part of the-to-end Human Resources and Payroll solution. Bundling the module will cost \$26,325.47 for FY2024 and a total not to exceed \$82,991.04 through June 30, 2026.

BACKGROUND:

On July 12, 2022, the City of Banning adopted Resolution 2022-100, approving the implementation of NEOGOV for HR employee recruitment, hiring, and onboarding modules (Governmentjobs.com, Insight, eforms, and Onboard), in the amount of \$25,000. These modules facilitate the processes for job postings, notifications, visibility, and electronic applications. In addition, job applicants can self-initiate processes and track statuses automating the processing and reducing staff allocations for these tasks.

On Marcy 28, 2023, the City of Banning adopted Resolution 2023-54, approving the implementation of NEOGOV HRIS, Human Resources and Payroll for Governments. The modules seamlessly integrate with the HRIS software. Staff have reviewed and recommend bundling the eForms, Governmentjobs.com, Insight, and Onboard with the HRIS software.

JUSTIFICATION:

There are several reasons why staff have determined to expand our relationship with NEOGOV. NEOGOV has a much longer history and has offered not-for-profit solutions for many years. Governmental accounting is extremely similar to not-for-profit accounting;

there are similar funds and fund types and for accounting purposes staff were comfortable with the system capabilities.

The software modules (Governmentjobs.com, Insight, eForms, and Onboard) continue to provide solutions to efficiently attract and hire high quality candidates while maintaining compliance with reporting.

FISCAL IMPACT:

The total cost to bundle these modules with the HRIS is \$26,325.47 for FY 2023-24. This is separate from the previously approved HRIS maintenance cost of \$56,666.00. The invoice total for FY 2023-24 is \$82,108.47 including all modules. The total not to exceed price for the maintenance costs for the modules approved by Resolution 2022-100 is \$82,992 over the three (3) year period ending FY 2025-26. Staff used an assumption of a five percent (5%) escalator per year.

<u>Year</u>	<u>Estimated Amount</u>
2023-2024	\$26,326
2024-2025	\$27,642
2025-2026	\$29,024

ALTERNATIVES:

1. Adopt Resolution 2023-145 as recommended.
2. Adopt Resolution 2023-145 with modifications.
3. Do not approve Resolution 2023-145 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-145
<https://banningca.gov/DocumentCenter/View/13235/Att-1-Resolution-2023-145-NeoGov-bundle>
2. NEOGOV Bundled Services HRIS Module Cost
<https://banningca.gov/DocumentCenter/View/13236/Att-2-NeoGov-Invoice>

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
Lincoln Bogard, Director of Administrative Services

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-146, Approving a Five (5) Year Master Services Agreement with OpenGov, Inc. for software services platform modules (SaaS): Budgeting & Transparency, Procurement, and Cartegraph Asset Management for a total not-to-exceed amount of \$546,671

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Resolution 2023-146, authorizing a Master Services Agreement with OpenGov for software service modules: Budgeting & Transparency, Procurement, and Cartegraph Asset Management for a five (5) year term with a not-to-exceed amount of \$546,671.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Amendment with OpenGov, Inc.
3. Authorize the City Manager or designee to make non-substantive contract changes and execute the Master Services Agreement with OpenGov, Inc.

BACKGROUND:

The City of Banning has been utilizing the Cartegraph Software package in limited capacities dating back to 2014. The primary use has been to catalogue right-of-way assets (e.g. signs, curbs/gutters, sidewalks, and streets) including pavement conditions for a previous condition assessment study to assist in the determination of roadway segments to include in annual paving projects.

The City last renewed the software license on November 9, 2022, for use of the transportation module through December 14, 2023. OpenGov acquired Cartegraph and has continued to fulfill the software agreement formally under Cartegraph.

On February 12, 2019, the City approved Resolution 2019-15 approving the Budgeting & Transparency module. The Budgeting & Transparency module continues to be utilized by all Departments in preparing budgeting documents and promoting transparency.

In August 2022, the City began a one-year trial with the OpenGov Procurement module to facilitate the formal bid procurements required by Public Contract Code and other State requirements.

JUSTIFICATION:

The expanded use of the Cartegraph Asset Management software suite will allow the City to better track assets and work orders completed by City staff and vendors. A brief description of each module is included below:

- Transportation: Pavement, Signs, Markings, Supports, Light Fixtures,
- Guardrails / Walkability: ADA Ramps, Sidewalks, Trees
- Facilities: Facilities, Facility Systems, HVAC, Equipment, and more
- Stormwater: Pipes, inlets, outlets, basins, channels, culverts, manholes
- Capital Prediction: Estimate useful life remaining, predictive replacement schedules, predictive funding scenarios

The additional asset groupings will allow the City to prepare capital projects and programs, track stormwater items for Regional Water Quality Control Board anticipated requirements, track ADA compliance requirements, provide data on staffing and material needs, enhanced tracking of work orders and work history.

