



AGENDA

REGULAR MEETING OF THE BANNING CITY COUNCIL

CITY OF BANNING, CALIFORNIA

November 14, 2023
5:00 p.m.
In Chambers

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.

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

1. CALL TO ORDER

- 1.1. Invocation – *Pastor Erik Wade of Sunrise Church*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

- 3.1. Recycling All Stars Awards.....7
- 3.2. Quarterly Small Business Recognition – *Fox Cineplex is D'Place*..... 9

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 24, 2023 City Council Meetings.....**10**
- 6.2. Bulky Item Collection/Compost Giveaway Event Update.....**11**
- 6.3. Parks and Recreation Report of Quarterly Activities for the 1st Quarter of Fiscal Year 2023/2024.....**13**
- 6.4. Consideration of Resolution 2023-178, Accepting a Firehouse Subs Public Safety Foundation Grant Award of \$29,896.32.....**15**
- 6.5. Consideration of Resolution 2023-179, Accepting a 2023 State of California Office of Traffic Safety Grant Award of \$75,000.....**17**
- 6.6. Consideration of Resolution 2023-180, Approving and Authorizing the Application for the Outdoor Equity Grant Program **19**

- 6.7. Consideration of Resolution 2023-181, Authorizing Submittal of All Eligible Individual Senate Bill 1383 Local Assistance Grant Program Grant Applications Administered by CalRecycle That Do Not Require Matching Funds.....**21**
- 6.8. Consideration of Resolution 2023-182 Awarding a Professional Services Agreement for the Design of the Ramsey Street Water Main Replacement to Rick Engineering, Inc. in the amount of \$386,895 and Approving a 10% Contingency for a Total Project Budget of “Not-to-Exceed” \$425,584.50.....**24**
- 6.9. Accept as Complete the Atwell Drive and Creekside Avenue Street and Storm Drain Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Reduction..... **27**
- 6.10. Receive and File Code Enforcement Statistics for the Months of September, October 2023.....**29**

7. PUBLIC HEARING(S)

- 7.1. Public Hearing and Consideration of Resolution 2023-177, Ordering the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning’s Landscape Maintenance District No. 1 and Confirming the Diagram and Levy and Collection of Assessments Commencing in Fiscal Year 2023/2024 Pursuant to the Landscaping and Lighting Act of 1972..... **32**
(*Staff Report: Art Vela, Director of Public Works*)

Recommendation: Staff recommends that City Council: (1) Conduct the public hearing and the property owner protest balloting proceedings, and accept public testimony; and (2) In the absence of a majority protest, adopt Resolution 2023-177, ordering the annexation of Tract Map No. (TM) 32370 (Annexation No. 2) to the City of Banning’s Landscape Maintenance District No. 1, confirming the diagram and levy and collection of assessments within the City of Banning’s Landscape Maintenance District No. 1 commencing in Fiscal Year 2023/2024 pursuant to the provisions of Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code), and authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder’s Office.

8. REPORTS OF OFFICERS

- 8.1. Consideration of Resolution 2023-183, Approving a Three (3) Year Master Services Agreement with IGM Technology Corp. for Software Services Platform Modules (SaaS): IGM Gravity Budgeting, Reporting, and Transparency..... **36**
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

Recommendation: Approve Resolution 2023-183 for a three (3) year Master Services Agreement with IGM Technology Corp. for Software Services Platform Modules (SaaS): IGM Gravity Budgeting, Reporting, and Transparency for a total Not-To-Exceed amount of \$155,676.

- 8.2. Discussion of Stagecoach Days Memorandum of Understanding..... **38**
(*Staff Report: Doug Schulze, City Manager*)

Recommendation: Provide direction to City Manager regarding upcoming deadline for notification related to MOU between City of Banning and Stagecoach Days Association.

- 8.3. Animal Services Discussion: Banning Animal Shelter and ARE Animal Rescue Contract **40**
(*Staff Report: Doug Schulze, City Manager*)

Recommendation: Provide direction to City Manager regarding Banning Animal Shelter and ARE Animal Rescue Contract for shelter services.

9. DISCUSSION ITEM(S)

- 9.1. Discuss Adding a City of Banning Identifier to the San Gorgonio Avenue Overpass..... **45**
(*Staff Report: Art Vela, Director of Public Works*)

Recommendation: Discuss adding a City of Banning identifier to the San Gorgonio Avenue Overpass.

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
3. Food Desert Zoning Overlay (Minjares)
4. Beautification of San Gorgonio Overpass Funding (Gonzales) – See *Agenda Item 9.1*
5. Scope and Duties of the Budget and Finance Committee (Wallace)
6. Neighborhood Groups/Identities (Minjares)
7. ARE Animal Rescue Contract (Flynn) – See *Agenda Item 8.2*
8. Public Notification Policy for Development Projects (Flynn)
9. Donation Policy (Flynn)
10. Zencity Contract (Flynn)
11. Comments Section on Agenda for Council Members (Flynn)
12. Cannabis Ordinance/Moratorium (Flynn)
13. Use of Cell Phones on Dais (Flynn) – *Tentatively Scheduled for 12/12*
14. Future Use of Dysart Park (Flynn) – See *Agenda Item 8.1*
15. SGP America ENA Update for 150 E. Ramsey St (Flynn)
16. Consideration of SB 329, Raising City Council Pay (Flynn)

11. ADJOURNMENT

Next Regular Meeting – December 12, 2023 at 5:00 p.m.

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

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

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

CERTIFICATE OF RECOGNITION

PRESENTED TO


DELORES AND TONY MACIAS



*The City Council of the City of Banning recognizes you
for your exemplary recycling efforts as part of
Waste Management's Recycling All Stars Program
by doing your part to **Recycle Often and Recycle Right.***

RECYCLING
ALL STARS

Presented on this 14th day of November 2023



Alberto Sanchez, Mayor



City of Banning

CERTIFICATE OF RECOGNITION


PRESENTED TO
CASA CRUZ
OF BANNING, CALIFORNIA



*The City Council of the City of Banning recognizes you
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RECYCLING
ALL STARS

Presented on this 14th day of November 2023



Alberto Sanchez, Mayor



CITY OF BANNING

Small Business Recognition

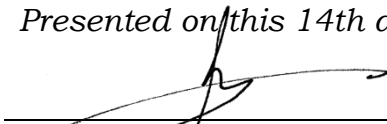
PRESENTED TO

FOX CINEPLEX IS D'PLACE



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

Presented on this 14th day of November, 2023



Alberto Sanchez, Mayor



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Administrative City Clerk

MEETING DATE: November 14, 2023

SUBJECT: Approval of the Meeting Minutes for the October 24, 2023 City Council Meetings

RECOMMENDATION:

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

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the October 24, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/13704/2023-10-24_Minutes_Special-Meeting---Closed-Session
2. Minutes of the October 24, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/13705/2023-10-24_Minutes_Special-Meeting---Workshop
3. Minutes of the October 24, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/13706/2023-10-24_Minutes_Regular-Meeting

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 14, 2023

SUBJECT: Bulky Item Collection/Compost Giveaway Event Update

RECOMMENDATION:

This is informational only; receive and file report.

