AGENDA
REGULAR MEETING OF THE BANNING CITY COUNCIL AND THE CITY COUNCIL
SITTING AS THE BANNING UTILITY AUTHORITY
CITY OF BANNING
BANNING, CALIFORNIA

September 24, 2019
5:00 p.m.

The following information comprises the agenda for the regular meeting of the City Council, and a joint
meeting of the City Council and the Banning Utility Authority.

Per City Council Resolution No. 2016-44 matters taken up by the Council before 10:00
p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except
upon a unanimous vote of the council members present and voting, but such extension
shall only be valid for one hour and each hour thereafter shall require a renewed action
for the meeting to continue.

I. CALL TO ORDER
   • Invocation – Police Chaplain Merle Malland
   • Pledge of Allegiance
   • Roll Call – Council Members Andrade, Happe, Peterson, Wallace, Mayor Welch

II. AGENDA APPROVAL

III. PRESENTATIONS

1. State of California Code Enforcement Appreciation Week
2. Western Riverside Council of Governments
   (Rick Bishop, WRCOG Executive Director)
3. Southern California Edison, West of Devers System Project Update
   (Debrah Bishop, D. Edwards, Inc.)

IV. REPORT ON CLOSED SESSION

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENTS – On Items Not on the Agenda

A five-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”
his/her five minutes 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 last page.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.
CORRESPONDENCE

Items received under this category may be received and filed or referred to staff for future research or a future agenda.

APPOINTMENTS

None

VI. CONSENT ITEMS

(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council wishes to remove an item for separate consideration.)

• Mayor to Open Consent Items for Public Comments

Motion: Approve Consent items 1 through 10: Items ___, ___, ___ to be pulled for discussion. (Resolutions require a recorded majority vote of the total membership of the City Council)

1. Approval of Amended Regular Meeting – 8/27/2019 Minutes..........................7
2. Approval and Ratification of Accounts Payable and Payroll Warrants for August 2019 .........................................................................................................................25
3. Receive and File Cash, Investments and Reserve Report for August 2019.................................................................................................................................27
4. Public Works Capital Improvement Project Update ........................................29
5. Resolution 2019-17 UA Approving an Amendment to the Agreement with G&G Environmental Compliance, of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services in the Amount $25,000 .....................31
7. Police Department Statistics for August 2019.................................................37
8. Fire Department Statistics for August 2019 ....................................................39
9. Ordinance 1551, Development Impact Fees, Second Reading .....................41
10. Resolution 2019-124, Approving the Memorandum of Understanding between the City of Banning and the Banning Police Management Association for 2019-22 .................................................................49
VII. PUBLIC HEARINGS:

1. Resolution 2019-121, Acceptance of the 2019 Edward Byrne Memorial Justice Assistance Grant .......................................................... 51
   (Staff Report: Captain Phil Holder, Banning Police Department)

Recommendation: The City Council conduct a Public Hearing and accept grant funds provided by the Office of Justice Programs in the amount of $11,618 for the police department to purchase additional Axon Tasers and equipment to support the National Incident Based Reporting Systems (NIBRS).

VIII. ANNOUNCEMENTS AND REPORTS:

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORT OF OFFICERS

1. Resolution 2019-18 UA, Establishment of Regular Meeting Dates for the Banning Utility Authority .............................................................. 55
   (Staff Report: Jennifer Christensen, Administrative Services Director)

Recommendation: Adopt Resolution 2019-18 UA, Establishing a regular meeting schedule and providing for matters related thereto.

   (Staff Report – Jennifer Christensen, Administrative Services Director)

Recommendation: Adopt Resolution 2019-19 UA, Authorizing the selection of a proposal related to the proposed issuance of its Wastewater Enterprise Refunding Revenue Bonds, 2019 and authorizing the taking of certain actions in connection therewith.

3. Resolution 2019-117, Proclaiming October 2, 2019, as California Clean Air Day .............................................................. 59
   (Staff Report – Douglas Schulze, City Manager, Deputy City Manager)

4. Resolution 2019-118, Thanking the Playhouse Bowl Committee ..........61
(Staff Report – Douglas Schulze City Manager)
Recommendation: **Adopt Resolution 2019-118, thanking the Playhouse Bowl Committee for their dedication and hard work for the Annual Evenings in the Park Concert Series.**

(Staff Report – Douglas Schulze, City Manager)
Recommendation: **Adopt Resolution 2019-119, thanking the Stagecoach Days Association for their dedication and hard work for the Annual Stagecoach Days Celebration.**

6. Resolution 2019-16 UA, Approving an Agreement with Systems Analysis & Integration, Inc. dba Systems Integrated, of Orange, California for SCADA Upgrades to the Water and Wastewater Systems in the Amount of $739,417; Establishing a Project Contingency of $50,000.........................65
(Staff Report – Art Vela, Public Works Director/City Engineer)
Recommendation: **Adopt Resolution 2019-16 UA, 1) Approving an Agreement with Systems Analysis & Integration, Inc. dba Systems Integrated, of Orange California for SCADA Upgrades to the Water and Wastewater Systems; and 2) Authorizing the City Manager, or designee, to make necessary budget adjustments, appropriations and transfer related to the Agreement for SCADA Upgrades to the Water and Wastewater Systems; and 3) Authorizing the City Manager to execute the Agreement for SCADA Upgrades to the Water and Wastewater Systems and any amendments within the approved project contingency of $50,000, including term extensions not to exceed a total of five years, with Systems Analysis & Integration, Inc. dba Systems Integrated.**

7. Update on the City of Banning Transit Operations..........................69
(Staff Report – Art Vela, Public Works Director/City Engineer)
Recommendation: **Receive and File Report**

(Staff Report – Adam Rush, Community Development Director)
Recommendation: **Adopt Resolution 2019-122, approving a Professional Services Agreement for Building and Safety Plan Check and Landscape Design Review Services between the City of Banning and Willdan Engineering through September of 2022 in an amount not to exceed $1,470,960 over the three-year term.**
IX. DISCUSSION ITEM

None

CITY COUNCIL – Next Meeting, October 8, 2019

X. ITEMS FOR FUTURE AGENDAS

1. Mills Act Update
2. Fee Suspension Update
3. Website Redesign
4. Street Naming Policy to Honor Land Owners
5. Contingency Plan for Residents During Emergencies
6. Appraisals Update
7. Honor Banning High School Senior Aliyah Amis

XI. ADJOURNMENT

NOTICE: Any member of the public may address this meeting of the Mayor and City Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and 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 Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office (951)-922-3102. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]
Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.
AMENDED MINUTES
CITY COUNCIL
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Councilmember Happe
Councilmember Peterson
Councilmember Wallace
Mayor Pro Tem Andrade
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Daryl Betancur, Deputy City Clerk
Matthew Hamner, Police Chief
Scott Foster, Interim Parks & Recreation Director
Tom Miller, Electric Utility Director
Carla Young, Management Analyst
Jason Smith, Electric Utility Operations Manager
Art Vela, Public Works Director/City Engineer
Suzanne Cook, Interim Administrative Services Director
Adam Rush, Community Development Director
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

I. CALL TO ORDER
A regular meeting of the Banning City Council was called to order by Mayor Welch on August 27, 2019, at 5:25 p.m. at the Banning Civic Center Council Chamber, 99 E. Ramsey Street, Banning, California.

Deacon Bob Pawlin of Mountain Avenue Baptist Church offered the invocation.

Councilmember Colleen Wallace led the audience in the Pledge of Allegiance.

II. APPROVAL OF AGENDA
A motion was made by Councilmember Wallace, seconded by Mayor Welch, to approve the agenda. Electronic vote was taken as follows:
AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

III. PRESENTATION – None

IV. REPORT ON CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: James Arthur Algea II and Cali Emerald Care, Inc. v. City of Banning, Case No. RIC 1903009. Status report was provided. No reportable action was taken.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: The City of Banning, et al. v. Cali Emerald Care, Inc., et al., Case No. RIC 1904157. Status report was provided. No reportable action was taken.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Cases: Sierra Club v. City of Banning, Case No. RIC 1900544; and Golden State Environmental Justice Alliance v. City of Banning, Case No. RIC 1900654 (Banning Distribution Center Project). Direction given to legal counsel.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: Supporters Alliance for Environmental Responsibility (SAFER) v. City of Banning, et al. (Lawrence Equipment Project), Case No. RIC 1903059. Report was provided. No final reportable action.

5. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
City designated representative: Douglas Schulze, City Manager
Unrepresented employee: Candidate for Administrative Services Director position. Report was provided. No final reportable action.

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Hathaway Street, APN 532-120-020 – Frank J. Burgess and Lorna D. Burgess, Trustees; Southeast corner of Ramsey Street and Hathaway Street, APN 532-140-005 – Frank Burgess; 1483 E. Ramsey St, APN 541-170-019 – Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust; 1573 E. Ramsey St, APN 541-170-021 – Jen H. Huang

City’s Negotiators: Ted Shove, Economic Development Manager

Under Negotiation: Price and terms for acquisition of street right of way and temporary construction easements. Direction given with respect to potential acquisition of properties.

7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 (seven (7) potential cases). Direction was provided.

8. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 (one case). Direction was provided.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

Mayor Welch opened Public Comment for items not on the Agenda.

Public Comments

Frank Burgess spoke in disagreement with how the Grand Jury items were listed last on page 8 of tonight’s agenda; requested that these items be moved up.

Inga Schuler thanked Art Vela, Director of Public Works/City Engineer for the repairs of the potholes in her area; commented that the striping was phenomenal; made comments relative to the low increase in population of only 3,000 people in the last 10 years, which affects income level statistics.

John Hagen apologized to Mayor Pro Tem Andrade for the comment he made at the last meeting whereby he stated that she had called the Grand Jury Report of 2018 incompetent; stated he had viewed the tape; spoke about the fact that the City was not attracting businesses; commented on the conduct of Councilmembers off-duty.

