



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

July 13, 2021
5:00 p.m.

In Chamber and via Video/Teleconference
Council Chambers
99 E. Ramsey Street

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held in Chamber and via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically or telephonically.

To observe and participate in the online video portion of the meeting through your personal computer or device, click here or follow this link:
<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

Meeting ID: 874 1527 7765
Password: 870511

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

1. CALL TO ORDER

- 1.1. Invocation – *Elder Eric Biggers, Mission Church of God in Christ*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call – *Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace*

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

- 3.1. Proclamation honoring Morongo Tribal Chairman Robert Martin..... **6**
- 3.2. Mayor’s Special Recognitions
- 3.3. Southern California Edison Presentation on Pass Area Activities

4. REPORT ON CLOSED SESSION

- 4.1. Assistant City Attorney

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

5.1. PUBLIC COMMENTS – *On Items Not on the Agenda*

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.***

5.2. CORRESPONDENCE

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

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

5.5. CITY MANAGER REPORT

5.6. CITY ATTORNEY REPORT

6. CONSENT ITEMS

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

Mayor to Open Consent Items for Public Comments

Motion: Approve consent items 6.1 - 6.13.

Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority.

6.1. Minutes of the June 22, 2021 City Council Meetings7

6.2. Receive and File Fire Department Statistics for May 2021.....8

6.3. Resolution 2021-64, Approving Nuisance Abatement Charges be Added to the Tax Rolls of Riverside County, California..... 9

6.4. Resolution 2021-65 Rescinding Resolution 2007-123, Describing the Properties Subject to the Community Redevelopment Agency’s Program to Acquire Real Property by Eminent Domain in the Merged Downtown and Midway Redevelopment Projects and Authorizing the Termination of Recorded Document # 2008-0014511..... 11

6.5. Approving the Renewal of the Landscape Maintenance Contract for Landscape Maintenance District No. 1 with Artistic Maintenance, Inc. of Lake Forest, California for Fiscal Year 2021/2022 in the Amount of \$57,684..... 13

6.6. Award a Purchase Agreement to Pro-Cast Products, Inc. for the Purchase of 700 feet of K-Rail in the Amount of \$33,926.63 and reject all other bids..... 16

6.7. Authorize the City Manager to sign the Notice of Completion for Project No. 2020-07, “Citywide Street Improvements” as complete and direct the City Clerk to record the Notice of Completion..... 19

6.8. Adopt Resolution 2021-66, Authorizing the Acceptance of an Allocation of Funds in the amount of \$425,650 and Execution of a Grant Agreement with the Federal Aviation Administration (FAA) for an Airport Improvement Program Grant for Banning Municipal Airport..... 21

6.9. Adopt Resolution 2021-67, Approving a Construction Agreement for Project No. 2020-06, “Runway and Taxiway Improvements at Banning Municipal Airport” to American Road Maintenance of Tucson, Arizona in the amount of \$394,149.35 and establishing a total project budget of \$453,271.75 and rejecting all other bids and approving Amendment No. 1 to the Professional Services Agreement with IMEG Corp. for Construction Management Services in the amount of \$27,500..... 24

6.10. Resolution 2021-68, Rescinding Resolution 2020-151, and Authorizing the Purchase of One Metal-Clad Switchgear Building from Myers Power Products Inc..... 28

6.11. Adopt Resolution 2021-07 UA, Approving the First Amendment to the Professional Services Agreement with Churchwell White, LLP Extending the Term of the Agreement..... 31

6.12. Resolution 2021-69, Adopting Banning Electric Utility Wildfire Mitigation Plan dated July 2021..... 33

6.13. Ordinance 1574 approving Zone Change 21-3501 rezoning three Parcels Located West of San Gorgonio Ave. and South of Lincoln St. (APNs 540-250-061, 540-25-008, & 540-250-060) as Industrial, and Making Findings Pursuant to CEQA..... 35

7. PUBLIC HEARING(S):

- 7.1. First Reading of Ordinance 1575 amending Titles 5 and 15 of the Banning Municipal Code revising regulations pertaining to the permitting, operation,

and maintenance of alarm systems within the City of Banning and providing for fees and penalties for false alarms and violations.....**36**
(Staff Report: Jeff Horn, Police Captain)

Recommended Action: Staff recommend City Council waive the first reading of the ordinance and introduce Ordinance 1575. If approved, the matter will come before Council for a second reading at their next regular meeting on August 24, 2021.

8. DISCUSSION ITEM(S)

8.1. Discuss the City’s Draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and Ordinance and Consideration for a Speed Reduction Report**38**
(Staff Report: Art Vela, Public Works Director)

Recommendation: That the City Council discuss the City’s Draft Golf Cart and Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan and Ordinance and provide staff with direction regarding a speed reduction report along Sun Lakes Boulevard.

9. ITEMS FOR FUTURE AGENDAS

9.1. New Items:

9.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Census/Redistricting
5. Golf Cart/EV Ordinance
6. Revenue Generation Ideas
7. ~~Joint Workshop with P&R Commission~~ – **July 27, 2021**
8. Airport Advisory Commission
9. Airport Closure Directive

10. ADJOURNMENT

Next Meeting – August 24, 2021 at 5:00 p.m.

There will be a Joint Workshop Meeting with the Parks and Recreation Commission occurring on Tuesday, July 27th beginning at 5:00 p.m. in the Banning Council Chambers, 99 E. Ramsey Street, Banning, CA 92220.

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the Banning City Hall Bulletin Board and the City's Website by 5:00 P.M. on the 8th day of July 2021.


Caroline Patton, Deputy City Clerk

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 their time 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 regular meeting agenda but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-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 their time 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. Advanced notification of at least 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. **Since City Hall is currently closed to the public due to COVID, please call (951) 922-3102 or email cpatton@banningca.gov to request information be mailed.**



**CITY OF BANNING
OFFICE OF THE MAYOR**



Proclamation

WHEREAS, the Morongo Indian Reservation is a neighbor and frequent partner to the City of Banning; and

WHEREAS, Tribal Chairman Robert Martin has served 29 years on the Morongo Indian Tribal Council, with 18 years as chairman; and

WHEREAS, he is a lifelong resident of the San Gorgonio Pass and graduate of Banning High School; and

WHEREAS, Tribal Chairman Robert Martin retired from his position effective July 1, 2021; and

WHEREAS, the City of Banning would like to recognize the tremendous achievements of Chairman Robert Martin and his contributions to the local community; and

WHEREAS, the City Council of City of Banning would like to express their sincere appreciation and gratitude for Tribal Chairman Robert Martin's years of service to the community and congratulate him on the occasion of his retirement from the Morongo Tribal Council.

