



AGENDA

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

October 24, 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 Stacey Forte Dupre of St. Stephen’s Episcopal Church
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

3.1. Native American Heritage Month.....**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 October 10, 2023 City Council Meetings.....**9**

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6.8.	Receive and File Contracts Approved Under the City Manager's Signature Authority.....	20
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6.10.	Consideration of Resolution 2023-169, Approving the Quitclaim for Access, Park and Vehicle Parking Easement to Tri Pointe Homes for Tract Map No. 37389-3 within the Atwell Development and Accepting the Easements from TriPointe Homes for Public Park Access and Storm Drain Purposes.....	24
6.11.	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.....	26
6.12.	Consideration of Second Reading and Adoption of Ordinance 1593, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Ordinance Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation of Buildings and Structures.....	31
6.13.	Consideration of Resolution 2023-171, Approving Fiscal Year 2024/2025 Community Development Block Grant Program Applications.....	33
6.14.	Consideration of Resolution 2023-172, Accepting Community Development Block Grant (CDBG) Funds for Fiscal Year 2023/2024 in a Total Amount of \$191,264 for Faith in Action (0.253-23) in the amount of \$19,850; Voices for Children (0.254-23) in the amount of \$10,000, and City of Banning, Sylvan Park Improvements Phase III (5.BN.60-23) in the amount of \$161,414.....	36
6.15.	Consideration of Resolution 2023-173, Declaring the Intention to Annex Property and Levy and Collect Assessments, Approving the Engineer's Report and Setting the Date for the Public Hearing for Property Owner Protest Balloting Proceeding for the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1.....	38
6.16.	Consideration of Resolution 2023-174 Authorizing the Mayor to Execute the Agreement for the Funding of Measure A Regional Arterial Improvements with the Riverside County Transportation Commission (RCTC) for \$13,500,000 in Measure A Funding for the Construction of the Sun Lakes Boulevard Extension Project.....	42

6.17. Consideration of Resolution 2023-175, Approving Amendment No. 2 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$496,079 for the Continued Design of the Sun Lakes Boulevard Extension.....	45
6.18. Consideration of Adoption of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-Family and High Density Residential Uses in the Downtown Commercial Zoning District.....	50
6.19. Consideration of Resolution 2023-176, Authorizing Extension of the Service Fee Collected on Behalf of the Riverside County Abandoned Vehicle Abatement Program.....	52

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1. Consideration of Resolution 2023-11UA Approving a Professional Services Agreement with Albert A. Webb Associates, Inc. in the Amount of \$145,330 for the Design of the Wastewater Treatment Plant Equalization Basin and Allowing a 10% Contingency for a Total Project Budget of \$159,863.....	54
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(Staff Report: Art Vela, Director of Public Works)

Recommendation: Staff recommends that the Utility Authority approve Resolution 2023-11UA: (1) Approving a Professional Services Agreement with Albert A. Webb Associates, Inc. ("WEBB") in the amount of \$145,330 for the Design of the Wastewater Treatment Plant Equalization Basin ("Agreement"); (2) Approving a total project budget of \$159,863 which includes a 10% contingency; (3) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers associated with the Agreement and approving change orders within the 10% contingency; and (4) Authorizing the City Manager or his designee to execute the Agreement.

8.2. Consideration of Resolution 2023-168, Revision to the Classification and Compensation Plan of the City of Banning.....	57
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(Staff Report: Lincoln Bogard, Administrative Services Director)

Recommendation: Staff recommends City Council adopt Resolution 2023-168, amending the Classification and Compensation Plan effective October 24, 2023.

8.3. Consideration of Resolution 2023-170, Approving the Emergency Site Clean-up, Damaged Equipment Removal, Environmental Site Remediation and Security Guard Services Due to a Vandalism Fire at the Electric Utility's Aloha Substation at an Estimated Expense of Approximately \$300,000.....	60
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(Staff Report: Jim Steffens, Acting Electric Utility Director)

Recommendation: Staff recommends City Council approve the emergency removal and disposal of contaminated soil, damaged equipment, and structures due to vandalism and fire at the Alola Substation. Staff also recommends that City Council approve the emergency hiring of security guards for public safety and to prevent further vandalism. Both requests for approval are being made under the City of Banning's emergency procurement policies.

8.4. Future Agenda Items Request.....**62**
(*Staff Report: Doug Schulze, City Manager*)

Recommendation: Provide direction to the City Manager regarding addition of items for future meeting agendas: (1) Discussion of cell phone or electronic device use on dais during City Council meetings; (2) The future use of Dysart Park and use for events sponsored by the official stagecoach committee; (3) Agreement with ARE Animal Rescue for Animal Shelter services; (4) Update on SCG America ENA for 150 E. Ramsey Street; and, (5) Consideration of SB 329, raising City Council, City Clerk and City Treasurer pay.

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 11-14*
 3. Food Desert Zoning Overlay (Minjares)
 4. Beautification of San Gorgonio Overpass Funding (Gonzales) – *Tentatively Scheduled for 11/14*
 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. Public Notification Policy for Development Projects (Flynn)
 10. Donation Policy (Flynn)
 11. Zencity Contract (Flynn)
 12. Comments Section on Agenda for Council Members (Flynn)
 13. Cannabis Ordinance/Moratorium (Flynn)
 14. Policy to Ban Cell Phones on Dais (Flynn)
 15. Use of Cell Phones on Dais (Flynn)

11. ADJOURNMENT

Next Regular Meeting – November 14, 2023 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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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.

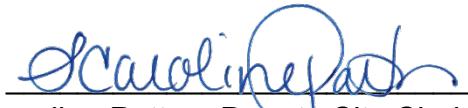
Estándares comunitarios de Zoom para Reuniones Públicas

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 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

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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 United States has observed “American Indian Day” since 1916 and “Native American Heritage Month” since 1990; and

WHEREAS, Native American Heritage Month celebrates and recognizes the accomplishments of the people who were the original inhabitants, explorers, and settlers of the United States; and

WHEREAS, many people of Native American Heritage have and continue to serve this community as leaders, organizers, first responders, teachers, healthcare professionals, athletes, inventors, entrepreneurs and more; and

WHEREAS, the City of Banning is fortunate to have a large number of residents of Native American Heritage who strengthen our culture, economy, and contribute to our daily lives; and

WHEREAS, the City wishes to honor their achievements while continuing efforts to ensure the City is a welcoming and inclusive place with opportunities for all.

NOW THEREFORE, the City Council of the City of Banning, does hereby proclaim:

**Native American Heritage Month
November 2023**

in the City of Banning and encourages citizens of Banning to increase their cultural awareness by learning the important contributions of people of Native American Heritage to the City of Banning.

BE IT PROCLAIMED this 24th 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 24, 2023

SUBJECT: Approval of the Meeting Minutes for the October 10, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the October 10, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the October 10, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/13567/2023-10-10_Minutes_Special-Meeting---Closed-Session
2. Minutes of the October 10, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/13566/2023-10-10_Minutes-Regular-Meeting

Approved by:

A handwritten signature of Douglas Schulze.

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: October 24, 2023

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

RECOMMENDATION:

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

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	188430-188771	\$ 4,079,827.71	
Voided / Reissue Check		\$ 254,389.05	
Check Total			\$ 3,825,438.66
Wires Total			\$ 2,725,798.10
ACH payments:			
Payroll Direct Deposit	9/8/2023	\$ 573,769.58	
Payroll Direct Deposit	9/22/2023	\$ 598,568.38	
Other Payments		\$ 2,195,410.81	
ACH Total			\$ 3,367,748.77
Payroll Checks:			
Payroll - Regular	9/8/2023	\$ 6,372.32	
Payroll - Regular	9/22/2023	\$ 5,304.21	
Payroll Check Total			\$ 11,676.53
Total Warrants Issued for September 2023			\$ 9,930,662.06

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/13625/Attachment-1---Fund-List>
2. Warrant Report September 2023
<https://banningca.gov/DocumentCenter/View/13622/Attachment-2-Warrant-Report-September-2023>
3. Warrant Report Detail September 2023
<https://banningca.gov/DocumentCenter/View/13623/Attachment-3-Warrant-Report-Detail-September-2023>
4. Voided Check Log, Payroll Log & Registers – September 2023
<https://banningca.gov/DocumentCenter/View/13624/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: October 24, 2023

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

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for September 2023 on this day, **October 24, 2023**, in accordance with California Government Code 53646. The city's investment portfolio is compliant with its Investment Policy and Pooled Cash is expected to meet all disbursement requirements for the next six months.

