



AGENDA

CITY COUNCIL - REGULAR MEETING

CITY OF BANNING, CALIFORNIA

April 8, 2025
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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

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

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/82012644588?pwd=RwqtJC8xehLDKZvr3LEKOf9u8uP2pt.1>

Dial in: +1 669 900 9128

Meeting ID: 820 1264 4588
Password: 92220

Per the City of Banning Manual of Procedural Guidelines, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a majority 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.

TELECOMMUTING LOCATION

Council Member Miller will be participating remotely from the following location: Room 233, 816 N Atlantic Ave., Daytona Beach, Florida 32118. Members of the public are invited to participate remotely from this location.

1. CALL TO ORDER

1.1 INVOCATION

Performed by Reverend Preston Norman, Jr. of Praise Tabernacle Community Church

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

2. AGENDA APPROVAL

2.1 AGENDA APPROVAL

3. PRESENTATIONS

4. REPORT ON CLOSED SESSION

John Pinkney, Interim City Attorney

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, AND REPORTS

5.1 PUBLIC COMMENTS

5.2 CORRESPONDENCE

5.3 APPOINTMENTS

5.4 CITY COUNCIL COMMITTEE REPORTS

5.5 CITY MANAGER'S REPORT

5.6 CITY ATTORNEY'S REPORT

5.7 CITY TREASURER'S REPORT

6. CONSENT ITEMS

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

- 6.1 Consideration of Resolution 2025-43, Approving Amendment No. 6 to the Professional Services Contract with AED Energy Services increasing the Contract amount by \$44,500 for a Total Contract Amount of \$180,500 for Services Related to the New CNG Station
Recommendation: Adopt Resolution 2025-43.

- 6.2 Consideration of Resolution 2025-44, Approving the Compressed Natural Gas (CNG) Fueling Memorandum of Understanding (MOU) between the City of Banning and the City of Beaumont
Recommendation: Adopt Resolution 2025-44.

- 6.3 Consideration of Resolution 2025-45, Approving a Right of Entry Agreement with San Geronio Pass Water Agency and United States Geological Survey for Drilling and Maintaining Groundwater Monitoring Well P-4
Recommendation: Adopt Resolution 2025-45.

7. PUBLIC HEARINGS

8. REPORTS OF OFFICERS

- 8.1 Receive and File Update on KB Homes Project, Vista Robles, and Impacts to Saint Boniface School Site.
Recommendation: Receive and file.

- 8.2 Consideration of Resolution 2025-46, Approving the Facilities Joint Use Agreement (JUA)

between the City of Banning and the Banning Unified School District

Recommendation: Adopt Resolution 2025-46.

8.3 **Provide An Update to City Council of an Award of Grant for the Banning Two Way Cycle Track Safety Project, a Quick Build Pilot Study Project Funded by the Southern California Association of Governments**

Recommendation: Provide direction to staff to continue to process necessary items for the Banning Two Way Cycle Track Safety Project, a Quick Build Study Project Funded by the Southern California Association of Governments (SCAG)

8.4 **Cure of Potential Inadvertent Brown Act Violation.**

Recommendation: Assuming for this recommendation that the Brown Act may have been technically violated for a limited period of time, the involved City Council members who participated in any manner at the March 13, 2025 meeting should affirmatively state publicly that they will disregard anything they might have heard at the meeting, and reschedule a presentation by SWAG at a properly noticed public meeting. To further support that effort, a motion should be made and adopted confirming the three Councilmembers will disregard any information or discussion occurring at the March 13, 2025, meeting and setting a date for a properly noticed presentation by SWAG.

9. **DISCUSSION ITEMS**

10. **ANNOUNCEMENTS FROM CITY COUNCIL MEMBERS**

11. **ITEMS FOR FUTURE AGENDAS**

11.1 **NEW ITEMS**

11.2 **EXISTING ITEMS**

1. Update on Community Garden (Flynn)
2. Developer Presentation on Sunset Crossroads Project (Flynn)
3. Contracting Animal Services (Flynn)
4. Emergency Preparedness (Barrington)
5. Changes to the Banning Procedural Manual (Royce)
6. Discussion of Reversing Decision to Close Airport (Royce)
7. Patriot Tree (Barrington)
8. Contractor(s) to do Citywide Cleanup (Flynn)
9. RFP for City Manager (Wallace)
10. Long term City Strategic Planning (Miller)
11. Armory Grant (Royce)
12. Review Grant Management Protocol (Flynn)
13. Update on Electric Billing (Miller)
14. Update on Animal Shelter (Miller)
15. Review and Update Council Travel Policy (Flynn)

12. **ADJOURNMENT**

Next Regular Meeting – April 22, 2025

Zoom Community Standards for Public Meetings

By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.

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

Estándares comunitarios de Zoom para Reuniones Públicas

Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.

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

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, at least 72 hours in advance of the meeting.



Caroline Patton, Administrative City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

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

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 City 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 City 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 City Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the City Clerk's Office. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

City Clerk's Office | 951-922-3102 | CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: Art Vela, Public Works Director

MEETING DATE: April 8, 2025

SUBJECT: Consideration of Resolution 2025-43, Approving Amendment No. 6 to the Professional Services Contract with AED Energy Services increasing the Contract amount by \$44,500 for a Total Contract Amount of \$180,500 for Services Related to the New CNG Station

RECOMMENDATION:

Adopt Resolution 2025-43.

BACKGROUND:

The City of Banning entered into a Professional Services Agreement with STV Incorporated (STV) on June 25, 2021. STV's scope of work was to update an existing set of bridging documents (30% design) for a design-build solicitation to construct a new CNG fueling station. STV's engineer was the engineer of record for the original set of bridging documents developed in 2019. The Professional Services Agreement with STV has been amended as follows:

Amendment No. 1: Extended contract term to December 22, 2022

Amendment No. 2: Increased the compensation by \$7,500.00 and extend the contract term to December 22, 2023

Amendment No. 3: Approved via Resolution 2023-155. Added scope of services to include support serviced during the design and construction phase of the CNG Fueling Station project; increased compensation by \$109,000 for a total contract amount of \$136,000

Amendment No. 4: STV Incorporated assigned rights, title and interests in, and obligations under the Agreement to AED Energy Services, LLC ("AED")

Amendment No. 5: Extended the contract term to December 31, 2025.

The CNG fueling station was awarded to EFS West on September 12, 2023. EFS' scope of work The scope of work includes the completion of the project design, engineering, permits, grading, construction, material, labor, testing, verification, procurement, commissioning, and installation of all equipment. STV/AED services during the design and construction phases have been vital in providing review of the design of the CNG station and technical support during the construction phase.

It is imperative that AED continue to provide services during the construction phase of the contract, therefore staff is recommending approval of Amendment No. 6 increasing the compensation by \$44,500, which is an amount needed to retain AED services through the end of construction and commissioning of the new CNG fueling facility.

JUSTIFICATION:

AED has provided important technical support to both the City and EFS West during the design and construction phases of the project. Approval of Resolution 2025-43 will allow the City to retain AED services through the remainder of the construction phase and commissioning of the new CNG Fueling Station.

FISCAL IMPACT:

If approved, the amended amount of \$44,500 will increase the total contract amount with AED to \$180,500, which will be fully funded by State Transit Assistance (STA) funds as programmed in the City's approved Short Range Transit Plan (SRTP). An appropriation from the Transit Fund to Account No. 610-5800-434.90-56 is required to fund Amendment No. 6.

ALTERNATIVES:

Do not approve, which will result in AED's contract coming to an end and technical support services would not longer be provided.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. [Resolution 2025-43, Am. No. 6.docx](#)
2. [Amendment No. 6 PSA - CNG Station.docx](#)
3. [Reso 2023-155 Awarding CNG Station.pdf](#)
4. [AED Banning CNG Change Request.pdf](#)

RESOLUTION 2025-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES CONTRACT WITH AED ENERGY SERVICES, LLC INCREASING THE CONTRACT AMOUNT BY \$44,500 FOR A TOTAL CONTRACT AMOUNT OF \$180,500 FOR SERVICES RELATED TO THE NEW CNG STATION

WHEREAS, the City of Banning entered into a Professional Services Agreement with STV Incorporated (STV) on June 25, 2021. STV's scope of work was to update an existing set of bridging documents (30% design) for a design-build solicitation to construct a new CNG fueling station. STV's engineer was the engineer of record for the original set of bridging documents developed in 2019; and

WHEREAS, the Professional Services Agreement with STV has been amended as follows:

- Amendment No. 1: Extended contract term to December 22, 2022
- Amendment No. 2: Increased the compensation by \$7,500.00 and extend the contract term to December 22, 2023
- Amendment No. 3: Approved via Resolution 2023-155. Added scope of services to include support serviced during the design and construction phase of the CNG Fueling Station project; increased compensation by \$109,000 for a total contract amount of \$136,000
- Amendment No. 4: STV Incorporated assigned rights, title and interests in, and obligations under the Agreement to AED Energy Services, LLC ("AED")
- Amendment No. 5: Extended the contract term to December 31, 2025; and

WHEREAS, the approved and allowable compensation to AED is not sufficient for AED to continue to provide technical support services through the end of the construction phase therefore staff has recommended the approval of Amendment No. 6 to increase the compensation to AED by \$44,500 for a total contract amount of \$180,500; and

WHEREAS, Amendment No. 6, as the entirety of the AED Professional Services Agreement will be fully funded by State Transit Assistance (STA) funds as programmed in the City's approved Short Range Transit Plan (S RTP). An appropriation from the Transit Fund to Account No. 610-5800-434.90-56 is required to fund Amendment No. 6.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves Amendment No. 6 to the Professional Services Agreement with AED Energy Services, LLC increasing the compensation by \$44,500 for a total contract amount of \$180,500 for the continued support services related to the CNG Fueling Station design and construction phases.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to Amendment No. 6 and to execute said amendment with AED Energy Services, LLC on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of April, 2025.

Sheri Flynn, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, Interim City Attorney
Slovak, Baron, Empey, Murphy & Pinkney,
LLP

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2025-43, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 8th day of April, 2025 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Amendment No. 6

**AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT
(C00714) FOR ENGINEERING SERVICES FOR CNG STATION BY
AND BETWEEN CITY OF BANNING AND AED ENERGY SERVICES,
LLC**

THIS AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT FOR SERVICES (“Amendment No. 6”) by and between the **CITY OF BANNING** (“City”) and **AED ENERGY SERVICES, LLC**, a Pennsylvania limited liability company (“Consultant”) is effective as of this day: _____. Consultant has been qualified by the Secretary of State to conduct business in California.

RECITALS

- A. City and STV Incorporated, a New York corporation, entered into that certain Agreement for Professional Services dated June 25, 2021 (“Agreement”) whereby Consultant agreed to provide Phase 1 Engineering Services for CNG Station. The Agreement had a Contract Sum of \$19,500.00 and a contract term from the Effective Date through June 24, 2022.
- B. On March 24, 2022, the City’s Contract Office for this Agreement authorized the exercise of the option to extend the Agreement for an additional one hundred eighty (180) days, terminating on December 22, 2022, pursuant to Section 1.8 of the Agreement.
- C. On April 5, 2022, City and STV Incorporated extended the term of the Agreement to December 22, 2022 (“Amendment No. 1”).
- D. On December 13, 2022, City Council Approved Consent Item 10.21, which authorized the increase in compensation for services provided under the Agreement by Seven Thousand Five Hundred Dollars (\$7,500.00) and extend the term of the Agreement through December 22, 2023 (“Amendment No. 2”).
- E. On September 12, 2023, the City Council adopted Resolution 2023-155, which (1) modified the scope of services under the Agreement to provide support services during the design and construction phases of the new CNG fueling facility, (2) increased the compensation for services provided under the Agreement by One Hundred Nine Thousand Dollars (\$109,000.00), and (3) extend the term of the Agreement through December 22, 2024 (“Amendment No. 3”).
- F. On December 1, 2023, STV Incorporated assigned rights, title and interests in, and obligations under the Agreement to AED Energy Services, LLC and AED Energy Services, LLC assumed and agreed to perform and be bound by all terms, conditions, covenants, and provisions of the Agreement and all duties and obligations of STV Incorporated under the Agreement.
- G. On February 28, 2024, City and AED Energy Services, LLC executed a consent to assignment, (1) consenting to the assignment effective as of December 1, 2023, (2)

agreeing that the assignment does not result in a breach or default under any of the Agreement, and (3) agreeing to not exercise, and waive, any termination right under any of the Agreement as a result of or in connection with the assignment (“Amendment No. 4”)

- H. On December 27, 2024, the City and Consultant agreed to extend the term of the Agreement through December 31, 2025 and incorporated the 2025 Rate Sheet added as Attachment 1 to the amendment (“Amendment No.5”)
- I. City and Consultant now desire to amend the Agreement to modify the scope of services and amend the total not to exceed compensation to One Hundred Eighty Thousand Five Hundred Dollars (\$180,500.00).

The Parties therefore agree follows:

- 1. Amended Terms. The Agreement is hereby amended as follows:
 - 1.1 The Scope of Services as set forth in Section 1.1 of and Exhibit A to the Agreement is hereby amended to include the Services set forth in Attachment 1, attached hereto and incorporated herein.
 - 1.2 The maximum compensation for the Services performed pursuant to this Amendment No. 6 shall not exceed Forty-Four Thousand Five Hundred Dollars (\$44,500.00) thereby increasing the Contract Sum, as set forth in Section 2.1 of the Agreement, to One Hundred Eighty Thousand Five Hundred Dollars (\$180,500.00).
- 2. Miscellaneous Provisions
 - 2.1 Continued Effect of Agreement. Except as amended by this Amendment No. 6, all provisions of the Agreement, as amended by Amendment Nos. 1, 2, 3, 4, and 5, shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 6, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement, as amended by Amendment Nos. 1 through 6. In the event of a conflict between the provisions of this Amendment No. 6 and the provisions of the Agreement or Amendments Nos.1 through 6, the provisions of this Amendment No. 6 shall control.
 - 2.2 Consideration for Amendment. The parties hereby agree that they have each received adequate and independent consideration for the modifications to the Agreement set forth in this Amendment No. 6.
 - 2.3 Authority. The persons executing this Amendment No. 6 on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment No. 6 on behalf of said party, (iii) by so executing this Amendment No. 6, such party is formally bound to the provisions of this Amendment No. 6, and (iv) entering into this Amendment No.

6 does not violate any provision of any other agreement to which said party is bound.

- 2.4 Counterparts. This Amendment No. 6 may be signed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.
- 2.5 Electronic Signatures. Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party (“electronic signature”). The Parties hereto hereby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURE PAGE FOLLOWS]

The Parties are signing this Amendment No. 6 on the date stated in the introductory clause.

CITY OF BANNING

CONSULTANT

Robert Fisher
Acting City Manager

NAME:
TITLE:

City Council Approval: _____

NAME:
TITLE:

ATTEST:

APPROVED AS TO FORM:
Solvak, Baron, Empey, Murphy & Pinkney
LLP

John O. Pinkney
City Attorney

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

ATTACHMENT "1"



SCOPE CHANGE REQUEST AED ENERGY SERVICES

CLIENT: City of Banning		AEDES PROJECT MANAGER: Jim Dong	
PROJECT NAME: CNG Fueling Station Replacement		AEDES PROJECT NO.: 44-21189	
CONTRACT/PO NO.: 030901		DATE REQUESTED: 13-Feb-25	
SCOPE CHANGE NO.: 1		DATE REQUIRED: 14-Feb-25	
DESCRIPTION OF CHANGE			
This scope change is for providing continued construction phase technical support including: 1) reviewing submittals, 2) preparing responses to contractor requests for information, 3) participating in meetings, and 4) assisting the City to close the project.			
REASON FOR CHANGE			
Client request.			
AED ENERGY SERVICES PROJECT FEE			
		Original Time & Expense Contract	\$19,500.00
		Approved Scope Change Requests	\$116,500.00
		Current Time & Expense Budget	\$136,000.00
		Proposed Scope Change Request	\$44,500.00
		Proposed Revised Time & Expense Budget	\$180,500.00
PROPOSED SCHEDULE			
Construction technical support will be provided on an as-needed time and expense basis.			
APPROVALS			



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 12, 2023

SUBJECT: Consideration of Resolution 2023-155, Awarding a Design-Build Agreement to EFS West for the Compressed Natural Gas Fueling Station in the Amount of \$3,543,013 and Approving a 10% Contingency for a Total Project Budget of \$3,897,314 and Approving Amendment 3 with STV Incorporated for Support Services in the Amount of \$109,000

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-155:

1. Approving a Design-Build Agreement for the Compressed Natural Gas (CNG) Fueling Station to EFS West of Valencia, California in the amount of \$3,543,013 and approving a 10% contingency in the amount of \$354,301 for a total project budget of \$3,897,314 and rejecting all other bids.
2. Approving Amendment 3 with STV Incorporated for Support Services in the Amount of \$109,000.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Design-Build Agreement for the CNG Fueling Station and to approve change orders within the 10% contingency.
4. Authorize the City Manager to execute the Design-Build Agreement with EFS West of Valencia, California for CNG Fueling Station and Amendment 3 to the Professional Services Agreement with STV Incorporated.

BACKGROUND:

The City owns and operates a CNG fueling facility located at the Corporate Yard (176 E. Lincoln Street). The facility was commissioned in 2004 and serves the City's fleet (i.e. transit buses and dump truck) and the Banning Unified School District (BUSD) bus fleet.

The BUSD has dedicated slow fill supply lines and dispensers from the City's CNG fueling facility to their property located adjacent and to the east of the City's Corporate Yard. The dedicated supply lines and dispensers allow the BUSD bus fleet to refill overnight.

At the time of commissioning the CNG facility was available 24 hours a day, 7 days per week to the general public and to other agencies such as, Morongo Band of Mission Indians, Caltrans, County of Riverside and Waste Management. The public access has been closed for over a year due to complications with the CNG fueling station.

The existing CNG fueling facility is several years beyond it's useful life, is constantly under repair and parts are becoming increasingly difficult to purchase. If the facility were to go down the City's CNG fleet would have to travel to either Redlands, Moreno Valley or Palm Springs to refuel.

Additionally, the Public Works Department Transit Division recently completed a zero-emission bus (ZEB) transition study to create a plan for a 100% zero-emission fleet by 2040 as required by the Innovative Clean Transit (ICT) regulation enacted by the California Air Resources Board (CARB). The ZEB transition study indicates that the City will continue to have CNG vehicles until 2039, see page 26 of the attached ZEB Rollout Plan.

The City of Banning entered into a Professional Services Agreement with STV Incorporated (STV) on June 25, 2021. STV's scope of work was to update an existing set of bridging documents (30% design) for a design-build solicitation to construct a new CNG fueling station. STV's engineer was the engineer of record for the original set of bridging documents developed in 2019. Staff is also recommending approval of Amendment 3 to retain STV services during the remaining design phase and the construction phase.

The City finalized the bridging documents and released an Request for Proposals (RFP-23-034) on June 5, 2023. A mandatory pre-proposal meeting was held on June 15, 2023 to go over the scope of work, deadlines and to answer any questions from prospective bidders. As a result of the Request for Proposals, the City received two proposals. An evaluation committee was assembled to score each proposal based on qualifications of the primary team member and team, statement of understanding, responsiveness, and price proposal. The resulting evaluation scores are as follows:

<u>Contractor</u>	<u>Score (out of 100)</u>
EFS West, Inc.	87.5
Opal Fuels	74.0

As a result, staff recommends that the Design-Build Agreement be awarded to EFS West, Inc. of Valencia, California, in the amount of \$3,543,013.

If awarded, staff anticipates the work to commence in October, 2023 and to be completed in December, 2024.

The scope of work includes the completion of the project design, engineering, permits, grading, construction, material, labor, testing, verification, procurement, commissioning, and installation of all equipment.

Design components for the CNG fueling station include single tower dryer with manually activated regeneration, CNG compressor, coalescing filter assembly, priority/sequential control valve panel, 3-bank cascade storage, fast-fill dispenser, fuel management system, time-fill posts, time-fill meters for City and BUSD daily fuel dispensing, defueling panel, compressed air system, and station master control system. Design shall include demolition and construction of new perimeter wall, grading and paving to accommodate the new public dispensers.

JUSTIFICATION:

As noted in the ZEB Transition Study, the City will continue to have CNG vehicles as part of the City's transit fleet for the next 16 years. The existing fueling facility is several years beyond its useful life and in need of replacement.

The results of a RFP indicate that EFS West, Incorporated is the highest ranked firm to complete the design and construct the City's new CNG fueling facility.

Support services are needed from STV Incorporated during the design phase of the project. STV will, as the engineer of record, will act as the project manager, review submittals (e.g. design, equipment, construction), respond to Request for Information (RFIs), attend progress meetings, provide onsite construction observations, develop deficiency list (punchlist), review test results and assist in the project closeout.

FISCAL IMPACT:

The recommended Design-Build Agreement with EFS West, Inc. is for an amount of \$3,543,013. Staff requests a 10% contingency in the amount of \$354,301 for any unforeseen conditions or circumstances. The total construction project budget, including the Construction Agreement and contingency, is for an amount of \$3,897,314.

Amendment 3 with STV Incorporated is for an amount of not-to-exceed \$109,000.

