



## **AGENDA**

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

### **CITY OF BANNING, CALIFORNIA**

**October 10, 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=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759**

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*Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

#### **1. CALL TO ORDER**

- 1.1. Invocation – *Pastor Todd Oldenburg of Thrive Church in Banning*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

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

- 2.1. Approve Agenda

**3. PRESENTATION(S)**

- 3.1. Quarterly Small Business Recognition – *Fox Cineplex is D’Place*.....8

**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.)*

- 6.1. Approval of the Meeting Minutes for the September 26, 2023 City Council Meetings.....9

- 6.2. Consideration of Resolution 2023-167, Approving Program Supplement Agreements with the State of California Department of Transportation for Three Highway Safety Improvement Cycle 11 Grants for the Traffic Signal Hardware Upgrade at Seventeen Signalized Intersections, Pedestrian Crossings Upgrade at Nineteen Intersections and Wilson Street/12th Street Intersection Improvements..... **10**
- 6.3. Consideration of Resolution 2023-10UA, Approving a Construction Agreement with Nor-Cal Pump & Well Drilling, Inc. for “Well M12A Groundwater Production Well Drilling, Construction, Development and Testing” in the amount of \$2,049,096, Establishing a Total Project Budget of \$2,254,005 and Rejecting All Other Bids..... **13**
- 6.4. Authorize the City Manager to Sign the Notice of Completion for Project No. 2023-01, “Street Improvement at Various Locations” as Complete and Direct the City Clerk to Record the Notice of Completion..... **17**
- 6.5. Accept Easement from Dennis S. Rice for Public Street and Utilities Purposes for John Street..... **19**

## **7. PUBLIC HEARING(S)**

- 7.1. Consideration of Second Reading and Adoption of Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA.....**21**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** Staff recommends that the City Council conduct second reading and adopt Ordinance 1592, as read by title only, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA.

- 7.2. Consideration of First Reading and Introduction of Ordinance 1593, an Ordinance Amending Titles 2 and 17 of the Banning Municipal Code Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation, and Making a Determination of Exemption from CEQA.....**26**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** That the City Council, Waive full reading and introduce, as read by title only, Ordinance 1593, An Ordinance of the City of Banning, California, Adding Chapter 2.46 (Historic Preservation Commission) to Title 2 (Administration) and Chapter 17.58 (Historic Preservation) to Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code, Establishing a Historic Preservation Commission, Adopting Reasonable Standards for Historic Preservation, and Making a Determination of Exemption from the California Environmental Quality Act (CEQA).

## **8. REPORTS OF OFFICERS**

- 8.1. Consideration of Resolution 2023-166, Approving the Purchase of Four (4) Replacement Shelters lost in Fire at Opportunity Village on February 19, 2023, Supplied by Pallet SPC for \$64,644.34..... **32**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** Staff recommends City Council adopt Resolution 2023-166, approving the purchase of four (4) replacement shelters lost in the fire at Opportunity Village on February 19, 2023, supplied by Pallet SPC for \$64,644.34. The City Manager, or designee, is authorized to execute the agreement, any non-financial amendments, and transact all related business necessary to complete this agreement, including budget adjustments, appropriations, and transfers.

- 8.2. Use of Personal Cell Phones at Dais..... **34**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** If City Council wishes to implement a policy regarding use of personal cell phones at the dais, a motion directing the City Manager to prepare a resolution amending the Manual of Procedural Guidelines is recommended.

- 8.3. Consideration of Resolution 2023-165, Approving Amendment No. 4 to the Professional Services Agreement (C00658) with Romo Planning Group, Inc..... **35**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** Staff recommends the approval of Resolution 2023-165: (1) Authorizing the City Manager or designee to execute Amendment No. 4 (C00658), to the Professional Services Agreement with Romo Planning Group Inc. (RPG), extending the service agreement to August 24, 2024, and in an amount not to exceed \$170,000 for a total not-to-exceed amount of \$717,000; (2) Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 4 to the Agreement (C00658) with Romo Planning Group Inc.; and, (3) Authorizing the City Manager or designee to execute the final one-year extension through August 26, 2025, in the amount of \$170,000 to the Professional Service Agreement (C00658) with Romo Planning Group Inc. on behalf of the City Council.

## **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) – *Tentatively Scheduled for 10/24*
3. Food Desert Zoning Overlay (Minjares)
4. Beautification of San Gorgonio Overpass Funding (Gonzales) – *Tentatively Scheduled for 10/24*
5. Scope and Duties of the Budget and Finance Committee (Wallace)
6. Neighborhood Groups/Identities (Minjares)
7. Update on Community Garden (Flynn)
8. ARE Animal Rescue Contract (Flynn) – *Tentatively Scheduled for 11/14*
9. ~~Policy to Ban Personal Phones on Dais (Flynn)~~ – *See Agenda Item 8.2*
10. Public Notification Policy for Development Projects (Flynn) – *Tentatively Scheduled for 10/24*
11. Donation Policy (Flynn)
12. Zencity Contract (Flynn)
13. Comments Section on Agenda for Council Members (Flynn)

## **11. ADJOURNMENT**

***Next Regular Meeting – October 24, 2023 at 5:00 p.m.***

**Zoom Community Standards for Public Meetings**

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

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

**Estándares comunitarios de Zoom para Reuniones Públicas**

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

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

### **AFFIDAVIT • DECLARACIÓN JURADA**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 more than 72 hours in advance of the meeting.



Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

### **PUBLIC NOTICE • NOTICIA PÚBLICA**

#### **Meeting Agendas and Notices**

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

#### **Public Comment**

##### *Agenda Items*

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

##### *Non-Agenda Items*

Any member of the public may address this meeting of the Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

#### **Special Assistance/Accessibility Requests**

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

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

### **CONTACT • CONTACTO**

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



**CITY OF BANNING**

# *Small Business Recognition*

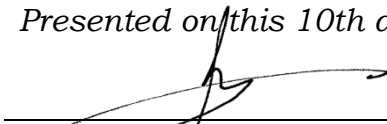
PRESENTED TO

**FOX CINEPLEX IS D'PLACE**



*This City of Banning recognizes **Fox Cineplex is D'Place** for being an exceptional small business. The City Council thanks you for showing pride and commitment to enriching the Banning community.*

*Presented on this 10th day of October, 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:** October 10, 2023

**SUBJECT:** Approval of the Meeting Minutes for the September 26, 2023 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the September 26, 2023 City Council Meetings.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Minutes of the September 26, 2023 Special City Council Meeting – Closed Session  
[https://banningca.gov/DocumentCenter/View/13465/2023-09-26\\_Minutes\\_Special-Meeting---Closed-Session](https://banningca.gov/DocumentCenter/View/13465/2023-09-26_Minutes_Special-Meeting---Closed-Session)
2. Minutes of the September 26, 2023 Regular City Council Meeting – Workshop  
[https://banningca.gov/DocumentCenter/View/13466/2023-09-26\\_Minutes\\_Special-Meeting---Workshop](https://banningca.gov/DocumentCenter/View/13466/2023-09-26_Minutes_Special-Meeting---Workshop)
3. Minutes of the September 26, 2023 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/13467/2023-09-26\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/13467/2023-09-26_Minutes_Regular-Meeting)

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Patrick Safari, CIP Manager

**MEETING DATE:** October 10, 2023

**SUBJECT:** Consideration of Resolution 2023-167, Approving Program Supplement Agreements with the State of California Department of Transportation for Three Highway Safety Improvement Cycle 11 Grants for the Traffic Signal Hardware Upgrade at Seventeen Signalized Intersections, Pedestrian Crossings Upgrade at Nineteen Intersections and Wilson Street/12<sup>th</sup> Street Intersection Improvements

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2023-167:

1. Approving Program Supplement Agreements with Caltrans for three (3) Highway Safety Improvement (HSIP) Cycle 11 grants for: Traffic Signal Hardware Upgrade at Seventeen (17) Signalized Intersections; Pedestrian Crossings Upgrade at Nineteen (19) Intersections and; Wilson Street/12<sup>th</sup> Street Intersection Improvements.
2. Authorizing the City Manager or his designee to execute Program Supplement Agreements No. HSIPSL-5214(016), HSIPSL-5214(017) and HSIPSL-5214(018).

### **BACKGROUND:**

On September 9, 2022, the City of Banning applied for the following three (3) HSIP Cycle 11 grants administered by Caltrans:

#### **HSIPSL-5214 (016): Traffic Signal Hardware Upgrade at Seventeen (17) Signalized Intersections**

Upgrade traffic signal hardware including LED safety lighting, retro-reflective backplates, countdown pedestrian signal heads, ADA-compliant pedestrian push buttons, and emergency vehicle preemption systems. Funding requested: \$433,900.

**HSIPSL-5214(017): Pedestrian Crossings Upgrade at Nineteen (19) Intersections**

Installation of curb extensions, ADA curb ramps, Rectangular Rapid Flashing Beacons (RRFB), high visibility crosswalks, and advanced warning signs and pavement markings. Funding requested: \$585,000.

**HSIPSL-5214(018): Wilson Street/12<sup>th</sup> Street Intersection Improvements**

Installation of curb extensions, ADA curb ramps, median refuge island, Rectangular Rapid Flashing Beacons (RRFB), high visibility crosswalks, and advanced warning signs and pavement markings. Funding requested: \$277,000.

On March 9, 2023, the City received notification from Caltrans that the three (3) projects were selected for funding.

**JUSTIFICATION:**

To proceed with the Preliminary Engineering (PE) phase, the City and Caltrans must execute Program Supplement Agreements No. HSIPSL-5214(016) for \$54,000, HSIPSL-5214(017) for \$76,500 and HSIPSL-5214(018) for \$44,460 as part of the funding authorization process.

**FISCAL IMPACT:**

The funding received from the HSIP grants will provide 90% of the funding required to complete the preliminary engineering phase for the three projects. The City's 10% match will be provided by staff time for managing the projects.

**ALTERNATIVES:**

Do not approve Resolution 2023-167 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-167  
<https://banningca.gov/DocumentCenter/View/13476/Att1-Resolution-2023-167>
2. Program Supplement Agreement HSIPSL-5214(016)  
<https://banningca.gov/DocumentCenter/View/13477/Att2-HSIPSL-5214016-Agreement>
3. Program Supplement Agreement HSIPSL-5214(017)  
<https://banningca.gov/DocumentCenter/View/13473/Att3-HSIPSL-5214017-Agreement>
4. Program Supplement Agreement HSIPSL-5214(018)  
<https://banningca.gov/DocumentCenter/View/13474/Att4-HSIPSL-5214018-Agreement>
5. HSIP Grant Applications  
<https://banningca.gov/DocumentCenter/View/13475/Att5-HSIP-Grant-Applications>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 10, 2023

**SUBJECT:** Consideration of Resolution 2023-10UA, Approving a Construction Agreement with Nor-Cal Pump & Well Drilling, Inc. for “Well M12A Groundwater Production Well Drilling, Construction, Development and Testing” in the amount of \$2,049,096, Establishing a Total Project Budget of \$2,254,005 and Rejecting All Other Bids

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### **RECOMMENDATION:**

Staff recommends that the Banning Utility Authority adopt Resolution 2023-10UA:

1. Approving a Construction Agreement with Nor-Cal Pump & Well Drilling, Inc. for “Well M12A Groundwater Production Well Drilling, Construction, Development and Testing” in the amount of \$2,049,096, establishing a total project budget of \$2,254,005 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement with Nor-Cal Pump & Well Drilling, Inc. for “Well M12A Groundwater Production Well Drilling, Construction, Development and Testing” and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with Nor-Cal Pump & Well Drilling, Inc. for “Well M12A Groundwater Production Well Drilling, Construction, Development and Testing”.

