



AGENDA

REGULAR MEETING OF THE BANNING CITY COUNCIL

CITY OF BANNING, CALIFORNIA

March 24, 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.

SAFETY ALERT

IF YOU HAVE TRAVELED INTERNATIONALLY, PARTICULARLY TO CHINA, ITALY, IRAN, JAPAN, SOUTH KOREA, TAIWAN, AND/OR YOU HAVE HAD DIRECT CONTACT WITH SOMEONE WHO HAS TRAVELLED TO THOSE PLACES OR TESTED POSITIVE FOR CORONAVIRUS (COVID-19), OR YOU ARE EXPERIENCING SYMPTOMS SUCH AS COUGHING, SNEEZING, FEVER, DIFFICULTY BREATHING OR OTHER FLU-LIKE SYMPTOMS, PLEASE DO NOT ATTEND THIS MEETING IN PERSON. YOU MAY SUBMIT COMMENTS ON ANY AGENDA ITEM OR ON ANY ITEM NOT ON THE AGENDA IN WRITING VIA MAIL TO "CITY COUNCIL" AT PO BOX 998, BANNING, CA 92220 OR BY EMAIL TO sdelafuente@banningca.gov.

IF YOU ARE IN THE GROUP OF INDIVIDUALS WHO MAY BE MOST VULNERABLE TO COVID-19, INCLUDING THOSE OVER THE AGE OF 60 AND THOSE WITH UNDERLYING HEALTH CONDITIONS, INCLUDING BUT NOT LIMITED TO LUNG, HEART, IMMUNO-COMPROMISED, DIABETES, OR OTHER CONDITIONS THAT COULD INTERFERE WITH YOUR ABILITY TO FIGHT COVID-19, PLEASE CONSIDER CAREFULLY BEFORE ATTENDING THIS MEETING IN PERSON AND KEEP A SIX-FOOT DISTANCE FROM OTHERS AS MUCH AS POSSIBLE.

Pursuant to Governor Newsom's Executive Order N-25-20, members of the Banning City Council or staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public may observe and offer comment at this meeting electronically by emailing sdelafuente@banningca.gov, or submitting in writing to 99 E. Ramsey Street, Banning, California 92220 to be read into the record by the Deputy City Clerk.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact Sonja De La Fuente, Deputy City Clerk, at sdelafuente@banningca.gov or (951) 922-3102 prior to the meeting for assistance.

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 – Ralph Bobik, Church of Jesus Christ of Latter-Day Saints
2. Pledge of Allegiance
3. Roll Call: Councilmembers Happe, Pingree, Wallace, Welch, and Mayor Andrade

II. AGENDA APPROVAL

III. PRESENTATION

1. Organics & Recycling Update 1
(R3 Consulting Group)

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 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 – 19: Items ____, ____, ____ to be pulled for discussion.

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

1.	Minutes – March 10, 2020, Special Meeting (Closed Session).....	15
2.	Minutes – March 10, 2020, Regular Meeting	17
3.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of February 2020	75
4.	Cash Investments and Reserve Report for the Month of February 2020.....	77
5.	Capital Improvement Project Update	79
6.	Police Department Statistics for February 2020.....	81
7.	Fire Department Statistics for February 2020	83
8.	Contracts Approved Under City Manager Signature Authority for the Month of February 2020.....	85
9.	Ordinance 1559, an Ordinance of the City of Banning, California, Amending Title 17 (“Zoning”) of the Banning Municipal Code to Update the City’s Development Standards for Accessory Dwelling Units and Establish Development Standards for Junior Accessory Dwelling Units Consistent with State Law, and Making a Determination of Statutory Exemption Under CEQA Section 2108.17 and CEQA Guidelines Section 15282(H) (2 nd Reading).....	87
10.	Ordinance 1561, an Ordinance of the City of Banning, California, Amending Section 1.08.10 of the Banning Municipal Code Pertaining to the Design and Restrictions for Use of the City Seal and Penalties for Misuse Thereof (2 nd Reading).....	101
11.	Accept the Right of Way Dedication from Banning Industrial L.P. for Public Road and Utility Purposes on Assessor’s Parcel Numbers 532-130-001 and 532-130-015 for John Street Improvements	105
12.	Accept the Right of Way Dedication from O’Reilly’s Auto Enterprises, LLC for Public Road and Utilities Purposes on Assessor’s Parcel Number 538-182-008-1 (2929 W. Ramsey Street)	107
13.	Resolution 2020-34, Awarding IFB No. 20-005 for Banning Electric Utility’s Public Benefits Lease of a 2020 Hyundai Kona Ultimate Electric Vehicle to Ontario Hyundai in an Amount Not to Exceed \$37,268.59 for a Three-Year Term	109

