



AGENDA

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

January 28, 2020
5:00 p.m.

Banning Civic Center
Council Chamber
99 E. Ramsey Street

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

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

I. CALL TO ORDER

1. Invocation – Elder Neil Nottingham, Church of Jesus Christ of Latter-Day Saints
2. Pledge of Allegiance
3. Roll Call – Councilmembers Happe, Wallace, Welch, and Mayor Andrade

II. AGENDA APPROVAL

III. PRESENTATION(S)

1. Mayor's Special Recognition
(*Mayor and City Council*)
2. Safety Presentation
(*Commander Mike Alvarez, California Highway Patrol*)

IV. REPORT ON CLOSED SESSION

City Attorney

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENTS – On Items Not on the Agenda

A five (5) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action (see last page). PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

CORRESPONDENCE

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

APPOINTMENTS

None

VI. CONSENT ITEMS

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

Mayor to Open Consent Items for Public Comments

Motion: Approve Consent items 1 - 15: Items __, __, __ to be pulled for discussion.

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

1.	Minutes – January 14, 2020, Special Meeting (Closed Session)	1
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3.	City Manager Approved Contracts – November & December 2019.....	87
4.	Investment Report – November 2019	89
5.	Investment Report – December 2019	91
6.	Approval & Ratification of Accounts Payable & Payroll Warrants - November 2019	93
7.	Approval & Ratification of Accounts Payable & Payroll Warrants - December 2019	95
8.	Capital Improvement Projects Update	97
9.	Police Statistics – November & December 2019	99
10.	Fire Statistics – November & December 2019	101

11.	Ordinance 1554, an Ordinance of the City of Banning, California, Adding a New Chapter 5.88 to, and Deleting Sections 17.108.020(K) and 17.108.070 of Chapter 17.108 of Title 17 from the Banning Municipal Code to Create a Sidewalk Vending Program (2nd Reading)	103
12.	Resolution 2020-12, Authorizing the Purchase of a 2020 Kia Sorento in the amount of \$29,333.04.....	105
13.	Ordinance 1552, an Ordinance of the City of Banning, California, Approving Zoning Text Amendment 19-97503, Amending Section 17.04.070 (“Definitions”) of Chapter 17.04 (“Basic Provisions”), Amending Table 17.08.020 of Section 17.08.020 (“Permitted, Conditional and Prohibited Uses”) of Chapter 17.08 (“Residential Districts”), Amending Table 17.12.020 (“Permitted, Conditional and Prohibited Commercial and Industrial Uses”) of Section 17.12.020 (“Permitted, Conditional and Prohibited Uses”) of Chapter 17.12 (“Commercial and Industrial Districts”), Adding a New Section 17.24.180 (“Commercial Cargo/Storage Containers”) to Chapter 17.24 (“General Standards”), and Amending Section 17.108.020 (“Permitted Uses”) of Chapter 17.108 (“Temporary Use Permits”) of Title 17 (“Zoning”) of the Banning Municipal Code to Establish Zoning and Design Standards for Commercial Cargo/Storage Containers, and Making a Determination of Exemption Under CEQA Guidelines Section 15060(C)(3) (2nd Reading)	107
14.	Resolution 2020-14, Authorizing the City Manager to Accept and Receive SB2 Grant Funding in the Amount of \$160,000	109
15.	Administrative Policy No. B-34, Discontinuation of Residential Water Service for Urban and Community Water Systems (Senate Bill 998)	111

VII. PUBLIC HEARING(S):

None

VIII. ANNOUNCEMENTS AND REPORTS:

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORTS OF OFFICERS

1. Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project **113**
(Staff Report: Doug Schulze, City Manager)
Recommendation: Adopt Resolutions 2019-160, 2019-161, 2019-162, and 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project.
2. Resolution 2020-11, Approving the Financial Analysis, Redevelopment and Proposition 218 of Landscape Maintenance District No. 1 ("LMD No. 1") Report..... **131**
(Staff Report: Art Vela, Public Works Director)
Recommendation: Adopt Resolution 2020-11, approving the Financial Analysis, Redevelopment and Proposition 218 of LMD No. 1 Report prepared by Webb Municipal Finance, LLC.
3. Resolution 2020-13, Approving the Banning Municipal Airport's Airport Capital Improvement Plan for 2020-2024..... **135**
(Staff Report: Art Vela, Public Works Director)
Recommendation: Adopt Resolution 2020-13, approving the five-year (2020-2024) Airport Capital Improvement Plan (ACIP) and direct staff to submit the ACIP to the Federal Aviation Administration (FAA).

IX. DISCUSSION ITEM

None

X. ITEMS FOR FUTURE AGENDAS

New Items:

Pending Items:

1. Fee Suspension Update
2. Website Redesign
3. CNG Facility Update
4. New Energy Workshop

XI. ADJOURNMENT

Next Meeting – Tuesday, February 11, 2020 at 5:00 P.M.

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

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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951)-922-3102. **Notification 48 hours prior to the meeting** will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m.

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In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

01/14/2020
SPECIAL MEETING - CLOSED SESSION

COUNCIL MEMBERS PRESENT:

Mayor Andrade
Mayor Pro Tem Wallace
Councilmember Happe
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT:

Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Matthew Hamner, Police Chief
Sonja De La Fuente, Deputy City Clerk

I. CALL TO ORDER

A special meeting of the Banning City Council was called to order by Mayor Andrade on January 14, 2020, at 4:00 P.M. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

II. CLOSED SESSION

Mayor Pro Tem Andrade opened the closed session items for public comments. There were none. The City Attorney listed the items on the closed session Agenda as follows:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Anthony Valdivia, et al. v. City of Banning, et al. – United States District Court Case No. 5:19-CV-01551-CAS-KK

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: City of Banning, et al. v. Cali Emerald Care, Inc., et al.

Case No. RIC 1904157

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: James Arthur Algea II and Cali Emerald Care, Inc. v. City of Banning, Case No. RIC 1903009

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9

Name of Case: Robertson's Ready Mix, Ltd. v. City of Banning, et al., Case No. RIC 1513475

5. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City designated representative: Douglas Schulze, City Manager

Unrepresented employee: Tom Miller, Electric Utility Director

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1).

Title: City Manager

7. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City designated representatives: Mayor Andrade and City Attorney Ennis

Unrepresented employee: City Manager

The meeting convened to closed session at 4:02 p.m. and reconvened to open session at 5:04 p.m.

II. ADJOURNMENT

By consensus, the meeting adjourned at 5:04 p.m.

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed by visiting <https://banninglive.viebit.com/player.php?hash=DTvSNqTYFKFc> and related documents may be found by visiting <http://www.ci.banning.ca.us/ArchiveCenter/ViewFile/Item/2226> or by purchasing a CD or DVD at Banning City Hall in the amount of \$7.00, located at 99 E. Ramsey Street.



In accordance with City Council Resolution 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.

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

MINUTES
CITY COUNCIL

01/14/2020
REGULAR MEETING

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

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager
Kevin G. Ennis, City Attorney
Marie Calderon, City Clerk
Sonja De La Fuente, Deputy City Clerk
Matthew Hamner, Police Chief
Art Vela, Public Works Director/City Engineer
Adam Rush, Community Development Director
Jennifer Christensen, Administrative Services Director
Ralph Wright, Community Services Director
Tom Miller, Electric Utility Director
Suzanne Cook, Deputy Finance Director
Jeff Horn, Police Captain
Art Chacon, Code Compliance Supervisor
Laurie Sampson, Executive Assistant
Leila Lopez, Office Specialist

I. CALL TO ORDER

A regular meeting of the Banning City Council was called to order by Mayor Pro Tem Andrade on January 14, 2020, at 5:09 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Reverend Bill Dunn with St. Stephen's Episcopal Church offered the invocation.

Councilmember Happe led the audience in the Pledge of Allegiance.

II. AGENDA APPROVAL

City Manager Schulze requested moving Report on Closed Session and Public Comment items ahead of the Presentation. A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to approve the agenda. Roll Call vote was taken as follows:

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

III. PRESENTATION(S)

1. Outgoing Mayor

The City Council Presented Art Welch with a plaque thanking him for his service as Mayor from December 12, 2018, through December 10, 2019.

2. Oath of Office - Parks & Recreation Commissioner, Juanita Diaz

The City Clerk swore in the new Parks & Recreation Commissioner Diaz.

3. Mayor's Special Recognition

The Mayor and City Council presented Certificates of Recognition to Laurie Sampson with the City of Banning and Coula Ringgold with Banning RV and thanked them for making Banning a better place to work, live, and play.

4. Point-in-Time 2020

Kimberly Trone with Riverside County Department of Public Social Services and Amber Smalley with Riverside County 5th District Supervisor Jeffrey Hewitt, provided the PowerPoint presentation included in the Agenda packet and handed out two Quick Facts maps regarding the homeless population in Riverside County (Attachment 1). Volunteers may register to participate in the Point in Time Count at www.rivcoexchange.com.

V. REPORT ON CLOSED SESSION

City Attorney Ennis provided a report on Closed Session as follows:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Anthony Valdivia, et al. v. City of Banning, et al. – United States District Court Case No. 5:19-CV-01551-CAS-KK

Direction was given to legal counsel.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: City of Banning, et al. v. Cali Emerald Care, Inc., et al.
Case No. RIC 1904157
A status report was provided to the City Council.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: James Arthur Algea II and Cali Emerald Care, Inc. v.
City of Banning, Case No. RIC 1903009
A status report was provided to the City Council.
4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9
Name of Case: Robertson's Ready Mix, Ltd. v. City of Banning, et al.,
Case No. RIC 1513475
Direction was given to legal counsel.
5. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
City designated representative: Douglas Schulze, City Manager
Unrepresented employee: Tom Miller, Electric Utility Director
Direction was given to the City Manager and the item was continued to January 28, 2020.
6. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957(b)(1).
Title: City Manager
This item was concluded.
7. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code Section 54957.6
City designated representatives: Mayor Andrade and City Attorney Ennis
Unrepresented employee: City Manager
CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to
Government Code Section 54956.8
Direction was given to the City Attorney and the item was continued to January 28, 2020.

VI. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

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

PUBLIC COMMENT(S)

Bill Hobbs brought it to the City Council's attention that there are potholes on Interstate 10 and encouraged them to contact Caltrans to get them fixed.

Inge Schuler read Don Peterson's resignation letter and provided a copy to be entered into the record (Attachment 2).

Ellen Carr with Tender Loving Critters informed all that Animal Action League was in the City of Banning January 13 through 15, 2020 and again February 5-6, 2020. Call (760) 366-1100 for appointments. She encouraged everyone to express their gratitude for their services. She also expressed concern regarding her utility bill autopay coming out of her account early.

Frank Connelly with Vista Serena HOA expressed his concern with illegal dumping taking place at the end of Gillman Street. He also inquired as to whether it was allowed for the property across the street to put their trash cans on the Vista Serena side of the street.

John Hagan expressed his concerns regarding potentially increased Landscape Maintenance District fees and encouraged the public to look out for the Prop 218 notice and not throw it out.

Seeing no further comments, the Mayor closed Public Comments.

CORRESPONDENCE

One item of correspondence was received related to Agenda Item VI.5 (Attachment 3).

APPOINTMENT(S)

1. City Council Committee Assignments

Public Comment - None

A motion was made by Councilmember Happe, seconded by Mayor Pro Tem Wallace, to affirm City Council Committee Assignments for 2020 (Attachment 4). Electronic vote was taken as follows:

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

Action: 2020 City Council Committee Assignments Affirmed.

VI. CONSENT ITEMS

Mayor Andrade asked if the Council wished to pull an item for discussion. Councilmember Happe pulled items 8 and 11 for discussion.

1. Minutes – December 10, 2019, Special Meeting (Interviews)
2. Minutes – December 10, 2019, Special Meeting (Closed Session)
3. Minutes – December 10, 2019, Special Meeting (Workshop)
4. Minutes – December 10, 2019, Regular Meeting
5. Ordinance 1553, An Ordinance of the City Council of the City of Banning, California, Amending Chapter 3.36 ‘Fee and Service Charge Revenue/Cost Comparison’ of the Banning Municipal Code (“Code Amendment”) and Making Findings Pursuant to CEQA (*2nd Reading*)
6. Ordinance 1557, an Ordinance of the City Council of the City of Banning, California, approving Zone Change 19-3501 to Amend the Zoning Classification for Multiple Properties Located Within Seven (Locations 1, 2, 3, 4, 6, 7, 9) of the Original Nine Proposed Locations Throughout the City (APN’S 532-130-008, 541-260-033, -035, -041, -042, -044, -047, 534-171-008, -009, 532-160-005, -007, -008, -009, -013, -014, 540-250-060, 540-250-034, -045, and 534-152-025), and Making Findings Pursuant to CEQA (*2nd Reading*)
7. Notice of Completion, Project 2019-04WW, “Iron Sponge Media Replacement”
9. Resolution 2020-1 SA, Approving the Recognized Obligation Payment Schedule (ROPS) 20-21 A and B
10. Resolution 2020-2 UA, Approving the Agreement with E.R. Block Plumbing Inc., of Riverside, California, for Citywide Backflow Testing and Repair Services in the Amount of \$25,000
12. Resolution 2020-4, Authorizing a Change Order to the Police Department’s Current Blanket Purchase Order with Dell Marketing LP C/O Dell USA, LP in the Amount of \$25,000 to Allow for the Purchase of Additional Computers and Related Equipment

13. Resolution 2020-5, Approving Amendment No. 1 to the Professional Services Agreement with Engineering Resources of Southern California for an Additional \$350,000 for Plan Check, Inspections and Related Administrative Services
14. Resolution 2020-9, Approving a New Travel & Meeting Policy
15. Lease Termination – 2041 W. Nicolet (Armory)

Public Comments

Morgan Keith spoke regarding Consent Item #5 and advised that he would still like Willdan's formula data. He also submitted a letter and spreadsheets (Attachment 3).

Ellen Carr spoke regarding Consent Item #5 and expressed concern with some fees.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, to approve consent calendar items 1-7, 9-10, and 12-15. Electronic vote was taken as follows:

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

Action: Approved Consent Items 1-7, 9-10, and 12-15.

8. Resolution 2020-1, Amending Two of the Electric Utility's Rate Tariffs: "Schedule NMS – Net Metering Surplus Production" and "Schedule DSG – Distributed Self Generation", for the Purpose of Adjusting the Compensation Rates to Reflect Current Market Conditions and for Modifying Certain Provisions

Public Comment

John Hagan expressed concern with the utility buyback rate for the purchase of solar going down and would like there to be an equitable rate.

Electric Utility Director Miller explained why the rate is going down.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve consent item 8. Electronic vote was taken as follows:

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

Action: Approved Consent Item 8.

11. Resolution 2020-3, Recognizing the Importance of the 2020 United States Census and Supporting a Complete, Fair and Accurate Count of All Banning Residents

Councilmember Happe asked Parks & Recreation Director Ralph Wright to explain the importance of the 2020 Census to the City and he did so.

Public Comment

None

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve consent item 11. Electronic vote was taken as follows:

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

Action: Approved Consent Item 11.

The Mayor asked City Manager Doug Schulze to explain Consent Item 15 and he did so.

VII. PUBLIC HEARING(S)

1. Ordinance 1552, Zoning Text Amendment 19-97503, Approving Zoning Text Amendment 19-97503 Amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits" Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts" and Adding a New Section, 17.24.180, "Commercial Cargo/Storage Containers" Establishing Regulations for Commercial Cargo/Storage Containers of Title 17 "Zoning" of the Banning Municipal Code and Making Findings Pursuant to CEQA.

Adam Rush, Community Development Director provided a presentation (Attachment 5).

The Mayor opened the Public Hearing.

Richard Macias expressed concerns with the rear of a three acre property is too far away and that there are locations on John/Hargrave, Lincoln/San Gorgonio, and Hathaway/Barbour.

John Hagan pointed out that the amnesty program is meant to handle the existing containers.

The Mayor closed the Public Hearing.

The City Manager advised that page seven of the draft ordinance addresses concerns raised by Mr. Macias.

Action: **Approve revised ordinance (Option 2), which includes language for an amnesty program, however not allowed permanently in the front yard on residential lots.**

AYES: Andrade, Happe, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

The Mayor asked the City Clerk to read the title of Ordinance 1552

"Ordinance 1552, an Ordinance of the City Of Banning, California, Approving Zoning Text Amendment 19-97503, Amending Section 17.04.070 ("Definitions") Of Chapter 17.04 ("Basic Provisions"), Amending Table 17.08.020 Of Section 17.08.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.08 ("Residential Districts"), Amending Table 17.12.020 ("Permitted, Conditional and Prohibited Commercial and Industrial Uses") of Section 17.12.020 ("Permitted, Conditional and Prohibited Uses") of Chapter 17.12 ("Commercial and Industrial Districts"), Adding a New Section 17.24.180 ("Commercial Cargo/Storage Containers") to Chapter 17.24 ("General Standards"), and Amending Section 17.108.020 ("Permitted Uses") of Chapter 17.108 ("Temporary Use Permits") of Title 17 ("Zoning") of the Banning Municipal Code to Establish Zoning and Design Standards for Commercial Cargo/Storage Containers, and Making a Determination of Exemption Under CEQA Guidelines Section 15060(C)(3)"

A motion was made by Councilmember Welch, seconded by Councilmember Happe to waive further reading of Ordinance 1552. Electronic vote was taken as follows:

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

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace that Ordinance 1552 pass its first reading. Electronic vote was taken as follows:

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

Action: Ordinance 1552 passed its first reading.

2. Ordinance 1554, approving Municipal Code and Zoning Text Amendment 19-97504, to add a new chapter 5.88 to, and deleting sections 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code to create a Sidewalk Vending Program consistent with California State Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors

Adam Rush, Community Development Director provided a presentation (Attachment 6).

There was discussion held among Council and Staff and clarification provided by City Attorney Ennis and Code Compliance Supervisor Art Chacon.

The Mayor opened the Public Hearing.

John Hagan pointed out that the sidewalk vendors should not impede existing businesses.

Paul Smith asked how long the permit would be good for.

Community Development Director Adam Rush explained the permit is good for one year for a stationary vendor. If the vendor is mobile, they would need to identify an area that would be good for one year as well. They cannot impede ADA access. City Attorney Ennis explained the carts must be movable.

The Mayor closed the Public Hearing.

The Mayor asked the City Clerk to read the title of Ordinance 1554

“Ordinance 1554, an Ordinance of the City Council of the City of Banning, California, adding a new Chapter 5.88 to, and deleting Sections 17.108.020(K) and 17.108.070 of Chapter 17.108 of Title 17 from the Banning Municipal Code to create a Sidewalk Vending Program.”

A motion was made by Councilmember Welch, seconded by Councilmember Happe to waive further reading of Ordinance 1554. Electronic vote was taken as follows:

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

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace that Ordinance 1554 pass its first reading. Electronic vote was taken as follows:

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

Action: Ordinance 1554 passed its first reading.

3. Resolution 2020-6, approving, Conditional Use Permit 19-8006, authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District

Adam Rush, Community Development Director provided a presentation (Attachment 7). There was brief discussion and clarification among the City Council and staff. Mr. Rush confirmed that the hours of operation will be 11:00 a.m. until 7:00 p.m., which will be corrected under Condition No. 19.

The Mayor opened the Public Hearing. Seeing nobody come forward, the Mayor closed the Public Hearing.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property

located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (SC) Zoning District. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-6.

4. Resolution 2020-7, approving, Conditional Use Permit 19-8010, authorizing a Cannabis Retailer at an existing developed property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.

Adam Rush, Community Development Director provided a presentation (Attachment 8). There was brief discussion and clarification among the City Council and staff. The landlord and dispensary representative were available to answer any questions.

The Mayor opened the Public Hearing. Seeing nobody come forward, the Mayor closed the Public Hearing.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to adopt Resolution 2020-7, approving Conditional Use Permit 19-8010 making a determination that the project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-7.

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Wallace reported on the following:

- Attended League of California Cities meeting on January 13, 2020. General Melissa Corbin, Commander of the 452nd Air Mobility Wings. March Reserve is the largest reserve base in California. If a catastrophe were to happen, they would distribute supplies, etc. They also adopted a resolution supporting local control of energy solutions.
- Attended the Banning Chamber Board Meeting. Their awards and installations will be on February 8th at 6:00 p.m. at Morongo.
- Sunrise Banning Breakfast at Sizzler at 7:00 a.m. with 5th District Supervisor Jeff Hewitt speaking.
- Sunrise Banning Breakfast in February will host a Senate Candidate, Chris Goodfellow.
- Pass Area Veteran's Expo will be January 25th at 1:00 p.m. at Beaumont City Hall.
- Banning Market Night, Love Your Community – February 21st 4:00 p.m. until 8:00 p.m.
- January 15th from 5:00 p.m. until 7:00 p.m. there will be a Chamber Mixer at the Hampton Inn & Suites.
- Thanked the Chamber of Commerce for writing to the California Board of Education in support of the school district territory transfer from Beaumont to Banning.

Mayor Andrade reported on the following

- The Chamber of Commerce is working well with the City and bringing many events to the community.
- Market Night in December brought snow downtown.
- Thanked John Weeks for donating the sleds.
- Thanked Johnny Lawrence, Lawrence Equipment for bike donations.
- Grand Re-Opening of the Haven was a success. Robert Ybarra and AJ Cabral are the new owners.
- The Chamber donated \$1,800 to the Student of the Month Program and highlighted the Chamber of Commerce Board: President Robert Ybarra, Vice President Arthur Cabral, Secretary Paul Smith, and Members Dan Hassey, Ruben Cruz, Carlos Trejo, Kyle Pingree, Oleg Ivaschuk, Frank Burgess, David Lopez, Ruben Cruz, and Miranda Owens.
- Coffee in the Community will be held this year on a monthly basis. The first one was held at the Haven on January 4th from 7:00 a.m. until 2:00 p.m. then across the street at the Station Tap House in the evening.