UNRESTRICTED CASH AND INVESTMENTS:

Cash & Investments	August 2023	September 2023
Institution/Investment Type	Balance	Balance
UNRESTRICTED CASH AND INVESTMENTS		
Funds Under Control of the City:		
Petty Cash / Cash on Hand	\$ 4,055.00	\$ 4,055.00
	\$ 4,055.00	\$ 4,055.00
Checking and Savings:		
Wells Fargo - General Account - XXXXX5798	\$ 6,728,006.67	\$ 4,636,266.93
Bank of America - Parking Citations - XXXXXXXX 8776	\$ 140,031.43	\$ 140,659.58
Bank of America - Airport Visa - XXXXXXXX 7548	\$ 522,468.42	\$ 531,557.43
Bank of America - CNG Charge Acct XXXXXXXX 5594	\$ 79,901.70	\$ 79,755.00
	\$ 7,470,408.22	\$ 5,388,238.94
See Investment Report for Details of the following Investments:		
State of California, Local Agency Investment Fund	\$ 27,722,955.50	\$ 22,722,955.50
% of Investments in LAIF	58%	53%
US Bank		
City of Banning Custody Account XXXXX6000	\$ 20,346,920.47	\$ 20,346,920.47
Total Unrestricted Cash and Investments	\$ 55,544,339.19	\$ 48,462,169.91

RESTRICTED CASH AND INVESTMENTS:

Cash & Investments	August 2023	September 2023
RESTRICTED CASH AND INVESTMENTS		
<u>Cash with Fiscal Agents</u>		
<i>US Bank</i>		
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$ 832,100.23	\$ 835,486.32
2019 Wastewater Revenue Bond - 254226002	\$ 230,030.30	\$ 230,032.25
2019 Wastewater Revenue Bonds 254226000	\$ 1.69	\$ 1.69
2019 Wastewater Revenue Bonds - BUA Water Projects - Previous Balance less amount required for Refunding - 254226006	\$ 2,502,765.15	\$ 2,502,765.15
2015 Water Revenue Bonds-BUA Water Projects - 258228000	\$ 2,505.18	\$ 2,525.21
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	\$ 706,579.77	\$ 709,455.07
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685000	\$ 4,708.50	\$ 4,727.66
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	\$ 7,687,059.50	\$ 7,687,092.15
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	\$ 2,428,543.76	\$ 2,428,543.76
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-789582001	\$ 28,278.09	\$ -
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-789582003	\$ 186,055.26	\$ 186,056.05
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund- 277166004 Market Value	\$ 2,205,497.50	\$ 2,205,497.50
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	\$ -	\$ -
CAISO - City of Banning XXXXX6994	\$ 121,007.89	\$ 121,509.84
City of Banning - XXXXX5920 - RPU	\$ 813,173.61	\$ 1,062,056.84
Cash with Fiscal Agents - US Bank	\$ 17,748,306.43	\$ 17,975,749.49
<u>Restricted Investment in SCPPA Project Stabilization Fund</u>		
Project Stabilization Fund (added to report as of January 2020)	\$ 2,982,703.60	\$ 1,426,383.97
Total Restricted Cash and Investments	\$ 20,731,010.03	\$ 19,402,133.46
Grand Total Cash and Investments	\$ 76,275,349.22	\$ 67,864,303.37

The City has historically reported fund balance classifications as cash restrictions. They are separate items and have independent restrictions. In the classification of "Restricted Funds" above, staff have listed all cash citywide that meets the definition of Restricted Cash and Investments per Generally Accepted Accounting Principles in the United States (GAAP). The Committed, Assigned, and Reserved Fund restrictions are only restrictions on Fund Balances, not Cash. Going forward, staff will present the investment report considering only Restricted and Unrestricted Cash and Investments. Those are the only two classifications for cash according to Government Accounting Standard (GASB) 34 - Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments.

ATTACHMENTS:

1. Cash, Investment and Reserve Report September 2023
<https://banningca.gov/DocumentCenter/View/13628/Attachment-1-Cash-Investment-and-Reserves-September-2023>

October 24, 2023

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2. Investment Report

<https://banningca.gov/DocumentCenter/View/13629/Attachment-2-Investment-Report-September-2023>

3. Broker Report

<https://banningca.gov/DocumentCenter/View/13630/Attachment-3--City-of-Banning-Broker-Report-September-2023>

4. LAIF Market Valuation Report

<https://banningca.gov/DocumentCenter/View/13626/Attachment-4-LAIF-Market-Valution-September-2023>

5. LAIF Performance Report

<https://banningca.gov/DocumentCenter/View/13627/Attachment-5-PMIA-LAIF-Performance-Report-September-2023>

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: October 24, 2023

SUBJECT: Receipts, Disbursements, & Fund Balances Reporting for September 2023 and Fiscal Year-to-Date 2022-23 and 2023-24

RECOMMENDATION:

Receive and file Receipts, Disbursements, & Fund Balances Reporting for September 2023 and Fiscal Year-to-Date 2022-23 and 2023-24.

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.

October 24, 2023

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ALTERNATIVES:

1. Receive and file Receipts, Disbursements, & Fund Balances Reporting for September 2023 and Fiscal Year-to-Date 2022-23 and 2023-24.

ATTACHMENTS:

1. Receipts, Disbursements, & Fund Balance Reporting – September 2023
<https://stories.opengov.com/banningca/published/6ir1JhzSr>

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
Laurie Sampson, Assistant City Manager

MEETING DATE: October 24, 2023

SUBJECT: Receive and File Police Department Statistics for the Month of September 2023

RECOMMENDATION:

Receive and file Police Department statistics for the month of September 2023.

BACKGROUND:

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

ATTACHMENT:

1. Police Statistics for September 2023

<https://banningca.gov/DocumentCenter/View/13570/STATS-SEPTEMBER>

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

MEETING DATE: October 24, 2023

SUBJECT: Receive and File Fire Protection Services Statistics for the Month of September 2023

RECOMMENDATION:

Receive and file Fire Department statistics for the month of September 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 September 2023

<https://banningca.gov/DocumentCenter/View/13631/Banning-September-2023-Fire-Report>

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: Art Vela, Director of Public Works
MEETING DATE: October 24, 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/13571/Att-1-CIP-Tracking-Update-101223>

Approved by:

A handwritten signature of Douglas Schulze.

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 24, 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 September 2023
<https://banningca.gov/DocumentCenter/View/13632/2023-10-October-Council-meeting---September-Contract-Data>

October 24, 2023

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

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: October 24, 2023

SUBJECT: Accept as Complete the Foothill West Zone (FWZ) and Mountain North Zone (MNZ) Water Transmission Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration

RECOMMENDATION:

City Council accept as complete the Foothill West Zone (FWZ) and Mountain North Zone (MNZ) water transmission main improvements related to the Atwell Specific Plan Development and authorize the 90% bonds exoneration.

BACKGROUND:

As conditions of approval for the Atwell Specific Plan development, Tri Pointe Homes was required to sign a Subdivision Improvement Agreement and to submit bonds to assure the City that the required public improvements are constructed according to City standards and specifications.

The FWZ and the MNZ on-site water transmission lines are within Tract No. 37446 (Planning Area 50A) of the Atwell Specific Plan Development.