14.	Notice of Completion for Project No. 2019-01W, “Pelton Wheel and Well Repairs”	113
15.	Notice of Completion for Project No. 2018-07W, “Altitude Valve at Southwest Reservoir”	115
16.	Award a Construction Contract for Project No. 2020-01WW “Wastewater Treatment Plant Mechanical Bar Screen” to Cora Construction, Inc. in the Amount of \$232,000, Establishing a Total Project Budget of \$255,200, and Rejecting All Other Bids.....	117
17.	Resolution 2020-35, Ratifying the Director of Emergency Services; Proclamation of the Existence of a Local Emergency Due to the Novel Coronavirus (COVID-19) Under Government Code Section 8630 and Chapter 2.48 of the Banning Municipal Code	121
18.	Resolution 2020-36, Approving the First Amendment to Professional Services Agreement C00158 with Utility Tree Service, Inc. to Include One Additional Year and Increasing the Spend for an Additional \$150,000	125
19.	Approve a Professional Services Agreement with Cartegraph in the Amount of \$42,176.66 to Update Asset Management Software to Web-Based Operations Management System.....	127

VII. PUBLIC HEARINGS:

- Resolution 2020-37, Adopting a Negative Declaration (Environmental Assessment 19-1503) and Approving Proposed General Plan Amendment 19-2502 for a Proposed General Plan Circulation Element Amendment for the Extension of Sun Lakes Boulevard in the City of Banning, California (APN’s 537-110-007, 537-110-008, 537-110-009 and 537-110-0100)..... **131**
(*Staff Report: Adam Rush, Community Development Director*)

Recommendation: Adopt Resolution 2020-37.

VIII. ANNOUNCEMENTS AND REPORTS:

CITY COUNCIL COMMITTEE REPORTS

REPORT BY CITY ATTORNEY

REPORT BY CITY MANAGER

REPORTS OF OFFICERS

1. Resolution 2020-38, Adopting the City of Banning Pandemic Influenza Preparedness Plan, Including Provisions Allowing for Pandemic Sick Leave **139**

(Staff Report: Douglas Schulze, City Manager)

Recommendation: Adopt Resolution 2020-38.

2. Emergency Medical Services Billing Program Fee **141**

(Staff Report: Jennifer Christensen, Administrative Services Director)

Recommendation: Direct staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write-Off Policy.

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, April 14, 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.

Organics & Recycling Update



PRESENTATION TO:

City of Banning, CA

March 24, 2020



Unfunded Mandates

1989

- AB 939: Integrated Waste Management Act

2006

- AB 32: Global Warming Solutions Act

2012

- AB 341: Mandatory Commercial Recycling

2014

- AB 1826: Mandatory Commercial Organics Recycling

2022

- SB 1383: Short-lived Climate Pollutants

Unfunded Mandates

AB 939 & AB 32



Source reduction, recycling, and composting activities.