The total project budget (construction and support services) is \$4,006,314.

The current adopted budget for Fiscal Year 2023/2024 includes a budgeted amount of \$4,200,000 in Account No. 610-5800-434.90-56. The project is fully funded by State Transit Assistance (STA) funds as programmed in the City's approved Short Range Transit Plan (SRTP). There is a total of \$4,050,000 currently programmed for the CNG fueling station project via the SRTP.

As part of the RFP, the City included three (3) additive bid alternate items. EFS West, Inc. bid on the three items as follows:

<u>Additive Bid Alternate</u>	<u>Price</u>
1. Second CNG Compressor	\$895,000
2. Standby Diesel Generator	\$260,549
3. Second Fuel Island	\$278,361

The additive bid alternate items are listed in order of priority.

At this time the City does not have the funding to add any of the additive bid alternate items. During the development of the next year's SRTP, staff will request additional STA funding for the additional items and if granted, staff will request City Council's authority to add the additional bid items.

Lastly, the new CNG fueling facility will be an asset assigned to the Transit Division. Revenues generated by fuel sales to BUSD and the public will be allocated to the Transit Division and used to meet the City's farebox recovery match of ten percent (10%), which is estimated at \$200,000 for fiscal year 2024. At times it is necessary to transfer General Funds to the Transit Division in order to meet its farebox recovery match. The CNG fueling facility revenues will reduce the need for said transfers from the General Fund.

ALTERNATIVES:

1. Adopt Resolution 2023-155 as recommended.
2. Adopt Resolution 2023-155 with modifications.
3. Do not approve Resolution 2023-155 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-155
<https://banningca.gov/DocumentCenter/View/13355/Attach-1-Reso-2023-155>
2. RFQ CNG Station
https://banningca.gov/DocumentCenter/View/13356/Attach-2-RFQ-22-028_Design-Build_CNG_Fueling_Station_Project_32323-4
3. EFS Proposal
<https://banningca.gov/DocumentCenter/View/13357/Attach-3-EFS-Proposal>
4. STV Fee Proposal
<https://banningca.gov/DocumentCenter/View/13352/Attach-4-STV-Fee-Proposal-Banning-CNG-Station-2023-08-25>
5. ICT Rollout Plan
<https://banningca.gov/DocumentCenter/View/13353/Attach-5-City-of-Banning-Final-ICT-Rollout-Plan>
6. EFS Draft Agreement
<https://banningca.gov/DocumentCenter/View/13354/Attach-6-DRAFT-EFS-CNG-Facility-Design-Build-Agreement>

7. STV Draft Agreement

<https://banningca.gov/DocumentCenter/View/13377/Attach-7-C00714-STV-INCORPORATED-AMENDMENT-3>

Approved by:

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

Douglas Schulze
City Manager

SCOPE CHANGE REQUEST

AED ENERGY SERVICES

CLIENT: City of Banning		AEDES PROJECT MANAGER: Jim Dong		
PROJECT NAME: CNG Fueling Station Replacement		AEDES PROJECT NO.: 44-21189		
CONTRACT/PO NO.: 030901		DATE REQUESTED: 13-Feb-25		
SCOPE CHANGE NO.: 1		DATE REQUIRED: 14-Feb-25		
DESCRIPTION OF CHANGE				
This scope change is for providing continued construction phase technical support including: 1) reviewing submittals, 2) preparing responses to contractor requests for information, 3) participating in meetings, and 4) assisting the City to close the project.				
REASON FOR CHANGE				
Client request.				
AED ENERGY SERVICES PROJECT FEE				
		Original Time & Expense Contract	\$19,500.00	
		Approved Scope Change Requests	\$116,500.00	
		Current Time & Expense Budget	\$136,000.00	
		Proposed Scope Change Request	\$44,500.00	
		Proposed Revised Time & Expense Budget	\$180,500.00	
PROPOSED SCHEDULE				
Construction technical support will be provided on an as-needed time and expense basis.				
APPROVALS				
APPROVED	CITY OF BANNING		AED ENERGY SERVICES OFFICER	
	SIGNATURE: _____		SIGNATURE: 	
	NAME: _____		NAME: Christopher D. Antoni	
DATE: _____		DATE: 2/13/2025		
REJECTED	SIGNATURE: _____		SIGNATURE: _____	
	NAME: _____		NAME: _____	
	DATE: _____		DATE: _____	



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: Stephanie Sirls, Transit Manager
Art Vela, Director of Public Works

MEETING DATE: April 8, 2025

SUBJECT: Consideration of Resolution 2025-44, Approving the Compressed Natural Gas (CNG) Fueling Memorandum of Understanding (MOU) between the City of Banning and the City of Beaumont

RECOMMENDATION:

Adopt Resolution 2025-44.

BACKGROUND:

The City owns and operates a CNG fueling facility located at the Corporate Yard (176 E. Lincoln Street). The facility was commissioned in 2004 and serves the City's fleet (i.e. transit buses and dump truck) and the Banning Unified School District (BUSD) bus fleet.

While the City is actively working on the CNG station redesign project, the current CNG station continues to be utilized by City vehicles as well as the BUSD.

Staff was recently approached by City of Beaumont staff advising of challenges associated to consistently securing local CNG availability, sometimes requiring their staff to drive as far as Hemet or Redlands to fuel their transit vehicles. As the result, Beaumont subsequently requested permission to use the City's CNG fueling station to take advantage of local fuel prices while reducing travel miles and hours.

JUSTIFICATION:

The City of Beaumont is in need of CNG to fuel their transit vehicles. The City of Banning currently owns and operates a CNG fueling facility and based on estimates, should be able to accommodate Beaumont's request without impacting current service levels. Entering into this partnership now is not only a good opportunity to continue to fortify the City's relationship with Beaumont but is also timely considering the new CNG station is scheduled to open early FY2025/2026 and securing and maintaining future customers will be essential in the overall success of the project. Additionally, all revenues generated by fuel sales will be allocated to the Transit Division.

FISCAL IMPACT:

Revenues generated by fuel sales will be allocated to the Transit Division and used to meet the City's farebox recovery match of ten percent (10%). At times it is necessary to transfer General Funds to the Transit Division in order to meet its farebox recovery match. The CNG fueling facility revenues will reduce the need for said transfers from the General Fund.

The fuel cost per gallon billed to Beaumont will be based on the average pump price of CNG charged by local agencies, as well as a monthly administrative fee of \$208.00. For reference, the current average

rate is \$2.39 per gallon.

ALTERNATIVES:

Do not approve Resolution 2025-44 and provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. [Resolution 2025-44, CNG MOU Beaumont.docx](#)
2. [MOU BETWEEN CITY OF BEAUMONT AND CITY OF BANNING - VEHICLE FUEL PURCHASE.pdf](#)

RESOLUTION 2025-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE COMPRESSED NATURAL GAS (CNG) FUELING MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BANNING AND THE CITY OF BEAUMONT

WHEREAS, the City of Banning owns and operates a Compressed Natural Gas (CNG) fueling facility located at the Corporate Yard (176 E. Lincoln Street), which has been in operation since 2004 and serves the City's fleet as well as the Banning Unified School District (BUSD) bus fleet; and

WHEREAS, the City of Beaumont has approached the City of Banning regarding their ongoing challenges in securing consistent CNG availability for their transit vehicles, which has required them to travel considerable distances to refuel; and

WHEREAS, the City of Banning recognizes the importance of supporting regional partnerships and the need for accessible fueling options for transit vehicles, which ultimately benefits both cities; and

WHEREAS, the proposed Memorandum of Understanding (MOU) between the City of Banning and the City of Beaumont will allow Beaumont to utilize the Banning CNG fueling station, thereby enhancing local fuel availability and reducing travel time and costs associated with refueling; and

WHEREAS, the revenue generated from the CNG fueling facility will be allocated to the City's Transit Division to support its operations and reduce reliance on General Fund transfers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council hereby approves the Compressed Natural Gas (CNG) Fueling Memorandum of Understanding (MOU) between the City of Banning and the City of Beaumont, and authorizes the City Manager, or designee, to execute the CNG MOU with the City of Beaumont and any other documents necessary to complete this transaction.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of April, 2025.

Sheri Flynn, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, Interim City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2025-44, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 8th day of April, 2025 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Beaumont Banning CNG Fueling MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF BEAUMONT
AND
CITY OF BANNING
VEHICLE FUEL PURCHASE**

THIS MEMORANDUM OF UNDERSTANDING ("Memorandum") is made and entered into this ___ day of April 2025, by and between the City of Beaumont, a municipal corporation, 550 East 6th Street, Beaumont, California 92223 (hereinafter referred to as "Beaumont"), and the City of Banning, a municipal corporation, 99 E Ramsey Street, Banning, California 92220 (hereinafter referred to as "Banning").

RECITALS

WHEREAS, Banning owns and operates a compressed natural gas fueling station located at the Banning City Yard located at 176 E Lincoln Street, Banning, California 92220 where it maintains CNG fueling pumps to dispense fuel ("Fueling Station"); and

WHEREAS, Beaumont has requested permission to use the Fueling Station to take advantage of local fuel prices and reduced deadheads; and

WHEREAS, Banning is amenable to allowing Beaumont to purchase fuel by utilizing the Fueling Station.

NOW, THEREFORE, the parties hereby agree as follows:

1. Banning grants permission for approved and registered official Beaumont vehicles to be filled at the Fueling Station during the agreed upon hours, subject to the terms of this Memorandum.
2. The term of this Memorandum shall be from execution of this Memorandum until June 30, 2027, unless otherwise terminated or extended.
3. Banning shall invoice Beaumont monthly for fuel costs incurred during the previous month, or as otherwise agreed to by the Parties, plus an administrative monthly fee of \$208 per month. Beaumont agrees to pay all invoices within thirty (30) days of receipt of the invoice. The fuel cost per unit billed to Beaumont will be based on the average pump price of Compressed Natural Gas (CNG) charged by local agencies, including Perris, Redlands, Riverside, Corona, and RTA Hemet, as determined by Banning. This average price will be calculated and updated every three (3) months. Banning shall provide Beaumont with written notice of any updated fuel price no less than five (5) business days prior to the new rate taking effect. The current average rate as of April 2025 is \$2.39 per unit. Future rate updates will follow the same methodology and will be documented in writing.
4. Beaumont agrees that only those employees who have signed a Vehicle Fueling Policy and agreed to be bound by the terms therein will be allowed access to the Fueling Station. Banning reserves the right to deny access to or remove authorization from any driver who does not have a current valid signed Vehicle Fueling Policy on file with Banning or who has violated any

of the terms of that policy. A copy of the fueling policy is attached hereto for reference as Exhibit A and the terms of which shall be a part of this Memorandum.

5. Only those vehicles which have been registered and approved by Banning shall be eligible to use the Fueling Station. Beaumont shall keep the list of vehicles up to date. Banning reserves the right to deny access to any vehicle which does not appear on the approved vehicle list.

6. Beaumont acknowledges that this Memorandum is not a guarantee of the availability of fuel. Banning reserves the right to suspend this Memorandum and/or restrict access to Banning vehicles only to maintain uninterrupted Banning service, as determined at the sole and exclusive discretion of Banning. Banning shall provide Beaumont 24-hour notice of any such suspension.

7. Beaumont agrees that all employees and vehicles subject to this Memorandum shall be properly licensed and insured as required by California law, including, but not limited to, a valid driver's license issued by the California Dept. of Motor Vehicles of the appropriate class for the vehicle being driven/fueled.

8. Beaumont and its agents must comply with all statutes, ordinances, regulations, rules, guidelines and other laws which apply to its activities under this Memorandum. All activities must be conducted in accordance with good and safe business practices so as to minimize interference with the use, enjoyment and conduct of any other activity at the Fueling Station.

9. Beaumont shall defend, indemnify and hold harmless Banning, its officers and employees, from and against all demands, claims, actions, liabilities, losses, damages and costs, including payment of reasonable attorneys' fees, whether incurred by Banning's staff attorneys or outside attorneys, arising out of or resulting from the performance of this Memorandum, caused in whole or in part by the negligent or intentional acts or omissions of Beaumont's, its officers, directors, agents, employees, volunteers, invitees, subconsultants, or subcontractors.

10. Banning shall defend, indemnify and hold harmless Beaumont, its officers and employees from and against all demands, claims, actions, liabilities, losses, damages, and costs, including payment of reasonable attorneys' fees, whether incurred by Beaumont's staff attorneys or outside attorneys, arising out of or resulting from the performance of this Memorandum, caused in whole or in part by the negligent or intentional acts or omissions of Banning, its officers, directors, agents, employees, volunteers, invitees, subconsultants, or subcontractors.

It is the intention of Beaumont and Banning that the provisions of this paragraph be interpreted to impose on each party responsibility to the other for the acts and omissions of their respective officers, directors, agents, employees, volunteers, invitees, subconsultants or subcontractors. It is also the intention of Beaumont and Banning that, where comparative fault is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate cost of any damage attributable to the fault of that party, its officers, directors, agents, employees, volunteers, invitees, subconsultants, or subcontractors.

11. Banning acknowledges that Beaumont is a self-insured public entity. Within thirty (30) days of execution of this Memorandum, Beaumont shall provide Banning with a letter of self-

insurance stating that Beaumont's self-insurance program adequately protects against liabilities and claims arising out of the performance of this agreement.

Nothing in this Memorandum is intended to make the public or any member thereof a third-party beneficiary hereunder, nor is any term or condition or other provision of this Memorandum intended to establish a standard of care owed to the public or any member thereof.

12. Either party may terminate this Memorandum for convenience with thirty (30) days' advance written notice unless otherwise provided herein.

13. All notices and other communications under this Memorandum will be in writing and will be deemed to have been duly given (i) on the date of delivery, if delivered personally to the party to whom notice is given, or if made by email directed to the party to whom notice is to be given at the email address listed below, or (ii) at the earlier of actual receipt or the second business day following deposit in the United States mail, postage prepaid. Notices and other communications will be directed to the parties at the addresses shown below. A party may change its person designated to receive notice, its telecopy number, or its address from time to time by giving notice to the other party in accordance with the procedures set forth in this Article.

BEAUMONT:

City of Beaumont

Attn: _____

550 East 6th Street
Beaumont, CA 92223

Phone: _____

Email: _____

BANNING:

City of Banning

Attn: _____

99 E. Ramsey Street
Banning, CA 92220

Phone: _____

Email: _____

14. This Memorandum is not assignable without Banning's prior written permission.

15. This Memorandum is binding upon, inures to the benefit of, and is enforceable by, the parties hereto and their respective beneficiaries, devisees, legatees, heirs, executors, estates, administrators, employees, officers, directors, shareholders, agents, attorneys, insurers, representatives, successors-in-interest and assigns.

16. All warranties, indemnities and waivers of rights contained in this Memorandum will survive the expiration, termination or cancellation of this Memorandum.

17. This Memorandum constitutes the entire agreement between the parties with respect to the matters described herein. This Memorandum may be modified only in writing, signed by both parties.

18. This Memorandum will be governed by and construed in accordance with the laws of the State of California.

19. The parties have each carefully reviewed this Memorandum and have agreed to each term of this Memorandum. No ambiguity will be presumed to be construed against any party.

20. Each of the signatories to this Memorandum represents that they are authorized to sign the Memorandum on behalf of such party and that all approvals, resolutions and consents which must be obtained to bind such party have been obtained that no further approvals, acts or consents are required to bind such party to this Memorandum.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum as of the day and year first hereinabove appearing.

BEAUMONT:

BANNING:

CITY OF BEAUMONT, a municipal
Corporation

CITY OF BANNING, a municipal
Corporation

By: _____

By: _____



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: Shah Nawaz, Deputy Water/Wastewater Director
Art Vela, Director of Public Works

MEETING DATE: April 8, 2025

SUBJECT: Consideration of Resolution 2025-45, Approving a Right of Entry Agreement with San Gorgonio Pass Water Agency and United States Geological Survey for Drilling and Maintaining Groundwater Monitoring Well P-4

RECOMMENDATION:

Adopt Resolution 2025-45.

BACKGROUND:

In 2014, the California legislature enacted the sustainable Groundwater Management Act (SGMA) in response to continued overdraft of California's groundwater resources. The San Gorgonio Pass (SGP) Subbasin is one of the several alluvial basins identified by California Department of Water Resources (DWR). Beginning in 2015, Groundwater Sustainability Agencies (GSAs) within the SGP Subbasin were formed to address the long-term reliability of groundwater through the development of a single Groundwater Sustainability Plan (GSP).

The San Gorgonio Pass GSA consists of Banning Heights Mutual Water Company, the City of Banning, Cabazon Water District and San Gorgonio Pass Water Agency (SGPWA).

In December 2022, SGPWA submitted an application for funding to DWR for construction of four groundwater monitoring wells within City of Banning's groundwater basins (Subbasins of SGP Basin) and DWR approved the application in 2023. Groundwater is a key component of the overall water supplies in the SGP Subbasin.

Two of the four wells will be installed at the boundary of the Banning Storage Unit and the adjudicated Beaumont Basin to provide data on the hydraulic connection at the boundary and the information to support improving estimates of the subsurface boundary flow. The other two monitoring wells will be installed at the interface between the Banning Bench and the Banning Canyon storage units to identify subsurface flows between the two storage units and to support evaluation of groundwater management options in the Banning Bench storage units. The monitoring wells will provide valuable information to support the San Gorgonio GSA's responsibility of managing the SGP Basin.

JUSTIFICATION:

The location of these monitoring wells have been selected by the USGS to fill the data gaps in the City of Banning's Banning, Banning Bench, and Banning Canyon Storage Units as outlined in the San Gorgonio Pass GSA Groundwater Substantiality Plan. Once installed, these monitoring wells will provide critical information on groundwater hydrology, flow gradient, groundwater storage, groundwater levels, and

water quality, all of which are required to be monitored by the SGPGSA.

SGPWA has contracted with the USGS to site, design, and complete the drilling of these four monitoring wells; therefore, Monitoring Well P-4 ('MW-P4') will be located at the Interface between Banning Canyon and Banning Bench storage units to characterize the Banning Canyon storage unit.

FISCAL IMPACT:

No fiscal impact is expected since this project will be paid for and designed and constructed by SGPWA and USGS.

ALTERNATIVES:

Do not approve Resolution 2025-45 and provide alternative directions to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. [Reso 2025-45.docx](#)
2. [Right of Entry Agreement for SGPWA and USGS Monitoring Well P-4.doc](#)

RESOLUTION 2025-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A RIGHT OF ENTRY WITH SAN GORGONIO PASS WATER AGENCY AND UNITED STATES GEOLOGICAL SURVEY FOR DRILLING AND MAINTAINING GROUNDWATER MONITORING WELL P-4.

WHEREAS, in 2014, the California legislature enacted the sustainable Groundwater Management Act (SGMA) in response to continued overdraft of California's groundwater resources. The San Gorgonio Pass (SGP) Subbasin is one of the several alluvial basins identified by California Department of Water Resources (DWR). Beginning in 2015, Groundwater Sustainability Agencies (GSAs) within the SGP Subbasin were formed to address the long-term reliability of groundwater through the development of a single Groundwater Sustainability Plan (GSP); and

WHEREAS, the San Gorgonio Pass GSA consists of Banning Heights Mutual Water Company, the City of Banning, Cabazon Water District and San Gorgonio Pass Water Agency (SGPWA); and

WHEREAS, in December 2022, SGPWA submitted an application for funding to DWR for construction of four groundwater monitoring wells within City of Banning's groundwater basins (Subbasins of SGP Basin) and DWR approved the application in 2023. Groundwater is a key component of the overall water supplies in the SGP Subbasin; and

WHEREAS, two of the four wells will be installed at the boundary of the Banning Storage Unit and the adjudicated Beaumont Basin to provide data on the hydraulic connection at the boundary and the information to support improving estimates of the subsurface boundary flow. The other two monitoring wells will be installed at the interface between the Banning Bench and the Banning Canyon storage units to identify subsurface flows between the two storage units and to support evaluation of groundwater management options in the Banning Bench storage units; and

WHEREAS, the location of these monitoring wells have been selected by the USGS to fill the data gaps in the City of Banning's Banning, Banning Bench, and Banning Canyon Storage Units as outlined in the San Gorgonio Pass GSA Groundwater Substantiality Plan. Once installed, these monitoring wells will provide critical information on groundwater hydrology, flow gradient, groundwater storage, groundwater levels, and water quality, all of which are required to be monitored by the San Gorgonio Pass GSA; and

WHEREAS, SGPWA has contracted with the USGS to site, design, and complete the drilling of these four monitoring wells; therefore, Monitoring Well P-4 ('MW-P4') will be located at the Interface between Banning Canyon and Banning Bench storage units to characterize the Banning Canyon storage unit; and

WHEREAS, no fiscal impact is expected since this project will be paid for and designed and constructed by SGPWA and USGS.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves a Right of Entry Agreement with San Gorgonio Pass Water Agency and United States Geological Survey for Drilling and Maintaining Groundwater Monitoring Well P-4.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the Right of Entry Agreement and to execute the Right of Entry Agreement with San Gorgonio Pass Water Agency and United States Geological Survey on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of April, 2025.