JUSTIFICATION:

Staff has verified through inspections that the required two on-site water transmission main improvements were completed per City standards and specifications and recommends that City Council accept the improvements as complete and authorize the 90% bond exoneration for the following bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
0230978	\$111,395.90	MNZ Water Transmission Main
0230979	\$423,476.00	FWZ Water Transmission Main

The remaining 10% of the bond amounts will remain for a period of 12 months (maintenance period) at which point the 10% balance will be released and the improvements will become City owned and maintained improvements.

FISCAL IMPACT:

Not applicable

ALTERNATIVES:

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

ATTACHMENTS:

1. Subdivision Improvement Agreement and Bond # 0230979 (FWZ Water Transmission Line)
<https://banningca.gov/DocumentCenter/View/13575/Attachment-1---FWZ-Water-Line-Agreement-and-Bond>
2. FWZ Water Transmission Main Improvement Plan
<https://banningca.gov/DocumentCenter/View/13572/Attachment-2---FWZ-Water-Line-Improvement-Plan>
3. Subdivision Improvement Agreement and Bond # 0230978 (MNZ Water Transmission Line)
<https://banningca.gov/DocumentCenter/View/13573/Attachment-3---MNZ-Water-Line-Agreement-and-Bond>
4. MNZ Water Transmission Main Improvement Plan
<https://banningca.gov/DocumentCenter/View/13574/Attachment-4---MNZ-Water-line-Improvement-Plan>

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: October 24, 2023

SUBJECT: Consideration of Resolution 2023-169, Approving the Quitclaim for Access, Park and Vehicle Parking Easement to Tri Pointe Homes for Tract Map No. 37389-3 within the Atwell Development and Accepting the Easements from TriPointe Homes for Public Park Access and Storm Drain Purposes

RECOMMENDATION:

That City Council:

1. Adopt Resolution No. 2023-169 approving a quitclaim deed for access, park and vehicle parking easement to TriPointe Homes as indicated on the recorded Tract Map No. 37389-3 (PA 29) within the Atwell Development.
2. Accept an easement from TriPointe Homes for public park vehicle access purposes for Tract Map No. 37389-3 (PA 29) within the Atwell Development.
3. Accept an easement from TriPointe Homes for public storm drain purposes for 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.

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) 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 access and vehicle parking 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. Resolution 2023-169
<https://banningca.gov/DocumentCenter/View/13664/Attachment-1---Resolution-2023-169>
2. Quitclaim Deed for Access, Park and Vehicle Parking Easement
<https://banningca.gov/DocumentCenter/View/13665/Attachment-2---Quitclaim-for-Park-Access-and-Veh-Parking-Easement>
3. Easement – Access, Park and Vehicle Parking and Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/13666/Attachment-3---PA-29-Park-Public-Access-and-Veh-Parking-Easement-v2>
4. Easement – Public Storm Drain and Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/13663/Attachment-4---PA-29-Park-Public-Storm-Drain-Easement-v2>

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: 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

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.

Table III-4
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)	
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)
	681.0	259.2	940.2	0.0	2.9	2.9	943.1 (944.84)

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/13635/1-Ordinance-No-1592>
2. October 10, 2023 Staff Report
<https://banningca.gov/DocumentCenter/View/13633/2-October-10-2023-Staff-Report>
3. Proof of Publication: Pre-Adoption Summary
https://banningca.gov/DocumentCenter/View/13634/3-2023-10-13_Ordinance-1592_Pre-Adoption-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 24, 2023

SUBJECT: Consideration of Second Reading and Adoption of Ordinance 1593, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Ordinance Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation of Buildings and Structures.

RECOMMENDATION:

Staff recommends that the City Council conduct second reading and adopt Ordinance 1592, An Ordinance of the City of Banning, California, Approving a Zoning Text Amendment (ZTA 23-97501) to the City of Banning Zoning Ordinance Adding Chapter 17.58 (Historic Preservation) to Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code Adopting Reasonable Standards for Historic Preservation, and Making Findings Pursuant To CEQA.

BACKGROUND:

On October 10, 2023, the City Council conducted first reading of Ordinance 1592 by a 5-0 vote.

JUSTIFICATION:

Please refer to the October 10, 2023 City Council staff report.

Environmental Determination:

Please refer to the October 10, 2023 City Council staff report.

FISCAL IMPACT:

Please refer to the October 10, 2023 City Council staff report.

ATTACHMENTS:

1. Ordinance 1593
<https://banningca.gov/DocumentCenter/View/13639/1-Ordinance-1593>
2. October 10, 2023 Staff Report
<https://banningca.gov/DocumentCenter/View/13637/2-October-10-2023-Staff-Report>
3. Publication of Pre-Adoption Ordinance Summary
https://banningca.gov/DocumentCenter/View/13638/3-2023-10-13_Ordinance-1593_Pre-Adoption-Proof-of-Publication

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: October 24, 2023

SUBJECT: Consideration of Resolution 2023-171, Approving Fiscal Year 2024/2025 Community Development Block Grant Program Applications

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2023-171, approving Funding Year 2024/2025 Community Development Block Grant Program Project and authorize staff to submit applications to the Riverside County Housing and Workforce Solutions ("HWS").

COMMITTEE RECOMMENDATION:

On September 26, 2023, the City Council appointed an Ad-hoc Committee comprised of two Council members, Sheri Flynn and Reuben Gonzales and the Economic Development Manager, Marisol Lopez, to review and recommend approval of Community Development Block Grant ("CDBG") Funding Cycle 2024/2025.

The committee met on October 11, 2023, and recommended the City's CDBG entitlement be allocated to City of Banning Senior Center ADA Improvements \$75,000, City of Banning Dysart Park Bleachers \$75,000, City of Banning Fire Station #89 Plymovent Exhaust System \$30,000 and Sunrise Church Banning Peace Center Food Distribution Center \$11,264.

BACKGROUND:

The City of Banning, through the Riverside County Housing and Workforce Solutions, has submitted various projects annually for funding under the CDBG program. Notifications of the application period in English and Spanish were published on the City's website and press releases were transmitted to the Record Gazette, Facebook, Instagram, and Twitter. Applications were due to the city for consideration on or before October 2, 2023.

As part of the CDBG guidelines, the proposed projects/activities must meet the following criteria:

1. The project or activity must primarily benefit the low and moderate-income community.

2. The project or activity must aid in the prevention or elimination of slums and blight areas.
3. The project or activity must be designed to meet the Community's development needs and have a particular urgency.

JUSTIFICATION:

In response to the 2024/2025 grant cycle, four applications for a service-related projects were submitted by non-profit organizations, one service-related project submitted by the City, three facility improvement project applications from the City. As set forth in the guidelines for utilization of the CDBG funding, the City Council may designate up to 15% of the City's allocation to service oriented non-profit agencies for public services projects but is not required.

The applications are summarized below.

Applications Received	Requested Funding	Ad-Hoc Recommended
Community Projects		
Faith in Action	\$39,500	0.00
Voices for Children	\$12,000	0.00
Boys & Girls Club	\$30,000	0.00
Sunrise Church Food Pantry	\$20,000	\$11,264
City of Banning Projects		
Low Income Program Assistance	\$12,500	0.00
Senior Center ADA Improvements	\$102,500	\$75,000
Dysart Park Bleachers	\$75,000	\$75,000
Station #89 Plymovent System	\$75,000	\$30,000
Total	\$366,500	\$191,264

The City 2024/2025 applications represent requests to fund navigation services, court appointed advocacy for children, Teens Continue to Lead program, a food pantry, low-income Parks program registration assistance, ADA improvements to the Senior Center, bleachers for Dysart Park, and a Plymovent exhaust system for Fire Station #89.

FISCAL IMPACT:

The estimated funding under the CDBG Fiscal Year 2023/2024 program is approximately \$191,264. Upon approval of the City Council, the City approved projects will be submitted to the HWS for review and consideration. It is anticipated that final funding approval will be provided to the City by October of 2024.