- ▶ AB 939: Waste Management Act
 - 1989: 25% diversion requirement
 - Post-2000: 50% diversion requirement
- ▶ AB 32: Global Warming Solutions Act
 - 2006: Requires GHG emissions to reduce to 1990 levels by 2020

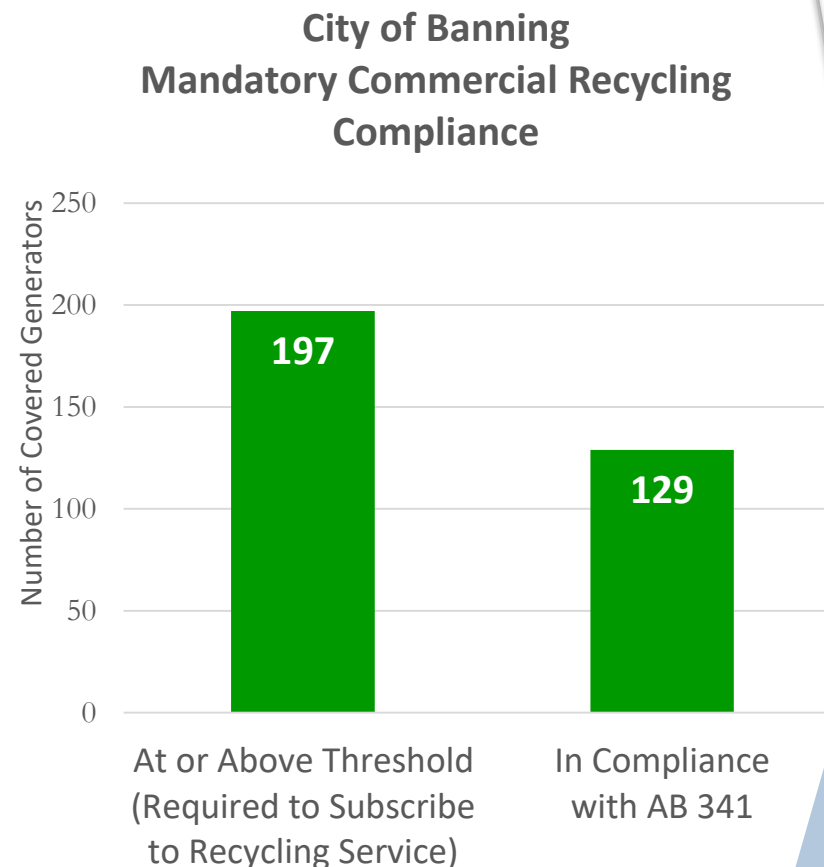
Unfunded Mandates

AB 341



► AB 341: Mandatory Commercial Recycling

- 2012: 4+ CY of Solid Waste/week
- Implementation Challenges



65% of MFD & Businesses were Compliant in 2019

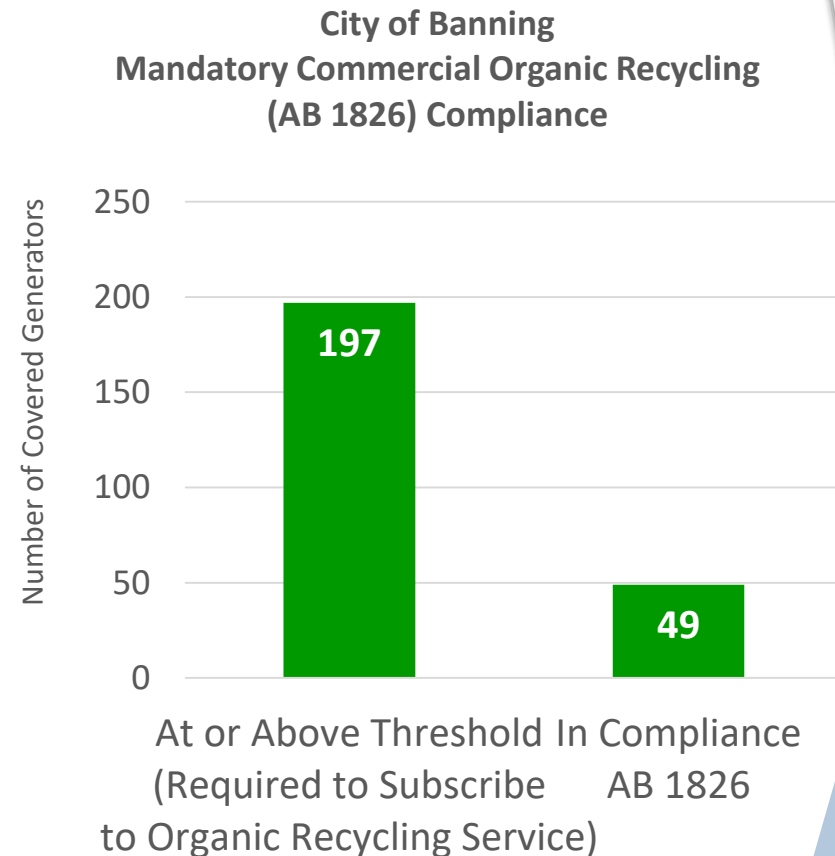
Legislative Compliance Updates

AB 1826



► AB 1826: Mandatory Commercial Organics Recycling

- Tiered implementation
- Business Challenges
- Pressure from state for jurisdictions to enforce (penalize) non-compliant businesses



25% of MFD & Businesses were Compliant in 2019



China National Sword

- ▶ January 2018: China's "National Sword" went into effect
- ▶ Loss of major international recycling markets
- ▶ No capacity, global competition for scarce capacity
- ▶ Rate increases and lower diversion



SB 1383

What is it?