Sheri Flynn, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, City Attorney
Slovak, Baron, Empey, Murphy & Pinkney,
LLP

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2025-45, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 8th day of April, 2025 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Right of Entry Agreement with San Geronio Pass Water Agency and United States Geological Survey for Drilling and Maintaining Groundwater Monitoring Well P-4.

RIGHT OF ENTRY AGREEMENT

This Right of Entry Agreement (“**Agreement**”) is entered into this ____ day of April, 2025 by and between the SAN GORGONIO PASS WATER AGENCY, a public agency (“**SGPWA**”), the United States Geological Survey, a bureau of the United States Department of the Interior (“**USGS**”) and the City of Banning, a municipal corporation (“**City**”). SGPWA and USGS are sometimes referred to herein collectively as (“**Licensees**”).

RECITALS

A. The City and SGPWA are both members of the San Gorgonio Pass Groundwater Sustainability Agency (SGPGSA); and

B. SGPWA received a grant award from the California Department of Water Resources (DWR) Sustainable Groundwater Management Grant Program to support the SGPGSA by drilling and installing four nested casing monitoring wells throughout the San Gorgonio Pass Subbasin. SGPWA has contracted with the USGS to perform the drilling and installation of all four monitoring wells; and

C. Monitoring well locations have been selected to fill data gaps in the Banning, Banning Bench, and Banning Canyon Storage Units outlined in the SGPGSA Groundwater Sustainability Plan. Once installed, these monitoring wells will provide critical information on groundwater hydrology, flow gradient, groundwater storage, groundwater levels, and water quality, all of which are required to be monitored by the SGPGSA; and

D. City owns that certain real property located on Bluff Street and more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (“**Property**”); and

E. Licensees desire to obtain City’s permission to enter onto the Property for the purpose of drilling, installing, maintaining, repairing and operating the SGMA Monitoring Well (“**Monitoring Well**”) at Location P-4 (“**Well Site**”) (collectively, the “**Activities**”). The Well Site and Monitoring Well are more particularly described in Exhibit “A,” and

F. Concurrently with the execution of this Agreement, the parties have executed an easement providing for the location of the Monitoring Well on the Well Site and for access to the Well Site to perform water level measurements, water quality sampling and related well monitoring activities.

NOW, THEREFORE, in consideration of the recitals, mutual covenants, conditions, and other valuable consideration stated herein, the sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Temporary Right of Entry. Subject to the terms and conditions set forth in this Agreement, City hereby grants to Licensees the right to enter onto the Property for the purpose of performing the Activities on the following dates and times:

Dates: April 30, 2025 through November 30, 2025_____

Times: _7:00 a.m. – 7:00 p.m._____

Licensees shall provide notice of entry 24 hours prior to initially entering the Property. Said notice shall be given to the following City contact:

Contact Name: _Perry Gerdes_____

Contact Daytime Phone Number: _(951) 232-9236_____

Licensees shall also have a non-exclusive license to store any necessary drilling and boring equipment or materials on the Property for the purpose of performing the Activities. Licensees may enter upon the Property with personnel, vehicles and drilling/boring equipment and materials for the purposes of conducting the Activities.

2. Responsibilities of Licensees. Licensees shall be solely responsible for all costs and expenses of the Activities performed by, or at the direction of, Licensees. Licensees shall comply, and cause its contractors, agents and employees to comply, with all federal, state and local laws, rules and regulations which may apply to the Activities.

3. Term. The temporary right of entry provided by this Agreement shall be in effect as of the date of full execution by all parties (“**Effective Date**”) and shall remain in effect until expiration of the dates and times set forth in Section 1 (“**Term**”). The Term may be extended upon mutual written consent of all parties.

4. Indemnification/Hold Harmless. Each Licensee (“Indemnitor”) shall indemnify, defend, and hold harmless City from all actions, liabilities and damages to property or injuries to persons, which may be caused by that specific Indemnitor’s performance of this Agreement.

5. Restoration of the Property. Upon the expiration of this Agreement and temporary right of entry, Licensees shall, at their own cost and expense, restore the Property to the same condition in which it was in prior to Licensees’ entry, normal wear and tear excepted.

6. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

[signatures are on the following page]

CITY OF BANNING

City Council Approval: _____

By: _____
City Manager Date

ATTEST:

APPROVED AS TO FORM:

By: _____
Administrative City Clerk Date

By: _____
City Attorney Date

SAN GORGONIO PASS WATER AGENCY

By: _____

Title: _____

Date: _____

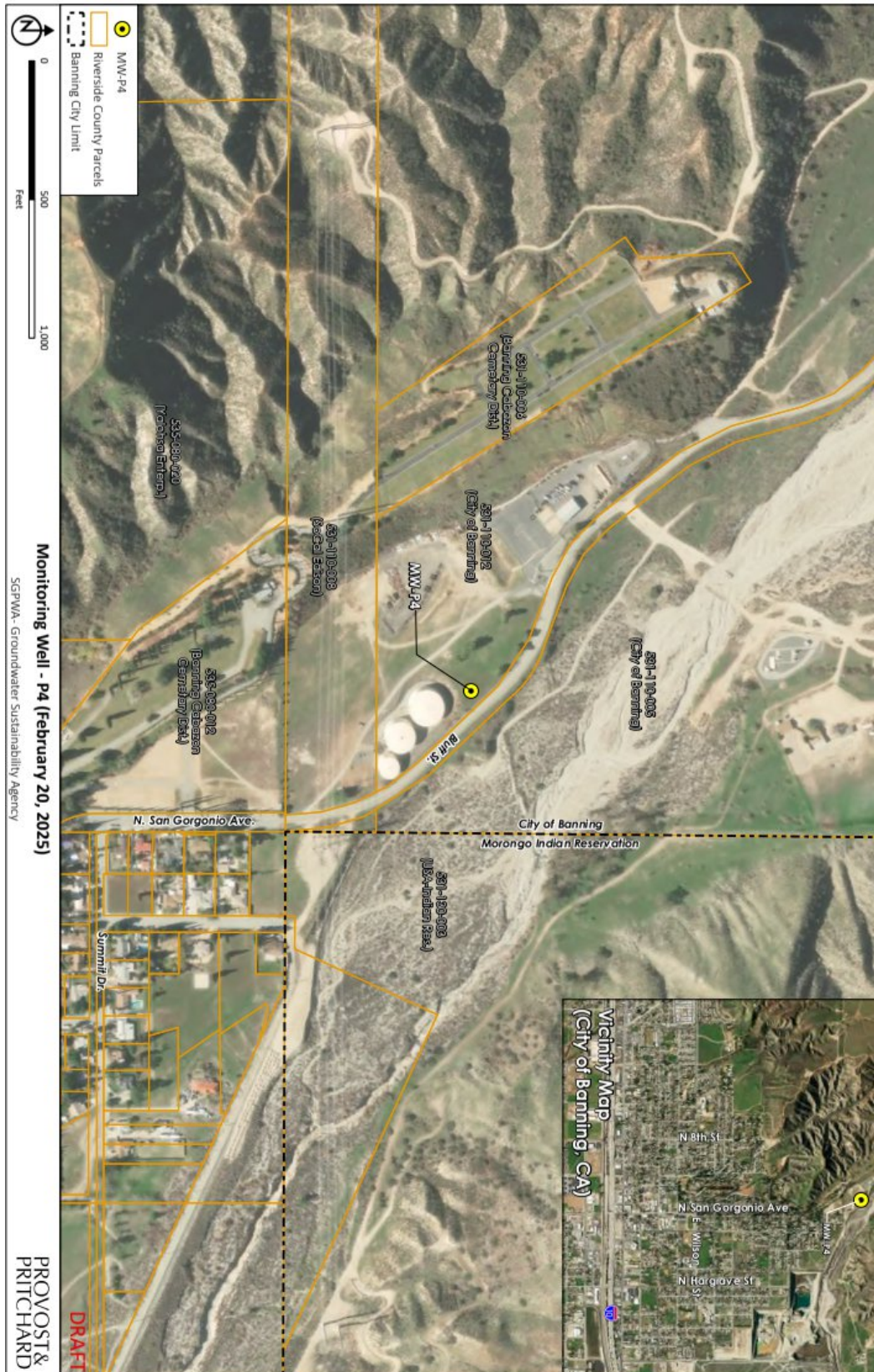
UNITED STATES GEOLOGICAL SURVEY

By: _____

Title: _____

Date: _____

Exhibit A – Location of Monitoring Well P-4





CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: David Newell, Community Development Director

MEETING DATE: April 8, 2025

SUBJECT: Receive and File Update on KB Homes Project, Vista Robles, and Impacts to Saint Boniface School Site.

RECOMMENDATION:

Receive and file.

BACKGROUND:

On March 25, 2025, the City Council received an update from staff on the Vista Robles project and its impacts to the St. Boniface School Site (see attached staff report). At this meeting, the Council directed staff to review the mitigation measures related to the burial resources to determine if the project is in compliance. Attached is the City Council Resolution (2006-58) adopting the Mitigation Monitoring and Reporting Program (MMRP) that was approved for the project. The mitigation measures related to St. Boniface are within Section V Cultural Resources of the MMRP. Staff has reviewed these mitigation measures and determined the project complied with requirements through studying and documenting extensive resources at site, installing temporary chainlink fencing in 2022, conveying a lot within the subdivision to Morongo Band of Mission Indians in July 2024, constructing a block wall and wrought-iron fence between the tract and cemetery. Further, the Tribe has also confirmed the project has met requirements (see attached letter).

JUSTIFICATION:

No further action is required by the City, due to the project complying with the MMRP.

FISCAL IMPACT:

None.

ALTERNATIVES:

Provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Council Resolution No. 2006-58](#)
2. [Morongo Band of Mission Indians Letter 3-25-25](#)

3. 3-25-25 Council Report KB Homes and St Boniface Site

RESOLUTION NO. 2006-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR TENTATIVE TRACT MAP 33540, A REQUEST TO SUBDIVIDE 65 ACRES INTO 172 SINGLE FAMILY RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS WITHIN THE LOW DENSITY RESIDENTIAL LAND USE DISTRICT GENERALLY LOCATED ON THE NORTH SIDE OF GILMAN STREET, ONE BLOCK WEST OF WYTE WAY. APN: 535-070-014; 535-110-002;-006;-011;-012; 535-311-006 THROUGH -023;-29; 535-312-001 THROUGH -024

WHEREAS, an application for Tentative Tract Map 33540 has been filed by:

Applicant / Owner:	HDS Group
Authorized Agent:	Hagop Sargisian
Project Location:	Wyte Way and Gilman Street
APN Number:	535-070-014; 535-110-002;-006;-011 THROUGH-12; 535-311-006 THROUGH -023;-29; 535-312-001 THROUGH -024
Lot Area:	65 acres

WHEREAS, the proposed Tentative Tract Map 33540 is considered a "project" as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. ("CEQA"); and,

WHEREAS, after completion of an Initial Study, the Community Development Director determined that it identified potentially significant effects on the environment, but that revisions to the project or the incorporation of mitigation measures would avoid or lessen the effects below the threshold of significance. Therefore staff has proposed a Mitigated Negative Declaration and Mitigation Monitoring Program for this project; and,

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study and Mitigation Monitoring Program; and

WHEREAS, on April 19, 2006 using a method permitted under CEQA Guidelines Section 15072(b), the City provided notice of its intent to adopt the proposed Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Riverside County Clerk;

WHEREAS, the City made the proposed Mitigated Negative Declaration available for public review beginning on April 19, 2006 and closing on May 19, 2006, a period of not less than 20 days. During the 30 day comment period, a number of public comments were received. Each of the comments was addressed in the staff report and is incorporated herein by reference. Neither the comments received, nor the amendments to the mitigation measures constitute a significant change to conditions or mitigation measures associated with the environmental review. No recirculation is required as a result of these changes.

WHEREAS, the Banning Planning Commission conducted a duly noticed public hearing on May 2, 2006 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

WHEREAS, the Banning City Council conducted a duly noticed public hearing on June 13th and July 25th, 2006, and on September 12th and 26th 2006, at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and considered the proposed Mitigated Negative Declaration and proposed Mitigation Monitoring Program.

NOW THEREFORE, the City Council of the City of Banning does hereby resolve, determine and order as follows:

SECTION 1. **FINDINGS.**

The City Council, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

1. **Review Period:** That the City has provided the public review period for the Mitigated Negative Declaration for the duration required under CEQA Guidelines Sections 15073 and 15105.
2. **Compliance with Law:** That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Banning.
3. **Independent Judgment:** That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. **Mitigation Monitoring Program:** That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.
5. **No Significant Effect:** That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the City Council determines that the project will not have a significant effect on the environment.

SECTION 2. WILDLIFE RESOURCES.

Pursuant to Title 14, California Code of Regulation Section 753.5(c), the Banning City Council has determined, based on consideration of the whole record before it, that there is no evidence that the proposed project will have the potential for any adverse effect on wildlife resources or the habitat upon which wildlife depends. Furthermore, on the basis of substantial evidence, the City Council hereby finds that any presumption of adverse impact has adequately been rebutted. Therefore, pursuant to Fish and Game Code Section 711.4(c)(2)(B) and Title 14, California Code of Regulations, Section 753.5(a)(3), the project is not required to pay Fish and Game Department filing fees.

SECTION 3. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 4. BANNING CITY COUNCIL ACTIONS.

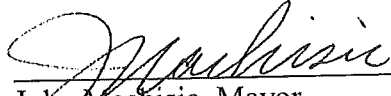
Based on the foregoing findings, and on substantial evidence in the whole of the record, the Banning City Council hereby takes the following actions:

1. **MND:** The Banning City Council approves the Mitigated Negative Declaration for Tentative Tract 33540, attached hereto and incorporated by reference.
2. **MMP:** The Banning City Council approves of the Mitigation Monitoring Program for the Mitigated Negative Declaration, attached hereto and incorporated by reference.
3. **Notice of Determination:** In compliance with Public Resources Code § 21152 and CEQA Guidelines § 15075, the Banning City Council directs the Planning Director to prepare a Notice of Determination concerning the approval and adoption of the Mitigated

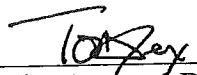
Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

4. **Location:** The Mitigated Negative Declaration, Mitigation Monitoring Program, and all documents incorporated therein or forming the record of decision therefore, shall be filed with the Banning Planning Department at the Banning City Hall, 99 E. Ramsey Street, Banning, California 92220 and shall be made available for public review upon request.

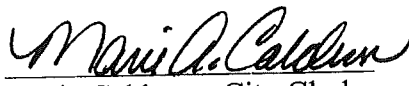
PASSED, APPROVED AND ADOPTED this 26th, day of September 2006.


John Machisic, Mayor
City of Banning

APPROVED AS TO FORM
AND LEGAL CONTENT:


~~Julie Hayward Biggs~~ **THOMAS D. JEX**
Dep City Attorney

ATTEST:


Marie Calderon, City Clerk
City of Banning

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution No. 2006-58 was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 26th day of September 2006 by the following vote, to wit:

AYES: Councilmembers Hanna, Palmer, Salas, Welch, Mayor Machisic

NOES: None

ABSTAIN: None

ABSENT: None


Marie A. Calderon, City Clerk
City of Banning, California

DATE:	May 23, 2006 (revised)	ASSESSORS	535-070-014; 535-110-002, -011, -012; 535-311-006
		PARCEL NO.:	through -23, -029; 535-312-001 through -024.
CASE NO.:		PROJECT LOCATION:	Gilman Street, one block west of Wyte Way.
EA/EIR NO.:		APPROVAL DATE:	September 26, 2006 City Council Approval
APPLICANT:	HDS Group		

SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
I. AESTHETICS 1. Any lot with a rear yard slope more than 10 feet will be designed to include terracing of that slope, and intermediate usable yard space within the slope area. This may include staggered retaining walls, stairs and patios. <u>Alternative to above:</u> 2. The tract map can be redesigned to limit pad elevations between adjacent lots to 10-feet.	Planning Department	During grading/construction	Reflected on plans followed by Site Inspection		
3. All manufactured slopes of 10-feet or more shall be landscaped and irrigated in such a manner as to assure 100% coverage within 12-months. Landscaping shall be native ground cover or similar. Irrigation systems shall be operated and maintained by a Home Owners Association, in order to assure long timer survival of the plantings. A maintenance easement shall be recorded on each lot on which such a slope occurs.		Easements recorded and HOA established prior to final map recordation. Landscape plan submittal prior to issuance of first building permit.	Submittal of proof of recorded easement and HOA incorporation. Site Inspection of landscaping		

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SUMMARY MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY
III. AIR QUALITY				
PM10 Management Plan shall be submitted for review and approval.	City Engineer	Prior to issuance of grading permits	Plans approved and implemented	
Pre-water and stabilize soils at least twice daily	Building Department	During grading.	Site inspection	
No more than 5 acres shall be actively graded during any one day.	Building Department	During grading	Site inspection.	
All trucks hauling dirt, sand or soil shall be covered, or shall maintain two feet of freeboard.	Building Department	During grading.	Site inspection.	
Enforce SCAQMD Rule 403	Building Department	During grading.	Site inspection.	
Stop grading during winds of more than 25 mph., 1st and 2nd stage ozone episodes.	Building Department	During grading	Site inspection.	
Streets accessing the project site shall be swept at the end of each work day.	Building Department	During grading and construction	Site inspection	
All diesel powered vehicles and department shall be properly maintained.	Contractor	Throughout project	Site inspection	
Electric or natural gas powered equipment shall be used to the greatest extent possible.	Contractor	Throughout project	Site inspection.	
Ridesharing and transit incentives shall be provided to the construction crews.	Contractor	Throughout project	Site inspection	

Pre-coated or natural colored building materials shall be used to the greatest extent possible.	Planning Department	Prior to construction	Design review approval		
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SUMMARY MEASURES	MITIGATION	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	COMPLIANCE CHECKED BY	DATE
IV. BIOLOGICAL RESOURCES						
Prepare protocol survey for burrowing owl.		Planning Department	30 days prior to issuance of grading permit.	Approval of report		
Prepare a survey of nesting birds.		Planning Department	30 days prior to issuance of grading permit. <i>(only if grading permit is sought between Feb. 1 and August 31)</i>	Approval of report.		
No staging, grading or other ground disturbance shall be permitted within the open space area (lot 176)		Building Department	Throughout construction	Site inspection		
Lot 176 shall be fenced to prevent encroachment.		Building Department	Throughout construction	Site inspection		
Submit to RWQCB, USACE, CDFG showing mitigation of loss of .29 acres of Fed. Jurisdictional areas, and .71 acres of State jurisdictional areas.		Planning Department	30 days prior to ground disturbance.	Approval of all plans. Copies of permits.		
V. CULTURAL RESOURCES						
Completion of Phase III recovery		Planning Department	Prior to any ground disturbing activity	Review and approval of Final report.		
Conveyance of lot 175 (+/- 7 acre parcel) to Morongo Band of Mission Indians.		City Engineer	Concurrent with map recordation	Copy of final map		
Construction of a block wall to separate cemetery from tract		Building Department	Prior to issuance grading permits.	Site inspection		

Completed design of burial grounds by licensed landscape architect, including re-location of cement slabs, adobe wall, grotto, selected stone works, planters and trees.	Planning Department	Prior to issuance of grading permits	Review and approval of plans.	
Install a temporary fence sufficient to separate and protect the cemetery from grading activities.	Planning Department	Prior to issuance of Grading Permit	Review and approval of plans.	
The applicant shall, prior to the issuance of building permits, construct a temporary chainlink fence to separate the cemetery from the tract. The fence shall be reviewed and approved by the Planning Department prior to the issuance of building permits. The fence shall be replaced by a permanent decorative block wall within 30 days of completion of grading activities."	Planning Department	Within 30-days for completion of grading activities, and prior to the issuance of building permits.	Review and approval of plans.	
	Planning Department	Upon completion of precise grading.	Review and approval of plans.	
The applicant shall, prior to issuance of grading permits, install wrought iron fencing to enclose the parcel to be conveyed to the Morongo Band, and extending to the entrance on 8th Street.	City Engineer	Prior to construction	Review and approval of plans	
Pave and landscape access road from +7 acre parcel to 8th Street.	Planning Department	Evaluation prior to issuance of grading permits.	Review and approval of plans.	
Survey by qualified arborist to determine feasibility of olive tree re-location to cemetery site.	Planning Department	Re-location, if feasible, prior to issuance 1 st building permit for any house in tract.	Review and approval of plans.	
Development of plan for preservation of cemetery and all re-located items	Planning Department	Prior to issuance of grading permit.	Review and approval of plans.	
			Submittal of proof of cataloguing and delivery to Morongo Band of Mission Indians to Planning Department.	