BACKGROUND:

The City of Banning has partnered with Waste Management as part of the solid waste franchise agreement to provide three free bulky item collection events for residential accounts per calendar year. The third of three bulky item collection events for this year was held on October 14, 2023, at Dysart Park offering residents the opportunity to dispose of unwanted items including, but not limited to, appliances, mattresses, green waste, e-waste and so forth. This event also offers residents paper shredding and the collection of household batteries.

The latest event welcomed a record breaking 539 vehicles. An accumulation of 34.24 tons of municipal solid waste, 11.48 tons of green waste, 14.09 tons of white goods/metal, 1.5 tons of paper shredding, 4.41 tons of E-waste, and 4.18 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 69.90 tons of waste of which 35.66 tons were successfully diverted from the landfill. Furthermore, four barrels of household batteries were collected during the event.

In addition to the collection of bulky waste at Dysart Park, the City included a compost station, giving away free compost to the community. Any unused compost that was not given away was disbursed and utilized on City properties throughout the community. Incorporating the free compost giveaway supports the City's compliance goals in achieving targets identified by the State and SB 1383 requirements to purchase and utilize organic waste materials. In all, Waste Management provided 18 tons of compost for the giveaway.

The City's Bulky Item Collection and Compost Giveaway events continue to be a success and provide a great service to our community. The events also aid in keeping the

community clean through reducing the amount of waste that may otherwise be illegally dumped throughout the City and its rights-of-ways. The next event is scheduled for Saturday, January 20, 2024.

FISCAL IMPACT:

The event was staffed by the Public Works Department with staff time and material costs being funded by the Refuse fund.

ATTACHMENTS:

1. Event pictures

<https://banningca.gov/DocumentCenter/View/13724/Attach-1-Event-Pictures>

Approved by:

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Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: November 14, 2023

SUBJECT: Parks and Recreation Report of Quarterly Activities for the 1st Quarter of Fiscal Year 2023/2024

RECOMMENDATION:

That the City Council receive and file the monthly activities report.

BACKGROUND:

To better track the participation levels of parks and recreation program offerings and the facilities usage for parks and recreation programs and services, staff developed a monthly report that is used to compile and present our numbers, help tell our story and allow for easy year over year comparison.

The ten-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming and special events. This Fiscal Year, the report has added a tenth page that tracks participation in activities related to the Outdoor Equity Program Grant. The report is aligned with the fiscal year, July through June of each year and compiled each month.

Staff brings the report to the Council after each quarter of the Fiscal Year. Attached in this item, is the September 2023 report that contains participation information through the end of the 1st quarter of FY 2023-24 and include participation data for the months of July, August, and September.

The 1st quarter report shows a consistent year over year growth in overall programming and participation. Many of our regular ongoing programs continue to be at capacity or nearing capacity. Examples of these programs are instructor classes such as Karate, Kung Fu, Yoga, etc. This quarter saw the start of several new dance classes that often take off during the summer months. Additionally, sports programs such as our Smart Start program continue to flourish. The September report continues to show great participation throughout all programming and services offered in the Senior Center.

Lastly, the report shows significant participation throughout the summer in our Day Camp and Aquatic's programming.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ATTACHMENTS:

1. Parks and Recreation Monthly Report of Activities for September 2023
<https://banningca.gov/DocumentCenter/View/13723/SEP-2023>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-178, Accepting a Firehouse Subs Public Safety Foundation Grant Award of \$29,896.32

RECOMMENDATION:

Staff recommend the City Council adopt Resolution 2023-178, authorizing the acceptance of the 2023 Q4 Firehouse Subs Public Safety Foundation Grant award in the amount of \$29,896.32 for the purchase of 16 Automated External Defibrillators (AEDs).

BACKGROUND:

In 2023, the Banning Police Department submitted a grant proposal with the Firehouse Subs Public Safety Foundation to assist with the purchase of AEDs for the department. This grant will allow the Banning Police Department to purchase critical life-saving equipment. The grant was awarded to the Banning Police Department on 10-03-2023, pending Council approval.

JUSTIFICATION:

The acceptance of grant funds allows the Banning Police Department to purchase critically needed life-saving equipment. Once purchased, the AEDs will be used by patrol personnel, School Resource Officers, and in the Banning Police Station to assist in life-saving efforts for those experiencing sudden cardiac arrest.

FISCAL IMPACT:

The Firehouse Subs Public Safety Foundation Grant Proposal Form was completed and sent to the Firehouse Subs Public Safety Foundation for review and approval. The Banning Police Department has been awarded \$29,896.32 through the Firehouse Subs Public Safety Foundation. There is no matching requirement related to the grant funding.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-178
<https://banningca.gov/DocumentCenter/View/13720/Att-1-Resolution-2023-178-Acceptance-of-2023-FIREHOUSE-SUBS-PUBLIC-SAFETY-FOUNDATION-GRANT>
2. Memorandum of Understanding with Firehouse Subs Public Safety Foundation, Inc.
<https://banningca.gov/DocumentCenter/View/13718/Att-2-MOU--Banning-Police-Department>
3. Approved quote from One Beat Medical & Training (obtained by Firehouse Subs Public Safety Foundation)
<https://banningca.gov/DocumentCenter/View/13719/Att-3-Approved-Quote--AED--OneBeat--Banning-Police-Department>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-179, Accepting a 2023 State of California Office of Traffic Safety Grant Award of \$75,000

RECOMMENDATION:

Staff recommend the City Council adopt Resolution 2023-170, authorizing the acceptance of the State of California – Office of Traffic Safety (OTS) 2023 Selective Traffic Enforcement Program (STEP) Grant award in the amount of \$75,000 for the enforcement of traffic related offenses most frequently contributing to traffic collisions in the City of Banning, the purchase of training and educational aids for community outreach opportunities, and staff training related to the enforcement and reporting of traffic related offenses, including driving under the influence.

BACKGROUND:

In 2023, the Banning Police Department submitted a grant proposal with the State of California Office of Traffic Safety (OTS) to assist with combating problems associated with injury and fatal traffic collisions. This grant will allow the Banning Police Department to partner with OTS and jointly bring a positive impact to the City of Banning with regards to injury and fatal traffic collisions. The grant was awarded to the Banning Police Department on 10-02-2023, with an implementation date of 10-01-2023 pending Council approval.

