



AGENDA

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

**April 26, 2022
5:00 p.m.**

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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

This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).

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<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

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

1. CALL TO ORDER

- 1.1. Invocation – Reverend Jerry Liversage of Banning Church of the Nazarene
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

- 3.1. DeAnn’s PAASS Kids Presentation
- 3.2. Drinking Water Week
- 3.3. Banning Beautification Award for March 2022..... **8**

4. REPORT ON CLOSED SESSION

- 4.1. City Attorney

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

- 5.1. PUBLIC COMMENTS – *Non-Agenda Items Only*

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.** ~ Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). **POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.***

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

- 5.3. APPOINTMENTS
 - 5.3.1. Appointment of Planning Commissioner to Fill Vacancy.....**9**
 - 5.3.2. Downtown Advisory Committee Appointments..... **11**

- 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
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Motion: Approve consent items 6.1 to 6.18.

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

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- 6.16. Consideration of Resolution 2022-49 Approving Final Tract Map No. 38057, Authorizing Staff to Sign the Final Tract Map, and Releasing the Map for Recordation..... **40**
- 6.17. Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning... **42**
- 6.18. Consideration of Resolution 2022-03 UA, Approving the Five-Year Purchase Agreement for WaterView Water Efficiency Software from Eagle Aerial Solutions..... **44**

7. PUBLIC HEARING(S)

- 7.1. Consideration of Ordinance 1582 which would Approve a Military Equipment Use Policy Pursuant to Assembly Bill 481 and Government Code §7070 et seq..... **46**
(Staff Report: Matthew Hamner, Chief of Police)

Recommendation: Staff recommend City Council: (1) Have the City Clerk read the ordinance by title only; (2) Waive further reading of Ordinance 1582; and, (3) Introduce Ordinance 1582 for a first reading.

8. REPORTS OF OFFICERS

- 8.1. Update on the Design of Sun Lakes Boulevard Extension..... **50**
(Staff Report: Art Vela, Director of Public Works)

Recommendation: The purpose of this report is to provide City Council with an update on the Design of Sun Lakes Boulevard Extension (Project).

- 8.2. Update on the Highland Springs Avenue Interchange..... **53**
(Staff Report: Art Vela, Director of Public Works)

Recommendation: The purpose of this report is to provide City Council with an update on the Highland Springs Avenue Interchange.

- 8.3. Large Commercial Vehicle Parking Regulations..... **55**
(Staff Report: Matthew Hamner, Chief of Police)

Recommendation: No action required.

- 8.4. Consideration of Resolution 2022-42, Establishing the City of Banning Small Business Grant Program..... **56**
(Staff Report: Doug Schulze, City Manager)

Recommendation: A motion adopting Resolution No. 2022-42, establishing the City of Banning Small Business Grant Program.

- 8.5. Consideration of Resolution 2022-47, Approving City of Banning Electric Utility’s Centennial Celebration with a Budget of \$100,000..... **58**
(Staff Report: Thomas Miller, Electric Utility Director)

Recommendation: Staff recommends approving the partnership of City of Banning Electric Utility with Stagecoach Days, a signature event of the City, with a \$100,000 budget, for the Centennial Celebration of the utility’s 100 years of service to the residents of Banning.

- 8.6. Consideration of Resolution 2022-46, Approving a License Agreement with Milsoft Utility Solutions for Account and Utility Billing iXp Hosted Solution Customer Information System (CIS) Conversion and Implementation..... **60**
(Staff Report: Thomas Miller, Electric Utility Director)

Recommendation: Staff recommends City Council have a discussion and consider action on Resolution 2022-46, approving subscription services with Milsoft Utility Solutions’ Account and Utility Billing iXp hosted software solution. Also, staff are requesting consideration of the Communications module (IVR – interactive voice response) and Outage Management System (OMS) subscriptions. All three of these subscriptions require the City commit to a five-year agreement with Milsoft Utility Solutions. Staff respectfully recommends City Council approve Resolution 2022-46, which includes: (1) CIS conversion and implementation; (2) IVR implementation; (3) OMS implementation and integration; and, (4) Annual subscriptions for each module for 5 years.

- 8.7. Cannabis Ad Hoc Committee Report and Discussion Regarding Increasing the Existing Cap on Cannabis Retailers and Method for Selection if Cap is Increased, Allowing Cannabis Retailers in the General Commercial Zone, Allowing Cannabis Distribution in the Business Park Zone, Allowing Cannabis Microbusinesses in the General Commercial Zone, and Allowing Shared Use Cannabis Manufacturing Facilities in the Industrial Zone..... **64**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommends: (1) The Cannabis Ad Hoc Committee (“Committee”) update the entire Council on the progress made to-date, and (2)The Council discuss and provide direction to City staff as changes or updates to the Cannabis Ordinance Amendment (Ordinance 1580).

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

- 1. Permanent Homeless Solution
- 2. Shopping Cart Ordinance Update
- 3. Golf Cart/EV Ordinance (On hold)
- 4. Airport Advisory Commission

5. Business-Friendly Zoning (Wallace)
6. ~~Parking Enforcement Update (Happe)~~ See Agenda Item 8.3.
7. Community Garden Project (Sanchez)
8. Internship Program (Hamlin)

11. ADJOURNMENT

Next Regular Meeting – May 10, 2022 at 5:00 p.m.

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

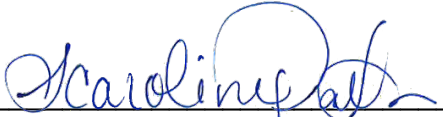
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- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la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

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 21st day of April 2022.


Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

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Meeting Agendas and Notices

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Public Comment

Agenda Items

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

Non-Agenda Items

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

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CONTACT • CONTACTO

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99 East Ramsey Street, Banning, California 92220



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: April 26, 2022
SUBJECT: March 2022 Banning Beautification Award Presentation

RECOMMENDATION:

No Council action is required.

BACKGROUND:

On February 22, 2022, the City Council adopted Resolution No. 2022-17, Establishing the Banning Beautification Award Program. Per Resolution No. 2022-17, a selection committee, including Banning Chamber of Commerce Vice-President Paul Smith, Council Member Alberto Sanchez and City Manager Doug Schulze evaluated properties within the Ramsey Street corridor. Evaluation criteria included, landscaping, signage, façade, building appearance and parking lot appearance. Each month, an award recipient will be selected and presented with a certificate and door cling to recognize the achievement.

JUSTIFICATION:

Program is established by Resolution 2022-17 and is intended to recognize property owners/businesses that have demonstrated a high standard of property maintenance.

FISCAL IMPACT:

Annual fiscal impact is approximately \$1,500.

ATTACHMENTS:

None.

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk *CP*

MEETING DATE: April 26, 2022

SUBJECT: Appointment of Planning Commissioner to Fill Vacancy

RECOMMENDATION:

Staff recommend that City Council make a motion to appoint one of the three Planning Commission applicants to fill a vacancy with a term ending in January 2023.

BACKGROUND:

In February 2022, the City Council took formal action to remove a sitting Planning Commissioner for conduct. Immediately following, the City Clerks' Office publicly noticed a vacancy in the Record Gazette. Information about the vacancy and application information was promoted on the City's website and Facebook page.

After a 60-day application period, which was extended once, we received three applications. All three applicants are registered voters in the City of Banning and are qualified to serve. Applicant interviews are scheduled to occur at a Special Meeting of the City Council beginning at 4:30 p.m. on April 26, 2022.

ALTERNATIVES:

1. City Council may move to appoint an applicant to fill the vacancy on the Planning Commission;
2. Council could delay their appointment decision until their next Regular Meeting on May 10, 2022; or,
3. Council could direct staff to reopen the recruitment.


ATTACHMENTS:

1. Memorandum on Planning Commission Applications Received
<https://banningca.gov/DocumentCenter/View/10358/Att-1-PC-Applications-Memorandum>
2. Public Notice of Vacancy
<https://banningca.gov/DocumentCenter/View/10359/Att-2-Public-Notice-PoP>

3. Social Media Outreach

<https://banningca.gov/DocumentCenter/View/10360/Att-3-Social-Media-Outreach>

Approved by:

A handwritten signature in blue ink, appearing to read 'D. Schulze', is written over a horizontal line.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: April 26, 2022

SUBJECT: Downtown Advisory Committee Appointments

RECOMMENDATION:

A motion appointing Jeffrey Platt, Oleg Ivaschuk and Paul Smith to serve on the Downtown Advisory Committee.

BACKGROUND:

The City Council appointed Mayor Pro Tem Wallace and Council Member Hamlin to serve as the City Council representatives on the Downtown Advisory Committee. In addition to members of the City Council, the Downtown Advisory Committee previously included community members.

It is recommended Committee membership be limited to no more than seven and include representatives from the Banning Chamber of Commerce as well as downtown property and business owners. Recruitment inquiries were sent out through the Chamber of Commerce and three individuals expressed interest in serving on the Committee:

- Jeffrey Platt, Owner of Jitterz Coffee at the Haven
- Paul Smith, V.P. Banning Chamber of Commerce
- Oleg Ivaschuk, Board Member, Banning Chamber of Commerce

Recruitment will continue to identify a second downtown business owner and a downtown property owner. It should be noted that a large percentage of downtown core property owners are not Banning residents and it would be difficult for those property owners to regularly attend meetings.

JUSTIFICATION:

The Downtown Advisory Committee is a City Council established advisory body. Appointment of members is necessary for the Committee to be effective.