NOW THEREFORE, I, Colleen Wallace, Mayor of the City of Banning, do hereby proclaim Wednesday, July 14, 2021 as:

Tribal Chairman Robert Martin Day

in the City of Banning and urge all citizens to congratulate Mr. Martin on his retirement and an outstanding career in the Morongo Tribal Government.

BE IT PROCLAIMED this 13th day of July, 2021.

Colleen Wallace, Mayor



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Caroline Patton, Deputy City Clerk *CP*
MEETING DATE: July 13, 2021
SUBJECT: Minutes of the June 22, 2021 City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the June 22, 2021 City Council Meetings.

OPTIONS:

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

ATTACHMENTS:

1. Minutes of the June 22, 2021 Special Meeting
https://banningca.gov/DocumentCenter/View/9055/2021-06-22_Minutes_Special-Meeting
2. Minutes of the June 22, 2021 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/9056/2021-06-22_Minutes_Regular-Meeting

Approved by:

Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Todd Hopkins, Division Chief
Laurie Sampson, Executive Assistant
MEETING DATE: July 13, 2021
SUBJECT: Receive and File Fire Department Statistics for May 2021

RECOMMENDED ACTION:

Receive and File Fire Department statistics for May 2021.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENT:

1. Fire Statistics for May 2021
<https://banningca.gov/DocumentCenter/View/9057/Banning-May-2021-Fire-Report>

Approved by:

Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jeff Horn, Police Captain
Debbie Shubin, Code Enforcement Officer

MEETING DATE: July 13, 2021

SUBJECT: Resolution 2021-64, Approving Nuisance Abatement Charges
be Added to the Tax Rolls of Riverside County, California

RECOMMENDED ACTION:

City Council adopt Resolution 2021-64 approving certain nuisance charges to be added to the tax rolls of Riverside County, California.

BACKGROUND:

The City Council adopted Ordinance 1326, establishing Chapter 8, Section 48 of the Banning Municipal Code (BMC), establishing the procedures for creating assessment liens and authorizing the County Board of Supervisors to levy and collect such charges.

According to the BMC and the procedures required by the Riverside County Auditor's Office, City Council must approve a resolution authorizing these liens annually. Liens on all subject parcels have been previously recorded against the properties in the office of the County Recorder.

JUSTIFICATION:

The City has incurred costs in the process of abating certain nuisances. Adoption of this resolution provides for the recovery of such costs. City Council approval is sought for these liens on an annual basis and is required for the purposes of cost recovery.

FISCAL IMPACT:

The amount of the assessment to be placed on the tax roll is just under \$18,655. This assessment will be placed on the Riverside County Auditor-Controller's tax rolls and collected with the ad valorem taxes and any other assessments against the properties. The City participates in the Teeter Plan, whereby the County will reimburse the City 100% of the amount placed on the tax rolls for the weed abatement.

ALTERNATIVES:

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

ATTACHMENT:

1. Resolution 2021-64
<https://banningca.gov/DocumentCenter/View/9051/Resolution-2021-64-with-Exhibits>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: July 13, 2021

SUBJECT: Resolution 2021-65 Rescinding Resolution 2007-123, Describing the Properties Subject to the Community Redevelopment Agency's Program to Acquire Real Property by Eminent Domain in the Merged Downtown and Midway Redevelopment Projects and Authorizing the Termination of Recorded Document # 2008-0014511

RECOMMENDATION:

Staff recommends City Council approve Resolution 2021-65, rescinding Resolution 2007-123 and authorizing the termination of Document # 2008-0014511.

BACKGROUND:

On October 23, 2007, City Council approved Resolution 2007-123 Describing the Properties Subject to the Community Redevelopment Agency's Program to Acquire Real Property by Eminent Domain in the Merged Downtown and Midway Redevelopment Projects.

On Page 3 of Resolution 2007-123, Section 2., Authority for Property Acquisition; Paragraph 2, it states "Any eminent domain proceedings within the Project Area must commence within twelve (12) years of the effective date of the ordinance approving and adopting the Amended Redevelopment Plan. This means that any proceedings must commence by February 12, 2014."

On January 28, 2008, this Resolution was recorded by the Riverside County Clerk Recorder as Document # 2008-0041511.

JUSTIFICATION:

On June 18, 2021, the City received a query from the property owner at 491 E. Barbour Street regarding this recorded document. It is apparent this authorization has not been

released. There are no pending eminent domain proceedings attached to this action and to release it for 491 E. Barbour Street will result in releasing it for all properties under this action. As the Community Redevelopment Agency has been dissolved by operation of law and the authorization for action expired on February 12, 2014, it is incumbent upon the City of Banning to release all properties designated under this resolution.

FISCAL IMPACT:

None

ALTERNATIVES:

1. Approve Resolution 2021-65
2. Provide alternate direction to staff.

ATTACHMENTS:

1. Resolution 2021-65
<https://banningca.gov/DocumentCenter/View/9054/Att-1-Resolution-2021-65>
2. Document # 2008-00141511
<https://banningca.gov/DocumentCenter/View/9052/Att-2-B-05-Redev-2008-41511>
3. Termination of Recorded Resolution Regarding Eminent Domain Power
https://banningca.gov/DocumentCenter/View/9053/Att-3-Recordable-Term-of-Condemn-Reso_Fmr-RDA-Prop

Approved by:



Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director/City Engineer

MEETING DATE: July 13, 2021

SUBJECT: Approving the Renewal of the Landscape Maintenance Contract for Landscape Maintenance District No. 1 with Artistic Maintenance, Inc. of Lake Forest, California for Fiscal Year 2021/2022 in the Amount of \$57,684.

RECOMMENDED ACTION:

Staff recommends that City Council approve the following:

1. Amendment No. 2 to the Contract Agreement with Artistic Maintenance, Inc. of Lake Forest, California for an amount “not to exceed” \$57,684 and to extend the term of the agreement through June 30, 2022 for the Operation and Maintenance of Landscape Maintenance District (LMD) No. 1.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Contract Agreement Amendment No. 2 with Artistic Maintenance, Inc..
3. Authorizing the City Manager or his designee to execute Amendment No. 2 to the Contract Agreement with Artistic Maintenance, Inc. for Fiscal Year 2021/2022.