Additional services related to asset collection are included within the annual paving project (R/W assets) and capital projects (facilities). These contracts will be brought to council as separate actions after an RFP process is completed.

This proposal does not include water/wastewater assets. These assets are currently tracked in detail in another City software (Nobel Systems). After successful implementation and adoption, Cartegraph does have modules for water, wastewater, and water treatment that will be evaluated and considered for future inclusion.

The City recently approved a new ERP System, Oracle NetSuite for Governments. During the ERP selection process, other budgeting modules were reviewed and found that OpenGov budgeting module will connect seamlessly to NetSuite via the API feature. The OpenGov module continues to be the best value for the City.

After the one-year trial period, Staff have found that the OpenGov procurement module has more than met the criteria needed for a hearty bid platform, including excellent customer service, and continues to make process improvements to the software. Additionally, there was a significant cost savings over the prior bid platform.

FISCAL IMPACT:

The software is currently budgeted in Fund 705 – Support Services.

The total agreement is for a five 5-year term with a cost breakdown as listed below. The term for each year begins on December 14th, with the first year being pro-rated to the last renewal date of December 14, 2022.

<u>Year</u>	<u>Estimated Amount</u>
2023-2024	\$140,422
2024-2025	\$ 96,369
2025-2026	\$ 99,269
2026-2027	\$103,240
2027-2028	\$107,371

This Amendment would provide a pro-rated credit on the remaining term of the previous renewal, and a prorated annual fee through the contract renewal date of December 14, 2023. In Years 2-5, the Annual Software Fee would be due annually on Dec. 14th.

ALTERNATIVES:

1. Adopt Resolution 2023-146 as recommended.
2. Adopt Resolution 2023-146 with modifications.
3. Do not approve Resolution 2023-146 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-146
<https://banningca.gov/DocumentCenter/View/13277/Attachment-1---Reso-2023-146-OpenGov>
2. Master Services Agreement between the City of Banning and OpenGov, Inc.
<https://banningca.gov/DocumentCenter/View/13275/Attachment-2---Exhibit-A---OpenGov-Agreement>
3. Resolution 2019-015
<https://banningca.gov/DocumentCenter/View/13276/Attachment-3---Resolution-2019-15>

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: August 22, 2023
SUBJECT: Acceptance of Donations for Stagecoach Days 2023

RECOMMENDATION:

Staff recommends City Council accept donations provided for Stagecoach Days 2023.

BACKGROUND:

On June 13, 2023, the City Council authorized the City Manager to engage in a partnership with the Banning Chamber of Commerce to host Stagecoach Days in 2023. The City committed to pursuing donations to help cover the cost of this event. The City anticipates additional donations along with revenue created from parking fees and general admission.

JUSTIFICATION:

Per policy B-27 all donations over \$1,000 are to be presented to Council to be approved. To date the City has received the following donations:

- Estes Trucking \$5,000
- First Industrial \$2,500
- Sansome Group \$5,000
- Willdan Group \$2,500

FISCAL IMPACT:

With the receipt of the current donations, the expense of supporting Stagecoach Days 2023 reduced to \$22,500.

ALTERNATIVES:

1. Approve the receipt of the listed donations.
2. Do not approve the receipt of the listed donations and provide alternative direction to staff.

August 22, 2023

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ATTACHMENTS:

1. Policy B-27

<https://banningca.gov/DocumentCenter/View/13278/B-27>

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: August 22, 2023

SUBJECT: Consideration of Resolution 2023-147 Authorizing the Submission of an Application for Grant Funds for the Community Resilience Centers Program from the California Strategic Growth Council and Authorizing the Execution of Application-Related Documents by the City Manager

RECOMMENDATION:

Staff recommends City Council authorize the submission of an application for grant funds for the Community Resilience Centers Program from the California Strategic Growth Council and authorize the execution of application-related documents by the City Manager or his designee.

BACKGROUND:

The Grant purpose is to provide funding for the planning, pre-development, new construction and upgrades of existing neighborhood-level Community Resilience Centers. The Centers may be used for various community programs and events but should also provide shelter and resources during climate and other emergencies such as extreme heat events and poor air quality days. Funding may also be requested for ongoing year-round community services and programs (such as food distribution and workforce development training) that build overall community resilience.

JUSTIFICATION:

Grant funding will provide for project development activities to conduct outreach and design to retrofit the former California Army National Guard Armory building at 2041 W. Nicolet Street to be a Community Resilience Center and Emergency Operations Center. The Armory will provide shelter in times of emergency or natural hazards as well as year-round community programs.