### **BACKGROUND:**

Well M-12 is located on Westward Avenue, between Highland Home Road and Sunset Avenue and is one of many wells that the City had relied on to meet the City's water demands. Typical production capacity for Well M-12 was approximately 900 gallons per minute (gpm).

In February 2020, the City discovered that Well M-12 was not producing water. Through various repair attempts, a skilled contractor found the pump column and well casing were stuck together and could not be extracted. The well had begun caving in and proper abandonment of the well was necessary. The State's Division of Drinking Water authorized abandonment and redrilling of a new well on the same site. At that time, the City determined that Well M-12 would be replaced with a new potable well (M-12A), to meet the City's increasing demands for potable water.

On November 8, 2023 City Council adopted Resolution 2022-13UA, awarding a professional services agreement with Dudek for design of Well M-12A.

The City finalized the bidding documents and released an Invitation for Bids (IFB 23-035) on August 15, 2023. A mandatory pre-proposal meeting was held on August 28, 2023 to go over the scope of work, deadlines and to answer any questions from prospective bidders. As a result of the Invitation for Bids, the City received three proposals:

<b><u>Contractor</u></b>	<b><u>Bid Amount</u></b>
Nor-Cal Pump and Well Drilling, Inc.	\$2,049,096
South West Pump & Drilling Inc.	\$2,191,245
Zim Industries, Inc.	\$3,723,710

The apparent lowest bidder is Nor-Cal Pump and Well Drilling, Inc. of Yuba City, California.

The City's Purchasing staff has conducted reference checks on Nor-Cal Pump and Well Drilling, Inc. and found that the company was responsive and responsible on similar contracts with other agencies.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, Nor-Cal Pump and Well Drilling, Inc. of XXX, California, in the amount of \$2,049,096. A copy of the bid schedule for the lowest bid can be found attached hereto.

If awarded, staff anticipates the work to commence in January, 2024 and to be completed within one hundred and thirty (130) working days from the issuance of a Notice to Proceed.

Following construction of this project, the Public Works Department will advertise the second phase of construction which includes site improvements, equipping the well, construction of a well building, plumbing and electrical installation.

### Urban and Multibenefit Drought Relief Grant

In October 2021, pursuant to the State Legislature's passage of the Budget Act of 2021 and Trailer Bill AB 148, the California Department of Water Resources (DWR) announced the Urban and Multibenefit Drought Relief Grant Program for Fiscal Year 2022.

The Department of Public Works submitted a grant requesting an amount of \$2,475,000 and was successfully awarded the full amount. Of the total amount awarded, \$2,275,000 is allocated to the construction phase.

### **JUSTIFICATION:**

In order to meet potable water production demands the City must replace abandoned Well M12 at the same location with new Well M12A.

As a result of the City's Invitation for Bids (IFB 23-035), Nor-Cal Pump and Well Drilling, Inc. is the apparent lowest bidder and is qualified to complete the scope of work.

### **FISCAL IMPACT:**

The recommended Construction Agreement with Nor-Cal Pump and Well Drilling, Inc. is for an amount of \$2,049,096. Staff requests a 10% contingency in the amount of \$204,909 for any unforeseen conditions or circumstances. The total project budget, including the Construction Agreement and contingency is for an amount of \$2,254,005.

The current adopted budget for Fiscal Year 2023/2024 includes a budgeted amount of \$2,300,000 in Account No. 660-6300-471.95-08 for this project.

The project is funded by an Urban and Multibenefit Drought Relief Grant in the amount of \$2,475,000, of which \$2,275,000 is allocated to the construction phase.

### **ALTERNATIVES:**

1. Adopt Resolution 2023-10UA as recommended.
2. Adopt Resolution 2023-10UA with modifications.
3. Do not approve Resolution 2023-10UA and provide alternative direction to staff.

### **ATTACHMENTS:**

1. Resolution 2023-10UA  
<https://banningca.gov/DocumentCenter/View/13481/Attach-1-Resolution-2023-10UA>
2. IFB 22-026  
<https://banningca.gov/DocumentCenter/View/13478/Attach-2-Invitation-for-Bid-Docs>
3. Bid Summary  
<https://banningca.gov/DocumentCenter/View/13479/Attach-3-Bid-Summary>

4. Draft Construction Agreement

<https://banningca.gov/DocumentCenter/View/13480/Attach-4-C00904---PWC---Nor-Cal---Well-M12-A>

Approved by:

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Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 10, 2023

**SUBJECT:** Authorize the City Manager to Sign the Notice of Completion for Project No. 2023-01, "Street Improvement at Various Locations" as Complete and Direct the City Clerk to Record the Notice of Completion

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### **RECOMMENDATION:**

That the City Council accept Project No. 2023-01, "Street Improvement at Various Locations" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

On May 9, 2023, City Council adopted Resolution 2023-78 awarding a Construction Agreement to Hardy & Harper, Inc. for Project No. 2023-01, "Street Improvements at Various Locations". The project was approved in the amount of \$1,608,000 with a 10% contingency for a total project budget of \$1,768,800.