ALTERNATIVES:

1. Approve Resolution 2023-171 as recommended.
2. Approve Resolution 2026-171 with amendments.
3. Do not approve Resolution 2023-171 and provide alternative direction.

October 24, 2023

Page 3 of 3

ATTACHMENT:

1. Resolution 2023-171

<https://banningca.gov/DocumentCenter/View/13568/Att-1-Resolution-2023-171>

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: October 24, 2023

SUBJECT: Consideration of Resolution 2023-172, Accepting Community Development Block Grant (CDBG) Funds for Fiscal Year 2023/2024 in a Total Amount of \$191,264 for Faith in Action (0.253-23) in the amount of \$19,850; Voices for Children (0.254-23) in the amount of \$10,000, and City of Banning, Sylvan Park Improvements Phase III (5.BN.60-23) in the amount of \$161,414

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2023-172 and authorize staff to execute and submit the Supplemental Agreement to the Riverside County Housing and Workforce Solutions.

BACKGROUND:

The submittal of the project applications for CDBG 2023/2024 program funding was approved by City Council on November 8, 2022, under Resolution 2022-146. The execution of the 2023/2024 CDBG Supplemental Agreement is required for the City to obtain and utilize the CDBG funds.

JUSTIFICATION:

On an annual basis, the City of Banning has participated in the federally funded CDBG program. On November 8, 2022, the City Council adopted Resolution 2022-146 approving the project applications submittal to the Riverside County Housing and Workforce Solutions for consideration.

To utilize Fiscal Year 2023/2024 CDBG program funds, the City is required to execute a Supplemental Agreement attached hereto by reference. The CDBG FY 2023/2024 funding will be allocated to Faith in Action (0.253-23) in the amount of \$19,850; Voices for Children (0.254-23) in the amount of \$10,000; and the City of Banning, Sylvan Park Improvements Phase III (5.BN.60-23) in the amount of \$161,414.

October 24, 2023

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

FISCAL IMPACT:

By approving the CDBG Supplemental Agreement, Fiscal Year 2023/2024, the City anticipates receiving \$19,850 for Faith in Action, \$10,000 for Voices for Children; and \$161,414 for City of Banning Sylvan Park Improvements Phase III. Acceptance of these funds are restricted exclusively for these projects.

ALTERNATIVES:

1. Approve Resolution 2023-172 as recommended.
2. Approve Resolution 2023-172 with amendments.
3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2023-172
<https://banningca.gov/DocumentCenter/View/13642/1-Resolution-2023-172-CDBG-Supplemental-Agreement>
2. Resolution 2022-146
<https://banningca.gov/DocumentCenter/View/13640/2-CC-Resolution-No-2022-146>
3. CDBG Supplemental Agreements for FY 2023/2024
<https://banningca.gov/DocumentCenter/View/13641/3-City-of-Banning>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-173, Declaring the Intention to Annex Property and Levy and Collect Assessments, Approving the Engineer's Report and Setting the Date for the Public Hearing for Property Owner Protest Balloting Proceeding for the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1

RECOMMENDATION:

Staff recommends City Council adopt Resolution 2023-173, declaring the intention to order the annexation of Tract Map No. (TM) 32370 (Annexation No. 2) to Landscape Maintenance District No. 1 ("LMD No. 1" or "District") and to levy and collect assessments after the City accepts the property into the District, pursuant to the "Landscaping and Lighting Act of 1972"; approving the Engineer's Report; and giving notice of the public hearing and property owner protest balloting procedure for annexation to said District.

BACKGROUND:

LMD No. 1 in the City of Banning was established through the adoption of Resolution 1990-59 on August 14, 1990 (9 tracts), with another, Tract No. 22913, being annexed into the District in 1992. An additional five tracts and three tentative tracts were annexed into LMD No. 1 (Annexation No. 1) when the City Council approved Resolution 2005-36 on May 10, 2005. There are currently ten (10) Zones and 1,015 assessment units (i.e. properties) in LMD No. 1. A map displaying the District and its' Zones is shown as Attachment 2.

LMD No. 1 provides a mechanism for the operation and maintenance of landscape medians and parkways, perimeter strips, landscaped hillsides with high visibility, side slopes adjacent to sidewalks and retention basins annexed into it. LMD No. 1 funds expenses (e.g. utility costs, landscape maintenance contractor, etc.) by revenues collected

from the special benefit assessments paid for by each property owner within LMD No. 1. The District, by special benefit assessments, provides funding for the operation and maintenance of certain landscape areas within the City of Banning, all of which were constructed as part of private development projects and all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value.

On September 26, 2023, the City Council adopted Resolution 2023-164, initiating proceedings for the annexation of TM 32370 (19 lots), known as Canterbury, to LMD No. 1 as new Zone 11. The boundaries of TM 32370, Annexation No. 2, and the landscape areas to be included in the District, are shown in Attachment 3. A tentative schedule for annexing TM 32370 to the District as required by the “1972 Act” is included as Attachment 4.

A consultant, Webb Municipal Finance, LLC, (WMF), specializing in LMDs and the annexation process who previously prepared in December of 2019 the Financial Analysis, Redevelopment, and Proposition 218 Report (“Financial Report”) for the City, was hired to prepare and file the Engineer’s Report in conjunction with the City Engineer and meet the legal requirements of annexing property to LMD No. 1. The Engineer’s Report for Annexation No. 2, shown as Attachment No. 5, was prepared by WMF and requested to be approved as part of this Resolution 2023-173, lists the Assessment Unit (AU) rates and costs to be levied to the property owners within TM 32370. The Report reflects the details of proposed assessments and the revenues expected from the annexation of this Tract, new Zone 11, to the District. It is anticipated that the first levy and collection of assessments will occur with the rest of the Zones within LMD No. 1 in Fiscal Year 2024/2025.

A cost analysis was performed by WMF to determine the appropriate annual Assessment Unit cost for each of the nineteen (19) homes in the tract. Based on the costs to manage the landscaped areas along Mountain Ave. and the tract’s proportional share of the retention basin, WMF determined that the annual cost should be \$392.64/AU. This will be subject to a Consumer Price Index (CPI) increase with a maximum of 5% that will occur next FY when the annual LMD levy and collection process occurs next spring. This is the same CPI increase incurred by Zones six through ten in Annexation No. 1.

The annual assessments may be increased without further notice or public hearing by a percentage equal to the increase in the CPI for all Urban Consumers in the Riverside-San Bernardino-Ontario, CA area, published by the United States Department of Labor, Bureau of Labor Statistics during the preceding calendar year, provided however, that any such increase shall not exceed five percent (5%) per fiscal year.

Adoption of this Resolution 2023-173 will accomplish three goals for the annexation of TM 32370 to the District. First, it provides the resolution of intention to annex TM 32370 to the District and levy and collect assessments; second, it permits the City Council to review and approve the Engineer’s Report; and third, it sets the date and time for a

public hearing and for the property owner protest balloting proceeding. Subsequent to the approval of Resolution No. 2023-173, the City Council will be requested to order the annexation of TM 32370 to the District.

Upon approval of this resolution, the public hearing and property owner protest balloting proceeding will be held at the regularly scheduled City Council meeting on November 14, 2023, at 5:00 p.m., as shown in Attachment 4.

JUSTIFICATION:

The City Council approved the formation of the District by adopting Resolution No. 1990-59 on August 14, 1990. The Conditions of Approval for TM 32370 included a requirement to participate in LMD No. 1 (see Attachment 6). The adoption of this Resolution will enable the assessments to be collected from the property owners located within the Canterbury development, Zone 11, to provide for the funding required to maintain landscape areas located within the public right-of-way directly benefiting said property owners.