BACKGROUND:

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

LMD No. 1 currently consists of sixteen (16) accepted tracts in ten (ten) Zones: Tract Nos. 21882, 22810, 22811, 22913, 23446 (including the median on Highland Home Road), 23598, 28252, 29721, 30186, 30222 (including Richard Sanchez Park), 30793, 31833, 31834, 31835, 32109, and 30906.

The purpose of LMD No. 1 is for the maintenance and servicing of landscape medians and parkways, perimeter strips and backup walls, landscaped hillsides with high visibility, side slopes adjacent to sidewalks, retention basins, and the irrigation of the above facilities all of which are part of residential development projects. LMD No. 1, by special benefit assessments, provides funding for the servicing and maintenance of designated landscape areas within the City of Banning. A map displaying LMD No. 1 and boundaries of each tract is attached herewith as Attachment 2.

A Request for Proposals (RFP No. 19-031) for the Operation and Maintenance of LMD No. 1 was prepared and advertised in April of 2019. On June 11, 2019, the City Council approved Resolution No. 2019-69, awarding the contract for the Operation and Maintenance of LMD No. 1 to Artistic Maintenance, Inc. The scope of work includes providing all the labor, tools, materials, and equipment necessary to provide landscape maintenance services of LMD No.1. This includes performing seasonal maintenance and inspection, checking the operation of all irrigation systems and identifying required repairs and, if necessary, the labor for replacing trees, flowers or shrubs within landscaped areas that are maintained under the contract.

As originally approved, the Contract Agreement was for a term of twelve (12) months (\$5,262.50/month; \$63,150.00/year) with the possibility of an option to renew for up to four (4) single additional years (for a total of five (5) single years) upon a satisfactory yearly review of the previously provided services. If approved, extensions to the Contract Agreement will terminate no later than June 30, 2024.

Due to the continued revenue shortfall and the lack of funding for replacement projects, it is recommended that the Scope of Work for Artistic Maintenance be reduced to reduce maintenance costs. Public Works Department staff met with Artistic Maintenance Inc. and determined which services and locations could be reduced. For example, the mowing schedule can be reduced from weekly to less often during the slow growth season and the shrubs and ground cover can be maintained every six weeks instead of weekly. Trash pickup will be tied into the mowing schedule.

Attachment 3 identifies funding reserve balances in each Zone. Many of the zones do not have sufficient reserves to cover the projected expenses; therefore, a reduction in maintenance services is imminent to reduce costs.

JUSTIFICATION:

The Public Works Department does not have the required field staff needed to maintain the LMD No. 1 landscape areas, therefore it is necessary to retain a landscape maintenance contractor to provide these services.

FISCAL IMPACT:

Fund No. 111 (Landscape Maintenance Assessment District No.1) will be utilized to fund this contract for Fiscal Year 2021/2022 in the amount of “not to exceed” \$57,684. Account No. 111-4900-432-23.29 (Landscape Maintenance) in the amount of \$42,684 will fund the monthly operation and maintenance portion of the agreement and Account No. 111-4900-432-30.01 (Repair/Maintenance-Grounds/Fields) in the amount of \$15,000 will be used to fund miscellaneous “as-needed” expenses related to irrigation repairs and landscaping replacement. The completion of miscellaneous repairs and replanting will be dependent of funding available in each individual zone.

Amendment No. 2, shown as Attachment 1, includes a cost savings of \$22,291 when compared to the maintenance costs for FY 2020/2021 (\$64,975). The cost savings are related to the reduced scope of work as part of the effort to reduce LMD No. 1 expenditures.

ALTERNATIVE:

Do not approve staff recommendation and provide additional direction. The Public Works Department currently does not have sufficient staff to maintain the LMD No. 1 landscape areas in house.

ATTACHMENTS:

1. Proposed Amendment No. 2
<https://banningca.gov/DocumentCenter/View/9119/Attach-11-Draft-Attachment-2-C00498-ARTISTIC-MAINTENANCE-INC-AMENDMENT-2>
2. LMD No. 1 Map for FY 2021/22
<https://banningca.gov/DocumentCenter/View/9058/Attach-2-LMD-No1-Map>
3. Zone Reserve Balances FY 21-22
<https://banningca.gov/DocumentCenter/View/9060/Attach-3-Zone-Reserve-Balances-FY-21-and-FY-22-with-reduced-Artistic-Scope-of-Work-6721>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
STAFF REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

**PREPARED BY: Art Vela, Public Works Director
Perry Gerdes, Water/Wastewater Superintendent**

MEETING DATE: July 13, 2021

SUBJECT: Award a Purchase Agreement to Pro-Cast Products, Inc. for the Purchase of 700 feet of K-Rail in the Amount of \$33,926.63 and reject all other bids

RECOMMENDED ACTION:

Staff recommend that the Banning Utility Authority:

1. Award a Purchase Agreement for the purchase of 700 feet of K-Rail, to Pro-Cast Products, Inc. in the amount of \$33,926.63 and reject all other bids.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Purchase Agreement for the purchase of K-Rail for the protection of water infrastructure.
3. Authorizing the City Manager or his designee to execute the Purchase Agreement with Pro-Cast Products, Inc. in the amount of \$33,926.63.

BACKGROUND:

On July 30, 2020 the Apple Wildland fire ("Apple Fire") burned a large portion of the City of Banning's watershed that drains into the San Gorgonio water canyon. Since the Apple Fire, staff has had concerns with potential mudslides that could potentially damage the City's infrastructure (e.g. production wells, water mains, generators, fire hydrants, etc.) located in the San Gorgonio water canyon.

The Public Works Department staff identified a grant opportunity provided by U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) via its Emergency Watershed Protection Grant (EWPG) Program. Staff prepared and submitted a grant application to fund protective measures based on an estimated project cost of \$50,863. Subsequently, the City received an award of funds in the amount of \$38,147.25, 75% of project construction costs, with the remainder (25%) of the funding coming from City funds (i.e. match).

The grant award also provides funding for the City's administration of the grant and project management in the amount of 7.5% of construction costs or \$3,814.72.

The funding will support the purchase of 35, 20 foot K-Rail sections for a total of 700 feet. The K-Rail shall be positioned and supported upstream and adjacent to the City's infrastructure to divert possible mud flows away from said infrastructure.