- Coffee with the City Manager will be continued in 2020.
- Netflix filmed at the Haven Café this past weekend. Laura Leindecker played a waitress in the filming and she will be sure the City is credited.
- The Pinball Museum in Banning is #1 in the world. They hosted the INDISC Pinball Festival January 9-12, 2020, which brought people from all over the world.
- Attended the Downtown Ad Hoc Committee.
- Adopt-a-Roadway Applications are available at City Hall. This is a very good program to get involved.
- Attended the Healthy City Committee. Working diligently on the 5K Run and Walk. This will be the third consecutive year with increased participation.
- City Logo Committee has met and the City Manager will give an update on that under his report.
- Sunrise Banning Breakfast is Wednesday, January 15th at Sizzler and Supervisor Jeff Hewitt will be speaking.
- The City Council will be recognizing people or groups at every meeting this year.

Councilmember Happe had nothing to report.

Councilmember Welch had nothing to report.

The Mayor recessed the regular meeting at 8:02 p.m. and reconvened at 8:13 p.m.

REPORT BY CITY ATTORNEY

None

REPORT BY CITY MANAGER

City Manager Doug Schulze provided an update on the City Seal vs. the Community Logo (Attachment 9). In the meantime, all official City documents will be

REPORTS OF OFFICERS

1. Filling Council Vacancy

City Manager Doug Schulze provided the staff report for this item.

Public Comment

John Hagan asked if there were certain criteria required (i.e. live in the district for 90 days).

The City Attorney explained that the only requirement is to be a registered voter living in District 2 of the City of Banning.

Councilmember Welch provided some timeline information and recommended an informational workshop for anyone interested in applying.

The City Manager indicated he will also prepare a notice to mail out to District 2 registered voters.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to advertise and recruit a qualified candidate from District 2 for appointment to fill the vacancy until a candidate is elected during the regular election on November 3, 2020. Electronic vote was taken as follows:

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

Action: Advertise and recruit to fill the vacancy in District 2.

2. Resolution 2020-8, Authorizing Waiver of Fees for Habitat for Humanity to Construct a Single-Family Residence (SFR) Located at Lot No. 17(APN: 541-042-010), Wilson Street

Amy Minjares, Executive Director at Habitat for Humanity thanked the Council for their consideration (Attachment 10).

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to adopt Resolution 2020-8, authorizing waiver of fees for Habitat for Humanity to construct a SFR at Lot No. 17, which is located on Wilson Street in the City of Banning. Electronic vote was taken as follows:

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

3. Statement of Investment Policy

Administrative Services Director Jennifer Christensen provided a presentation for this item (Attachment 11). She pointed out that the policy included in the agenda packet

had a typo on page four where it said County instead of City and that would be corrected in the final version.

Public Comment

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to adopt the Statement of Investment Policy, Administrative Policy No. B-11 with the correction as noted on page four. Electronic vote was taken as follows:

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

4. Resolutions of Necessity 2019-159, 2019-160, 2019-161, 2019-162, and 2019-163, for the Acquisition by Eminent Domain of Certain Real Property Interests Necessary for Public Purposes in Connection with the City's Ramsey/Hathaway Street Improvement Project

City Manager Doug Schulze presented the staff report for this item and recommended the item be continued to the January 28, 2020, meeting.

Public Comment

None

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to Continue this matter to the meeting of January 28, 2020 in accordance with the notice provided to the property owner. Electronic vote was taken as follows:

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

5. First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and Making Certain Clarifying Revisions to the Landscape Provisions within Title 17 of the Banning Municipal Code and Finding the Project Exempt from CEQA Guidelines Section 15378 and Adopting a Categorical Exemption.

Community Development Director Adam Rush provided a presentation for this item (Attachment 12).

Public Comment

None

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to 1) Approve for the first reading, Ordinance 1556 approving Zoning Text Amendment 19-97505 adopting by reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and making certain clarifying revisions to the landscape provisions within Title 17 of the Banning Municipal Code; and 2) Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378. Electronic vote was taken as follows:

AYES: Andrade, Happe, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

Action: **Ordinance 1556 pass its first reading and schedule a Public Hearing for the second reading on February 11, 2020, at 5:00 p.m.**

IX. DISCUSSION ITEM

None

CITY COUNCIL – Next Meeting, January 28, 2020, 5:00 p.m.

X. ITEMS FOR FUTURE AGENDAS

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 9:01 p.m.

Minutes Prepared by:

Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:

<https://banninglive.viebit.com/player.php?hash=DTvSNqTYFKFc> and related documents maybe viewed here:

<http://www.ci.banning.ca.us/ArchiveCenter/ViewFile/Item/2225> or by purchasing a CD or DVD in the amount of \$7.00 at Banning City Hall located at 99 E. Ramsey Street.

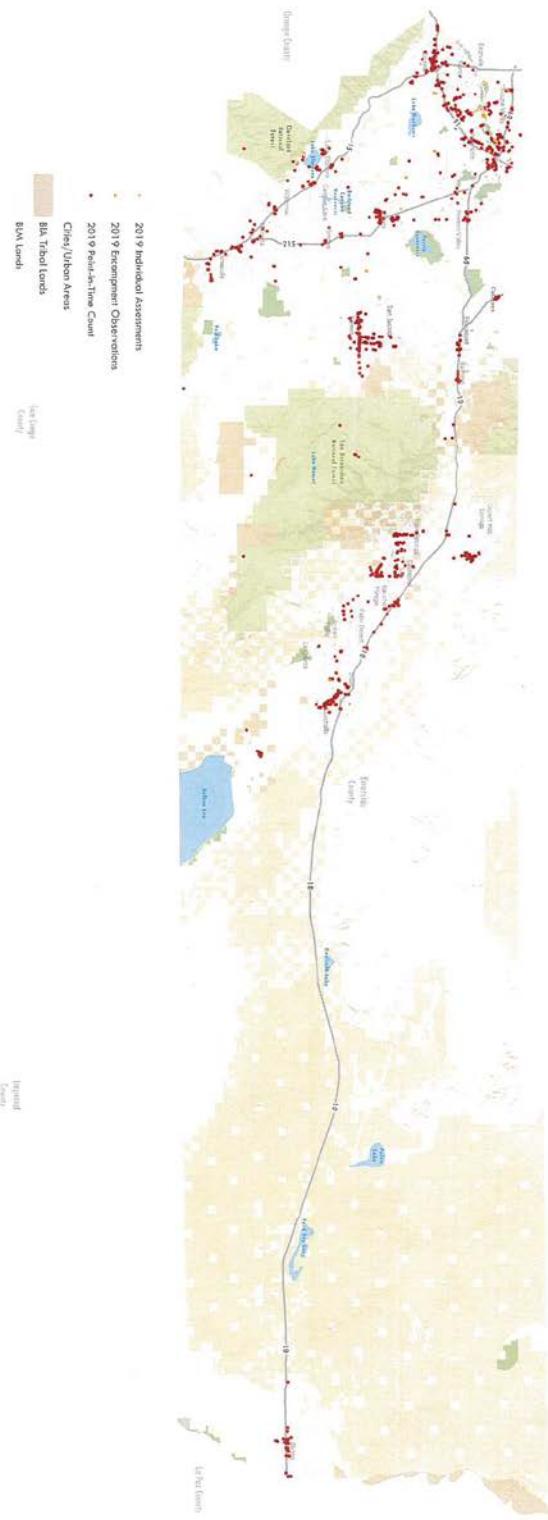
ATTACHMENT 1

Homeless Population in Riverside County

locations recorded during the 2019 Point-in-Time Count (PITC) and other outreach activities conducted by various County departments in 2019

Riverside County All Other Homeless Outreach Activities 2019 Total: **117**
 Riverside County 2019 Total Recorded Homeless Population: **2,928**

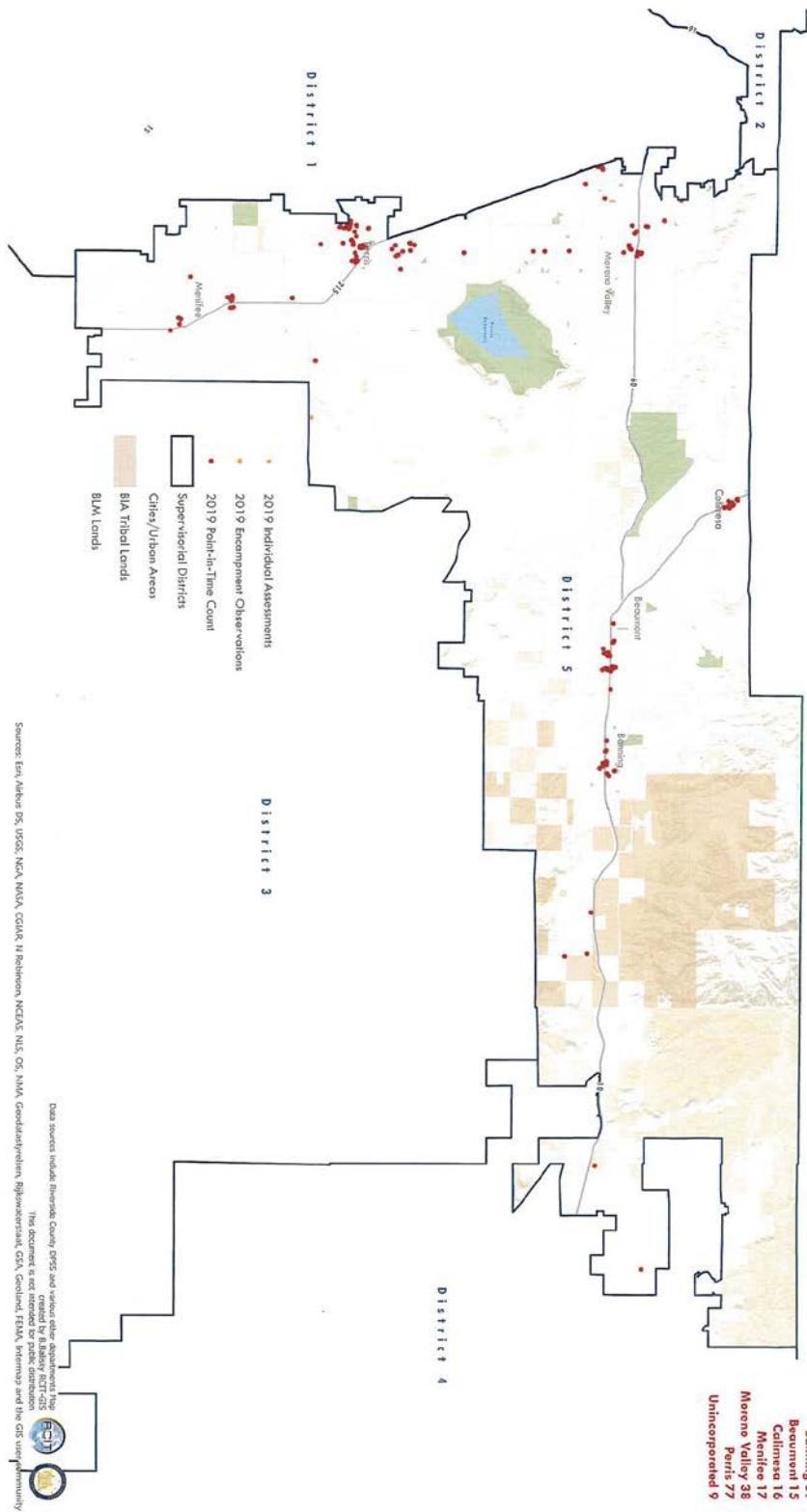
Quick Facts



Homeless Population in Riverside County 5th Supervisorial District

Locations recorded during the 2019 Point-in-Time Count (PITC) and other outreach activities conducted by various County departments in 2019

Quick Facts
 Riverside County All Other Homeless Outreach Activities 2019 Total: 117
 Riverside County 2019 Total Recorded Homeless Population: 2,928
 Total in Supervisorial District 5: 211
 Total by City in District 5:
 Banning 39
 Calineo 15
 Calineo 16
 Menifee 17
 Menifee 17
 Morongo Valley 38
 Morongo Valley 38
 Perris 77
 Perris 77
 Unincorporated 9
 Unincorporated 9



Sources: Esri, Airbus DS, USGS, NEA, NASA, CGAR, N Robinson, NCEAS, NIS, OS, NMA, GreatGlobe, Esri, Banning, City of Banning, City of Perris, City of Menifee, City of Calineo, City of Beaumont, City of Banning, City of Morongo Valley, City of Perris, and the GIS user community.



ATTACHMENT 2

Recd 1/14/20 (SA)

Date: January 2nd, 2020

To: Mayor Art Welch and the Citizens of Banning :

After serving on the Banning City Council for 7 years (6 years in the minority), I have decided to submit my resignation effective January 13, 2020.

As you know, I am in strong disagreement with the direction the city has been taking and have given up all hopes that my presence on the council could change the self-destructive course Banning has now taken.

Specifically, the reasons for my resignation are as follows:

1. I cannot work with an unqualified newly elected Mayor like Daniela Andrade. Unreported by the Record Gazette, Daniela Andrade recently filed for bankruptcy with personal debt exceeding \$200k. Having a Mayor like Andrade is not only a disgrace to Banning, it also sends a message that the people of Banning are ok with her representation. When in fact, they are not !
2. I cannot work with an unqualified Mayor Pro Tem like Colleen Wallace. Unreported by the Record Gazette, Wallace is a convicted criminal, probation violator, and was even charged with Felony Check Forgery. Having a criminal like Wallace as Mayor Pro Tem illustrates how low Banning has really sunk.
3. I cannot work with an unqualified City manager like Doug Schulze. Unreported by the Record Gazette, Schulze not only filed for personal bankruptcy twice, but also had three (3) of his homes foreclosed on. How can anyone displaying so little accountability in his personal finances be qualified to lead a city? Based on his track record, I predict that Schulze will lead Banning into bankruptcy in the years to come.
4. I am also tired of watching how our Electric Utility continues to gouge the citizens of Banning to such an extent, that they are now sitting on close to \$30 million in cash. Over the years, this money was stolen from the ratepayers in violation of California Proposition 26 and used to pay the excessive salaries of our City Manager and Police Chief. But believe it or not, my colleagues on the council see nothing wrong with this theft: ALL of them are on board to raise your electric rates yet again.

The City Manager was hired to resolve our two-million-dollar deficit, but has only contributed to it, by increasing his own salary along with that of his best friend, Chief Hamner.

5. Lastly, I cannot work with Chief Hamner. Unreported by the Record Gazette, the District Attorney's Office is contemplating filing charges against a Banning Police Officer for an on-duty murder. Chief Hamner has refused to place the officer on Administrative leave or inform the City Council of the results of / or if a shooting review board has even occurred. Chief Hamner and Captain Horn were never qualified to be police officers in California and are now the top paid managers in the City.

It has been my observation that the City of Banning is led by unqualified, narcissistic and compromised individuals, who care only about themselves and the special interest groups that finance them. I have no desire nor the time to take part in their charade.

I will leave you with this quote from Dr. Martin Luther King: " To Ignore Evil Is To Become Accomplice To It ".

Don Peterson
Councilman for District 2

ATTACHMENT 3

RECEIVED

By Sonja De La Fuente at 9:44 am, Jan 13, 2020

Re: Agenda Item VI.5

Addressing the City Council Meeting: January 14, 2020

City Council Members, City Manager, City Attorney, City Clerk, Community Developer Director:

RE: Morgan Keith's letter submitted to City Council and staff members. December 10, 2019

Morgan Keith submitted the following introduction to the letter referenced below to the City of Banning on December 19, 2019:

"RE: The Willdan Study Report and the City of Banning, Staff Report: Resolution 2019-113 and Ordinance 1553, December 10, 2019

"Previous Public Records Requests:

"As a consultant advocating for BIA-Riverside, I made numerous public records requests for the documents relating to the administration of the building department. The City Clerk's office responded to many of my requests and I thank them for their professional services.

"Many of my public records requests specified a request for the 'backup' data that Willdan used to determine the fees associated with Building Department services related to SFR consolidated fees that includes plan check, permit issuance, and building department (inspection) fees. Willdan and members of the City's staff consistently refused my requests based upon Willdan's claim that their methodological matrix used in data analysis which was the basis of their report is proprietary. I firmly disagree as their *Comprehensive User Fee Report* was funded with public monies and they consulted City staff and thus the data should be available for public review.

"Willdan is the only fee consultant whose work effort I have requested was denied."

My letter concluded:

"I request that the City Council direct staff and Willdan release the "back-up" documentation and the Cost Allocation Plan per the California Public Records Act."

On December 10, 2019, City Council members discussed my request with Kevin G. Ennis, the City Attorney, and he stated that often the Professional Service Agreements are drafted so as to provide public review of their "backup" calculations that substantially supporting their analysis and recommendations (or something to that effect) and that he would review the agreements as to read how the language of the agreement addressed that issue.

As of January 10, 2020, I have not received any comments concerning Kevin Ennis' review. I believe that some of the members of the City Council that were present also were (and should be) interested in learning of Kevin Ennis' review of the Professional Service Agreement as to if the "backup" calculations were proprietary or subject to review by members of the public through a filing of a California Public Records written request.

Second, consider the variable user fees charged by the City since 2007 when the last user fees pertaining to Building Department service fees were adopted for building permit processing, permit issuance, plan check, and building inspections for a typical 1,500 sf single-family residential dwelling (SFD). The following table lists the escalation of these fees from 2007 through September 10, 2019. Please notice the various fee recommendations provided by

Addressing the City Council Meeting: January 14, 2020

Willdan in their User Fee Reports beginning with March 9, 2018. Also, note the increased estimated fees provided by the Building & Safety Department that do not comply with the fees in effect since 2007. These estimates and recommendations do not agree their own provider or with each other.

Comparison Estimated Cost of a Building Permit Fee for a Single Family Residential 1,500 Type-V

	A	B
1	2007 'Current' SF w/ Carport	\$ 1,408
2	2007 'Current' SF w/Garage	\$ 1,636
3	B&S Estimated 1/15/2015	\$ 1,817
4	B&S Estimated 7/1/2016	\$ 1,825
5	Willdan User Fee Report 3/9/2018	\$ 3,679
6	B&S Estimated 10/15/2018	\$ 2,760
7	Willdan User Fee Report 1/2/2019	\$ 2,187
8	B&S Estimated 7/1/2019	\$ 2,766
9	Willdan User Fee Report 9/10/2019	\$ 3,067

The fee for a 1,500 sf SFD that the City staff presented for adoption on December 10, 2019, equals about \$3,110, which does not equal any of those fees provided above. Subsequently, who recommended and where did this proposed fee amount come from? If Staff came up with this recommended fee, then the City cannot demur my Public Records request for the "backup" calculations using Willdan's 'proprietary' argument.

I, citing the California Public Records Act, therefore request a written copy of the "backup" calculations that provide the foundation for the fees proposed and adopted relating to the permitting and inspection services provided by the City Building Department for single-family residential dwellings. I also repeat my previous request for Willdan's "backup" calculations.

Morgan Keith, Consultant to the BIA-Riverside

2001.8.6
#3, 192.46
March 7, 2013

Rec'd 1/14/20 

BUILDING PERMIT FEES - CONSTRUCTION TYPES, FR, FR-R

City of Banning
JAN 2, 2019
2001-09-07 12,373.31
C.C.

Comprehensive User Fee Study

JAN 2, 2019

63

Res 2019-113
No. 2019-113
DRAFT & Price

CITY OF BANNING
SCHEDULE OF FEES
BUILDING DEPARTMENT FEES

ORD NO
1553

JAN 14, 2020

2001 Sq ft

Construction Types:

II N, III N, IV, V N

UBC Class	UBC Occupancy Type	Project Size Threshold	Base Cost @ Threshold Size	Blended Cost for Each Additional 100 s.f. *
	Residential (Single or Multi - Per Dwelling Unit)	1	\$2,512	\$24.47
		801	\$2,708	\$67.97
		1,201	\$2,980	\$43.50
		2,001	\$3,328	\$44.59
		3,001	\$3,774	\$63.08
		4,001	\$4,404	\$41.33
		6,001	\$5,231	\$23.11
		10,001	\$6,155	\$31.19
	Residential - Production Phase	1	\$2,212	\$28.00
		801	\$2,436	\$7.61
		1,201	\$2,466	\$60.36
		2,001	\$2,949	\$27.19
		3,001	\$3,221	\$53.72
		4,001	\$3,758	\$39.26
		6,001	\$4,544	\$19.25
		10,001	\$5,314	\$1.27
	Residential - Addition (Single or Multi Family)	1	\$1,740	\$43.50
		301	\$1,871	\$184.88
		501	\$2,240	\$101.50
		801	\$2,545	\$63.70
		1,501	\$2,991	\$91.35
		2,001	\$3,447	\$122.82
	Residential - Remodel (Single or Multi Family)	1	\$1,327	\$18.13
		301	\$1,381	\$119.63
		501	\$1,620	\$39.88
		801	\$1,740	\$38.84
		1,501	\$2,012	\$21.67
		2,001	\$2,153	\$31.08
	Commercial	1,001	\$2,925	\$26.92
		5,001	\$4,002	\$30.89
		10,001	\$5,546	\$20.99
		20,001	\$7,645	\$9.10
		50,001	\$10,375	\$6.26
		100,001	\$13,507	\$8.37
	Industrial	1,001	\$2,632	\$17.67
		5,001	\$3,339	\$20.01
		10,001	\$4,339	\$13.05
		20,001	\$5,644	\$4.28
		50,001	\$6,927	\$4.26
		100,001	\$9,059	\$5.52
	Tenant Improvements	1	\$1,892	\$47.58
		801	\$2,273	\$89.42
		1,251	\$2,675	\$54.81
		2,501	\$3,360	\$26.97
		5,001	\$4,035	\$9.43
		12,501	\$4,742	\$12.72

1 of 2

ATTACHMENT 4

COMMITTEE ASSIGNMENTS FOR 2020
CITY COUNCIL
CITY OF BANNING

NAME OF COMMITTEE	DAY & TIME OF MEETING	ASSIGNMENT	ALTERNATE	STAFF MEMBER
Western Riverside Council of Governments (WRCOG) <i>(receive stipend) (\$150.00)</i>	1 st Monday of each month 2:00 p.m.	Andrade	Happe	City Manager
Riverside Transit Agency (RTA) <i>(receive stipend) (\$150.00 plus round-trip mileage)</i>	4 th Thurs. of each month – 2:00 p.m. (Dark-August) (Nov. & Dec. 3 rd . Thursday)	Welch	Happe	Public Works Director
Riverside County Transportation Commission (RCTC) <i>(receive stipend) (\$100.00)</i>	2 nd Wednesday of each month - 9:00 a.m.	Welch	Andrade	Public Works Director
Pass Area Transportation NOW Committee	1 st Thursday of each month at 12:00 p.m.	Welch	Happe	Public Works Director
Regional Conservation Authority (RCA) <i>(receive stipend) (\$100.00 plus mileage)</i>	1 st Monday of each month at 12:30 p.m.	Andrade	Wallace	Community Development Director
Southern California Association of Governments (CEHD)	1 st Thursday of each month at 10:30 a.m.	Happe	Wallace	

Council Assignments – 2020
Updated by Council Action – January 14, 2020

Page 1 of 2

COMMITTEE ASSIGNMENTS FOR 2020
CITY COUNCIL
CITY OF BANNING

GOVERNMENT ACCESS CHANNEL COMMITTEE (as needed)	LEAGUE OF CALIF. CITIES – Contact and Executive Board Representative	LEAGUE OF CALIFORNIA CITIES (External Group)	SAN GORGONIO PASS WATER AGENCY (External Group)	COMMUNITY ACTION AGENCY (External Group) <i>3rd Thurs. of each month at 7:00 p.m.</i>
Wallace Welch Staff: Multi-Media Specialist	Andrade	City Council	Happe Welch Staff: Public Works Director	Andrade Wallace

2 x 2 COUNCIL WORKING GROUPS
Groups meet as needed.