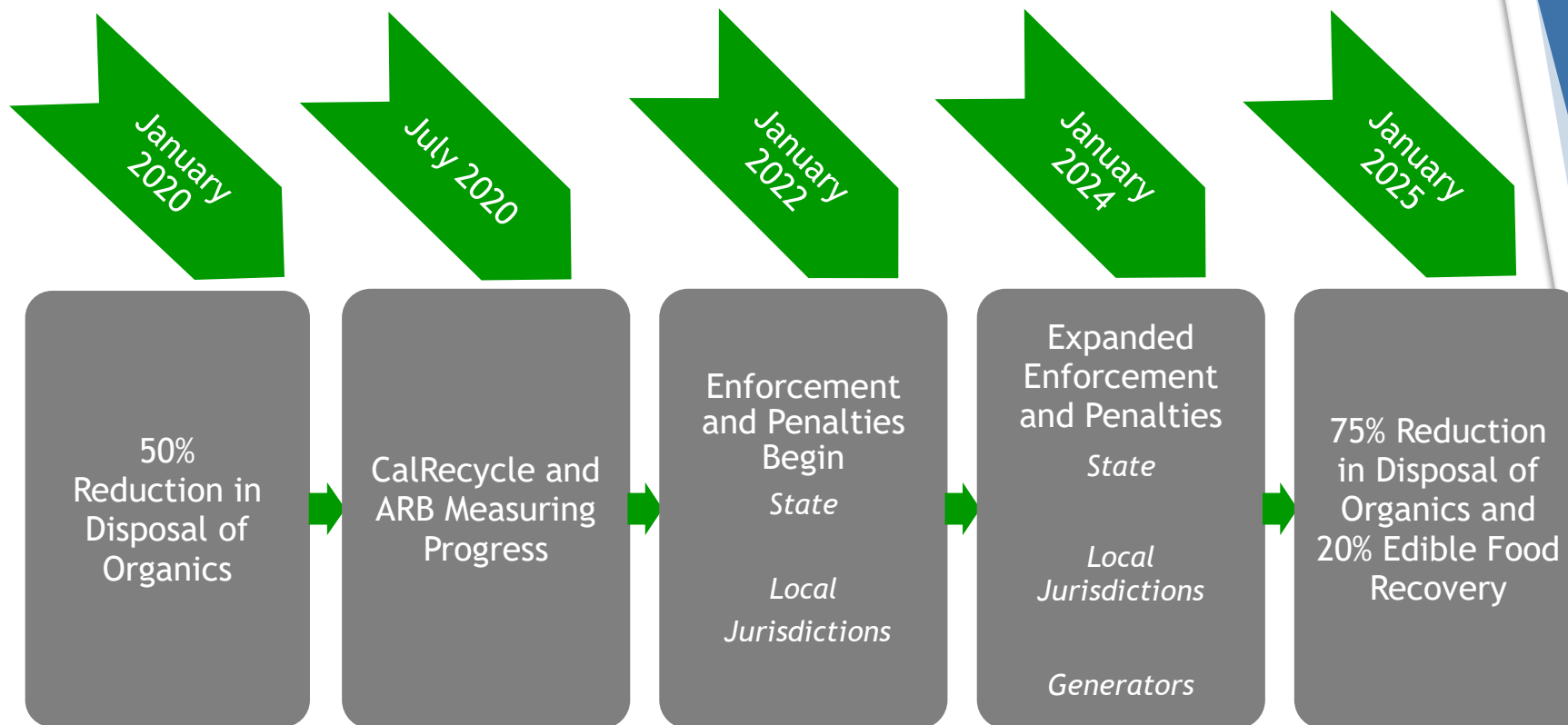


► SB 1383: Short-Lived Climate Pollutants Organic Waste Methane Emission Reductions

- Sets Statewide mandates for organics recovery efforts
- Builds on AB 1826 to incrementally reduce disposal of organic waste
- Requires ALL generators to be provided organic waste recycling services
- Edible food recovery