The City, also sponsored Banning Heights Mutual Water Company (BHMWC) in the grant application as they were not eligible, as a mutual water company, to apply for EWPG funds. Several of the K-Rails to be purchased will be used to protect BHMWC's water reservoir in the San Gorgonio water canyon.

Since the award of the grant, the City acquired three quotes ranging from \$33,000 to \$39,344. 48 Barriers submitted the lowest bid. However, their bid did not include sales tax of \$2,557.50, which the other bids did. When applied they would have been the second lowest bidder. Therefore, staff has identified Pro-Cast Products, Inc. to be the lowest bidder at \$33,926.63.

JUSTIFICATION:

The purchase of the K-Rail would allow City water staff to position K-Rail around various well sites to minimize any mud and debris from impacting critical water infrastructure during high flood events. 75% of the cost to purchase of the K-Rail will be funded by a grant.

It has been estimated that the threat of debris flows could remain for the next 3 years.

FISCAL IMPACT:

Staff recommends awarding an agreement to Pro-Cast Products, Inc. in the amount of \$33,926.63 using the Water Division Operational Fund, Account No. 660-6300-471.45.08 (Distribution System) to fund the agreement.

Based on the lowest bid, staff is expecting \$24,750 in EWPG funds for the purchase of K-Rail and the balance, \$9,176.63, will be funded by local funds. Additionally, \$2,475 will be provided to the City for administration and management of the project.

BHMWC has provided the City with a deposit in the amount of \$4,000, which is sufficient to cover their share of the project.

ALTERNATIVE:

Reject the Purchase Agreement with Pro-Cast Products, Inc. If rejected, the City water division would have the potential of critical water infrastructure to be damaged during high flood events.

ATTACHMENTS:

1. Pro-Cast Products, Inc. Quote 6-15-2021
<https://banningca.gov/DocumentCenter/View/9085/Attachment-1-Procast-6-15-21>
2. 48 Barriers Quote 6-4-2021
<https://banningca.gov/DocumentCenter/View/9081/Attachment-2-48-Barriers-6-4-21>
3. 48 Barriers Quote 2-12-2021
<https://banningca.gov/DocumentCenter/View/9082/Attachment-3-48-Barriers-2-12-21>
4. Pro-Cast Products, Inc. Quote 2-1-2021
<https://banningca.gov/DocumentCenter/View/9083/Attachment-4-Procast-2-1-21>
5. U.S. Department of Agriculture Natural Resources Conservation Service Agreement
https://banningca.gov/DocumentCenter/View/9084/Attachment-5-NR219104XXXXC005_City-of-Banning_Fully-Executed

Approved by:



Art Vela,
Public Works Director, Acting City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: July 13, 2021

SUBJECT: Authorize the City Manager to sign the Notice of Completion for Project No. 2020-07, "Citywide Street Improvements" as complete and direct the City Clerk to record the Notice of Completion

RECOMMENDATION:

That the City Council accept Project No. 2020-07, "Citywide Street Improvements" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

BACKGROUND:

On February 9, 2021, City Council adopted Resolution 2021-03 awarding a Construction Agreement to All American Asphalt for Project No. 2020-07, "Citywide Street Improvements". The project was approved in the amount of \$678,501.50 with a 10% contingency for a total project budget of \$746,351.65.

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

There were no change orders on the project. The final amount paid to the contractor is \$674,365.12 which is approximately 1% under the awarded contract amount.

JUSTIFICATION:

The lowest qualified bidder, All American Asphalt, was awarded the contract and work was completed on June 7, 2021. Public Works staff verified through inspections that the

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

FISCAL IMPACT:

The original contract was awarded in the amount of \$678,501.50 and the final contract amount for this project is \$674,365.12 which is under the allocated project budget approved under Resolution 2021-03. The project was funded by Measure A and SB 1 funds.

ALTERNATIVE:

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

ATTACHMENTS:

1. Notice of Completion
<https://banningca.gov/DocumentCenter/View/9088/Attachment-1---NOC-Project-No-2020-07>
2. Project Locations
<https://banningca.gov/DocumentCenter/View/9087/Attachment-2---Project-Locations>

Approved by:



Art Vela,
Public Works Director, Acting 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: July 13, 2021

SUBJECT: Adopt Resolution 2021-66, Authorizing the Acceptance of an Allocation of Funds in the amount of \$425,650 and Execution of a Grant Agreement with the Federal Aviation Administration (FAA) for an Airport Improvement Program Grant for Banning Municipal Airport

RECOMMENDED ACTION:

Staff recommends that City Council approve the following:

1. Authorizing the Director of Public Works or his designee to accept and receive the 2021 Airport Improvement Program (AIP) grant funding and to prepare and execute all required Federal Aviation Administration (FAA) Forms and reports related to FAA Grant No. 3-06-0018-017-2021.
2. Authorizing the Director of Public Works or his designee to execute the FAA Agreement No. 3-06-0018-017-2021 in the amount of \$425,650 as the City's sponsored authorized representative.

BACKGROUND:

Through the Airport Improvement Plan (AIP), the FAA provides grants for the planning and development of airports important to the National Airspace System (NAS) in the National Plan of Integrated Airport Systems (NPIAS). Eligible projects for AIP funding include improvements related to airport safety, capacity, security, and environmental concerns. The FAA issues AIP grants only to development and planning projects that are included in the FAA approved Airport Capital Improvement Plan (ACIP). On December 8, 2020, the City Council adopted Resolution 2020-147, approving the five year (2021-2025) ACIP.

The ACIP included a future runway rehabilitation project to be constructed in 2021 for the purpose of increasing operational safety at the airport. The FAA funded the design phase of the project with a grant of \$64,970 that was approved by City Council on August 25,

2020 under Resolution No. 2020-102. Public Works Department staff submitted an initial grant application for the construction phase in December of 2020, updated it in June of 2021, and the FAA has approved the grant application and prepared a Grant Offer in the amount of \$425,650 to fund the construction phase of the project. The grant will cover the contractor costs of \$394,149.35, consultant construction management costs of \$27,500 and an additional \$4,000 for Public Works' staff time to manage the construction and consultant contracts and prepare and submit monthly required FAA forms. The construction contract and consultant contracts for Project No. 2020-06, "Runway and Taxiway Improvements at Banning Municipal Airport" will be considered for approval by the City Council at tonight's meeting under Resolution 2021-67.