BANNING UNIFIED SCHOOL DIST.	MORONGO BAND OF MISSION INDIANS	MT. SAN JACINTO COLLEGE	SAN GORGONIO MEMORIAL HOSPITAL	BUDGET & FINANCE
Wallace Welch Staff: City Manager	Happe Welch Staff: City Manager	Welch Andrade Staff: City Manager	Wallace Welch Staff: City Manager	Welch Happe McQuown Staff: Administrative Services Director

AD HOC ECONOMIC DEVELOPMENT COMMITTEE	CITY OF BEAUMONT	HEALTHY LIVING CITY	DOWNTOWN AD-HOC COMMITTEE	ELECTRIC COST OF SERVICE AD- HOC COMMITTEE
Andrade Welch Staff: Economic Development Manager	Welch Andrade Staff: City Manager	Wallace Andrade Staff: Parks & Recreation Director	Andrade Wallace Staff: City Manager	Welch Happe McQuown Westholder Burgess Staff: Electric Utility Director

Council Assignments – 2020
Updated by Council Action – January 14, 2020

Page 2 of 2

ATTACHMENT 5



The image shows the "Background" section of the City Council agenda. It features the same official seal of Banning, California, in the top left. The title "Background" is centered in a large, bold, black font. Below the title is a list of bullet points describing the history of the ordinance: the Planning Commission recommended approval, the City Council considered it, questions were raised about large-lot residential properties, the City Council referred it back, the Planning Commission held a new public hearing, and ultimately determined a "sliding scale" by property acreage was appropriate.

- Planning Commission recommended approval to the City Council during the August 14th Planning Commission Meeting.
- The City Council considered the item at the September 10th Meeting
- Questions were raised regarding large-lot residential properties that may need more than one container for agricultural or property maintenance matters.
- The City Council referred the ordinance amendment back to the Commission for further debate and discussion.
- The Planning Commission held a new public hearing and deliberated the Council suggestions. Ultimately, the Commission determined that a "sliding scale" by property acreage was appropriate.



Background (cont'd)

Status Quo:
Containers are limited to 60-days subject to a Temporary Use Permit (TUP). An exception remains for construction projects but in no case shall a container remain for more than one year.

Current Proposal:
Permanent Storage Authorized in commercial, industrial, and residential zones of 20,000 s.f. or larger subject to a Planning & Building Approval and in compliance with Design Standards.

Council's Direction:
Create an Amnesty Program or other regulatory "vehicle" to allow existing properties – that contain storage containers – to remain subject to some or none of the proposed development standards.

Additional Deliberation:
Council and City Staff have prepared two options available for the Council's Discussion.



Proposed Revisions (Opt. 1)

Compliance implementation program for pre-existing commercial cargo/storage containers:

- Must file an application within 180 days from effective date of ordinance.
- Application must be approved within six (6) weeks from application date or no later than October 16, 2020
- Storage containers must comply with minimum zoning setbacks, building code, only used for personal use.
- Only used as storage



Proposed Revisions (Opt. 2)

Amnesty Program:

- Must register by August 31, 2020.
- Storage containers, in residential properties must be contained within the rear of the lot.
- No compliance with minimum zoning setbacks.



Background (cont'd)

Development Standards	VLDR	RR/H	RR	R/A/H	R/A
Min. Lot Size	20,000	40,000	40,000	10 Ac.	10 Ac.
Min. Front Setback (Feet)	50	50	50	50	35
Min. Rear Setback (Feet)	50	50	35	35	35
Min. Side Yard Setback (Feet)	25	25	25	25	15
Commercial Cargo/Storage Containers	1	2	2	5*	5*

* No more than five (5) commercial cargo/storage containers shall be permitted on any parcel regardless of parcel size.



Environmental Determination

City staff has determined that the proposed Zoning Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. The Zoning Text Amendment will establish zoning and design standards for commercial cargo/storage containers within each zoning districts. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA and the City of Banning Municipal Code.



Recommendation

RECOMMENDATION:

The Planning Commission recommends that the City Council:

- 1) Make a determination under CEQA Guidelines Section 15060(c)(3) that the Zoning Text Amendments are not subject to CEQA because the amendments are not a "project" as defined by the CEQA Guidelines Section 15378; and
- 2) Waive further reading and introduce, as read by title only, Ordinance No. 1552 (Attachment 3), an Ordinance of the City Council of the City of Banning, California, Approving Zoning Text Amendment (ZTA) No. 19-97503 amending Section 17.108.020 "Permitted Uses" of Chapter 17.108 "Temporary Use Permits," Table 17.12.020 of Section 17.12.020 "Permitted, Conditional and Prohibited Uses" of Chapter 17.12 "Commercial and Industrial Districts and adding a new Section 17.24.180, "Commercial cargo/storage containers" establishing regulations for commercial cargo/storage containers, of Title 17 "Zoning" of the Banning Municipal Code.



Discussion

Thank you & Questions



Proposed Regulations

Temporary Uses

17.108.020 – Permitted uses.

The following temporary use may be permitted, subject to the issuance of a Temporary Use Permit:

- A. On and off-site contractors' construction yards in conjunction with an approved development project, but these must be removed at the same time that the approved development project has been completed, or earlier if so directed by the Community Department or its Director.
- B. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 365 days, or upon expiration of the building permit, whichever occurs first.
- C. Commercial cargo storage containers, for a period not to exceed 60 days, unless the cargo container is used for a construction project with a valid building permit, in which case the permit may be granted for up to 365 days.



Proposed Regulations (cont'd)

Commercial/Industrial Zoning District Authorized Uses

Zone	DC	GC	HSC	PO	I	AI	BP	IMR
Other Cannabis Uses	X	X	X	X	X	X	X	X
Commercial cargo/storage container ²	C	C	C	C	P	P	P	P
Community Gardens	P	P	P	P	P	P	P	P



Proposed Regulations (cont'd)

Residential Zoning District Authorized Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP
Other Cannabis Uses	X	X	X	X	X	X	X	X	X
Commercial Cargo/Storage Containers	P	P	P	P	P	X	X	X	X
Community Gardens	P	P	P	P	P	P	P	P	P



Development Standards (cont'd)

Commercial/Industrial Zoning District Design Standards

In commercial and industrial zoning districts, the permanent placement of commercial cargo/storage containers, as an accessory use, is subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Must be fully screened and placed at the rear of property (chain link prohibited)
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy type
- ▶ Maximum size is 8' x 8' x 53'



Development Standards (cont'd)

Residential Zoning District Authorized Uses

In residential zones, placement of commercial cargo/storage containers is allowed as an accessory use subject to the following development standards:

- ▶ Parcels must be conforming to current zoning standards
- ▶ Parcel must be a minimum of 20,000 s.f. for 1 container; 40,000 s.f. for 2 containers; 5-acres or more for up to 5 containers.
- ▶ Minimum 20-foot setbacks from all property lines
- ▶ Neutral color and compatible with surroundings
- ▶ Must comply with current building codes
- ▶ Must be unaltered from the manufacturers specifications.
- ▶ No habitable occupancy (e.g., no offices, ADU's, "man-caves" or "she-sheds")
- ▶ Maximum size is 8' x 8' x 53'
- ▶ Commercial cargo/storage containers shall be used solely by the resident/owner of the property in which a commercial cargo/storage container is located upon

 **Development Standards (cont'd)**

Addition to Zoning Code Definitions

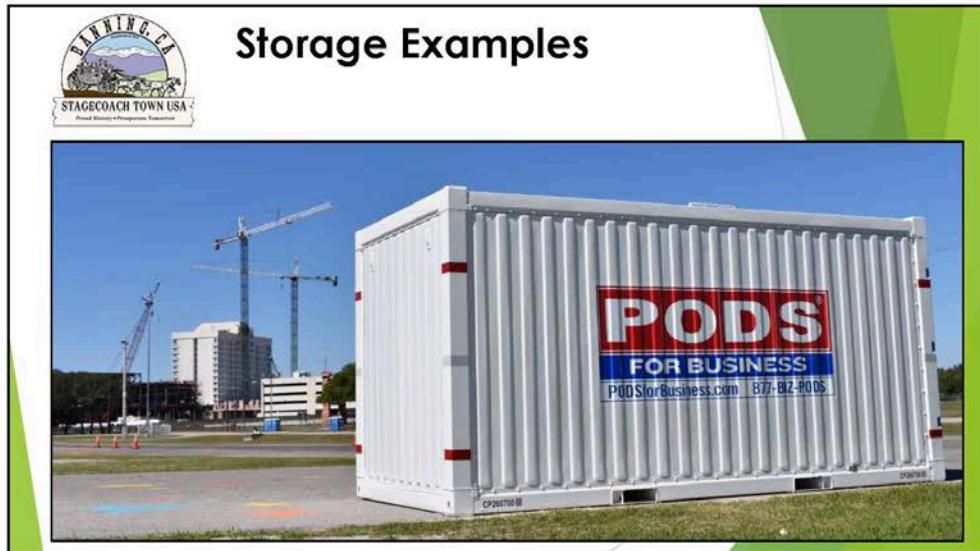
► **Sec. 17.04.070 - Definitions**

► **Commercial Cargo/Storage Container** is a portable shipping or cargo container made of metal that is used for the onsite storage of property, equipment, documents or goods associated with the primary **use contained business-housed** in an enclosed building on the property, or construction site. A metal shipping container is considered to be a maximum of eight (8') feet, a maximum of eight (8') feet wide, and a maximum of 53 feet long.

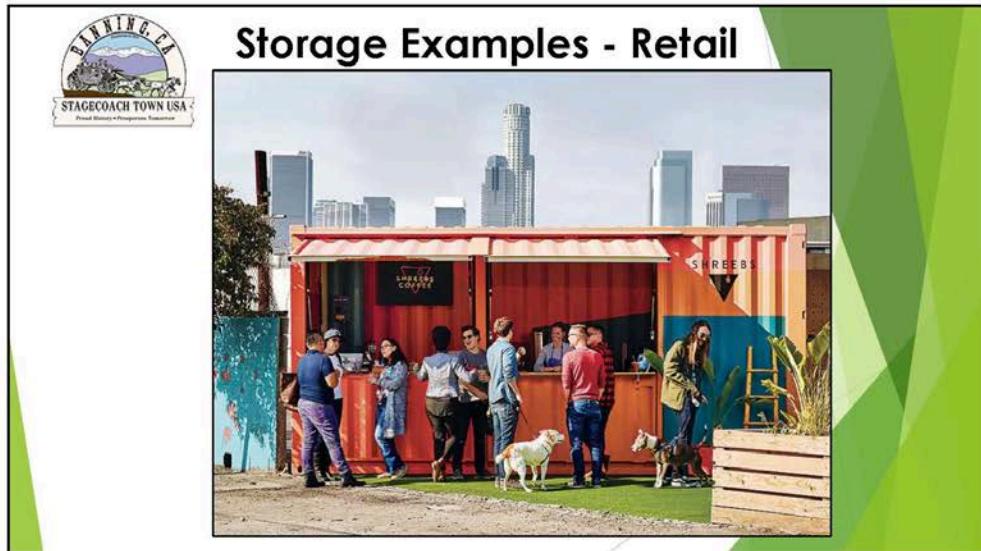
► For the purposes of this section, the Commercial Cargo/Storage Container shall not be used as habitable space.

 **Storage Examples - Temp**











Storage Examples - Retail





Storage Examples - Housing





Storage Examples - Housing



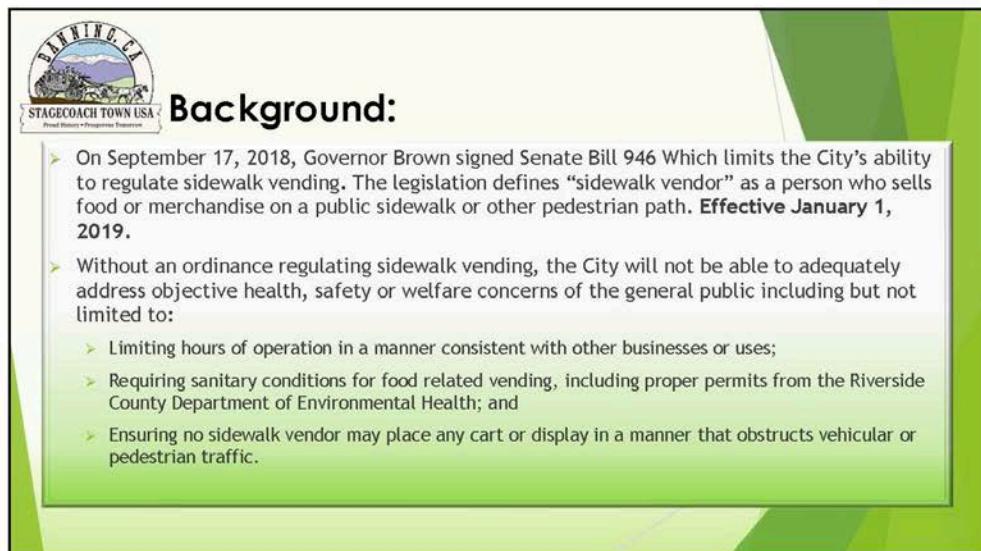
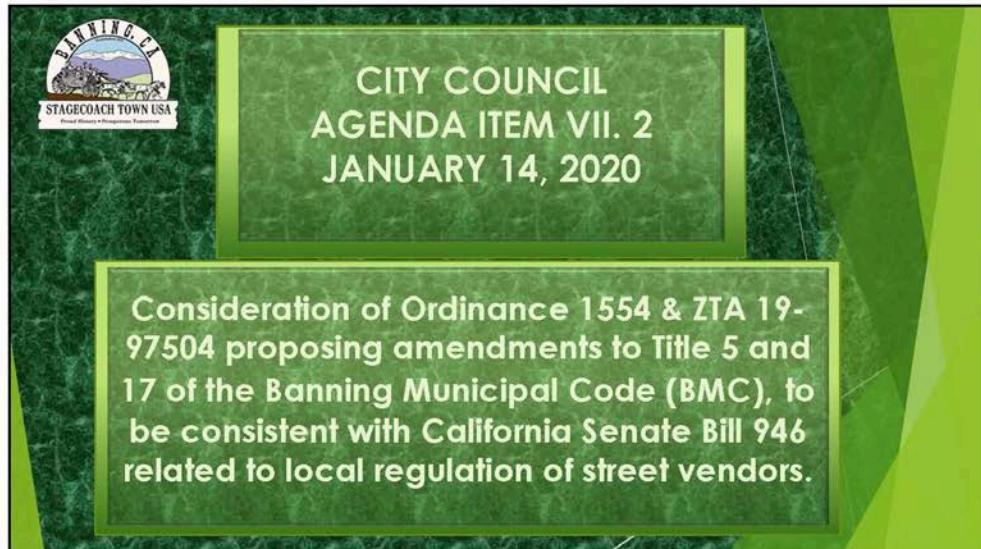


Storage Examples - Housing





ATTACHMENT 6





Proposed Amendment

Zoning Text Amendment 19-97504 is a proposed amendment to Title 5 and 17 of the Banning Municipal Code (BMC) to be consistent with California Senate Bill 946 related to local regulation of Street Vendors.

The purpose and intention of the Ordinance Amendment is to provide additional regulations to protect the health, safety, and welfare of the public.



Definitions

- ▶ **Certified Farmers' Market** means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- ▶ **Director** means the Community Development Director, or his/her designee.
- ▶ **Roaming Sidewalk Vendor** means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- ▶ **Sidewalk Vendor** means a person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.
- ▶ **Stationary Sidewalk Vendor** means a sidewalk vendor who vends from a fixed location.
- ▶ **Swap Meet** means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.



Definitions (cont'd)

- ▶ **Sidewalk Vendor Temporary Use Permit** means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public or private area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns.
- ▶ **Vend or Vending** means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.
- ▶ **Vending Cart** means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.



Requirements and prohibitions on sidewalk vending

- ▶ SB 946 currently no permit is required. A Business License and possibly health permit is required.
- ▶ City Ordinance will now require a permit.
- ▶ Sidewalk Vending Permit Application: A carve out of an existing permit application to process through Community Development



Requirements and prohibitions on sidewalk vending

➤ **Operating Restrictions:**

- Within thirty (30) feet of any street intersection;
- Within twenty (20) feet of any fire hydrant, fire call box, electric transformer, or other facility dedicated to the emergency and public infrastructure functions of the City;
- Within twenty (20) feet of any driveway or driveway apron;
- Upon or within any roadway, median strip, or dividing section;
- Within 200-feet of a permitted certified farmers' market or swap meet,

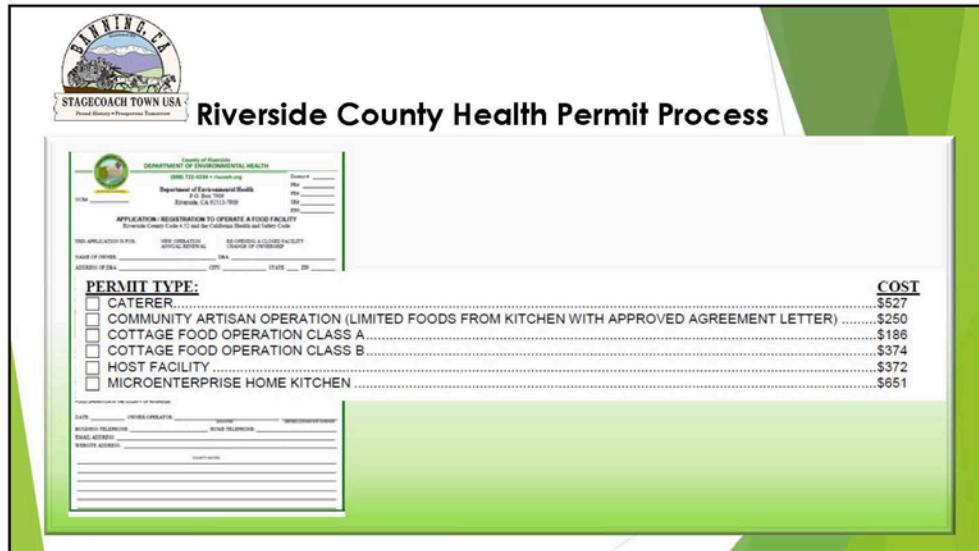


Requirements and prohibitions on sidewalk vending

➤ Cannot block ADA and pedestrian access.

➤ Sidewalk vending is permitted one half hour after sunrise to one half hour before sunset daily, except as follows:

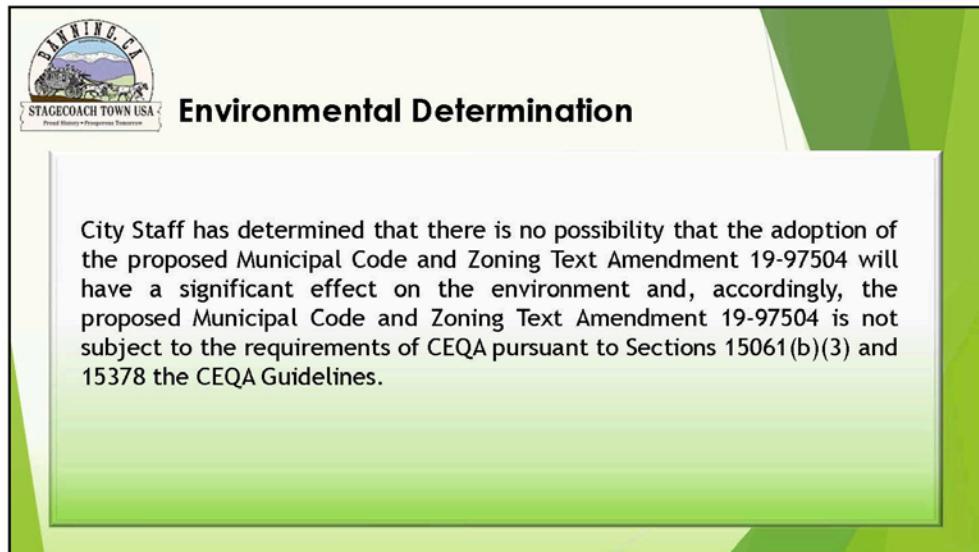
- In residential areas, sidewalk vending shall be permitted one hour after sunrise to one hour before sunset.