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Caroline Patton, Deputy City Clerk *CP*
MEETING DATE: April 26, 2022
SUBJECT: Minutes of the April 12, 2022 City Council Meetings

RECOMMENDATION:

Approve the minutes of the April 12, 2022 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the April 12, 2022 Special City Council Meeting
https://banningca.gov/DocumentCenter/View/10352/2022-04-12_Minutes_Special-Meeting
2. Minutes of the April 12, 2022 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/10353/2022-04-12_Minutes_Regular-Meeting

Approved by:

Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Finance Director
A'ja Wallace, Budget and Financial Analyst

MEETING DATE: April 26, 2022

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of March 2022

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **March 31, 2022**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	181584-182089	\$ 5,333,725.49	
Voided / Reissue Check		\$ 14.32	
Check Total			\$ 5,333,711.17
Wires Total			
	1076-1077		\$ 1,713,384.44
ACH payments:			
	9007222-9007250		
Payroll Direct Deposit	3/11/2022	\$ 440,761.49	
Payroll Direct Deposit	3/25/2022	\$ 430,076.73	
Other Payments		\$ 992,089.56	
ACH Total			\$ 1,862,927.78
Payroll Checks:			
	12573-12591		
Payroll - Regular	3/11/2022	\$ 2,944.40	
Other Payroll Check	3/15/2022	\$ 535.47	
Payroll - Regular	3/24/2022	\$ 2,596.24	
Payroll Check Total			\$ 6,076.11
Total Warrants Issued for March 2022			\$ 8,916,099.50

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/10379/Att-1-Fund-List>
2. Warrant Report March 2022
<https://banningca.gov/DocumentCenter/View/10380/Att-2-Warrant-Report-March-2022>
3. Warrant Report Detail March 2022
<https://banningca.gov/DocumentCenter/View/10377/Att-3-Warrant-Report-Detail-March-2022>
4. Voided Check Log, Payroll Log & Registers – March 2022
<https://banningca.gov/DocumentCenter/View/10378/Att-4-Void-Check-Log-Payroll-Log-Payroll-Registers>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Finance Director
A'ja Wallace, Budget and Financial Analyst

MEETING DATE: April 26, 2022

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of March 2022

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **March 31, 2022** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 7,336,419.89	\$ 4,871,524.65
Investments		
LAIF	\$ 39,792,269.15	\$ 39,792,269.15
Brokerage	\$ 27,542,875.29	\$ 27,543,114.34
Total Funds Under Control of the City	\$ 74,675,719.33	\$ 72,211,063.14
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 11,671,795.73	\$ 11,781,860.11
Restricted Bond Accounts	\$ 5,321,610.93	\$ 4,820,102.23
Union Bank & SCPPA		
Restricted Funds	\$ 3,587,408.90	\$ 3,933,795.60
Total Funds Under Control of Fiscal Agents	\$ 20,580,815.56	\$ 20,535,757.94
Total Funds	\$ 95,256,534.89	\$ 92,746,821.08

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 95,256,534.89	\$ 92,746,821.08
Restricted Funds	\$ 43,144,660.90	\$ 43,199,623.20
Assigned Funds - Specific Purpose	\$ 8,879,643.68	\$ 4,715,985.61
Committed Funds - Specific Purpose	\$ 1,813,108.50	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,086,151.48	\$ 12,747,791.41
Total Restricted, Assigned, Committed and Reserve	\$ 66,923,564.56	\$ 62,163,400.22
Operating Cash - Unrestricted Reserves	\$ 28,332,970.33	\$ 30,583,420.86
Less Accounts held in Investments	\$ 27,542,875.29	\$ 27,543,114.34
Liquid Cash	\$ 790,095.04	\$ 3,040,306.52

ATTACHMENTS:

1. Cash, Investment and Reserve Report March 2022
<https://banningca.gov/DocumentCenter/View/10384/Att-1-Cash-Investment-and-Reserve-Report-March-2022>
2. Investment Report
<https://banningca.gov/DocumentCenter/View/10385/Att-2-Investment-Report-March-2022>
3. City of Banning Broker Investment Report
<https://banningca.gov/DocumentCenter/View/10386/Att-3-City-of-Banning-Broker-Report>
4. LAIF / PMIA Performance Report
<https://banningca.gov/DocumentCenter/View/10382/Att-4-PMIA-LAIF-Performance-Report-March-2022>
5. LAIF Market Valuation Report
<https://banningca.gov/DocumentCenter/View/10383/Att-5-LAIF-Market-Valuation-March-2022>

Approved by:



 Douglas Schulze
 City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Angie Lam, Police Assistant II

MEETING DATE: April 26, 2022

SUBJECT: Receive and File Police Department Statistics for the Month of March 2022

RECOMMENDATION:

Receive and file Police Department statistics for the month of March 2022.

BACKGROUND:

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

ATTACHMENT:

1. Police Statistics for March 2022
<https://banningca.gov/DocumentCenter/View/10361/Police-Statistics-March-2022>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Todd Hopkins, Division Chief
Laurie Sampson, Executive Assistant

MEETING DATE: April 26, 2022

SUBJECT: Receive and File Fire Department Statistics for the Month of March 2022

RECOMMENDATION:

Receive and file Fire Department statistics for the month of March 2022.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENT:

1. Fire Statistics for March 2022
<https://banningca.gov/DocumentCenter/View/10362/Banning-March-2022-Fire-Report>

Approved by:

Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Art Vela, Director of Public Works
MEETING DATE: April 26, 2022
SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDATION:

This is informational only; receive and file report.

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

ATTACHMENT:

1. CIP Project List
<https://banningca.gov/DocumentCenter/View/10364/Attach-1-CIP-Update-April-2022>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: April 26, 2022

SUBJECT: Parks and Recreation Report of Monthly Activities Through the 3rd Quarter of Fiscal Year 2021-22

RECOMMENDATION:

City Council receive and file the quarterly activities report.

BACKGROUND:

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

The nine-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming and special events. The report is aligned with the fiscal year, July through June and compiled each month.

Staff brings the report to the Council after each quarter of the Fiscal Year. Attached in this item, is the March 2022 report that contains information through the end of the 3rd quarter of FY 2021-22.

The 3rd quarter report reflects the third quarter since March of 2020 that Parks and Recreation Operations were able to take place without or with minimal COVID 19 restrictions limiting our program offerings. The department was able to offer our youth basketball league and a full complement of classes and programs in the 3rd quarter and had great community participation in our events.

Of note, the Senior Center had been closed for the past twenty-three months. However, in March, we were able to open the Senior Center on a reduced schedule. Although, not reflected within this report's timeframe, beginning in April of 2022, the Senior Center has fully reopened with warm daily meal services for our Seniors, Monday through Friday.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ATTACHMENTS:

1. Parks and Recreation Monthly Report of Activities for March 2022
<https://banningca.gov/DocumentCenter/View/10363/Att-1-21-22-Q3>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Luis Cardenas, Senior Civil Engineer

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-37, Adopting the Water Supply Verification for Tentative Tract Map 37389 (Atwell Phase 2A)

RECOMMENDATION:

Staff Recommends that the City Council adopt Resolution 2022-37, approving the Water Supply Verification (WSV) prepared by Romo Planning Group, Inc. for Tentative Tract Map 37389, also known as Atwell Specific Plan (SP) Phase 2A, previously known as Butterfield SP Phase 2A.

BACKGROUND:

California Government Code §66473.7 requires affirmative written verification from the water purveyor of the public water system that sufficient water supplies are available for projects meeting certain criteria. In the case of Tentative Tract No. 37389, the estimated number of residential units is 616, which is over the 500 Equivalent Dwelling Units (EDUs) threshold requiring written verification of sufficient water supplies.

California Water Code §10910 requires the preparation of a water supply assessment, which provides substantial evidence in support of the written verification. A water supply assessment (WSA) was previously prepared for the entire Atwell SP (previously Butterfield SP) and approved by City Council with final modifications in 2011.

In addition to the WSA prepared for the entire SP, each individual tract map with water demands in excess of 500 equivalent dwelling units (EDUs) requires the preparation of a Water Supply Verification, pursuant to California Senate Bill 221 (Chapter 642, Statutes of 2001) and Government Code §66473.7(a)(1). If the water demand of the proposed project was accounted for in the most recent Urban Water Management Plan (UWMP), the water supply verification may draw upon the information and analysis in the UWMP previously prepared by the City. The City prepared and adopted its 2020 UWMP as of June 2021, and the prepared Water Supply Verification relied on the information within the City's UWMP.

The Water Supply Verification demonstrates that the City's water supply will meet the water demands of the proposed Project. The combined indoor and outdoor water demands for Tentative Tract No. 37389 are estimated at 255 acre-feet per year. For the years 2025 through 2045, the City has a projected water supply of between 9,507 and 13,467 acre-feet per year. In addition, the City of Banning maintains a storage account in the Beaumont Basin, currently estimated at 50,889 acre-feet. The City produced a total of approximately 8,346 acre-feet to meet demands during the 2021 calendar year.

JUSTIFICATION:

The WSV prepared for Tentative Tract No. 37389 is subject to and meets the requirements of the California Water and Government Codes.

FISCAL IMPACT:

There are no costs from the City's existing budget involved with the above action, however the proposed development will generate operational and impact fee revenues for the City's water funds.

ALTERNATIVE:

Reject Resolution 2022-37 and provide further direction to staff.