If authorization is given by the City Council, the Director of Public Works and City Attorney must execute the FAA Grant Agreement, shown as Attachment No. 2, by July 23, 2021.

JUSTIFICATION:

Runway 8-26 has longitudinal pavement cracks and other pavement failures which present a hazard to aircraft operations and thus rehabilitation and routine maintenance of the pavement is now needed to ensure safety and to maintain the integrity of the existing runway pavements. The construction scope of work will include weed abatement in larger cracks, crack repairs and sealing, slurry (fog) seal treatment and restriping of the existing pavement markings.

FISCAL IMPACT:

The FAA is currently providing one hundred percent (100%) of a project's funding by using entitlement and/or discretionary grant funding. Each federal fiscal year the FAA appropriates \$150,000 to the Banning Municipal Airport in entitlement grant funding to be used towards the cost of ACIP projects. Thus, the typical City's local match equal to five percent (5%) of the federal funded project cost (i.e., 5% of the 90%) will not be required for this project and no City funds will be utilized.

ALTERNATIVE:

The City Council may choose not to adopt Resolution No. 2021-66 at this time, which would result in the City not being eligible to receive FAA Grant funding for the construction Project No. 2020-06, "Runway and Taxiway Improvements at Banning Municipal Airport." The City would have to identify another funding source or direct staff to not complete the required improvements.

ATTACHMENTS:

1. Resolution 2021-66
<https://banningca.gov/DocumentCenter/View/9091/Attach-1-Resolution-2021-66-Accept-FAA-Grant-for-Project-2020-06>

2. FAA Grant Agreement No. 3-06-0018-017-2021
<https://banningca.gov/DocumentCenter/View/9090/Attach-2-FAA-Grant-Agreement-BNG-WPG-3-06-0018-017-2021-Grant-Agreement-unsigned>

Approved by:



Art Vela,
Public Works Director, Acting 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: July 13, 2021

SUBJECT: Adopt Resolution 2021-67, Approving a Construction Agreement for Project No. 2020-06, “Runway and Taxiway Improvements at Banning Municipal Airport” to American Road Maintenance of Tucson, Arizona in the amount of \$394,149.35 and establishing a total project budget of \$453,271.75 and rejecting all other bids and approving Amendment No. 1 to the Professional Services Agreement with IMEG Corp. for Construction Management Services in the amount of \$27,500.

RECOMMENDED ACTION:

Staff recommends that City Council approve the following:

1. Approving a Construction Agreement for Project No. 2020-06, “Runway and Taxiway Improvements at Banning Municipal Airport” to American Road Maintenance of Tucson, Arizona in the amount of \$394,149.35 and establishing a total project budget of \$453,271.75 and rejecting all other bids.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2020-06, “Runway and Taxiway Improvements at Banning Municipal Airport” and to approve change orders within the 15% contingency.
3. Authorizing the City Manager to execute the Construction Agreement with American Road Maintenance for Project No. 2020-06, “Runway and Taxiway Improvements at Banning Municipal Airport.”
4. Approving Amendment No. 1 to the Professional Services Agreement with IMEG Corp. for Construction Management Services in the amount of \$27,500.
5. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, and transfers related to Amendment No. 1 to the Professional Services Agreement with IMEG Corp.
6. Authorizing the City Manager or his designee to execute the Amendment No. 1 to the Professional Services Agreement with IMEG Corp. of Ontario, California in the form approved by the City Attorney.

BACKGROUND:

Public Works Department staff submitted an initial construction grant application in December of 2020, and subsequently in June of 2021 the Federal Aviation Administration (FAA) approved the grant application and prepared a Grant Offer in the amount of \$425,650 to fund the construction phase of the project and recommended an additional 15% contingency be added to the project budget approval for unforeseen conditions that the FAA will approve if such conditions occur. Said FAA Grant Offer and associated FAA Agreement is scheduled for acceptance by the Banning City Council at tonight’s meeting under a separate Resolution, No. 2021-66.

Award of Construction Management Services Contract

On March 31, 2020, staff released a Request for Proposal (RFP) for the “Design of Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport” to eight (8) consultants from the on-call engineering list approved by City Council on September 10, 2019 under Resolution No. 2019-116 with proposals being due on April 17, 2020. In response to these efforts, one (1) proposal was received. Given the fact that most offices were closed due to COVID-19, staff contacted the firms that did not acknowledge the receipt of the RFP to ensure they received it and were interested. Most responded that they felt their firm did not have the required FAA experience to submit a proposal or they were not interested at the time in submitting a proposal. The RFP included: a detailed Consultant Scope of Services/Tasks, submittal requirements, and a description of the evaluation criteria and selection process for the RFP. It should be noted that Task 2 (Construction Management Services) of the scope of work was included in the original RFP with the intention to award it at the time of the construction contract award.

An Evaluation/Selection committee comprised of three Public Works Department staff was formed to confirm the firm met the requirements of the RFP. The committee scored the consultant as follows:

CONSULTANT	TOTAL SCORE
IMEG Corp.	80

IMEG Corp. had an average score of 80.0 amongst the three panel members. The project team members each had more than 20 years of experience with aviation projects, and in their proposal clearly outlined their project understanding and approach for all the tasks in the Scope of Work. The members apparently have very good experience with and have extensive knowledge of the FAA Advisory Circulars and requirements, FAA regulations, policies and procedures and they have performed numerous projects with similar scope of work to this design project.

On August 25, 2020 under Resolution No. 2020-102, the City Council approved the Professional Services Agreement with IMEG Corp. for the “not to exceed” amount of \$56,970 for the “Design for the Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport.” The Scope of Work was to provide engineering design

services for the rehabilitation of the existing airport runway and taxiway areas with crack sealing, slurry seal and the repainting of pavement markers. This work included design and Plans, a Restriping Plan, Construction Safety and Phasing Plan (CSPP), and project Specifications to rehabilitate and improve the safety and longevity of the airport runway and taxiway.

On May 21, 2021 Public Works and Purchasing staff advertised an Invitation for Bids (IFB No. 21-011) on the City's electronic bidding system ProcureNow and in three local newspapers. In response to these efforts, on June 18, 2021 the City received the following three (3) bids:

<u>Contractors</u>	<u>Price</u>
1.) American Road Maintenance	\$394,149.35
2.) Maxwell Asphalt, Inc.	\$445,554.06
3.) Pave-Tech Inc.	\$670,716.00

Purchasing staff has conducted reference checks on the apparent low bidder, American Road Maintenance and found that the company is responsive and responsible on their contracts with other agencies on similar projects.