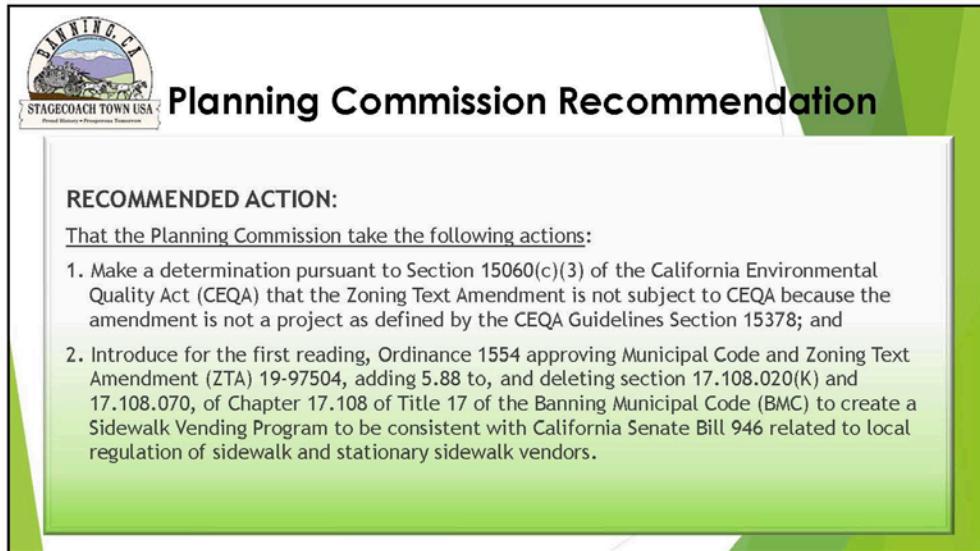
The image shows a form titled "Riverside County Health Permit Process". At the top left is the Banning, CA logo with the text "STAGECOACH TOWN USA" and "Proud History • Progressive Tomorrow". The form is titled "Riverside County Health Permit Process". It includes sections for "DEPARTMENT OF ENVIRONMENTAL HEALTH" contact information, "APPLICATION / REGISTRATION TO OPERATE A FOOD FACILITY", and "PERMIT TYPE". The "PERMIT TYPE" section lists various options with their costs:

PERMIT TYPE:	COST
<input type="checkbox"/> CATERER.....	\$527
<input type="checkbox"/> COMMUNITY ARTISAN OPERATION (LIMITED FOODS FROM KITCHEN WITH APPROVED AGREEMENT LETTER)	\$250
<input type="checkbox"/> COTTAGE FOOD OPERATION CLASS A.....	\$186
<input type="checkbox"/> COTTAGE FOOD OPERATION CLASS B.....	\$374
<input type="checkbox"/> HOST FACILITY	\$372
<input type="checkbox"/> MICROENTERPRISE HOME KITCHEN	\$651

At the bottom of the form, there is a section for "PERMIT INFORMATION FOR PROPERTY OR BUSINESS" with fields for "NAME", "ADDRESS", "PHONE", "EMAIL", and "WEB ADDRESS".

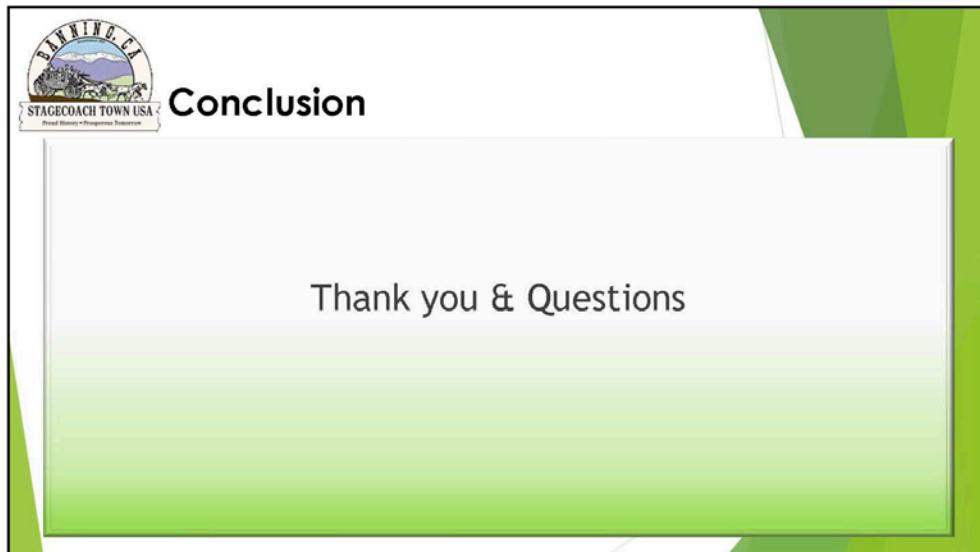


The image shows a form titled "Environmental Determination". At the top left is the Banning, CA logo with the text "STAGECOACH TOWN USA" and "Proud History • Progressive Tomorrow". The form states: "City Staff has determined that there is no possibility that the adoption of the proposed Municipal Code and Zoning Text Amendment 19-97504 will have a significant effect on the environment and, accordingly, the proposed Municipal Code and Zoning Text Amendment 19-97504 is not subject to the requirements of CEQA pursuant to Sections 15061(b)(3) and 15378 the CEQA Guidelines."



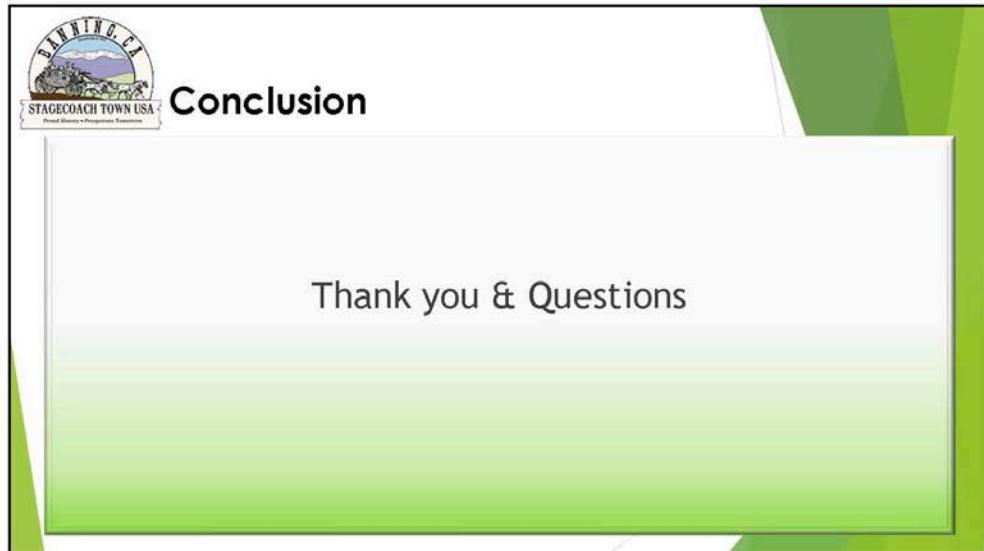
The slide features the Banning, CA logo at the top left, which includes a circular emblem with a stagecoach and the text "BANNING, CA" and "STAGECOACH TOWN USA". The main title "Planning Commission Recommendation" is centered in a large, bold, black font. Below the title, the section "RECOMMENDED ACTION:" is in bold. A sub-section "That the Planning Commission take the following actions:" is in bold. The recommended actions are listed as follows:

1. Make a determination pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA) that the Zoning Text Amendment is not subject to CEQA because the amendment is not a project as defined by the CEQA Guidelines Section 15378; and
2. Introduce for the first reading, Ordinance 1554 approving Municipal Code and Zoning Text Amendment (ZTA) 19-97504, adding 5.88 to, and deleting section 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code (BMC) to create a Sidewalk Vending Program to be consistent with California Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.



The slide features the Banning, CA logo at the top left, which includes a circular emblem with a stagecoach and the text "BANNING, CA" and "STAGECOACH TOWN USA". The main title "Conclusion" is centered in a large, bold, black font. Below the title, the text "Thank you & Questions" is centered in a smaller, bold, black font.

ATTACHMENT 7





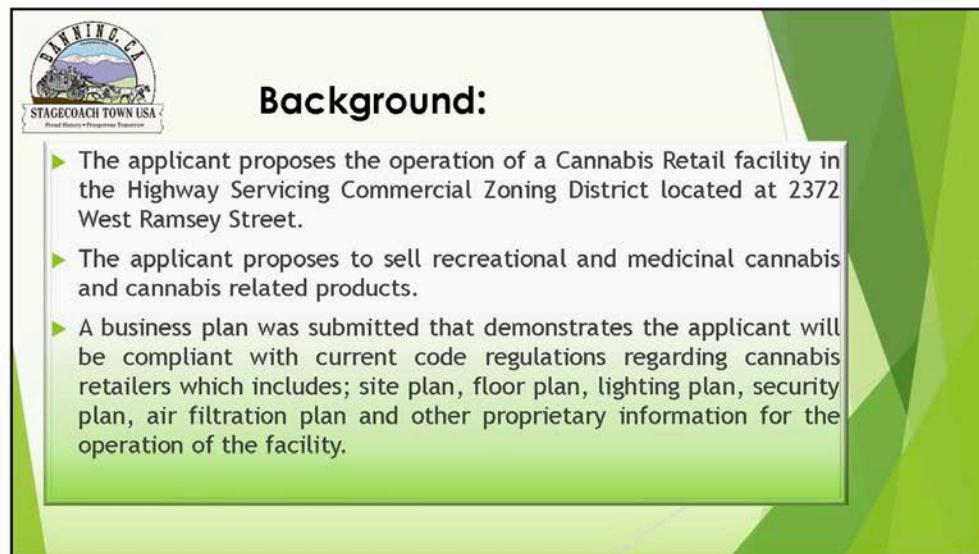
Environmental Determination

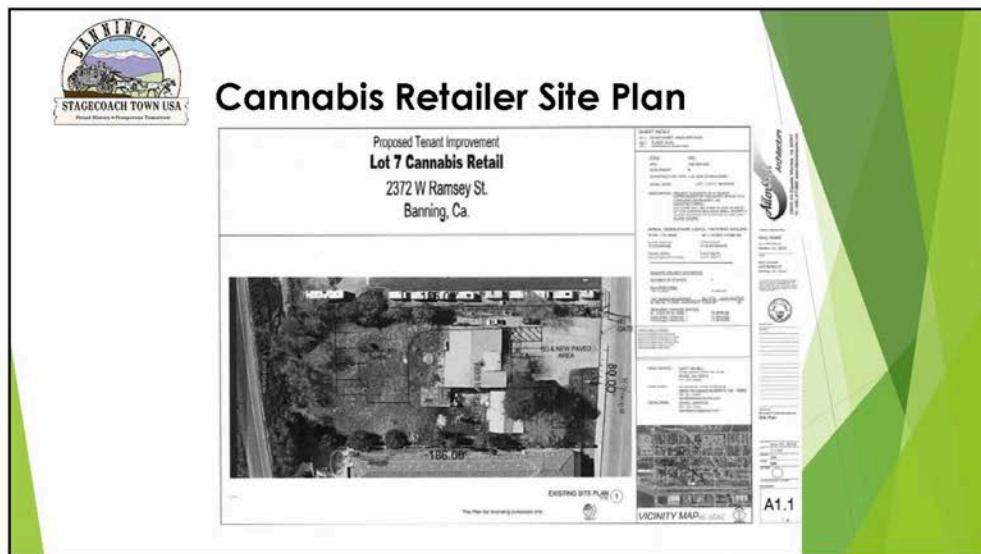
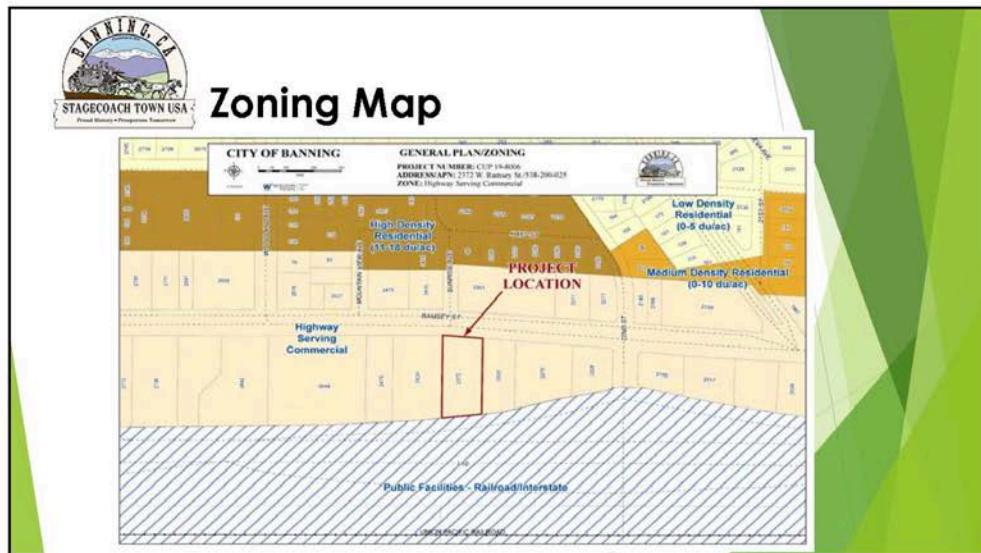
- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.



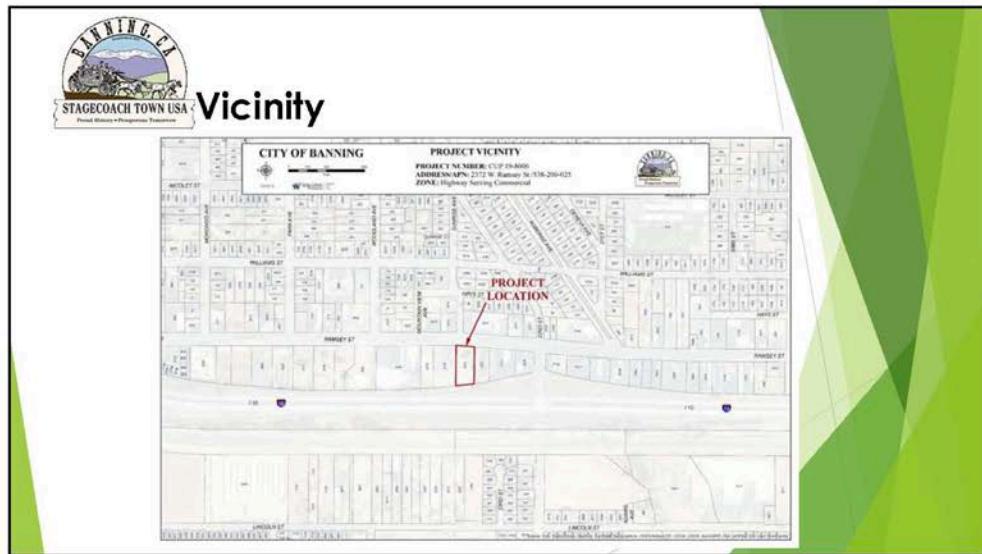
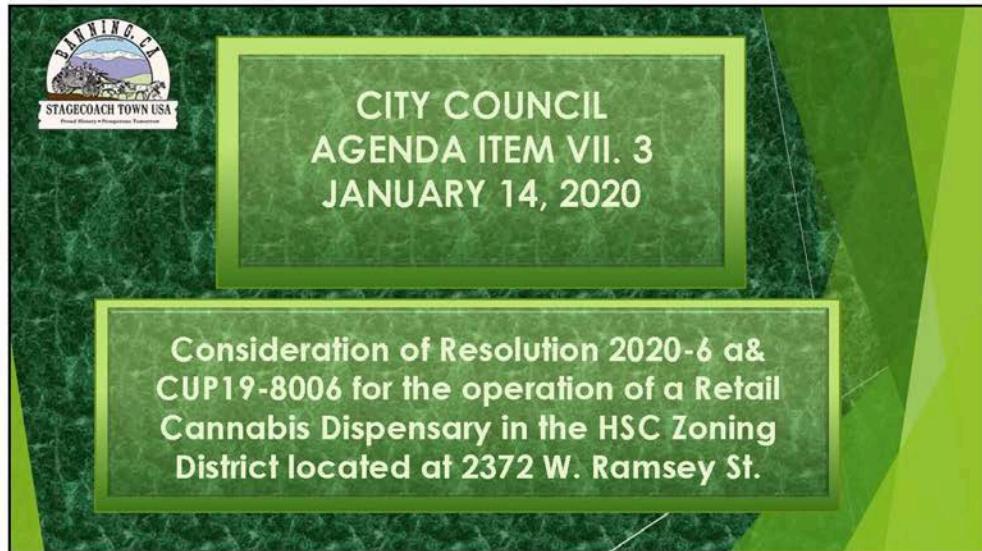
Planning Commission Recommendation

Adopt Resolution 2020-6, approving Conditional Use Permit 19-8006 making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing developed property located at 2372 W. Ramsey Street (APN: 538-200-025) in the Highway Serving Commercial (HSC) Zoning District.

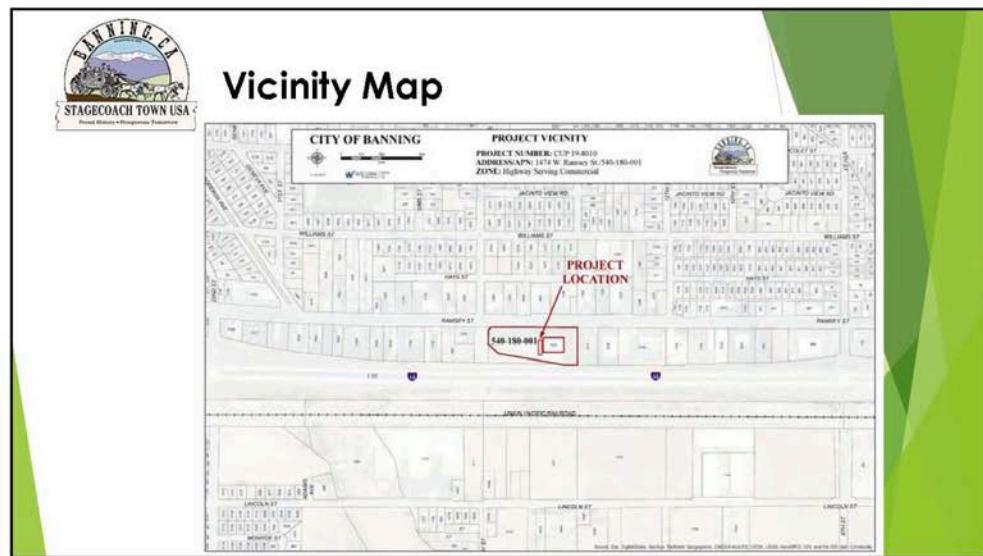
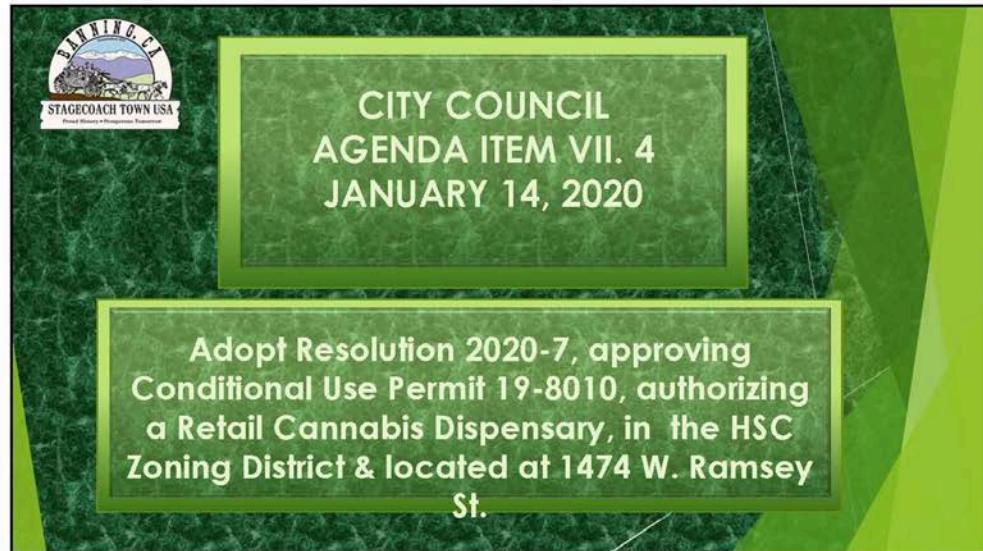