Engagement of a qualified archaeologist (at applicant's expense) to complete cataloguing of artefacts collected in 1990 and delivery of artefacts to the Morongo Band of Mission Indians upon completion of cataloguing. Monitoring of all ground disturbing activities on any portion of the site by a qualified archaeologist empowered to stop or re-direct activities should artefacts be uncovered.	Planning Department,	During grading.	Submittal of executed contract with qualified archaeologist.	
Contact Riverside County Coroner should human remains be discovered or potential for human remains are identified.	Planning Department	During all earthmoving activities	Submittal of written notification to Planning Department whether or not human remains were identified and outcome of Coroner's investigation if one was conducted.	
I Installation of permanent name marker and existing bronze plaque(see Riverside County Parks History Division).	Planning Department	Prior to issuance of grading permit	Site inspection	
Preparation and filing of National Register of Historic Places and California Register of Historic Places nomination forms	Planning Department	Prior to the issuance of the first building permit	Filing of required documents with appropriate Federal and State agencies.	
Completion of a Historic American Engineering Record (HAER) level recordation of the Gilman Home Channel	City Engineer	Prior to any ground disturbing activity on the project site.	Filing of required documentation with appropriate Federal/State agencies.	

Preservation of the Gilman Home Channel in whole or in part.	Planning Department	Prior to any ground disturbing activity on the project site.	Site inspection	
<u>Alternative to above:</u> Relocation of the Channel in part to the open space area at the north of the site. If relocated, a memorial plaque explaining the significance of the structure shall be incorporated into the relocation.				
XL NOISE				
Construction hours limited to those limited in the Municipal Code	Building Department	During construction	Site Inspection	
All construction equipment shall be muffled.	Building Department	During construction	Site Inspection	
Construction staging (inc. heavy equipment.) shall be located along the northern portion of the site, south of the open space and cemetery lots.	Building Department	Prior to and during construction	Site Inspection	
Continuous grading activates along eastern boundary limited to no more than 15 minutes within an hour.	Building Department	During all earth disturbing activities.	Site Inspection	

March 25, 2025

David A. Newell, AICP
Director, Community Development Department
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Dear Mr. Newell,

Per the City of Banning's request, the Morongo Band of Mission Indians is writing to confirm that the City initiated consultation with the Morongo Band of Mission Indians (Morongo/Tribe) per the requirements of the Assembly Bill 52 (AB 52) which requires public agencies to consult with tribes during the CEQA process. Regarding the residential development adjacent to the St. Boniface Indian School Cemetery, the requirements were and are being followed.

The cooperative discussions between the Morongo Tribal leadership, the Morongo Tribal Historic Preservation Office (THPO) and staff (THPO Officer, Tribal Archaeologist, Cultural Resource Specialist), the developer, and the City representatives ensured that the tribal cultural resources on the site and cemetery located at the former St. Boniface Indian School Cemetery were protected from harm or damage.

As the City is aware, this site holds immense cultural significance to Morongo and other Southern California tribes and Morongo has been and remains fully committed to protecting these sites in perpetuity.

Please be aware of the following relevant facts about efforts to preserve the former Catholic Diocesan cemetery and to honor and protect those who are interred there.

- Morongo took ownership of the St. Boniface Indian School Cemetery in July 2024 to safeguard and care for the site in perpetuity, per the agreement with the developer and the City. Prior to that, the site was owned by the Catholic Church or private landowners.
- Prior to receiving a grant deed for the 15 acres of land in July 2024, Morongo was in frequent communication for many years with other area tribes, the City, and the developer to ensure that the cemetery would not be impacted or damaged in any way by the proposed development.
- Studies conducted in 2023 and 2024 with ground-penetrating radar identified the location of all gravesites within and outside of the existing cemetery fencing. A 2019 survey also was conducted with cadaver dogs.

- Morongo has provided cultural monitors during all construction grading for the residential development, including all work done adjacent to the cemetery, and no issues of concern have occurred to date.
- Work is being expediated to erect a wrought iron fence around the cemetery and gravesites.

The Tribe, including current tribal members who attended St. Boniface Indian School, and those who have relatives interred at the cemetery maintain an abiding concern for protecting the cemetery and respecting the dignity of those buried there.

Morongo will continue to work with the City and area tribes to preserve this important location that remains forever intertwined with the tribal history of the region.

Best regards,

A handwritten signature in black ink, appearing to read "Karen Woodard", with a long, sweeping horizontal line extending to the right.

Karen Woodard

Realty and Planning Administrator



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: David Newell, Community Development Director

MEETING DATE: March 25, 2025

SUBJECT: Receive and File Update on KB Homes Project, Vista Robles, and Impacts to Saint Boniface School Site

RECOMMENDATION:

Receive and file.

BACKGROUND:

At its March 11, 2025 regular meeting, the City Council directed staff to provide information on the status of construction impacts of the Vista Robles residential project on the Saint Boniface School site. KB Homes is currently constructing the Vista Robles project, which consists of 143 single-family residential homes located north of Gilman Street and west of Wytes Way. The project received land entitlements from the City as follows:

- April 3, 2024 - Planning Commission adopted Resolution 2024-06, approving the Design Review Application (Case DR 24-0026) for the architecture and design of the homes.
- December 11, 2018 - City Council adopted Resolution 2018-149, approving the Tentative Tract Map Application (TTM 33540) for a revised subdivision map reducing the number of lots from 171 to 143.

Additional information on the above approvals is included in the attached 2024 Planning Commission Staff Report.

The project site includes a known resource, Saint Boniface School. Chapter IV (Environmental Resources) of the General Plan identifies that, "the St. Boniface Indian School was built in 1889 on 80 acres purchased by the Bureau of Catholic Indian Missions." Program 2.D of this Chapter states that, "should development be proposed, extensive analysis of the site shall be conducted, and mitigation proposed, to document its historic significance."

Prior to approving the aforementioned entitlements, the City prepared an Initial Study to evaluate all impacts associated with the project in accordance with requirements in the California Environmental Quality Act (CEQA). The Initial Study analyzed project impacts to air quality, biological resources, cultural resources, transportation, among other categories listed in Appendix G of the CEQA Guidelines. Part of the CEQA process involves a formal consultation process with recognized tribes, pursuant to Assembly Bill 52 (AB 52). The consultation process requires formal notice from the City to tribal governments identified by the Native American Heritage Commission, a State Agency that identifies, catalogs, and protects Native American cultural resources. The notice to the tribes requests formal consultation on a proposed project to ensure any culturally significant impacts are mitigated. For the subject project, the City complied with AB 52 and has mitigated impacts to culturally significant resources, including the St. Boniface Site, with any of the recognized tribe(s) seeking consultation. The project is conditioned to mitigate impacts to the resource, including conveying land to the Morongo Band

of Mission Indians, installing fencing around protected areas and other measures that were identified during the consultation process. However, the City is unable to disclose the location of any tribal resources to members of the public, pursuant to California Public Resources Code Section 5097.9 and the California Code of Regulations Section 15120(d).

JUSTIFICATION:

The Community Development Department will ensure compliance mitigation requirements to resources, as required by CEQA.

FISCAL IMPACT:

None.

ALTERNATIVES:

Provide alternative direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [2024 Planning Commission Staff Report - Vista Robles by KB Homes](#)
2. [PC Resolution 2024-06 Vista Robles Design Review](#)
3. [CC Resolution No 2018-149 Vista Robles TTM](#)
4. [AB 52 Technical Advisory](#)



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: April 8, 2025

SUBJECT: Consideration of Resolution 2025-46, Approving the Facilities Joint Use Agreement (JUA) between the City of Banning and the Banning Unified School District

RECOMMENDATION:

Adopt Resolution 2025-46.

BACKGROUND:

The City of Banning and the Banning Unified School District have partnered when possible for the betterment of both agencies and the community. One area that the agencies have been able to partner on has been the shared use of facilities to aid both agencies in fulfilling programming and space needs.

The last JUA expired January 22, 2025 and both parties have been meeting to update the needs of the JUA and during this review, the School District has allowed access to facilities in accordance with the last agreement while the new agreement was being drafted.

The approved JUA and the ability to use the School District's facilities is instrumental in the Parks and Recreation Department's ability to provide recreation programming to the community. The City uses the gyms at both Nicolet Middle School and at Banning High School for both adult and youth basketball programs, uses Nicolet Football Field for events like the City's annual July 4th celebration and uses Nicolet Parking lot for a number of large scale events that take place at the Community Center, such as the Halloween Trunk or Treat, Disaster Expo and many more. The School District has used the City's Council Chambers for Board Meetings, the Repplier Aquatic Center for End of year pool parties, parks for various uses as well as parking lots and the Community Center gym on occasion.

The parameters of the JUA are almost identical to the past agreements that have been in place. The JUA allows for use of partner's facilities when available without monetary consideration to one another, requires each entity to indemnify the other and provide insurance certificates to one another. The JUA has been revised by both the School District and the City to reflect an updated list of available facilities and has been reviewed by the Interim City Attorney's office.

Currently, the Parks and Recreation Department has limited facility space to accommodate its increasing participation in existing programming and programming in the future. Additionally, the City has struggled to accommodate Youth Recreation Organizations with needed practice and game space. For this reason, one new area that has been included in the JUA is the ability to have youth Recreational Organizations residing in Banning, have the ability to use BUSD facilities as part of the agreement. This entails Banning's Youth Recreation Organizations with a minimum of 75% of their participants within the City of Banning's or the Banning Unified School District's boundaries to reserve available field space by

coordinating with the Recreation Department for their requested uses. This additional aspect to the JUA will greatly benefit the current level of participation in youth sports programming in Banning as well as allow for some growth until new facilities are able to be developed and available in the future.

Lastly, the agreement opens up and provides a starting point to coordinate discussions on current facility improvements and future facilities that can benefit both parties.

Upon approval of the agreement, the revised JUA will have a three-year term and be in effect from April 11, 2025 through April of 2028 and includes options to renew for an additional four (4) three-year terms by mutual consent of both parties. Additionally, the parties may amend the JUA with mutual consent to add or remove facilities.

The Board of the Banning Unified School District approved the agreement at their regularly scheduled January 12, 2022 Board meeting.

JUSTIFICATION:

The adoption of the Facilities Joint Use Agreement provides the City the best use of existing resources and mitigates some of the limited facility space available for programming.

FISCAL IMPACT:

The partnership with the School District allows the City to mitigate its ongoing facility space capacity issues and development costs of additional facilities while limiting fees associated with rentals. The agreement also aids in the coordination of improved future facilities for both agencies.

ALTERNATIVES:

Do not adopt Resolution 2025-46 and provide staff with alternate direction.

BUDGETED?:

Yes

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. [Resolution_2025-46__JUA_with_BUSD.docx](#)
2. [JUA_COB_BUSD_Final.docx](#)

RESOLUTION 2025-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE FACILITIES JOINT USE AGREEMENT BETWEEN THE CITY OF BANNING AND THE BANNING UNIFIED SCHOOL DISTRICT

WHEREAS, California Government Code Sections 6500 et seq. ("Joint Powers Law") provide the two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties; and

WHEREAS, pursuant to the Joint Powers Law, School District and City are each public agencies and are authorized and empowered to contract for the joint exercise of powers; and

WHEREAS, California Education Code Sections 10900 et seq. ("Community Recreation Programs Law") authorizes public authorities to organize, promote, and conduct such programs of community recreation as will contribute to the attainment of general educational and recreational objectives for children and adults and further empowers public authorities to cooperate with each other to attain such objectives; and

WHEREAS, the Community Recreation Programs Law defines "recreation" to include any activity, voluntarily engaged in, which contributes to the mental, or moral development of the individual or group participating therein, and includes any activity in the fields of visual and performing arts, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity; and

WHEREAS, the School District and City are authorized under California law to operate and maintain recreation centers, as defined in Education Code Section 10901(f), for community recreation ("Recreation Centers"); and

WHEREAS, the School District and City desire to enter into an agreement pursuant to the aforesaid provisions of the Education Code, providing for the joint use of Recreation Centers which are located within the boundaries of both School District and City ("Facilities"); and

WHEREAS, the School District owns certain Recreation Center sites ("School District Facilities") and desires that the City may have the use of School District Facilities, pursuant to the terms of this Agreement, for community recreation; and

WHEREAS, the City owns certain Recreation Center sites ("City Facilities") and desires that the School District may have the use of City Facilities, pursuant to the terms of this Agreement, for community recreation; and

WHEREAS, the Parties desire the costs, rights, and obligations of each Party with respect to the Agreement to be proportionately equal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Facilities Joint Use Agreement with the Banning Unified School District for the COB/BUSD JUA for a three-year term and subsequent amendments to extend the Agreement for up to four additional three-year terms upon satisfactory performance.

SECTION 2. The City Council authorizes the City Manager to make non-substantive changes to the Facilities Joint Use Agreement and to execute the Facilities Joint Use Agreement with Banning Unified School District on behalf of the City Council.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of April, 2025.

Sheri Flynn, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

John Pinkney, Interim City Attorney
Slovak, Baron, Empey, Murphy & Pinkney, LLP

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2025-46, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 8th day of April, 2025 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Joint Use Agreement

JOINT-USE FACILITY AGREEMENT

Banning Unified School District and

City of Banning

This **JOINT-USE FACILITY AGREEMENT** ("Agreement") dated as of **April 11, 2025** ("Effective Date"), is made by and between the CITY OF BANNING, a California municipal corporation ("City"), and the BANNING UNIFIED SCHOOL DISTRICT, a public school district duly organized and existing pursuant of the laws of the state of California ("School District"). School District and City may hereinafter be referred to individually as "Party" and collectively as "Parties".

1. **RECITALS:**

- A. California Government Code Section 6500 et seq. (the "Joint Powers Law") provide that two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties.
- B. Pursuant to the Joint Powers Law, School District and City are each public agencies and are authorized and empowered to contract for the joint exercise of powers.
- C. California Education Code Section 10900 et seq. (the "Community Recreation Programs Law") authorizes public authorities to organize, promote, and conduct such programs of community recreation as will contribute to the attainment or general educational and recreational objectives for children and adults and further empowers public authorities to cooperate with each other to attain such objectives.
- D. Section 10901© of the Community Recreation Programs Law defines "recreation" to include any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of visual and performing arts, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.
- E. School District and City are authorized under California law to operate and maintain recreation centers, as defined in Education Code Section 10901(f), ("Recreation Centers:) for community recreation, as defined in Education Code Section 10901(d) ("Recreation Centers").
- F. School District and City desire to enter into an agreement pursuant to the aforesaid provisions of the Education Code, to provide for the joint use of Recreation Centers that are located within the jurisdictional boundaries of both School District and City ("Facilities").
- G. School District owns certain Recreation Center sites ("School District Facilities") and desires that City use the School District Facilities, pursuant to the terms of this Agreement, for community recreation.
- H. City owns certain Recreation Center sites ("City Facilities") and desires that School District use City Facilities, pursuant to the terms of this Agreement, for community recreation.
- I. The Parties desire the costs, rights, and obligations of each Party with respect to this Agreement to be proportionately equal.

2. AGREEMENT

In consideration of the foregoing recitals and of the mutual promises and covenants herein, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as described below.

3. DESCRIPTION OF FACILITIES

A list of Facilities subject to this Agreement is attached as Exhibit "A"

4. USE OF FACILITIES

4.1 School District and City hereby grant a non-exclusive license to each other to use each other's Facilities set forth in Exhibit "A" in accordance with the terms and conditions set forth in this Agreement, including the following:

4.1.1 School District and City may utilize the Facilities without monetary consideration to the other Party. Notwithstanding any other language in this Agreement and in consideration for City's use of the School District Facilities, School District shall not be required to pay to City or its departments any fee or increase relating to improvements or expansion at the School District Facilities, except that School District is required to pay fees related to improvements or expansion that City collects on behalf of any other agency. The City's fee waiver does not negate any permit or regulatory requirements

4.1.2 Whenever possible, School District and City agree to utilize their own Facilities prior to utilizing each other's Facilities.

4.1.3 With respect to the use of Facilities, School District and City shall conduct two meetings annually for the purpose of scheduling anticipated uses of the Facilities ("Scheduling Meetings") and to ensure the reservation and use processes are understood and followed.

4.1.3.1 At the first Scheduled Meeting, which shall take place on or before May 31st of each year, School District and City shall agree upon a schedule, in writing, for the summer months (i.e., June, July, August, and September) with respect to the use of the Facilities, including, but not limited to the times, uses and users of the Facilities.

4.1.3.2 At the second Scheduled Meeting, which shall take place on or before September 30th of each year, School District and City shall agree upon a schedule, in writing, for the non-summer months with respect to the use of the Facilities, including, but not limited to the times, uses and users of the Facilities.

4.1.3.3 After the schedules are set at the Scheduling Meetings, both Parties shall notify each other in writing in case of any scheduling changes at least two (2) weeks in advance, if possible. In the event of an unanticipated event that is not included on the schedules set at the Scheduling Meetings, each Party agrees to reasonably accommodate the other Party with respect to

such event.

4.1.3.4 Recreation Organizations that are using School District Facilities as part of this agreement should attend a minimum of one of the scheduled meetings prior to their respective seasons to ensure the program expectations are understood.

4.1.3.5 If a Recreational Organization is unable to attend one of the scheduled annual meetings, the City, prior to scheduled uses, will meet with the respective organization and ensure all use requirements and program expectations are understood and followed.

4.1.4 Both School District and City agree that prior to the use of any School District Facilities or City Facilities, each Party will prepare and submit a Facilities Use Request Application to the other party or use the Online reservation system if applicable. Copies of the Application Form(s) are included in Exhibit B.

4.1.5 Both the School District and City agree that local youth sports associations (Recreation Organizations) may use School District Facilities for games and practices as well as direct programs and events that directly benefit the programs under the following conditions:

4.1.5.1 To be considered eligible Recreation Organizations for purposes of this agreement, Recreation Organizations must have a minimum of seventy-five (75%) of their youth registrants residing within the boundaries of the City of Banning or the School District's boundaries. The Recreation Organization will provide documentation to the City at the start of each season or recreational cycle. Recreation Organizations not meeting the minimum of seventy-five (75%) threshold will follow the School District Facilities Use process and is explicitly excluded from this agreement.

4.1.5.2 With respect to the Recreation Organizations, City shall be responsible for the scheduling of requested recreation uses by the Recreation Organizations.

4.1.5.3 Eligible Recreational Organizations must submit a request for use of School District facilities through the City who will formally request use of School District facilities as per Section 4.1.4.

4.1.5.4 Prior to authorization for Recreational Organizations of School District facility uses, the City shall require each of the Recreation Organizations to provide General Liability Insurance adhering to the parameter set forth in Section 8.2.1 of this agreement and provide additional insured endorsements stating the following:

[Name of Recreation Organization] agrees to hold harmless, defend and indemnify the Banning Unified School District ("School District") and the City of Banning ("City") against all action, claims, or demands, for injury, death, loss, or

damages, regardless of fault or cause, by anyone whomsoever (except to the extent such injury, death, loss, or damage was solely due to the willful acts or omissions of City and/or School District, and/or their respective agents, servants, or employees), whenever such injury, death, loss, damage or claim is a consequence of, or arises out of the use of the Facilities by [Name of Organization] or its agents, servants, or employees.

4.1.5.5 Recreational Organizations that use School District Facilities as part of this agreement will be responsible to perform general cleanup of the facilities they are using by removing trash and debris and essentially, “ensure the facility is returned to the state of cleanliness as it was prior to their use.” Additional staffing may be required by the School District such as custodial, grounds, and security staff support for events with over 200 people in attendance. The direct cost for additional staff required by the School District will be invoiced to the Recreation Organization by the School District. In the event School District facilities are not cleaned up and/or trash is removed, the School District may invoice Recreation Organizations for cost of cleaning up the School District facilities.

4.1.5.6 Recreation Organizations may hang organizational banners on School District Facilities as approved by the School District. Hanging Banners for Recreation Organizations on School District Facilities with third party sponsors is not allowed.

- 4.2 Notwithstanding anything in this Agreement to the contrary, School District shall have exclusive use of the School District Facilities, Monday through Friday (except school holidays, from one-half (1/2) hour before the commencement of the school day until one-half (1/2) hour after school closing time. “School holidays” shall be defined as those days or portions of days when school is not in session.
- 4.3 School District shall notify City at the Scheduling Meetings of any school athletic events that are anticipated to extend more than one-half (1/2) an hour beyond a school's closing time so that such games may be included in the schedule that is agreed upon at the Scheduling Meetings. In addition, should School District require the use of any School District Facilities for any California Interscholastic Federation activity, such use shall take precedence over any pre-existing use at any of the School District Facilities as long as forty-eight (48) hours' notice is given, whether such use is during school hours or included in the schedules agreed up on at the Scheduling Meetings.
- 4.4 On school days, the School District Facilities will be available to City one-half (1/2) an hour after a school's closing time unless a school athletic event is in progress.
- 4.5 On non-school days, the School District Facilities shall be available from 7:00 a.m. until dusk (for all outdoor non-lighted School District Facilities) and until 10:00 p.m. (for all indoor and outdoor lighted School District Facilities), and in no event later than 11:00 p.m., unless special permission is expressly granted by School District. Outdoor lighting will be regulated by automated time clocks to assure compliance.
- 4.6 City shall schedule uses of the School District Facilities that are consistent with the ordinances, regulations, and policies of School District, as well as State and Federal

law.