Jerry Westholder spoke on the subject of the Grand Jury report; Robert’s rules of order; that respect was earned; definition of integrity; and that the Council had chosen to ignore the people’s wishes.

Maggie Scott inquired about what the City was doing to clean-up vacant properties; spoke about the empty warehouse on Hathaway and claimed that it was an eyesore.
Mark Wallace with Riverside Transportation Commission (RCTC) remained the audience about the closures on the I-60 Freeway westbound; asked people to be careful driving through that area due to the on-going construction.

Gabriel Westholder speaker addressed certain members of the City Council on doing something about their own complaints; stated that the Council was accountable to the people; expressed frustration with the way the City is going.

Mary Murshed Hamlin, Director of the Pass Job Connection (local non-profit) addressed the City Council with respect to the Grand Jury report addressing the issues contained within it.

Diego Rose commented about some issues raised at the last meeting; spoke of the Grand Jury report; spoke about the City Council’s attitude and demeanor when speakers approach the podium; stated that the Council needs to listen to the constituents more.

Rita Chaparrosa, former City employee, responded to what she felt were incorrect facts reported by the Record Gazette regarding the Hobb lawsuit.

**CORRESPONDENCE** – None

**APPOINTMENTS:**

1. Request to Appoint One (1) Council Member to the Budget & Finance Committee.

   A motion was made by Mayor Welch, seconded by Councilmember Wallace, to appoint Councilmember Happe to the Budget and Finance Ad-Hoc Committee. Electronic vote was taken as follows:

   | AYES: | Happe, Peterson, Wallace, Andrade, & Welch |
   | NOES: | None |
   | ABSTAIN: | None |
   | ABSENT: | None |

   **Action:** Approved by Minute Order No. 2019-105

2. Request to Appoint Two (2) Members to the CDBG AD-HOC Committee

   A motion was made by Mayor Welch, to appoint Mayor Pro Tem Andrade and Councilmember Wallace to the CDBG- Ad-Hoc Committee. Mayor Pro Tem Andrade declined due to other commitments. Motion failed for a lack of a second.
A motion was made by Mayor Pro Tem Andrade, seconded by Mayor Welch, to appoint Councilmember Wallace and Councilmember Happe to the CDBG-Ad-Hoc Committee. Electronic Vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action:   Approved by Minute Order No. 2019-106

3. Request to Appoint One (1) Planning Commissioner

A motion was made by Mayor Welch, seconded by Councilmember Wallace, to appoint Mr. Alberto Sanchez to the Planning Commission to fill the remainder of the term vacated by former Planning Commissioner Jim Price. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action:   Approved by Minute Order No. 2019-107

VI. CONSENT ITEMS

Mayor Welch asked if the Council wished to pull any items. Councilmember Peterson requested that items 15 and 16 be pulled for a separate discussion.

Public comments on consent items.

Frank Burgess spoke relative to item 7 asking about how often the City got sales and tax revenue numbers from the State of California. Staff responded that it does quarterly.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to approve the rest of the consent calendar items 1-14 and 17-20 as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

1. Approval of Special Meeting – 7/09/19 Minutes (Closed Session)

Action:   Approved by Minute Order No. 2019-108
2. Approval of Special Meeting – 7/09/19 Minutes (Workshop)  
**Action:** Approved by Minute Order No. 2019-109

3. Approval of Regular Meeting – 7/09/19 Minutes  
**Action:** Approved by Minute Order No. 2019-110

4. Approval of Special Meeting – 7/30/19 Minutes (Closed Session)  
**Action:** Approved by Minute Order No. 2019-111

5. Approval of Special Meeting – 8/07/19 Minutes  
**Action:** Approved by Minute Order No. 2019-112

6. Receive and File Contracts Approved Under the City Manager’s Signature Authority for the Month of June and July 2019.  
**Action:** Approved by Minute Order No. 2019-113

**Action:** Approved by Minute Order No. 2019-114

**Action:** Approved by Minute Order No. 2019-115

**Action:** Approved by Minute Order No. 2019-116

**Action:** Approved by Minute Order No. 2019-117

**Action:** Approved by Minute Order No. 2019-118
12. Adopt Resolution No. 2019-101, Approving the Third Amendment to the Contractual Services Agreement with Siemens Industry, Inc. for Two Additional Years Beginning September 1, 2019 and Ending August 31, 2021 and Increasing the Agreement Amount to Establish a not-to-exceed Budget of $25,000 for Each Year.

Action: Adopted Resolution No. 2019-101


Action: Approved by Minute Order No. 2019-119


Action: Approved by Minute Order No. 2019-120

15. Ordinance No. 1543 - An Ordinance of the City Council of the City of Banning, California, Approving the Zone Change 18-3503 to Allow the Rezoning of 7.04 Acres of Land from Low Density Residential (LDR) to High Density Residential (HDR) for the Associated Development of an 80-Unit Apartment Complex. (APNs 534-283-011, 534-283-014). (Second Reading and Adoption). (Pulled)

Councilmember Peterson made comments relative to the history of the project noting how much people were against it; stated that the City was chopping up parcels and changing the land use designations in certain areas to satisfy developers.

Adam Rush Community Development Director addressed questions from the City Council on the issues raised.

Public Comment

Inga Schuler, Planning Commissioner provided a narrative of what transpired with respect to how this item was originally presented to the Planning Commission and stated her opposition.

Diego Rose and Unknown speaker also spoke in opposition to the project due to the impacts to the community and the surrounding neighborhood.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Wallace, Andrade, & Welch
NOES: Peterson
Action: Adopted Ordinance No. 1543

16. Ordinance No. 1548 - An Ordinance of the City Council of the City of Banning, California, Approving the Zone From General Commercial (GC) to Industrial (I) and to the Industrial Zoning District for Property located 200 South Eighth Street and 679 West Lincoln Street (APNs:540-220-0130 and 540-220-007).
   (Second Reading and Adoption). (Pulled)

Councilmember Peterson inquired about the reason for the rezoning on West 8th Street and Lincoln and the other parcel on 679 relative to the zoning change and inquired about West 8th and Lincoln 679 West Lincoln Street; asked whether or not a cannabis business will go there.

Adam Rush, Community Development Director answered Council’s questions in terms of the rezoning and stating that these parcels had different property owners.

Public Comment – None

A motion was made by Councilmember Peterson, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

VII. PUBLIC HEARING(S) – None

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Happe attended the Banning Chamber of Commerce Ribbon Cutting Ceremony for a new business in town; spoke relative to comments relative to demeanor and body language made previously; stated that he does not appreciate hyperbole, fallacy, assumptions, or name-calling; stated that he was here to cooperate, listen and to learn.

Councilmember Peterson – None

Mayor Pro Tem Andrade stated that she had not attended any committee meetings during the summer since they were all dark; commented that at the Downtown Ad-Hoc
Committee meetings issues regarding vacant lots, weeds and upkeep of vacant properties have been addressed and invited those interested to attend.

Councilmember Wallace reported on having attended the 2x2 meeting of the School Board and discussed several events such as the chalk art and the Halloween theme event; spoke about the building of Pardee homes and that the new homes should be part of the Banning Unified School District; announced the School Board Street Fair scheduled for September 3 on First Street; stated that the Riverside County Action Committee will be at the Senior Center in Banning on September 5 to provide help with utilities.

Mayor Welch thanked the Thursday night Concert Committee; commented that the concerts this year had been outstanding; reminded the audience about the Stagecoach days September 5 through 8; stated that he had invited Mr. Rick Wallace president of the Second Opportunity program to come to Banning to make a presentation about his program regarding education for High School drop-outs.

REPORT BY CITY ATTORNEY – None

REPORT BY CITY MANAGER

City Manager Douglas Schulze reported on:

- Provided update on the Banning Business Center
- Reported on the Dysart Park Improvements
- Spoke about enforcement on the homeless encampments and enforcement on shopping carts
- Reported that an offer of employment had been extended to Jennifer Christensen as the new Administrative Services Director who is scheduled to start work on Monday, September 9
- Provided update on the recruitment for the Parks and Recreation Director

REPORT OF OFFICERS


City Manager, Douglas Schulze presented the staff report describing the terms of the agreement and answering Council’s questions.

Mayor Welch read a statement into the record pertaining to the employment terms contained in the Agreement in accordance with Government Code provisions.

Public Comment
Diego Rose spoke in favor of the three-month severance deal point as opposed to a one-year severance as in other employment agreements.

City Manager Douglas Schulze clarified that there was no employee in the City who has severance of one year.

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-95


Tom Miller, Electric Utility Director presented the staff report and answered questions from the City Council on the staff report.

Public Comment – None

A motion was made by Councilmember Wallace, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-110


Police Chief Matthew Hamner presented the staff report.

Public Comment – None
A motion was made by Councilmember Happe, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:
AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-99


Suzanne Cook, Interim Administrative Services highlighted the main elements of the process staff took with respect to the awarding of the Professional Services Agreement; she addressed questions from the Council accordingly.

Public Comment – None

A motion was made by Councilmember Peterson, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Welch called for a brief recess.

The City Council recessed to a short break at 7:35 p.m.
The City Council reconvened the regular meeting at 7:45 p.m.

Action: Adopted Resolution No. 2019-102

5. Adopt Resolution, Approving: Mid-Cycle Budget Adjustments for Fiscal Year 2019-2020 for the City of Banning and Banning Utility Authority; the Capital Improvement Program for Fiscal Year 2019-2020; the Gann Limit (Appropriations Limit) Fiscal Year 2019-2020; and amending the Classification and Compensation Plan

Suzanne Cook, presented the staff report and answered Council’s questions.