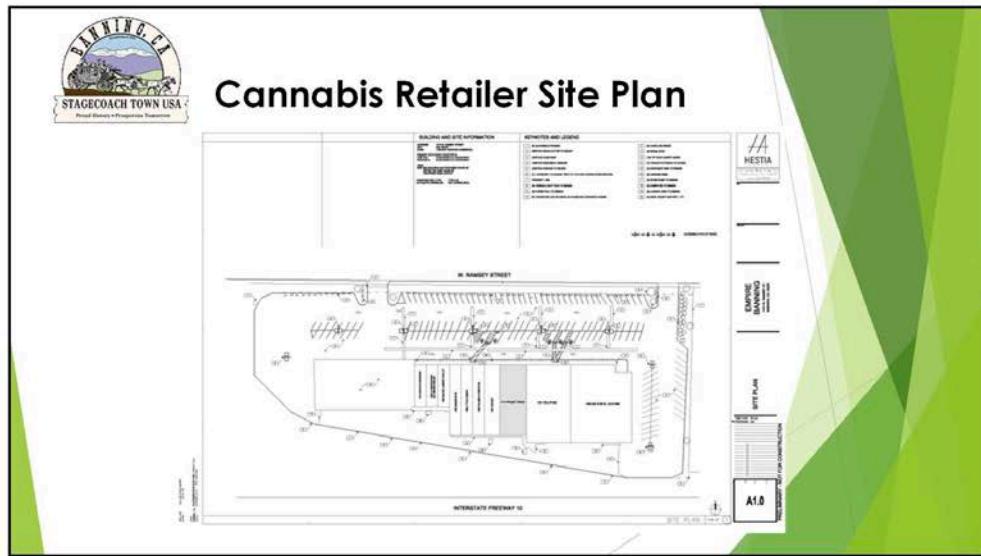


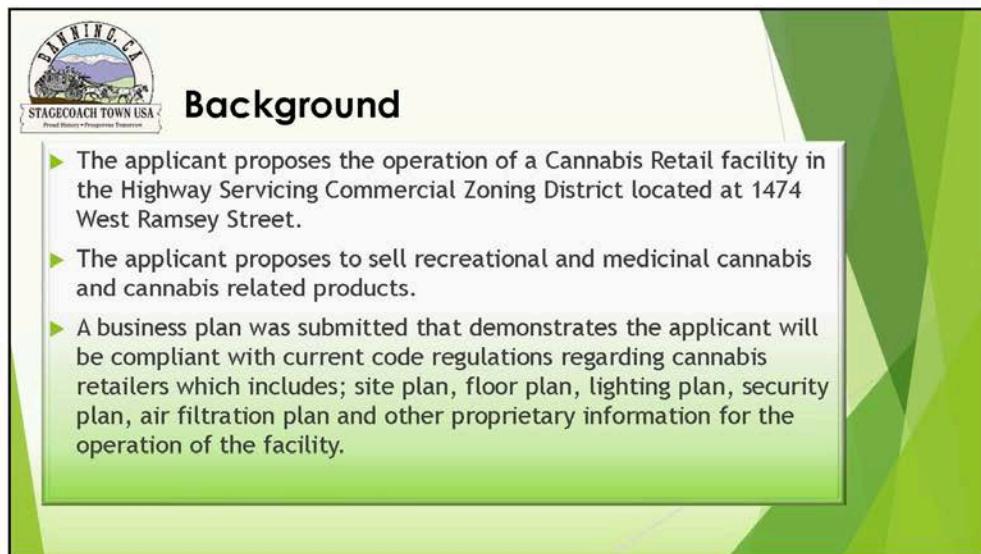




ATTACHMENT 8









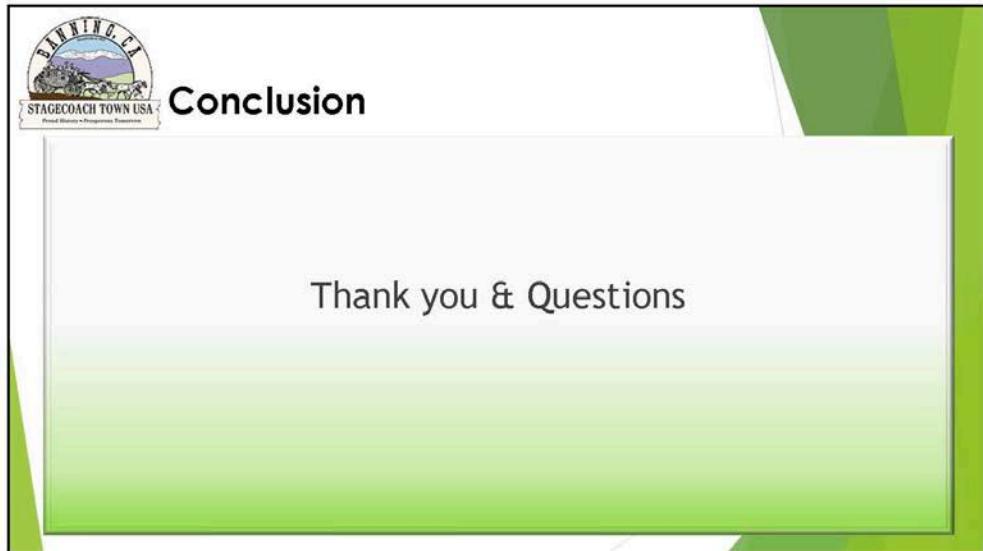
Environmental Determination

- ▶ The project qualifies as a Class 1 Categorical Exemption pursuant to section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines as the project is operating out of an existing facility and only minor tenant improvements are proposed.
- ▶ A Notice of Exemption has been prepared for adoption with the project.



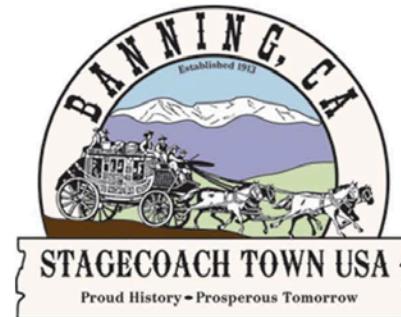
Planning Commission Recommendation

Staff recommends the City Council adopt Resolution 2020-7, approving Conditional Use Permit 19-8010, making a determination that the Project is exempt under the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities) authorizing a Cannabis Retailer at an existing property located at 1474 W. Ramsey Street (APN: 540-180-001) in the Highway Serving Commercial (HSC) Zoning District.



ATTACHMENT 9

City Seal or Community Logo



Banning Municipal Code

1.08.010 - City seal.

The shape of the seal for the city shall be circular in form. It shall bear the inscription at the top "City of Banning, California"; and at the bottom "Incorporated 1913"; and in the center it shall bear an appropriate insignia depicting the scenic and health advantages of the city. Such seal shall be the official seal of the city.

(Code 1965, § 1-11.)

City Seal on Current Fleet Vehicle



ATTACHMENT 10

Lot No. 7, Wilson St.



1" = 291 ft	Habitat for Humanity	01/14/2020	
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This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

ATTACHMENT 11

STATEMENT OF INVESTMENT POLICY

Jennifer Christensen, JD MBA CPFO CFIP
Administrative Services Director

WHAT IS AN INVESTMENT POLICY?

- A written statement of the goals for the portfolio and the rules to be followed to achieve those goals
- Statement of the City of Banning's investment goals, priorities, and rules include:
 - Purpose and objectives of the agency's investment program
 - Prudent investor standard
 - Delegation of authority
 - Custody
 - Authorized/permited investments and term of investments
 - Authorized dealers and conflict of interest provisions
 - Portfolio risk management
 - Reporting and annual review

WHY HAVE AN INVESTMENT POLICY?

- Provide a framework for investing and a foundation upon which an actual portfolio should be constructed and managed over changing market cycles
- Fiduciary duty
- Transparency and disclosure
- Credit ratings

PRINCIPLES OF PUBLIC FUND INVESTING

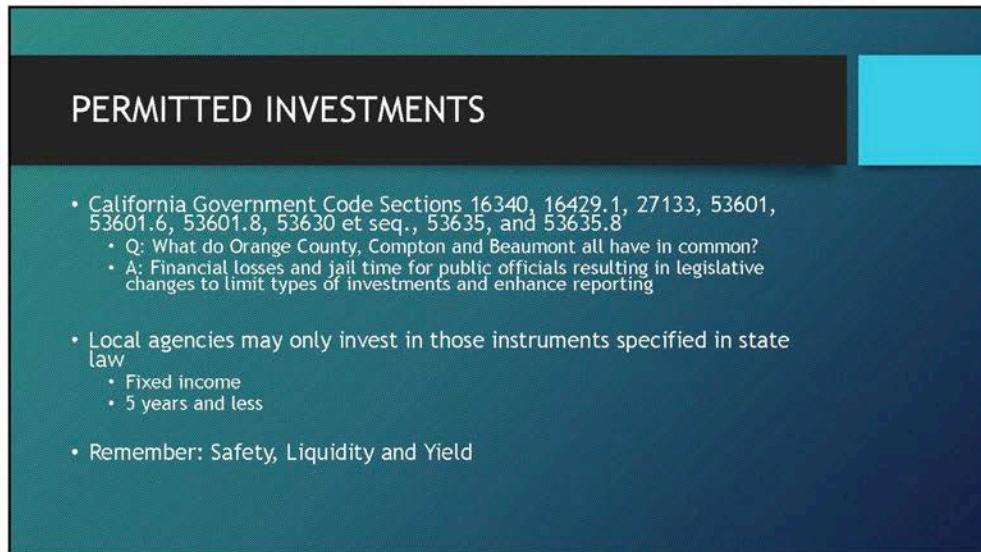
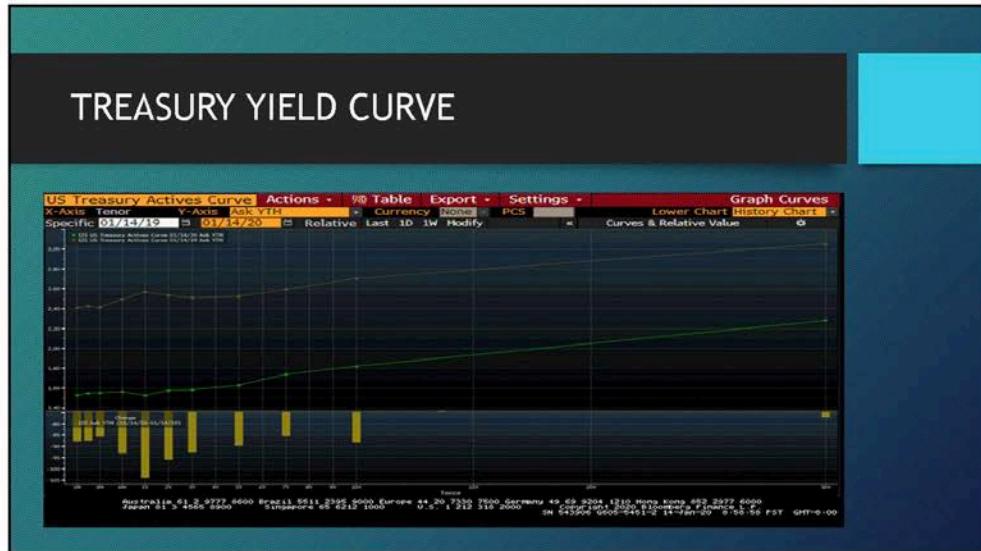
- California Government Code Section 53600.5, in order of priority:
 - SAFETY: Safeguard principle
 - LIQUIDITY: Meet the liquidity needs of the City of Banning
 - YIELD: Achieve a return or yield on the funds under control

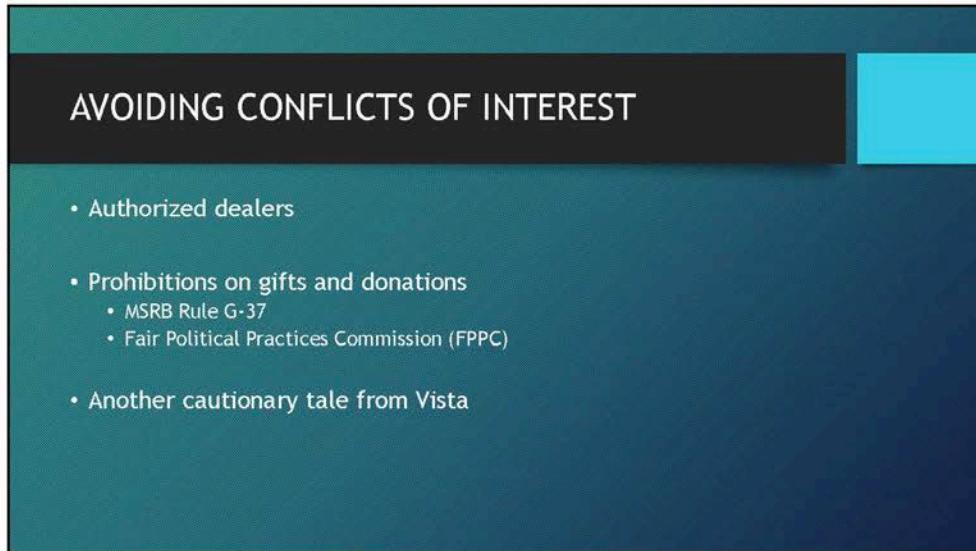
PRUDENT INVESTOR STANDARD

- California Government Code Section 53600.3
- Trustees shall act with care, skill, prudence, and diligence under the circumstances then prevailing when investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing funds
- Fiduciary duty

RISK

- Risk and return
- Types of risk
 - Investment risk: investing matters
 - Market risk: changes in overall interest rates
 - Credit risk: risk of loss due to specific issuer
 - Liquidity risk: ability to convert investment back to cash
 - Default risk: issuer may be unable to pay
- Diversification: mitigating risk





City of Banning Report of Investments September 2019												
Investment Held by	Investment Name	Investment Type	CUSIP Number	Standard & Poor's Rating	Moody's Rating	Settlement Date	Maturity Date	Par	Market Yield	Market Price	Market Value	Percentage of Investments
State of California, Local Agency Investment Fund												
City of Banning Successor Agency		Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 41,911,839.05	2.18%	100.16423%	\$ 41,900,692.53	60.7%
		Pooled Investment	N/A	N/A	N/A	N/A	N/A	\$ 0.25	0.00%	0.23	0.0%	
								\$ 41,911,839.28			\$ 41,900,692.76	60.7%
US Bank- Broker Piper Jaffray												
Government Agencies												
First American Government Oblig Fd C D	Cash Equivalent	3104891401	N/A	N/A	N/A	N/A	N/A	\$ 4,341,428.95	1.38%	100.00%	\$ 4,341,428.95	6.3%
FHLMC MTH	US Government Issue	3134626133	AA+	Aaa		5/27/2009	5/30/2009	\$ 3,000,000.00	1.60%	100.00%	\$ 3,000,000.00	4.7%
FNMA MTH	US Government Issue	313464992	AA+	Aaa		10/28/2009	5/30/2009	\$ 3,000,000.00	1.75%	100.00%	\$ 3,002,180.00	4.7%
Federal Home Loan Bks	US Government Issue	313464919	AA+	Aaa		7/26/2010	1/29/2011	\$ 2,987,420.00	2.25%	100.00%	\$ 3,000,750.00	4.7%
FHLMC MTH	US Government Issue	313467192	AA+	Aaa		7/1/2019	4/1/2022	\$ 2,000,000.00	2.00%	100.00%	\$ 2,001,160.00	2.9%
FHLMC MTH	US Government Issue	313469153	N/A	Aaa		10/14/2019	10/14/2022	\$ 3,000,000.00	1.70%	100.00%	\$ 3,000,540.00	4.7%
Federal Home Loan Bks	US Government Issue	31346919	AA+	N/A		7/10/2019	7/10/2023	\$ 3,000,000.00	2.20%	100.00%	\$ 3,035,590.00	6.4%
FHLMC MTH	US Government Issue	313467216	N/A	Aaa		8/18/2019	8/18/2024	\$ 3,000,000.00	2.18%	99.42%	\$ 2,952,720.00	4.7%
								\$ 27,108,848.95			\$ 27,132,414.95	59.3%
Total Investments								\$ 69,030,688.23			\$ 69,113,187.71	100.0%

PROVIDING ACCOUNTABILITY & TRANSPARENCY THROUGH REPORTING

- Internal Control Procedures
 - Separation of duties
 - Access controls
 - Physical audits
 - Documentation
 - Trial balances
 - Reconciliations
 - Approval authority

PUBLIC INVESTING RESOURCES

- California Government Code
- CDIAC Local Agency Investment Guidelines
- Government Finance Officers Association (GFOA)

STATEMENT OF INVESTMENT POLICY

Questions?

7. AUTHORIZED INVESTMENTS AND LIMITATIONS

The Government Code of the State of California, primarily within sections 53600 et. seq., sets out the legal authority for inclusion of certain types of investment vehicles in a California local agency's investment portfolio. Consistent with those sections, under no circumstances will the City Council purchase an investment that is not specifically authorized for a local agency under these, or other code sections that may apply, or might later be enacted, pertaining to local agency investments. It shall be a requirement of all investment professionals performing any transaction on behalf of the City that they possess a complete understanding of the acceptability of the subject investment under those code sections.

A "Table of Investments Permitted Local Agencies by the California Government Code" is attached hereto, marked Appendix A and by this reference made a part hereof. Appendix A briefly describes the principal types of securities legal within the Government Code sections noted above, and outlines the various limitations included in these sections. From these permitted investments, the City's investment officials shall determine those investment types that best meet the needs and abilities of the City.

8. AUTHORIZED TERM OF INVESTMENTS

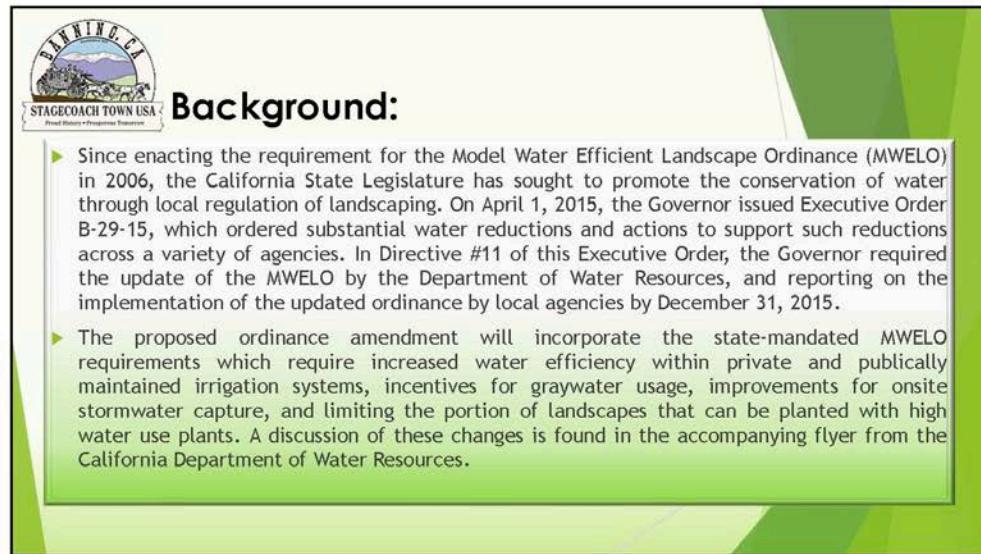
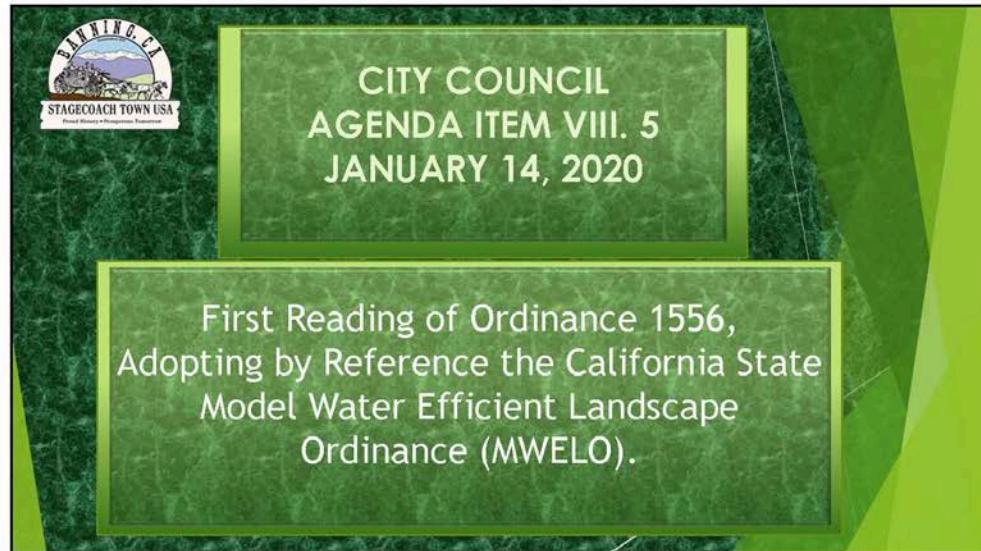
It is hereby determined that the maximum maturity period for any portion of invested operating moneys shall not exceed five years per California Government Code and as indicated in Appendix A. This shall not apply to certain bond proceeds or other non-operating moneys of the City.

9. AUTHORIZED DEALER LIST - CONFLICT OF INTEREST PROHIBITION

It is prohibited for a transaction to be entered into with any securities broker, dealer or bank investment department or subsidiary prior to that entity being designated an Authorized Dealer and placed on the Authorized Dealer List. Authorized Dealers shall be selected on an as needed basis to meet specific needs of the City. The Administrative Services Director is authorized to manage the Authorized Dealer List. Each qualified dealer must certify in writing that they have reviewed the relevant California Government Code Sections and the City's Investment Policy and that all securities offered to the City shall comply fully and in every instance with all provisions of the California Government Code and with this Investment Policy.