ATTACHMENTS:

1. Resolution 2022-37
<https://banningca.gov/DocumentCenter/View/10388/Att-1-Resolution-2022-37-Atwell-Water-Supply-Verification-Phase-2A>
2. Water Supply Verification for Tentative Tract Map 37389
<https://banningca.gov/DocumentCenter/View/10387/Att-2-WSV-Atwell-TTM-37389-FINAL>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-38, Approving the Measure “A” Five-Year Capital Improvement Plan Project List and Authorizing the City Manager to Execute the Maintenance of Effort Certification Statement

RECOMMENDATION:

That City Council adopt Resolution 2022-38, approving the Measure “A” Five Year Capital Improvement Plan (CIP) Project List and authorizing the City Manager to execute the Maintenance of Effort Certification Statement (“MOE Certification”).

BACKGROUND:

Voters in Riverside County approved Measure “A” in 1988, which authorized the Riverside County Transportation Commission (RCTC) to impose an additional one-half percent (0.5%) sales tax for the next 20 years to be used for improvements of state highways, public transit systems, and local streets. In 2002, voters in Riverside County approved a 30-year extension of the one-half percent sales tax for transportation improvements.

Each City in Riverside County is required by the RCTC to submit a Five-Year CIP, as approved by its governing board, to indicate how Measure “A” funding is to be utilized over the next five years. The list of street locations recommended for inclusion in the Five-Year Measure “A” CIP is attached hereto.

In 2012, the City completed a data collection and mapping project of the City’s street network and in the process collected pavement surface distress data such as cracking, roughness, rutting, raveling/weathering, bleeding/flushing and deflection. The information along with traffic volume data is entered into assessment management software which is utilized to prioritize pavement rehabilitation projects.

As part of the yearly Measure “A” CIP list submittal, the City is required to submit a Project Status Report for projects previously approved by City Council in previous fiscal years that have not been completed. Attached hereto is the Project Status Report for FY 2021/22.

The Measure “A” Ordinance also requires annual certification that discretionary General Fund expenditures for transportation-related construction and maintenance activities for Fiscal Year 2022/2023 will meet or exceed the Maintenance of Effort (MOE) Certification base year amount and commitment to expending Measure “A” funds to projects identified in the City’s Five-Year CIP. The MOE base year amount has been set to \$164,325. The MOE, attached hereto, must be signed by the City Manager and submitted to RCTC along with the Five-Year CIP.

JUSTIFICATION:

The City is required to submit a Five-Year CIP along with an executed MOE Certification annually to the RCTC in order to receive Measure “A” funds for street rehabilitation projects.

FISCAL IMPACT:

RCTC has estimated that the City of Banning will receive Measure “A” Funds totaling \$4,458,000 as follows for the next five years:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$857,000
2023/2024	\$874,000
2024/2025	\$891,000
2025/2026	\$909,000
2026/2027	\$927,000

ALTERNATIVE:

The City Council may choose not to adopt Resolution No. 2022-38, which would result in the City losing its Measure “A” entitlements.

ATTACHMENTS:

1. Resolution 2022-38
<https://banningca.gov/DocumentCenter/View/10391/Att-1-Resolution-2022-38-Measure-A-5-year-CIP>
2. Measure A 5-Yr CIP & Project Status Report
<https://banningca.gov/DocumentCenter/View/10389/Att-2-FY23-27-CIP-and-FY22-Project-Status-Report---Banning>
3. Maintenance of Effort Certification Statement
<https://banningca.gov/DocumentCenter/View/10390/Att-3-2022-23-MOE-Cert>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-39, Awarding the Purchase of a Camera System for Nine Banning Connect Transit System Buses to Pro-Vision Video System in the amount of \$91,884

RECOMMENDATION:

Staff Recommends that City Council adopt Resolution 2022-39:

1. Approving the purchase of a Camera System for Nine (9) Banning Connect Transit System Buses with Pro-Vision Video System in the amount of \$91,884.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the purchase of camera system the with Pro-Vision Video System.
3. Authorize the City Manager or his designee to execute the Agreement with Pro-Vision Video System.

BACKGROUND:

The City of Banning, under the Public Works Department, owns and operates the Banning Connect Transit System which includes the operation of fixed-route bus services that serve between Banning and Cabazon. Additionally, the Dial-A-Ride division offers curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning.

As part of these operations, staff recognized the need to replace the existing camera system on nine (9) buses due to poor quality, limited night visibility, and old functionality. In order to view existing system footage, the hard-drive cassette is required to be retrieved, downloaded and saved for viewing on a computer.

In evaluating options, staff determined that Banning Connect Transit currently utilizes two camera systems, Gatekeeper and Pro-Vision. Since two new buses were recently ordered with the Pro-Vision system, it is the intention of staff to transition to one platform provider for all buses. The Pro-Vision camera system offers solid state drive, 4G connectivity and can

be accessed immediately without interrupting services. The video quality for both day and night-time recordings will significantly improve as well.

Through research staff identified its existing membership in The Interlocal Purchasing System (TIPS). TIPS is a national cooperative purchasing program whose memberships include government and other entities in various states including California. This cooperative purchasing system enables member entities to purchase on an “as-needed” basis from competitively awarded contracts with high performance vendors. Pro-Vision Security System is one of the vendors that has secured a contract with TIPS through a competitive process for these services under TIPS Contract No. 210801.

As a result, staff recommends an award to Pro-Vision Video Systems through TIPS national cooperative purchasing program, TIPS Contract No. 210801, in the amount not to exceed \$91,884.

JUSTIFICATION:

Security cameras may deter criminal activity and inappropriate behavior while adding a sense of security to its riders and drivers. Cameras can also provide valuable evidence during investigations and are necessary in order to maintain safe and reliable video imaging.

Provisions of Purchasing Policy B-30 identifies that cooperative bids prepared by and processed through local, state or federal government agencies, may be utilized by the City. City Council consent is required for such arrangements where purchases exceed \$25,000.

FISCAL IMPACT:

An appropriation in the amount of \$91,884 to Account 610-5800-434.90-56 (Machinery/Equipment) to fund the contract with Pro-Vision Video System. Once the purchase and installation are complete, funding will be reimbursed by Riverside County Transportation Commission (RCTC) through the State Transit Assistance (STA) program.

ALTERNATIVES:

Reject Resolution 2022-39 and provide alternative direction. Not approving the purchase of a new camera system may impact daily operations and limit footage availability needed for investigations.

ATTACHMENTS:

1. Resolution 2022-39
<https://banningca.gov/DocumentCenter/View/10394/Att-1-Resolution-2022-39-Transit-Camera-Purchase>
2. TIPS Contract #210801 Quote
<https://banningca.gov/DocumentCenter/View/10392/Att-2-Banning-Transit-Tips-Contract-210801>

3. Short Range Transit Plan – Table 4

<https://banningca.gov/DocumentCenter/View/10393/Att-3-SRTP-Table-4>

Approved by:

A handwritten signature in blue ink, appearing to read 'D. Schulze', is written over a horizontal line.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-40, Approving the Second Amendment to the Custodial Services Agreement with Dynamic Building Maintenance, Inc. of Riverside, California for Municipal Facility Maintenance for Fiscal Year 2023 in the amount of \$77,998

RECOMMENDATION:

Staff Recommends that City Council adopt 2022-40:

1. Approve the Second Amendment to the Contractual Services Agreement with Dynamic Building Maintenance, Inc. to extend the contract term through Fiscal Year 2023 and increase compensation in an amount not to exceed \$77,998.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Second Amendment to the Agreement with Dynamic Building Maintenance.
3. Authorize the City Manager or his designee to execute the Second Amendment to the Agreement with Dynamic Building Maintenance.

BACKGROUND:

A Request for Proposals (RFP) was published on March 13, 2020. On May 26, 2020, City Council approved the award of an agreement for custodial services to Dynamic Building Maintenance, Inc. in the amount of \$79,213. The original agreement was for a one-year period, expiring June 30, 2021, with the option to renew for an additional four (4) single years upon satisfactory review of services. On May 11, 2021, City Council exercised the option to renew the agreement for Fiscal Year 2022 and the term was extended to June 30, 2021.

At this time, staff reviewed the custodial services agreement and based on satisfactory performance, recommends the execution of the Second Amendment. The proposed Second Amendment with Dynamic Building Maintenance, Inc. shall provide complete custodial services including all labor, tools materials and equipment necessary to perform services for the sites described below. If the Second Amendment is approved, there will

be two (2) remaining single year options to further extend the agreement, with renewal options and extensions to expire no later than June 30, 2025.

DESCRIPTION	LOCATION	ESTIMATED CLEANING SQUARE FOOTAGE	DAYS PER WEEK	QUANTITY	QUANTIT Y COST	ANNUAL TOTAL
Banning City Hall (Civic Center)	99 E. Ramsey St.	20,600	5	12 Months	\$2,297.72	\$27,573.64
Corporate Yard Warehouse	176 E. Lincoln St.	5,400	5	12 Months	\$598.26	\$7,179.12
Banning Police Station	125 E. Ramsey St.	28,000	5	12 Months	\$3,123.12	\$37,477.44
Water Shop	3333 Bluff Rd.	1,000	3	12 Months	\$152.10	\$1,825.20
Community/ Senior Center	769/789 N. San Gorgonio	Carpet & Window Cleaning Only	N/A	Quarterly (4x/yr.)	\$304	\$1,216.80
Senior Center	769 N. San Gorgonio	Deeping Cleaning	N/A	Biannually (2x/yr.)	\$275	\$550
Aquatic Center Building	789 N. San Gorgonio	Floors	N/A	Annually	\$175	\$175
As Needed Services	TBD	N/A		TBD	TBD	\$2,000
Total						\$77,997.20

The scope of work includes five (5) days per week facility maintenance of the Civic Center, City Yard and Banning Police Department. The Banning Water Shop will require three (3) days of service per week and the Community/Senior Centers shall be limited to quarterly floor and window cleanings. Additionally, the Senior Center will be deep cleaned biannually, and the Aquatic Center flooring will be cleaned annually. The Fleet Shop has been omitted and services will no longer be provided for the location beginning July 1, 2022.