Public Comment

Diego Rose, Jerry Westholder and Cindy Barrington spoke on the proposed budget stating that we need to cut and stay within our means.
A motion was made by Councilmember Peterson, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

**Action:** Adopted Resolution No. 2019-108 (Mid-Cycle City)

**Action:** Adopted Resolution No. 2019-15 UA (Mid-Cycle UA)

**Action:** Adopted Resolution No. 2019-103 (Gann Limit)

**Action:** Adopted Resolution No. 2019-109 (Class & Comp)


Tom Miller, Electric Utility Director presented the staff report.

**Public Comment** – None

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Andrade, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

**Action:** Adopted Resolution No. 2019-100

7. Resolution 2019-98, Directing Staff to complete the Southern California Edison (SCE) – Combined System Impact and Facilities Study for Banning Electric Utility’s (BEU) Stagecoach Substation.

Tom Miller, Electric Utility Director presented the staff report and answered questions from the City Council.

**Public Comment** – None

A motion was made by Councilmember Happe, seconded by Mayor Welch, to approve the item as presented. Electronic vote was taken as follows:
AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-98

8. Adopt Resolution 2019-111 - Data Analytics Installation and Implementation

Tom Miller, Electric Utility Director presented the staff report.

Public Comment – None

A motion was made by Councilmember Peterson, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-111

9. Adopt Resolution No. 2019-106, Awarding a Construction Agreement for Project No. 2014-16, “Ramsey Street Pavement Rehabilitation, Hargrave Street to West of Hathaway Street” to Hardy & Harper, Inc. of Santa Ana, CA (STPL 5214 (011)) in the Amount of $239,000, Establishing a Total Project Budget of $262,900, Which Includes a 10% Contingency and Rejecting all Other Bids

Art Vela, Director of Public Works/City Engineer presented the staff report and addressed questions asked by the City Council relative to the project.

Public Comment – None

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-106

10. Adopt Resolution No. 2019-104, Awarding a Professional Services Agreement to KWC Engineers, Inc. for the Design of Drainage and Street Improvements at
the Intersection of Ramsey Street and Sunset Avenue, in the Amount of $45,210, Which Includes a 10% Contingency.

Art Vela, Director of Public Works/City Engineer presented the staff report and addressed questions by the City Council relative to the scope of services to be provided.

Public Comment - None

There was no public comment.

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-104

11. Discuss and Consider Options for the City’s Compressed Natural Gas Fueling Facility and Authorize the Public Works Department to take the Necessary Steps to Move Forward with the Selected Option.

Art Vela, Director of Public Works/City Engineer presented the staff report along with Banning Unified School District Superintended Robert T. Guillen.

Public Comment – None

A motion was made by Councilmember Happe, seconded by Councilmember Wallace, to approve option B in two parts: first rebuild the 50 HP compressor and then wait to see if BUSD is awarded funds. If they were not awarded grant funds then the City would move with the second part of Option B, which is to replace the second 50 HP compressor with a 100 HP compressor. If BUSD were awarded funds then the City would not move forward with the second part of Option B. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Approved by Minute Order No. 2019-121

12. Adopt Resolution 2019-14 UA, Approving the Purchase of Automatic Metering Infrastructure (AMI) Water Meters, Communications Equipment, Software and
Hardware from Zenner USA in the Amount of $1,619,100.94; Approving the Purchase of Seba Leak Sensors from WCT Products, Inc. in the Amount of $16,618.50; Approving the Purchase of Hydro Generators and PRV Flowmeters from Cla-Val in the Amount of $71,875.00; and Approving a Blanket Purchase Order with Core & Main for the Purchase of Meter Boxes and Lids in an Amount Not-to-Exceed $456,482.88, for a Total Smart Water Meter Conversion Project Budget of $2,164,077.32

Art Vela, Director of Public Works/City Engineer presented the staff.

Public Comment – None

A motion was made by Mayor Pro Tem Andrade, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

YES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-14 UA

The City Council by unanimous consent agreed to extend the meeting by one (1) hour to continue deliberating.

13. Adopt Resolution No. 2019-13 UA, of the Banning Utility Authority, Approving Amendment No. 3 to the Agreement for Water and Wastewater Laboratory Testing Services with Babcock Laboratories, Inc. for Fiscal Year 2019/2020

Art Vela, Director of Public Works/City Engineer presented the staff report.

Public Comment – None

A motion was made by Councilmember Peterson, seconded by Councilmember Wallace, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-13 UA

14. Adopt Resolution No. 2019-97, Approving Amendment #9 to Agreement for Contractual Services Between the City of Banning and Romo Planning Group
Adam Rush, Community Development Director presented the staff report.

Public Comment – None

A motion was made by Councilmember Wallace, seconded by Councilmember Happe, to approve the item as presented. Electronic vote was taken as follows:

AYES: Happe, Peterson, Wallace, Andrade, & Welch
NOES: None
ABSTAIN: None
ABSENT: None

Action: Adopted Resolution No. 2019-97

Mayor Welch called for a brief recess.

The City Council recessed to a short break at 10:11 p.m.
The City Council reconvened the regular meeting at 10:17 p.m.


Kevin G. Ennis, City Attorney presented the staff report and provided a summary of both the charges, and the Grand Jury findings, in addition to the process that the Council will need to follow in order to provide a response in accordance with legal provisions.

Councilmember Peterson provided a written summary in response to the charges stating that he emphatically disagree with all the findings of the 2018-2019 Grand Jury report; said summary is attached herein as part of the record.

The City Council by unanimous consent agreed to a second extension at 11:20 p.m. to continue the discussion.

Public Comment

Don Hagen, Dorothy Hamilton McLean, Jerry Westholder and Diego Rose spoke relative to the Grand Jury report and in support of Councilmember Peterson.

City Manager Douglas Schulze spoke relative to some of the comments raised during public comment with respect to the hiring of the Police Chief; Department Directors not being represented by labor unions; assumptions made about him relative to the reference in the Grand Jury report naming the City Manager; a public records request about a police complaint filed by the
City Manager; an assumption in relation to the City Manager being accused of spousal abuse, which is false and slander.

There was a substantial discussion relative to the item in question resulting in Councilmember Wallace calling for the censure of Councilmember Peterson. In turn, Councilmember Peterson called for the censure of Mayor Welch for the charges that were raised in the previous Grand Jury report dated 2018.

A motion was made by Councilmember Wallace, seconded by Councilmember Happe, to send the letter with the response to the Grand Jury as written. Roll call vote was taken as follows:

- **AYES:** Happe, Wallace, Andrade, & Welch
- **NOES:** Peterson
- **ABSTAIN:** None
- **ABSENT:** None

**IX. DISCUSSION ITEM**

None

**CITY COUNCIL** – Next Meeting, September 10, 2019, 5:00 p.m.

**X. ITEMS FOR FUTURE AGENDAS**

1. Website Redesign
2. Wildfire Mitigation Plans
3. 553 E. Ramsey Receivership

**XI. ADJOURNMENT**

By consensus, the meeting was adjourned at 11:55 p.m.

Minutes Prepared by:

Daryl Betancur, Deputy City Clerk

The following information comprises the agenda for the regular meeting of the City Council, and a joint meeting of the City Council and the Banning Utility Authority.
In accordance with City Council Resolution No. 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

The entire discussion of this meeting can be found by visiting the following website: http://www.banning.ca.us/ArchiveCenter/ViewFile/Item/2149 requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.
TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: September 24, 2019

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of August 2019

RECOMMENDATION:

That City Council review and ratify the warrants for period ending August 31, 2019, per California Government Code Section 37208.

WARRANT SUMMARY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Payment #</th>
<th>Amount</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Checks:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Checks Issued during Month</td>
<td>170132 - 170580</td>
<td>$ 2,765,547.18</td>
<td></td>
</tr>
<tr>
<td>Voided / Reissue Check</td>
<td></td>
<td>$ 5,428.66</td>
<td></td>
</tr>
<tr>
<td>Check Total</td>
<td></td>
<td></td>
<td>$ 2,760,118.52</td>
</tr>
<tr>
<td>Wires Total</td>
<td>1011 - 1014</td>
<td></td>
<td>$ 2,664,054.22</td>
</tr>
<tr>
<td>ACH payments:</td>
<td>9006493 - 9006522</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payroll Direct Deposit</td>
<td>8/2/2019</td>
<td>$ 392,792.12</td>
<td></td>
</tr>
<tr>
<td>Payroll Direct Deposit</td>
<td>8/16/2019</td>
<td>$ 370,866.40</td>
<td></td>
</tr>
<tr>
<td>Payroll Direct Deposit</td>
<td>8/30/2019</td>
<td>$ 396,795.21</td>
<td></td>
</tr>
<tr>
<td>Other Payments</td>
<td></td>
<td>$ 684,365.99</td>
<td></td>
</tr>
<tr>
<td>ACH Total</td>
<td></td>
<td></td>
<td>$ 1,844,819.72</td>
</tr>
<tr>
<td>Payroll Checks:</td>
<td>11859 11911</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payroll - Regular</td>
<td>8/2/2019</td>
<td>$ 7,204.15</td>
<td></td>
</tr>
<tr>
<td>Payroll - Regular</td>
<td>8/16/2019</td>
<td>$ 6,162.73</td>
<td></td>
</tr>
<tr>
<td>Payroll - Regular</td>
<td>8/30/2019</td>
<td>$ 3,647.83</td>
<td></td>
</tr>
<tr>
<td>Payroll Check Total</td>
<td></td>
<td></td>
<td>$ 17,014.71</td>
</tr>
</tbody>
</table>
ATTACHMENTS:

- Fund List
- Warrant List August 2019
- Warrant List Detail August 2019
- Voided Check Log – August 2019
- Payroll Log
- Payroll Registers
  https://banningca.gov/DocumentCenter/View/6447/Attachment_Warrants

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:

________________________________________

Douglas Schulze  
City Manager
TO:          CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Suzanne Cook, Deputy Finance Director
MEETING DATE: September 24, 2019
SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of August 2019