- 4.7 The use of the School District Facilities by City shall be in such manner as not to interfere with School District's normal use of the School District Facilities, including, but not limited to back-to-school nights, school assemblies, and cleaning/gardening activities.
- 4.8 Each Party agrees to utilize the Facilities in conformance with Federal and State law as well as School District and City administrative regulations.
- 4.9 Each Party shall have the right at all times to enter any portion or area of its Facilities, including at any reasonable time during any event, activity, or program sponsored or conducted by the other Party.
- 4.10 In the event that School District or City determines that an emergency need requires the use of any of the School District Facilities or the City Facilities listed in Exhibit "A", School District and City shall have the right to make use of all or any portion of any such Facility for the entire time that such emergency exists. For purposes of this Agreement, emergency is defined as any circumstance or event that poses an actual or potential danger to life or property.

5. MAINTENANCE RESPONSIBILITIES

- 5.1 School District and City shall be responsible for the maintenance of their respective Facilities. However, should either of the Parties cause maintenance costs out of the ordinary with respect to their use of the others' Facilities, such Party shall be responsible for these additional maintenance costs. The term "maintenance" in this section includes cleaning, repair, and all other custodial services.
- 5.2 The Parties agree that graffiti will be the responsibility of the Facility owner unless otherwise specified in a separate document.
- 5.3 The Parties agree that, with written authorization from the Facility owner, the other Party or a City-sponsored local recreation organization ("Recreation Organization") may be allowed to provide special maintenance or improvements to a Facility that is considered beneficial to all Parties as long as such other Party or Recreation Organization complies with all applicable laws and regulations regarding the provision of maintenance or construction of improvements to public entity facilities.
- 5.4 The Parties agree that all outdoor fields and indoor sports Facilities will be kept in good repair and in a manner suitable for usage by City, School District and Recreation Organizations with respect to athletic programs. The facilities and ground staff for each Party shall meet from time to time to decide how to cooperatively establish and achieve this standard of care.
- 5.5 The Parties agree to schedule any planned renovation or repairs in a manner to minimize the impact upon each other, a Recreation Organization and other community uses and to submit any planned renovations/repairs to the Facilities at the Scheduling Meetings so as to assist in accurate seasonal planning. Such work will be coordinated

with the affected Facility's administrator.

- 5.6 Both the City and the School District agree that as part of this agreement they may discuss planned improvements and potential future facilities and when possible discuss potential cost sharing of improvements that benefit both parties.

6. CIVIC CENTER ACT

Both Parties acknowledge that the School District's Facilities may be a "civic center" pursuant to the Civic Center Act (Cal Ed. Code, Sections 38130 et seq.) and that the use of the School District Facilities may be required to comply with the provisions of the Civic Center Act. Both Parties understand that other individuals or entities may utilize the School District Facilities pursuant to the Civic Center Act.

7. TERM OF THIS AGREEMENT

7.1 Original Term

The term of this Agreement shall be for a period of three (3) years and shall commence upon the Effective Date.

7.2 Option to Renew

The Parties may extend this Agreement by mutual written agreement for up to four (4) additional terms of three (3) years each ("Subsequent Terms").

7.3 Termination

In the event that either Party wishes to terminate this Agreement for any reason, the terminating Party shall notify the other Party in writing six (6) months in advance of the intended date of termination.

- 7.3.1 Notwithstanding the foregoing, the Parties may agree to otherwise waive any termination requirements, upon mutual written agreement by the Parties' respective governing boards, in order to maximize any applicable State, Federal, or local public agency grant applications that are approved by School District prior to application by the City.

8. INDEMNIFICATION AND INSURANCE

8.1 Mutual Indemnification

- 8.1.1 School District agrees to hold harmless, defend, and indemnify City against all actions, claims, or demands for injury, death, loss, or damage, regardless of fault or cause, by anyone whomsoever (except to the extent such injury, death, loss, or damage was due to the willful acts or omissions of City, its agents, servants, or employees), whenever such injury, death, loss, damage or claim is a consequence of, arises out of the use of the Facilities by School District or its agents, servants, employees, or implementation of this Agreement, including without limitation, negligent acts or omissions of School District involving the condition of the Facilities for which the School District was obligated to maintain or supervise.

- 8.1.2 City agrees to hold harmless, defend, and indemnify School District against all actions, claims, or demands for injury, death, loss or damages, regardless of fault or cause, by anyone whomsoever (except to the extent such injury, death, loss, or damage was due to the willful acts or omissions of School District, its agents, servants, or employees), whenever such injury, death, loss, damage or claim is a consequence of, or arises out of the use of the Facilities by City or its agents, servants, employees, or implementation of this Agreement, including without limitation, negligent acts or omissions of City involving the condition of the Facilities for which the City was obligated to maintain or supervise.
- 8.1.3 The provision of indemnity set forth in this Section 8.1 shall not be construed to obligate a Party to pay any liability including but not limited to punitive damages, which by law would be contrary to public policy or otherwise unlawful.

8.2 Insurance

- 8.2.1 Each party shall procure and maintain, at its own cost and expense during the period of this Agreement, comprehensive general liability insurance coverage, for its acts or omissions described herein in a form satisfactory to the other Party in the following minimum amounts:
- | | |
|---------------------------------|----------------|
| Bodily Injury (including death) | \$1,000,000.00 |
| Each person, each occurrence | \$1,000,000.00 |
| Property damage | \$1,000,000.00 |
| General Aggregate | \$2,000,000.00 |
- 8.2.2 Policies and certificates evidencing each Party's coverage shall be filed with the other Party, shall include the other Party as a named additional insured, and shall be primary. Said policies or certificates shall provide thirty (30) days' written notice to the other Party prior to any material change, termination, or cancellation.
- 8.2.3 The insurance limits referred to herein may be increased from time to time by the Parties' mutual written consent in accord with then accepted practice for California public agencies.
- 8.2.4 The insurance policies shall insure against all liability of the Party procuring insurance, its representatives, employees, invitee, and agents arising from or in connection with, each Party's use of the Facilities and shall insure performance by such Party of any of the hold harmless provisions set forth herein. Each Party shall make certain that the other Party is named as an additional insured under the insurance policy.
- 8.2.5 The insurance required under this Section shall be issued by either a reputable insurance company admitted doing business in California, in a form reasonably acceptable to the other Party, or through a joint powers authority, or similar entity, formed for the purpose of providing insurance to public entities.
- 8.2.6 The Parties recognize that insurance practices and requirements of a school district and a municipality may differ from that of private parties and may change from time to time. During any period of time in which the Parties, as regular

practice do not maintain insurance but rather self-insure or participate in a joint powers agreement with other governmental entities, the Parties may meet their insurance requirements under this Section in the same manner.

8.3 Privileges and Immunities

Notwithstanding anything to the contrary in this Agreement, neither Party waives any of the privileges, immunities from liability, exemptions from laws, ordinances, rules, or other benefits that apply to the activity of officers, agents, or employees of either Party.

9. NOTICES

- 9.1 All formal notices, demands, and communications between the Parties shall be given either by (i) personal service; (ii) delivery by reputable document delivery service, such as FedEx, that provides a receipt showing date and time of delivery; (iii) email; or (iv) mailing via first-class United States mail, certified mail, postage prepaid, return receipt requested, addressed to:

If to City:

City of Banning

Attention: Ralph Wright
Parks and Recreation Director

99 East Ramsey Street
Banning, CA 92220

If to School District:

Banning Unified School District

Attention: Victor Herrera
Assistant Superintendent,
Business Services

161 West Williams Street
Banning, CA 92220

- 9.2 Notices personally delivered, delivered by document delivery service, or emailed shall be deemed effective upon receipt. Notices mailed shall be deemed effective at noon (12:00 p.m.) on the second (2nd) business day following deposit in the United States mail. Such written notices, demands, and communications shall be sent such other addresses as any Party may from time to time designate in a notice delivered in accordance with the requirements of this Section.
- 9.3 The notice requirements of this Section shall not be construed to apply to any communications between the Parties from time to time for the purposes of scheduling or other routine administration of this Agreement.
- 9.4 The Parties will provide each other with the after-hours emergency contact phone numbers of appropriate supervisory staff which shall be periodically updated. Such lists will also include emergency contact numbers for other facilities that may be utilized in the event of a community emergency.

10. MISCELLANEOUS

10.1 Binding on Successors

The terms and conditions herein shall apply to and bind the heirs, successors in interest, executors, administrators, representatives and assigns of all the Parties hereto.

10.2 Supervision

10.2.1 Each Party must ensure its respective activities at the Facilities are appropriately supervised.

10.3 Inconsistent Use

In the event that either Party's governing board should determine that the other Party's use of its Facilities is inconsistent with its own use of its Facilities or that the other Party's use interferes with necessary programs and activities at its Facilities, the Parties agree to resolve such dispute pursuant to Section 7.3 or 10.4 of this Agreement

10.4 Dispute Resolution

In the event any dispute arises over the schedule of the Facilities or any other terms of this Agreement, it is the intention of the Parties to quickly and cost-effectively resolve such dispute. Each Party shall, upon the occurrence of a dispute, immediately make informal attempts to resolve the dispute. A Party may, as a condition precedent to filing any action, initiate mediation or arbitration. If the Parties settle a dispute after mediation or arbitration has commenced, the Parties shall cancel the mediation or arbitration. An arbitration shall be binding only upon consent of both Parties. Unless a mediation or arbitration is canceled by the Parties due to settlement of the relevant dispute, the mediation or arbitration must be completed prior to the filing of any related action or judicial proceeding. The Parties shall not be required to comply with this Section if seeking injunctive or other equitable relief.

10.5 Official Representatives

The official representatives for School District and City shall be the Superintendent or his/her designee and the City Manager or his/her designee. These official representatives shall be responsible for assuring compliance with the rules for the use of the Facilities including, without limitation, School District's and City's administrative regulations.

10.6 No assignment of Rights

No rights which School District or City have under this Agreement may be assigned to any other person or corporation without prior written approval of the Parties.

10.7 Employees

10.7.1 For the purposes of this Agreement, all persons employed in the performance of services and functions for City shall be deemed City employees and no City employee shall be considered as an employee of School District under the jurisdiction of School District, nor shall such City employees have any School District pension, civil service, or other status while an employee of the City.

10.7.2 For purposes of this Agreement, all persons employed in the performance of services and functions for the School District shall be deemed School District employees and no School District employee shall be considered as an employee of the City under the jurisdiction of the City, nor shall such School District

employees have any City Pension, civil service, or other status while an employee of the School District.

10.8 Recreation Program Costs (See 4.1.5.5?)

The City covenants and agrees to bear all costs that it should incur in respect to the operation of any recreation program, including the cost of service of its employees and incidental costs in connection therewith. School District covenants and agrees to bear all costs that should Incur in respect to the operation of any school activity.

10.9 Specific Provisions

10.9.1 Locks-Keying and Access Authorization

The lock style, types of gates, and key/code authorization to be utilized at each individual Facility will be coordinated in such a manner to allow access to both Parties while maintaining the safety and property security of such Facility. Whichever Party used the Facility last shall be responsible for ensuring the Facility is appropriately locked or otherwise secured.

10.9.2 Joint Parking

The Parties concur to allow parking in designated parking areas which will minimize off-site parking intrusion to surrounding properties.

10.9.3 Irrigation

In recognition of the Parties' mutual interest in controlling short- and long-term costs, the Parties mutually agree to explore, and implement at sites where it is found to be feasible, the installation and/or use of recycled and/or well water for irrigation purposes.

10.9.4 Utilities

Each Party shall specify in advance special use that may incur charges, and each shall promptly pay, after written request, charges for utilities (including without limitation, water, sewage, electricity, and gas) attributable to the special use.

10.10 Applicable Law

This Agreement shall be governed by and construed in accordance with the laws of the State of California and to the extent that there is any conflict between this Agreement and the laws of the State of California, the laws of the State of California shall prevail.

10.11 Improvements

Title to all improvements to be constructed on the Facilities shall be held by the owner of the Facility upon which such improvements were made unless the Parties enter into an agreement to the contrary.

10.12 Entire Agreement

This Agreement is intended by the Parties as a final expression of their understanding with respect to the recreational use of Facilities and is a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon written consent of the Parties.

10.13 Amendments

The Parties agree that it may be desirable in the future to modify the rights and obligations of the Parties. Therefore, this Agreement may be modified or amended upon written agreement of the Parties, duly executed by both Parties.

10.13.1 Removal of Facilities

In the event that either Party wishes to remove one (1) or more of the School District Facilities or the City Facilities listed in Exhibit "A" from use under this agreement, the Party shall notify the other Party in writing six (6) months in advance of the intended date of removal of the Facility(ies).

10.14 Joint Preparation

This Agreement shall be deemed to have been prepared jointly by the Parties, and the usual rule that the provisions of a document are to be construed against the drafter shall not apply.

10.15 Waiver

Failure by a Party to enforce any term, condition, restriction, or provision herein, in any certain instance or on any particular occasion, shall not be deemed a waiver of such enforcement right, with respect to that or any future breach of the same or any other term, condition, restriction, or provision.

10.16 Severability

If any article, section, provision, paragraph, sentence, clause or phrase contained in this Agreement shall become illegal, null or void, or against public policy for any reason, or shall be held by a court of competent jurisdiction to be illegal, null or void, or against public policy, the remaining Articles, Sections, provisions, paragraphs, sentences, clauses and phrases contained herein shall not be affected thereby.

IN WITNESS WHEREOF, the District and the City have executed this Agreement as of the date first written above.

CITYOF BANNING

BY: _____
Robert Fisher, Acting City Manager

ATTEST:

BY: _____
Caroline Patton, Deputy City Clerk

BANNING UNIFIED SCHOOL DISTRICT

BY: _____
Terrance Davis, Superintendent

ATTEST:

BY: _____
Victor Herrera, Assistant Superintendent

APPROVED AS TO FORM BY THE CITY
ATTORNEY FOR THE CITY OF BANNING

BY: _____
John Pinkney, City Attorney

EXHIBIT “A”

DESCRIPTION OF THE FACILITIES SUBJECT TO THIS AGREEMENT

Banning Unified School Facilities:

Central Elementary School – 295 N San Gorgonio Avenue, Banning

- Play Fields
- Multi-purpose building (for non-sport events excluding kitchen use)

Cabazon Elementary School – 50575 Carmen Street, Cabazon

- Play Fields
- Multi-purpose building (for non-sport events excluding kitchen use)

Hemmerling Elementary School – 1928 W. Nicolet Street, Banning

- Play Fields
- Multi-purpose building (for non-sport events excluding kitchen use)

Hoffer Elementary School – 1115 E Hoffer Street, Banning

- Play Fields
- Multi-purpose building (for non-sport events excluding kitchen use)

Coombs Alternative Education – 1151 W Wilson Street, Banning

- Play Fields
- Multi-purpose building (for non-sport events excluding kitchen use)

Nicolet Middle School – 101 E Nicolet Street, Banning

- Multi-purpose room (for non-sport events excluding kitchen use)
- Gym
- Football field
- Track
- Baseball field

Banning High School – 100 W Westward Street, Banning

- Gym
- Baseball fields
- Pool
- Multi-purpose building (for non-sport events excluding kitchen use)
- Performing Arts Center (subject to availability of theater technician staff and extraordinary direct support costs)

EXHIBIT A - Continued

City of Banning Facilities:

Civic Center – 99 E Ramsey Street, Banning

Facilities limited to:

- Small Conference Room
- Large Conference Room
- Council Chambers
- Restrooms (ancillary to use of other listed facilities)
- Parking Lot (ancillary to use of other listed facilities)

Banning Community Center – 789 N San Gorgonio Avenue, Banning

Banning Senior Center – 769 N San Gorgonio Avenue, Banning

Replier Park Aquatic Center – 749 North San Gorgonio Avenue, Banning

Replier Park – Corner of 4th Street and George Street, Banning (Includes amphitheater)

Roosevelt Williams Park – 1100 East George Street, Banning (Includes Roosevelt Williams Building)

Sylvan Park – Corner of Nicolet Street and Sylvan Avenue, Banning

Lion's Park – Corner of Charles Street and Hargrave Street, Banning

Dysart Park – 2101 West Victory Street, Banning,

City wide light poles

EXHIBIT B

PARTIES AGREE TO THE USE OF FACILITY FORMS WHEN ONLINE RESERVATION SYSTEM IS NOT AVAILABLE. PARTIES AGREE TO USE THE MOST UP TO DATE RESERVATION FORMS

CITY OF BANNING PARKS AND RECREATION DEPARTMENT

•789 N. San Geronio Ave, P.O. Box 998, Banning CA 92220 • 951-922-3242 •

APPLICATION FOR FACILITY USE PERMIT

Organization Name: _____
Contact Person: _____
Authorized Users: _____
Address: _____
City: _____ State: _____ Zip: _____
Day Phone: _____ Evening Phone: _____
Email Address: _____
Check One: ☐ Private/Commercial ☐ Non Profit #: _____
Activity: _____
Date(s) Requested: _____
Time Requested*: From _____ To _____

*includes set up and clean up time

Expected Attendance: _____ Public Invited? ☐ Yes ☐ No

Please Check Requested Facility(ies):

BANNING MUNICIPAL POOL

- ☐ Pool (180 Max.) Lifeguards included \$161.00 per hour
☐ Cabana Rental (25 Max.) \$69.00 per Open Swim Session
Number of Cabanas _____ (2 Max.)

PARK FACILITIES

	Private/Commercial	Non Profit
☐ Amphitheater Stage Repplier Park	\$45.00	\$45.00
☐ Picnic Shelter: _____ Park	\$30.00	\$30.00
☐ Ballfield: _____ Park (per field)	\$30.00	\$30.00
Number of fields requested: _____		
☐ Ballfield Lights: _____ Park	\$17.00	\$17.00
(Per hour, 2-hour minimum)		
☐ Dysart Park	\$145.00	\$145.00
☐ Playhouse Bowl Building	\$90.00	\$55.00
☐ Roosevelt Park Building	\$90.00	\$55.00

Electricity Needed: **Yes** **No**

COMMUNITY CENTER

	Private/Commercial	Non Profit
☐ Gymnasium (380 Max.)	\$140.00	\$70.00
☐ Large Meeting Room (40 Max.)	\$70.00	\$35.00
☐ Small Meeting Room (25 Max.)	\$60.00	\$35.00
☐ Kitchen and Gym (380 Max.)	\$325.00	\$200.00
☐ Other: _____		

SENIOR CENTER

☐ Nutrition Site (135 Max.)	\$100.00	\$55.00
☐ Multi-Purpose Room (75 Max.)	\$90.00	\$55.00

Tables requested (10 long tables): **Yes** **No** #: _____

Chairs requested (60 chairs): **Yes** **No** #: _____

OFFICE USE ONLY

Date Received: _____

By: _____

Entered: _____

Fees: Rental: \$ _____

(Non-Refundable Deposit:

Private/Commercial \$25.00; Non-Profit \$10.00)

Staff (building rentals only):

\$20.00 X _____ hours (Weekdays)

\$27.00 X _____ hours

(Weekend/Nights)

Total Staff: \$ _____

Total: \$ _____

Security Deposit:

\$100.00 for non-profit

\$200.00 for Private/Commercial

Rental Fees Waived: _____

Security Deposit: \$ _____

Receipt #: _____

Insurance Received: _____

Comments:

**Please write down Receipt
Numbers when payments are
made and staple a copy of the
receipt to this form.**

I, on behalf of the above named organization certify that I have read and understand the policies governing the rental and use of the City of Banning facilities and agree to abide by and enforce these policies. I understand that I may be held responsible on behalf of the organization for any damages or unnecessary abuse of the buildings, grounds or equipment as a result of the occupancy of this reservation.

Signature of Applicant: _____ Date: _____



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

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

MEETING DATE: April 8, 2025

SUBJECT: Provide An Update to City Council of an Award of Grant for the Banning Two Way Cycle Track Safety Project, a Quick Build Pilot Study Project Funded by the Southern California Association of Governments

RECOMMENDATION:

Provide direction to staff to continue to process necessary items for the Banning Two Way Cycle Track Safety Project, a Quick Build Study Project Funded by the Southern California Association of Governments (SCAG)

BACKGROUND:

SCAG Connect SoCal 2024 Sustainable Communities Program (SCP) - Active Transportation and Safety Grant:

SCAG's Sustainable Communities Program (SCP) – Active Transportation and Safety grant provides funding to projects that support active transportation modes (e.g., walking, biking, and transit), improve roadway safety, and achieve the mobility goals, planning policies, strategic investments, and implementation strategies of the Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy. In 2024, the SCP – Active Transportation and Safety grant funding round awarded \$8.2 million in the following project categories:

- Community/Areawide Plans: Active transportation-related plans that benefit disadvantaged communities, per the state's Active Transportation Program guidelines.
- Quick-Build Projects: Interim capital improvement projects that require minor construction activity and use durable, low- to medium-cost materials to pilot and iterate through active transportation and roadway safety project designs with community feedback.

Following the adoption of Connect SoCal every four years, SCAG calls for applications through the SCP to provide local technical assistance in support of Connect SoCal implementation. In July of 2024 a call for applications was announced soliciting applications for active transportation related plans and quick-build projects that was due on September 27, 2024. The SCP – Active Transportation and Safety Cycle 7 regional funds awards \$8.2 million in grants with \$900,000 being the maximum awarded for quick-build projects. SCAG, along with local and sub-regional partners, evaluated a total of 29 applications (12 for plans and 17 for quick-build projects) and selected 13 projects for funding.