Project Scope includes:

- Hiring a consultant to facilitate community outreach activities, conduct a facility condition assessment, and develop project plans, specifications, and estimates.
- Electric infrastructure upgrades

Additional grant details:

- This grant program has three different grant categories – Planning, Project Development, and Implementation
 - Banning's application will be for Project Development
- Available Funding in Project Development category - \$9.6 million
- Maximum Funding per application - \$500,000 - \$5 million
- Banning is identified as a Priority Community for funding based on median household income and census tracts identified as disadvantaged by CalEnviroscreen.
- Anticipated award date December 2023
- Applicants must demonstrate involvement of community-based organizations and residents in all phases of the proposed project (project selection/development, design, implementation, evaluation).
 - Each application must include a Collaborative Stakeholder Structure (CSS) which formalizes localized partnerships to ensure consistent buy-in and support in the community. The CSS partnership will be documented in a Partnership Agreement and must include residents and community-nominated members from community-based organizations.
 - Potential community participants in the Community Stakeholder Structure/Project Advisory Committee include:
 - Banning Unified School District
 - Chamber of Commerce
 - Rotary Club
 - Faith in Action
 - Community Action Partnership
 - Riverside County Office of Aging
 - Riverside County Office of Emergency Management

FISCAL IMPACT:

The estimated grant request is \$1.15 million. No match is required.

ALTERNATIVES:

1. Adopt Resolution 2023-147 as recommended.
2. Adopt Resolution 2023-147 with modifications.
3. Do not approve Resolution 2023-147 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-147
<https://banningca.gov/DocumentCenter/View/13271/Resolution-2023-147-Authorization-to-Apply-for-Armory-Grantdotx>
2. CRC Fact Sheet
<https://banningca.gov/DocumentCenter/View/13270/20220721-CRC-Fact-Sheet>

August 22, 2023

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Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze".

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Derek Thesier, Police Lieutenant/Acting Chief of Police
Brandon Smith, Police Lieutenant

MEETING DATE: August 22, 2023

SUBJECT: Acceptance of a 2023 Evolution Forester Series Golf Cart from Cali's Finest Golf Carts

RECOMMENDATION:

Recommend the City Council approve the acceptance and use of a 2023 Evolution Series Golf Cart donated to the Banning Police Department by Cali's Finest Golf Carts.

BACKGROUND:

The Banning Police Department was contacted by representatives of a local City of Banning business, Cali's Finest Golf Carts, who requested to donate a new golf cart to the Banning Police Department for use. Cali's Finest Golf Carts fully equipped a new 2023 Evolution Forester Series Golf Cart for use by the Banning Police Department.

JUSTIFICATION:

The Banning Police Department will utilize this donated golf cart at local community events such as Concerts in the Park and the Banning Stagecoach Days Parade and Rodeo. The golf cart will also be utilized at community outreach events where Banning Police Department members are present and other public interactions where the use of a golf cart is appropriate.

FISCAL IMPACT:

No upfront costs to the City of Banning. Routine maintenance will be the only cost associated with the golf cart.

ALTERNATIVES:

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

August 22, 2023

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ATTACHMENTS:

None

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: August 22, 2023

SUBJECT: Consideration of Resolution 2023-149, Approving the Professional Services Agreement with Innovative Federal Strategies, LLC to Provide Federal Legislative Advocacy and Government Affair Services for a Term of Two (2) Years Ending June 30, 2025

RECOMMENDATION:

City Council adopt Resolution 2023-149, approving the Professional Services Agreement with Innovative Federal Strategies, LLC for Federal Legislative Advocacy and Government Affairs Services; and Authorize the City Manager to execute a Professional Service Agreement with Innovative Strategies, LLC in the form that is approved by the City Attorney; and authorize the Administrative Services Director to make, if necessary, appropriations and budget adjustments for FY2024 and FY2025.

BACKGROUND:

Over the course of the last ten (10) years, the City has approved and utilized the federal legislative advocacy services provided by Innovative Federal Strategies, LLC. Innovative Federal Strategies has assisted with several complex projects and continues to be integral to the process of the airport closure.

JUSTIFICATION:

The primary focus of a Federal Legislative Advocate is to assist the City with improving its efforts to influence legislation, applying for and receive competitive grants and other discretionary funding available to the City.

FISCAL IMPACT:

Funding for these services will be paid from the General Fund. The total fee for services to be provided is \$4,500/month +\$1,500 travel expenses for a total of \$55,500 in FY2024 and \$4,750/month +\$1,500 travel expense for a total of \$58,500 in FY2025.