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **August 31, 2019** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Prior Month</th>
<th>Current Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds Under Control of the City</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash on Hand</td>
<td>$3,655.00</td>
<td>$3,655.00</td>
</tr>
<tr>
<td>Checking and Savings Accounts</td>
<td>$12,048,368.27</td>
<td>$10,817,543.49</td>
</tr>
<tr>
<td>Investments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LAIF</td>
<td>$41,655,255.18</td>
<td>$41,655,255.18</td>
</tr>
<tr>
<td>Brokerage</td>
<td>$26,938,260.40</td>
<td>$26,998,323.32</td>
</tr>
<tr>
<td>Total Funds Under Control of the City</td>
<td>$80,645,538.85</td>
<td>$79,474,776.99</td>
</tr>
<tr>
<td>Funds Under Control of Fiscal Agents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>US Bank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted Bond Project Accounts</td>
<td>$15,259,729.56</td>
<td>$15,264,367.80</td>
</tr>
<tr>
<td>Restricted Bond Accounts</td>
<td>$5,383,824.86</td>
<td>$5,423,832.06</td>
</tr>
<tr>
<td>Union Bank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted Funds</td>
<td>$1,774,204.98</td>
<td>$282,638.98</td>
</tr>
<tr>
<td>Total Funds Under Control of Fiscal Agents</td>
<td>$22,417,759.40</td>
<td>$20,970,838.84</td>
</tr>
<tr>
<td>Total Funds</td>
<td>$103,063,298.25</td>
<td>$100,445,615.83</td>
</tr>
</tbody>
</table>

**Note:** The numbers in the table have been rounded for clarity.
### RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Prior Month</th>
<th>Current Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Funds</td>
<td>$103,063,298.25</td>
<td>$100,445,615.83</td>
</tr>
<tr>
<td>Restricted Funds</td>
<td>39,202,587.01</td>
<td>$37,712,622.32</td>
</tr>
<tr>
<td>Assigned Funds - Specific Purpose</td>
<td>8,969,200.65</td>
<td>8,969,200.65</td>
</tr>
<tr>
<td>Committed Funds - Specific Purpose</td>
<td>4,785,065.00</td>
<td>3,242,731.75</td>
</tr>
<tr>
<td>Fund Balance Reserves</td>
<td>15,183,797.25</td>
<td>15,183,797.25</td>
</tr>
<tr>
<td><strong>Total Restricted, Assigned, Committed and Reserve</strong></td>
<td><strong>$68,140,649.91</strong></td>
<td><strong>$65,108,351.97</strong></td>
</tr>
<tr>
<td>Operating Cash - Unrestricted Reserves</td>
<td>$34,922,648.34</td>
<td>$35,337,263.86</td>
</tr>
<tr>
<td>Less Accounts held in Investments</td>
<td>$26,938,260.40</td>
<td>$26,998,323.32</td>
</tr>
<tr>
<td>Liquid Cash</td>
<td>$7,984,387.94</td>
<td>$8,338,940.54</td>
</tr>
</tbody>
</table>

### ATTACHMENTS:

- Cash, Investment and Reserve Report August 2019  
- Investment Report August 2019  
- LAIF / PMIA Performance Report  

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:

[Signature]

Douglas Schulze  
City Manager
TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 24, 2019

SUBJECT: Public Works Capital Improvement Project Tracking List

________________________________________________________________________

RECOMMENDED ACTION:

This is informational only; receive and file report.

GOAL STATEMENT:

The purpose of presenting the attached Public Works Capital Improvement Project (CIP) Tracking List is to keep City Council and the public informed of the status of the various capital improvement projects that are currently managed by the Public Works Department.

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 Status List

Approved by:

[Signature]

Douglas Schulze
City Manager
RECOMMENDED ACTION:

Staff Recommends that the Banning Utility Authority adopt Resolution 2019-17 UA:

1. Approving an Amendment to the Agreement with G & G Environmental Compliance, of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services in the amount of $25,000.

2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Amendment to the Agreement with G & G Environmental Compliance for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services.

3. Authorizing the City Manager to execute the Amendment to the Agreement, including term extensions not to exceed a total of five years, with G & G Environmental Compliance.

BACKGROUND:

The City of Banning owns and operates its own sewer collection system. In order to reduce the occurrence of sanitary sewer overflows (SSOs), regular inspections are conducted at
all food service facilities under the Fats, Oils, and Grease (FOG) Control Program. Large commercial, industrial, and institutional users are also inspected regularly to verify compliance with discharge limits and pretreatment requirements. These inspections require specialized training and knowledge and are best outsourced to consultants that provide these services on an as-needed basis for smaller municipalities such as the City of Banning.

With strict discharge limits being enforced at the waste water treatment plant, it is important to monitor the point sources of various constituents such as Nitrogen and Total Dissolved Solids (TDS) so they can be removed to the extent possible before entering the sewer collection system. Assistance in developing new monitoring requirements and guidelines in response to ever-evolving regulations will also be provided by the consultant.

Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on April 27, 2018 through its Planet Bids website. Three firms submitted proposals for consideration. A three-member panel evaluated the proposals on qualifications (30%), experience (30%), understanding & approach (30%), and responsiveness to the RFP (10%).

The evaluation scores are summarized as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>G&amp;G Environmental Compliance</td>
<td>395</td>
</tr>
<tr>
<td>CASC Engineering and Consulting, Inc.</td>
<td>336.67</td>
</tr>
<tr>
<td>Lynn Merrill and Associates, Inc.</td>
<td>321.67</td>
</tr>
</tbody>
</table>

**JUSTIFICATION:**

The amendment is required to continue to use G & G Environmental Compliance’s services to complete inspections that ensure compliance with the National Pollution Discharge Elimination System (NPDES) permit and the Waste Discharge Requirements (WDR) at the waste water treatment plant.

**FISCAL IMPACT:**

The Water and Waste Water funds will each pay for a portion of the costs, based on anticipated work needed for each Division. The cost breakdown:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Account Number</th>
<th>Cost Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>660-6300-471.23-37</td>
<td>$5,000</td>
</tr>
<tr>
<td>Waste Water</td>
<td>680-8000-454.23-37</td>
<td>$20,000</td>
</tr>
<tr>
<td><strong>Total Amount of Amendment 1</strong></td>
<td>$25,000</td>
<td></td>
</tr>
</tbody>
</table>

The original contract with G & G Environmental Compliance was for $25,000 and Amendment 1 will bring the total contract amount to $50,000.
ALTERNATIVES:

1. Approve Resolution 2019-17 UA.
2. Reject Resolution 2019-17 UA and provide further direction to staff.

ATTACHMENTS:

1. Resolution 2019-17 UA
2. Request for Proposals (RFP)
3. Proposal from G & G Environmental Compliance
   https://banningca.gov/DocumentCenter/View/6491/Attachment-3---GG-Proposal
4. Original Agreement
5. Amendment 1
   https://banningca.gov/DocumentCenter/View/6493/Attachment-5---Amendment-1

Approved by:

Douglas Schulze
City Manager
TO: CITY COUNCIL  
FROM: Douglas Schulze, City Manager  
PREPARED BY: Tom Miller, Electric Utility Director  
Ted Shove, Economic Development Manager  
MEETING DATE: September 24, 2019  

RECOMMENDED ACTION:  
That the City Council Adopt Resolution No. 2019-120:  

1. Approving “Agreement for Purchase and Sale of Electrical Distribution Facilities and Easements (and Escrow Instructions) located at 4133 W. Wilson Street (APN: 535-030-030)”;  

2. Authorize the City Manager or Electric Utility Director to execute Purchase and Sale Agreement and Certificate of Acceptance for an easement across APN 535-030-030; and  

3. Authorize Administrative Services Director to make necessary budget adjustments and appropriations for FY 2020.  

BACKGROUND:  
On July 9th, 2019, the City Council approved the “Purchase of Electric Facilities from Mountain Air Mobile Home Estates”, Resolution 2019-93. The approval included purchase of secondary electrical energy facilities operated by Mountain Air Mobile Home Estates at an approximate cost of $30,000. The agreement also included an access easement for electrical facilities.
Accordingly, the City studied the potential environmental effects of the existing electrical infrastructure in accordance with the California Environmental Quality Act ("CEQA"). Pursuant to Section 15302 of Article 19 (Categorical Exemptions) of the State CEQA Guidelines, City Staff found that the Project is exempt from CEQA because it involves maintenance and/or eventual replacement of existing utility system facilities with negligible expansion.

Staff is recommending approval of the Agreement for Purchase and Sale of Electrical Distribution Facilities (and Escrow Instructions).

**FISCAL IMPACT:**

The purchase price is $30,000 plus escrow and title charges not to exceed $3,000 for a total additional expenditure of up to $33,000. Funds to be sourced from the Electric Capital Improvement Fund (673).

**ATTACHMENTS:**

1. Resolution 2019-120
2. Agreement for Purchase and Sale of Electrical Distribution Facilities and Easements (and Escrow Instructions)
   https://banningca.gov/DocumentCenter/View/6456/Attachment-2_Combined
3. Resolution 2019-93
   https://banningca.gov/DocumentCenter/View/6457/ATTACHMENT-3-Reso-No-2019-93

Approved by:

[Signature]

Douglas Schulze
City Manager
TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Chief Matthew, Hamner
Sol Ivett Avila, Executive Assistant
MEETING DATE: September 24th, 2019
SUBJECT: Police Department Statistics for August 2019

RECOMMENDED ACTION:

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

JUSTIFICATION:
N/A

FISCAL IMPACT:
None

OPTIONS:
1. Receive and File

ATTACHMENTS:
1. August 2019 Statistics
Approved by:

Douglas Schulze
City Manager
TO: CITY COUNCIL  
FROM: Chief Todd Hopkins  
PREPARED BY: Laurie Sampson, Executive Assistant  
MEETING DATE: September 24, 2019  
SUBJECT: Receive and File Fire Department Statistics for August 2019

RECOMMENDED ACTION:
Receive and file Fire Department statistics for August 2019.