FISCAL IMPACT:

The LMD No. 1 Annexation fee has been paid by the developer of Canterbury, Crestwood Communities, to pay for the consultant and Public Works Department staff time to complete the annexation process. A cost analysis performed by the consultant, WMF, determined the annual Assessment Unit cost for each of the nineteen (19) homes in the tract to be \$392.64/AU for this FY amounting to \$7,460.16. However, assessments will not be collected until FY 24/25.

ALTERNATIVES:

1. Adopt Resolution 2023-173 as recommended.
2. Adopt Resolution 2023-173 with modifications.
3. Do not approve Resolution 2023-173 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution No. 2023-173
<https://banningca.gov/DocumentCenter/View/13581/Attach-1-Reso-2023-173-Approve-Levy-Engineers-Report-set-PH-date-for-Annexation-of-Tract-32370>
2. LMD No. 1 Map for FY 2023/24
<https://banningca.gov/DocumentCenter/View/13577/Attach-2-FY-23-24-LMD-No1-Map>
3. Annexation No. 2 Boundary Map, LMD Area Map and Zone 11 Map
<https://banningca.gov/DocumentCenter/View/13578/Attach-3-Maps>
4. Tentative Schedule for Updating LMD No. 1
<https://banningca.gov/DocumentCenter/View/13579/Attach-4-Tentative-Schedule-for-Annexation-No-2-to-LMD-No-1->

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5. Annexation No. 2 Engineer's Report

<https://banningca.gov/DocumentCenter/View/13580/Attach-5-Annexation-No-2-Engineers-Report>

6. Resolution 2005-74 with Conditions of Approval for Tract 32370

<https://banningca.gov/DocumentCenter/View/13576/Attach-6-CC-Resolution-No-2005-074>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-174 Authorizing the Mayor to Execute the Agreement for the Funding of Measure A Regional Arterial Improvements with the Riverside County Transportation Commission (RCTC) for \$13,500,000 in Measure A Funding for the Construction of the Sun Lakes Boulevard Extension Project

RECOMMENDATION:

Staff recommends that City Council approve Resolution 2023-174 authorizing the Mayor to execute the agreement for the funding of Measure A Regional Arterial Improvements ("Grant Agreement") with Riverside County Transportation Commission (RCTC) for \$13,500,000 in Measure A funding for the construction of the Sun Lakes Boulevard Extension Project.

BACKGROUND:

RCTC, in coordination with the Western Riverside Council of Governments (WRCOG), issued a call for projects for the Measure A Regional Arterials Program (MARA) in February 2023. The call for projects was the first such request in 10 years by RCTC. As such, the pool of money available for arterial projects throughout Riverside County was set at \$135,000,000 with a maximum per project award of \$13,500,000. Future calls for projects will be conducted every two years, with a smaller pool of total available money and smaller individual project maximums.

As the Sun Lakes Boulevard extension (also known as the Westward Avenue extension) ("Project") project was moving through the design and permitting process, the Public Works Department evaluated the project for construction readiness in relation to the 2023 RCTC MARA Call for Projects. The Public Works Department completed the application and submitted it to RCTC on April 4, 2023.

Public Works Department staff was notified in May 2023 that the project was being recommended by RCTC staff for award as a conditional project, meaning that a funding gap existed in the application that would need to be addressed prior to the reimbursement of awarded funds. The RCTC Board voted on June 7, 2023 to award projects as recommended by RCTC staff.

The grant requires that the City of Banning sign the Grant Agreement by November of 2023. The grant further requires that the construction contract be issued and first invoiced paid prior to June 2025.

As a conditionally approved project, Public Works Department staff will submit regular correspondence to RCTC on project status and funding prior to the issuance of a construction contract.

JUSTIFICATION:

The City Council has a goal, as evidenced by the authorization for the design of the Project, to construct this critical piece of infrastructure. The funding awarded by RCTC MARA program accounts for nearly half of the estimated construction costs. In conjunction with additional funding opportunities, this allows the city a level of confidence in being able to move the project to the construction phase.

Additional requests and a complete picture of the total project funding will be provided to Council as funding becomes available. Award of a construction contract expending any of these received funds will require future Council action.

Execution of the Grant Agreement is required in order to receive the MARA program funds.

FISCAL IMPACT:

The Grant Agreement allows for the City of Banning to enter into a reimbursement agreement with RCTC for construction activities related to the Project. The terms of the Grant Agreement require the City to be under construction with a first invoice submitted by June 2025, 2-years after the announcement of the award.

The Grant Agreement requires the project to be constructed as a full and complete Project, and phased work is not permitted. The City of Banning is required to provide funding for the remainder of the Project that may consist of other funding and grant sources or local expenditures. The remainder of the funding for the Project will likely include WRCOG Transportation Uniform Mitigation Fee (TUMF), local Measure A and SB-1, and Transportation Development Impact Fees. The Project's construction phase is currently estimated at \$30,500,000.

If the Grant Agreement is not approved, or if construction cannot occur within a reasonable timeframe, the City of Banning would surrender the grant funding resulting in the funds being returned to the RCTC MARA pool for other jurisdictions.

October 24, 2023

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ALTERNATIVES:

1. Adopt Resolution 2023-174 as recommended.
2. Adopt Resolution 2023-174 with modifications.
3. Do not approve Resolution 2023-174 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-174
<https://banningca.gov/DocumentCenter/View/13667/Attach-1-Resolution-2023-174-RCTC-Grant-Agreement>
2. RCTC MARA Grant Agreement
<https://banningca.gov/DocumentCenter/View/13669/Attach-2-Banning-RCTC-Measure-A-Regional-Arterial-23-72-091-00>
3. RCTC MARA Grant Application
https://banningca.gov/DocumentCenter/View/13668/Attach-3-Grant-Applications-RCTC-Reg-Arterial-Call-for-Projects_Banning-Sun-Lakes-Blvd-Extension-Project

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
Patrick Safari, CIP Manager

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-175, Approving Amendment No. 2 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$496,079 for the Continued Design of the Sun Lakes Boulevard Extension

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2023-175:

1. Approving Amendment No. 2 to the Professional Services Agreement with Albert A. Webb Associates, Inc. ("WEBB") for an additional amount of \$496,079 for the continued design of the Sun Lakes Boulevard Extension project and extend the term of the agreement to June 30, 2025.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, and transfers related to Amendment No. 2 to the Professional Services Agreement with WEBB.
3. Authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with WEBB.

BACKGROUND:

Contract Documents and Amendments:

On February 18, 2020, Public Works Department released a Request for Proposals for the design of Sun Lakes Boulevard Extension (also known as the Westward Avenue Extension). On March 10, 2020, two proposals were received from WEBB and Engineering Resources of Southern California (ERSC) in the amount of \$548,416.05 and \$849,674.30 respectively.

On April 14, 2020, City Council approved Resolution No. 2020-48 for Professional Services Agreement with WEBB for the design of the Sun Lakes Boulevard Extension Project in the amount of \$548,416.05.

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

On February 11, 2022, a change order to the Professional Services Agreement with WEBB was approved for out-of-scope work including coordination with Western Riverside County Regional Conservation Authority (RCA) in the amount of \$24,983.25. The approval of this change order was within the City Manager's approval authority.

On March 21, 2022, a change order to the Professional Services Agreement with WEBB was approved for out-of-scope work for the preparation of a sediment transport analysis in the amount of \$5,974.88. The approval of this change order was within the City Manager's approval authority.

On October 11, 2022, City Council adopted Resolution 2022-139 to rescind Resolution 2022-106 and to amend the Professional Services Agreement with WEBB ("Amendment No. 1") to include additional compensation in the amount of \$148,222 and extend the term of the agreement to June 30, 2024. Amendment No. 1 was for out-of-scope work such as storm drain system design, environmental coordination with RCA, supplemental environmental documentation and jurisdictional delineation and permitting. Amendment No. 1 increased the contract amount to \$751,947.66.

Project Status:

Previous design efforts have provided a 90% design for the ultimate roadway within right-of-way that was previously dedicated to the City of Banning on Parcel Map 25541 Recorded on September 17, 1990. The alignment generally follows the existing Westward Ave right-of-way with bends northerly of the existing low water crossings and utility corridor.