August 22, 2023

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<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$55,500
2024/2025	\$58,500

ALTERNATIVES:

1. Adopt Resolution 2023-149 as recommended.
2. Adopt Resolution 2023-149 with modifications.
3. Do not approve Resolution 2023-149 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-149
<https://banningca.gov/DocumentCenter/View/13274/Att-1-Resolution-2023-149-Innovative-Federal-Strategies>
2. Draft Professional Services Agreement
<https://banningca.gov/DocumentCenter/View/13272/Att-2-C00884---Innovative-Federal-Strategies-PSA-Federal-Legislative-Advocacy>
3. Approved Sole Source
<https://banningca.gov/DocumentCenter/View/13273/Att-3-Sole-Source-Vendor-Form---With-Additional-Pages>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: August 22, 2023
SUBJECT: Stagecoach Days Budget Approval

RECOMMENDATION:

A motion to approve the 2023 Budget for Stagecoach Days Celebration.

BACKGROUND:

On June 13, 2023, the City Council authorized the City Manager to engage in a partnership with the Banning Chamber of Commerce to host Stagecoach Days in 2023. Following City Council authority, the Stagecoach Days Committee, which had previously its intention to take a one-year break from hosting the event, decided to host the Stagecoach Days rodeo in 2023. Based on Professional Rodeo Cowboy Association (PRCA) policy, the City's rodeo application could not be approved unless Stagecoach Days Association released the rodeo. The Stagecoach Days Committee refused to release the rodeo.

For 2023, the City of Banning and Banning Chamber of Commerce will be responsible for the following activities:

Expenses	
Stagecoach Days Parade	3,500
Kids' Zone	15,000
Friday Concert	17,750
Saturday Concert	12,250
Bleach Rental	18,000
Event Insurance	8,000
½ Portable Toilet Rental	7,500
Stagecoach Days Sponsorship	12,500
Event Security	5,000
Miscellaneous (banners, posters, etc).	15,000
TOTAL	115,500

Revenues

Sponsorships	40,000
Parking Fees	25,000
General Admission	20,000
City Contribution	30,500
TOTAL	115,500

FISCAL IMPACT:

Expected revenues are sufficient to cover expenses.

ATTACHMENTS:

None

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: August 22, 2023

SUBJECT: Consideration of Resolution 2023-150, Approving the Purchase of a New 2023 Case Equipment 621G Z-Bar Wheel Loader for Public Works Department Streets Division in the Amount of \$256,834, Including a 10% contingency in the Amount of \$25,683 to Cover Unforeseen Surcharges

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2023-150:

1. Approving the purchase of a new 2023 621G Z-Bar Wheel Loader with 4-in-1 Bucket attachment from Sonsray Machinery in the amount of \$256,834.
2. Approving a 10% contingency in the amount of \$25,683 to cover unforeseen costs related to surcharges.
3. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the purchase.

BACKGROUND:

The Street Division currently operates several work trucks, trailers and equipment such as, tractor, motor grader, dump truck, etc. As part of its current Fleet, the Street Division operates Unit 619 which is a 2003, 521D Front Wheeled Loader. This loader is vital to the success of the operations of the Street Division and is used on a weekly, if not daily, basis for moving materials such as down trees, branches, trash, rocks, asphalt, mulch, illegal dumping debris and storm cleanup.

Unit 619 has approximately 12,937 hours and has damage to its cab / Roll Over Protection System (ROPS). In order to replace the ROPS, it would require over \$65,000 in replacement costs and the ROPS integrity would not be eligible for re-certification. In consideration of this, along with the equipment being 20 years old and nearing replacement due to the AQMD In-use off-road diesel-fueled fleets regulation compliance requirements, staff recommends the purchase of a new loader in lieu of repair. In its current condition, the estimated value of Unit 619 is approximately \$22,000.

Staff has identified the availability of a new 2023 Case Equipment 621G Z-Bar Wheel Loader from Sonsray Machinery through Sourcewell Contract Number 032119, valid through May 13, 2024. 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 bid 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 2023 Case Equipment 621G Z-Bar Wheel Loader is necessary in order to maintain safe and reliable Street Division operations.

FISCAL IMPACT:

The purchase price of a 2023 621G Z-Bar Wheel Loader is \$256,834. The expense is included as part of the approved fiscal year 2023/2024 budget and will be funded by Account 100-4900-431.90-56 (\$150,000) and Account 690-9600-453.90-56 (\$132,517.40) inclusive of a 10% contingency for a total budget of \$282,517.40.