JUSTIFICATION:

The acceptance of grant funds allows the Banning Police Department to conduct special enforcement activities within the City of Banning to foster safer roadways for citizens and visitors. The grant funds will also allow Banning Police Department staff members to conduct special community outreach and educational events related to traffic safety.

FISCAL IMPACT:

The OTS STEP Grant Proposal Form was completed and sent to OTS for review and approval. The Banning Police Department has been awarded \$75,000 through the OTS STEP. There is no matching requirement related to the grant funding.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2023-179
<https://banningca.gov/DocumentCenter/View/13721/Att-1-Resolution-2023-179-Acceptance-of-2023-OTS-STEP-Grant>
2. Grant Agreement for the 2023/2024 OTS STEP Grant Funding
<https://banningca.gov/DocumentCenter/View/13722/Att-2-Grant-Agreement---PT24011---signed>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-180, Approving and Authorizing the Application for the Outdoor Equity Grant Program

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-180, approving and authorizing the application for Outdoor Equity Program grant to operate an outdoor education program tentatively titled, "Connecting the Banning Community to the Outdoors Program."

BACKGROUND:

The State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of Outdoor Equity Grant Program(OEP). In 2019, the Outdoor Equity Grant program was enacted when Governor Gavin Newsome signed Assembly Bill 209(Limon) which is now part of the Administration's Outdoors for All Initiative. \$57 Million dollars were available in Round # 1 with the City of Banning receiving a three-year programming grant award of \$655,000. The Parks and Recreation Department started implementation of the grant award in January 2023 and has taken trips to La Jolla Beach, the Palm Springs Tramway, La Brea Tar Pits, KidSpace Children's Museum, organized a number of community clean up events, ran an Arbor Day tree planting event and much more. Participation has reached capacity for every trip and has resulted in a waiting list of over 50 people on most trips showing a true need and benefit to the community.

Round # 2 for the grant has an anticipated \$50 million dollars available and the staff believes, the City of Banning is well positioned for similar success in Round # 2. The program funds transportation, entry fees and food during the trips, programs and is designed to provide disadvantaged communities the prospects to improve their health and become more accustomed to the amazing opportunities available in Southern

California. There is no local match required. The application deadline is December 12th, 2023, and anticipated awards for Round #2 are expected in the Summer or Fall of 2024.

The City desires to utilize potential OEP grant funds to expand the success of the Round # 1 award by increasing the number of trips and available spots for our community. Additionally, the program looks to create additional outdoor programming such as hiking clubs and much more. The programming will be based out of Repplier Park/Community Center and will include local programming as well as trips to "Natural Outdoor Destinations," to educate the community on the natural environment or provide access that would otherwise be unavailable to the Community. The exact scope of the program has not been formalized. The Parks and Recreation Department is conducting Community Outreach to receive input from the Community as to the program ideas that are most desired. Based on the results of the community outreach, a refined scope will be completed and submitted along with the OEP application.

JUSTIFICATION:

If awarded, the grant funds will provide the City an opportunity to develop and provide expanded outdoor recreation access to much of the community and develop sustainable programming to benefit the health and wellness for the City of Banning.

FISCAL IMPACT:

The City has solicited grant preparation assistance from Blais and Associates at a cost of \$12,852. These expenditure funds were budgeted within the FY Parks and Recreation Budget for 2023/24. If awarded, the anticipated grant award would be up to \$700,000 and would provide the needed funding to provide continued and expanded access to outdoor recreation for the community for up to three additional years. It is the hope an Award of the Round # 2 grant would allow for complete establishment of the programming and support structure to continue after the expiration of the grant period and minimal funding support will be required to continue the program.

ALTERNATIVES:

Do not approve Resolution 2023-180.

ATTACHMENTS:

1. Resolution 2023-180
[https://banningca.gov/DocumentCenter/View/13737/Resolution-2023-180--
Authorizing Resolution City of Banning](https://banningca.gov/DocumentCenter/View/13737/Resolution-2023-180--Authorizing Resolution 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
Holly Stuart, Public Works Program Manager

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-181, Authorizing Submittal of All Eligible Individual Senate Bill 1383 Local Assistance Grant Program Grant Applications Administered by CalRecycle That Do Not Require Matching Funds

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2023-181:

1. Authorizing submittal of all eligible individual Senate Bill 1383 Grant Program grant applications administered by CalRecycle that do not require matching funds.
2. Authorizing the Administrative Services Director or designee to make necessary budget adjustments, appropriations and transfers related to CalRecycle grant programs.
3. Authorizing the City Manager or designee as a “Signature Authority” to execute all documents necessary to implement the programs and secure funding including applications, agreements, amendments and requests for payment that is necessary to secure grant funds and implement approved grant projects.
4. Authorization under this resolution is effective for five years from the date of adoption.

BACKGROUND:

California’s Department of Resources Recycling and Recovery (CalRecycle) brings together the California’s (State) recycling and waste management programs to move the state towards a circular economy that reduces waste and reuses all materials. Through landmark initiatives like the Integrated Waste Management Act and Beverage Container Recycling and Litter Reduction Act, the State works toward a society that uses less, recycles more, and takes resource conservation to higher levels.

CalRecycle’s mission is to protect California’s environment and climate for the health and prosperity of future generations through the reduction, reuse and recycling of California

resources, environmental education, disaster recovery and the transition from a disposable to a fully circular economy.

Public Resources Code sections 48000 et seq. authorizes CalRecycle to administer various grant programs in furtherance of the State's efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment. In order to be eligible to apply for some of these funding opportunities, CalRecycle requires advance approval from governing bodies.

In general, approval under this resolution will permit staff to apply for eligible Senate Bill (SB) 1383 Local Assistance Grant Program funding opportunities provided by CalRecycle that do not require matching funds. For CalRecycle SB 1383 Local Assistance Grant Program opportunities that do require matching funds, staff will request Council's approval separate of Resolution 2023-181.

JUSTIFICATION:

CalRecycle's policy requires an applicant's governing body to declare by resolution certain authorizations related to the submittal and administration of grant programs.

With approval of Resolution 2023-181, Public Works staff will submit a grant application for SB 1383 Local Assistance program grant funds, which are non-competitive funds allocated to City's based on population. The City is slated to received \$75,000 as part of the upcoming grant cycle. CalRecycle offers this non-competitive grant opportunity to provide funding to local jurisdictions to assist with the implementation of regulation requirements of SB 1383. The application for the current funding cycle is due November 15, 2023. If approved, staff will submit an application requesting funds to support the procurement and subscription for record keeping and program management software, as well as, for the procurement of recovered organics materials to assist the City in meeting its annual procurement target of 2,579 tons of recovered recycled material.