JUSTIFICATION:

The Public Works Department does not have the required staff needed to provide custodial maintenance for the identified City facilities; therefore, it is necessary to retain a custodial service provider to effectively, efficiently and safely maintain a high level of cleanliness for City facilities. Currently, Dynamic Building Maintenance, Inc. provides the City with an acceptable level of service at affordable rates; therefore, staff recommends the approval of the Second Amendment.

FISCAL IMPACT:

The Second Amendment in the amount of \$77,998 and will be funded by the operational budgets of Building and Maintenance (\$36,578), Police Department (\$37,478) and the Community Services Department (\$1,942) with an additional \$2,000 being allocated by the departments at the time additional services are deemed necessary.

The agreement will be funded by the following operational budgets:

ACCOUNT NO.	DESCRIPTION	AMOUNT
001-3200-412.33-18	Contractual / Custodian Services; Building Maintenance	\$36,577.96
001-2200-421.33-18	Contractual / Custodian Services; Police	\$37,477.44
001-4000-461.33-18	Contractual / Custodial Services Maintenance; Community Center	\$608.40
001-4050-461.33-18	Contractual / Custodial Services; Senior Center	\$783.40
001-4010-461-30.02	Contract Svc/Repair/Maint.-Buildings	\$550
TBD	Additional Services as Needed	\$2,000
	TOTAL	\$77,997.20

ALTERNATIVES:

The City Council may choose to take no action on this matter which would result in an interruption in janitorial services. The City does not have staff resources to perform these tasks.

ATTACHMENTS:

1. Resolution 2022-40
<https://banningca.gov/DocumentCenter/View/10402/Att-1-Resolution-2022-40-Dynamic-Building-Custodial>
2. Draft Second Amendment
https://banningca.gov/DocumentCenter/View/10403/Att-2-DRAFT_C00645-Dynamic-Building-Maintenance-Inc

Approved by:



 Douglas Schulze
 City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-43, Approving an Increase in the amount of \$7,500 to Fiscal Year 2021/2022 Blanket Purchase Order with Ken Grody Redlands Ford for Auto Parts and Repairs

RECOMMENDATION:

Staff Recommends that City Council adopt 2022-43:

Approving an increase to Fiscal Year 2021/2022 purchase order with Ken Grody Redlands Ford (Ken Grody) in the amount of \$7,500 for a total blanket purchase order (BPO) amount of \$34,700 and authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the requested increase.

BACKGROUND:

The Public Works Department, Fleet Division, maintains and repairs over 200 city-owned automobiles and pieces of equipment, through in-house and contract services and repairs. As part of this Fleet, 97 of the vehicles are Ford branded; with 58 of these vehicles being under factory base or powertrain warranty. In order to maintain warranties, Fleet staff has determined that Ken Grody is certified to provide services and original equipment manufacturer (OEM) parts that meet warranty requirements. Furthermore, Ken Grody also has the ability to provide complex diagnostics of modern vehicle systems that are unable to be performed in-house.

As a result, in order to support Fleet operations, for Fiscal Year 2021/2022, the City issued a blanket purchase order (BPO) to Ken Grody for fleet parts, repair and maintenance services as needed in an amount of \$25,000. On August 24, 2021, City Council approve an increase to the blanket purchase order in the amount of \$2,200 for a total amount of \$27,200. In order to obtain services for the remainder of the fiscal year, an additional \$7,500 is necessary. If approved, the total BPO for FY 2021/2022 will amount to \$34,700.

JUSTIFICATION:

Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000. The above parts and services are necessary in order to maintain City-owned and operated vehicles and warranties.

FISCAL IMPACT:

Fiscal Year 2021/2022 Fleet Division operational budget will fund the requested increase, Account No. 702-3800-480.30-05 (Repair/Maintenance-Vehicles).

ALTERNATIVE:


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

ATTACHMENT:

1. Resolution 2022-43

<https://banningca.gov/DocumentCenter/View/10419/Att-1-Resolution-2022-43>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-44, Authorizing Execution of the Subdivision Improvement Agreement with Tri-Pointe Homes and Accepting the Performance and Labor/Materials Bonds for Public Improvements for the Meadowline Interconnect Potable Water Facility

RECOMMENDATION:

That City Council adopt Resolution 2022-44 to authorizing the execution of the Subdivision Improvement Agreement and accept the performance and labor/material bonds for public improvements at the Meadowline Interconnect potable water facility.

BACKGROUND:

The Butterfield Specific Plan was originally approved by the City Council in March of 2012. Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a general plan amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan; the Planning Commission recommended approval of the applications in January 2017 and the City Council reviewed and approved the applications in February 2017.

The Project site is approximately 1,528 acres and is located in the northwestern corner of the City of Banning; see Figure 1. The site is generally bounded by Wilson Street to the south, Highland Springs Avenue to the west, Riverside County unincorporated land to the north and northeast, and portions of Highland Home Road to the east. Major access to the site is provided by Highland Springs Avenue, Wilson Street, and Highland Home Road.

The Project site is currently designated Specific Plan in the City's General Plan. Site development is governed by the provisions of the Butterfield Specific Plan, which includes land use designations of Very Low Density Residential, Medium Density Residential, High Density Residential, Commercial, Active Recreation, and Passive Open Space-Parks.

Issues/Analysis

A condition of approval for the previously recorded TR37298-1 Final Map is to provide an interconnect facility between the City of Banning water system and the Beaumont Cherry Valley Water District System. The interconnect facility will provide potable water from wells that are co-owned between the City of Banning and the Beaumont Cherry Valley Water District into the City's potable water network, where there is no connection today. The facility will provide additional unrealized water supply to the City of Banning.

JUSTIFICATION:

The improvement plans were checked by the City staff, the City's consulting engineering team, and the Beaumont Cherry Valley Water District for technical accuracy. The Meadowline Way interconnect facility will provide additional water capacity to meet the growing demands of the City.

FISCAL IMPACT:

The Atwell Development (Butterfield Specific Plan) project consists of both residential and commercial development and represents a long-term investment in the local community in both housing and public infrastructure. The project is to be constructed by Tri-Pointe Homes and is eligible for DIF credit by constructing critical public infrastructure to the benefit of the City.

ALTERNATIVES:

1. Do not approve the recommendation and provide staff with alternate direction.

ATTACHMENTS:

1. Resolution 2022-44
<https://banningca.gov/DocumentCenter/View/10396/Att-1-Resolution-2022-44-Subdivision-Improvement-Agreement-Meadowline-Interconnect>
2. Subdivision Improvement Agreement and Performance/Labor/Materials Bonds
<https://banningca.gov/DocumentCenter/View/10395/Att-2--Meadowline-Interconnect-SIA>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-45, Authorizing the Execution of the Property Improvement Agreement with LPC Banning, LP and Accepting the Performance, Labor/Materials, and Warranty Bonds for Public Improvements for the Banning Distribution Center Project

RECOMMENDATION:

That City Council adopt Resolution 2022-45 to authorize the execution of the Property Improvement Agreement with LPC Banning, LP and accept the performance, labor/material, and warranty bonds for public improvements for the Banning Distribution Center.

BACKGROUND:

The Banning Distribution Center was approved by the City Council on December 11, 2018 for the construction of a concrete tilt up distribution center north of the Banning Municipal Airport, South of the Union Pacific Railroad, and adjacent to the eastern city limit.

Improvement plans were processed through the City of Banning for Sewer, Water, Storm Drain, Roadway, and other public improvements and approved for construction between 3/23/20 and 9/23/20. The facility is currently under construction.

Issues/Analysis

A requirement for the project is to prepare a Property Improvement Agreement (PIA) and submit bonds for the project to guarantee improvements to the public sewer, water, and street systems.

JUSTIFICATION:

The improvement plans were checked by the City staff, the City's consulting engineering team for technical accuracy. The (PIA) and bonds will ensure that public improvements are constructed.

FISCAL IMPACT:

The Banning Distribution Center will provide public improvements on the eastern edge of the City and provide Development Impact Fess (DIF) to the City.

ALTERNATIVES:

1. Do not approve the recommendation and provide staff with alternate direction.

ATTACHMENTS:

1. Resolution 2022-45
<https://banningca.gov/DocumentCenter/View/10398/Att-1-Resolution-2022-45-Banning-Distribution-Center-SIA>
2. Property Improvement Agreement and Performance/Labor/Materials/Warranty Bonds
<https://banningca.gov/DocumentCenter/View/10397/Att-2-Bonds-and-Agreements>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Patrick Safari, Associate Engineer

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution No. 2022-48, Awarding a Construction Agreement for Project No. 2022-03 “Bryant Street Homeless Shelter” to C.S. Legacy Construction, Inc. of Walnut, California in the Amount of \$276,270, Establishing a Total Project Budget of \$303,897, and Rejecting All Other Bids

RECOMMENDATION:

The City Council adopt Resolution 2022-48 approving the following actions:

1. Approving a Construction Agreement for Project No. 2022-48, “Bryant Street Homeless Shelter” to C.S. Legacy Construction, Inc. of Walnut, California in the amount of \$276,270 and a 10% contingency in the amount of \$27,627 for a total project budget of \$303,897 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. 2022-03 “Bryant Street Homeless Shelter” and approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with C.S. Legacy Construction, Inc. for Project No.2022-03 “Bryant Street Homeless Shelter”.