ALTERNATIVES:

1. Adopt Resolution 2023-150 as recommended.
2. Adopt Resolution 2023-150 with modifications.
3. Do not approve Resolution 2023-150 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-150
https://banningca.gov/DocumentCenter/View/13238/Attachment-1_Resolution-2023-150
2. Sonsary Machinery Quote
https://banningca.gov/DocumentCenter/View/13237/Attachment-2_REVISED-PROPOSAL-CITY-OF-BANNING-w-SOURCEWELL

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
Kevin Sin, Senior Civil Engineer

MEETING DATE: August 22, 2023

SUBJECT: Accept the Easements from Tri Pointe Homes for Public Park Access and Storm Drain Purposes and Quitclaim the Public Park Access Easement for Tract Map No. 37389-3 within the Atwell Development

RECOMMENDATION:

That City Council:

1. Accept an easement from Tri Pointe Homes for public park vehicle access purposes for Tract Map No. 37389-3 (PA 29) within the Atwell Development.
2. Accept an easement from Tri Pointe Homes for public storm drain purposes for Tract Map No. 37389-3 (PA 29) within the Atwell Development.
3. Quitclaim an easement for public access, park and vehicle parking to Tri Pointe Homes as indicated on the recorded Tract Map No. 37389-3 (PA 29) within the Atwell Development.

BACKGROUND:

Final Tract Map No. 37389-3 within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2022-122 on September 13, 2022. Tract Map No. 37389-3 subdivided into 94 numbered lots and 15 lettered lots for street and public utility purposes, open space and a park on 26.32 acres of land.

Due to design changes within Tract No. 37389-3, a lot line adjustment within the public park and private recreation area was processed and recorded on June 2, 2023 as Document #2023-0157668. With the lot line adjustment between the public park area and the private recreation area, the old easement for access, park and vehicle parking as indicated on the recorded Tract Map No. 37389-3 needs to be removed and rededicated to match up with the new lot lines. The new access, park and vehicle parking easement will be dedicated and the old access, park and vehicle parking easement be quitclaimed.

August 22, 2023

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

The public storm drain easement is within Lot 'J' of the recorded Tract Map No. 37389-3 (or Parcel 'B' of the new lot line adjustment) to cover and for the maintenance and access of the public storm drain infrastructure at the southeast corner of the park fronting Lilac Place.

JUSTIFICATION:

It is necessary to obtain the easements in order for the City to provide vehicle parking and access to the park, and to provide maintenance for the public storm drain infrastructure.

FISCAL IMPACT:

There is no fiscal impact associated with the acceptance of the two easements and the quitclaim of an easement.

ALTERNATIVE:

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

ATTACHMENTS:

1. Easement – Access, Park and Vehicle Parking and Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/13240/Attachment-1---PA-29-Park-Public-Access-and-Veh-Parking-Easement>
2. Easement – Public Storm Drain and Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/13241/Attachment-2---PA-29-Park-Public-SD-Easement>
3. Easement Quitclaim for Access, Park and Vehicle Parking
<https://banningca.gov/DocumentCenter/View/13239/Attachment-3---PA-29-Park-Public-Access-and-Veh-Parking-Quitclaim>

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: August 22, 2023

SUBJECT: Consideration of Resolution 2023-152, Approving a Professional Services Agreement in the amount of \$27,100 with Rincon Consultants, Inc. for Continued Supportive Services Associated with the 6th Regional Housing Needs Assessment (RHNA) Cycle Housing Element

RECOMMENDATION:

Staff recommend City Council adopt Resolution 2023-152:

1. Approving a Professional Services Agreement in the amount of \$27,100 with Rincon Consultants, Inc. for continued supportive services associated with the 6th RHNA Cycle Housing Element.
2. Authorizing the City Manager or designee to make the necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.
3. Authorizing the City Manager to execute the Professional Services Agreement with Rincon Consultants, Inc.

BACKGROUND:

The City Council adopted Resolution 2021-109, certifying the Draft 6th RHNA Cycle Housing Element Update based upon a provisional letter from the State of California Department of Housing Community Development (HCD). Subsequent from Council adoption, HCD staff issued a supplemental letter with multiple comments and requested changes. However, Resolution 2021-109 did not authorize staff to make changes to the Housing Element to obtain HCD certification without returning to the Council. HCD recommends that future resolutions included such authority language in their resolutions.

As such, City staff is required to go back to City Council, and possibly the Planning Commission unless the changes would be considered a "substantial modification." (Gov. Code, § 65356(a).) If the changes are minimal, subsequent Planning Commission is not required unless future updates are considered substantial.

August 22, 2023

Page 2 of 2

JUSTIFICATION:

Emergency Consulting Services – Due to the urgent need, and the Consultant's knowledge and experience with the current Housing Element Update, a request for Sole Sourced Contracting is being requested in accordance with Purchasing Policy B-30 Section 11-101. This procurement requests the technical consulting services of an immediate nature. The City received a compliance demand from HCD, dated July 20, 2023, while the City has been in the middle of negotiating and responding timely to HCD since January, 2023. Rincon Consulting, Inc. has served as the City's Housing Element Consultant since October 27, 2020 and continues to provide exemplary service to the City.