FISCAL IMPACT:

No fiscal impact at this time; however, if Resolution 2023-181 is approved, staff will have the authority to submit grant applications to receive non-matching funds to assist the City in implementing programs to meet the State's recycling regulations.

ALTERNATIVES:

1. Adopt Resolution 2023-181 as recommended.
2. Adopt Resolution 2023-181 with modifications.
3. Do not approve Resolution 2023-181, which may result in the City being ineligible to submit for CalRecycle grant funds.

ATTACHMENTS:

1. Resolution 2023-181
https://banningca.gov/DocumentCenter/View/13739/Reso2023-181_CalRecycleGrantApps

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-182 Awarding a Professional Services Agreement for the Design of the Ramsey Street Water Main Replacement to Rick Engineering, Inc. in the amount of \$386,895 and Approving a 10% Contingency for a Total Project Budget of “Not-to-Exceed” \$425,584.50

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2023-182:

1. Awarding a Professional Services Agreement (“Agreement”) for the Design of the Ramsey Street Water Main Replacement, to Rick Engineering, Inc. in the amount of \$386,895 and approving a 10% contingency for a total project budget of “not-to-exceed” \$425,584.50.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, transfers, and approving change orders within the approved contingency related to the Professional Services Agreement for the design of the Ramsey Street Water Main Replacement.
3. Authorizing the City Manager or his designee to make non-substantive changes and to execute the Professional Services Agreement with Rick Engineering, Inc. of Riverside, California.

BACKGROUND:

The City of Banning owns, operates, and maintains water distribution and transmission pipelines that distribute water to residents and businesses. To provide its customers with a reliable supply of water, it is important for the city to continue replacing aging and undersized water distribution infrastructure.

The 2018 City of Banning Integrated Master Plan (IMP) identified the existing 4-inch water main on the south side of Ramsey Street as deficient due to its age and conveyance capacity to support commercial development on the south side of Ramsey Street from Sunset Ave to Highland Home Road. The IMP also identified the existing 14” water main

that runs along the north property lines of properties fronting Ramsey Street (north side) to be deficient and difficult to maintain outside of public road right-of-way.

On April 12, 2022 City Council approved Resolution 2022-35 authorizing the use of American Rescue Plan Act (ARPA) funds on certain eligible projects including making the necessary investments in water infrastructure. The approved ARPA project list included the replacement of waterlines along Ramsey Street.

On September 5, 2023 staff released a Request for Proposals (RFP) for the Design of Ramsey Street Water Main Replacement to five (5) consultants on the on-call Professional Engineering Services list approved by City Council on July 12, 2022 under Resolution 2022-99. The proposals were due on September 27, 2023. In response to the RFP, three (3) proposals were received from the following consultants and evaluated by a reviewing committee. The scoring from the evaluation is as follows:

Companies

- 1) Rick Engineering, Inc., of Riverside, CA
- 2) TKE Engineering, Inc., of Riverside CA
- 3) Albert A. Webb Associates, of Riverside, Ca
- 4) CASC Engineering and Consulting, Inc
- 5) Kimley Horn

Scoring

87.0
86.75
82.0
No Bid
No Bid

The scope of work will include the design of +/- 7,200 linear feet of a new Ductile Iron Pipe (DIP) water main including reconnection of water services, new fire hydrants connections and abandonment of the existing 4-inch water main in Ramsey Street between Sunset Avenue and Highland Home Road and 14-inch steel water mains north of the existing parcels north of Ramsey Street, and other related tasks. The design will be developed for three construction phases to be constructed as funding becomes available. The detailed scope can be found in the RFP attached to this staff report.

JUSTIFICATION:

Three (3) proposals were submitted by engineering firms currently identified in the City's approved vendor list. Staff evaluated the proposals based on qualifications, cost and experience. As a result, staff recommends the award of a professional services agreement to Rick Engineering, Inc., in the amount of \$399,540.

Rick Engineering, Inc. is a reputable qualified firm that has successfully provided similar services to other jurisdictions in the past.

FISCAL IMPACT:

Staff recommends awarding an Agreement to Rick Engineering, Inc. in the amount of \$386,895 and approving a 10% contingency in the amount of \$38,689.50 for a total "not-to-exceed" project budget of \$425,584.50.

\$1,000,000 of ARPA funding has been allocated to this project and will be partially utilized to fund the Agreement with Rick Engineering, Inc.

ALTERNATIVES:

Do not approve Resolution 2023-182 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-182
<https://banningca.gov/DocumentCenter/View/13747/Att-1-Resolution-2023-182>
2. Resolution 2022-99
<https://banningca.gov/DocumentCenter/View/13743/Att-2-Resolution-No-2022-099>
3. Resolution 2022-35
<https://banningca.gov/DocumentCenter/View/13740/Att-3-2022-35-ARPA-Fund-Approval>
4. RFP for Design of Ramsey Street Water Main
<https://banningca.gov/DocumentCenter/View/13741/Att-4-Ramsey-Street-Water-Line-RFP>
5. Rick Engineering, Inc. Proposal
<https://banningca.gov/DocumentCenter/View/13742/Att-5-Rick-Engineering-Proposal>
6. Draft Professional Services Agreement
<https://banningca.gov/DocumentCenter/View/13746/Att-6-C00931-Rick-Engineering--Design-of-Ramsey-Street-Water-Main>

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: November 14, 2023

SUBJECT: Accept as Complete the Atwell Drive and Creekside Avenue Street and Storm Drain Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Reduction

RECOMMENDATION:

City Council accept as complete the Atwell Drive street improvements and Creekside Avenue street and storm drain improvements related to the Atwell Specific Plan Development and authorize the 90% bond reduction.

BACKGROUND:

On December 10, 2019 City Council adopted Resolution 2019-151 approving Final Tract Map No. 37298-1, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

As 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 Atwell Drive and Creekside Avenue street and storm drain improvements are within Tract No. 37289-1 of the Atwell Specific Plan Development.