BACKGROUND:
The Fire department provides statistics to the public and City Council upon request.

JUSTIFICATION:
N/A

FISCAL IMPACT:
None

OPTIONS:
1. Receive and File

ATTACHMENTS:
1. Fire Statistics for August 2019
Approved by:

Douglas Schulze
City Manager
CITY OF BANNING
CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Art Vela, Director of Public Works/City Engineer
MEETING DATE: September 24, 2019
SUBJECT: Approving Resolution 2019-112, Approving the Development Impact Fee Update Study Dated August 7, 2019, Approving the Update of [the] Traffic Fee Component of the Development Impact Fee Program Dated May 2019, Adopting New and Amended Development Impact Fees, Making a Finding for Exemption under CEQA, and Repealing Provisions of Resolution No. 2006-75 and Ordinance Nos. 1320 and 1321 Establishing or Modifying Certain Development Impact Fees; and Introducing Ordinance 1551, Updating the City’s Development Impact Fee Program, Amending the City of Banning Municipal Code, and Making Findings Pursuant to CEQA (2nd Reading and Adoption)

RECOMMENDED ACTION:

That the City Council:

1. Adopt Resolution 2019-112, A Resolution of the City Council of the City of Banning, California, Approving the Development Impact Fee Update Study Dated August 7, 2019, Approving the Update of [the] Traffic Fee Component of the Development Impact Fee Program Dated May 2019, Adopting New and Amended Development Impact Fees, Making a Finding of Exemption under CEQA, and Repealing Provisions of Resolution No. 2006-75 and Ordinance Nos. 1320 and 1321 Establishing or Modifying Certain Development Impact Fees; and

2. Waive further reading, and adopt Ordinance 1551, An Ordinance of the City of Banning California, Updating the City’s Development Impact Fee Program, Amending the Banning Municipal Code, and Making Findings Pursuant to CEQA.
**BACKGROUND:**

Development impact fees (DIFs) are commonly imposed by local agencies on new developments as a precondition in the development application process. Revenues realized from DIF programs serve the primary purpose of funding the cost for public facilities necessary for mitigating the impacts of development projects and assure that new developments pay for their share of costs associated with growth.

The legal requirements for enactment of a development impact fee program are set forth in Government Code Sections 66000 through 66025 (also referred to as the “Mitigation Fee Act”).

The City of Banning currently imposes DIFs for the following: General Facilities, Police Facilities, Fire Facilities, Parkland/Park Development, Traffic Control Facilities, Water and Wastewater Facilities (collectively referred to as the “DIF Program”). The City’s DIFs were last updated in 2006, with the exception of Water and Wastewater which were last updated in 2004 and 2005, respectively.

**Existing Development Impact Fees**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>General</th>
<th>Police</th>
<th>Fire</th>
<th>Parks</th>
<th>Traffic</th>
<th>Water</th>
<th>Wastewater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$478</td>
<td>$823</td>
<td>$1,355</td>
<td>$1,955</td>
<td>$250</td>
<td>$7,232</td>
<td>$2,786</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$530</td>
<td>$913</td>
<td>$1,355</td>
<td>$2,168</td>
<td>$172</td>
<td>$7,232</td>
<td>$2,786</td>
</tr>
<tr>
<td>Non-Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>$208</td>
<td>$472</td>
<td>$579</td>
<td>$1,233/acre</td>
<td>$1,176</td>
<td>See Note 3</td>
<td>See Note 4</td>
</tr>
<tr>
<td>Office</td>
<td>$302</td>
<td>$192</td>
<td>$841</td>
<td>$1,233/acre</td>
<td>$479</td>
<td>See Note 3</td>
<td>See Note 4</td>
</tr>
<tr>
<td>Industrial</td>
<td>$73</td>
<td>$73</td>
<td>$468</td>
<td>$1,233/acre</td>
<td>$333</td>
<td>See Note 3</td>
<td>See Note 4</td>
</tr>
</tbody>
</table>

**Notes**
1. Residential Fees are per dwelling unit.
2. Most non-residential impact fees are based on a tiered fee structure based on square footage. The fees in this table are the highest of each tier.
3. Non-residential water impact fees are based on meter size.
4. Non-residential wastewater impact fees are based on type of use.

In anticipation of future development projects such as Pardee’s Atwell project, and considering the time lapse since the last update it was determined that an update to the City’s DIF Program was appropriate. The City subsequently entered into Professional Services Agreements with Willdan for completion of the Development Impact Fee Update Study (“DIF Update Study”) and LSA for the preparation of the Update of the Traffic Fee Component of the Development Impact Fee Program (“Traffic Fee Study”) (collectively referred to as “DIF Studies”).
DISCUSSION

Development Impact Fee Update Study

The DIF Update Study was prepared by Willdan and contains recommendations for the following impact fees: Police Facilities, Fire Protection Facilities, Park Facilities, General City Facilities, Wastewater Facilities and Water Facilities.

Willdan calculated impact fees based on one of the two following methodologies:

1. Existing Inventory

The existing inventory approach is based on a facility standard derived from the City’s existing level of services (e.g. facilities) and existing demand for services. This approach results in no facility deficiencies attributable to existing development and is often used when a long-range plan for new facilities is not available.

The existing inventory method was used to develop the Police Facilities, Fire Protection Facilities, Parkland and Park Facilities, and the General City Facilities development impact fees.

2. Planned Facilities

The planned facilities approach allocates costs based on the ratio of planned facilities that serve new development to the increase in demand associated with new development. This approach is appropriate when specific planned facilities that only benefit new development can be identified, or when the specific share of facilities benefiting new development can be identified.

This method was used for the Water and Wastewater Facilities development impact fees and relied on information from the City’s Integrated Master Plan for water, wastewater and recycled water. It should be noted that the cost for recycled water facilities has been included as part of the Water Facilities development impact fee.

Traffic Fee Component of the Impact Fee Program Study (Traffic Fee Study)

The City’s current Traffic Control Facility development impact fee was developed to only fund traffic signals at several locations and does not include costs for items such as right-of-way acquisition, intersection widening, installation of additional lanes and utility relocations, which are often required for intersection capacity improvements.

The Traffic Fee Study recommends an updated impact fee for traffic improvements based on a planned facilities approach, as described above.

The following table summarizes the recommended development impact fees for the DIF Studies:
Proposed Impact Fees

<table>
<thead>
<tr>
<th>Land Use</th>
<th>General</th>
<th>Police</th>
<th>Fire</th>
<th>Parks</th>
<th>Traffic</th>
<th>Water</th>
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<td>$236</td>
<td>-</td>
<td>$1,791</td>
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</table>

Notes
1. Residential fees are per dwelling unit (DU).
2. Non-residential impact fees are per 1,000 sq. ft.
3. Non-residential water impact fees are based on meter size. See attached DIF Update Study for full list of fees.
4. Non-residential wastewater impact fees are based on use. See attached DIF Update Study for full list of fees.

JUSTIFICATION:

The City's DIFs were last updated in 2006, with the exception of Water and Wastewater which were last updated in 2004 and 2005, respectively. Cost estimates used to develop the current DIFs are outdated and most cases undervalued, which if not updated, the DIF revenues would not be sufficient to build the public facilities needed to mitigate the impacts of development.

Ordinance 1551 acknowledges the required public hearing regarding the adoption of the updates to the City’ DIF program, makes a determination of exemption under the California Environmental Quality Act (CEQA), revises certain sections of the Banning Municipal Code related to development impact fees, and references all new and amended development impact fees in an amended Chapter 15.68 (Development Impact Fees) of Title 15 (Building and Construction) of the Banning Municipal Code.

Fee Calculation Methodologies.

The DIF Update Study uses the planned facilities methodology (as detailed in Section 1) as the appropriate methodology to calculate the wastewater and water facilities impact fees, and the existing inventory methodology (also as detailed in Section 1) as the appropriate methodology to calculate the fire, police, general city, and park and recreation facilities impact fees.

The existing inventory methodology allocates costs based on the ratio of existing facilities to demand from existing development. By definition the existing inventory methodology results in no facility deficiencies attributable to existing development. This
methodology is often used when a long-range plan for new facilities is not available. Only the initial facilities to be funded with fees are identified in the DIF Update Study. Future facilities to serve growth will be identified through an annual capital improvement plan and budget process, possibly after completion of a new facility master plan.

The planned facilities methodology allocates costs based on the ratio of planned facility costs to demand from new development. This methodology is appropriate when planned facilities will entirely serve new development, or when a fair share allocation of planned facilities to new development can be estimated. An example of the former is a wastewater trunk line extension to a previously undeveloped area. An example of the latter is expansion of an existing library building and book collection, which will be needed only if new development occurs, but which, if built, will in part benefit existing development, as well. Under this methodology, new development funds the expansion of facilities at the standards used in the applicable planning documents.

The Traffic Fee Study uses the plan-based fee methodology (as detailed in Section 3.1) as the appropriate methodology to calculate the traffic impact fees since the need for transportation-related improvements depends specifically on the projected number of trips that must be accommodated. The plan-based fee methodology is used for facilities that must be designed based on multiple considerations, including, but not limited to, future traffic and infrastructure demand projections, geographic location of anticipated growth, and potential development constraints. For example, the need for transportation-related improvements depends specifically on the projected number of trips that must be accommodated. The City first analyzed existing facilities, geographic constraints, and current and required levels of service in order to identify future facility needs. This information was then analyzed in conjunction with a projection of the amount and location of future development in order to determine the adequacy of existing facilities and the demand for new improvements.

Mitigation Fee Act Findings.