As a result, staff recommends that the Construction Agreement be awarded to the lowest responsive and responsible bidder, American Road Maintenance of Tucson, Arizona, in the amount of \$394,149.35. Attachment No. 3 is the Bid tabulation and includes the Bid Schedules from the three bidders.

If awarded, staff anticipates the work to commence in Fall of 2021 and to be fully completed within two months. The actual construction will take less than 2 weeks and there is a one month waiting period after the fog seal before the permanent pavement markings can be painted. The Airport should be closed for a week or so to aircraft.

The scope of work under this project includes weed abatement in the larger cracks, crack routing and sealing, slurry (fog) sealing and the reapplication of striping and pavement markings of the runway, taxiway, and apron all in accordance with the FAA Standards, City of Banning Standards, Standard Specifications for Public Works Construction and the Project Plans and Specifications.

JUSTIFICATION:

Runway 8-26 has longitudinal pavement cracks and other pavement failures which may present a hazard to aircraft operations and thus rehabilitation and routine maintenance of the pavement is now needed to ensure safety and maintain the integrity of the existing runway pavements. The construction will include crack repairs and sealing, slurry seal treatment and restriping of the existing pavement markings.

IMEG Corp. prepared the design drawings and specifications and thus is very familiar with the project and it is prudent to utilize this firm for construction management services (CMS). IMEG Corp. is a reputable qualified firm from the preapproved on-call engineering list and performed satisfactorily in the design phase of this project.

American Road Maintenance is the lowest responsive and responsible bidder to construct Project No. 2020-06, "Runway and Taxiway Improvements at Banning Municipal Airport".

FISCAL IMPACT:

The Construction Agreement for Project No. 2020-06, "Runway and Taxiway Improvements at Banning Municipal Airport" is for an amount of \$394,149.35 and a total project budget is for a "not-to-exceed" amount of \$453,271.75 which includes a 15% contingency in the amount of \$59,122.40, as suggested by the FAA. The CMS provided by IMEG Corp. will be a "not to exceed" amount of \$27,500 and both Contract Agreements will be funded by the following account: Airport fund, Account 600-5100-435.90-41.

ALTERNATIVE:

Reject Resolution No. 2021-67. If rejected the rehabilitation of the existing airport runway and taxiway areas with crack sealing, slurry seal and the repainting of pavement markers will not be constructed at this time.

ATTACHMENTS:

1. Resolution 2021-67
<https://banningca.gov/DocumentCenter/View/9092/Attach-1---Resolution-2021-67>
2. Draft Amendment No. 1 to the IMEG Corp. Agreement
<https://banningca.gov/DocumentCenter/View/9094/Attach-2-Draft-Amendment-No-1-C00671>
3. Bid Evaluation and Tabulation, including Bid Schedules
<https://banningca.gov/DocumentCenter/View/9093/Attach-3-Bid-Evaluation-and-Tabulation>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Carla Young, Business Support Manager
Tom Miller, Electric Utility Director

MEETING DATE: July 13, 2021

SUBJECT: Resolution 2021-68, Rescinding Resolution 2020-151, and Authorizing the Purchase of One Metal-Clad Switchgear Building from Myers Power Products Inc.

RECOMMENDED ACTION:

City Council rescind Resolution 2020-151 and adopt Resolution 2021-68 approving the following:

1. Approving the purchase of one (1) Metal-Clad Switchgear Building to Myers Power Products, Inc., in the amount not to exceed \$858,759.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this purchase.
3. Authorize the City Manager and/or designees to complete and execute all documents related to this transaction.

BACKGROUND:

On November 10, 2020, City Council approved Resolution 2020-151 awarding the purchase of one (1) Metal-Clad Switchgear Building to Myers Power Products in the amount of \$776,455. Due to insurance requirements, material escalation costs, and required taxes the Utility was unable to complete the purchase for the previously awarded amount.

Banning Electric Utility is a retail electrical energy distribution provider and load serving entity serving 13,000 end-use customers with 15 miles of overhead and underground sub-transmission, six (6) distribution substations, and 129 miles of overhead and underground distribution lines. In order to provide reliable service while maintaining competitive rates, the City of Banning Electric Utility (“Utility”) must plan its capital improvements with

strategic replacement of aging infrastructure. Electrical distribution substations are a critical piece of this infrastructure, bridging the Utility's sub-transmission system to the distribution system before power can be distributed via circuit lines to the Utility's customers.

The existing electrical distribution infrastructure at San Gorgonio Substation is reaching the end of its useful life and it is pertinent that the Utility make improvements to this substation to prevent the failure of the old equipment.

The Utility has solicited a quote from Myers Power Products, Inc. to replace the existing distribution infrastructure at San Gorgonio Substation. Myers had previously secured the competitive bid contract for procurement of the metal-clad switchgear buildings for both Ivy and Stagecoach Substations, thus working with Myers for the procurement of the San Gorgonio Substation distribution building as an extension of the process and agreement. Furthermore, the electric distribution feeders from San Gorgonio Substation are expected to support the initial phase of the Rancho San Gorgonio development project.

JUSTIFICATION:

The Utility maintains a capital improvement plan that has been reviewed and approved by the City Council. Further, the capital improvement plan and annual operations and maintenance programs are included in annual budgets and are authorized by the City Council. The primary purpose of the Utility is to provide continued reliable, and uninterrupted utility services. In order to ensure that the Utility's services remain consistently reliable, it is necessary for the Utility to have the means to quickly and efficiently acquire specific goods, equipment and services as identified and approved in advance by the City Council, and set forth as exceptions in the City's Purchasing Policy. The purchase of the metal-clad switchgear building is within the parameters of the established program.

FISCAL IMPACT:

\$858,758.20 is available in the Electric Capital Improvement fund for the purpose of replacing and upgrading various electric distribution facilities.