Engineering Division staff and the Grants Manager prepared the SCP Quick-Build grant application in house for an innovative pilot study project shown in Attachment 1, "Banning Two Way Cycle Track Safety project" and submitted it on September 26, 2024. The Deputy Director of Public Works/City

Engineer was notified on January 27, 2025 that the City of Banning's application was competitively scored by a committee and was successful in being awarded the requested grant amount of \$895,000, with no City matching funds required. The SCAG Regional Council approved the 2024 SCP Active Transportation and Safety grant award recommended project list on December 5, 2024.

This list of projects recommended for the SCP Grant by the SCAG Regional Council will be bought before the California Transportation Commission (CTC) for approval on June 26th/27th of 2025. Once approved, a City Council Resolution accepting the award is required, which will be bought before the City Council for approval in late summer of 2025. The grant terms and Agreement will be in the form of a Memorandum of Understanding (MOU) between SCAG and the City of Banning, which will be developed by SCAG after the City Council accepts the SCP Grant and put forward before the City Council for approval in late 2025.

Active Transportation Plan:

In 2021, the City of Banning obtained a SCP Active Transportation and Safety grant award to develop the City's first Active Transportation Plan. This extensive plan was developed over the course of almost two years and was adopted by the City Council on June 25, 2024, with the staff report, resolution and presentation shown in Attachment 2.

The final Plan includes a practical implementation strategy with preliminary design schematics and concepts, and data that can be used in grant applications for fifteen (15) priority projects, and six (6) safe routes to schools projects. Additionally, existing conditions, a summary of public outreach and grant funding opportunities are summarized in the Plan and Appendix.

One of the more novel and challenging recommended projects is a separated cycle track along San Geronio Ave. that was highlighted and discussed with the Stakeholders Advisory committee throughout the entire project, which included the Banning Unified School District (BUSD), at Open Houses, at Planning Commission, City Council meetings and at public meetings. Much feedback was received from the BUSD, library staff, parents, Banning PD, and residents about the unsafe conditions, due to congested pick up and drop off times, at Nicolet Middle School and Central Elementary School. Attachment 3, Project Map and Description (which is Exhibit 1 and 2 of the SCP grant application) describes the Banning Two Way Cycle Track project.

Separated Bikeways, also called cycle tracks, are on-street bicycle facilities with a physical separation between the bikeway and vehicle travel lanes, usually with flexible posts and buffer zone. The City's ATP developed a state-of-the-art two-way cycle track to loop around Nicolet Middle School and run alongside Central Elementary School. Students will be able to safely bike to and from school in a protected area designated for bicyclists with physical separation from cars. This will narrow the existing vehicle travel lane, naturally slowing down traffic speeds which in turn, increases safety and comfort for people walking, bicycling, and even driving. Additional safety improvements include a one-way couplet around the school to reduce traffic speeds, designation of school drop off and pick up lanes, enhanced crosswalks, curb extensions and signage to improve safety for senior citizens, parents, young school children and residents.

The purpose of the ATP was to provide the City of Banning with a comprehensive document outlining the existing inventory of bicycle and pedestrian infrastructure and travel habits of the community. An analysis of the City's current infrastructure highlights areas of opportunity to be prioritized for future improvements and recommendations are presented within this plan as fifteen (15) priority projects. The ATP guides the development and implementation of active transportation infrastructure programs and policies for the City. Conducting the demonstration/pilot project aligns with this policy.

Community Outreach during the ATP:

As part of the ATP, the consultant prepared a Community Engagement Plan in order to provide outreach activities that included participation from the public and from key stakeholders to ensure the Plan's concepts reflect the community's needs and wishes. The outreach activities engaged local and regional representatives to obtain feedback, provided presentations covering the project background, goals, scope, preliminary and draft concepts, and the final Plan, as the project progressed.

Details of the public outreach efforts during the ATP preparation process are detailed in the staff report for City Council to adopt the ATP in Attachment 2.

Banning Two Way Cycle Track Safety Project:

The one-way couplet with the cycle track around Nicolet Middle School is a distinctive feature of the adopted ATP. This design involves converting two parallel streets into a one-way couplet. This approach can significantly reduce traffic congestion around the school, enhance safety for students during peak hours, and improve traffic flow. By creating a more organized and predictable traffic pattern, the couplet reduces the likelihood of accidents and makes the area more navigable for pedestrians and cyclists.

The proposed project will include hiring a consultant for the following tasks:

- Project Management
- Data Collection of existing conditions in a Report;
- Public Participation/Community Outreach and developing a Public Outreach Plan detailing all of the outreach events and methods and preparing a Report on outreach events, numbers, survey results, and concerns;
- A Technical Advisory Committee and Community Advisory Committee that meets throughout the project;
- Developing project Plans with two design alternatives for one way and two way traffic along San Geronio Ave., Plans and Specs for Bidding, and an Implementation Plan
- Collecting Post Installation Data in a Report; and preparing Draft and Final Reports including data evaluations, recommendations, future grant fund opportunities, and final Presentations.

A contractor will be hired to perform the installation. As a quick build project, the work will include roadway striping and installation of plastic delineators. No permanent fixed objects will be constructed or installed as part of the pilot project. The Scope of Work, schematic, and additional reference Exhibits to the SCP Grant application, on page 9 of 14, are listed in Attachment 1 and include a list of detailed tasks and deliverables. These safety improvements will create more opportunities to walk, bike and use transit.

A large part of the project will be Public Participation, whereby a consultant will be hired to perform community outreach before, during and after the demonstration. Surveys will be prepared and tallied to determine the community's reaction, experience and observations to the safety improvements, meetings held monthly with BUSD, Banning PD, EMS, FD and other stakeholders via technical advisory meetings, and a project website and social media posts will solicit comments from the public. Additionally, Town Halls/Open Houses will be held at City Hall, the library and school district (PTA meetings and interviews with students and parents will occur). Pop Ups at each school during drop off and pick up hours will also solicit feedback and provide data. The data of these outreach methods will be analyzed and summarized by the consultant on a monthly basis and shared with the community.

If after installation, the community feedback is against the reconfigured roadway, the pilot study can be removed easily and returned to existing conditions. The duration of the project is expected to be 2 years and 2 months, with the actual demonstration in place for about 6 months. Once the CTC approves the list of SCP grant awards, the MOU with SCAG will be executed, a RFP for a consultant will be developed by Engineering Division staff and SCAG, and solicited in early 2026. SCAG will award the consultant contract and manage the grant management and reimbursement from Caltrans, which is a time savings for City staff. There are no hard costs associated with the SCP grant..

A demonstration and temporary pilot of the Banning Two Way Cycle Track Safety project is an opportunity to install the one-way couplet around San Gorgonio Ave. using temporary paint for lane markings and installing flexible posts for the separated bike lane and curb extensions, and to obtain community and BUSD feedback. No new ground disturbance or construction of new permanent fixed objects (like curbs or asphalt) is necessary, and all work will occur on the existing roadway between the existing curbs.

CEQA Determination:

SCAG is requiring CEQA documentation by April 18, 2025 to advance the grant application. The Director of Community Development has determined that a Notice of Exemption is appropriate for this temporary pilot study.

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment, and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Therefore, in accordance with Section 15301 (c), staff have determined that the Banning Two Way Cycle Track Safety project, a temporary pilot project, is considered categorically exempt from CEQA and a Notice of Exemption has been prepared and will be filed with the Riverside County Clerk.

JUSTIFICATION:

Staff is seeking City Council's concurrence to proceed with the grant award process, and submit the project's Categorical Exemption CEQA determination to SCAG and Caltrans as a condition of the SCP grant. After Caltrans and the CTC obligate the funding, a grant agreement will be brought to City Council for execution after the CTC obligates the funding in June or July of 2025. A grant agreement is anticipated in August or September of 2025 to be brought to Council for authorization.

FISCAL IMPACT:

The City of Banning will pay recording fees with the County of Riverside to file the Notice of Exemption.

The Notice of Exemption was prepared by City Staff. The Banning Two Way Cycle Track Safety project will be paid through a Caltrans ATP Cycle 7 grant that SCAG administers.

ALTERNATIVES:

Direct staff to cease continued efforts to pursue this grant award, and notify SCAG to remove the City of Banning from the awarded projects list, and do not build the two-way cycle track pilot project that is included in the adopted Active Transportation Plan.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Att. 1 SCP Grant Application Submittal, 9.26.24.pdf](#)
2. [Att. 2 6.25.24 Staff Report Agenda Packet.pdf](#)
3. [Att. 3 SCP Grant Exhibits 1 & 2. Project Map and Description.pdf](#)
4. [Draft Notice of Exemption](#)

SUPPORTING IMPLEMENTATION OF Connect SoCal™

Sustainable Communities Program



2024 Sustainable Communities Program Active Transportation and Safety Application Form

Submission Date: Thursday, September 26, 2024

I. GENERAL INFORMATION

A. APPLICATION INFORMATION

If an agency/organization is submitting more than one application, only one application needs to include all the information requested in Questions 1-13.

Additional applications must fill in Question 1 and can leave Questions 2-13 blank if the information is same across all applications.

1. Agency/Organization

City of Banning, Public Works

2. City

Banning

3. County

Riverside

4. Project Manager Name

Nathan Smith, P.E.

5. Project Manager Title

Deputy Director of Public Works/ City Engineer

6. Project Manager Department

Public Works, Engineering

7. Project Manager Email

nsmith@banningca.gov

8. Project Manager Phone

951.922.3130

9. Additional Contact Name

Ann Marie Loconte, P.E.

10. Additional Contact Title

Associate Civil Engineer

11. Additional Contact Department

Public Works, Engineering

12. Additional Contact Email

amloconte@banningca.gov

13. Additional Contact Phone Number

951.922.3130

B. PROJECT INFORMATION

14. Project Name

San Gorgonio Ave. Cycle Track Pilot Project

15. Please provide a short summary of your project that includes the major deliverables (500 character limit)

The City of Banning's first Active Transportation Plan (ATP) developed a state-of-the-art two-way cycle track to loop around one school and run alongside another neighboring school: Nicolet Middle School and Central Elementary School. Students will be able to safely bike to and from school in a protected area designated for bicyclists with a physical separation from cars. This will narrow the existing vehicle travel lane, naturally slowing down traffic speeds which in turn, increases safety and comfort for people walking, bicycling, and even driving. Additional safety improvements include a one way couplet around the school to reduce traffic speeds, a designated school drop off and pick up lane, enhanced crosswalks, curb extensions and signage to improve safety for senior citizens, parents, young school children and residents. The proposed project will include hiring a consultant to perform: project management, data collection of existing conditions (with a Report), Public Participation/Community Outreach and will develop a Public Outreach Plan detailing all of the outreach events and methods and prepare a Report on outreach events, numbers, survey results, concerns, etc., convene a TAC and CAC that meets throughout the project, develop project Plans with two design alternatives, Plans and Specs for Bidding, an Implementation Plan, Post Installation Data collection (with a Report), Draft and Final Reports including data, recommendations and future grant fund opportunities, and final Presentations. A contractor will be hired to perform the installation. Please see the SOW for full detailed tasks and deliverables. These safety improvements will create more opportunities to walk, bike and use transit.

16. Project Duration (Years, Months)

2 years, 2 months

17. Requested Amount

\$875,000.00

18. Local Match (Please type N/A if this does not apply.) Please note: A local match is optional and not scored as part of the application. A local match will not increase the competitiveness of the application.

N/A

19. Is your agency submitting multiple applications?

b. No

20. How many applications is your agency submitting?

1

21. What is the priority of this application (e.g. 1, 2, or 3)

1

22. Project Type

Quick-Build

QUICK-BUILD

The 2024 [Sustainable Communities Program – Active Transportation and Safety](#) call aims to build and maintain an integrated multimodal transportation network by advancing [Connect SoCal 2024](#) complete streets, transit and multimodal integration, and safety [mobility strategies](#).

A. MOBILITY

1. Describe the challenges and needs for people walking, biking and using other forms of active transportation for the quick-build project area and how those challenges create barriers to an integrated multimodal transportation network.

In Banning (pop. 29,505), a historically underserved community, the existing conditions in many parts of the City, including in the proposed project area, are barriers to active transportation with sidewalk gaps, lack of bicycle and ADA-compliant facilities, and speeding motorized vehicle traffic.

Ramsey Street and San Geronio Avenue are significant roadways that provide access to Central Elementary and Nicolet Middle Schools, the community and Senior center, churches, the municipal swimming pool, Repplier Park, the only library, the neighborhood grocery store, Banning Civic Center, Police Station, Post Office, and County Courthouse (see Exhibit 1). These roadways are used to access important local destinations, which underscores the need for active transportation facilities that safely and comfortably accommodate non-motorized forms of travel along these car-oriented corridors. While developing its 2023 Downtown Revitalization Complete Streets Plan and the 2024 City of Banning Active Transportation Plan, the City analyzed its roadways and engaged disadvantaged community (DAC) members to identify and prioritize the best streets to improve with active transportation facilities in order to address the community's needs. The proposed Project is directly informed by the City's Complete Streets and Active Transportation Plans.

The following Plans were used to develop these Plans:

- o 2024 City of Banning Active Transportation Plan
- o 2023 Banning Downtown Revitalization and Complete Streets Plan
- o 2022 Banning Local Road Safety Plan (LRSP) established by the California Department of Transportation (Caltrans) in alignment with the California Strategic Highway Safety Plan (SHSP)
- o City of Banning General Plan 2013 Circulation Element Amendment
- o 2018 Western Riverside County of Government (WRCOG) Active Transportation Plan
- o City of Banning Long Range Transportation Plan
- o County of Riverside Climate Action Plan

The City of Banning's Active Transportation Plan is included in its MPO's current regional transportation plan. The Southern California Association of Governments' (SCAG's) 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy lists Banning's Active Transportation Plan (page 70) as one of its Sustainable Communities Program Projects Approved since 2020, with this SCP grant that we are now applying for a Quick Build Grant.

The proposed project will create safer conditions for students, handicapped, senior residents, and families with wider, more connected walkways and designated bikeways separated from motorized vehicle traffic on San Geronio Avenue. The City will install sidewalk curb extensions with flex posts and paint at intersections to reduce the roadway width and force vehicles to slow down when turning. Pedestrians on the curb extensions and crossing the street will be more visible. The extensions shorten the crossing distance making it safer and more convenient to navigate intersections. This design forces slower driving in narrower passages thereby improving pedestrian/cyclist safety.

Based on 301 surveys received, public comments at several workshops and Pop Ups held during the City's

recent Complete Streets Plan and ATP public outreach in 2022 through 2024, there are a number of barriers and challenges that prevent residents from using active transportation. These include road safety, narrow roadways with priority given to vehicles, sidewalk gaps, unsafe driver behavior, and lack of ease in reaching a destination or activity at the community facilities along San Gorgonio Ave and Ramsey St. or bus stops within the area. Road safety concerns and unsafe behavior can be attributed to:

- **Motorist violations:** Driving at high speeds reduces the time a driver has to notice, recognize, and react to pedestrians and cyclists. Higher speeds also increase stopping distances. There is speeding along San Gorgonio Ave, the main street in this project. Turning part of it into a one way couplet, installing high visibility cross walks and curb extension and have a designated class IV cycle track will help to drastically reduce the speed of cars travelling in the area, particularly around the two schools.
- **Pedestrian violations:** Pedestrian violations on roadways may include jaywalking, crossing streets outside of designated crosswalks, and ignoring traffic signs and signals. These behaviors increase the risk of accidents, as pedestrians may unexpectedly enter vehicle paths. Such violations stem from inadequate pedestrian infrastructure, making it difficult for pedestrians to navigate safely. Improving walkways, crosswalks, and having a one way couplet around the school and a designated school pick up and drop off lane will reduce these violations by providing safer, more accessible routes for pedestrians. Insufficient or unclear signage indicating pedestrian crossings and bike routes can lead to confusion and missed cues for drivers
- **Violating right-of-way:** Violating right-of-way on streets occurs when drivers, pedestrians, or cyclists fail to yield as required, leading to dangerous conflicts. This includes drivers not yielding to pedestrians at crosswalks, cyclists ignoring traffic signs and signals, and pedestrians crossing against signs and signals. Such violations disrupt the orderly flow of traffic, increasing the risk of accidents and injuries. Clear signage, more visible crossings, and improved active transportation infrastructure will help ensure that all road users understand and respect right-of-way rules, enhancing safety and efficiency on the streets.

The proposed project will remove right-of-way conflicts and confusion by removing pedestrians and bicyclists from roadways and separating them from motorized vehicles. Additionally, improved pavement markings and crossing facilities will help define spaces for pedestrians, bicyclists, and motor vehicles and encourage safer crossing behaviors. New bike lanes, crosswalks, and high-visibility intersections improve pedestrian safety by providing clear, designated spaces for walking and cycling. These features reduce the likelihood of pedestrians jaywalking or crossing unsafely by offering convenient, visible, and accessible pathways. Enhanced infrastructure encourages compliance with traffic laws, as pedestrians feel safer using designated crossings. Additionally, high-visibility intersections increase driver awareness, further reducing the risk of accidents and promoting a safer, more orderly flow of foot and bike traffic. In areas where cars, bikes, and pedestrians share the road without clear separation, it can be difficult for drivers to anticipate the movements of non-motorized users.

This design reduces the risk of collisions and creates a more secure environment for cyclists, encouraging more residents to use bicycles for daily commutes and recreational activities. In Southern California, where such infrastructure is relatively new, these enhancements set a precedent for other cities to follow, promoting healthier lifestyles and reducing traffic congestion.

The Project includes active transportation access to public transit/bus stops. This integration with public transit makes it easier for people to combine active transportation and transit for their journeys. The Project enhances existing transit routes to civic and government facilities and services. Additionally, the City's transit system leads to buses that travel to nearby Beaumont and Cabazon. If residents felt more comfortable walking or biking to the main bus stops along San Gorgonio Ave and Ramsey St., they would utilize the larger San Gorgonio Pass transit network and integrate with other transit agencies' networks.

2. Which of the following goals of the 2024 Sustainable Communities Program - Active Transportation and Safety call will the proposed quick-build project support?

Improve mobility across the region, especially for children, and older adults, and people walking, biking, riding transit/rail, and using other forms of active transportation.

Strategically invest in communities most harmed by traffic injuries and fatalities, which include the historically disinvested communities that comprise the majority of the Regional High Injury Network (Refer to application resources for more information).

Support a more resilient transportation network, especially in anticipation of the large-scale events hosted by the region.

Support local efforts to increase competitiveness for state and federal funding.

2i. Please describe how the proposed quick-build will meet the described challenges and needs identified in Question 1 and support implementation of the selected 2024 Sustainable Communities Program - Active Transportation and Safety goals.

The project will accomplish all of the SCP ATS goals. The City is committed to creating transformational multimodal facilities that benefit all residents and visitors. Current infrastructure hinders safe pedestrian and cyclist travel with barriers caused by missing sidewalk, narrow walkways, lack of designated bike lanes, limited visibility and crossings, and high-speed vehicle traffic.

Project Benefits for Students and Families

The Project benefits non-motorized travelers of varying abilities. The Project prioritizes active transportation improvements around Central Elementary and Nicolet Middle Schools, totaling over 1,750 students. By improving walkways and bikeways with greater separation from vehicles, the Project will provide safer access to schools for students and families. Improvements will reduce traffic congestion during peak school hours when long car lines form on First Street and San Geronio Avenue. The proposed Class IV cycle track along San Geronio Avenue, featuring a protective vehicle barrier, will boost confidence and accessibility for young students, while the high visibility crosswalks and narrow road crossings will benefit wheelchair users and those with limited mobility to use the facilities.

The community also requested active transportation improvements to increase physical activity. Despite being below state averages, significant portions of Banning's population, according to 2018 California Health Interview Survey, are diagnosed with conditions like asthma (13.4%), diabetes (8.5%), and heart disease (7.9%). Promoting healthy habits in childhood minimizes risk of chronic diseases in adulthood. For students, walking or biking to school daily can fulfill the American Academy of Pediatrics' recommended 60 minutes of physical activity for children ages 6 to 17. With average walking times of 15-20 minutes per mile, walking to school could provide over 50% of this recommendation, improving overall health in Banning.

Project Benefits for Seniors

Seniors (age 65+) comprise 27.6% of residents, the largest Banning age bracket. The Project meets seniors' active transportation needs, as evidenced by their 29% participation the Active Transportation Plan survey. Seniors requested street lighting, signaled pedestrian crossings, protected or painted bike lanes, and better walkability to the Community and Senior Center located at the north end of the Project area along San Geronio Avenue. Infrastructure features such as curb extensions for shorter crossings, ramps, and well-marked crossings enhance accessibility and minimize hazards. Improving active transportation conditions facilitates safer travel to the Senior Center, fostering connections, reducing social isolation, and improving health, which is crucial as seniors drive less and rely more on active transportation as they age.

Local Health Concerns

Banning's California Healthy Places Index (HPI) score, developed by the Public Health Alliance of Southern California to predict life expectancy, is 11.6%—indicating the City is only healthier than 11.6% of other California cities. This low score is influenced by several factors.