JUSTIFICATION:

Staff has verified through inspections that the required Atwell Drive street improvements and Creekside Avenue street and storm drain 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>
CMS331798	\$546,163.52	Atwell Drive Street improvements
CMS331783	\$652,555.77	Creekside Ave St. improvements
CMS331781	\$147,050.50	Creekside Ave Storm Drain improvements

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 for Tract 37298-1
<https://banningca.gov/DocumentCenter/View/13728/Attachment-1--SIA-for-Tract-37298-1>
2. Atwell Drive Street Improvements Bond
<https://banningca.gov/DocumentCenter/View/13729/Attachment-2---Atwell-Drive-St-Imp-Bond>
3. Creekside Avenue Street Improvements Bond
<https://banningca.gov/DocumentCenter/View/13730/Attachment-3---Creekside-Avenue-St-Imp-Bond>
4. Creekside Avenue Storm Drain Improvements Bond
<https://banningca.gov/DocumentCenter/View/13725/Attachment-4---Creekside-Avenue-SD-Bond>
5. TR 37298-1 Street Improvement Plans
<https://banningca.gov/DocumentCenter/View/13726/Attachment-5---TM37298-1-Street-Improvements-Plans-legal>
6. TR 37291-1 Storm Drain Improvement Plans
<https://banningca.gov/DocumentCenter/View/13727/Attachment-6---TM37298-Storm-Drain-Improvements-Plans-legal>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Emery J. Papp, Senior Planner
Art Chacon, Code Enforcement Supervisor

MEETING DATE: November 14, 2023

SUBJECT: Receive and File Code Enforcement Statistics for the Months of
September, October 2023

RECOMMENDATION:

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

Code Enforcement Statistics for September 2023		
	MONTH	YTD
Cases Investigated	7	812
Cases Closed	7	241
All Open Cases	17	118
Citations Paid	\$0	\$0
Notices to Abate	1	7
Red Tagged Properties	8	14
Apply or Release Lien/Pendency	1	38
Civic Plus Inquiries	1	313
Public Records Request	1	9

Accomplishments:

- The Code Enforcement Division will soon be fully staffed with the hire of Daniel Franco in September and Robert Hernandez in October. A new Community Development Department Analyst position that will share duties with Code Enforcement has been filled and the anticipated start date is mid to late November.
- Two Code Enforcement Officers are scheduled to attend a weeklong continuing education training in Monterey, CA in November to keep their California Association of Code Enforcement Officers (CACEO) certifications current and active.

- A Code Compliance Agreement was issued to potential buyer of 2735. If agreement is executed, compliance must be achieved by October 30th.
- A Formal Notice & Order to Abate was posted for 1118 West Ramsey Street (former “Chase bank building”). The building owner has submitted a CUP Application to bring the site, building, and proposed uses into compliance with current Codes and regulations.
- Receivership lawsuits are being drafted for the following properties: 775 E. Lincoln St. and 1979 W. Ramsey St.

BACKGROUND:

The City’s Code Enforcement Division (“Code”) is currently staffed three full-time officers that are responsible for enforcement of the City’s Municipal Code with cases that range from lack of a business license, to unsafe buildings, to street vendors and much more. Within Code, the City employs two Code Enforcement Officers, responsible for managing and organizing over 800 open cases, and a Senior-level officer. In addition to the typical code enforcement duties and responsibilities (e.g., unsafe buildings, unpermitted land use, no business license, construction without permit, and unregistered food vendors, just to name a few) Code is responsible for managing our Weed Abatement Program. This Program includes the patrol, noticing, enforcement, and remediation of potential fire hazards, before the traditional fire season begins. These duties, while important, reduce their ability to handle the day-to-day functions of other code enforcement duties by half. Code Enforcement activities typically do not recoup the cost associated with labor, nuisance abatement, and legal fees to name a few, through the collection of administrative citations and penalties. Revenue from code cases can be delayed months or years given the manner in which fines and penalties are assessed and ultimately collected. Further, the City is missing out on a potential revenue source associated with the Abandoned Vehicle Abatement (AVA) program administered by the California Highway Patrol and Riverside County. The Division has lacked the staffing to manage this program.

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

- Upgrading the Code Enforcement Reporting and Case Management System (e.g., Comcate.®)
- Upgrading the IT equipment for Code Enforcement to achieve greater efficiency and allow Code Officers to work complexly mobile.
- Training and equipping new Code Enforcement Officers
- Relocating Code Enforcement staff to their new offices (former City Manager Office).
- Continued enforcement of unpermitted food vendors; citation and disposal of unsafe food.

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

ATTACHMENTS:

None

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 14, 2023

SUBJECT: Public Hearing and Consideration of Resolution 2023-177, Ordering the Annexation of Tract Map No. 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1 and Confirming the Diagram and Levy and Collection of Assessments Commencing in Fiscal Year 2023/2024 Pursuant to the Landscaping and Lighting Act of 1972

RECOMMENDATION:

Staff recommends that City Council:

1. Conduct the public hearing and the property owner protest balloting proceedings, and accept public testimony; and
2. In the absence of a majority protest, adopt Resolution 2023-177, ordering the annexation of Tract Map No. (TM) 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1, confirming the diagram and levy and collection of assessments within the City of Banning's Landscape Maintenance District No. 1 commencing in Fiscal Year 2023/2024 pursuant to the provisions of Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code), and authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office.

BACKGROUND:

Landscape Maintenance District No. 1 ("LMD No. 1" or "District") 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 located on Mountain Ave., 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 Landscaping and Lighting Act of 1972 (the “1972 Act”) is included as Attachment 4.

Subsequently, on October 24, 2023, the City Council adopted Resolution 2023-173, declaring its intention to annex TM 32370, approving the Engineer’s Report and setting the date for the public hearing and property owner protest balloting proceeding to levy and collect annual assessments from the property owners within the proposed annexation area. In the absence of a majority protest, Resolution 2023-177 (Attachment 1), if approved, will order Annexation No. 2 and confirm the assessments for the Fiscal Year 2023/2024. An assessment ballot, a notice of public hearing and return ballot envelope for all nineteen properties was mailed to the property owner, Crestwood Communities, and the public hearing was advertised in the Record Gazette, proof shown in Attachment 5.

A public hearing on this matter is scheduled for tonight’s meeting, November 14, 2023. The City Council will conduct a public hearing regarding the annexation of the Canterbury subdivision consisting of 19 single-family homes into LMD No. 1. Following the conclusion of the Public Hearing, the ballots will be tallied. If there is not a majority protest and the ballot procedure is successful, the City Council may adopt the proposed Resolution 2023-177 ordering the annexation of property (Annexation No. 2, Zone 11) to the City of Banning’s LMD No. 1 and the collection of assessments starting in fiscal year 2024/2025.

The Engineer’s Report for Annexation No. 2 (“Report”), was prepared by Webb Municipal Finance (WMF) and approved through the Council’s adoption of Resolution 2023-173, lists the Assessment Unit (AU) rates and costs to be levied to the property owners within TM 32370, new Zone 11. The Report indicates how the annexed property would benefit from the existing District improvements; provides an estimate of the total costs to the annexed property owners and the method of apportioning these costs to the nineteen (19) individual lots; and provides a diagram of the area to be annexed into the District. 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 Avenue and the Tract's proportional share of the retention basin, WMF determined that the annual assessment 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 fiscal year 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 5% per fiscal year.