FISCAL IMPACT:

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$27,100

ALTERNATIVES:

1. Adopt Resolution 2023-152 as recommended.
2. Adopt Resolution 2023-152 with modifications.
3. Do not approve Resolution 2023-152 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-152
<https://banningca.gov/DocumentCenter/View/13249/01-Resolution-2023-152>
2. Rincon Consultants, Inc. Scope of Services
<https://banningca.gov/DocumentCenter/View/13246/02-Rincon-Consultants-Inc-Scope-of-Services>
3. Sole Source Justification
<https://banningca.gov/DocumentCenter/View/13247/03-Sole-Source-Justification>
4. Housing Element Compliance Letter (July 20, 2023)
<https://banningca.gov/DocumentCenter/View/13248/04-Housing-Element-Compliance-Letter-July-20-2023>
5. *Draft* Professional Services Agreement with Rincon Consultants, Inc.
<https://banningca.gov/DocumentCenter/View/13299/05-PSA-Rincon---Housing-Element>

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: August 22, 2023

SUBJECT: Ground Lease Agreement - Stagecoach Days Overflow Parking

RECOMMENDATION:

Staff recommends Council authorize the City Manager to execute the Ground Lease Agreement with Diversified Pacific Development Group, LLC, for overflow parking during Stagecoach Days 2023.

BACKGROUND:

The City of Banning has entered into ground lease agreements with Diversified Pacific Development Group for several years to accommodate overflow parking during Stagecoach Days. The Agreement allows the City to use land owned by Diversified Pacific for a nominal fee of \$1.00. No changes have been made to the Agreement, except dates have been updated for 2023.

JUSTIFICATION:

Parking at Dysart Park is not sufficient to accommodate parking needs during Stagecoach Days. The Diversified Pacific property is immediately adjacent to the parking lot at Dysart Park and rent charged is a nominal fee. Without the Agreement, off-site parking and shuttle buses would be required.

FISCAL IMPACT:

None

ALTERNATIVES:

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

August 22, 2023

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

ATTACHMENTS:

1. Ground Lease Agreement

<https://banningca.gov/DocumentCenter/View/13285/RSG---2023-Ground-Lease-Agreement>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: James Steffens, Acting Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: August 22, 2023

SUBJECT: Public Hearing and Consideration of Resolution 2023-140,
Adopting the 2023 Banning Electric Utility Wildfire Mitigation
Plan

RECOMMENDATION:

Staff recommends that the Banning City Council approve Resolution 2023-140 adopting Banning Electric Utility's ("Utility") attached 2023 Wildfire Mitigation Plan ("WMP").

BACKGROUND:

In 2018, the California Public Utilities Commission (CPUC) completed the development of the statewide Fire Threat Map that designates areas of the state at an elevated risk of electric line-ignited wildfires. This updated map incorporated historical fire data, fire-behavior modeling, and assessments of fuel, weather modeling, and a host of other factors. The map development and approval process involved detailed review by the relevant utility staff and local fire officials, a peer review process, and ultimate approval by a team of technical experts led by CAL Fire.

The CPUC's Fire Threat Map includes three Tiers/Levels of fire threat risk. Tier 1 consists of areas that have the lowest hazards and risks. Tier 2 consists of areas where there is an *elevated risk* for destructive electric line-ignited wildfires. Finally, Tier 3 consists of areas where there is an *extreme risk* for destructive electric line-ignited wildfires.

In 2018, Governor Brown signed SB 901 (stats. 2018), which addressed a wide range of issues relating to wildfire prevention, response, and recovery. SB 901 substantially revised the Public Utilities Code Section 8387, eliminating the prior process established by SB 1028 and instead mandated all POUs (regardless of size or wildfire risk) develop a wildfire mitigation plan. SB 901 requires that POUs present their WMP at an appropriately noticed public meeting and receive public comment every year. The POU must also verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards.

Another Senate Bill, SB 1054, requires that all POUs must submit their wildfire prevention and mitigation plans updates to the California Wildfire Safety Advisory Board (WSAB) in each year. WSAB will then review the POU plans and will provide comments and advisory opinions on the content and sufficiency of the plan. The members of the board must be selected from industry experts, academics, and people with labor and workforce safety experience. At least three members must be experienced in the safe operation, design, and engineering of electrical infrastructure.

JUSTIFICATION:

The City of Banning Electric Utility is required to meet the requirements of SB 901 by presenting the 2023 update of the WMP at an appropriately noticed public meeting and receive public comment.