Section 66001 of the Mitigation Fee Act provides that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency must:

1. Identify the purpose of the fee;
2. Identify the use to which the fee is to be put and, if financing public facilities, the facilities shall be identified;
3. Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed;
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.
The \textit{DIF Update Study} and the \textit{Traffic Fee Study} have provided a clear nexus for the proposed increase in the City's DIFs in compliance with the Mitigation Fee Act. In accordance with Section 66001(a)(1) of the Mitigation Fee Act, the purpose of the proposed increased City DIFs is described in Section 10 of the \textit{DIF Update Study} and Section 2.1.1 of the \textit{Traffic Fee Study}. In accordance with Section 66001(a)(2), the use to which the increased City DIFs will be put is described in Section 10 of the \textit{DIF Update Study} and Section 2.1.2 of the \textit{Traffic Fee Study}.

Lastly, in accordance with Sections 66001(a)(3)-(4) and (b) of the Mitigation Fee Act, Section 10 of the \textit{DIF Update Study} and Sections 2.1.3 and 2.1.4 of the \textit{Traffic Fee Study} describe the reasonable relationship between (1) the use of the increased City DIFs and the development projects that will pay the fees, (2) the need for the public facilities and the development projects that will pay the fees, and (3) the increased City DIF amounts and the cost of the public facilities attributable to the development projects that will pay the fees.

\textbf{CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)}

City staff has determined that these actions do not constitute a “project” under CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because these actions involve the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, City Staff has determined that these actions are statutorily exempt from CEQA under CEQA Guidelines Section 15273(a)(4) because these actions and documents are merely establishing a fee to obtain funds for those capital projects necessary to maintain service within existing service areas and these actions do not provide for the creation of new service areas. The capital projects described in the \textit{DIF Update Study} and the \textit{Traffic Fee Study} will maintain the level of service currently provided by the City's existing fire protection, police, general city, traffic control, parkland and park, wastewater, and water facilities systems by ensuring that the impacts of new development will not negatively impact existing service levels.

\textbf{FISCAL IMPACT:}

The update to the City's DIF Program will provided the necessary revenue to fund the capital projects described in the DIF Studies in order to mitigate the impacts of new development and to keep the City's level of service for fire protection, police, general city, traffic control, parkland and parks, wastewater and water facilities systems at a satisfactory level.

\textbf{OPTIONS:}

1. Approve as recommended; or
2. Do not approve and provide alternative direction.
ATTACHMENTS:

1. Resolution 2019-112

2. Ordinance 1551
   https://banningca.gov/DocumentCenter/View/6390/Attachment-2-Ordinance-1551

3. Development Impact Fee Update Study dated August 7, 2019 (Willdan)
   https://banningca.gov/DocumentCenter/View/6391/Attachment-3-Final-Development-Impact-Fee-Update-Study

   https://banningca.gov/DocumentCenter/View/6392/Attachment-4-Final-Traffic-Component-of-DIF

5. Proof of Publication
   https://banningca.gov/DocumentCenter/View/6393/Attachment-5-Proof-of-Publication

Approved by:

Douglas Schulze
City Manager
RECOMMENDED ACTION:

Adopt Resolution No. 2019-124, approving the Memorandum of Understanding between the City of Banning and the Banning Police Management Association for 2019 – 2022.

BACKGROUND:

The current BPMA Memorandum of Understanding (MOU) expired on June 30, 2019. A proposal for a new MOU was received in July of 2019 and an initial meeting to discuss the proposal occurred shortly thereafter. The BPMA proposal was consistent with the MOU approved by the City Council for the Banning Police Officers’ Association (BPOA), which was anticipated.

The primary difference between the BPMA MOU and the BPOA MOU is related to Field Training Officer (FTO) pay since members of BPMA do not serve as Field Training Officers. However, members of BPMA have responsibility for managing the FTO program. Therefore, incentive pay for completion of Field Training Officer Management certification has been included in the MOU.

A tentative agreement was reached in August with two of the three BPMA members.

FISCAL IMPACT:

In addition to the cost of living adjustments, other changes to the MOU include:

- Notification of schedule changes reduced from 30 days to 14 days;
- POST Certified Field Training Management receive 2.5% incentive pay;
• 2.5% of base pay for members who obtain a Master’s Degree and California POST Management Certificate;
• 2.5% of base pay for members who successfully complete either the California POST Command College or the FBI National Academy;
• Longevity Pay 0.5% after 10 years, 1% after 15 years, 1.5% after 20 years and 2% after 25 years;
• Uniform allowance increased from $110 per month to $150 per month;
• Lieutenants may accumulate overtime in a compensatory bank up to 120 hours; Cash out of overtime compensatory bank permitted annually.

ATTACHMENTS:
   https://banningca.gov/DocumentCenter/View/6495/Attachment-1-Resolution-2019-124-
2. 2019 – 2022 Banning Police Management Association MOU

Approved by:

________________________
Douglas Schulze
City Manager
TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Chief of Police
Phil Holder, Captain

MEETING DATE: September 24, 2019

SUBJECT: Adopt Resolution 2019-121: Acceptance of the 2019 Edward Byrne Memorial Justice Assistance Grant

RECOMMENDED ACTION:

The City Council conduct a Public Hearing and accept grant funds provided by the Office of Justice Programs in the amount of $11,618 for the police department to purchase additional Axon Tasers and equipment to support the National Incident Based Reporting System (NIBRS).

JUSTIFICATION:

The police department proposes to use the grant funds to purchase new Axon Tasers as replacements for older Tasers that are approaching their end of shelf life (5 Years). The grant will facilitate the purchase of six new Axon Tasers with rechargeable batteries and extended 4-year warranties for each device.

Officers use the Axon Taser as a less-than-lethal control device when faced with violent subjects who are actively resisting or pose an imminent threat of violence against the police officers and/or citizens.

As required, the police department will utilize $314 of the grant to purchase technology based equipment that will support the department’s ability to report incident-based information through the NIBRS system.

BACKGROUND:

On August 6, 2019 the Banning Police Department received notification from the U.S. Bureau of Justice Assistance that it was eligible to apply for the 2019 Local Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $11,618. Per U.S.
Department of Justice regulations, a public hearing must be conducted to allow citizens to make comments on the intended use of the noted grant funds before funding can be approved.

For the FY19 Local Edward Byrne Memorial JAG, the U.S. Bureau of Justice Assistance is requiring all eligible agencies in Riverside County to submit a consolidated application with one Fiscal Agent (FA) as the grant administrator. The Riverside County Sheriff’s Department has agreed to take on the role as the FA for 2019. As in years past, the FA agency will receive 10% of each agency’s grant award ($1,162 for Banning) to help offset the costs associated with administering the grant for the agencies involved.

Additionally, the U.S. Bureau of Justice Assistance is requiring $314 of the FY19 Local Edward Byrne Memorial JAG be utilized to purchase equipment that will support the National Incident Based Reporting System (NIBRS).

FISCAL IMPACT:

Accepted Byrne Grant funds will be appropriated to the Police Department’s Ordnance Account to pay for the Axon Tasers, rechargeable batteries, and extended warranties. Accepted funds for the NIBRS related technology based equipment will be appropriated to the suitable account. Upon completion of the purchases, the Police Department will submit a request for reimbursement to the Riverside County Sheriff’s Department.

ALTERNATIVES:

1. Adopt Resolution 2019-121
2. Reject Resolution 2019-121. If rejected, provide direction on the use of the noted grant.

ATTACHMENTS:

1. Resolution 2019-121

2. Public Hearing Notice
Approved by:

Douglas Schulze
City Manager
TO: COMMISSION OF THE UTILITY AUTHORITY

FROM: Douglas Schulze, Executive Director

PREPARED BY: Jennifer Christensen, City Administrative Services Director
Suzanne Cook, Deputy Finance Director
Doug Anderson, Urban Futures, Inc.

MEETING DATE: September 24, 2019

SUBJECT: Establishment of Regular Meeting Dates for the Banning Utility Authority

RECOMMENDATION:

Staff recommends that the Banning Utility Authority adopt Resolution No. 2019-18 UA, Establishing a Regular Meeting Schedule and Providing for Matters Related Thereto.

BACKGROUND:

The Banning Utility Authority (the “Authority”) is a joint exercise of powers agency, established and authorized pursuant to a Joint Exercise Powers Agreement dated July 12, 2005, as amended, by and between the City of Banning and the Banning Parking Authority, and the powers of the Authority include the power to issue bonds for any of its corporate purposes.

The attached resolution will establish a more frequent regular meeting schedule, in order to more efficiently conduct Authority business.

The proposed Authority regular meeting (“Regular Meeting”) dates will coincide with regular meeting dates of the City Council, which are presently held on the second and fourth Tuesday of every month at 5:00 p.m., at the same location as the regular City Council meetings, presently held in the Banning City Hall Council Chambers, but may be changed pursuant to direction of the City Council.

If there is no scheduled Authority business to conduct, no agenda for the Authority shall be posted and such Regular Meeting shall be automatically canceled.
FISCAL IMPACT:
None.

ATTACHMENTS:

1. Resolution 2019-18 UA

Approved by:

Douglas Schulze
Executive Director
TO:            COMMISSION OF THE UTILITY AUTHORITY
FROM:         Douglas Schulze, Executive Director
PREPARED BY: Jennifer Christensen, City Administrative Services Director
             Suzanne Cook, Deputy Finance Director
             Doug Anderson, Urban Futures, Inc.
MEETING DATE: September 24, 2019
SUBJECT:      Authorizing the Selection of a Purchaser Proposal for the
              Refunding of the 2005 Wastewater Enterprise Revenue Bonds

RECOMMENDATION:

Staff recommends that the Banning Utility Authority adopt Resolution No. 2019-19 UA,
Authorizing the Selection of a Proposal Related to the Proposed Issuance of its
Wastewater Enterprise Refunding Revenue Bonds, 2019 and Authorizing the Taking of
Certain Actions in Connection Therewith.