The principal items of work included the grinding of existing asphalt concrete (AC) pavement; constructing new AC; crack sealing of existing AC pavement; slurry seal of existing AC pavement; remove and replace broken driveway approaches, sidewalks, curb and gutters; remove and replace access ramps to comply with ADA requirements; and remove and replace all affected pavement markings and striping. The work was performed at various locations throughout the City of Banning as shown in Attachment 2.

The final expensed amount on the project is \$1,596,621.49, \$11,378.51 under the awarded contract amount.

### **JUSTIFICATION:**

The lowest qualified bidder, Hardy & Harper, Inc. was awarded the contract and work was completed on September 15, 2023. Public Works staff verified through inspections that

the workmanship, materials, and procedures were satisfactory and that the contractor had met the required contract obligations.

**FISCAL IMPACT:**

The original contract was awarded in the amount of \$1,608,000.00 and the final contract amount for this project is \$1,596,621.49 which is under the allocated project budget approved under Resolution 2023-78. The project was funded by Measure A and SB 1 funds.

**ALTERNATIVE:**

City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

**ATTACHMENTS:**

1. Notice of Completion  
<https://banningca.gov/DocumentCenter/View/13483/Attachment-1---NOC-Project-No-2023-01>
2. Project Locations  
<https://banningca.gov/DocumentCenter/View/13482/Attachment-2---Project-Locations>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 10, 2023

**SUBJECT:** Accept Easement from Dennis S. Rice for Public Street and Utilities Purposes for John Street

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### **RECOMMENDATION:**

Staff recommends that City Council accept an easement from Dennis S. Rice for Public Street and Utilities Purposes for John Street in the City of Banning.

### **BACKGROUND:**

The property owner, Banning Industrial, L.P. submitted an application to construct a one million square foot warehouse building at a site just north of the airport. As part of the Conditions of Approval for the project, the owner is required to dedicate the necessary right-of-way to extend and widen the existing John Street to the proposed site in order to meet the ultimate right-of-way width as set forth by the adopted General Plan and Circulation Element. John Street has been constructed to the ultimate right-of-way of 60 feet with asphalt concrete pavement; concrete curb & gutter and sidewalk; street lights and landscaping.

All necessary public street and utilities easements have been granted to and accepted by the City except this portion of Lot 39 as shown on Exhibit "B" as part of the attached easement document.

### **JUSTIFICATION:**

It is necessary to obtain the easement in order for the general public to access the street and for the maintenance of public utilities.

### **FISCAL IMPACT:**

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

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Easement – Public Street and Utilities Purposes  
<https://banningca.gov/DocumentCenter/View/13485/Attachment-1---Public-Street-and-Utilities-Easement>
2. Certificate of Acceptance  
<https://banningca.gov/DocumentCenter/View/13484/Attachment-2---Certificate-of-Acceptance>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", written over a horizontal line.

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:** October 10, 2023

**SUBJECT:** Consideration of Second Reading and Adoption of Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA

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### **RECOMMENDATION:**

Staff recommends that the City Council conduct second reading and adopt Ordinance 1592, as read by title only, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Parcel, and Making Findings Pursuant to CEQA.

### **BACKGROUND:**

On February 14, 2022, the City Council approved a purchase and sale agreement with Mr. Eulogio Garcia, for the purchase of real property located at 725 Sunrise Avenue (APN: 538-040-006) in the amount of \$250,000.

On June 27, 2023, the City Council held a public hearing to consider the General Plan Amendment and Zone Change. Two members of the public spoke in opposition to the Project. The Council adopted Resolution 2023-118 by a 3-1-1 vote, with Council Member Flynn voting in the negative (absent: Gonzales). The Council's adoption of Resolution 2023-118 approved a new land use designation for the site located at 725 Sunrise Avenue, which is now designated Public Facilities-Government (PF-G). Also on June 27, 2023, the City Council conducted first reading and introduced Ordinance 1592 by the same 3-1-1 vote.

On July 11, 2023, the City Council considered the second reading of Ordinance 1592, as a Consent Calendar item. The Ordinance was pulled from the consent calendar for

discussion by Council Member Flynn. Two members of the public spoke on the item. The Council continued the item and directed staff to readvertise the proposed Ordinance by mailing notices to premises within a 1,000-foot radius of the subject site and posting a notice on the subject site.

The City installed a public advertisement sign on the property (See Photo Below):



In addition, the City mailed property owner notifications to all residents within a 1,000-foot radius, which resulted in 49 property owners being contacted by regular mail. This was an increase in 29 residents from the original 300-foot radius. The notifications were delivered to the Banning Post Office 10-days prior to the October 10, 2023 Public Hearing.

### **JUSTIFICATION:**

The City owns and operates wells, reservoirs, and a distribution system as the purveyor of domestic water to City customers. The City of Banning owns and operates 22 groundwater wells from which the City obtains its water supply. These are located in Banning Water Canyon, as well as in residential and commercial districts throughout the City. The City also owns six unequipped groundwater wells, three of which are reserved

as a future water source. The City also operates another water storage reservoir site located on San Gorgonio Avenue.

The City's General Plan, "Policy 8, requires the City to assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44). In addition, Program 4.B "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

### Analysis:

Land uses for public facilities include such governmental functions as City offices and facilities and fire stations, and the airport. Others include schools, the San Gorgonio Memorial hospital, and the Banning Library. The land use plan identifies public facilities if they are currently owned by any bona fide public entity (not just the City), or proposed for dedication to a public entity in a Specific Plan. In the future, as additional facilities are acquired, the General Plan land use map may be amended to reflect these acquisitions. The General Plan establishes goals and policies to ensure the "sufficient and appropriate location of public facilities to serve the needs of the City's residents, businesses, and visitors." (General Plan, Page III-22). The Project implements the General Plan goals for the provision of infrastructure throughout the City. The General Plan Amendment will update the total acreage of public facilities property available in the City.