The vast majority of Banning, and certainly within the project limits, is a disadvantaged community. The SCAG's High Injury Network, shown in Exhibit 2, leads into and out of San Geronio Ave, which is in the east side of town. This area has historically been neglected with less parks, amenities and public improvement

made within it. A fatal pedestrian collision along George St., just east of the project and other four other vehicle and pedestrian severe injuries occurred, per Figures 2-4 and 2-8 of the 2022 LRSP, shown as Exhibit 3, within this historically underserved community.

Due to limited connectivity and multimodal options, the Banning community heavily relies on cars for daily travel to essential services and schools. The proposed active transportation improvements will connect the community to key destinations along San Gorgonio Ave. (two schools, one and only community and senior center, Repplier Park and Aquatic Center, City Hall, the Police Department, Banning library, a neighborhood grocery store, several shops and businesses shown in Exhibit 1) to Ramsey Street, with many stores and attractors, providing more inclusive transportation infrastructure for all residents. Some intersections lack clearly marked crosswalks or any pedestrian crossing infrastructure, forcing pedestrians to navigate through vehicle traffic.

Responses from the community at several workshops and in the surveys (301 were collected) from the 2024 ATP Plan funded by a SCP Grant from SCAG indicated that seniors and residents are reluctant to take the bus due to the difficulty in accessing the stops through the unsafe traffic conditions. There are seven bus stops along San Gorgonio Ave that lead to other buses, including to the neighboring cities, including Beaumont and Cabazon. Improving accessibility and safety with the project improvements could increase use of the local transportation network.

Because the City has limited resources, grants are needed to implement active transportation strategies that will improve the health of the residents. If this demonstration project is funded, it will provide crucial data that can be used to pursue other long term permanent construction from state and federal grants and place the City in a competitive status for these grants.

B. SAFETY BENEFIT

3. Describe the quick-build project area's history of pedestrian and bicycle crashes and any other safety concerns that this plan will address. Provide data to support this description. If the quick-build project will direct people biking and walking away from dangerous areas, data from nearby locations/corridors may be used. Potential sources of crash history and safety concerns include the Statewide Integrated Traffic Records System, Transportation Injury Mapping System, Office of Traffic Safety Crash Rankings, Regional High Injury Network, and/or local data sources (e.g. Crossroads, 311 requests, etc.) - Refer to application resources page

Based on extensive community outreach, several challenges have been identified regarding road safety: unsafe motorist behavior, improper turning, cars violating the pedestrian right of way, difficulty (low ease of accessibility) for residents to reach bus stops with heavy traffic and the lack of visible crosswalks.

During school pick up and drop off hours, Banning Unified School District (Banning USD), Banning PD, Fire, EMS, residents, library staff, community center staff and students have commented on how dangerous the project area is. Feedback was received during public meetings, a community pop up outside the schools and via surveys completed during the Local Roadway Safety Plan (LRSP completed in Sept. of 2022) and during the ATP development (ATP just completed in June of 2024 with a SCAG SCP grant).

Currently, the streets are two-way traffic, do not have any RRFBs or lighted crosswalks for safe crossing, and do not have designated lanes for drop off/pick up of students. Cars are double and triple parked and drop off students in the middle of the street. Near misses have been reported by the Banning USD. This creates a safety challenge for students, walkers, bikers and motorists trying to navigate the congested roads.

SCAG's High Injury Network from 2022, shown in Exhibit 2, show several areas shown on the project map; Ramsey St and San Gorgonio Ave, and San Gorgonio Ave and West Livingston (within the project limits) and just east of the project, George St and Alessandro, as being high injury corridors. Changing the street to a one way, with a designated two-way protected cycle track, creating a school drop off zone, installing safety

improvements such as visible crosswalks, curb extensions and signage will greatly enhance the safety of students.

Data from January 1, 2017 through December 31, 2021 was used to query the Statewide Integrated Traffic Records System along with the Transportation Injury Mapping System (TIMS) and is listed in the LRSP and used in the ATP. From the LRSP, Figure 2-4 City Fatalities and Severe collisions and Figure 2-8, Pedestrian Collisions by Severity are included as Exhibit 3 and shown in the project area on Exhibit 2, are nearby bicycle collisions along with crash hot spots.

Within a quarter mile radius of the school, walking distance for many students in this disadvantaged area, there has been: 1 bike collision, 5 pedestrian collisions and 1 pedestrian fatality. Just outside of the ¼ mile several more pedestrian collisions have occurred. Central Elementary school is the largest in Banning with 783 students and Nicolet Middle School has a population of 975 students.

The one-way couplet around Nicolet Middle School is another distinctive feature of the Project. This design involves converting two parallel streets into one-way roads that move traffic in opposite directions. This approach can significantly reduce traffic congestion around the school, enhance safety for students during peak hours, and improve traffic flow. By creating a more organized and predictable traffic pattern, the couplet reduces the likelihood of accidents and makes the area more navigable for pedestrians and cyclists.

4. Explain how the quick-build project's approach, elements and materials respond to the identified safety concern(s). What are the intended safety outcomes and how will the outcomes be measured/evaluated? As part of your response, include references to the relevant parts of the scope of work and initial project layout (e.g. conceptual plan)

The proposed project will address the safety concerns of residents and students by providing a state-of-the-art two-way cycle track to loop around one school and run alongside another neighboring school: Central Elementary School and Nicolet Middle School. Students will be able to safely bike to and from school in a protected area (using flexible posts) designated for bicyclists with a physical separation from cars. This along with curb extensions will narrow the existing vehicle travel lane, naturally slowing down traffic speeds which in turn, increases safety and comfort for people walking, bicycling, and even driving. Additionally, a dedicated drop off/pick up lane will significantly improve safety and prevent a backup of cars into the crosswalks and surrounding streets, the schematic is shown as Exhibit 4. The San Gorgonio Ave loop will change the parallel streets to a one-way couplet. If the community does not like the one-way streets, a two way traffic San Gorgonio Ave can be implemented. At a minimum, these two designs will be included in the engineering consultant's Scope of Work. The material used are flexible, such as paint and flexible posts for the cycle track, that can be changed/removed fairly easily based on the safety outcomes or public response. These both will be measured qualitatively and quantitatively and analyzed by Engineering staff as described below.

Lastly, new painted enhanced crosswalks and signage will ensure pedestrians and cyclists, and handicapped residents can confidently cross streets after school, in particular students from Central Elementary and Nicolet Middle School, to the community attractors on the west side of San Gorgonio Ave (public library, community center, aquatic center and the elementary school). There are seven (7) City bus stops along San Gorgonio Ave. and Alessandro St., and about a dozen within the route of improvements in the project area that would improve the ease of accessibility from the safety improvements. In summary the following improvements will address the safety and accessibility concerns voiced by the public: separated protected bike lane, one-way couplets, enhanced crosswalks, curb extensions and signage and a designated school pickup/drop off lane.

Banning analyzed the deficiencies during its Active Transportation Planning process, and considered ways to slow traffic, expand space for people walking and bicycling, and provide a safer walking environment. In alignment with the Plan shaped by the public, this project will increase connectivity and safety with improved bike lanes, pavement markers, high visible crosswalks, and signs. The proposed project will address residents' concerns and remove barriers by:

Enhancing Safety: Protected Bike lanes provide dedicated spaces for bicyclists, reducing the risk of conflicts with motor vehicles. Traffic calming features will slow traffic by reducing road space for cars and encouraging slower driving speeds. Improved crosswalks and intersections that prioritize bicyclists and pedestrians will make streets safer for all users and less stressful for active transportation users.

Improving Accessibility: Well-designed bike lanes and roads create a connected network that allows people to travel safely and conveniently throughout Downtown without relying on motorized transport. New infrastructure will have inclusive designs to be accessible for all users, including those with disabilities, improving mobility options for everyone.

A large part of the project will be Public Participation, whereby a consultant will be hired to perform community outreach before, during and after the demonstration. Surveys will be prepared and tallied to determine the community’s reaction, experience and observations to the safety improvements, meetings held monthly with Banning USD, Banning PD, EMS, FD and other stakeholders via technical advisory meetings, a project website and social media posts will solicit comments from the public. Additionally, Town Halls/Open Houses will be held at City Hall, the library and school district (PTA meetings and interviews with students and parents will occur). Pop Ups at each school during drop off and pick up hours will also solicit feedback and provide data. The data of these outreach methods will be analyzed and summarized by the consultant on a monthly basis and shared with the community.

Quantitative data will be measured, collected, analyzed and tallied by the civil engineering firm hired to perform the Design and Engagement work. Task 2. Existing Conditions and Analysis Report, and Task 6. Evaluation and Report, in the Scope of Work will include collecting data such as vehicle counts and speed on the surrounding roads and with the project limits, bicycle and pedestrian counts/usage, collision data, violations issued by the PD, data from the Fire and EMS, school district and other important data will be collected as suggested by the engineering firm. This will be done prior to the project being implemented for baseline purposes, and after the project has been implemented for 6 months, and shared with the community and Engineering staff to learn what safety measures should remain and what should be enhanced or changed. Reviewing and evaluating the data will ensure that the anticipated outcomes of safer roads (lower speeds and number of cars) and more active transportation (increased pedestrian and bicycle counts) occurred due to the project’s implementation. Public input through surveys and input are included as data for these Tasks.

4i. Attach scope of work, schedule, budget, and initial project layout (conceptual plan) here

 Exhibit 3. 2022 LRSP Figs. 2.... .pdf	 Exhibit 4. Schematic of Cycle pdf
 307_Exhibit 5. Cal Env Score pdf	 Exhibits 1. and 2. Project Ma... .pdf
 Final, 24-0010-scp-ats-budge....xlsx	 Final, 24-0010-scp-ats-scope....xlsx

C. PUBLIC HEALTH

5. Describe how your project will address local public health concerns and disparities. Also describe additional co-benefits connected to public health, such as urban greening and cooling, placemaking, and improving livability. Potential sources for understanding and describing public

health concerns and disparities include the Healthy Places Index, the California Health Interview Survey, local data, and/or public health-related metrics from CalEnviroScreen, the Climate and Economic Justice Screening Tool, or U.S. Department of Transportation Equitable Transportation Community Explorer (Refer to application resources page)

One of the important goals of the City's Two-Way Cycle Track Safety project is to provide a new active transportation option to improve public health and quality of life benefits for all residents. Exhibit 5 shows the project area's Cal Environ score and Healthy Places Index (HPI) for reference.

Local Health Concerns

Banning's California Healthy Places Index (HPI) score is 11.6%; this indicates the City is only healthier than 11.6% of other California cities. (See Attachment: Healthy Places Index-HPI). This low score is influenced by several factors, including:

- **Transportation:** Only 2.27% of workers in Banning (16 years and older) commute by transit, walking, or bicycling. Active commuting offers physical activity, provides transportation options for carless individuals, encourages social cohesion, and reduces climate impact and air pollution.
- **Economic Conditions:** In Banning, 21% of residents live below poverty. Research indicates that economic opportunity strongly predicts good health and health disparities for people in or near poverty.
- **Neighborhood Conditions:** Only 2% of Banning's land has a tree canopy (weighted by the number of people per acre). Trees provide shading and cooling, mitigate GHG emissions, reduce stress, and promote health, wellness, and physical activity.

The Cycle Track project aims to tackle health concerns highlighted by the HPI by providing a designated, barrier-separated bike lane to promote biking instead of vehicle travel within the Project area. The Project also addresses health disparities by creating opportunities for physical activity, providing a safe transportation option for those without a car, reducing emissions of air pollutants and greenhouse gases by reducing Vehicle Miles Traveled (VMT), and by providing direct access to amenities and large green spaces including Repplier Park.

According to 2021-2022 California Health Interview Survey (CHIS) data, significant portions of Banning's population are diagnosed with conditions like asthma (15.2%), diabetes (12.7%), and heart disease (10.4%). Promoting healthy habits in childhood minimizes risk of chronic diseases in adulthood. For the 2,904 students attending Central Elementary, Nicolet Middle and Banning High Schools, biking to and from school via the new Two-Way Cycle Track daily can fulfill the American Academy of Pediatrics' recommended 60 minutes of physical activity for children ages 6 to 17.

Making cycling safer, less stressful and more attractive, the Cycle Track will encourage more people to engage in physical activity, which can lead to improved public health outcomes and decrease health disparities. Increased cycling can lead to fewer cars on the road, reducing air pollution and contributing to a cleaner environment – especially important in this community that suffers the burdens of high instance of asthma and cardiovascular disease.

Quality of Life

Lower income families in poor areas are especially vulnerable to transportation insecurity, and often walking or biking are necessary to get to a job, store, or school. By creating designated, separated bicycle lanes, the

Project will positively impact residents who use a bicycle as their primary mode of transportation. The Cycle Track will provide connectivity to destinations within the Project area such as the Banning Library, Banning City Hall, Banning Community Center and Senior Center, Repplier Park and Aquatic Center, as shown on Exhibit 1. This will greatly improve accessibility, safety and quality of life for residents, creating a more livable community. The Project will also encourage the use of public transit as many people who use public transportation cycle to or from stops and stations.

Through the SCAG-funded Active Transportation Plan public outreach process conducted October 2022 thru March 2023, the greater Banning Community was able to collaboratively determine and prioritize what active transportation and safety improvements were needed in the City. For biking, the top five preferences were: separated bike paths, protected or painted bike lanes, street lighting, bike parking, and a bikeshare program. The participants also requested active transportation improvements to increase physical activity. The Two-Way Cycle Track Safety Project is a direct result of this Community placemaking effort. The project will reduce traffic congestion near the two schools, lowers carbon emissions, and promotes healthier lifestyles. As a visible commitment to sustainable infrastructure, the bike lane can attract support for further active transportation projects. Additional benefits include:

Promoted Health and Well Being: By making walking and cycling safer, less stressful, and more attractive, these facilities will encourage more people to engage in physical activity, which can lead to improved public health outcomes and decrease health disparities. Increased walking and cycling can lead to fewer cars on the road, reducing air pollution and contributing to a cleaner environment – especially important in this community that suffers the burdens of high instance of asthma and cardiovascular disease.

Environmental Sustainability: Promoting cycling and walking helps reduce reliance on fossil fuels, contributing to lower greenhouse gas emissions. The Project includes native plantings for shade, cooling, and green spaces, which improve urban biodiversity and aesthetics.

D. DISADVANTAGED COMMUNITIES

Quick-build projects **are not** required to be located in a Priority Equity Community or disadvantaged community. However, the [2024 Sustainable Community Program – Active Transportation and Safety](#) call will strategically invest in communities most harmed by traffic injuries and fatalities, which include the historically disinvested communities comprising the majority of the [Regional High Injury Network](#). Proposed quick-build projects not located in a [Priority Equity Community](#) or disadvantaged community are still encouraged to apply, because the proposed project may still benefit priority equity or disadvantaged communities.

6. Is the project area in a Priority Equity Community (PEC) or in a disadvantaged community as identified in the state's Active Transportation Program guidelines? See pages 11-13 of the state's 2025 Active Transportation Program guidelines for definitions of each disadvantaged community(Refer to application resources page).

Yes

6i. Which disadvantaged community definition applies to the project area?

CalEnviroScreen

6ii. Upload a screenshot of a map identifying the project and its relationship to a PEC or equivalent disadvantaged community.



Exhibit 5. Cal Env Score and pdf

7. Explain how the quick-build project will directly benefit a Priority Equity Community or other measure of a disadvantaged community and ensure those with the greatest need are not negatively impacted by this project.

The entire Project area is designated as a DAC based on median household income as well as CalEnviro Screen 4.0 data and National School Lunch free and reduced lunch data. Banning is a historically underserved community nestled between more affluent areas, such as the Palm Springs resort area to the east and areas of greater means to the west. Banning's DAC residents will have direct access to the Project as the bikeways and improvements that will be constructed in the Project area are immediately adjacent to the disadvantaged neighborhoods of these Census Tracts. Many residents in and near the Project area do not own vehicles and walking is their only mode of transportation to access schools, City amenities, and City bus stops. The Project will also increase connectivity to local transit at seven existing bus stops in the Project Area. Exhibit 5 shows the Cal Environ Score and HPI index for the project area.

The proposed Project provides active transportation improvements that will benefit the students and families that attend Central Elementary School and Nicolet Middle School. According to the Unduplicated Student Poverty – Free or Reduced -Price Meal Data for 2022-2023, 89.0% of Central Elementary (enrollment 783) and 89.6% of Nicolet Middle (enrollment 975) are eligible for free or reduced-price meals. The Project will serve these disadvantaged students and families. In Banning, 21% of residents live below poverty. Research indicates that economic opportunity strongly predicts good health and health disparities for people in or near poverty.

The protected bike lane, curb extensions and improved visibility of crosswalks provides a safe, direct route for cyclists and pedestrians, encouraging more people to choose biking or walking over driving. Additionally, a dedicated drop off/pick up lane will prevent idling cars and traffic backups. This reduces traffic congestion, lowers carbon emissions, and promotes healthier lifestyles. The project will not have any negative impacts on the community.

As a visible commitment to sustainable infrastructure, the bike lane can attract support for further active transportation projects. The success of the bike lane can spur additional investments in similar projects, such as expanding bike lanes, adding bike-sharing stations, and improving pedestrian pathways. Future capital and maintenance projects can build on this foundation, progressively creating a comprehensive, city-wide network by 'chasing the pavers' and installing bike facilities on surrounding roads after paving or slurry maintenance projects. This network will enhance mobility, improve public health, and contribute to a greener, more connected City.

E. PUBLIC PARTICIPATION

8. Which of the following goals of the Sustainable Communities Program will the community engagement component of the propose plan support (Refer to application resources page)?

Provide needed resources for local jurisdictions to advance the goals outlined in the four pillars of Connect SoCal 2024: mobility, communities, environment and economy.

Promote racial equity grounded in the recognition of the past and current harms of systemic racism and advance restorative justice.

Integrate the region's development pattern and transportation network to improve air quality, reduce greenhouse gas emissions and enable more sustainable energy and water use.

Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places and infrastructure most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.

Increase the region's competitiveness for federal and state funds, including the California Active Transportation Program and Greenhouse Gas Reduction Funds.

i. Please describe how stakeholders will be engaged equitably in the development of the plan in line with the Sustainable Communities Program goals as outlined above. Identify community/plan area-specific engagement challenges and describe the intended outreach approach and strategies to maximize accessibility.

The City has a Public Information Officer to assist with public outreach and recognizes the challenges in reaching the community which include adults that work during the day, need childcare, speak Spanish as their primary language, and don't have access to remote meetings. The philosophy of public outreach is to meet people where they are. With this in mind, Open Houses and meetings will be held during different times of the day, various weekdays and weekend days, and in different venues. Outreach and presentations will occur during PTA meetings in the schools, events/clubs at the library (so families can attend with their children), at the community center, City Hall, Chambers of Commerce, HOA meetings, and community events such as Market Night and family holiday events held within the City (Halloween, concerts at the park during the summer, holiday parties, etc.).

Meetings at City Hall can be attended in person or via Zoom and are recorded so they can be accessed and are shown on the City tv network after it occurs during the week. These meetings will be used to inform the public and obtain their feedback before, during and after the project design and demonstration phases, where students, residents, and visitors can learn about and experience the new infrastructure firsthand, which will further enhance awareness and engagement.

Additionally, the City will install informative signage around the new infrastructure and collaborate with local media to run features highlighting the benefits and safety aspects of active transportation. The City will also engage business owners in the Project areas to receive their ongoing feedback about the active transportation changes and slower traffic in the project area.

Additional outreach materials in English and Spanish include social media, handing out surveys, advertisements of meetings and the project website to residents on City buses, during Pop Ups outside the schools during pickup and drop off times, information booths at community events, a utility bill insert, and City Council workshops. By leveraging these diverse channels, the City will effectively communicate the advantages of active transportation, such as improved safety, health benefits, and reduced traffic congestion, thereby encouraging widespread adoption and support.

Previous Public Outreach helped to shape this Project:

On May 23, 2023, City officials met with Banning Unified School District (BUSD) staff to learn more about existing active transportation challenges around schools and discuss solutions. The BUSD expressed safety concerns for students commuting to and from school, emphasizing needs for safer crossings, completed sidewalks, and reduced vehicle speeds. While officials felt improved active transportation facilities would encourage multimodal commuting, families need to feel that active transportation is a safe alternative. Wider walkways, protected bikeways, and enhanced lighting for pre- and post-school commuting would improve safety. BUSD recommended prioritizing challenges at Central Elementary School, Nicolet Middle School, Banning High School, and Hemmerling Elementary School, recommending a fully-separated two-way cycle

track around Nicolet Middle School and south to Banning High School, and improvements on First Street near the busy Ramsey Street intersection.

Subsequentially, the BUSD attended the nine Stakeholder Advisory Group (SAG) meetings, along with students, and the final Plan meeting at the Banning Library on March 20, 2024.

The City received 250 responses to its 2023 Downtown Revitalization Complete Streets Plan public survey and 301 responses to its 2024 Active Transportation Plan survey. City residents provided the following reasons for using or not using active transportation:

“I use active transportation because I am in a wheelchair.”

– Four-month Banning resident

“It is too unsafe to ride a bike because we don’t have bike paths, etc.”

– Shelby’s Mom, Banning resident

If the City is awarded this quick build project, a similar approach will be taken to ensure the residents, students, community, and especially the Banning Unified School District (BUSD) will be heard. The BUSD is in full support of this project.