FISCAL IMPACT:

There are no fiscal impacts to updating and resubmitting the Utility's Wildfire Mitigation Plan. The costs of implementation are unknown and dependent upon the degree of fire mitigation efforts needed to protect residents and property throughout the service territory.

ATTACHMENTS:

1. Resolution 2023-140
https://banningca.gov/DocumentCenter/View/13283/Att-1_Resolution---BEU-WMP-2023
2. 2023 Banning Electric Utility Wildfire Mitigation Plan
https://banningca.gov/DocumentCenter/View/13286/Att-2_BEU-2023-Wildfire-Mitigation-Plan
3. Proof of Publication
<https://banningca.gov/DocumentCenter/View/13284/Att-3-Proof-of-Publication>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jim Steffens, Acting Electric Utility Director
Carla Young, Business Support Manager

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-137, Approving a Contract with SATEC, Inc. Providing for the Payment of Previously Contracted Implementation of Expert Power and a Software as a Service (SaaS) Agreement for Continued Annual Maintenance Support for Five Years in a Not-to-Exceed Amount of \$432,310

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2023-137 approving the contract for payment for the previously contracted implementation and the future completion of the implementation of Expert Power with a remaining implementation contract balance of \$67,435 for a total not-to-exceed amount of \$432,310.

Staff also recommends the City Council approve the SaaS agreement with SATEC, Inc. for Expert Power continued annual maintenance support providing data analytics and cloud services.

Authorize the City Manager, or designee, to execute all related agreements between the City and SATEC, Inc. and to make non-substantive changes to the scope of the agreement and any necessary budget transfers and accounting entries.

BACKGROUND:

In June of 2016, City staff presented and discussed, and the City Council adopted, Resolution 2016-29 for \$2,350,000, authorizing software modifications and the purchase of meters and lock rings for implementation of a "Smart Grid Project." The staff report provided background and justification for the automated meter reading project, including improved customer service, real-time data, rate design and development, theft and outage detection, and remote connection and disconnection of electrical energy services.

To date, the implementation of the AMI project is complete, but there are meter communication problems. The issue is related to another product by Itron and Itron is addressing those problems. The issue does not fall under the parameters of the SATEC

product. Staff have been replacing the meters in conjunction with customers' billing cycles for ease of billing.

In October of 2018, City staff presented and discussed, and the City Council adopted, Resolution 2018-129 authorizing the Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI) phase of the "Smart Grid Project" in the amount of \$450,000. With the approval of this phase, staff began negotiation of the Master Sales Agreement and Scope of Work with Itron. During that time, staff was informed of the SATEC Data Analytics software package and determined the additional customer service, utility billing, and engineering benefits would be a better option for the needs of the Electric Utility, as approved on the attached sole source form. The implementation of SATEC Data Analytics will enable Electric Utility Staff to maximize these available benefits and features while the infrastructure deployment is being finalized with Itron. The cost of the Itron agreement would be reduced from \$417,121 to approximately \$366,800. The additional cost of SATEC would be \$109,975, which is an additional \$26,769 over the previously approved \$450,000 (Resolution 2018-129)

In August 2019, City Council adopted Resolution 2019-111 authorizing the implementation of SATEC's software package. Staff recommended SATEC Data Analytics after reviewing their offering and comparing it to cost and features of Itron. This is in addition to the previously approved analytics items offered by Itron, SATEC Data Analytics will allow Utility Customers to access real time usage data from a downloadable application on any smart device. Staff will also be able to customize and prioritize reports on demand as opposed to requesting reports and awaiting delivery. Furthermore, staff has been able to utilize most of the improved features at the implementation of the data analytics software rather than wait for full deployment of the AMI infrastructure.

JUSTIFICATION:

SATEC Data Analytics are more cost effective than Itron's Data Analytics, hence staff recommended, and Council approved this implementation. Staff intends for this to be a perpetual agreement until the City deems these services no longer meet the needs of the Electric Utility Department.

FISCAL IMPACT:

The cost of the annual maintenance for the SATEC Data Analytics and cloud services software will be billed at a rate of \$.45 per endpoint annually with a cost escalator of the lesser of five percent (5%) or Consumer Price Index (CPI). Funds are currently budgeted and will continue to be budgeted annually in the Electric Operating Fund 670.

<u>Year</u>	<u>Estimated Amount</u>
2023-2024	\$77,571
2024-2025	\$81,798
2025-2026	\$86,238
2026-2027	\$90,902
2027-2028	\$95,801

Assumptions include 200 EDU increase for meters per year, a four percent (4%) cost escalator, and the outstanding invoice amount of \$59,663 for 78% of project implementation costs. Based on those assumptions, the total five year contact not-to-exceed amount is \$432,310.