<b>Table III-4</b>							
Public Facilities Buildout Statistical Summary							
Land Use Designation	City Limits			Sphere of Influence			Acres
	Non-vacant (acres)	Vacant (acres)	Total (acres)	Non-vacant (acres)	Vacant (acres)	Total (acres)	Total (acres)
Public Facilities - Airport	72.3	72.1	144.4	0.0	0.0	0.0	144.4
Public Facilities - Cemetery	12.9	2.5	15.4	0.0	0.0	0.0	15.4
Public Facilities – Fire Station	3.6	0.0	3.6	0.0	2.9	2.9	6.4
Public Facilities - Government	23.46	39.7 (41.44)	63.16 (64.90)	0.0	0.0	0.0	63.16 (64.90)
Public Facilities - Library	0.84	0.0	0.84	0.0	0.0	0.0	0.84
Public Facilities – Hospital	10.6	0.3	10.8	0.0	0.0	0.0	10.8
Public Facilities – Railroad/Interstate	419.4	48.9	468.3	0.0	0.0	0.0	468.3
Public Facilities - School	137.9	95.7	233.6	0.0	0.0	0.0	233.6 (235.34)
	<b>681.0</b>	<b>259.2</b>	<b>940.2</b>	<b>0.0</b>	<b>2.9</b>	<b>2.9</b>	<b>943.1 (944.84)</b>

### Environmental Determination:

Planning Division staff determined that the proposed General Plan Amendment and Zone Map Change are not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3), because the proposed Amendments are not a project as defined by CEQA Guidelines Section 15378. Adoption of the land use and zoning changes does not have the potential to result in either a direct physical change



in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to General Plan Amendment 23-2501 and Zone Change 23-3501 will require CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

The Planning Division staff further determines that the **General Plan Amendment and Zone Map Change** are exempt from review under CEQA and State CEQA Guidelines Section 15061(b)(1) which exempts a project from CEQA if the project is exempt by statute. ***This exemption does not provide environmental clearance to any subsequent Project proposed by the Lead Agency that may or may not occur in the future.*** Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in the construction and operation of a public facility. Pursuant to that exemption, Title 17 of the Banning Municipal Code provides that a Design Review application for a new potable water reservoir facility will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, Design Review applications for a proposed potable water reservoir are subject to discretionary review by the Planning Commission.

**Multiple Species Habitat Conservation Plan (MSHCP) :**

This Project does not directly authorize construction of any physical improvements and is not subject to the MSHCP. The City is responsible for the payment of MSHCP related fees upon completion of public improvements, that are equal to or greater than 10% of the total construction costs.

**Public Communication:**

The Project was advertised in the Record Gazette newspaper, September 29, 2023.

During the June 7, 2023 Planning Commission meeting there were no speakers in support or opposition to the Project.

During the June 27, 2023 City Council meeting two members of the public spoke in **opposition** to the Project.

During the July 11, 2023 City Council meeting two members of the public spoke on the item, but their position (i.e., in favor or in opposition) was not recorded. As of the date of this report, staff has received one written comment, from Mr. Eulogio Garcia, which is attached herein for reference.

In addition, property owner notification labels were mailed to property owners within 1,000-feet of the proposed Project, per the City Council's direction at the July 11, 2023 meeting.



**FISCAL IMPACT:**

The costs associated with preparation of the Zoning Text Amendment is restricted to City staff time in drafting both the Planning Commission and City Council staff reports, the ordinance text, and publication of the hearing notices, property owner mailers, and installation of a public hearing sign on the property. The Planning Commissioners are not compensated for their participation. Additionally, a lesser amount of time (as compared to City Planning Staff) from the City Attorney is incorporated into the estimate of approximately \$7,500.

**ATTACHMENTS:**

1. Ordinance 1592  
<https://banningca.gov/DocumentCenter/View/13493/02-Ordinance-No-1592>
2. Planning Commission Resolution 2023-07  
[https://banningca.gov/DocumentCenter/View/13494/03-PC-Resolution-2023-07\\_672023](https://banningca.gov/DocumentCenter/View/13494/03-PC-Resolution-2023-07_672023)
3. Purchase and Sale Agreement w/ Eulogio Garcia  
[https://banningca.gov/DocumentCenter/View/13495/04-Purchase-and-Sale-w\\_Eulogio-Garcia](https://banningca.gov/DocumentCenter/View/13495/04-Purchase-and-Sale-w_Eulogio-Garcia)
4. June 27<sup>th</sup> and July 11<sup>th</sup> City Council Minutes  
<https://banningca.gov/DocumentCenter/View/13496/05-June-27th-and-July-11th-City-Council-Minutes>
5. February 14, 2022 City Council Report  
<https://banningca.gov/DocumentCenter/View/13497/06-February-14-2022-City-Council-Report>
6. Project Exhibits  
<https://banningca.gov/DocumentCenter/View/13498/07-Project-Exhibits>
7. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/13499/08-NOE>
8. Public Hearing Notice (PHN) Proof of Publication  
[https://banningca.gov/DocumentCenter/View/13500/09-CC-PHN-10-10-23\\_ORD-1592\\_GPA-23-2501-ZC-23-3501](https://banningca.gov/DocumentCenter/View/13500/09-CC-PHN-10-10-23_ORD-1592_GPA-23-2501-ZC-23-3501)
9. Proof of Publication  
<https://banningca.gov/DocumentCenter/View/13506/10-Proof-of-Publication>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 10, 2023

**SUBJECT:** Consideration of First Reading and Introduction of Ordinance 1593, an Ordinance Amending Titles 2 and 17 of the Banning Municipal Code Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation, and Making a Determination of Exemption from CEQA

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### **RECOMMENDATION:**

That the City Council, Waive full reading and introduce, as read by title only, Ordinance 1593, An Ordinance of the City of Banning, California, Adding Chapter 2.46 (Historic Preservation Commission) to Title 2 (Administration) and Chapter 17.58 (Historic Preservation) to Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code, Establishing a Historic Preservation Commission, Adopting Reasonable Standards for Historic Preservation, and Making a Determination of Exemption from the California Environmental Quality Act (CEQA).