F. COST EFFECTIVENESS

9. What existing tools or templates will be integrated into the quick build project? Examples of existing tools and templates include the SCAG/statewide Active Transportation Database, Safe Routes to School Evaluation Surveys and Worksheets, U.C. Berkeley SafeTREC Street Story, and templates from existing efforts relevant to the proposed project (Please refer to application resources page).

The UC Berkeley SafeTREC Street Story community engagement platform is a free resource that can be utilized very well for this project. Throughout this demonstration project, residents, children over 13, school staff, and others can use it to anonymously report on crashes, near misses, general hazards and safety concerns. This is critically important as data collected by the consultant may not catch all of these elements and this provides City Engineering staff a forum to see what the community sees and feels. The City will use it to gather qualitative information that will be used in addition to the quantitative data collected by the consultant.

The NATCO design standards, Urban Biking design chapter, were used in the 2024 ATP just completed with a SCAG SCP grant and for the preliminary engineering drawings included in the ATP that will be a basis for the final drawings used by the selected engineering design firm. Additionally the consultant can utilize the SRTS Guide for the evaluation phase, using their surveys and worksheets to save funds. Lastly, the SCAG Statewide Active Transportation Database does not include any information from Banning. If the City is successful in obtaining this grant, we can include this in the SCAG database.

G. COMMITMENTS, PARTNERSHIPS, AND LEVERAGING

10. Provide three letters of support from key stakeholders for your project, including but not limited to agencies, schools, non-profits and/or community-based organizations.



Four Letters of Support.pdf



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: June 25, 2024

SUBJECT: Consideration of Resolution 2024-111, Adopting the Banning Active Transportation Plan (ATP)

RECOMMENDATION:

Adopt Resolution 2024-111.

BACKGROUND:

In 2019, the City of Banning embarked on a project to add bike lanes throughout the City. However, a comprehensive ATP is needed to guide active transportation decisions affecting local streets and roads, sidewalks, ADA compliance, school routes and business corridors and improve transportation infrastructure for pedestrians and bicyclists.

Active Transportation Plan

On March 31, 2022, SCAG staff released a Request for Proposals (RFP) No. 22-050 for the project through the electronic bidding system "PlanetBids" and directly to SCAG's Solicitation Management System website. In response to these efforts, forty-four (44) firms downloaded the RFP, and three (3) proposals were received. The RFP included: a detailed Consultant Scope of Services/Tasks, submittal requirements, and a description of the evaluation criteria and selection process for the RFP. The Proposal Review Committee (PRC) consisted of four staff members: two from SCAG, one from the City of Lynwood and one from the City of Banning's Engineering Division of the Public Works Department.

The PRC evaluated each proposal in accordance with the criteria set forth in the RFP and conducted the selection process in a manner consistent with all applicable federal and state contracting regulations.

After evaluating the proposals, the PRC interviewed all three (3) offerors. The highest ranked consultant was KTUA and SGAC approved Contract No. 22-050-C01 in an amount not-to-exceed \$448,056, with KTUA, to develop one comprehensive Active Transportation Plan (ATP) for the City of Banning among other projects administered by SCAG with this award. This project was entirely funded by SCAG.

JUSTIFICATION:

The purpose of this project is to create a comprehensive citywide Active Transportation Plan. While the planning effort was comprehensive and evaluated bike/pedestrian infrastructure citywide, there are specific focus areas of concern. These include school routes, crash and injury hot spots, and the eastern portion of town that lacks infrastructure to support walking and biking. The Consultant identified and created maps for proposed pedestrian and bicycle facilities and non-infrastructure programs based on community, stakeholder, and stakeholder advisory committee feedback. The planning process identified improvements for active transportation, safe routes to schools, and ADA compliance including sidewalks, roadway safety improvements (high visibility crosswalks, markings, speed cushions/tables) and Class I,

II, III and IV bicycle facilities/routes.

Through stakeholder workshops and evaluation of current conditions, the assessment phase of planning resulted in a better understanding of where critical barriers to mobility and infrastructure gaps exist. The draft Plan includes a practical implementation strategy with preliminary design schematics and concepts, and data that can be used in grant applications for fifteen (15) priority projects, including six (6) safe routes to schools projects. Additionally, existing conditions, public outreach and grant funding opportunities are summarized in the Plan. The Consultant coordinated with City staff to create an extensive and effective public participation approach engaging the community with proven approaches for finding consensus amongst stakeholders, which is essential to public policy development and long-term implementation of the Plan. All residents of Banning were encouraged to attend community meetings.

The purpose of this ATP is to provide the City of Banning with a comprehensive document outlining the existing inventory of bicycle and pedestrian infrastructure and travel habits of the community. An analysis of the City's current infrastructure highlights areas of opportunity to be prioritized for future improvements and recommendations are presented within this plan as fifteen (15) priority projects. This ATP will guide the development and implementation of active transportation infrastructure programs and policies for the City.

The consultant prepared a Community Engagement Plan in order to provide outreach activities that included participation from the public and from key stakeholders to ensure the Plan's concepts reflect the community's needs and wishes. The outreach activities engaged local and regional representatives to obtain feedback, provided presentations covering the project background, goals, scope, preliminary and draft concepts, and the final Plan, as the project progressed.

The purpose of project stakeholders' meetings was to advise key stakeholders of the goals of the project, and keep them informed on the project progress, while also allowing the stakeholders to provide input on the Plan and concepts. Nine (9) project Stakeholder Advisory Group (SAG) meetings occurred with the final meeting held on April 29, 2024. Additional outreach activities, including three (3) community events, a project website, surveys, and social media posts are included. In total, the following activities have been completed:

- October 27, 2022 Engagement Day
 - Community pop-ups at Banning High School, Nicolet Middle School, and Central Elementary School
 - Banning Civic Center Open House
- April 15, 2023 Disaster Expo, presentation boards soliciting community feedback
- May 5, 2023 Market Night, Kit of Parts demonstration of five infrastructure elements
- November 7, 2023 ATP Plan Update and Public Outreach:
 - Sun Lakes HOA presentation
 - Banning Civic Center Open House
- March 19, 2024 Community Workshop/Open House at Banning Public Library
- May 7, 2024 Sun Lakes HOA Presentation #2
- Nine bimonthly Stakeholder Advisory Group (SAG) Meetings
- Public Surveys and Project Website
- Presentation of the Draft ATP
- May 1, 2024 Planning Commission Workshop
- Meeting May 7, 2024 Second Sun Lakes HOA presentation

The Planning Commission presentation led to a discussion about Nicolet Middle School and the cycle track, regarding the merits of a one way versus a two way traffic cycle track. The Sun Lakes presentation led to a discussion regarding parking along Sun Lakes Boulevard.

The item was presented to City Council at a workshop session at 4:00 PM on June 11, 2025 where a summary of the project was provided, comments received during the presentations to other bodies, and questions from council were answered. The Final Draft is included as attachment to this agenda item and will be posted on the City's website under the Engineering section.

FISCAL IMPACT:

The consultant contract for the ATP project is being paid through a Caltrans ATP Cycle 5 grant that SCAG administers. There were no hard costs to the City of Banning for this project.

ALTERNATIVES:

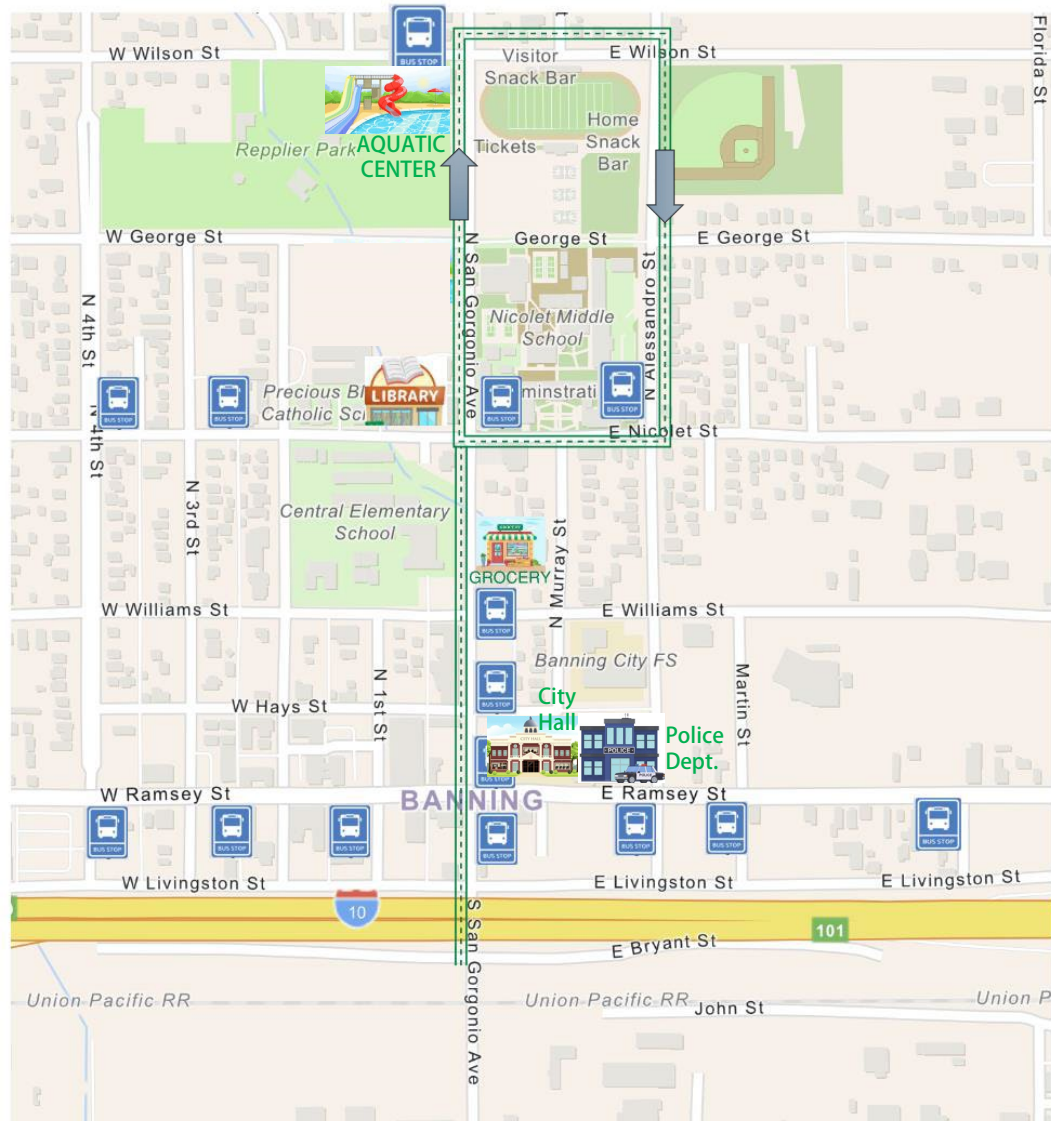
1. Adopt Resolution 2024-111 as recommended.
2. Adopt Resolution 2024-111 with modifications.
3. Do not adopt Resolution 2024-111 and provide alternative direction to staff.

ATTACHMENTS:

1. [Resolution 2024-111, ATP.docx](#)
2. [DRAFT_Banning_ATP_042524.pdf](#)
3. [DRAFT_Banning_ATP_Appendix_042324.pdf](#)

City of Banning San Gorgonio Ave. Cycle Track Pilot Project

EXHIBIT 1



Existing Condition
Alesandro Ave Looking South



Proposed Condition
Alesandro Ave Looking South

LEGEND



BUS STOP



2 WAY CYCLE TRACK

Proposed Project and Improvements

The City of Banning's first Active Transportation Plan (ATP) developed a state-of-the-art two-way cycle track to loop around one school and run alongside another neighboring school: Nicolet Middle School and Central Elementary School. Students will be able to safely bike to and from school in a protected area designated for bicyclists with a physical separation from cars. This will narrow the existing vehicle travel lane, naturally slowing down traffic speeds which in turn, increases safety and comfort for people walking, bicycling, and even driving. Additional safety improvements include a one way couplet around the school to reduce traffic speeds, a designated school drop off and pick up lane, enhanced crosswalks, curb extensions and signage to improve safety for senior citizens, parents, young school children and residents. In addition to the two schools, there are numerous attractors in the immediate area including the Banning Library, Senior and Community Center, Repplier Park and Aquatic Center, City Hall, the Police Dept., Post Office, Courthouse and neighborhood supermarket. These safety improvements will create more opportunities to walk, bike, and use transit.

City of Banning San Gorgonio Ave. Cycle Track Pilot Project

EXHIBIT 2



Bicycle Facilities with Safety in mind

Separated Bikeways

Separated Bikeways, sometimes called cycle tracks, are on-street bi-cycle facilities with a physical separation between the bikeway and vehicle travel lanes usually with flexible posts and buffer zone.

Shared Lane Markings ("Sharrows")

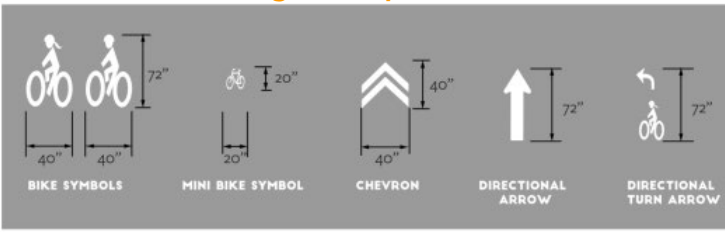
The shared lane marking is commonly used where parking is allowed adjacent to the travel lane. Many cities install sharrows over a green background to enhance visibility.

Edge Lane Roads

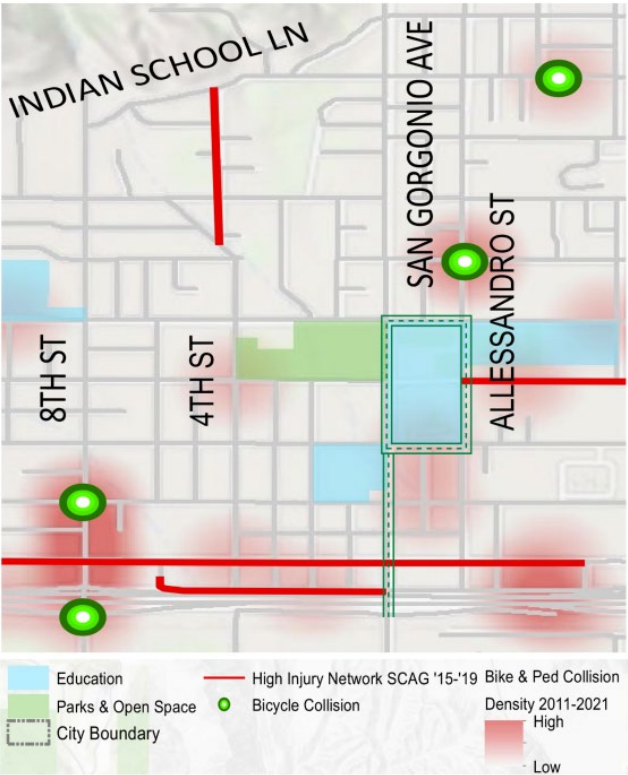
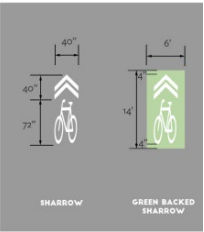
An edge lane roads, sometimes referred to as advisory bike lanes, is a preferred space for bicyclists and motorists to operate on narrow streets that would otherwise be a shared roadway. Roads with edge lane roads accommodate low to moderate volumes of two-way motor vehicle traffic and provide a safer space for bicyclists with little or no widening of the paved roadway surface. Due to their reduced cross section requirements, edge lane roads have the potential to open up more roadways to accommodate comfortable bicycle travel.



Directional Markings (Sample)



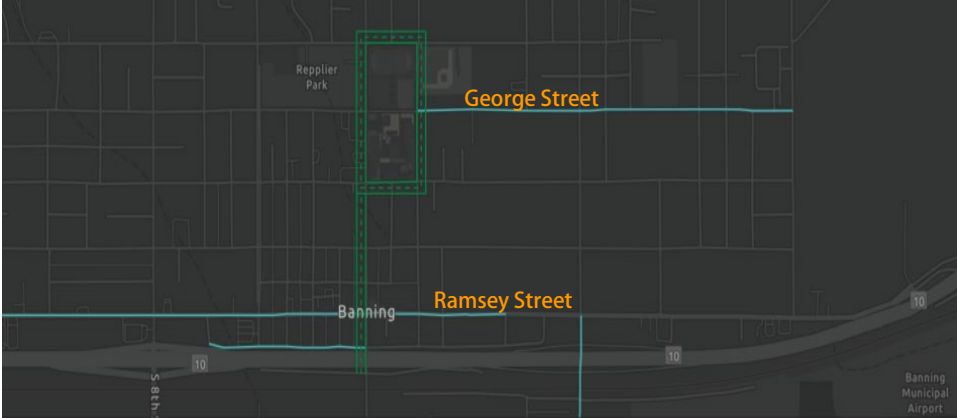
Shared Lane (Sample)



Collision Vicinity Map with Hot Spots in Red

High Injury Networks

(HINs) are one of many strategies for local agencies to begin addressing traffic fatalities and serious injuries. HINs identify stretches of roadways where the highest concentrations of collisions resulting in fatal or serious injuries occur on the transportation network. An HIN is not an assessment of whether a street or location is dangerous; instead, an HIN suggests which corridors within a transportation network carry a higher risk of injury. (SCAG Transportation Safety)



HIN All Collision Segments

Proposed Route

Collision Analysis (See Collision Vicinity Map)

Collision analysis in this report is based on 2011 to 2021 bicycle collision data downloaded from the University of Berkeley's Transportation Injury Mapping System (TIMS), which is supported by the City's Local Road Safety Plan (LRSP). TIMS data is based on the California Highway Patrol's (CHP) Statewide Integrated Traffic Records Systems (SWITRS).

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Riverside
4080 Lemon Street, First Floor

Riverside, CA 92501

From: (Public Agency): City of Banning
99 E. Ramsey Street
Banning, CA 92220

(Address)

Project Title: Banning Two Way Cycle Track Safety Project

Project Applicant: City of Banning

Project Location - Specific:

San Gorgonio Ave, E Wilson St, Alessandro St, Nicolet St

Project Location - City: San Gorgonio Ave Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:

Pilot project includes temporary signage and roadway striping for two-way cycle track to loop around one school and run alongside another neighboring school: Nicolet Middle School and Central Elementary School. Roadways include San Gorgonio Ave, E Wilson St, Alessandro St, Nicolet St.

Name of Public Agency Approving Project: City of Banning

Name of Person or Agency Carrying Out Project: Nathan Smith, PE City Engineer

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: 15301 Existing Facilities
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project will include minor alterations to existing roadway facilities. All work will be within the existing city's right of way.

Lead Agency
Contact Person: David Newell, CD Director Area Code/Telephone/Extension: 951-955-3131

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Community Dev Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: John Pinkney, Interim City Attorney
John Pinkney, City Attorney

MEETING DATE: April 8, 2025

SUBJECT: Cure of Potential Inadvertent Brown Act Violation.

RECOMMENDATION:

Assuming for this recommendation that the Brown Act may have been technically violated for a limited period of time, the involved City Council members who participated in any manner at the March 13, 2025 meeting should affirmatively state publicly that they will disregard anything they might have heard at the meeting, and reschedule a presentation by SWAG at a properly noticed public meeting. To further support that effort, a motion should be made and adopted confirming the three Councilmembers will disregard any information or discussion occurring at the March 13, 2025, meeting and setting a date for a properly noticed presentation by SWAG.

BACKGROUND:

On March 13, 2025, a meeting occurred regarding a potential relationship with SWAG regarding services it might provide to the City of Banning. Physically attending the meeting in person were two representatives from SWAG, several city staff members, City Treasurer Sue Savage, and Councilmember Cindy Barrington. Mayor Sheri Flynn appeared remotely via Teams video. During the course of the meeting, Councilmember Richard Royce called City Treasurer Savage on her cellular telephone. Councilmember Royce reports having poor reception and difficulty hearing Ms. Savage, and he did not understand that he was being placed on speakerphone in the meeting, or that the two other Councilmembers were participating in the meeting.

Absent certain exceptions, the Ralph M. Brown Act (Gov't. Code, § 54950 et seq.) prohibits meetings of the legislative body without due notice and a chance for public participation. (Gov't. Code § 54953) A meeting is any gathering of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. (Gov't. Code § 54952.2) The inadvertent inclusion of Councilmember Royce in the discussion, even if he could not hear or materially participate, and despite the immediate ending of his participation, might implicate the Brown Act's provisions.

JUSTIFICATION:

At a March 13, 2025, meeting with Social Work Action Group ("SWAG"), three Members of the City Council arguably participated in the meeting personally, by remote computer, and by cellular telephone. Although no statement of agreement or action was taken by the participating Council Members, the question is whether remedial measures should be taken to address concerns about a potential inadvertent Brown Act violation.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of this item.

ALTERNATIVES:

None

BUDGETED?:

No

CONTRACT/AGREEMENT:

No