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2021-68
<https://banningca.gov/DocumentCenter/View/9097/Attach-1-Resolution-2021-68-Substation-Metal-Clad-Building>

Staff Report: Resolution 2021-68, Switchgear Building

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2. Resolution 2020-151
<https://banningca.gov/DocumentCenter/View/9095/Attach-2-Resolution-2020-151-Substation-Metal-Clad-Building>
3. Quote for 12.47kV Metal Clad Switchgear Building
<https://banningca.gov/DocumentCenter/View/9096/Attach-3-Quote-33973-CA1-R7-City-of-Banning---Banning-Substation>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director
Holly Stuart, Management Analyst

MEETING DATE: July 13, 2021

SUBJECT: Adopt Resolution 2021-07 UA, Approving the First Amendment to the Professional Services Agreement with Churchwell White, LLP Extending the Term of the Agreement

RECOMMENDATION:

That the Banning Utility Authority adopt Resolution 2021-07 UA, approving the First Amendment to the agreement with Churchwell White, LLP extending the term of the agreement to May 29, 2023.

BACKGROUND:

On April 23, 2019, the Banning Utility Authority approved Resolution 2019-07 UA, awarding a Professional Services Agreement to Churchwell White, LLP for specialized water and wastewater legal services and representation in the amount of \$100,000. The current balance of the original agreement is approximately \$84,088.

Churchwell White, LLP has the necessary water and wastewater experience and knowledge to represent the City on related legal matters and has successfully provided services to the City since April of 2019. As a result, staff recommends the extension of the existing Professional Services Agreement.

The procurement of legal services is exempt from the City's purchasing policy as described in Administrative Policy B-30, Procurement Policies and Procedures, 3-105 (6); however, services with Churchwell White, LLP were solicited and obtained through the RFP process.

JUSTIFICATION:

The First Amendment is necessary to extend the term of the agreement and continue to obtain specialized legal services related to water and wastewater through May 29, 2023.

FISCAL IMPACT:

There is no fiscal impact at this time. The existing Professional Services Agreement is currently funded by the operational budgets of the Water (663-6300.471.96-35) and Wastewater (660.6300.471.33-04) divisions.

ALTERNATIVE:

Do not approve the resolution and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution No. 2021-07 UA
https://banningca.gov/DocumentCenter/View/9104/Attachment-1_Resolution-2021-07-UA_Churchwell
2. Professional Services Agreement with Churchwell White, LLP
https://banningca.gov/DocumentCenter/View/9105/Attachment-2_Agreement_CHURCHWELL-WHITE-LLP
3. Draft First Amendment
<https://banningca.gov/DocumentCenter/View/9103/Attachment-3-C00475-CHURCHWELL-WHITE-LLP-AMENDMENT-1>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: July 13, 2021

SUBJECT: Resolution 2021-69, Adopting Banning Electric Utility Wildfire Mitigation Plan dated July 2021

RECOMMENDED ACTION:

Staff recommends that the Banning City Council approve Resolution 2021-69 adopting Banning Electric Utility's ("Utility") attached Wildfire Mitigation Plan ("WMP") dated July 2021.

BACKGROUND:

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

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

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

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

JUSTIFICATION:

Pursuant to the revised Section 8387, the Utility prepared the required Wildfire Mitigation Plan and completed a third-party evaluation of the plan which concluded that the plan met all the required criteria as provided in Section 8387. The independent evaluation along with the Utility's initial draft of the WMP were approved by City Council in June 2020. The WMP and independent evaluation were submitted to WASB in July 2020 as required. The Utility will coordinate with the CAL Fire to review the WMP yearly to verify the plan's consistency with Banning's Local Hazard Mitigation Plan.

The Utility is submitting for approval the 2021 version of the WMP as required by Senate Bills 901 and 1054.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Resolution 2021-57
<https://banningca.gov/DocumentCenter/View/9106/Resolution-2021-57-Wildfire-Mitigation-Plan-20>
2. Banning Electric Utility Wildfire Mitigation Plan Version 2.0
<https://banningca.gov/DocumentCenter/View/9107/Attachment-2---BEU-Wildfire-Mitigation-Plan-Draft-Version-20>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: July 13, 2021

SUBJECT: Ordinance 1574 approving Zone Change 21-3501 rezoning three Parcels Located West of San Gorgonio Ave. and South of Lincoln St. (APNs 540-250-061, 540-25-008, & 540-250-060) as Industrial, and Making Findings Pursuant to CEQA.

RECOMMENDATION:

Staff Recommends the City Council waive further reading and adopt Ordinance 1574 approving Zone Change 21-3501.

BACKGROUND:

On June 22, 2020, City Council conducted a Public Hearing and Ordinance 1574 passed its first reading.

ALTERNATIVES:

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

ATTACHMENT:

1. Ordinance 1574
https://banningca.gov/DocumentCenter/View/9108/Att-1-Ordinance-No-1574-ZC-21-2501_Proline-Racing

Approved by:

Art Vela,
Public Works Director, Acting City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Chief of Police
Jeff Horn, Police Captain

MEETING DATE: July 13, 2021

SUBJECT: First Reading of Ordinance 1575 amending Titles 5 and 15 of the Banning Municipal Code revising regulations pertaining to the permitting, operation, and maintenance of alarm systems within the City of Banning and providing for fees and penalties for false alarms and violations.

RECOMMENDATION:

Staff recommend City Council waive the first reading of the ordinance and introduce Ordinance 1575. If approved, the matter will come before Council for a second reading at their next regular meeting on August 24, 2021.

BACKGROUND:

The City's first alarm system ordinance was adopted in 1981. Although the City's master user fee schedule provided for false alarm penalties, the City has never maintained data with which to track and impose penalties for numerous false alarm responses.

In the past year, the Banning Police Department responded to 1,500 alarm calls, with the vast majority being false alarm situations. Each alarm call requires two officers to ensure officer safety, as there is nothing more dangerous than responding to a call with little information other than something has triggered the alarm. These calls require the officers to anticipate the worst-case scenario and respond accordingly.

JUSTIFICATION:

The intent of this ordinance is to reduce false alarms in the City, thereby reducing the amount of time police officers spend responding to these incidents. By enforcing false alarm violations more officers will be available to respond to active emergencies. The Police Department hopes to reduce false alarms through education first, using enforcement as a last resort for those owners who do not properly maintain their alarm systems.

The proposed updated alarm permit ordinance will require all monitored alarms be registered with the City. This provides the City with a good contact in case of an actual break-in at your property. If a false alarm occurs, officers will begin by issuing a warning. Following the third false alarm police response, the City may impose a penalty to the permit holder. This encourages owners to maintain and properly care for their alarm systems to prevent more false alarms.