### **BACKGROUND:**

Members of the current City Council have expressed interest in preserving properties in the City that by virtue of their age, architectural style, aesthetic appeal or association with local history are of great historical significance and value. The purpose of the Draft Ordinance is to provide a mechanism to document and preserve distinctive properties, structures, and other aesthetic qualities that enhance the City's value as an attractive and historic community. To that end, the Draft Ordinance would establish a Historic Preservation Commission and adopt reasonable standards for historic preservation.

The City Council held a public hearing, for Ordinance 1593, during the June 27, 2023 meeting where public testimony was accepted. In response to this Ordinance, the San Geronio Pass Historical Society offered testimony through their represented Ms. Patricia Murkland. Ms. Murkland suggested the following revisions to draft Ordinance 1593:

- Historic landmarks located within the City, including County- and National-designated landmarks (e.g., the Gillman Historic Ranch and Wagon Museum) should be included in the draft Ordinance.

- The definition of “historic resource” in the draft Ordinance is structure oriented and should be broadened in scope similar to the definition of “historical resource” in Public Resources Code Section 5020.1(j), which defines a historical resource to include “any object, building, structure, site, area, place, record, or manuscript which ... is significant in the ... engineering, ... agricultural, ... social, ... military, or cultural annals of California.” The definition of “historic resource” should also include “historic districts,” the road side travel era, stagecoaches, and the health industry.
- The Historic Preservation Commission should be composed of a member from each City Council voting district.
- The qualifications for members of the Historic Preservation Commission should include being experts in the history of the City of Banning.
- The City Council should incorporate provisions within Section 17.58.10, “Purpose and Intent,” of the draft Ordinance similar to “purpose” statements contained Sections 15.78.020(F), (H), and (I) of the City of Lake Elsinore’s Historic Preservation Ordinance.
  - Lake Elsinore Municipal Code Section 15.78.020(F): “It is the intent and purpose of the City Council of the City of Lake Elsinore to: ... F. Acknowledge the critical role served by owners of landmarks and historic resources within districts, as stewards in furthering the goal of historic preservation;”
  - Lake Elsinore Municipal Code Section 15.78.020(H): “It is the intent and purpose of the City Council of the City of Lake Elsinore to: ... H. Encourage preservation and adaptive reuse of historic resources by allowing changes to a historic building to accommodate new functions, and not to “freeze” historic buildings in time;”
  - Lake Elsinore Municipal Code Section 15.78.020(I): “It is the intent and purpose of the City Council of the City of Lake Elsinore to: ... I. Recognize that historic resources need to continue to be economically sustainable to reduce the threat of demolition;”
- The draft Ordinance should consider the establishment of a City archivist employee position, whose role would be document historic resources and collect and store historic resource items before demolition.

Based upon comments presented, the Council continued the public hearing off calendar and instructed staff to meet with the Historical Society regarding their comments.

Planning Department staff met with Ms. Patricia Murkland on September 21<sup>st</sup> to listen and discuss the comments and concerns presented by members of the Historical Society. Ms. Murkland shared several comments during the June 27<sup>th</sup> City Council meeting, including acknowledgement of Native American resources, qualifications of future Historic Commission members, and representation of past redevelopment projects. In addition, Mr. Murkland presented the following additional comments, during the September 21<sup>st</sup> meeting with City staff. Below is a summary of modifications (detailed as underlined and in red text) to the Ordinance that resulted from this meeting:

## **2.46.20 - Membership; term and vacancies.**

- B. Appointment and removal. After receiving applications from those interested, along with their credentials, the mayor shall appoint the members of the historic preservation commission ~~and subject to~~ the city council's approval and shall confirmation of each appointment to one of five numbered positions: Position 1, Position 2, Position 3, Position 4, and Position 5. Members shall serve at the pleasure of the city council and may be removed at any time by a majority vote of a quorum of the city council.
- C. Member qualifications. Members of the historic preservation commission shall:
  - 1. Have a demonstrated interest, competence, or knowledge in historic preservation and the local history, and pre-history, of the City of Banning. Members who meet the Secretary of Interior's Historic Preservation Professional Qualifications Standards are preferred.
  - 2. Reside within the corporate limits of the city.
  - 3. Serve without compensation.
  - 4. Not be a member of any other standing commission, board, or committee of the city nor an employee thereof.

With these modifications, City staff is confident the Historical Society's concerns are mitigated. A copy of this staff report, along with the updated Ordinance 1593 text, was transmitted to the San Geronio Pass Historical Society on October 3, 2023 for their review.

During the April 25, 2023 meeting, the City Council initiated the Ordinance and directed staff to present the item to the Planning Commission for review, consideration, and discussion. If established, the proposed Historic Preservation Commission would be an Advisory Body to the City Council. Membership on the Commission will consist of Banning Citizens and not an employee of the City of Banning. The Council will solicit applications, conduct interviews, and appoint a maximum of five individuals to the Commission.