The public hearing will be held and the opening and tallying of ballots submitted by the affected property owner, Crestwood Communities, will occur at tonight's regularly scheduled City Council meeting. The City Clerk will tabulate the property owner protest ballots received by the close of the public hearing today on November 14, 2023. In the absence of a majority protest, the City Council may order the Annexation No. 2 into LMD No. 1, and the levy and collection of the assessment for Zone 11 for fiscal year 2023-24, as set forth in the Engineer's Report.

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 the Canterbury project, Crestwood Communities, to pay for WMF's and Public Works Department staff's time to complete the annexation process. A cost analysis performed by WMF determined the annual Assessment Unit cost for each of the nineteen (19) homes in the tract to be \$392.64/AU for this fiscal year amounting to \$7,460.16. However, assessments will not be collected until fiscal year 2024/2025 when costs (maintenance, utilities, etc.) are incurred as the developer will pay for these this current fiscal year.

ALTERNATIVES:

1. In the absence of a majority protest, adopt Resolution 2023-177, as recommended.
2. In the absence of a majority protest, adopt Resolution 2023-177, with modifications.
3. Do not adopt Resolution 2023-177 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-177
<https://banningca.gov/DocumentCenter/View/13745/Attach-1-Reso-2023-177-Order-Annexation-PH-date-Ballots-for-Annexation-of-Tract-32370>
2. LMD No. 1 Map for fiscal year 2023/24
<https://banningca.gov/DocumentCenter/View/13733/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/13734/Attach-3-Annexation-Boundary-Map>
4. Tentative Schedule for Updating LMD No. 1
<https://banningca.gov/DocumentCenter/View/13735/Attach-4-Tentative-Schedule-for-Annexation-No-2-to-LMD-No-1->
5. Annexation No. 2 Public Hearing Publication
<https://banningca.gov/DocumentCenter/View/13731/Attach-5-Proof-of-Ad>
6. Resolution 2005-74 with Conditions of Approval for Tract 32370
<https://banningca.gov/DocumentCenter/View/13732/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: Lincoln Bogard, Administrative Services Director

MEETING DATE: November 14, 2023

SUBJECT: Consideration of Resolution 2023-183, Approving a Three (3) Year Master Services Agreement with IGM Technology Corp. for Software Services Platform Modules (SaaS): IGM Gravity Budgeting, Reporting, and Transparency

RECOMMENDATION:

Approve Resolution 2023-183 for a three (3) year Master Services Agreement with IGM Technology Corp. for Software Services Platform Modules (SaaS): IGM Gravity Budgeting, Reporting, and Transparency for a total Not-To-Exceed amount of \$155,676.

BACKGROUND:

On February 12, 2019, the City approved Resolution 2019-15 approving the OpenGov Budgeting & Transparency module. The Budgeting & Transparency module continues to be utilized by all Departments in preparing budgeting documents and promoting transparency. On August 22, 2023, the City extended this contract for five (5) years, which also included the Procurement and Cartegraph Enterprise Asset Management modules.

Over 50 government entities use IGM Gravity, including counties in California, which confirmed the automation and reduced duplication of inputs and potential for errors significantly.

Staff obtained three quotes for the IGM Gravity solution: (1) Direct Vendor Quote; (2) SHI Purchasing Cooperative; and (3) Insight Purchasing Cooperative. The Direct Vendor Quote was the best priced option due to a Holiday promotion by the vendor.

JUSTIFICATION:

The City has experienced several issues with the OpenGov Budgeting & Transparency module and has identified an alternative solution called IGM Gravity, which includes Budgeting, Budget Book creation, Capital Improvement Planning and Reporting, Project and Priority Based Budgeting, Annual Comprehensive Financial Report (ACFR) creation,

and a Transparency solution called OpenData. IGM Gravity even includes the creation of a Popular Annual Financial Report, which the City has never had previously.

FISCAL IMPACT:

Implementing IGM Gravity will save an average of \$6,300 per year in annual service fees versus OpenGov Budgeting & Planning, plus the cost of paying our External Auditors to compile our ACFR (approximately \$2,500 per year), and the cost of ResourceX for Priority Based Budgeting (if IGM performs as well) which will save \$32,500 per year. Staff plans to cancel all redundant contracts.

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$28,000 (Implementation Cost)
2023/2024	\$40,500 (Annual Service Fee)
2024/2025	\$42,525
2025/2026	\$44,651

Total Not-To-Exceed Amount of \$155,676.

OpenGov contractual savings \$146,091 for three years.
ACFR compilation savings approximately \$7,500 for three years.
If applicable, ResourceX savings \$97,500 for three years.

Total savings potential of approximately \$95,415 if IGM solution can outperform ResourceX.

ALTERNATIVES:

1. Adopt Resolution 2023-183 as recommended.
2. Adopt Resolution 2023-183 with modifications.
3. Do not approve Resolution 2023-183 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-183
<https://banningca.gov/DocumentCenter/View/13765/Att-1-Resolution-183-IGM-Gravity>
2. SaaS Services Agreement
<https://banningca.gov/DocumentCenter/View/13766/Att-2-V3-IGM-Technology-SaaS-Agreement---City-of-Banning-CA>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: November 14, 2023

SUBJECT: Discussion of Stagecoach Days Memorandum of Understanding

RECOMMENDATION:

Provide direction to City Manager regarding upcoming deadline for notification related to MOU between City of Banning and Stagecoach Days Association.

BACKGROUND:

The City of Banning and Stagecoach Days Association entered into a Memorandum of Understanding (MOU) on June 22, 2021. The MOU has a three-year term with an automatic two-year extension, unless a party gives written notice to the other party, not less than sixty (60) days prior to such anniversary date, that the term of the MOU shall not be extended.

The MOU requires the Stagecoach Days Association to organize, promote, and conduct the annual, three-day Stagecoach Days event and the annual Stagecoach Days Parade. The three-day event, depending upon budget, will consist of a minimum of two (2) Professional Rodeo Cowboy Association (PRCA) Pro Rodeo events, multiple food, souvenir, and craft vendors, live music performances, and either a carnival or a “Kid’s Zone” with mutually agreed upon activities and attractions that are geared towards family entertainment.