No member of the City Council, nor any other official or employee of the City, may accept any gift, honoraria, gratuity or service of value in violation of the regulations set forth by the Fair Political Practices Commission, the Government Code, additional limitations set forth by City ordinance, or internal requirements of the City Manager and Administrative Services Director. The City Council is prohibited from conducting any business with any broker, dealer, or securities firm that has made a political contribution to the City Treasurer or any member of the City Council, or any candidate for these offices, within the 48 month period immediately

ATTACHMENT 12





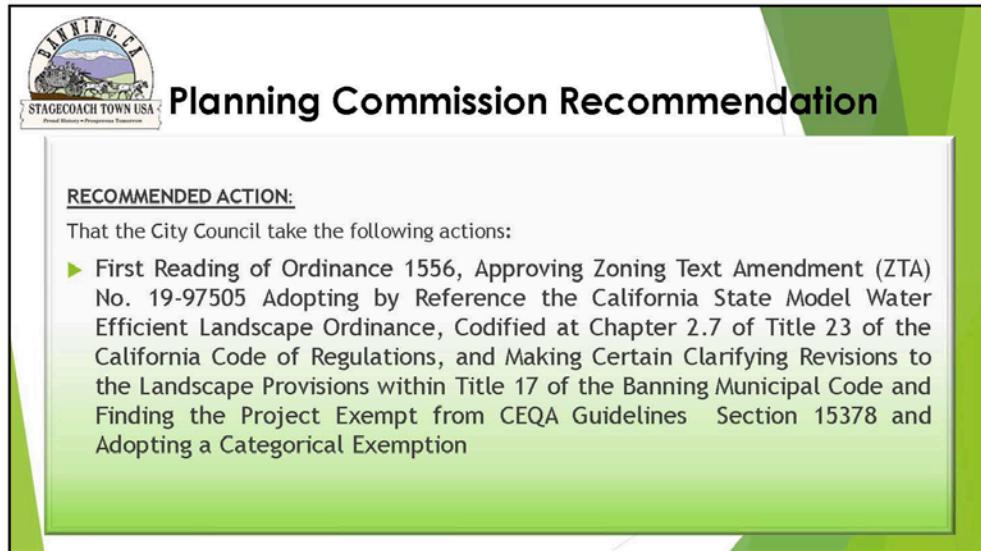
Proposed Amendment

The proposed ordinance amendment will incorporate the state-mandated MWELO requirements which require increased water efficiency within private and publically maintained irrigation systems, incentives for graywater usage, improvements for onsite stormwater capture, and limiting the portion of landscapes that can be planted with high water use plants. A discussion of these changes is found in the accompanying flyer from the California Department of Water Resources.



Environmental Determination

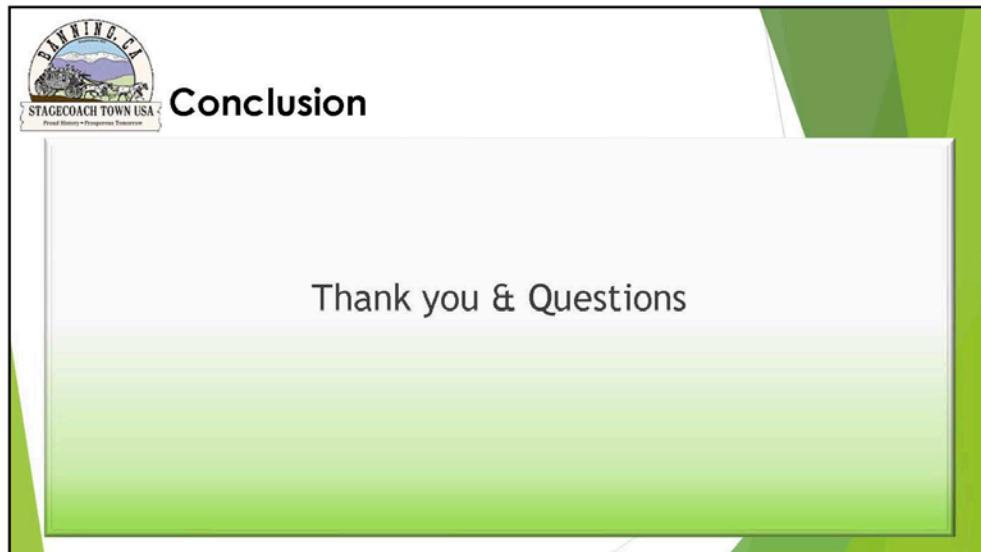
City staff has determined that the proposed Zoning Text Amendment exempt from the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15307 and 15308, as an action taken to assure the maintenance, restoration, or enhancement of a natural resource or the environment where the regulatory process involves procedures for protection of the environment.



The slide features the Banning, CA logo at the top left, which includes a circular seal with a landscape and the text "BANNING, CA" and "STAGECOACH TOWN USA". The main title "Planning Commission Recommendation" is centered in a large, bold, black font. Below the title, a section titled "RECOMMENDED ACTION:" is underlined in black. The text reads: "That the City Council take the following actions:

- ▶ First Reading of Ordinance 1556, Approving Zoning Text Amendment (ZTA) No. 19-97505 Adopting by Reference the California State Model Water Efficient Landscape Ordinance, Codified at Chapter 2.7 of Title 23 of the California Code of Regulations, and Making Certain Clarifying Revisions to the Landscape Provisions within Title 17 of the Banning Municipal Code and Finding the Project Exempt from CEQA Guidelines Section 15378 and Adopting a Categorical Exemption

"



The slide features the Banning, CA logo at the top left, which includes a circular seal with a landscape and the text "BANNING, CA" and "STAGECOACH TOWN USA". The main title "Conclusion" is centered in a large, bold, black font. Below the title, the text "Thank you & Questions" is centered in a smaller, black font.



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: January 28, 2020

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of November and December 2019.

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority for the Month of November and December 2019.

BACKGROUND:

City Council requested regular reports of contracts signed under the City Manager's signature authority of \$25,000 or less.

ATTACHMENT:

1. List of Contracts November 2019
<https://banningca.gov/DocumentCenter/View/6872/November-2019>
2. List of Contracts December 2019
<https://banningca.gov/DocumentCenter/View/6875/December-2019>

Approved by:

A handwritten signature in blue ink, appearing to read "AS SF".

Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: January 28, 2020

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of November 2019

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **November 30, 2019** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 3,655.00	\$ 4,155.00
Checking and Savings Accounts	\$ 9,016,058.56	\$ 8,365,181.83
Investments		
LAIF	\$ 41,911,839.28	\$ 41,911,839.28
Brokerage	\$ 27,108,848.95	\$ 27,113,026.17
Total Funds Under Control of the City	\$ 78,040,401.79	\$ 77,394,202.28
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 14,759,710.22	\$ 14,766,248.28
Restricted Bond Accounts	\$ 4,900,240.50	\$ 4,820,299.88
Union Bank		
Restricted Funds	\$ 473,706.54	\$ 989,793.58
Total Funds Under Control of Fiscal Agents	\$ 20,133,657.26	\$ 20,576,341.74
Total Funds	\$ 98,174,059.05	\$ 97,970,544.02

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

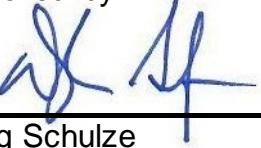
Description	Prior Month	Current Month
Total Funds	\$ 98,174,059.05	\$ 97,970,544.02
Restricted Funds	36,602,727.79	\$ 36,984,356.11
Assigned Funds - Specific Purpose	8,969,200.65	\$ 8,969,200.65
Committed Funds - Specific Purpose	3,242,731.75	\$ 3,242,731.75
Fund Balance Reserves	15,455,882.97	\$ 15,455,882.97
Total Restricted, Assigned, Committed and Reserves	\$ 64,270,543.16	\$ 64,652,171.48
Operating Cash - Unrestricted Reserves	\$ 33,903,515.89	\$ 33,318,372.54
Less Accounts held in Investments	\$ 27,108,848.95	\$ 27,113,026.17
Liquid Cash	\$ 6,794,666.94	\$ 6,205,346.37

ATTACHMENTS:

1. Cash, Investment and Reserve Report November 2019
<https://banningca.gov/DocumentCenter/View/6882/Att-1---ASD-Report-Fund-Balance-Reserve>
2. Investment Report November 2019
<https://banningca.gov/DocumentCenter/View/6886/Att-2---Investment-Report-November-2019>
3. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/6885/Att-3---PMIA-LAIF_perform-November-2019

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

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL
FROM: Doug Schulze, City Manager
PREPARED BY: Suzanne Cook, Deputy Finance Director
MEETING DATE: January 28, 2020
SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of December 2019

RECOMMENDATION:

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

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 8,365,181.83	\$ 8,058,278.64
Investments		
LAIF	\$ 41,911,839.28	\$ 41,911,839.28
Brokerage	\$ 27,113,026.17	\$ 27,117,056.43
Total Funds Under Control of the City	\$ 77,394,202.28	\$ 77,091,329.35
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 14,766,248.28	\$ 14,774,442.81
Restricted Bond Accounts	\$ 4,820,299.88	\$ 4,820,322.84
Union Bank		
Restricted Funds	\$ 989,793.58	\$ 1,604,090.05
Total Funds Under Control of Fiscal Agents	\$ 20,576,341.74	\$ 21,198,855.70
Total Funds	\$ 97,970,544.02	\$ 98,290,185.05

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

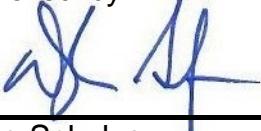
Description	Prior Month	Current Month
Total Funds	\$ 97,970,544.02	\$ 98,290,185.05
Restricted Funds	36,984,356.11	\$ 37,611,171.22
Assigned Funds - Specific Purpose	8,969,200.65	\$ 8,969,200.65
Committed Funds - Specific Purpose	3,242,731.75	\$ 3,242,731.75
Fund Balance Reserves	15,455,882.97	\$ 15,455,882.97
Total Restricted, Assigned, Committed and Reserves	\$ 64,652,171.48	\$ 65,278,986.59
Operating Cash - Unrestricted Reserves	\$ 33,318,372.54	\$ 33,011,198.46
Less Accounts held in Investments	\$ 27,113,026.17	\$ 27,117,056.43
Liquid Cash	\$ 6,205,346.37	\$ 5,894,142.03

ATTACHMENTS:

1. Cash, Investment and Reserve Report December 2019
https://banningca.gov/DocumentCenter/View/6889/Attachment-1---ASD-Report-Fund-Bal--Reserve_FY19-20---December-2019
2. Investment Report December 2019
<https://banningca.gov/DocumentCenter/View/6890/Attachment-2---Investment-Report-December-2019>
3. LAIF / PMIA Performance Report
<https://banningca.gov/DocumentCenter/View/6890/Attachment-2---Investment-Report-December-2019>

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

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: January 28, 2020

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

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **November 30, 2019**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	171490 - 171831	\$ 1,279,554.25	
Voided / Reissue Check		\$ 1,764.00	
Check Total			\$ 1,277,790.25
Wires Total			\$ 2,556,050.65
ACH payments:			
Payroll Direct Deposit	11/8/2019	\$ 383,656.88	
Payroll Direct Deposit	11/22/2019	\$ 410,163.20	
Other Payments		\$ 787,789.78	
ACH Total			\$ 1,581,609.86
Payroll Checks:			
Payroll - Regular	11/8/2019	\$ 2,472.91	
Payroll - Regular	11/22/2019	\$ 2,304.73	
Payroll Check Total			\$ 4,777.64
Total Warrants Issued for November 2019			\$ 5,420,228.40

ATTACHMENTS:

- Fund List
- Warrant Report November 2019
- Warrant Report Detail November 2019
- Voided Check Log – November 2019
- Payroll Log
- Payroll Registers

https://banningca.gov/DocumentCenter/View/6891/2020-01-28-November-2019-Warrant_ACH-Report-Attachment

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

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: **CITY COUNCIL**

FROM: **Doug Schulze, City Manager**

PREPARED BY: **Suzanne Cook, Deputy Finance Director**

MEETING DATE: **January 28, 2020**

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

RECOMMENDATION:

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

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	171832 - 172208	\$ 2,413,153.58	
Voided / Reissue Check		\$ 342.07	
Check Total			\$ 2,412,811.51
Wires Total			\$ 1,404,363.38
ACH payments:			
Payroll Direct Deposit	12/6/2019	\$ 436,672.60	
Payroll Direct Deposit	12/20/2019	\$ 395,056.74	
Other Payments		\$ 536,891.49	
ACH Total			\$ 1,368,620.83
Payroll Checks:			
Payroll - Regular	12/6/2019	\$ 2,498.50	
Payroll - Manual Check	12/18/2019	\$ 3,412.93	
Payroll - Regular	12/20/2019	\$ 2,458.84	
Payroll Check Total			\$ 8,370.27
Total Warrants Issued for December 2019			\$ 5,194,165.99

ATTACHMENTS:

- Fund List
- Warrant Report December 2019
- Warrant Report Detail December 2019
- Voided Check Log – December 2019
- Payroll Log
- Payroll Registers

https://banningca.gov/DocumentCenter/View/6892/2020-01-28-SR_December-2019-Warrant_ACH-Report-Attachment

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

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: January 28, 2020

SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDED ACTION:

This is informational only; receive and file report.

GOAL STATEMENT:

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

BACKGROUND:

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

FISCAL IMPACT:

None

ATTACHMENTS:

1. CIP Status List <https://banningca.gov/DocumentCenter/View/6867/Attachment-1-CIP-Update-January-2020>

Approved by:

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Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Sol Ivett Avila, Executive Assistant

MEETING DATE: January 28, 2020

SUBJECT: Police Department Statistics for November 2019 and December 2019

RECOMMENDED ACTION:

Receive and File November 2019 and December 2019 Police Statistics.

BACKGROUND:

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

FISCAL IMPACT:

None

OPTIONS:

1. Receive and File

ATTACHMENT:

1. November 2019 Statistics
<https://banningca.gov/DocumentCenter/View/6877/Nov-2019-stats>
2. December 2019 Statistics
<https://banningca.gov/DocumentCenter/View/6876/Dec-2019-stats>

Approved by:

A handwritten signature in blue ink, appearing to read "ASL SF".

Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Todd Hopkins, Division Chief

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: January 28, 2020

SUBJECT: Receive and File Fire Department Statistics for November 2019 and December 2019

RECOMMENDED ACTION:

Receive and file Fire Department statistics for November 2019 and December 2019.

BACKGROUND:

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

JUSTIFICATION:

N/A

FISCAL IMPACT:

None

ATTACHMENTS:

1. Fire Statistics for November 2019
<https://banningca.gov/DocumentCenter/View/6880/Banning-November-Fire-Report>
2. Fire Statistics for December 2019
<https://banningca.gov/DocumentCenter/View/6881/Banning-December-Fire-Report>

Approved by:

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Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Director

MEETING DATE: January 28, 2020

SUBJECT: **Ordinance 1554, adding a new chapter 5.88 to, and deleting sections 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code to create a Sidewalk Vending Program consistent with California State Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.**

RECOMMENDED ACTION:

That the City Council:

Waive further reading and Adopt Ordinance 1554; An Ordinance of the City of Banning California, adding 5.88 to, and deleting section 17.108.020(K) and 17.108.070, of Chapter 17.108 of Title 17 of the Banning Municipal Code (BMC) to create a Sidewalk Vending Program to be consistent with California Senate Bill 946 related to local regulation of sidewalk and stationary sidewalk vendors.

APPLICANT INFORMATION:

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

Property: All parcels and properties (Banning, CA)

BACKGROUND:

On January 14, 2020, the City Council conducted a Public Hearing, solicited testimony from stakeholders, members of the public, and city staff. Upon closing the Public Hearing, the City Council introduced the first reading of Ordinance 1554 and made findings pursuant to CEQA.

DISCUSSION

On September 17, 2018, Governor Brown signed Senate Bill 946 which limits the City's ability to regulate sidewalk vending. The legislation defines "sidewalk vendor" as a person who sells food or merchandise on a public sidewalk or other pedestrian path. Effective January 1, 2019, the City is prohibited from assessing criminal penalties for violations of

the City's sidewalk and stationary sidewalk vending regulations and our ability to prohibit sidewalk vendors on public sidewalks is limited. Without an ordinance amendment that sets forth the regulations on sidewalk vending, the City will not be able to adequately address mitigate the anticipate impacts to the health, safety and welfare of the general public; which includes but is not limited to the following:

1. Limiting hours of operation in a manner consistent with other businesses or uses;
2. Requiring sanitary conditions for food related vending, including proper permits from the Riverside County Department of Environmental Health; and
3. Ensuring no sidewalk vendor may place any cart or display in a manner that obstructs vehicular or pedestrian traffic.

PUBLIC COMMUNICATIONS:

The proposed Municipal Code and Zone Text Amendment was advertised in the Record Gazette newspaper on January 3, 2020 and a public hearing conducted on January 14, 2020 before the Banning City Council. As of the date of this report, staff has not received any comments regarding the proposed Amendment.

ATTACHMENT:

1. Ordinance 1554

<https://banningca.gov/DocumentCenter/View/6893/Ordinance-1554-Sidewalk-Vending>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 28, 2020

SUBJECT: Resolution 2020-20, Authorizing the Purchase of a 2020 Kia Sorento (IFB No. 20-001) in the amount of \$29,333.04.

RECOMMENDATION:

The City Council adopt Resolution 2020-12, a Resolution of the City of Banning, California, authorizing the purchase of a 2020 Kia Sorento in the amount of \$29,333.04 from Fleet Vehicle Source, Inc. of Covina, California.

JUSTIFICATION:

Undercover detectives are required to be stealth while conducting surveillance and driving within the city. This vehicle was recommended by the detectives on the Gang Impact Team based on the ability of this style of vehicle to blend in with traffic yet have the power to handle the workload of the detective.

Staff completed the formal bid process (award of IFB No. 20-001) and Fleet Vehicle Source, Inc. of Covina, California was the lowest responsive bid received.

BACKGROUND:

The Banning Detective assigned to the GIT team is currently assigned a Chevrolet Impala equipped with police lights and siren and a spotlight. This vehicle, upon quick inspection, is clearly a law enforcement vehicle and not conducive to undercover assignments which is required as a member of GIT. It was apparent that for our detective to be an effective and productive member of the team it would require different vehicle. This precipitated the request from the detective to determine, based on the vehicles already part of the team, the best option for an additional vehicle. This model was recommended based on the current make-up of the current vehicles assigned to the team.

FISCAL IMPACT:

The funding for this vehicle will come from the Asset Forfeiture funds. Subsequently, no general funds are required for this request.

OPTIONS:

1. Adopt Resolution 2020-12
2. Reject Resolution 2020-12 and provide direction to staff.

STRATEGIC PLAN OBJECTIVE:

This request supports the City's strategic goal related to "Public Health and Safety".

ATTACHMENT:

1. Resolution 2020-12 <https://banningca.gov/DocumentCenter/View/6878/RESO-2020-12-Purchase-of-Kia-Sorento>
2. Purchase Requisition
<https://banningca.gov/DocumentCenter/View/6879/Purchase-Req---Reso-2020-12>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Director

MEETING DATE: January 28, 2020

SUBJECT: **Ordinance 1552, Amending Section 17.108.020 “Permitted Uses” of Chapter 17.108 “Temporary Use Permits,” Table 17.12.020 of Section 17.12.020 “Permitted, Conditional and Prohibited Uses” of Chapter 17.12 “Commercial and Industrial Districts” and Adding a New Section, 17.24.180, “Commercial Cargo/Storage Containers” Establishing Regulations for Commercial Cargo/Storage Containers, of Title 17 “Zoning” of the Banning Municipal Code and Making Findings Pursuant to CEQA.**

RECOMMENDED ACTION:

That the City Council:

Waive further reading and Adopt Ordinance 1552, Amending Section 17.108.020 “Permitted Uses” of Chapter 17.108 “Temporary Use Permits,” Table 17.12.020 of Section 17.12.020 “Permitted, Conditional and Prohibited Uses” of Chapter 17.12 “Commercial and Industrial Districts” and Adding a New Section, 17.24.180, “Commercial Cargo/Storage Containers” Establishing Regulations for Commercial Cargo/Storage Containers, of Title 17 “Zoning” of the Banning Municipal Code and Making Findings Pursuant to CEQA.

APPLICANT INFORMATION:

Applicant: City of Banning
99 E. Ramsey Street
Banning, CA 92220

Property: All parcels and properties (Banning, CA)

BACKGROUND:

On January 14, 2020, the City Council conducted a Public Hearing, solicited testimony from stakeholders, members of the public, and city staff. Upon closing the Public Hearing, the City Council introduced the first reading of Ordinance 1552 and made findings pursuant to CEQA.

DISCUSSION

At the January 14, 2020 City Council public hearing, the Council solicited public testimony and conducted a public hearing on two regulatory options for existing commercial cargo/storage containers. After deliberation, the Council directed staff to include the Amnesty program, as provided within the staff report. As such, staff has updated the ordinance text and submitted for its second reading and adoption of the ordinance amendment.

PUBLIC COMMUNICATIONS:

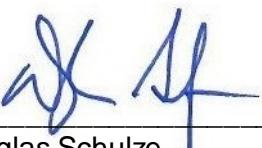
The proposed Municipal Code and Zone Text Amendment was advertised in the Record Gazette newspaper on January 3, 2020 and a public hearing conducted on January 14, 2020 before the Banning City Council. As of the date of this report, staff has not received any comments regarding the proposed Amendment.

ATTACHMENT:

1. Ordinance 1552

https://banningca.gov/DocumentCenter/View/6896/Banning---Ordinance-No-1552-ZTA-No-19-97502---Commercial-Cargo_Storage-Containers_abr-rev-20200122

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Adam Rush, Community Development Director**

MEETING DATE: **January 28, 2020**

SUBJECT: **Resolution 2020-14, Authorizing the City Manager to sign form STD 213 for the Senate Bill (SB) 2 Approving the City's \$160,000 Grant Funding Award in the Planning Grant Program (PGP).**

RECOMMENDED ACTION:

That the City Council:

Adopt Resolution 2020-14, authorizing the City Manager to accept and receive grant funding and to make necessary budget adjustments and appropriations related to this resolution.

BACKGROUND:

On April 23, 2019, the City Council adopted Resolution 2019-47, authorizing the City Manager to apply SB 2 grant funding through the State of California Department of Housing and Community Development (HCD). Subsequently, City staff completed the grant application and received a notice of award in the amount of \$160,000.