BACKGROUND:

At a joint meeting on July 9, 2019, the Banning Utility Authority (the “Authority”) and the
City Council adopted Resolution No. 2019-12 UA Authorizing Staff and Consultants to
Prepare Necessary Documentation for the Issuance of Bonds to Refund Certain
Outstanding 2005 Wastewater Enterprise Revenue Bonds, Series 2005 and Approving
Financing Team Members in Connection Therewith.

Stifel, Nicolaus & Company, acting as placement agent, has solicited bids from
potential purchasers of the proposed refunding bonds (the “2019 Bonds”). Several
proposals (the “Proposals”) from potential purchasers have been received.

The attached Resolution will authorize the Executive Director to, on behalf of the
Authority, select the Proposal that the Executive Director, in consultation with Urban
Futures, Inc. as Municipal Advisor, has determined will provide the most favorable
terms for the direct placement of the 2019 Bonds, and, if required by the terms of the
selected Proposal execute an acceptance to such proposal and return the same to the
selected potential purchaser.
The Executive Director, in consultation with Bond Counsel, will also be authorized to proceed with the preparation of an Indenture, and such Indenture will be presented in substantially final form to the Authority for consideration of approval at a future meeting of the Authority.

**FISCAL IMPACT:**

By issuing the proposed 2019 Bonds to refund the outstanding 2005 Bonds, the City can save an estimated $1.4 million in debt service payments over the remaining term of the bonds, without extending the current final maturity date of November 1, 2035. All costs of issuance will be paid from bond proceeds, and the estimated savings is net of such costs. The 2019 Bonds would be secured by the same revenues (Net Revenues of the Wastewater system) that are currently pledged to the 2005 Bonds, and the 2019 Bonds would not be a debt of the City’s general fund.

**ATTACHMENTS:**

1. Resolution 2019-19 UA

Approved by:

Douglas Schulze
Executive Director
RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2019-117, proclaiming October 2, 2019, as California Clean Air Day.

BACKGROUND:

The Coalition for Clean Air launched Clean Air Day to unite people to action to improve community health and help develop habits to achieve clean air. This year, California Clean Air Day takes place on October 2, 2019. This day of action focuses on the improvement of community health and the impacts of air pollution upon Californians, hospitals and healthcare organizations, schools and school districts, businesses and workplaces, community, non-profits, and cities and local governments. With major sponsors including Edison International, SoCalGas, Los Angeles World Airports (LAX), and millions of Californians pledging to take at least one action to help “clear the air,” California Clean Air Day requires increased assistance to expand positive effectiveness and impact.

WRCOG staff is serving as the Inland Empire Working Group Co-Chair to help organize a series of events and activities for California Clean Air Day in Riverside and San Bernardino Counties. Events surrounding October 2, 2019, encompass the mission of improving air quality. Some of the activities that are being planned for California Clean Air Day include:

- University of California, Riverside (UCR) and Riverside Public Utilities (RPU) are hosting a Sustainability Day at the UCR Bourns College of Engineering.
• Dignity Health in San Bernardino County is hosting a Health Walk with vendors supporting clean air initiatives.
• A video is being developed to be shown across the Riverside Unified School District to K-12 students highlighting the benefits and importance of clean air.

The objective of Clean Air Day is to encourage individuals, government agencies, businesses, and non-profit organizations to do their part to improve air quality and protect public health. Staff is requesting that the Executive Committee pass a resolution proclaiming October 2, 2019, as California Clean Air Day. Similarly, WRCOG is encouraging member jurisdictions to pass their own resolution for California Clean Air Day, as well as host a tree planting ceremony honoring the resolution. A sample resolution is attached (Attachment 2).

To raise awareness of Clean Air Day, WRCOG is applying for a micro-grant to purchase trees, commemorate plaques, and tree planting materials. Jurisdictions that choose to pass similar resolutions proclaiming October 2, 2019, as California Clean Air Day, will be provided with supplies for a tree planting ceremony at their City Hall or a local park. The tree ceremony will provide cities with photo opportunities to publicize their support for region-wide clean air and public health. WRCOG will support media efforts leading up to Clean Air Day and tree planting ceremonies.

JUSTIFICATION:

Clean Air Day supports a Healthy Community

FISCAL IMPACT:
No fiscal impact.

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

ATTACHMENTS:
1. Resolution 2019-117

Approved by:

Douglas Schulze
City Manager
TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 24, 2019

SUBJECT: Resolution 2019-118, Thanking Playhouse Bowl Committee

__________________________________________

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2019-118, Thanking the Playhouse Bowl Committee for Their Dedication and Hard Work for the Annual Evenings in the Park Concert Series.

BACKGROUND:

The members of the Playhouse Bowl Committee give many volunteer hours to plan, organize, raise funds, coordinate, and manage the Annual Evenings in the Park Concert Series. The concerts are attended by many community members as well as visitors from the San Gorgonio Pass area.

The Playhouse Bowl Evenings in the Park Concert Series is one of two signature events designated by the City Council and it is an important part of the Banning community. Events like Evenings in the Park Concert Series help to build a strong sense of community. Without the Playhouse Bowl Committee and many volunteers, an event like the Playhouse Bowl Evenings in the Park Concert Series would not be possible.

JUSTIFICATION:

Evenings in the Park Concert Series is a signature community event.

FISCAL IMPACT:

No fiscal impact.
OPTIONS:

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

ATTACHMENTS:

1. Resolution 2019-118

Approved by:

[Signature]

Douglas Schulze
City Manager
TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 24, 2019

SUBJECT: Resolution 2019-119, Thanking Stagecoach Days Association

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2019-119, Thanking the Stagecoach Days Association for Their Dedication and Hard Work for the Annual Stagecoach Days Celebration.

BACKGROUND:

The members of the Stagecoach Days Association and numerous volunteers freely give thousands of hours of their time each year to plan, organize, raise funds, coordinate, and manage the various events associated with Banning Stagecoach Days. In addition to the volunteer hours, many volunteers spend their personal money and use their personal assets to improve the facilities and activities that are part of Stagecoach Days.

Stagecoach Days is one of two signature events designated by the City Council and it is an important part of the Banning community. Events like Stagecoach Days build community and celebrate the history of the community. Without the Stagecoach Days Association and many volunteers, an event like Stagecoach Days would not be possible.

JUSTIFICATION:

Stagecoach Days is a signature community event.

FISCAL IMPACT:

No fiscal impact.
OPTIONS:
1. Approve as recommended
2. Do not approve and provide alternative direction

ATTACHMENTS:
1. Resolution 2019-119

Approved by:

Douglas Schulze
City Manager
TO: BANNING UTILITY AUTHORITY
FROM: Douglas Schulze, City Manager
PREPARED BY: Art Vela, Director of Public Works/City Engineer
Luis Cardenas, Senior Civil Engineer
MEETING DATE: September 24, 2019
SUBJECT: Adopt Resolution 2019-16 UA, Approving an Agreement with Systems Analysis & Integration, Inc. DBA Systems Integrated, of Orange, California for SCADA Upgrades to the Water and Wastewater Systems in the Amount of $739,417; and Establishing a Project Contingency of $50,000

RECOMMENDED ACTION:

Staff Recommends that the Banning Utility Authority adopt Resolution 2019-16 UA:


2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Agreement for SCADA Upgrades to the Water and Wastewater Systems.

3. Authorizing the City Manager to execute the Agreement for SCADA Upgrades to the Water and Wastewater Systems and any amendments within the approved project contingency of $50,000, including term extensions not to exceed a total of five years, with Systems Analysis & Integration, Inc. DBA Systems Integrated.

BACKGROUND:

The City of Banning currently operates and maintains a water system and a sewer collections system. The water system includes twenty-one ground water wells, two booster stations, and eleven reservoirs across five pressure zones. The collections system
currently has five sewer lift stations. To monitor and control these types of facilities, utilities typically rely on a telemetry system, referred to as a Supervisory Control and Data Acquisition (SCADA) system. Such a system uses sensors and programmable logic controllers to turn pumps on and off and to monitor flowrates, reservoir levels, and pressures. The user interface portion of the SCADA system typically includes graphics, trends, reports, and alarms to help operators make informed decisions about how to operate the systems.

The water system is relying on a SCADA system that was originally installed in the 1990’s. The type of hardware and software used in most SCADA systems is typically expected to have a useful life of about 20 years, after which new operational requirements, reliability, and cybersecurity concerns drive the need for upgrades. A portion of the old SCADA system was upgraded in 2008 and is expected to be functional for approximately another decade. Only the oldest part of the water SCADA system is proposed to be replaced at this time.

The sewer collections system has never had a SCADA system, which makes it challenging to operate and to understand flow patterns that ultimately impact the waste water treatment plant. The proposed upgrade will include a new controller and sensors at each lift station to optimize operations as well as alarm capabilities on a variety of possible faults to ensure more reliable operations, including intrusion alarms to discourage vandalism.

Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on January 11, 2019 through its Planet Bids website for Design/Build Services for a SCADA System Upgrade. Five firms submitted proposals for consideration. A three-member panel consisting of two City of Banning employees and an outside representative evaluated the proposals on qualifications (20%), pricing (25%), experience (10%), professional references (5%) and their approach & methodology (40%).

The two firms with the highest scores were subsequently invited for interviews in May 2019. The final interview scores determined that Systems Analysis & Integration, Inc. DBA Systems Integrated had the solution that best met the City’s needs.

JUSTIFICATION:

The current SCADA system is fragmented between the older installation from the 1990’s and the system installed in 2008. The older SCADA system runs on a version of Windows software that is no longer supported, making it vulnerable to cyber attacks. It is critically important that these facilities be upgraded to a modern SCADA system with a hardened server that limits vulnerabilities.

Some of the existing water sites have hardware that is starting to fail and have to be monitored in person more often that would be required with a fully functional SCADA system. Remote monitoring and control is cost-effective and the data collected will be
automatically saved for future reference, such as for master-planning efforts and for optimizing operations. With the new SCADA system, standby personnel will be able to respond remotely to abnormal conditions much faster, whereas currently some of the sites require that an operator drive out to physically verify if there is a problem.