In early 2023, representatives of the Stagecoach Days Association publicly announced intention to take a break in 2023, which is not consistent with the terms of the MOU. Shortly thereafter, the City Council approved a partnership between the City of Banning and Banning Chamber of Commerce to ensure the annual community celebration would occur in 2023. After approximately two months of City/Chamber planning, the Stagecoach Days Committee communicated that they would not release the PRCA rodeo and intended to hold the rodeo. The intention was for the Committee to organize and host the rodeo and the City/Chamber to organize everything outside of the rodeo. A few weeks later, the Committee announced that they would also take back the beer garden and food/merchandise vendors.

An agreement was made that the City and Chamber would be responsible for live music performances, Stagecoach Days parade, parking and a Kids' Zone play area.

The MOU commits the City of Banning to provide the following:

- A direct financial contribution of \$12,500;
- Bleacher rental of \$18,000;
- Event insurance;
- Police Officers and volunteers at the three-day event and the parade;
- Additional street sweeping;
- Additional trash removal;
- Placement and removal of barricades upon streets and public parking lots; and
- Assistance with entry gates, parking and ticket booths;

JUSTIFICATION:

Members of the City Council have expressed concerns about the role of the City in the Stagecoach Days Celebration. The MOU provides a window of opportunity for this discussion, at this time.

FISCAL IMPACT:

During the past two years, the direct and in-kind City contributions to Stagecoach Days have exceeded \$100,000 each year.

ALTERNATIVES:

1. Take no action – MOU will be automatically extended for two years and Stagecoach Days Association will be responsible for all activities related to Stagecoach Days.
2. Provide notice of termination of the MOU – City of Banning no longer committed to direct or in-kind contributions for Stagecoach Days.
3. Provide notice of termination of the MOU and intention to establish a new MOU – creates an opportunity to develop new conditions, requirements and commitments for Stagecoach Days Association and City of Banning.

ATTACHMENTS:

1. Memorandum of Understanding between Stagecoach Days Association and City of Banning
[https://banningca.gov/DocumentCenter/View/13736/Attachment-1-Executed Stagecoach Days MOU 06 22 20](https://banningca.gov/DocumentCenter/View/13736/Attachment-1-Executed%20Stagecoach%20Days%20MOU%2006%2022%2020)

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: November 14, 2023

SUBJECT: Animal Services Discussion: Banning Animal Shelter and ARE Animal Rescue Contract

RECOMMENDATION:

Provide direction to City Manager regarding Banning Animal Shelter and ARE Animal Rescue Contract for shelter services.

BACKGROUND:

The City of Banning and ARE Animal Rescue entered into an Agreement for animal shelter services in April 2021. The Agreement identifies the specific purpose of the agreement is for ARE Animal Rescue to coordinate the fostering, care, and adoption of abandoned animals as an alternative to euthanasia. ARE Animal Rescue is responsible for providing a broad range of animal care and shelter activities for the purpose of safeguarding the health and safety of domestic and wild animals in the City, operating the City's animal shelter, promoting the humane treatment of animals, and for enforcing City ordinances relating to animal control.

The contract term is five years (7/1/2021 to 6/30/2026), unless terminated sooner according to the termination process established in the contract. The termination notice required by the contract requires written notice of ninety (90) days by either party. More importantly, termination of the agreement would require a replacement option to provide services beginning on the effective date of termination.

Specific services to be provided by ARE, including:

- 1) Animal Shelter, which includes impound, care for, quarantine and disposal of domestic, wild and vicious animals, as well as, adoption and redemption services. A holding period of three (3) days is required for all stray animals (except acutely injured or diseased animals) and a period of at least ten (10) days for all licensed dogs. ARE is also required to provide animal adoption and redemption services for animals at the City's Animal Shelter during normal business hours except when volunteers are not available. **ARE is in compliance with these requirements.**

- 2) Euthanasia Services. ARE is required to provide humane euthanasia of acutely sick, injured animals and dangerous animals. Euthanasia shall be accomplished in a humane manner by injection of a painless, fast-acting drug and performed by a certified staff member. **ARE is in compliance with these requirements.**
- 3) Dog Licenses. ARE is required to provide licensing information in all adoption packets and to pet owner's recovering impounded pets that are not licensed. Pet licensing is the responsibility of the City. **ARE is in compliance with this requirement.**
- 4) Maintenance. ARE shall maintain the shelter to be in a clean and sanitary condition at all times, consistent with generally applicable standards for similar facilities in Riverside County. ARE shall also secure the facility from unauthorized entry. **ARE is in compliance with this requirement.**
- 5) Spay/Neuter Deposits. ARE is responsible for collecting a spay/neuter deposit for every dog and cat adopted from the City's Animal Shelter. Deposits are held by ARE and reimbursed directly to those who obtain valid releases within the allotted time. Upon forfeiture, such deposits shall become the property of ARE and shall be used for their prescribed purposes described in the Food and Agriculture Code. **ARE is in compliance with this requirement. Animals are spayed/neutered before they are offered for adoption.**
- 6) Educational Material and Programs. ARE shall provide animal care and other information, literature and programs at a nominal fee to the general public, and upon request of City service clubs and other organizations, for a nominal fee not to exceed one hundred dollars (\$100.00). **ARE is in compliance with this requirement.**
- 7) Veterinary Services. ARE shall utilize licensed veterinary services for the care of impounded injured and sick animals. **ARE is in compliance with this requirement.**
- 8) Tone of Service and Resolution of Service Complaints. ARE shall provide service to the public on matters covered in this contract consistent with established policies and procedures in the industry so as to promote courteous and efficient service and good public relations. ARE shall cooperate with City to resolve any and all complaints filed with ARE or City pertaining to services provided or to be provided under this contract. ARE shall maintain and provide a record of complaints. **ARE has been cooperative with City in efforts to resolve complaints. The City has received complaints regarding discourteous interactions with members of the public.**
- 9) Missing Animals. ARE shall file a report with the Banning Police Department or the Riverside County Sheriff's Department within twenty-four (24) hours if an impound

animal in the custody of ARE at the animal shelter is missing or suspected to have been stolen. **ARE is in compliance with this requirement.**