Once the notice of award was confirmed by HCD, the City Council approved a contract with Dude Solutions, Inc. for the purchase of "cloud-based" planning management and building permitting software program. Currently staff is meeting weekly with the vendor to ensure the permitting software is on-line by the Spring of 2020.

JUSTIFICATION:

The Department of Housing and Community Development requires the City enter into the attached agreement in order to receive reimbursement from grant funding which allows the City to process vendor invoices. The City has reviewed the standard agreement, and although deviations are prohibited by HCD, find the agreement satisfactory. Furthermore, the purchase of an online permitting system

January 28, 2020

Page 2 of 2

was included the scope of work for the grant application is specific detail. HCD has approved the scope, and payment schedule, to the vendor. Lastly, this agreement is between the grantor (HCD) and the grantee (City); action on the part of the vendor is not required although a copy has been forwarded for their review.

FISCAL IMPACT:

There is no impact to the general fund as reimbursement is provided through the SB 2 grant award.

ATTACHMENTS:

1. Resolution 2020-14
<https://banningca.gov/DocumentCenter/View/6895/Attachment-No-1-Reso-No-2020-XX-SB-2-Grant>
2. Standard PGP Grant Agreement
<https://banningca.gov/DocumentCenter/View/6894/Attachment-No-2-Standard-Agreement>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jennifer Christensen, Administrative Services Director

MEETING DATE: January 28, 2020

SUBJECT: Senate Bill 998, Discontinuation of Residential Water Service for Urban and Community Water Systems

RECOMMENDED ACTION:

That the City Council approve the attached Administrative Policy B-34 on Discontinuation of Residential Water Service.

BACKGROUND:

Senate Bill 998 (SB 998) sets forth restrictions regarding how water agencies can process residential water service interruptions. The new state law requires all “urban and community water systems” with more than 200 service connections to implement certain policies and procedures prior to shutting off water service to residential customers who become delinquent on payment of accounts.

SB 998 requires the City of Banning to make available a policy addressing four specific provisions no later than February 1, 2020. The policy for discontinuation of service must be available in writing and published on the agency’s website, and must provide the following information:

- Formal process to contest or appeal a bill
- Phone number to discuss options for averting discontinuation of service
- Alternative payment schedules
- A plan for deferred or reduced payment

SB 998 also adopts new or expanded procedural protections for residential customers; residential water service accounts must be delinquent for at least 60 days prior to termination of service for nonpayment. In addition, the bill imposes the following limitations on local agencies:

- Notice of termination must be provided at least seven (7) business days before service interruption, either by writing or by phone
- Moratorium on termination of service during an appeal
- Special notice required for tenant-landlord situation if landlord becomes delinquent

Additionally, SB 998 requires annual reporting to the State Water Resource Control Board; the City must report the number of times residential water service has been disconnected due to non-payment. Information must also be posted on the utility's website.

JUSTIFICATION:

Any water agency with more than 200 customers must comply with the provisions of SB 998 by February 1, 2020. One of the requirements for compliance is the availability of the City's policy addressing the City's provisions for deferred or reduced payment, alternative payment schedules, a formal mechanism for appeal and a telephone number for customers to call to avert discontinuation of service. The attached policy meets all of the policy requirements set forth in SB 998.

Any water purveyor not in compliance may be subject to a civil penalty issued by the State Water Resources Control Board in an amount not to exceed \$1,000 for each day in which the violation has occurred and will require the enforcement fees collected by the State Water Resources Control Board.

FISCAL IMPACT:

Fiscal impact to the city will include unrecovered costs of up to 60 days for the provision of water on delinquent accounts that remain unpaid, as well as additional administrative costs associated new or expanded procedural requirements.

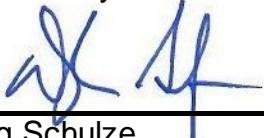
OPTIONS:

1. Approve Administrative Policy B-34, Discontinuation of Residential Water Service
2. Do not approve and provide alternative direction

ATTACHMENT:

1. Administrative Policy B-34, Discontinuation of Residential Water Service
<https://banningca.gov/DocumentCenter/View/6898/Administrative-Policy-for-Discontinuation-of-Residential-Water-Service>

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Douglas Schulze, City Manager
Art Vela, Public Works Director

MEETING DATE: January 28, 2020

SUBJECT: Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes in Connection with the Ramsey-Hathaway Street Improvement Project

BACKGROUND:

This matter was scheduled for consideration at the December 10, 2019 City Council meeting. At the December 10, 2019 meeting, the City Council continued this matter to the meeting of January 14, 2020. Based on the City's continuing discussions with one of the property owners regarding the proposed acquisition of certain property interests and applicable notice requirements, the City continued this matter to the meeting of January 28, 2020. During this time, the City and one of the owners reached a negotiated agreement for the City's purchase of certain property interests, subject to approval at the meeting of January 28, 2020. The record owners were notified of the continuance.

RECOMMENDED ACTION:

That the City Council:

1. Separately consider each of the following four Resolutions, which are Resolutions of Necessity of the City of Banning, declaring certain real property interests necessary for public purposes and authorizing the acquisition thereof in connection with the City's Ramsey/Hathaway Street Improvement Project:
 - Resolution 2019-160
 - Resolution 2019-161
 - Resolution 2019-162
 - Resolution 2019-163

2. Open and conduct a hearing on the adoption of the proposed Resolutions of Necessity, receive from City Staff the evidence stated and referred to in this Agenda Report (“Report”), take testimony from any person wishing to be heard on issues A, B, C, and D below, and consider all evidence to determine whether to adopt each proposed Resolution of Necessity, each of which requires the City Council’s separate consideration and determination.
3. If the City Council finds, based on the evidence contained and referred to in this Report, the testimony and comments submitted to the City Council, that the evidence warrants the necessary findings with respect to each of the proposed Resolutions of Necessity, then City Staff recommends that the City Council, in the exercise of its discretion, adopt proposed Resolution of Necessity 2019-160, Resolution of Necessity 2019-161, Resolution of Necessity 2019-162, and Resolution of Necessity 2019-163 (each of which requires a 4/5ths vote of the entire City Council) and authorize the City Attorney’s office to file eminent domain proceedings to acquire the real property interests described below, which include fee areas and temporary construction easements (referred to below collectively as the “Subject Property Interests”) from the four parcels described below:

1483 E. Ramsey Street, APN 541-170-019 (Huynh Trustees Parcel)

- An approximate 5,285 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1483 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor’s Parcel Number 541-170-019, which is owned by Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust dated August 8, 2007 (“Huynh Trustees Parcel”).
- An approximate 90 square foot temporary construction easement with a term of nine months on the Huynh Trustees Parcel to help facilitate the construction of the Project.

APN 541-170-021: northwest corner of E. Ramsey and N. Hathaway (Huang Parcel)

- An approximate 12,146 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northwest corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor’s Parcel Number 541-170-021, which is owned by Jen H. Huang (referred to as “Huang Parcel”).
- An approximate 3,448 square foot temporary construction easement on the Huang Parcel with a term of nine months to help facilitate the construction of the Project.

1679 E. Ramsey Street, APN 532-120-019 (Terra Firma Parcel)

- An approximate 16,182 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1679 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-019, which is owned by Terra Firma Enterprises, LLC, a Wyoming Limited Liability Company (referred to as "Terra Firma Parcel"). The 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11, Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project.
- An approximate 4,752 square foot temporary construction easement with a term of nine months on the Terra Firma Parcel to help facilitate the construction of the Project.

APN 532-120-020; northeast corner of E. Ramsey Street and N. Hathaway Street (Burgess Trustees Parcel)

- An approximate 5,692 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northeast corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 532-120-020, which is owned by Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989 (referred to as "Burgess Trustees Parcel").
- An approximate 2,575 square foot temporary construction easement with a term of nine months on the Burgess Trustees Parcel to help facilitate the construction of the Project.

The Subject Property Interests, comprised of the above-described fee areas and temporary construction easements, are described more particularly in each respective Resolution of Necessity. The Resolutions of Necessity with their respective Exhibits are attached hereto and incorporated herein by this reference.

4. If the City Council adopts the proposed Resolutions of Necessity, authorize the City Attorney's Office to file and prosecute eminent domain proceedings for the acquisition of the Subject Property Interests by eminent domain.
5. Authorize the City Manager to execute all necessary documents.

6. Authorize the City Clerk to certify the adoption of this resolution and to have said resolution filed in the book of original resolutions.

DISCUSSION:

Background and Description of Project

The City Council has before it four proposed Resolutions of Necessity for the acquisition by eminent domain of certain real property interests in fee and temporary construction easements in connection with the City's proposed Ramsey-Hathaway Street Improvement Project ("Project"). The City seeks to construct the Project to widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project would also widen Hathaway Street from Ramsey Street approximately 1,400 feet north, and construct a new 12-inch ductile iron water line along Ramsey Street. The Street Improvement Plans for the Project are on file with the Public Works Department and are incorporated herein by this reference.

The Project requires the acquisition in fee of portions of ten larger parcels for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto. The City also needs to acquire temporary construction easements for a period of approximately nine months to facilitate the City's construction of the Project. The City previously acquired by negotiated purchase the acquisition of certain real property interests in fee and TCEs from five larger parcels. The City Council is scheduled to consider at the January 28, 2020 meeting, the approval of a Purchase and Sale Agreement for the acquisition of the necessary property interests needed from a sixth parcel. The City has attempted to negotiate in good faith with the owners of the remaining four larger parcels to acquire the above-described Subject Property Interests, but the owners have either not responded to the City's communications or the parties have not reached a negotiated acquisition for the Subject Property Interests from the subject four larger parcels. Based on the timing of the Project, it is necessary that the City consider the proposed Resolutions of Necessity at this time.

The City seeks to acquire the Subject Property Interests for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto in connection with the Project. The City seeks to construct the Project to improve capacity, circulation, and enhance safety for its residents and businesses in this area of the City. The Project is consistent with the Circulation Element of the General Plan. The Circulation Element of the General Plan designates Ramsey Street between Highland Springs Avenue to Fields Road as a Major Highway. The widening of Ramsey Street, as proposed by the Project, will help the City to meet the goals of widening Ramsey Street consistent with the requirements for Major Roadways. The Project will also help to improve the flow of traffic in this area of the City. The improvements to the intersection of Ramsey and Hathaway will help ensure a smooth flow of traffic and help meet the capacity and level of service requirements for this intersection in accordance with the goals of the General Plan. Without the additional lanes along Ramsey Street, intersection along Ramsey Street will operate at below the Level of Service D identified for General

Plan buildout. The improvements proposed by the Project will help to meet Policy 6 set forth in the Circulation Element of the General Plan, which seeks to “maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 Interchanges where Level of Service D or better shall be maintained.” The Project is an essential part of the overall capital improvements planned for the area and will help meet the goals of a safe and efficient transportation system. It will also meet the goal of Program 2.B, which is to improve the aesthetic and safety of potential street improvements.

The Project was planned and located to minimize the impact on the adjacent properties. The Project requires the acquisition of a portion of ten larger parcels owned by private property owners. The construction of the Project will not result in the displacement of any persons from their residences or businesses. The City will coordinate the construction with the owners of the Subject Property Interests to minimize the impact of construction on the parcels. As discussed above, the City has acquired the necessary property interests required from five of the ten larger parcels. The City Council is scheduled to consider a Purchase and Sale Agreement for the acquisition of the necessary property interests needed from a sixth parcel at the meeting of January 28, 2020. Based on the timing of the Project, it is necessary that the City consider the acquisition by eminent domain of the Subject Property Interests needed from the remaining four larger parcels.

The City seeks to acquire the Subject Property Interests for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto in connection with the Project pursuant to the authority conferred on the City of Banning to acquire real property by eminent domain by Section 19 of Article 1 of the California Constitution, Government Code Sections 37350, 37350.5, 37351, 40401 and 40404, California Code of Civil Procedure Section 1230.010 *et seq.* (Eminent Domain Law), including but not limited to Sections 1240.010, 1240.020, 1240.110, 1240.120, 1240.510, 1240.610, 1240.650 and by other provisions of law.

For the reasons set forth above, the construction of the Project is in the public interest and necessity and is needed to improve traffic circulation and facilitate traffic flow in this area of the City.

Required Findings for Adoption of Resolutions of Necessity Authorizing the Acquisition of the Subject Property Interests by Eminent Domain

In order to adopt the proposed Resolutions of Necessity for the acquisition by eminent domain of the Subject Property Interests, the City Council must find and determine, with respect to each Resolution of Necessity, that:

- A. The public interest and necessity require the Project;
- B. The Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

- C. The Subject Property Interests described in each Resolution of Necessity are necessary for the Project; and
- D. The City has made an offer as required by Government Code Section 7267.2 to the owner of record of the real property interest it seeks to acquire.

The amount of just compensation is not an issue before the City Council at this hearing. The hearing relates to issues A, B, C, and D above. The amount of just compensation would be determined in the eminent domain proceedings that would be filed if the City Council, in its sole discretion, adopts each proposed Resolution of Necessity.

Environmental Analysis

The environmental effects of the Project were studied and analyzed pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, and the CEQA Guidelines, 14 Cal. Code Regs. Section 15000 *et seq.* (“CEQA Guidelines”). Pursuant to Section 15301 of Article 19 (Categorical Exemptions) of the State CEQA Guidelines, City Staff found that the Project is exempt from CEQA because it involves minor alterations of existing public streets, sidewalks, gutters, and related facilities with negligible expansion.

The environmental effects of the acquisition of the Subject Property Interests were studied as an integral part of the environmental review for the Project. The City Council concurred with City Staff’s determination that the Project qualifies as exempt from CEQA pursuant to Section 15103 of the State CEQA Guidelines because the Project involves minor alterations to existing public streets. The City Council directed City Staff to file a Notice of Exemption in connection with this Project in accordance with CEQA. On February 20, 2019, the City duly filed the Notice of Exemption with the State of California Clearing House in accordance with CEQA. Said Notice of Exemption was filed with the County of Riverside on about April 8, 2019 in accordance with CEQA.

In connection with the proposed Resolutions of Necessity, on December 10, 2019, City Staff reviewed the environmental documentation prepared in connection with the Project. Pursuant to the criteria of Section 15162 of the CEQA Guidelines and Section 21166 of the Public Resources Code, City Staff concluded that no substantial changes have occurred in the Project, no substantial changes have occurred in the circumstances under which the Project is undertaken, and that the City has obtained no new information of substantial importance that would require further environmental analysis. These environmental findings are the appropriate findings with respect to the proposed acquisition of the Subject Property Interests.

City’s Actions Pursuant to Government Code Section 7260 *et seq.*

Pursuant to Government Code Section 7260 *et seq.*, the City of Banning obtained fair market value appraisals of the Subject Property Interests and the larger parcels of which

the Subject Interests are a part, set just compensation in accordance with the appraised fair market values, and extended written offers to the owners of record. The City negotiated in good faith with the record owners. As of the date of this Staff Report, however, the parties have not reached a negotiated agreement. Based on the timing of the Project, it is necessary that the City consider the adoption of the Resolutions of Necessity at this time.

Following is a summary of the actions taken by the City pursuant to Government Code Section 7260 *et seq.*

1483 E. Ramsey Street, APN 541-170-019 (Huynh Trustees Parcel)

Pursuant to Government Code Section 7260 *et seq.*, the City of Banning obtained a fair market value appraisal of the Huynh Trustees Parcel, the approximate 5,285 square foot area that the City seeks to acquire in fee for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto and of the approximate 90 square foot temporary construction easement with a term of nine months to help facilitate the construction of the Project. The City set just compensation in accordance with the appraised fair market value and extended a written offer on November 8, 2018 to Raymond Ngoc Huynh and Lucy Nguyen Huynh, Trustees of the Raymond and Lucy Huynh Revocable Trust, dated August 8, 2007, the owners of record. The fair market value appraisal used a date of value of May 28, 2018.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 5,285 square foot fee area and the approximate 90 square foot temporary construction easement.

The City made several attempts to follow up with the owner regarding the City's offer. The owners' family member initially responded indicating that the owners might obtain an independent appraisal. The owners, however, did not respond to further communications from the City, including the City's most recent follow-up letter dated September 4, 2019. Based on the timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity authorizing the acquisition by eminent domain of the Subject Property Interests needed from the Huynh Trustees Parcel.

***APN 541-170-021; northwest corner of E. Ramsey and N. Hathaway
(Huang Parcel)***

Pursuant to Government Code Section 7260 *et seq.*, the City of Banning obtained a fair market value appraisal of the Huang Parcel, the approximate 12,146 square foot area that the City seeks to acquire in fee for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto and of the approximate 3,448 square foot temporary construction easement with a term of nine months to help facilitate the construction of the Project. The City set just compensation in accordance with the appraised fair market value and extended a written offer on November 8, 2018 to Jen H. Huang, the owner of record. The fair market value appraisal used a date of value of May 28, 2018.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 12,146 square foot fee area and the approximate 3,448 square foot temporary construction easement.

The City made several attempts to follow up with the owner regarding the City's offer. The owner has not responded to the City's communications, including the City's most recent follow-up letter dated September 4, 2019. Based on the timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity authorizing the acquisition by eminent domain of the Subject Property Interests needed from the Huang Parcel.

1679 E. Ramsey Street, APN 532-120-019 (Terra Firma Parcel)

Pursuant to Government Code Section 7260 *et seq.*, the City of Banning obtained a fair market value appraisal of the Terra Firma Parcel, the approximate 16,182 square foot area that the City seeks to acquire in fee for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto and of the approximate 4,752 square foot temporary construction easement with a term of nine months to help facilitate the construction of the Project. As discussed above, the 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11,

Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project. The City set just compensation in accordance with the appraised fair market value, and extended a written offer on November 8, 2018 to Terra Firma Enterprises, LLC, a Wyoming limited liability company, the owner of record. The fair market value appraisal used a date of value of May 28, 2018.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 16,182 square foot fee area and the approximate 4,752 square foot temporary construction easement.

The City has met with the owner of the Terra Firma Parcel several times and negotiated in good faith with the owner. As of January 21, 2020, however, the City and the owner of the Terra Firma Parcel have not reached a negotiated agreement. Based on the timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity authorizing the acquisition by eminent domain of the Subject Property Interests needed from the Terra Firma Parcel.

APN 532-120-020; northeast corner of E. Ramsey Street and N. Hathaway Street (Burgess Trustees Parcel)

Pursuant to Government Code Section 7260 et seq., the City of Banning obtained a fair market value appraisal of the Burgess Trustees Parcel, the approximate 5,692 square foot area that the City seeks to acquire in fee for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto and of the approximate 2,575 square foot temporary construction easement with a term of nine months to help facilitate the construction of the Project. The City set just compensation in accordance with the appraised fair market value and extended a written offer on November 8, 2018 to Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989, the record owners. The fair market value appraisal used a date of value of May 28, 2018.

The City's written offer included an informational pamphlet describing the eminent domain process and the record owner's rights under the Eminent Domain Law. In accordance with Government Code Section 7267.2, the City's written offer contained a written

statement of, and summary of the basis for, the amount it established as just compensation. The offer set forth the date of value utilized by the appraiser and explained the appraiser's opinion of the highest and best use of the larger parcel. It explained the applicable zoning and General Plan designation of the larger parcel. The City's offer also summarized the principal transactions relied on by the appraiser to arrive at the appraiser's opinion of value. In addition, the written offer explained the appraiser's valuation analysis, including severance damages. It included the City's comparable market data relied on by the appraiser. Further, the City offered, pursuant to Code of Civil Procedure Section 1263.025, to pay the record owner the reasonable costs, up to \$5,000.00, for an independent appraisal of the approximate 5,692 square foot fee area and the approximate 2,575 square foot temporary construction easement.

The City has met with Mr. Burgess, one of the record owners of the Burgess Trustees Parcel, several times and negotiated in good faith with the owners. As of January 21, 2020, however, the City and the owners of the Burgess Trustees Parcel have not reached a negotiated agreement. Based on the timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolution of Necessity authorizing the acquisition by eminent domain of the Subject Property Interests needed from the Burgess Trustees Parcel.

City's Actions Pursuant to Code of Civil Procedure Section 1245.235

Pursuant to Code of Civil Procedure Section 1245.235, the City sent a letter and a notice by first-class mail dated November 22, 2019 to the record owners of the Subject Property Interests the City seeks to acquire from the Huynh Trustees Parcel, Huang Parcel, Terra Firma Parcel, and Burgess Trustees Parcel informing them of the City's intent to consider at its December 10, 2019 meeting, the adoption of a resolution of necessity for the acquisition by eminent domain of the Subject Property Interests from each respective parcel. The notices advised the record owners of their right to appear and be heard regarding the City's proposed adoption of the respective Resolution of Necessity by filing, within fifteen days of the date the notice was mailed, a written request with the City to appear at the hearing. The notices specifically informed the record owners of the Subject Property Interests that they have an opportunity to appear before the City Council and raise questions about whether the public interest and necessity require the Project; whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and whether the Subject Property Interests the City seeks to acquire from the owners of record are necessary for the Project.

In connection with the notices the City mailed regarding the December 10, 2019 hearing, the City received written comments from (i) the owner of the Burgess Trustees parcel (APN 532-120-020; northeast corner of E. Ramsey Street and N. Hathaway Street) and (ii) counsel for Mr. and Mrs. Huynh, Trustees (1483 E. Ramsey Street, APN 541-170-019) regarding the City's proposed adoption of the respective Resolution of Necessity. True and correct copies of these written comments are attached to this Agenda Report and are part of the record in this matter.