BACKGROUND:

Homelessness is a growing regional and local crisis in the City of Banning. The City Council has long identified homelessness as a key issue in the community and has previously supported local efforts to address the issue. City staff has identified Bryant Street, east of San Gorgonio Avenue, as an ideal location to build a homeless shelter. The site is located on a cul-de-sac street with a large enough footprint to accommodate the proposed amenities and services and it is owned by the City of Banning. The site features a level of existing infrastructure that makes the site suitable for the proposed use. Such infrastructure includes paved surface, water and sewer, partial fencing around the site and adequate lighting provided by existing streetlights.

On March 18, 2022, staff released a Notice Inviting Bids for the project through the City's electronic bidding system "ProcureNow". In response to these efforts, three (3) bids were received on April 11, 2022. The proposal amounts ranged from \$200,300 to \$346,075. The lowest bidder, AB Fence Company, Inc. was disqualified because the contractor lacked the appropriate license to be able to fulfill the work requirements for this project.

The scope of work under this project includes the installation of 800 feet of chain link fence, two (2) 32-foot vehicular swing gates, three (3) pedestrian gates, 2,450 feet of privacy screen, 130 feet of guardrail, water and sewer services and two (2) drinking fountains.

JUSTIFICATION:

C.S Legacy Construction, Inc. is the lowest responsive and responsible bidder to construct Project No.2022-03 "Bryant Street Homeless Shelter". The project will provide needed shelter for the homeless community in the City of Banning.

FISCAL IMPACT:

Staff recommends awarding an agreement to C.S. Legacy Construction, Inc. in the amount of \$276,270 and establishing a 10% contingency in the amount of \$27,627 for a total project budget of \$303,897.

An appropriation in the amount of \$303,897 from Fund 810 (Successor Housing Agency) to Account 810-9700-490.90-59 is required to fund the project.

ALTERNATIVES:

Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2022-48
<https://banningca.gov/DocumentCenter/View/10411/Att-1--Resolution-2022-48>
2. C.S Legacy Construction Proposal
<https://banningca.gov/DocumentCenter/View/10409/Att-2-Legacy-Proposal>
3. Site Plan
<https://banningca.gov/DocumentCenter/View/10410/Att-3-Site-Plan-4622>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-49 Approving Final Tract Map No. 38057, Authorizing Staff to Sign the Final Tract Map, and Releasing the Map for Recordation

RECOMMENDATION:

Staff recommends City Council adopt Resolution 2022-49 approving Final Tract Map 38057, authorizing staff to sign the final tract map, and releasing the map for recordation.

BACKGROUND:

The Vista Serena project is a gated apartment project located north of Gilman Street, south of East Theodore Street, and between N Alessandro St and N Hermosa Ave. The project was originally partially built in under Final Map 4414 recorded on July 13, 1973. The onsite development behind the gate is a private neighborhood, with private streets and drives that do not meet the requirements for public roadways. The mapping that was completed with Final Map 4414 dedicated the private streets to the City of Banning. The Vista Serena HOA has been maintaining the street network as its own obligation.

Plans have been processed through the City that would build out the remaining portion of the Vista Serena project. Tentative Tract Map 38057 for Condominium Purposes was approved by the City on March 23, 2021. A condition on the development is to prepare a new Final Map for Condominium Purposes to clean up prior mapping activities, reconfigure portions of the internal private roadway network, and have the City abandon the previous public dedications of the roadway network.

In the final condition, the private HOA would own all portions of the property within the project boundary including the street network. The HOA would continue to maintain the street network as it has done since the project's inception. Final Map 38057 will also dedicate a public utility easement over the Street Lots A and B to access and maintain public sewer and water facilities onsite.

JUSTIFICATION:

Final Tract Map 38057 was checked by the City's consulting surveyor and was found to be technically correct and that it conforms to the requirements of the Subdivision Map Act.

The City Engineer has verified that Final Tract Map 38057 is in substantial conformance with the approved Tentative Tract Map No. 38057.

The map subdivides privately property. There are no public improvements associated with the subdivision, and therefore no Subdivision Improvement Agreements or Bonds necessary with this map.

FISCAL IMPACT:

Recordation of the map will allow for the continued development of the Vista Serena project which will result in building permit and development impact fee revenues to the city.

ALTERNATIVES:

Do not approve the recommendation and provide staff with alternate direction.

ATTACHMENTS:

1. Resolution 2022-49
<https://banningca.gov/DocumentCenter/View/10401/Att-1-Resolution-2022-49-Vista-Serena-Final-Map-38057>
2. Approved Tentative Tract Map 38057
<https://banningca.gov/DocumentCenter/View/10400/Att-2-TTM-38057>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Finance Director

MEETING DATE: April 26, 2022

SUBJECT: Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning

RECOMMENDATION:

Receive and file reports with updates on cost recovery services for first responder (EMS/Fire) medical billing fees collected by Wittman Enterprises LLC for the City of Banning through March 31, 2022.

BACKGROUND:

On March 24, 2020, the City Council directed staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write Off Policy modeled after the Cities of Indian Wells, Rancho Mirage and Palm Desert. The emergency medical services billing program fee is paid by insurance. Insurance will be billed directly whenever possible. If insurance information isn't available, the statement will clearly indicate that the bill should be submitted to insurance for payment. No collection activities are proposed in the event a bill is not paid.

On May 26, 2020 City Council authorized the Agreement with Wittman Enterprises LLC to begin the Emergency Medical Services Billing Program which allows Wittman Enterprises LLC to bill medical insurance companies (at no cost to the public) for medical Fire/EMS response fees. This program is intended to recover costs and generate revenue for the City.

Staff will evaluate, on an annual basis, the services provided to the City by Wittman Enterprises LLC to confirm that it is appropriate to continue receiving said services.

On June 8, 2021 City Council authorized an amendment to the Contract with Wittman Enterprises for an additional one-year term, ending on June 30, 2022. Staff was directed to bring recurring updates on fees collected by Wittman for the City of Banning and in addition on November 9, 2021 to include costs incurred by the City.

FISCAL IMPACT:

The chart below reflects the payments we have received, and costs paid by fiscal year and since inception of the first responder medical billing fees:

Fiscal Year 2021	1st Quarter FY2021	2nd Quarter FY2021	3rd Quarter FY2021	Fourth Quarter FY2021	Total FY 2021
Medical Response Payments	-	2,000.00	7,720.00	7,590.00	17,310.00
Wittman Costs	-	15,900.00	15,870.00	17,145.00	48,915.00
Net Amount	-	(13,900.00)	(8,150.00)	(9,555.00)	(31,605.00)
Fiscal Year 2022	1st Quarter FY2022	2nd Quarter FY2022	3rd Quarter FY2022	Fourth Quarter FY2022	Total FY 2022
Medical Response Payments	17,567.07	20,572.98	16,205.15		54,345.20
Wittman Costs	14,385.00	13,920.00	14,700.00		43,005.00
Net Amount	3,182.07	6,652.98	1,505.15	-	11,340.20
Total from Inception of Program					
Medical Response Payments	17,567.07	22,572.98	23,925.15	7,590.00	71,655.20
Wittman Costs	14,385.00	29,820.00	30,570.00	17,145.00	91,920.00
Net Amount	3,182.07	(7,247.02)	(6,644.85)	(9,555.00)	(20,264.80)

Attached are additional reports reflecting the total amounts charged, write offs and payments received monthly, for 2020, 2021 and 2022 and fiscal year to date as of March 2021 and March 2022.

ALTERNATIVES:

None

ATTACHMENTS:

1. FY 2021 Banning YTD - March 21
<https://banningca.gov/DocumentCenter/View/10365/Att-1-FY22-Banning-YTD-March-21>
2. FY 2022_Banning YTD - March 22
<https://banningca.gov/DocumentCenter/View/10366/Att-2-FY22-Banning-YTD-March-22>

Approved by:



Douglas Schulze
 City Manager



CITY OF BANNING STAFF REPORT

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-03 UA, Approving the Five-Year Purchase Agreement for WaterView Water Efficiency Software from Eagle Aerial Solutions

RECOMMENDATION:

Staff Recommends that the City Council approve Resolution 2022-03 UA:

1. Approving a five (5) year purchase agreement for the WaterView software in the amount of \$26,936 per year for a total cost of \$134,680 for the five (5) year term.
2. Approving an appropriation from the Water Fund, Fund 660 in the amount of \$134,680 to Account 660-6300-471.90-49 (Computer Software).
3. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the purchase.

BACKGROUND:

AB 1668 and SB 606 builds on Governor Brown's ongoing efforts to make water conservation a way of life in California and create a new foundation for long-term improvements in water conservation and drought planning. SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022.

The two bills strengthen the state's water resiliency in the face of future droughts with provisions that, amongst other things, establish water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; comprised of indoor residential water use, **outdoor residential** water use, commercial, industrial and institutional (CII) irrigation with dedicated meters, water loss, and other unique local uses.

Eagle Aerial Solutions, a portal developer, is the company that is currently conducting the statewide irrigated landscape measurement project for the California Department of Water Resources through which every residential parcel for 400+ California urban water districts is being analyzed.