Kinder Morgan Pipelines:

Kinder Morgan is a pipeline transportation company specializing in natural gas and oil transportation services. Kinder Morgan operates two (2) pipelines in the City of Banning. The pipeline facilities are located in easements dedicated to Kinder Morgan from 1955 and 1957 in Westward Avenue north of the proposed road centerline between Highland Home Road and Sunset Avenue within the proposed alignment of the Sun Lakes Boulevard extension project.

At the 30% project design, in August 2021 Webb scheduled a meeting with Kinder Morgan encroachment permit staff to review the proposed project and proposed alignment. At the time, direction provided by Kinder Morgan was minimal with instructions to return with a 90% design.

At the 90% design stage, Webb scheduled a meeting with Kinder Morgan to review the plans and get documents allowing the construction of the roadway within their easements.

New encroachment permit staff made a statement that the roadway would not be allowable within their easement and would need to be relocated clear of their facilities. City staff engaged in follow up conversations with Kinder Morgan encroachment staff, as well as department managers. Based on those discussions, the City understands that the roadway alignment must clear the Kinder Morgan easements (see attachment 9) as quickly as practicable. This late direction from the easement holder requires portions of the roadway to be redesigned. The redesign efforts will include:

- Potholing of existing pipeline facilities within roadway areas (50' Intervals) – New Scope
- Realignment of the roadway between the 'humps' to a straight segment – Changed scope.
- Realignment of the segment between Highland Home Road and the westerly 'hump' to clear the easement, matching the design for the connection to existing Westward Avenue – Changed Scope
- Update design of creek crossings to accommodate the revised roadway alignment.
- Update of Environmental documentation (jurisdictional delineation, biological assessment, cultural assessment, DBESP, IS/MND).
- Construction cost estimate update.

Public Works Department negotiated the cost for the additional work with WEBB. WEBB submitted a final proposal for the additional efforts in the amount of \$496,079 ("Attachment 8").

Contract Summary:

Original Contract	\$ 548,416.05
Change Order No. 1	\$ 24,983.25
Change Order No. 2	\$ 5,974.88
Change Order No. 3	\$ 148,222.00
Contingency	\$ 24,351.48
Change Order No. 4	\$ 496,079.00
Total Contract Value	\$1,248,026.66

The TUMF reimbursement agreement between the City of Banning and WRCOG in the amount of \$1,000,000 was executed to fund the environmental documentation, plans, specifications and cost estimate.

JUSTIFICATION:

The Sun Lakes Boulevard extension project has reached the 90% completion stage. The project requires to be redesigned and environmental compliance work must be completed based on the redesign. The additional work is needed in order to comply with Kinder Morgan's design requirements.

Amendment No. 2 is needed in order to authorize the additional work to be completed.

The Sun Lakes Boulevard extension project is considered an important project, which is identified in the City's General Plan, Circulation Element, to that will create a new arterial roadway to improve public safety and emergency response; reduce traffic congestion on city streets; reduce greenhouse gas emissions that result from vehicle idling; improve regional connectivity; and facilitate active transportation and public transportation alternatives.

FISCAL IMPACT:

An appropriation from Measure A Fund Balance in the amount of \$496,079 to Account No. 101-4900-431.93-16 is necessary to fund Amendment No. 2.

The project is funded by the TUMF program up to \$1,000,000, therefore the additional expenditures related to Amendment No. 2 will be partially reimbursed by the TUMF program, which has a current balance of \$307,164.39. The City intends to request additional TUMF funding in the amount of \$350,000 including contingency.

ALTERNATIVES:

1. Adopt Resolution 2023-175 as recommended.
2. Adopt Resolution 2023-175 with modifications.
3. Do not approve Resolution 2023-175 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-175
<https://banningca.gov/DocumentCenter/View/13645/Att1---Resolution-2023-175>
2. Approved Resolution 2022-139
<https://banningca.gov/DocumentCenter/View/13646/Att2---Resolution-No-2022-139>
3. Approved Resolution 2020-97
<https://banningca.gov/DocumentCenter/View/13647/Att3---Resolution-No-2020-097>
4. Approved Resolution 2020-48
<https://banningca.gov/DocumentCenter/View/13648/Att4---Resolution-No-2020-048>
5. Professional Services Agreement with Webb
<https://banningca.gov/DocumentCenter/View/13649/Att5---Original-Services-Agreement>
6. Amendment No.1 to the Webb Agreement
<https://banningca.gov/DocumentCenter/View/13650/Att6---Amendment-1-Services-Agreement>
7. Webb Change Orders No.1, 2 and 3
<https://banningca.gov/DocumentCenter/View/13651/Att7---Change-Orders-12-and-3>
8. Webb Change Order No.4
https://banningca.gov/DocumentCenter/View/13643/Att8---Redesign_KM-Easment-exhibit

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9. KM Easements Exhibit

<https://banningca.gov/DocumentCenter/View/13652/Att9---Change-Order-4>

10. RCA Request Letter

<https://banningca.gov/DocumentCenter/View/13644/Att10---RCA-Request-Letter>

11. Amendment No. 2

<https://banningca.gov/DocumentCenter/View/13653/Att11---Amendment-2-Services-Agreement>

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: October 24, 2023

SUBJECT: Consideration of Adoption of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-Family and High Density Residential Uses in the Downtown Commercial Zoning District

RECOMMENDATION:

Staff recommends that the City Council conduct a second reading and adopt Ordinance 1596, as read by title only.

BACKGROUND:

"On September 26, 2023, the City Council conducted second reading and adopted Ordinance 1596 by a 5-0 vote approving Item 6.10 as part of the Consent Calendar. Whenever the City Council adopts an ordinance, Government Code Section 36933 requires that the City cause publication of each adopted ordinance, within 15 days after passage, in a newspaper of general circulation published and circulated in the City. Alternatively, cities may also satisfy this requirement by publishing a summary of the proposed ordinance and posting a certified copy of the proposed ordinance in the city clerk's office at least 5 days before the city council meeting at which the ordinance is to be adopted. Then, within 15 days after adoption of the ordinance, a summary of the ordinance must be published with the names of the councilmembers voting for and against the ordinance. Failure to publish or post an ordinance, or its summary in substantially the manner and at the time required by Government Code Section 36933, prevents the ordinance from taking effect or being valid (unless the ordinance becomes effective immediately on adoption as provided in the Government Code). It is the City's practice to publish ordinance summaries before and after the City Council's adoption of ordinances. Summaries of Ordinance 1596 were not published in accordance with Government Code Section 36933 when the City Council first adopted Ordinance 1596 on September 26, 2023. As a result, staff is requesting that the City Council conduct second reading and adopt Ordinance 1596 again during the October 24, 2023 City Council meeting so that City staff may comply with the requirements of Section 36933 in order for Ordinance 1596 to take effect and be valid. A pre-adoption ordinance summary for

September 26, 2023

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Ordinance 1596 was published in Record Gazette on October 13, 2023, and, should the Council adopt Ordinance 1596, a post-adoption summary will be published on November 23, 2023. If adopted, Ordinance 1596 will take effect on November 23, 2023.

JUSTIFICATION:

Please refer to the September 26, 2023 City Council staff report.

ENVIRONMENTAL DETERMINATION:

Please refer to the September 26, 2023 City Council staff report.

FISCAL IMPACT:

Please refer to the September 26, 2023 City Council staff report.

ALTERNATIVES:

1. Conduct second reading and adopt Ordinance 1596, as recommended.
2. Do not conduct second reading or adopt Ordinance 1596 and provide alternative direction to staff.