The sewer lift stations currently have local controls and a dial-up alarm system that only reports problems once they are in the critical stage, leaving little time for staff to respond. The new SCADA system will monitor sites continuously, including pump status and levels in the wet well. More in-depth analysis of operations patterns will be possible, including individual pump performance, and potential problems can be detected before they become serious issues.

All five proposals received in response to the RFP exceeded the approved project budget for the current fiscal year. As a result, staff proceeded to negotiate a reduce scope of work with the selected firm, focusing on older and more critical sites, and the resulting final scope of work will be within the amount approved in the current budget.

**FISCAL IMPACT:**

The Water and Waste Water funds will each pay for a portion of the SCADA Upgrades project, based on the cost of installation at individual sites. The cost breakdown, including proposed contingencies, are as follows:

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<td>Waste Water</td>
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<td><strong>Total</strong></td>
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<td><strong>$789,417</strong></td>
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There are adequate funds in the approved FY 2020 budget to cover the base cost of $739,417 and the contingency for the Waste Water. Additional appropriation from the Water fund in the amount of $33,167 is requested to cover the Water contingency. The combined project contingency is $50,000.

**ALTERNATIVES:**

1. Approve Resolution 2019-16 UA.
2. Reject Resolution 2019-16 UA and provide further direction to staff. Not having a secure and reliable SCADA system may lead to additional labor costs, necessary for in-person verification of operational status, loss of valuable data, and longer response times in case of emergencies.
ATTACHMENTS:

1. Resolution 2019-16 UA  
   https://banningca.gov/DocumentCenter/View/6468/Attachment-1-Resolution-2019-16-UA_Award_SCADA_Upgrades

2. Request for Proposals (RFP)  
   https://banningca.gov/DocumentCenter/View/6469/Attachment-2---SCADA-RFP

3. Proposal from Systems Integrated  
   https://banningca.gov/DocumentCenter/View/6470/Attachment-3---SI-Proposal

4. Agreement with Final Scope  
   https://banningca.gov/DocumentCenter/View/6471/Attachment-4---Agreement-With-Final-Scope

Approved by:

[Signature]

Douglas Schulze  
City Manager
TO: CITY COUNCIL  
FROM: Douglas Schulze, City Manager  
PREPARED BY: Art Vela, Director of Public Works  
MEETING DATE: September 24, 2019  
SUBJECT: Update on the City of Banning Transit Operations  

RECOMMENDED ACTION:  
Receive and file staff’s update of the Transit operations  

DISCUSSION:  

Ridership  
On June 25, 2019 the City Council approved an Interagency Services Agreement (ISA) which outlined the way the City of Banning (“Banning”) and the City of Beaumont (“Beaumont”) transit systems would operate within each City’s service areas including, but not limited to route planning, scheduling, stops, transfers and the dissemination of information. Beaumont’s Route 2, which operated along the Ramsey Street corridor, was revised to no longer operate within the City of Banning. Since the removal of Route 2 in Banning, staff has recorded a noticeable increase in ridership during the months of July and August when compared to the same months in 2018 (i.e. 40% increase in July and 25% increase in August).  

Rebranding  
Additionally, both agencies have decided to pursue the rebranding of their transit systems and transitioning out of the existing “Pass Transit” brand. City staff consider several potential logos and selected the following:
The City’s rebranding process will include adding the new logo to transit vehicles, updating and overhauling transit maps and outreach material. Staff is also looking into private advertisement on buses and at bus stops as a means of generating additional revenue. Staff’s goal is to have the transit system fully rebranded by July 1, 2020. The cost of rebranding will be funded by State Transit Assistance funds.

Other Noteworthy Updates

Additional upcoming improvements to the City’s transit operations include the deployment of “Token Transit” a mobile ticketing platform that allows the sale of bus tickets via an easy to use phone application. Token Transit should be available to the public in the month of October, 2019.

Staff is also researching data platforms that can provide real-time information for riders, dispatchers and managers. Using GPS devices and arrival prediction software, applications such as Swiftly can provide interactive maps via phone applications (e.g. Google Maps, Transit App and Moovit) that show bus locations and predictions for arrival times; provide alerts to passengers; reduce the number of “where is my bus?” phone calls; provide real-time management tools for staff; and GPS playback.

ATTACHMENTS:

1. Token Transit Information
   https://banningca.gov/DocumentCenter/View/6463/Attachment-1-Token-Transit---One-Pager
2. Swiftly/Trillium Information
   https://banningca.gov/DocumentCenter/View/6464/Attachment-2-Swiftly-Information

Approved by:

Douglas Schulze
City Manager
CITY OF BANNING
CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Adam Rush, Community Development Director
MEETING DATE: September 24, 2019

RECOMMENDATION:
That City Council Adopt Resolution 2019-122 approving a Professional Services Agreement for Building and Safety Plan Check and Landscape Design Review Services between the City of Banning and Willdan Engineering through September of 2022 in an amount not to exceed $1,470,960 over the three (3) year term.

BACKGROUND:
The City of Banning has contracted with Charles Abbott and Associates (“CAA”) since June of 2015 and in August of 2019, CAA enacted the contract termination provision in our contract providing a 60-day notice to the City. The existing contract expires on Friday, October 4, 2019.

With a week of receiving the notice of contract termination effective October 4, 2019, the City of Banning released a Request for Proposal (RFP) to solicit a new firm that will provide Building and Safety Plans Examining, Inspection, and Counter Services. In addition, CAA was providing plan check review of conceptual and final landscape drawings; which was also incorporated into the proposal.

The RFP was issued on Friday, August 16, 2019 and held a non-mandatory pre-proposal meeting on Monday, August 27, 2019 where five firms attended. The meeting was held at approximately 10:00am in the City Council Chambers for about one hour. During, and subsequent from, the non-mandatory pre-proposal meeting, City staff responded to questions from prospective contractors; which resulted in the publication of an Addendum to the RFP on Thursday, August 29, 2019 on or before 5:00pm.
The RFP responses were due on or before 4:00pm on September 4, 2019. The City received a robust amount of eight responses. Immediately, the City purchasing staff reviewed all proposals for completeness and all eight proposals were forwarded to the evaluation team after being deemed responsive. The evaluation team included four (4) members of City staff and incorporated evaluators, in various capacities from department heads, to program managers, project coordinators, and administrative support staff. In addition, the evaluation team include staff from within and outside the Community Development Department. This approach was implemented to provide a balanced approach to the evaluation review and scoring of proposal responses.

Upon completion of the evaluation, the review and scores were transmitted to City Purchasing for tabulation of the results and Willdan Engineering was determined to provide the best value of services and costs to the City of Banning.

It should be mentioned that Willdan Engineering recently provided Building and Safety Services to the City of Banning from 1984 until CAA took over in 2015. In addition, Willdan Engineering also provides Building & Staffing services for several Cities adjacent to Banning; which provides a unique skill set in bringing an intimate understanding of the City’s development climate.

Below is a summary of the evaluations; which were conducted by the team of City Executive, Management, and Administrative Staff Members:

<table>
<thead>
<tr>
<th>RFP 19-045 - Building &amp; Safety Plan Check &amp; Landscape Design Review Services</th>
<th>Total Score</th>
<th>Avg. Score</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willdan Engineering</td>
<td>96</td>
<td>99</td>
<td>92</td>
</tr>
<tr>
<td>JLee Engineering, Inc</td>
<td>83</td>
<td>95</td>
<td>85.5</td>
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<tr>
<td>4LEAF, Inc</td>
<td>86</td>
<td>89</td>
<td>82.5</td>
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<tr>
<td>Bureau Veritas North America, Inc</td>
<td>91</td>
<td>90.5</td>
<td>92.5</td>
</tr>
<tr>
<td>Advanced Applied Engineering (infrastructure engineering)</td>
<td>62</td>
<td>74.5</td>
<td>90.5</td>
</tr>
<tr>
<td>HR Green Pacific, Inc</td>
<td>60</td>
<td>85</td>
<td>62</td>
</tr>
<tr>
<td>Transtech Engineers, Inc</td>
<td>64</td>
<td>82</td>
<td>73</td>
</tr>
<tr>
<td>West Coast Code Consultants, Inc</td>
<td>63</td>
<td>70</td>
<td>63</td>
</tr>
</tbody>
</table>

**JUSTIFICATION:**

As of October 4th, the City will no longer be able to provide Building and Safety Staffing Services due to the termination of our existing contract with Charles Abbott & Associates. This transition comes at a dynamic time when the City of Banning is poised to experience significant growth, within our residential housing market.

In a parallel effort, the City of Banning is currently undertaking a recruitment process for a permanent Chief Building Official who will be responsible for the daily
management of the Building Division which falls under the Community Development Department. This individual will manage the building counter, plan check and inspection services, coordinate with the Riverside County Fire Marshall on code and business license inspections, and interact with the City Finance Department on the business licenses as well. This combination of a permanent Building Official and an experienced contract firm is the City’s best option to prepare for the anticipate development growth and permit activity.

**FISCAL IMPACT:**

The total compensation for the services shall not exceed $490,320 per fiscal year and will not exceed $1,470,960.00 for the contract life of three (3) unless the Council entertains the optional contract extensions. The source of funds will be 100% reimbursed by developer fees and permit activity.

**OPTIONS:**

1. Approve as recommended
2. Do not approve and direct staff to prepare and issue a RFP.

**ATTACHMENTS:**

1. Resolution 2019-122
2. Proposal from Willdan Engineering for Building and Safety Plan Check & Landscape Design Review Services
3. Draft Professional Services Agreement (C00608) between the City of Banning and Willdan Engineering
4. Charles Abbott & Associates (CAA) Notice of Termination of Services

Approved by:

[Signature]

Douglas Schulze
City Manager