The proposed Historic Preservation Commission would identify historic resources; maintain both a registry of historic resources and an inventory of identified resources; provide recommendations to City Council on historic resource designations and permissions to allow for work on identified historic resources; or, upon a showing of substantial hardship, make a recommendation to the City Council concerning the demolition, removal, or substantial alteration of historic resources. The Commission would consist of five members serving staggered four-year terms. Commissioners must have demonstrative interest in historic preservation, be residents of the City, and not be a member of another City commission.

The addition of a new "Historic Preservation" Chapter to the City's Zoning Code would establish substantive standards for historic preservation. This new chapter would set forth the criteria for a property (e.g., building, structure or place) to be designated as a "historic resource" including:

- The resource is the first, last, only, or most significant historical or scenic property of its type in the City.
- The resource is associated with an individual person or group having significant influence on the history or development of the City.
- The resource is an example or contains an example of a period, style, architectural movement, or construction of historical, aesthetic, or architectural interest.
- The resource is a part of, or contributes aesthetically to, the historical or scenic heritage of the City.

A property may be identified for potential designation upon completion and submittal of an application by a property owner, City resident, or by motion of the Commission. A property owner's consent would be required for a property to be designated as a historic resource. Historic resources would be included on the City's Register of Historic Resources (not to be confused with the State or Federal Historic Registers). Properties that are identified, but not actually designated as a historic resource, will remain within an inventory of identified resources. Properties may not actually be designated as historic resource because they do not meet the substantive criteria *or* because property owner consent was not obtained.

The Historic Preservation standards will require a building permit (at minimum) for work applicable to historic resources, buildings, and structures. Conversely, these new regulations will require demonstration of a substantial hardship to *demolish, remove, or substantially alter a historic resource*.

#### **JUSTIFICATION:**

In addition to instilling pride within a community, historic preservation regulations are helpful in spurring tourism, generating new investment in otherwise forgotten areas, and increasing local tax revenue and property values. While the degree of protection may vary from place to place, most ordinances establish a historic preservation commission and a process for consideration of proposals to alter or demolish historic properties. Local governments with preservation ordinances may also become eligible for federal funds. Under the National Historic Preservation Act, up to 10% of a state's allocation under the Historic Preservation Fund may be transferred to "certified local governments."

Properties, buildings, and structures included as a historic resource are referred to by a variety of names, such as "historic landmark" or "historic-cultural monument," depending on the jurisdiction. A preservation ordinance outlines the criteria the community has established for designating such landmarks. These criteria are often based on those used by both the National Register of Historic Places and the California Register of Historical Places. Furthermore, Cities with strong local historic preservation ordinances require that requests for building permits for designated structures be reviewed by city staff or a special local commission to ensure that proposed alterations conform to preservation standards.

**Environmental Determination:**

Planning Division staff has determined that the Project is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 et seq.). The Project qualifies under the Statutory exemption set forth in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Further projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

**Multiple Species Habitat Conservation Plan (MSHCP) :**

This Project does not directly authorize construction of any physical improvements and is not subject to the MSHCP. The City is responsible for the payment of MSHCP related fees upon completion of public improvements, that are equal to or greater than 10% of the total construction costs.

**Public Communication:**

The Project was advertised in the Record Gazette newspaper, September 29, 2023. During the June 7<sup>th</sup> Planning Commission meeting there were no speakers in support or opposition to the Project. As referenced above, the Historical Society provided public testimony during the June 27<sup>th</sup> City Council Meeting and City staff met with representatives from the Historical Society on September 21<sup>st</sup>.

**FISCAL IMPACT:**

The costs associated with preparing the List of Designated Historic Resources is undetermined at this time, but can range between \$30,000 and \$50,000, or more depending on the depth and scope of work. The City would issue a Request for Proposals (RFP) where a consultant would be selected and a contract approved by the City Council. No funding is currently budgeted for such a task.

**ATTACHMENTS:**

1. Ordinance 1593  
<https://banningca.gov/DocumentCenter/View/13502/01-Ordinance-1593>
2. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/13503/02-Notice-of-Exemption-NOE>
3. Public Hearing Notice (PHN)  
<https://banningca.gov/DocumentCenter/View/13501/03-Public-Hearing-Notice-PHN>
4. Proof of Publication  
<https://banningca.gov/DocumentCenter/View/13507/04-Proof-of-Publication>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", with a stylized flourish at the end.

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:** October 10, 2023

**SUBJECT:** Consideration of Resolution 2023-166, Approving the Purchase of Four (4) Replacement Shelters lost in Fire at Opportunity Village on February 19, 2023, Supplied by Pallet SPC for \$64,644.34

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2023-166, approving the purchase of four (4) replacement shelters lost in the fire at Opportunity Village on February 19, 2023, supplied by Pallet SPC for \$64,644.34. The City Manager, or designee, is authorized to execute the agreement, any non-financial amendments, and transact all related business necessary to complete this agreement, including budget adjustments, appropriations, and transfers.

### **BACKGROUND:**

In June of 2022 the City purchased 20 pallet shelters from Pallet SPC for \$ 229,987.95 including shipping and sales tax. On February 19, 2023, a fire occurred at Opportunity Village and four units were destroyed.

### **JUSTIFICATION:**

In order to stay compliant with grant requirements, the four units must be replaced.

### **FISCAL IMPACT:**

Funds to pay for the four shelters will be provided by Account 810-9700-490.90-59

### **ALTERNATIVES:**

1. Adopt Resolution 2023-166 as recommended.
2. Adopt Resolution 2023-166 with modifications.
3. Do not approve Resolution 2023-166 and provide alternative direction to staff.