Eagle Aerial Solutions has developed a useful tool, WaterView, to collect and report on data that is required by the new regulations. WaterView helps identify water use trends, track and manage over allocation users; identifies targeted land classification types, like high turf areas, for effective rebating; aids in upcoming Department of Water Resources (DWR) data review and reporting requirements; calculates water use efficiency (per the state standards) across the residential service area and at a customer/parcel level; hosts high resolution aerial imagery and the actual imagery used in DWR's analysis; imports and calculates daily evapotranspiration (ET) readings; supplies detailed demographic data for more accurate indoor water use efficiency measurements and water use analytics; and provides various GIS tools along with sophisticated data mining and multi-level querying functions.

JUSTIFICATION:

Staff has recognized that Eagle Aerial Solutions' product, WaterView, can provide a cost effective and efficient way to comply with State's new water conservation regulation and related reporting. Utilizing WaterView allows the City to take advantage of work already conducted by DWR to support the new regulation.

FISCAL IMPACT:

An appropriation from the Water Operations Fund (660) is required for the purchase in the amount of \$134,680 to Account 660-6300-471.90-49 (Computer Software). The five (5) year term will allow the City to lock in the annual rate.

ALTERNATIVE:

Do not approve and provide alternative direction. Continual operations without the use of WaterView software may result in additional difficulties in complying with state water legislation or will require staff to take a much more labor intensive and expensive approach to comply with the new water conservation regulations.

ATTACHMENTS:

1. Resolution 2022-03 UA
<https://banningca.gov/DocumentCenter/View/10413/Att-1-Resolution-2022-03-UA>
2. Quote from Eagle Aerial Solutions for the WaterView Software
<https://banningca.gov/DocumentCenter/View/10414/Att-2-Eagle-Aerial-Quote>

Approved by:



Douglas Schulze
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: April 26, 2022

SUBJECT: Consideration of Ordinance 1582 which would Approve a Military Equipment Use Policy Pursuant to Assembly Bill 481 and Government Code §7070 et seq.

RECOMMENDATION:

Staff recommend City Council:

1. Have the City Clerk read the ordinance by title only;
2. Waive further reading of Ordinance 1582; and,
3. Introduce Ordinance 1582 for a first reading.

BACKGROUND:

On September 30, 2021, California Governor Gavin Newsom signed Assembly Bill 481 (AB481), which became effective January 1, 2022. The law requires the Police Department to create a Military Equipment Use Policy which must be adopted by the City Council by May 01, 2022. Due to recent events in our nation, the public has asked state and local leaders to enact law enforcement reforms and set statewide standards for safe de-escalation techniques.

AB481 identifies certain law enforcement equipment as 'military equipment' whether or not any branch of the military uses any of the law enforcement equipment listed. The legislation requires oversight from a governing body for purchase and usage of what the bill has deemed military equipment. For the Banning Police Department, the governing body is the Banning City Council.

Ordinance 1582 is being introduced to the Banning City Council in accordance with the law Assembly Bill 481. The Use Policies were uploaded to the Banning Police Department internet website on March 11, 2022 for public review and can also be found here: <http://www.banning.ca.us/614/Department-Policy-Procedures>

The purpose of this ordinance is to seek approval and support from the City Council for the continued use and deployment of specialized law enforcement equipment consistent with the Use Policies of the Banning Police Department. The City Council will find the Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties. The Use Policy included in the Ordinance establishes an on-going standard and policy for safe de-escalation and an annual military equipment report will be submitted to the City Council for annual review.

The list of identified 'military equipment' is currently deployed by law enforcement and agencies in Riverside County as well as in San Bernadino, San Diego, and Orange Counties, and throughout the State of California, as well as law enforcement organizations across the nation. AB481 lists equipment that is recognized and more appropriately identified by local, state, and federal law enforcement entities as specialized police equipment. Locally, the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) have endorsed the list of specialized equipment which is already in use across the country.

For additional context, the Banning Police Department, over a span of many years has acquired these tools with previous Councils approval either during the annual budget process, or as individual board agenda items purchases. Specialized police equipment is used only by highly trained and experienced law enforcement professionals. The list of itemized equipment is listed below as required by AB481. The inventory list ranges from modernized tools, aerial drones, to a retired armored bank vehicle whose primary purpose is the preservation of human life when utilized in responding to critical incidents, which often involve high-risk apprehension, search and rescue, fast responses to catastrophic events, reduce liability of physical injury to public and department personnel, and allow for de-escalation tactics during high-risk encounters with armed violent suspects. The tools, equipment, and resources can function as a force-multiplier in some cases to reduce manpower hours and is ultimately a cost savings to the City.

The Banning Police Department is responsible for ensuring the highest standard of public safety, protecting, and serving members of the community, and apprehending criminal offenders. To help achieve and maintain the highest standard of public safety, law enforcement receives support from our local elected officials who are committed to funding operational needs, which includes the approval to purchase and finance necessary tools, protective gear, and specialized equipment for the purpose of helping protect and save lives and property. With the City County's partnership and approval, law enforcement can operate with the most advanced technology, equipment, and resources available with the goal to protect and serve the community with increased effectiveness, be prepared for the unexpected, and ultimately save lives with a uniform response standard by all law enforcement agencies in the County.

Although most tools, equipment, and resources listed as military equipment in AB481 are found in a military environment and may be similar in nature, the application in which the

equipment is used is significantly different for public safety and law enforcement. Below you will find lists of the specialized equipment inventory and a variety of their uses.

Banning Police Department Specialized Equipment Inventory:

Unmanned, remotely piloted powered aerial or ground vehicles

- Search and locate reported missing children or at-risk adults
- Search and Rescue Operations to locate lost or Injured hikers
- A law enforcement specific application involving Aerial DRONES are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects
- barricaded inside a residence or commercial structure.
- Unmanned robotics have numerous applications. Robotics are used instead of personnel in high-risk environments to increase safety for law enforcement

Assault Weapons defined under PC 30510 & PC 30515

- Inventory includes AR style rifles that function at full and semi-automatic capability (fully automatic rifles are not assigned and kept in the armory)
- Semi-automatic Benelli shotguns
- Increased accuracy and precision at long range distances
- Currently used by most law enforcement agencies across the nation

Tear Gas

- Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as pepper ball.

40mm projectile launchers

- Less lethal 40mm launchers and rubber projectile munitions- Munitions are configured for high and low energy impact.
- 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public

Bean Bag Launchers

- Less lethal bean bag is utilized through a marked/orange colored easily identifiable less lethal shotgun.
- The bean bag round is a small led pellet filled munition made of high-density cloth.
- Bean bag is the predecessor to 40mm less lethal having similar benefits as other less lethal platforms

The Banning Police Department and members of the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) have committed to working cooperatively across jurisdictional boundaries to ensure that all catastrophic events, response to critical incidents, search and rescue operations and many other multi-jurisdictional events that arise from neighboring counties are supported safely and justifiably. Any which require the use of any of the above listed specialized equipment are conducted in a fair, transparent and professional manner. Prior to a public hearing, and as required by AB481 these Use Policy has been made available on the Banning Police Department Website.

Following the adoption of Ordinance 1582 the Banning Police Department will report to the City Council annually. Upon the completion of the hearing and Council approval, a copy of the policies will be sent to the Governor’s Office. The full text to AB481 can be found here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

IMPACT:

This specialized law enforcement equipment, which is already in use by law enforcement agencies throughout the county, helps limit high-risk encounters with armed violent suspects. This specialized equipment is needed to stop escalating violent situations from becoming a threat to the safety of responding law enforcement personnel, the public, and the involved suspect(s). The Banning Police Department routinely relies on assistance from outside agencies through cooperative mutual-aid agreements between multi-jurisdictional boundaries.

FISCAL IMPACT:

No increased fiscal impact is a result of the passage of this Ordinance.

ALTERNATIVES:

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

ATTACHMENTS:

1. Proposed Ordinance 1582
<https://banningca.gov/DocumentCenter/View/10369/Att-1-Draft-Ordinance-1582>
2. Banning Police Department Policy 708 - Military Equipment
<https://banningca.gov/DocumentCenter/View/10367/Att-2-BPD-Policy-708---Military-Equipment>
3. AB481 Report on BPD Special Equipment
<https://banningca.gov/DocumentCenter/View/10415/Att-3-BPD-Specialized-Police-Equipment-Inventory>
4. PowerPoint Presentation
<https://banningca.gov/DocumentCenter/View/10368/Att-4-Ord-1582-PowerPoint-AB481>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Patrick Safari, Associate Engineer

MEETING DATE: April 26, 2022

SUBJECT: Update on the Design of Sun Lakes Boulevard Extension

RECOMMENDATION:

The purpose of this report is to provide City Council with an update on the Design of Sun Lakes Boulevard Extension (Project).

BACKGROUND:

Sun Lakes Boulevard extension will connect Highland Home Road and Sunset Avenue in alignment with Sun Lakes Boulevard to the west and Westward Avenue to the east.

The realignment of Sun Lakes Boulevard will ease traffic congestion at the intersections of Highland Springs Avenue and Interstate 10 ramps and Highland Springs Avenue and Ramsey Street. The City lacks a quick alternative route for residents south of the interchange 10 to travel to the west in case of an emergency closure of the freeway.

The proposed Project site is approximately 5,390 feet long, 110-feet wide, and encompasses approximately 13.3 acres. The proposed Project follows existing City right-of-way, which is why it includes the two gentle curves north of the existing dirt road (see attachment 1).