ALTERNATIVES:

1. Adopt Resolution 2023-137 as recommended.
2. Adopt Resolution 2023-137 with modifications.
3. Do not approve Resolution 2023-137 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-137
<https://banningca.gov/DocumentCenter/View/13279/Att-1-Resolution-2023-137-Satec-Master-Services-Agreement>
2. SATEC, Inc. Master Services Agreement
<https://banningca.gov/DocumentCenter/View/13280/Att-2-Satec---SaaS-C00800-Master-Agreement>
3. Sole Source / Emergency Purchase Justification Form
<https://banningca.gov/DocumentCenter/View/13294/Att-3-Sole-Source-Vendor-Form-Banning>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
Barbara Mason, Purchasing Manager

MEETING DATE: August 22, 2023

SUBJECT: Consideration of Resolution 2023-151, Amending Policy No. B-30 (Procurement Policies & Procedures), and Introduction and First Reading of Ordinance 1591, Amending Chapter 3.24 (Purchasing System) of Title 3 (Revenue and Finance) of the Banning Municipal Code, Concerning the City Manager's Aggregate Monetary Threshold Authorizations for Approval of Certain Contracts

RECOMMENDATION:

1. Discuss the proposed City Manager Signing Authority changes and determine whether to continue the item, adopt as is, modify the authority levels, or provide alternative direction to staff.
2. Staff recommends City Council adopt Resolution 2023-151, amending Policy No. B-30 (Procurement Policies & Procedures) to update the aggregate monetary threshold authorizations for the City Manager's approval of certain contracts, without the City Council's prior approval.
3. Staff recommends that the City Council waive full reading and introduce, by title only, proposed Ordinance 1591, amending Sections 3.24.070, 3.24.090, and 3.24.130 of Chapter 3.24 of Title 3 of the Banning Municipal Code, concerning the City Manager's authorized monetary thresholds to award and approve certain contracts for purchases of supplies, equipment, and services.

BACKGROUND:

Certain provisions within Banning Municipal Code Chapter 3.24 (Purchasing System) governs the City Manager's authority to award and sign contracts without the City Council's prior approval. Those provisions effectively limit the City Manager's award authority to contracts valued at \$25,000 or less. Contracts for the purchase of supplies, equipment, and services, and contracts for professional services, that exceed \$25,000 in the aggregate value must be approved by the City Council.

Staff is proposing to increase the City Manager's contract award and approval authority to the proposed thresholds set forth in Attachment 4. Staff has targeted the average authority levels provided to City Managers throughout the State as identified in a recent California Association of Public Purchasing Officers (CAPPO) survey. The one deviation from that authority is to provide California Uniform Public Construction Cost Accounting Act (CUPCCAA) level authority for public projects (\$200,000). Many other cities, including Beaumont and Palm Springs have given that level of authority.

JUSTIFICATION:

It is imperative to periodically revisit the contract award and signing authority of the City Manager to accommodate and improve efficiencies in the procurement process. The last update to the Municipal Code regarding the City Manager's contract award and approval threshold was dated 1965. The authority levels have since been confirmed several times. To explicitly delineate these responsibilities, the proposed Resolution and Ordinance 1591 are being offered to clearly set forth when the City Manager may award and sign certain contracts on behalf of the City, without the City Council's prior approval. In today's dollars, \$25,000 in 1965 dollars is \$241,370. The existing thresholds are extremely low when compared to 1965 values and regional municipalities. Attachment 4 identifies City Manager signing authority levels that are more representative of California cities today.

FISCAL IMPACT:

No fiscal Impact

ALTERNATIVES:

1. Adopt Resolution 2023-151, and Waive Full Reading and Introduce Ordinance 1591, as recommended.
2. Adopt Resolution 2023-151, and Waive Full Reading and Introduce Ordinance 1591, with modifications.
3. Do not adopt Resolution 2023-151 or Introduce Ordinance 1591 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-151
<https://banningca.gov/DocumentCenter/View/13244/Attachment-1-Resolution-23-151-City-Manager-Signing-Authority>
2. Proposed Amended Policy B-30
<https://banningca.gov/DocumentCenter/View/13245/Attachment-2-Procurement-Administrative-Policies-003>
3. Ordinance 1591
<https://banningca.gov/DocumentCenter/View/13242/Attachment-3-Ordinance-No-1591---Revised-6-21-23>

August 22, 2023

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4. Proposed City Manager Authorization (with CAPPO Survey comparison analysis)
<https://banningca.gov/DocumentCenter/View/13243/Attachment-4-Proposed-City-Manager-Authorization-with-CAPPO-Survey-comparison-analysis>

Approved by:



Douglas Schulze
City Manager