The City also sent notices dated January 8, 2020 pursuant to Code of Civil Procedure Section 1245.235 notifying the record owners of the Huynh Trustees Parcel, Huang Parcel, Terra Firma Parcel, and Burgess Trustees Parcel that the City had continued the hearing to January 28, 2020. These notices also advised the record owners of their right to appear and be heard regarding the City's proposed adoption of the respective Resolution of Necessity by filing, within fifteen days of the date the notice was mailed, a written request with the City to appear at the hearing. The notices specifically informed the record owners of the Subject Property Interests that they have an opportunity to appear before the City Council and raise questions about whether the public interest and necessity require the Project; whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and whether the Subject Property Interests the City seeks to acquire from the owners of record are necessary for the Project.

As discussed above, based on the proposed timing of the Project, it is necessary for the City Council to consider the adoption of the proposed Resolutions of Necessity at this time. This hearing relates to issues A, B, C, and D below.

REQUIRED FINDINGS FOR ADOPTION OF RESOLUTIONS OF NECESSITY

A. The Public Interest and Necessity Require the Project

The Project, as planned and designed, is in the public interest and necessity and is needed to improve traffic circulation and efficiency in this area of the City. The City seeks to construct the Project to widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project would also widen Hathaway Street from Ramsey Street approximately 1,400 feet north and construct a new 12-inch ductile iron water line along Ramsey Street.

As discussed above, the City seeks to construct the Project to improve capacity, circulation and enhance safety for its residents and businesses in this area of the City. The widening of Ramsey Street and resulting improvements to traffic circulation and efficiency in this area during peak hour traffic may also consequently have a beneficial effect on the access and response times of emergency vehicles vital to the public health and safety. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

The Project, as planned and designed, is consistent with the Circulation Element of the General Plan. The Circulation Element of the General Plan designates Ramsey Street between Highland Springs Avenue to Fields Road as a Major Highway. The widening of Ramsey Street, as proposed by the Project, will help the City to meet the goals of widening Ramsey Street consistent with the requirements for Major Roadways. The Project will also help to improve the flow of traffic in this area of the City. The improvements to the intersection of Ramsey and Hathaway will help ensure a smooth flow of traffic and help meet the capacity and level of service requirements for this intersection in accordance with the goals of the General Plan. Without the additional

lanes along Ramsey Street, intersection along Ramsey Street will operate at below the Level of Service D identified for General Plan buildout. The improvements proposed by the Project will help to meet Policy 6 set forth in the Circulation Element of the General Plan, which seeks to “maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 Interchanges where Level of Service D or better shall be maintained.” The Project is an essential part of the overall capital improvements planned for the area and will help meet the goals of a safe and efficient transportation system. It will also meet the goal of Program 2.B, which is to improve the aesthetic and safety of potential street improvements.

The Project, as planned and designed, seeks to minimize the impact on the adjacent properties. The Project requires the acquisition of a portion of ten larger parcels owned by private property owners. The construction of the Project will not result in the displacement of any persons from their residences or businesses. As discussed above, the City has acquired the necessary property interests required from five of the ten larger parcels. The City Council is scheduled to consider a Purchase and Sale Agreement for the acquisition of the necessary property interests needed from a sixth parcel at the meeting of January 28, 2020. Based on the timing of the Project, it is necessary that the City consider the acquisition by eminent domain of the Subject Property Interests needed from the remaining four larger parcels.

The public use for which the City seeks to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which the City seeks to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the Subject Property Interests that are affected by the Project. Accordingly, the City is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610 and 1240.650.

B. The Project is Planned and Located in the Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury

The Project is planned and located in the manner that is most compatible with the greatest public good and the least private injury. The Project is planned and designed to improve traffic circulation and efficiency in this area of the City. The Project will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project will also widen Hathaway Street from Ramsey Street approximately 1,400 feet north and construct a new 12-inch ductile iron water line along Ramsey Street.

The City seeks to construct the Project to improve capacity, circulation, and enhance safety for its residents and businesses in this area of the City. The widening of Ramsey Street and resulting improvements to traffic circulation and efficiency in this area during peak hour traffic may also consequently have a beneficial effect on the access and response times of emergency vehicles vital to the public health and safety. Accordingly, the Project will benefit the residents and businesses of the City and the community as a whole.

The Project, as planned and designed, is consistent with the Circulation Element of the General Plan. The Circulation Element of the General Plan designates Ramsey Street between Ramsey Street to Morongo Road as a Major Highway. The widening of Ramsey Street, as proposed by the Project, will help the City to meet the goals of widening Ramsey Street consistent with the requirements for Major Roadways. The Project will also help to improve the flow of traffic in this area of the City. The improvements to the intersection of Ramsey and Hathaway will help ensure a smooth flow of traffic and help meet the capacity and level of service requirements for this intersection in accordance with the goals of the General Plan. Without the additional lanes along Ramsey Street, intersection along Ramsey Street will operate at below the Level of Service D identified for General Plan buildout. The improvements proposed by the Project will help to meet Policy 6 set forth in the Circulation Element of the General Plan, which seeks to "maintain peak hour Level of Service C or better on all local intersections, except those on Ramsey Street and at I-10 Interchanges where Level of Service D or better shall be maintained." The Project is an essential part of the overall capital improvements planned for the area and will help meet the goals of a safe and efficient transportation system. It will also meet the goal of Program 2.B, which is to improve the aesthetic and safety of potential street improvements.

The Project is planned and located to minimize the impact on the adjacent properties. The Project requires the acquisition of a portion of ten larger parcels owned by private property owners. The construction of the Project will not result in the displacement of any persons from their residences or businesses. The City will coordinate the construction with the owners of the Subject Property Interests to minimize the impact of construction on the parcels. As discussed above, the City has acquired the necessary property interests required from five of the ten larger parcels. The City Council is scheduled to consider a Purchase and Sale Agreement for the acquisition of the necessary property interests needed from a sixth parcel at the meeting of January 28, 2020. Based on the timing of the Project, it is necessary that the City consider the acquisition by eminent domain of the Subject Property Interests needed from the remaining four larger parcels.

Further, the public use for which the City seeks to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which the City seeks

to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the Subject Property Interests that are affected by the Project. Accordingly, the City is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610 and 1240.650.

C. The Subject Property Interests Described in Each Resolution of Necessity are Necessary for the Project

The City seeks to construct the Project, as planned and designed, to improve traffic circulation and efficiency in this area of the City. The Project will widen Ramsey Street approximately 500 feet west and 1,500 feet east of Hathaway Street. The Project will also widen Hathaway Street from Ramsey Street approximately 1,400 feet north, and construct a new 12-inch ductile iron water line along Ramsey Street.

The City cannot construct the Project without the acquisition of the following Subject Property Interests, which are described more particularly in each Resolution of Necessity:

1483 E. Ramsey Street, APN 541-170-019 (Huynh Trustees Parcel)

- An approximate 5,285 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1483 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 541-170-019, which is owned by Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust dated August 8, 2007.
- An approximate 90 square foot temporary construction easement with a term of nine months on the Huynh Trustees Parcel to help facilitate the construction of the Project.

APN 541-170-021; northwest corner of E. Ramsey and N. Hathaway (Huang Parcel)

- An approximate 12,146 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto on the vacant real property located at the northwest corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 541-170-021, which is owned by Jen H. Huang.
- An approximate 3,448 square foot temporary construction easement on the Huang Parcel with a term of nine months to help facilitate the construction of the Project.

1679 E. Ramsey Street, APN 532-120-019 (Terra Firma Parcel)

- An approximate 16,182 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1679 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-019, which is owned by Terra Firma Enterprises, LLC, a Wyoming Limited Liability Company. The 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11, Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project.
- An approximate 4,752 square foot temporary construction easement with a term of nine months on the Terra Firma Parcel to help facilitate the construction of the Project.

APN 532-120-020; northeast corner of E. Ramsey Street and N. Hathaway Street (Burgess Trustees Parcel)

- An approximate 5,692 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northeast corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 532-120-020, which is owned by Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989.
- An approximate 2,575 square foot temporary construction easement with a term of nine months on the Burgess Trustees Parcel to help facilitate the construction of the Project.

As stated above, the public use for which the City seeks to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, will not unreasonably interfere with or impair the continuance of the public use to which any easement holders may have appropriated the area (Code of Civil Procedure Section 1240.510). Further, the Project may require the relocation of several utilities to the proposed new right-of-way area. The public use for which the City seeks to acquire the Subject Property Interests, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto, is a more necessary public use within the meaning of Code of Civil Procedure Section 1240.650 than the uses to which public utility easement holders have appropriated any utility easements located in the Subject Property Interests that are affected by the Project. Accordingly, the City is authorized to acquire the Subject Property Interests pursuant to Code of Civil Procedure Sections 1240.510, 1240.610 and 1240.650.

D. The City has made an offer as required by Government Code Section 7267.2 to the owners of record of the Subject Property Interests it seeks to acquire from each of the four subject parcels

The City, pursuant to Government Code Section 7260 *et seq.*, obtained fair market value appraisals of the Subject Property Interests, set just compensation in accordance with the fair market values and extended written offers to the owners of record of the Subject Property Interests. As detailed above, the City extended to the owners of record of the Subject Property Interests a written offer pursuant to Government Code Section 7267.2 to acquire the Subject Property Interests for public use, namely public street purposes, drainage, public utilities, and all uses necessary or convenient thereto. Specifically, the City extended written offers to the following record owners of the Subject Property Interests:

- The City extended a written offer to Raymond Ngoc Huynh and Lucy Nguyen Huynh, as Trustees of the Raymond and Lucy Huynh Revocable Trust dated August 8, 2007 to purchase an approximate 5,285 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1483 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 541-170-019. The City also offered to purchase an approximate 90 square foot temporary construction easement with a term of nine months on the Huynh Trustees Parcel to help facilitate the construction of the Project.
- The City extended a written offer to Jen H. Huang to purchase an approximate 12,146 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto on the real property located at the northwest corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 541-170-021. The City also offered to purchase an approximate 3,448 square foot temporary construction easement on the Huang Parcel with a term of nine months to help facilitate the construction of the Project.
- The City extended a written offer to Terra Firma Enterprises, LLC, a Wyoming Limited Liability Company to purchase an approximate 16,182 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at 1679 E. Ramsey Street, Banning, and identified as Riverside County Tax Assessor's Parcel Number 532-120-019. The 16,182 square foot fee area from the Terra Firma Parcel includes the underlying fee interest in an approximate 12,700 square foot area previously dedicated as an easement for state highway purposes pursuant to the Record of Survey recorded in July 1937 in Book 11, Page 24 of Official Records. It also includes an approximate 3,482 square foot fee area that is not burdened by an existing easement and is needed for the construction of the Project construction of the Project. The City also offered to purchase an approximate 4,752 square foot

temporary construction easement with a term of nine months on the Terra Firma Parcel to help facilitate the construction of the Project.

- The City extended a written offer to Frank J. Burgess and Lorna D. Burgess, Trustees of the Burgess Family Trust DOT December 5, 1989 to purchase an approximate 5,692 square foot portion in fee for public street purposes, drainage, public utilities, and all uses necessary or convenient thereto from the real property located at the northeast corner of E. Ramsey Street and N. Hathaway Street, and identified as Riverside County Tax Assessor's Parcel Number 532-120-020. The City also offered to purchase an approximate 2,575 square foot temporary construction easement with a term of nine months on the Burgess Trustees Parcel to help facilitate the construction of the Project.

Incorporation of Above-Referenced Documents:

The following documents on file with the City Clerk's Office and/or the Public Works Department, which are referenced in this report, are incorporated herein by this reference:

- Resolutions of Necessity (attached hereto)
- City of Banning General Plan
- Offer letters to the record owners of the Subject Property Interests
- Notices pursuant to Code of Civil Procedure Section 1245.235 to record owners of the Subject Property Interests
- Written comments received by City from owner of Burgess Trustees Parcel and from counsel for owners of Huynh Trustees Parcel
- Street Improvement Plans for Project
- Environmental Documents relating to Project

FINANCIAL IMPACT:

The City would plan to deposit the probable amount of just compensation for the Subject Property Interests in the Condemnation Fund of the State Treasurer's Office to obtain orders for prejudgment possession. The estimated compensation for the Subject Property Interests based on the offers sent by the City in November 2018 is \$125,000. The City will obtain updated appraisals prior to the proposed deposit of probable compensation. Accordingly, the estimated fair market values may change. The City will also incur additional costs in connection with any filed eminent domain proceedings, including costs for litigation guarantees, updated appraisals, expert witness costs, and attorney's fees.

ATTACHMENTS:

1. Resolution 2019-160
<https://banningca.gov/DocumentCenter/View/6857/Resolution-2019-160>
2. Resolution 2019-161
<https://banningca.gov/DocumentCenter/View/6858/Resolution-2019-161>
3. Resolution 2019-162
<https://banningca.gov/DocumentCenter/View/6859/Resolution-2019-162>
4. Resolution 2019-163
<https://banningca.gov/DocumentCenter/View/6860/Resolution-2019-163>
5. Email communication dated December 7, 2019 to City Staff from Frank Burgess.
<https://banningca.gov/DocumentCenter/View/6861/Burgess-Email-of-December-7-2019-in-response-to-Notice-pursuant-to-CCP-Section1245235>
6. Letter from Michael Leifer, Esq., counsel for Mr. and Mrs. Huynh, Trustees, dated December 10, 2019.
https://banningca.gov/DocumentCenter/View/6862/Leifer-Letter-to-City-of-Banning-2019-12-10-re_Huynh-parcel-and-resolution-of-necessity

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 28, 2020

SUBJECT: Resolution 2020-11 Approving the Financial Analysis, Redevelopment and Proposition 218 of Landscape Maintenance District No. 1 Report

RECOMMENDED ACTION:

Staff recommends that City Council adopt Resolution 2020-11 approving the Financial Analysis, Redevelopment and Proposition 218 of Landscape Maintenance District No.1 ("LMD No. 1") Report prepared by Webb Municipal Finance, LLC.

BACKGROUND:

LMD No. 1 in the City of Banning was established through the adoption of Resolution 1990-59 on August 14, 1990 (9 tracts), with another, Tract No. 22913 being annexed into the District in 1992. There are currently four (4) zones and 1,015 assessment units. An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution 2005-36 on May 10, 2005. A map displaying the current District is attached as Attachment 3.

Based on the current assessments, the estimated revenues for Fiscal Year 2019/20 for LMD No. 1 will be approximately \$139,226, and the estimated expenses are \$151,000, a shortfall of approximately \$12,000 which will be covered by the fund balance, which currently has a balance of \$298,094. The annual assessments vary from \$98.91 to \$210.38 per home per year, depending on the zone. The current assessments provide funding for cost of utilities (i.e. water and electric), maintenance costs, staff time, minimal plant/ground cover replacement and repairs.

Due to the identified revenue shortfall and the lack of funding for enhanced maintenance of LMD No. 1, the Public Works Department prepared a Request for Proposals (RFP) to hire a consultant with expertise in the Proposition (Prop) 218 process and assessment districts and as a result hired Webb Municipal Finance, LLC ("Webb"). Webb prepared the Draft Financial Analysis, Redevelopment and Proposition 218 Report ("Report"), attached as Attachment 2. Key goals in the development of the Report included:

- Determining if the existing Zones adhere to Prop 218 guidelines.
- Reviewing the existing budgets and assisting with cost recovery accounting to achieve maximum cost to benefit equity and long-term financial stability.
- Ensuring that the assessments for all tracts are sufficient to cover the current and increasing costs to administer LMD No. 1.
- To develop new assessments and district zones, if needed.
- Ensuring that the current method of apportionment and allocation of the net costs provide a reasonable special benefit nexus to all the properties within the affected zones.
- Identify options for property owners to consider in order to increase the level of service.

The Report was presented to the Budget and Finance Committee ("Committee") on October 15, 2019. The Committee requested that community outreach meetings be held prior to bringing the draft Report to the City Council for final approval.

On November 12, 2019, the draft Report was presented to the City Council along with a request to determine which water rates to charge the LMD No. 1 (i.e. municipal or retail water rate). The City Council voted to continue applying retail water rates for water consumption in the LMD No.1 and asked that community meetings be held to obtain feedback from the public on which option, explained below, they would like to see on the Prop 218 Ballot.

Community Outreach meetings were held on November 20, 2019 (2 meetings, morning and afternoon), December 9, 2019 and December 11, 2019. Presentations outlying the budget and options for the LMD assessment units were given. The three options that were and will continue to be presented to the property owners within LMD No. 1 are as follows:

- Option 1: Escalated costs with a reserve collection and maintenance program collection (\$0.29/SQ.FT.)
- Option 2: Escalated costs with a reserve collection and an escalated maintenance program collection (\$0.44/SQ.FT.)
- Option 3: Escalated costs with a reserve and maintenance program collection (\$0.29/SQ.FT.) as well as a Capital Improvement Plan (CIP) collection over 30 years (\$13/SQ.FT.)

The majority of the residents that attended and participated indicated they would prefer Option 1.

In March 2020, staff will provide an additional update to City Council along with a recommendation on which option to include on the Prop 218 ballot for each new zone. Between now and then, Webb will continue to receive vote cards/surveys regarding the preferred option from the property owners. Community outreach will continue on social media, the City's website, postings within the tracts and the City's local television access channel. An electronic survey and hard copy voter cards have been provided as a method for receiving input from the property owners.

Of the three options, only one will appear on the Prop 218 Ballot. It is anticipated that a Prop 218 Ballot proceeding will occur for the property owners within LMD No.1 in June of 2020. If the selected option is approved by the property owners in each individual zone then the new assessment will be implemented. If not approved, the assessment will remain unchanged.

Rezoning

The Report also recommends that the LMD No. 1 be rezoned in a manner that allows for each tract to pay only for benefits that it is receiving. Currently there are Four Zones made up of several tracts that, in some cases, or not contiguous to other tracts in the same zone and may not be receiving the benefits that are being paid for. Webb recommends that LMD No. 1 be restructured into ten zones as shown in Attachment 4 in order to better reflect the reasonable special benefit nexus. If Resolution 2020-11 is approved, LMD No. 1 will be restructured as recommended in the Report.

FISCAL IMPACT:

There is no direct fiscal impact with the approval of staff's recommendation.

The results of the Prop 218 proceeding in June of 2020 will determine the fiscal impact on LMD No. 1. If one of the three options is not approved for each of the new zones by the property owners a shortfall in revenues will be realized and the level of service will have to be adjusted accordingly. Staff will provide more information once the Prop 218 proceedings have concluded.

ATTACHMENTS:

1. Resolution 2020-11 <https://banningca.gov/DocumentCenter/View/6870/Attach-1-Resolution--2020-11>
2. Financial Analysis, Redevelopment and Proposition 218 of Landscape Maintenance District No. 1 Report
<https://banningca.gov/DocumentCenter/View/6871/Attach-2-LMD-No-1-Financial-Analysis-Report---Final-1620>
3. Existing LMD No. 1 Map <https://banningca.gov/DocumentCenter/View/6868/Attach-3-LMD-No-1-Map-FY-2019-20>
4. Proposed LMD No. 1 Map
<https://banningca.gov/DocumentCenter/View/6869/Attach-4-Proposed-LMD-No-1-Map-FY-2019-20>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Director of Public Works**

MEETING DATE: **January 28, 2020**

SUBJECT: **Resolution 2020-13, Approving the Banning Municipal Airport's Airport Capital Improvement Plan for 2020-2024**

RECOMMENDATION:

Adopt Resolution 2020-13, approving the five-year (2020-2024) Airport Capital Improvement Plan (ACIP) and direct staff to submit the ACIP to the Federal Aviation Administration (FAA).

BACKGROUND:

Through the Airport Improvement Plan (AIP), the FAA provides grants for the planning and development of airports important to the National Airspace System (NAS) in the National Plan of Integrated Airport Systems (NPIAS). Eligible projects for AIP funding include improvements related to airport safety, capacity, security and environmental concerns.

The FAA will issue AIP grants for only those developments and planning projects that are included in the FAA approved ACIP. Grants provided by the FAA come with several assurances and obligations that the City of Banning must abide by.

On April 25, 2017, City Council adopted Resolution 2017-44, "Declaring that it shall be a goal of the City of Banning to close the Banning Municipal Airport, as soon as legally permitted." In order to avoid further obligations related to FAA grants which could make meeting the goal set in Resolution 2017-44 difficult, staff has limited the amount of projects included in the ACIP to those that are of high priority.

Last year staff recommended that the ACIP include a future runway rehabilitation project to be designed in 2020 and constructed in 2021 for the purpose of increasing operational safety at the airport. Staff is currently working with FAA towards funding the design of the runway rehabilitation project this year with a plan to fund the construction phase next year as shown in the attached ACIP for 2020-2024.

JUSTIFICATION:

The FAA requires sponsors, such as the City of Banning, to provide annual updates and submittals of their five-year ACIP. The ACIP is used to identify and prioritize airport capital improvement needs and to plan for the distribution of Airport Improvement Program (AIP) funds.

The amount of time needed to close the airport, which staff is currently working on, is unknown. In the meantime, the runway rehabilitation project will help keep the runway in a manner that is safe for operations.

FISCAL IMPACT:

The approval of Resolution 2020-13 would require a local match of \$2,475 in 2020 and a local match of \$33,000 in 2021:

Year	Project	Federal Funds	State Funds	City Funds	Total Project
2020	Rehabilitate Runway (Design)	\$40,500	\$2,025	\$2,475	\$45,000
2021	Rehabilitate Runway (Construction)	\$540,000	\$27,000	\$33,000	\$600,000

The City's local match would come from the Airport Fund, which is projected to have a fund balance of \$225,475 at the end of the fiscal year.

ALTERNATIVE:

Reject Resolution 2020-13 and provide direction to staff such as modifying the list of projects included in the ACIP.

ATTACHMENTS:

1. Resolution 2020-13
<https://banningca.gov/DocumentCenter/View/6863/Attachment-2-2020-13-combined>
2. 2020-2024 Airport Capital Improvement Plan
<https://banningca.gov/DocumentCenter/View/6864/Attachment-1-2020-13-ACIP-2020-2024>

Approved by:



Douglas Schulze
City Manager