Sun Lakes Boulevard is designated in the City's Circulation Element as an Arterial Highway and will be constructed with two eastbound and two westbound lanes each containing a 12-foot wide lane and a 14-foot wide lane; a raised 18 feet wide median; eastbound and westbound 8-foot bike lane; 8-foot sidewalks; associated road stripping, street light improvements, drainage consistent with the City's Master Drainage Plan (MDP). Left turn pockets are proposed at the intersection of Highland Homes Road, future intersecting streets, and at Sunset Avenue. Traffic signals will be located at the intersection of Highland Home Road and at Sunset Avenue. To minimize impacts to jurisdictional waters, the proposed Project includes arched culverts over Smith Creek and Pershing Creek.

On April 14, 2020 City Council approved Resolution 2020-48, "Awarding a Professional Services Agreement for the Design of Sun Lakes Boulevard Extension from Highland Homes Road to Sunset Avenue, to Albert A. Webb Associates in the amount of \$548,416". The scope of work included project development, project management; the preparation of preliminary engineering design, environmental documentation, final design plans, specifications, and estimates; permitting and construction support.

At the time of this report, the consultant has completed the following tasks:

1. Project development which includes data collection and site reconnaissance; survey and aerial topographic mapping; and utility research and base mapping.
2. Preliminary Engineering Design which includes the Roadway Geometric Design (GAD), and preliminary drainage plans has been approved by the City.
3. Environmental Documentation which includes Traffic Impact Analysis (TIA), Air Quality and Greenhouse Gas, Noise Study, Cultural Study and Paleontological Report have been submitted and approved.
4. Final Design plans continue to evolve, and the consultant has submitted completed 60% of the street improvement plans, storm drain plans, signing and striping plans, landscaping plans and street lighting plans. These plans are currently being reviewing by City staff.

The next step is to complete the design plans and circulate California Environmental Quality Act (CEQA) documents for public comment. Table 1 outlines the remainder of the project milestones.

Table 1 – Project Schedule

Activity	Dates
CEQA Documentation	August 2022
Final Design Plans (90%)	June 2022
Final Design Plans (100%)	October 2022
Regulatory Permitting	May 2023
Bidding	August 2023
Begin Construction	Fall 2023

FISCAL IMPACT:

The cost for the preparation of the environmental documentation, plans, specifications and estimates; is funded by the Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) funds.

ATTACHMENT:

1. Sun Lakes Boulevard Extension Exhibit
<https://banningca.gov/DocumentCenter/View/10381/Att-1-Sun-Lakes-Blvd-Exhibit>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: April 26, 2022

SUBJECT: Update on the Highland Springs Avenue Interchange

RECOMMENDATION:

The purpose of this report is to provide City Council with an update on the Highland Springs Avenue Interchange.

BACKGROUND:

The Highland Springs Avenue Interchange (the “HSA Interchange”), which is located within the jurisdictional boundaries of the Cities of Banning and Beaumont, has been greatly impacted by the increase in traffic related to residential and commercial development along the Highland Springs Avenue corridor. The HSA Interchange is in need of improvements to mitigate the current congestion as well as to provide additional capacity for future developments such as Tri Pointe Homes’ Atwell development and projects within Beaumont’s city limits.

In order to facilitate the improvements to the HSA Interchange, Banning, Beaumont and RCTC agreed that Riverside County Transportation Commission (RCTC) would take the lead in the development of the project. The phases for the project include the Project Study Report (PSR); Project Approval and Environmental Document (PA/ED); Plans, Specifications and Estimates (PS&E); and Construction (CONST).

On September 10, 2019, City Council approved Resolution 2019-114, authorizing the City Manager to execute a Cooperative Agreement between Banning, Beaumont and RCTC for the preparation of the Highland Springs Interchange PSR (“Cooperative Agreement”). The PSR has been submitted and approved by Council.

On May 25, 2021, City Council approved Amendment 1 to the Cooperative Agreement which added the PA&ED phase. RCTC has advertised a request for proposals (RFP), received and evaluated proposals and is currently in negotiations with the highest ranked firm for the PA&ED phase.

Table 1 – Project Schedule

Activity	Dates
Project Study Report (PSR)	2020-2021
Project Approval & Environmental Document (PA&ED)	6/2022-12/2023
Plans, Specifications and Estimates (PS&E) and Right of Way (ROW)	2024-2026
Construction (CON)	2026-2028

FISCAL IMPACT:

The cost for the preparation of the Project Study Report was funded by the Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) funds. It is anticipated that the PA&ED phase will also be funded by TUMF.

ATTACHMENTS:

None

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Matthew Hamner, Chief of Police
MEETING DATE: April 26, 2022
SUBJECT: Large Commercial Vehicle Parking Regulations

RECOMMENDATION:

No action required.

BACKGROUND:

The City Council requested an update on semi-truck parking regulations. Banning Municipal Code allows the enforcement of parking restrictions on large commercial vehicles parked on city streets. The code makes exceptions for trucks conducting business such as loading and unloading.

JUSTIFICATION:

Large commercial vehicle parking creates obstructions and can generate unreasonable noise impacts on neighboring properties.

FISCAL IMPACT:

Code Enforcement is a budgeted expense, and no increase is proposed at this time.

ATTACHMENT:

1. Banning Municipal Code 10.16.020
<https://banningca.gov/DocumentCenter/View/10399/Banning-CA-Code-of-Ordinances-101620-Parking-Prohibitions>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-42, Establishing the City of Banning Small Business Grant Program

RECOMMENDATION:

A motion adopting Resolution No. 2022-42, establishing the City of Banning Small Business Grant Program.

BACKGROUND:

During the April 12, 2022 City Council meeting, the City Council authorized the use of \$350,000 of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds to establish a Small Business Grant Program. These funds will be awarded to local businesses on a first come, first served basis until all funds are expended.

Grants will be awarded up to a maximum of \$10,000 to businesses that meet grant criteria established in the Program Policies and Procedures. The grant funds could be used to:

- Mitigate financial hardships caused by the COVID-19 pandemic (ex. Declines in revenue, costs of retaining employees, mortgage/rent/lease costs, utilities, other operating costs).
- Implementing COVID-19 prevention or mitigation tactics (ex. Physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccinations).
- Technical assistance, counseling, or other like services to assist with business planning needs.
- Premium pay for employees working in key, eligible sectors such as healthcare, education and childcare, transportation, sanitation, social and human services, grocery and food production, and public health and safety.

Eligibility for grant funds requires the following:

- Business must be physically located within Banning city limits.
- Business must have a current business license and be in good standing with the City of Banning.
- Business must have 25 or less employees, including the owner(s).

- Business must have been operational for at least six (6) months prior to application.
- Business address must be within a qualified census tract OR demonstrate reduction in gross receipts of at least 25%

JUSTIFICATION:

Business retention

FISCAL IMPACT:

One-time use of \$350,000 funded by American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Fund (CSLFRF).


ALTERNATIVES:

1. Approve as recommended.
2. Approve with modification(s).
3. Do not approve.

ATTACHMENTS:

1. Resolution 2022-42
<https://banningca.gov/DocumentCenter/View/10357/Att-1-Resolution-2022-42-Small-Business-Grant-Program>
2. Small Business Grants Flyer
<https://banningca.gov/DocumentCenter/View/10354/Att-2-Small-Business-Grant-Flyer>
3. Small Business Grant Program Policies & Procedures
<https://banningca.gov/DocumentCenter/View/10355/Att-3-Small-Business-Guidelines>
4. Small Business Grant Application
<https://banningca.gov/DocumentCenter/View/10356/Att-4-Small-Business-Grant-Application>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director
Carla Young, Management Analyst
Amber Rockwell, Utility Services Assistant

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-47, Approving City of Banning Electric Utility's Centennial Celebration with a Budget of \$100,000

RECOMMENDATION:

Staff recommends approving the partnership of City of Banning Electric Utility with Stagecoach Days, a signature event of the City, with a \$100,000 budget, for the Centennial Celebration of the utility's 100 years of service to the residents of Banning.

BACKGROUND:

Between the years of 1916 and 1920 the City of Banning entered discussions with the current light and power supply company owned by Charles H. Ghriest. Mr. Ghriest and his son had recently been awarded a 40 year franchise with the City to supply light and power to City residents and businesses. A Petition was soon presented to Council expressing as being in favor of municipal ownership of an electric light and power distribution system in the city. At this time the City Attorney began the process of acquiring the lighting system of the Light and Power Utility and their franchise.

In September of 1922, the City of Banning purchased the Light and Power Utility from the Ghriest family at a price of \$15,884. On October 6, 1922 the Utility was organized as a City Department. Net profits for the utility's first year in operation as a municipal electric utility were \$2558. At 100 years of service, the utility currently operates annually at \$31 million in revenue and maintains a \$91 million plant.

Currently, the City of Banning Electric Utility (BEU), serves an area approximately 22.1 square miles. BEU is supervised by the Electric Utility Director, under the management and control of the City Manager and City Council. BEU consists of 34 employees and serves approximately 13,500 metered customers with a maximum peak demand of 51

MW. With the addition of 2 substations this year, BEU now maintains eight substations and over 150 miles of electrical service lines.

In calendar year 2021, the BEU was 52% renewable. It is expected that the BEU will be greater than 75% renewable in 2022, due to the addition of the COSO Geothermal facility to BEU's energy portfolio. Other renewable facilities in the energy portfolio include the Puente Hills Landfill Gas-to-Energy Facility and the Astoria 2 Solar Facility. The rest of the energy portfolio includes energy from Hoover Dam, the Palo Verde Nuclear Generating Facility, and energy purchased in the CAISO wholesale energy markets.