**ATTACHMENTS:**

1. Resolution 2023-166  
<https://banningca.gov/DocumentCenter/View/13513/1-Resolution-2023-166-Approving-Purchase-of-Replacement-Shelters>
2. S.I.R.F. Report 2-19-2023  
<https://banningca.gov/DocumentCenter/View/13486/2-120-Bryant-2-19-2023-Updated>
3. Quote provided by Pallet SPC  
[https://banningca.gov/DocumentCenter/View/13487/3-City-of-Banning-CA---4-units\\_V2](https://banningca.gov/DocumentCenter/View/13487/3-City-of-Banning-CA---4-units_V2)
4. Draft Agreement  
<https://banningca.gov/DocumentCenter/View/13514/4-Banning- Pallet-Master-Product-and-Services-Agreement-92023>
5. Sole Source Support  
<https://banningca.gov/DocumentCenter/View/13517/5-Pallet-SPC-Sole-Source>
6. Product Catalog  
<https://banningca.gov/DocumentCenter/View/13515/6-S2-Product-Catalog>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", written over a horizontal line.

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 10, 2023

**SUBJECT:** Use of Personal Cell Phones at Dais

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### **RECOMMENDATION:**

If City Council wishes to implement a policy regarding use of personal cell phones at the dais, a motion directing the City Manager to prepare a resolution amending the Manual of Procedural Guidelines is recommended.

### **BACKGROUND:**

Council Member Flynn requested a future agenda item to discuss the use of personal cell phones at the dais. Many city councils have debated the issue of personal digital device use on the dais and some have adopted policies ranging from complete bans on use of personal devices to voluntarily turning off devices during meetings. However, it is frequently recognized that use of electronic devices is necessary because a growing number of cities no longer use printed agenda materials. In fact, many inland empire cities have transitioned to electronic agendas only.

While receiving text messages during meetings isn't illegal, it could create legal problems if a council member receives a message pertaining to a quasi-judicial matter during a hearing if the message is not shared. Generally, city councils have recognized, at a minimum, the value of having personal digital devices for emergency communications with family members and care givers.

### **FISCAL IMPACT:**

Not applicable.

Approved by:

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 10, 2023

**SUBJECT:** Consideration of Resolution 2023-165, Approving Amendment No. 4 to the Professional Services Agreement (C00658) with Romo Planning Group, Inc.

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### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2023-165:

1. Authorizing the City Manager or designee to execute Amendment No. 4 (C00658), to the Professional Services Agreement with Romo Planning Group Inc. (RPG), extending the service agreement to August 24, 2024, and in an amount not to exceed \$170,000 for a total not-to-exceed amount of \$717,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 4 to the Agreement (C00658) with Romo Planning Group Inc.
3. Authorizing the City Manager or designee to execute the final one-year extension through August 26, 2025, in the amount of \$170,000 to the Professional Service Agreement (C00658) with Romo Planning Group Inc. on behalf of the City Council.

### **BACKGROUND:**

On May 26, 2020, the City issued a Request for Proposal (RFP) where six firms submitted responsive and responsible proposals that were due on July 12, 2020. The City evaluated all proposals and selected three firms to invite for “in-person” interviews which were conducted on July 14, 2020. The based upon the proposal evaluations and “in-person” interviews of the top three firms and the City’s evaluation team unanimously chose Romo Planning Group as the most responsive and responsible firm. On August 25, 2020, the City of Banning approved a new agreement (Resolution 2020-106), with Romo Planning Group, Inc., in the amount of \$510,000 for a period of five (5) years.

On February 28, 2023, the City adopted Resolution 2023-041, approving Amendment No. 1 to the Service Agreement with Romo Planning Group, Inc. This resolution incorrectly stated the total contract amount as \$511,200 where the correct contract amount is \$522,000. The City Council rescinded Amendment No. 1, in the amount of \$511,200 and approved Amendment No. 2, to increase the Contract Sum in the not-to-exceed to the

amount of \$522,000. On October 2, 2023, the City and Service Provider entered into Amendment No. 3 to increase the Contract Sum by \$25,000 for a total not-to-exceed amount of \$547,000.

The City and Service Provider, pursuant to Section 3.4 of the Agreement, now desire to exercise one of the two one-year renewal options, extending the service contract to August 24, 2024, and increase the Contract sum by \$170,000 for a total not-to-exceed amount of \$717,000.

**JUSTIFICATION:**

The City of Banning is poised to experience significant growth within our residential and industrial markets. As such, the need to supplemental the existing Community Development staff is critical to ensure customer service response times remains at current levels and that development projects are efficiently and thoroughly managed.

**FISCAL IMPACT:**

The Community Development operational budget will fund the planning consulting services from Account No. 001-2800-33-41 (Planning Services) with a total not-to-exceed of \$887,000 if the final one-year extension is exercised.

<b><u>Fiscal Year</u></b>	<b><u>Estimated Amount</u></b>
2023/2024	\$141,667
2024/2025	\$170,000
2025/2026	\$ 28,333

**ALTERNATIVES:**

1. Adopt Resolution 2023-165 as recommended.
2. Adopt Resolution 2023-165 with modifications.
3. Do not approve Resolution 2023-165 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-165  
<https://banningca.gov/DocumentCenter/View/13491/01-Resolution-2023-165-Romo-Planning-Group>
2. Draft Amendment No.4 to the Professional Services Agreement  
<https://banningca.gov/DocumentCenter/View/13490/02-Amend-No4-PSA-for-Romo-Planning-Planning>

Approved by:



Douglas Schulze  
City Manager