FISCAL IMPACT:

Enacting this ordinance would potentially create additional revenues for the City. When an alarm system experiences more than three false alarm responses in one year, that permit holder will be issued a citation for every subsequent false alarm. The current fees provided in the City’s master user fee schedule are shown here.

Number of False Alarms	Current Fee
1 st response	None
2 nd response	None
3 rd response	\$72.00
4 th response	\$144.00
5 th + response	\$144.00

ALTERNATIVES:

1. Waive the first reading and introduce Ordinance 1575.
2. Direct staff to revise proposed Ordinance 1575.
3. Reject proposed Ordinance 1575.

ATTACHMENTS:

1. Ordinance 1575
<https://banningca.gov/DocumentCenter/View/9049/Att-1-Ordinance-1575-False-Alarms-Titles-5-and-15-of-BMC>
2. Ordinance 768, Original Alarm System Ordinance
<https://banningca.gov/DocumentCenter/View/9047/Att-2-ORDINANCE-NO-768>
3. Resolution 2019-113, Master User Fee Schedule
<https://banningca.gov/DocumentCenter/View/9048/Att-3-Resolution-No-2019-113>

Approved by:



Art Vela,
Public Works Director, Acting City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director

MEETING DATE: July 13, 2021

SUBJECT: Discuss the City's Draft Golf Cart and Low Speed Vehicles/
Neighborhood Electric Vehicles Transportation Plan and
Ordinance and Consideration for a Speed Reduction Report

RECOMMENDATION:

That the City Council discuss the City's Draft Golf Cart and Low Speed Vehicles (LSV)/Neighborhood Electric Vehicles (NEV) Transportation Plan and Ordinance and provide staff with direction regarding a speed reduction report along Sun Lakes Boulevard.

BACKGROUND:

For several years the City Council has heard requests from the public for a policy to allow the use of golf carts, low speed vehicles (LSV) and neighborhood electric vehicles (NEV) in certain parts of the City. The initial requests revolved around the use of golf carts on Sun Lakes Boulevard, a City-owned and maintained street adjacent to the Sun Lakes Country Club and its golf courses.

Additionally, the approved specific plans for the master planned communities of Atwell (formerly Butterfield) and Rancho San Gorgonio include accommodations for LSVs and NEVs within their internal street network.

California Streets and Highways Code ("S&H Code") Sections 1950 through 1961 authorize local jurisdictions to establish golf cart and LSV/NEV transportation plans and ordinance within their boundaries, under certain conditions and with certain requirements. Specifically, S&H Code Section 1961 requires that a City that adopts a golf cart transportation plan shall also adopt the following:

- Minimum design criteria for golf carts, such as, headlights, turn signals, safety devices, mirrors, brake lights, windshields and other devices.
- A permit process.

- Minimum safety criteria for golf cart operators, including, but not limited to, requirements relating to golf cart maintenance and golf cart safety. Operators shall be required to possess a valid California driver's license.
- Restrictions limiting the operations to golf cart lanes identified in the transportation plan.

Public Works Department staff has worked with Transtech, one of the City's approved engineering vendors, to develop the attached *Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance* ("Draft Golf Cart, LSV and NEV Plan/Ordinance").

The Draft Golf Cart, LSV and NEV Plan/Ordinance makes several recommendations, one of which requires Council's approval and/or direction on. The California Vehicle Code (CVC) Section 21716 requires that golf carts and LSV/NEV can only be operated on a roadway with a speed limit of 25 miles per hour (MPH) or less. Currently, the speed limit along Sun Lakes Boulevard has a posted speed limit of 35 MPH, therefore the speed would have to be reduced by 10 MPH in order to allow golf carts to be used on the road.

Staff is seeking City Council's approval to prepare a separate speed reduction justification report that will be signed by a licensed engineer and adopted by City Council through a resolution. However, it should be noted that Sun Lakes Boulevard is currently designated as a Major Highway/Arterial Highway in the City's Circulation Element.

Prior to the final Draft Golf Cart, LSV and NEV Plan/Ordinance, plans to send out an online survey link to the Homeowners' Association of the Sun Lakes Country Club to solicit input from residents. The information collected will be reported back to City Council and possibly incorporated into the final Draft Golf Cart, LSV and NEV Plan/Ordinance. A list of the questions to be included in the survey are included as part of the attached Draft Golf Cart, LSV and NEV Plan/Ordinance.

JUSTIFICATION:

In order to comply with state regulations governing the use of golf carts and LSV/NEV, the Public Works Department has had the attached *Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance* developed. The Draft Golf Cart, LSV and NEV Plan/Ordinance is intended to provide for the safe use of golf carts and LSV/NEV within specific areas of the City.

In order to implement the Draft Golf Cart, LSV and NEV Plan/Ordinance as currently written, a speed reduction justification is required to lower the speed limit along Sun Lakes Boulevard from 35 MPH to 25 MPH.

FISCAL IMPACT:

Staff estimates that a speed reduction report will cost between \$5,000 and \$7,500 to have completed.

There will also be cost incurred related to the implementation and enforcement of the ordinance once approved. At this time, it is unknown what the costs would be; although it is intended that said costs would be directly offset by permit fees and enforcement actions where required.

ALTERNATIVES:

1. Direct staff to not move forward with the speed reduction survey, in which case golf carts will not be allowed along Sun Lakes Boulevard.
2. Direct staff to cease the development of the *Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance*. In this case the City would not have a policy that would manage (or permit) the use of LSV/NEV as approved and included in the Butterfield (Atwell) and Rancho San Gorgonio specific plans.

ATTACHMENTS:

1. Draft Golf Cart & Low Speed Vehicles/Neighborhood Electric Vehicles Transportation Plan & Ordinance
<https://banningca.gov/DocumentCenter/View/9102/Attach-1-DRAFT-GOLF-LSV-NEV-PLAN-ORDINANCE>
2. Butterfield Specific Plan LSV Section
<https://banningca.gov/DocumentCenter/View/9099/Attach-2-Butterfield-SP-Section-3-LSV>
3. Rancho San Gorgonio Specific Plan LSV/NEV Section
<https://banningca.gov/DocumentCenter/View/9100/Attach-3-RSG-SP-Section-2-Plan-Elements-NEV-and-LSV>
4. California Streets and Highways Code (“S&H Code”) Sections 1950 through 1961
<https://banningca.gov/DocumentCenter/View/9101/Attach-4-SH-Code-1950-to-1961Codes-Display-Text>

Approved by:



Art Vela,
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