JUSTIFICATION:

The opportunity for a Centennial Celebration comes once in a lifetime. BEU believes that Partnering with Stagecoach Days Committee for a combined event consisting of the 63-year Iconic Rodeo and BEU's 100-year Celebration will enable the Utility to give back more to the community we serve as well as support a City sponsored event, allowing both to get more bang for the buck.

FISCAL IMPACT:

The amount of \$100,000 is available in the Electric Public Benefits Fund account 675-7020-473.42-85 for the purpose of Banning Electric Utility's Centennial Celebration.

<u>Year</u>	<u>Estimated Amount</u>
2021/2022	\$100,000

ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2022-47
<https://banningca.gov/DocumentCenter/View/10417/Att-1-Resolution-2022-47-BEU-Centennial>
2. Presentation
<https://banningca.gov/DocumentCenter/View/10418/Att-2-Centennial-Presentation>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director

MEETING DATE: April 26, 2022

SUBJECT: Consideration of Resolution 2022-46, Approving a License Agreement with Milsoft Utility Solutions for Account and Utility Billing iXp Hosted Solution Customer Information System (CIS) Conversion and Implementation

RECOMMENDATION:

Staff recommends City Council have a discussion and consider action on Resolution 2022-46, approving subscription services with Milsoft Utility Solutions' Account and Utility Billing iXp hosted software solution. Also, staff are requesting consideration of the Communications module (IVR – interactive voice response) and Outage Management System (OMS) subscriptions. All three of these subscriptions require the City commit to a five-year agreement with Milsoft Utility Solutions.

Staff respectfully recommends City Council approve Resolution 2022-46, which includes:

- CIS conversion and implementation;
- IVR implementation;
- OMS implementation and integration; and,
- Annual subscriptions for each module for 5 years.

BACKGROUND:

In June 2017, the City commissioned TMG Consulting to complete a feasibility study and business case analysis of the City's Customer Information System and Enterprise Resource Management software (Resolution 2017-063). The initial report was issued in March of 2018 and the last revision was dated July 2018. There were four strategies considered:

- CIS only and continue using the current financial applications (most likely new vendor for CIS and retaining old vendor for financial applications) **~\$2.2 million**
- Separate the CIS and Financial Management System (FMS) and replace with one vendor but implement in two phases, first CIS and second Enterprise Resource Planning (ERP) **~\$4.7 million**

- Best-of-Breed replacements for CIS and FMS which includes multiple vendors providing an integrated solution **~\$7.6 million**
- Single source CIS/ERP replacement **~\$4.6 million**

While the report was very well done, the City never adopted the report as a plan, chose a business case, or implement any next steps discussed in the study. According to the report, the next step was to use TMG to draft and issue a detailed request for proposal based upon a business case for evaluation, award, and implementation. Utilizing the expertise of TMG as a project manager was included in the cost analysis.

As time has passed, many areas of the City have needed, upgraded, and implemented specific software improvements. Some of the software being used today include: NeoGov, DocuSign, Adobe Acrobat, Microsoft Office 365, OpenGov, Smart Gov, Nobel, Reavis Code, SATEC, Stealth, Laserfiche, Zencity-Civil Engage, Aspen, WindMil, Invoice Cloud, Civic Plus, Priority Based Budgeting, Survalent, onSITE, XE2, and AutoCad, to name a few of the vendors. With all these additions, the base financial management and customer information system remains to be the legacy Naviline software (circa 1992/2004). Most troublesome is Naviline's inability to integrate with the other software. Not being able to integrate with these newer applications limits the City's ability to benefit from many of the features offered in these other newer software applications.

Staff has become very frustrated with the lack of stability in the existing Naviline CIS software. Instability from longevity, ownership, support, and integration standpoints are very problematic. Problems resulting in bill processing, customer service, accuracy, flexibility, and compatibility is unacceptable to staff and our customers. This has caused staff to recommend a new CIS solution for utility billing.

JUSTIFICATION:

The goal of staff is to provide an accurate billing statement for the services we provide our citizens. The CIS solution should be state of the art and offer real-time customer access. Behind the scenes, the solution should be integrated into numerous software solutions for the efficiency and effectiveness expected of full-service utilities and land-based operations. We believe Milsoft Utility Solutions offer an affordable solution.

Staff has participated in four different CIS platform demonstrations over the last three years: FinancePro, Starnik, OpenGov, and Milsoft (twice). Starnik and Milsoft software solutions were utility-based solutions. FinancePro and OpenGov were accounting based solutions. The only product that was fully developed for utilities including a robust electric utility solution was Milsoft.

Key software requirements and capabilities include:

- Dual focus foundation: Location ID and Customer Account ID
- Customer ID allows for unique processing for each Utility
- Includes CIS, bill payment (Invoice Cloud), cash drawer, accounts receivable, and collection tools

- Structured Query Language (SQL) relational database management (Microsoft)
- Open architecture and Multi-Speak complaint
- Long-term relationship (WindMil) and integration with existing Electric Utility software
- Integrated Financial Management Solution available

Staff recommends Milsoft Utility Solutions because the software is known, mature, capable, and affordable.

FISCAL IMPACT:

A combination of ARPA funds (initial purchase and conversion) and Enterprise funds (ongoing subscriptions) will be used to implement the CIS software. Ongoing subscription cost will be shared between utility billing, water, wastewater, and electric funds.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$193,606 CIS \$ 66,818 IVR &OMS
2023/2024	\$ 90,000 CIS, IVR, OMS Subscriptions
2024/2025	\$ 90,000 CIS, IVR, OMS Subscriptions
2025/2026	\$ 90,000 CIS, IVR, OMS Subscriptions
2026/2027	\$ 90,000 CIS, IVR, OMS Subscriptions

ALTERNATIVES:

1. Do nothing (becoming very problematic).
2. Utilize TMG and adopt one of the four business cases.
3. Open a Request for Information (RFI) from software vendors
4. Open a Request for Proposal (RFP) from software vendors

ATTACHMENTS:

1. Resolution 2022-46
<https://banningca.gov/DocumentCenter/View/10371/Att-1-Resolution-2022-46-Milsoft>
2. Milsoft Utility Solutions Software License
<https://banningca.gov/DocumentCenter/View/10372/Att-2-Milsoft-License>
3. Milsoft Price Quote Account and Utility Billing (CIS)
<https://banningca.gov/DocumentCenter/View/10373/Att-3-Milsoft-CIS-Quote>
4. Milsoft Price Quote Outage Management (OMS) and Communication (IVR)
<https://banningca.gov/DocumentCenter/View/10374/Att-4-Milsoft-OMS-IVR-Quote>
5. Milsoft Statement of Work CIS Template
<https://banningca.gov/DocumentCenter/View/10370/Att-5-Milsoft-SOW-template>

6. PowerPoint Presentation

<https://banningca.gov/DocumentCenter/View/10376/Att-6-PowerPoint-Presentation>

7. Feasibility Study by TMG Consulting Services

<https://banningca.gov/DocumentCenter/View/10375/Att-7-TMC-Feasibility-Study-v51-Draft>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director
Maricela E. Marroquin, Assistant City Attorney

MEETING DATE: April 26, 2022

SUBJECT: Cannabis Ad Hoc Committee Report and Discussion Regarding Increasing the Existing Cap on Cannabis Retailers and Method for Selection if Cap is Increased, Allowing Cannabis Retailers in the General Commercial Zone, Allowing Cannabis Distribution in the Business Park Zone, Allowing Cannabis Microbusinesses in the General Commercial Zone, and Allowing Shared Use Cannabis Manufacturing Facilities in the Industrial Zone

RECOMMENDATION:

Staff recommends:

- The Cannabis Ad Hoc Committee (“Committee”) update the entire Council on the progress made to-date.
- The Council discuss and provide direction to City staff as changes or updates to the Cannabis Ordinance Amendment (Ordinance 1580).

BACKGROUND:

During the February 22, 2022, meeting, the Council appointed an Ad Committee to review and report back on possible changes to the City’s Cannabis Program. Council Members Happe and Sanchez were selected and as of this writing, have held four Ad Hoc Committee meetings, with an additional meeting scheduled prior to this Council meeting.

The Committee has met with a broad spectrum of individuals, firms, and businesses connected to varying degrees with the City’s Cannabis Program. These constituents include representatives from the City’s three Cannabis Retailers, professional consultants who assist and support Cities with programming, monitoring, and auditing Cannabis businesses, and entrepreneurs that desire to develop new Cannabis Retail Dispensaries in the City, pending adoption of an authorizing ordinance.

In brief, the Committee meetings have been fruitful, and the information gathered will be useful in formulating amendments to the existing Code.

JUSTIFICATION:

The Committee members shall provide their updates to the entire Council and then discuss the following provisions, while providing direction to staff:

- 1) Increase in number of Cannabis Retail Permits.
- 2) Expand the Zoning Capacity to authorize additional Cannabis Retailers.
- 3) Add the authorization for Microbusinesses to be allowed where traditional Retail permits are also authorized.
- 4) Discuss possible selection methods associated with a possible increase in Cannabis Retailers.
- 5) Direct City staff to return with updates and amendments to the Cannabis Program at a future Council date.

FISCAL IMPACT:

The cost of staff time needed to prepare this report is negligible.

ALTERNATIVES:

1. Continue and request additional information from staff.
2. Continue and schedule to allow public input, if applicable

ATTACHMENTS:

None

Approved by:



Douglas Schulze
City Manager