ATTACHMENTS:

1. Ordinance 1596
<https://banningca.gov/DocumentCenter/View/13656/1-Ordinance-No-1596>
2. September 26, 2023 Staff Report
<https://banningca.gov/DocumentCenter/View/13654/2-September-26-2023-Staff-Report>
3. Proof of Publication of Pre-Adoption Ordinance Summary
https://banningca.gov/DocumentCenter/View/13655/3-2023-10-13_Ordinance-1596_Pre-Adoption-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 24, 2023

SUBJECT: Consideration of Resolution 2023-176, Authorizing Extension of the Service Fee Collected on Behalf of the Riverside County Abandoned Vehicle Abatement Program

RECOMMENDATION:

Adoption of Resolution 2023-176 Approving the Extension of the Service Fee Collected on Behalf of the Riverside County Abandoned Vehicle Abatement (AVA) Service Authority until May 14, 2024.

BACKGROUND:

Riverside County Abandoned Vehicle Abatement Service Authority was formed on or about June 1, 1994, pursuant to the provisions of California Vehicle Code §§ 9250.7 and 22710 enacted by the Legislature in 1990 which authorize the establishment of a service authority and imposition of a service fee on all registered motor vehicles located within a county.

JUSTIFICATION:

The service fees received by the Riverside County Abandoned Vehicle Abatement Service Authority are used to reimburse local governmental agencies for a portion of their costs incurred as a result of the abatement, removal and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles and their parts.

FISCAL IMPACT:

The AVA Program has the potential to generate between \$8,000 and \$19,000 per year in annual gross revenue. However, revenue has not been generated due to the lack of Code Enforcement Division staffing.

ALTERNATIVES:

1. Adopt Resolution 2023-176 with modifications.
2. Do not approve Resolution 2023-176 and provide alternative direction to staff.

October 24, 2023

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ATTACHMENTS:

1. Resolution 2023-176

<https://banningca.gov/DocumentCenter/View/13689/Att-1-Resolution-2023-176>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
BANNING UTILITY AUTHORITY BOARD

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-11UA Approving a Professional Services Agreement with Albert A. Webb Associates, Inc. in the Amount of \$145,330 for the Design of the Wastewater Treatment Plant Equalization Basin and Allowing a 10% Contingency for a Total Project Budget of \$159,863

RECOMMENDATION:

Staff recommends that the Utility Authority approve Resolution 2023-11UA:

1. Approving a Professional Services Agreement with Albert A. Webb Associates, Inc. ("WEBB") in the amount of \$145,330 for the Design of the Wastewater Treatment Plant Equalization Basin ("Agreement").
2. Approving a total project budget of \$159,863 which includes a 10% contingency.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers associated with the Agreement and approving change orders within the 10% contingency.
4. Authorizing the City Manager or his designee to execute the Agreement.

BACKGROUND:

On June 9, 2020 City Council awarded a Professional Services Agreement for the Design of the Wastewater Treatment Plant Equalization Basin, to WEBB in the amount of \$217,536 and established a total project budget of \$239,289.60, which included a 10% contingency. WEBB's scope, in general, was to design an equalization basin which included two connected basins. The first basin would be utilized to equalize daily normal flows of wastewater and provide steady flows through the plant from the effluent of the primary clarifiers to the plant discharge. The second basin would be used to capture excess flows above normal daily flows such as those during rain events.

In May 20, 2021 WEBB completed a Preliminary Engineering Report (PER) inclusive of 60% design drawings. The PER included an Opinion of Cost in the amount of \$4,425,400 ("Base Bid"). The PER also included a reduced alternate scope, which omitted non-critical

items. The Opinion of Cost for the alternative scope (“Bid Alternate”) was estimated at \$3,127,000.

After the approval of the PER, WEBB was directed to continue with 100% design drawings and preparation of bidding documents. Following the submittal of the 90% design drawings, WEBB indicated that construction cost had increased dramatically since the initial estimates were provided in May, 2021. At the request of the staff, WEBB provided an updated Opinion of Cost that estimated the Base Bid at \$7,050,000 and the Bid Alternate at \$5,020,000.

Due to the rising costs of the project, which have exceeded the City’s current budget allocated to the construction phase, staff requested N2W Engineering, Inc. (“N2W”) to evaluate the current design and recommend design modifications to reduce the cost of the project. As a result, N2W prepared a technical memorandum indicating that by making certain design changes the project costs could be reduced to \$3,500,000. A majority of the savings comes from the reduction of concrete in the existing design.

Congressional Earmark

For several months during the first quarter of 2021, staff worked with the City’s federal lobbyist and congressional representatives on a funding request for the construction phase of the project. In July 2022 the City was notified that Congress had identified the City’s project as part of the Consolidated Appropriations Act of 2022 (P.L. 117-103). The project was allocated a funding amount of \$1,250,000. At that time staff was using a construction estimate of \$3,260,000, see attached Fact Sheet prepared by staff for discussion with congressional representatives.

JUSTIFICATION:

During prolonged and intense rain events, the City’s wastewater treatment plant (WWTP) experiences substantial flow increases. If incoming stormwater exceeds the treatment capacity of the WWTP, a Sanitary Sewer Overflow (SSO) is imminent without additional storage capacity (i.e. basins) to accommodate the excess flows.

Based on the current design of the WWTP equalization basin, the estimated construction cost has dramatically increased in cost since 2021, exceeding the City’s current allocated budget of \$3,250,000. A redesign of the project as recommended by N2W could reduce the cost of the project to an affordable level.

The original agreement with WEBB has expired, therefore the award of a Professional Services Agreement to WEBB as a sole source (Engineer of Record) is necessary in order to move forward with the redesign in a cost effective and timely manner.

FISCAL IMPACT:

The Professional Services Agreement with WEBB for the redesign work is valued at \$145,330. The total project budget of \$159,863 which includes a 10% contingency will be funded by Account 681-8000-454.95-12, which has an available budget of \$1,100,000 for fiscal year 2023/2024.

October 24, 2023

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The proposed design modifications are estimated to save the City between \$1,520,000 and \$3,550,000 when compared to the Bid Alternate and Base Bid respectively.

ALTERNATIVES:

1. Adopt Resolution 2023-11UA as recommended.
2. Adopt Resolution 2023-11UA with modifications.
3. Do not approve Resolution 2023-11UA and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-11UA
<https://banningca.gov/DocumentCenter/View/13674/Attach-1-2023-11UA-Webb-Amendment-EQ-Redesign>
2. Preliminary Engineering Report
<https://banningca.gov/DocumentCenter/View/13675/Attach-2-Preliminary-Engineering-Report-May-2021>
3. June 2022 Updated Cost Estimate
https://banningca.gov/DocumentCenter/View/13677/Attach-3-City-of-Banning_Opinion-of-Cost_90-June-2022
4. Fact Sheet
<https://banningca.gov/DocumentCenter/View/13676/Attach-4-Fact-Sheet-City-of-Banning-Equalization-Basin-Fact-Sheet-041321>
5. Congressional Award
<https://banningca.gov/DocumentCenter/View/13670/Attach-5-Congressional-Award>
6. N2W Tech Memorandum
<https://banningca.gov/DocumentCenter/View/13671/Attach-6-N2W-EQ-Basin-and-Pump-Station-TM-05-06-2023>
7. WEBB Proposal
<https://banningca.gov/DocumentCenter/View/13672/Attach-7-City-of-Banning-EQ-Basin-Design-Update-Proposal>
8. Agreement with WEBB
<https://banningca.gov/DocumentCenter/View/13673/Attach-8-C00917---PSA-Albert-Webb---WWTP-EQ--Basin-Design-Modifications>
9. Sole Source Justification
<https://banningca.gov/DocumentCenter/View/13690/Attach-9-Sole-Source-Form>

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
Nicole Jews, Human Resources Manager

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-168, Revision to the Classification and Compensation Plan of the City of Banning

RECOMMENDATION:

Staff recommends City Council adopt Resolution 2023-168, amending the Classification and Compensation Plan effective October 24, 2023.