- 10) Shelter Standards. ARE shall operate the City's Animal Shelter in conformance with American Humane Association Standards. **ARE is in compliance with this requirement for kennels within the physical shelter buildings. However, overflow areas do not meet shelter standards due to placement on dirt and deteriorated asphalt concrete. These areas cannot be properly cleaned or disinfected, which can lead to illness or diseases. Inspection report attached.**
- 11) Compliance with City's Animal Code. ARE shall provide its services and operate the City's Animal Shelter consistent with the City's Animal Code (Chapter 6.04 of Banning Municipal Code). **ARE is in compliance with this requirement.**
- 12) Records.
 - a. ARE shall maintain and keep records of all expenditures and obligations incurred pursuant to this contract and all income and fees received thereby according to generally recognized accounting principles on a daily, weekly and monthly basis. Such records shall be maintained by ARE for a minimum of three (3) years. **ARE is in compliance with requirement.**
 - b. ARE shall maintain and keep records of all licenses issued, impounds made, animals spayed, neutered, treated for illness, adopted and all other actions taken with respect to the disposition of the animals. **ARE is in compliance with requirement.**
 - c. ARE shall make all records maintained under this section available to authorized City personnel during normal business hours upon reasonable notice. **ARE is in compliance with requirement.**
 - d. ARE shall maintain a record of all written complaints received by ARE, from whatever source regarding the City's animal control operations. Such records shall be provided to the City each month in a form to be agreed upon by the City and ARE.
 - e. A record of all donations made to ARE from whatever source or resources for the purpose set forth in this contract shall be provided to the City of Banning on a monthly basis and upon the termination of the contract.
- 13) Audit and Inspection. ARE shall annually provide to the City on the anniversary of this Contract a standard financial audit of its operations. The cost of such standard audit will be borne by ARE. **ARE has not provided an annual audit. Non-compliant.**

14) Insurance. ARE shall procure and at all times during the term of this Contract carry, maintain, and keep in full force and effect, insurance as follows:

- a. Commercial General Liability Insurance with a minimum limit of \$1,000,000 per occurrence and a general aggregate limit of \$2,000,000 per project or location. **ARE is in compliance with requirement.**
- b. Automobile Liability Insurance with a combined single limit of \$1,000,000 per accident for bodily injury per accident for bodily injury and property damage. **ARE is in compliance with requirement.**
- c. Worker's Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of \$1,000,000 per accident for bodily injury or disease. **ARE is in compliance with requirement.**

On October 23, 2023, an inspection of the Banning Animal Shelter was performed by City Manager Doug Schulze, Assistant City Manager Laurie Sampson and Communications Manager Anthony Riley. The inspection was conducted using the Animal Shelter Inspection Form published by People for the Ethical Treatment of Animals (PETA). As a result of the inspection, the animal shelter and ARE Animal Rescue operation of the shelter is deemed to be in compliance with standards published on the PETA Inspection form. Overflow kennels are substandard and it should be a priority of ARE Animal Rescue and the City of Banning to address this matter. However, NO animals were found to be sick or diseased.

The primary area of concern is the lack of appropriate kennel space for impounded dogs. It should be noted that ARE Animal Rescue is not responsible for providing shelter kennel capacity. Kennel space demand is a direct result of animal control effectiveness, dog owner surrenders (local), and after-hours drop off of animals outside locked gate. In addition, animal control has impounded numerous confiscated animals that must be retained pending court action. This includes several dangerous dogs that would typically be euthanized.

JUSTIFICATION:

City Council has requested an update and discussion of the contract with ARE Animal Rescue for shelter services.

FISCAL IMPACT:

The Animal Shelter contract between the City of Banning and ARE Animal Rescue established compensation based on Riverside County Animal Control statistics during the last three years of the contract between the City of Banning and Riverside County Animal Control. The actual number of dogs and cats impounded annually by City of Banning Animal Control is substantially greater than estimated.

ALTERNATIVES:

1. Continue relationship with ARE Animal Rescue under existing contract:
 - a. Direct City Manager to identify options to increase kennel space.
 - b. Direct City Manager to identify options to reduce impounded dogs.
2. Provide ninety (90) day notice of termination to ARE Animal Rescue:
 - a. Direct City Manager to prepare and publish RFP for shelter operation.
 - b. Direct City Manager to recruit and fill City staff positions to operate shelter.
 - c. Direct City Manager to negotiate contract with Riverside County for shelter services.
3. Take no action.

ATTACHMENTS:

1. Contract for Animal Shelter Services between City of Banning and ARE Animal Rescue
<https://banningca.gov/DocumentCenter/View/13749/Att-1-Contract-with-ARE-Animal-Rescue>
2. Animal Shelter Inspection Report, October 23, 2023
https://banningca.gov/DocumentCenter/View/13764/Att-2-Inspection-Report-102023_0001
3. Financial Report FY 2022 and FY 2023
<https://banningca.gov/DocumentCenter/View/13762/Att-3-2022-23-ARE-Financials>
4. Statistical Reports
<https://banningca.gov/DocumentCenter/View/13763/Att-4-Statistics-Reports-2022-2023>
5. Certificates of Insurance
<https://banningca.gov/DocumentCenter/View/13750/Att-5-ARE-Animal-Rescue-COI>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: November 14, 2023

SUBJECT: Discuss Adding a City of Banning Identifier to the San Gorgonio Avenue Overpass

RECOMMENDATION:

Discuss adding a City of Banning identifier to the San Gorgonio Avenue Overpass.

BACKGROUND:

Many City's have begun to add architectural features including their names ("City Identifier") on overpasses along interstates. These City Identifiers provide an opportunity for city's to brand, create recognition and provide a positive image for existing and future residents and visitors traveling to and by their city's, which could aid in additional economic development.

The City of Banning could add a City Identifier to the San Gorgonio overpass and enjoy those same benefits. In the limited research conducted by Public Work staff, it appears that a cost range for such an improvement could range from \$500,000 to \$1,500,000 depending on the design. The biggest challenge for this project would be funding. Funding sources could include grants (e.g. Clean California, etc.), finance districts (e.g. Infrastructure Finance Districts, etc.) and local funds. As of today the City does not have any funds allocated to this project.

If a majority interests exists, City Council could consider a few options:

Option #1: Direct staff to research grant opportunities and apply for grants as they become available. Some grants may require a match, which could be funded by local funds or other sources.

Option #2: Direct staff to procure architectural services to develop several architectural renderings to choose from and to develop high level cost estimates. The results of these efforts could assist in bolstering the City's grant applications.

The two options above are not intended to be an exhaustive list of options, but only those that would not require a large funding commitment.

JUSTIFICATION:

A City Identifier on the San Gorgonio Avenue overpass could provide the City various benefits as described above.

FISCAL IMPACT:

The cost for the preparation of a grant application(s) would range from \$10,000 to \$25,000 depending on the requirements of the grant guidelines and level of effort.

The cost for the preparation of architectural renderings and estimates would range from \$20,000 to \$30,000.

ALTERNATIVES:

1. Direct staff to do nothing further at this time.
2. Direct staff to move forward with Option #1.
3. Direct staff to move forward with Option #2.
4. Provide alternative direction to staff.

ATTACHMENTS:

1. Example of City Identifiers
<https://banningca.gov/DocumentCenter/View/13748/Attach-1-Identifier-Examples>

Approved by:



Douglas Schulze
City Manager