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:

CITY MANAGER

Update Classification and Range- Deputy City Clerk to Administrative City Clerk and Range from G63 to Range T79 (Job Code 1606)

Update the current position classification and range to market wage (see attachment 2 for market comparison).

Update Classification- Site Coordinator to Homeless Services Site Director (Job Code 1026).

Update Classification- Homeless Shelter Worker to Case Manager Specialist (Job Code 139).

PUBLIC WORKS

Update Classification- Solid Waste Coordinator to Environmental Program Coordinator (Job Code 4261).

COMMUNITY DEVELOPMENT

Reinstate Classification- Building Permit Specialist (Job Code 3240, Range G55).

Decreased contract staffing for similar services and increased permit revenue will cover the cost.

PARKS AND RECREATION

Reinstate classification- Recreation Sports Coordinator (Job Code 3329, Range G49). Funds are currently budgeted within 001-4000 causing no fiscal impact.

FISCAL IMPACT:

Proposed Base Wage Increase				
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference	
Administrative City Clerk /001/T79	\$81,914	\$103,965	\$22,051	26.92%
TOTAL GENERAL FUND IMPACT			\$22,051	

ALTERNATIVES:

1. Adopt Resolution 2023-168 as recommended.
2. Adopt Resolution 2023-168 with modifications.
3. Do not approve Resolution 2023-168 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-168
<https://banningca.gov/DocumentCenter/View/13681/Attachment-1--Resolution-2023-168-Amendment-to-Classification-and-Compensation-Plan>
2. Market Comparison Documents-Administrative City Clerk
<https://banningca.gov/DocumentCenter/View/13682/Attachment-2-Administrative-City-Clerk-Market-Comparison>

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3. Job Description (Administrative City Clerk, Case Manager Specialist, Environmental Program Coordinator, Homeless Services Site Director)
<https://banningca.gov/DocumentCenter/View/13678/Attachment-3-Job-Descriptions>
4. Teamsters Salary Schedule
<https://banningca.gov/DocumentCenter/View/13679/Attachment-4-Salary-Table-FY-23-24-Teamsters>
5. General Unit Salary Schedule
<https://banningca.gov/DocumentCenter/View/13680/Attachment-5-Salary-Table-FY-23-24-IBEW-General>

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
Jason Smith, Electric Operations Manager

MEETING DATE: October 24, 2023

SUBJECT: Consideration of Resolution 2023-170, Approving the Emergency Site Clean-up, Damaged Equipment Removal, Environmental Site Remediation and Security Guard Services Due to a Vandalism Fire at the Electric Utility's Alola Substation at an Estimated Expense of Approximately \$300,000

RECOMMENDATION:

Staff recommends City Council adopt Resolution 2023-170, approving the emergency removal and disposal of contaminated soil, damaged equipment, and structures due to vandalism and fire at the Alola Substation and the emergency hiring of security guards for public safety and to prevent further vandalism pursuant to the City of Banning's emergency procurement policies.

BACKGROUND:

Alola Substation has provided utility distribution to a vital portion of City of Banning Electric Utility's (BEU) commercial and residential customers, which includes the East and Northeast portion of town including the courthouse and school sites. On the morning of September 26, 2023, the Alola Substation was vandalized and set on fire. Fortunately, the substation was de-energized when the fire occurred. The damage was devastating to one of the three power transformers and substantial to the other two. Cooling oil in the transformer boiled out onto the ground and surrounding area causing contamination to the soil.

Following this event, staff reached out to vendors familiar with this type of work as referred by the Riverside County Environmental and HazMat website. GrayMar was available for first response. The original estimate from GrayMar was \$132,925.50. However, the area of soil contamination turned out to be much greater than initially thought, and the soil remediation is being wrapped up at the time of the writing of this staff report. Based upon the amount of soil that has been removed, the final estimate is expected to be approximately \$290,000.

In the interest of public safety and to prevent further vandalism, the Administrative Service Department / Electric Utility hired Ava Security to guard the substation until the remediation was completed.

JUSTIFICATION:

The City's procurement policies and procedures allows for immediate purchases (Section 13 – Emergency Purchases) to prevent economic or other hardship to the City. In this case, immediate action was necessary to prevent further environmental contamination and potential safety hazards. Inclement weather was also a concern, as oil could possibly penetrate the stormwater system on Livingston Ave resulting in more cost and environmental harm.

FISCAL IMPACT:

The total amount of costs is yet to be determined. However, the total cost of the work is expected to be approximately \$300,000.00. The City is currently in the claim process with PERMA and optimistic it will be approved with the fiscal impact resulting in only the deductible of \$10,000.00.

ALTERNATIVES:

1. Adopt Resolution 2023-170 as recommended.
2. Adopt Resolution 2023-170 with modifications.
3. Do not approve Resolution 2023-170 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-170
<https://banningca.gov/DocumentCenter/View/13684/Resolution-2023-170-Emergency-Expenses-Aloha-Substation-Fires-Resolution-v2>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: October 24, 2023

SUBJECT: Consideration to Add Business Items Requested by Council Member Flynn to Future City Council Regular Meeting Agendas

RECOMMENDATION:

Provide direction to the City Manager regarding addition of items for future meeting agendas:

1. Discussion of cell phone or electronic device use on dais during City Council meetings.
2. The future use of Dysart Park and use for events sponsored by the official stagecoach committee.
3. Agreement with ARE Animal Rescue for Animal Shelter services.
4. Update on SCG America ENA for 150 E. Ramsey Street.
5. Consideration of SB 329, raising City Council, City Clerk and City Treasurer pay.

BACKGROUND:

The attached email from Council Member Flynn was sent on Tuesday, October 17, 2023. Per Section 5.1, Preparation of Agendas – Manual of Procedural Guidelines, the City Council shall consider whether to add the following items to a future agenda:

1. Should cell phones or electronic devices, personal or city issued, be allowed on the dais during City Council meetings?

The City Council has not adopted a policy regarding use of cell phones or electronic devices on the dais during City Council meetings. If the City Council wishes to consider adoption of a policy, direction should be provided to the City Manager to prepare a recommended policy for consideration at a future meeting.

2. The future of Dysart Park – will it continue to be a public park that can be used for events sponsored by the official stagecoach committee?

There has been no discussion or consideration of changing the status of Dysart Park from its designation as a public park. In fact, the only discussions have been regarding improvements to make the facility more functional and attractive so it can be used more frequently for events. The Park Board has had discussions

about improvements to the park. The discussion regarding the MOU with Stagecoach Days Committee is scheduled for the November 14th meeting.

3. The future of ARE Animal Rescue continuing to run the City owned public animal shelter including reviewing compliance with the contract, required audits, veterinary care, public outreach, and future viability.

The animal shelter item has already been discussed by the City Council and direction was given to the City Manager to work with ARE into achieve compliance. City staff is preparing options for the City Council to consider. We have reached out to Riverside County with a request for a cost estimate/quote for contracting with them for shelter services, but a response has not yet been received. In addition, finance staff are work to develop a cost estimate for the City to hire staff to take over operation of the shelter. Another alternative to consider is advertising a RFP from another private entity to operate the facility. When I have information to bring back to the Council so you can all have a productive conversation, we will add it to the agenda.

4. An update on the progress of the ENA, approved in January, 2023, with SGP America or its subsidiaries, on the hotel/condo project planned across from City Hall at 150 E. Ramsey Street. SGP America continues to work on project design and is making progress toward application submittal.
5. Consideration of SB 329, Raising City Council pay to \$950 per month from \$390 and also raising City Clerk and City Treasurer monthly pay.

FISCAL IMPACT:

Staff time involved with preparation of research and preparation of staff reports.

ATTACHMENTS:

1. Request from Council Member Flynn
<https://banningca.gov/DocumentCenter/View/13686/Request>
2. SB 329 City Council Compensation
<https://banningca.gov/DocumentCenter/View/13687/SB-329-City-Council-Compensation>

Approved by:



Douglas Schulze
City Manager