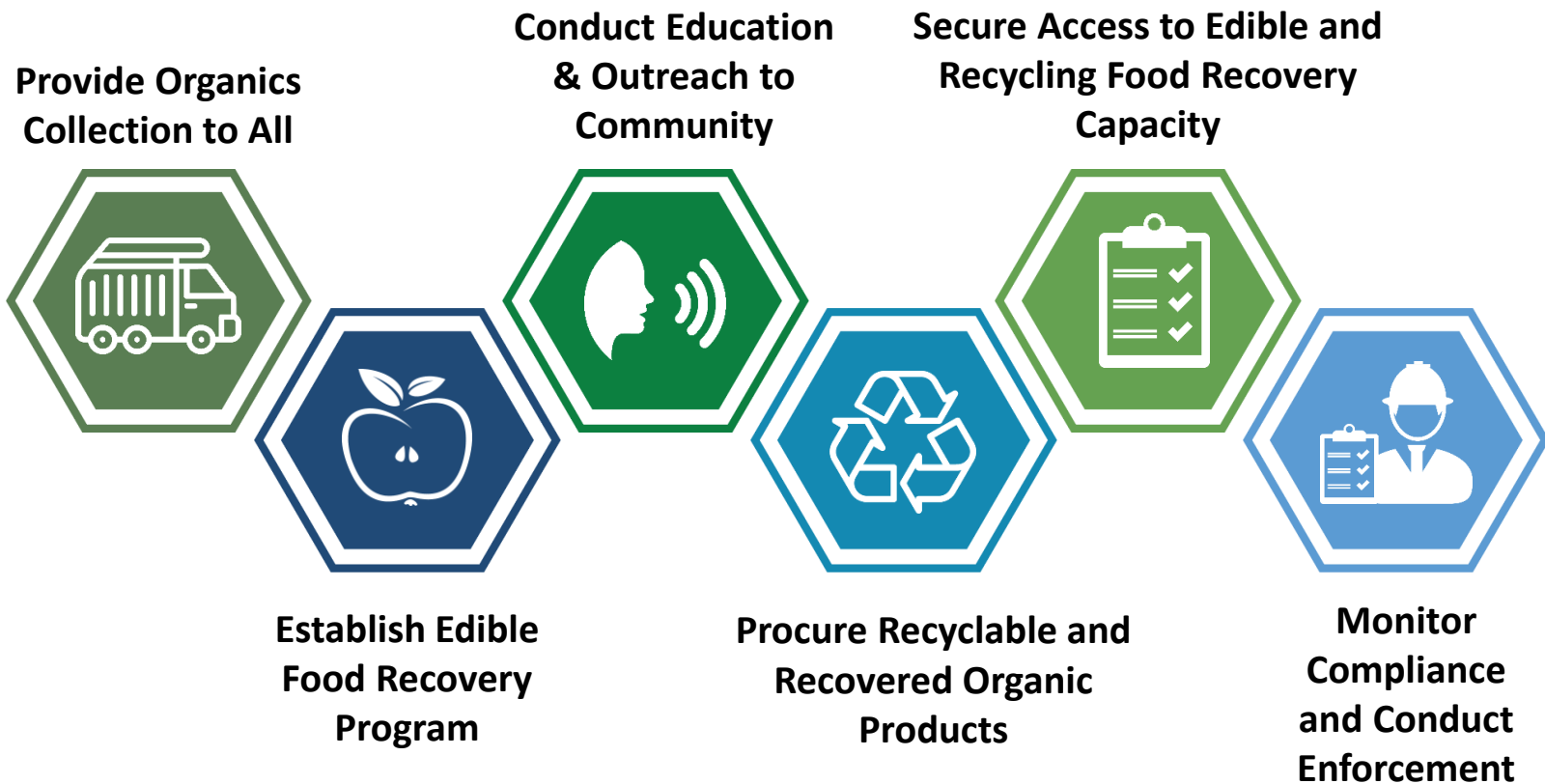
SB 1383

Organics Plan Timeline



SB 1383

6 Key Focus Areas



Requirements harmonize with AB 1826

SB 1383






6 Key Focus Areas



Current 2020 Activities

- Ordinance updates
- Amending Franchise Agreement

January 1, 2022

-  Provide Organics Collection Service to All Residents and Businesses
-  Establish Edible Food Recovery Program
-  Conduct Education and Outreach
-  Procurement
-  Capacity Planning

January 1, 2024

-  Jurisdictions must take action against non-compliant entities

SB 1383

Ordinance Update



C&D and Model Water Efficient Landscape Ordinance



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELO) requirements for compost and mulch application.



SB 1383

Jurisdiction Requirements



Ordinance 2022

Adopt an ordinance
(enforceable mechanism)
Including enforcement



Compliance Monitoring & Education 2022-2024

Annual compliance reviews,
route reviews, inspections
Educate violators



Compliance Monitoring & Enforcement 2024

Annual compliance reviews
Route reviews, inspections,
notice of violations, penalties
for violators

R3

CONSULTING
GROUP, INC.

Next Steps



- ▶ Franchise Agreement negotiations
 - Bundled services (garbage/recycling/organics)
 - Hauler reporting
 - New containers (colors/labeling)
 - Outreach and Education
 - AB 939 Support Fee

QUESTIONS & ANSWERS



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

03/10/2020
SPECIAL MEETING - CLOSED SESSION

COUNCIL MEMBERS PRESENT:

Mayor Andrade
Councilmember Happe
Mayor Pro Tem Wallace
Councilmember Welch

COUNCIL MEMBERS ABSENT:

None

OTHERS PRESENT:

Douglas Schulze, City Manager
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 March 10, 2020, at 4:07 P.M. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

II. CLOSED SESSION

The Mayor opened the closed session items for public comments. There were none.

The City Manager 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 Government Code Section 54956.9

Name of Case: San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange (Midway Sunset Cogeneration Company Settlement), Federal Energy Regulatory Commission, Docket No. EL00-95-311

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 150 E. Ramsey Street

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Brandon Sudweeks, Sudweeks Development and Investment Company

Under Negotiation: Price and terms for potential sale of City property to Sudweeks Development Company

The City Manager indicated that because the City Attorney would not be present, the following items would be continued to the next regular meeting on March 24, 2020:

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: Supporters Alliance for Environmental Responsibility (SAFER) v. City of Banning, et al. (Lawrence Equipment Project), Case No. RIC 1903059

City Council convened to Closed Session at 4:10 p.m.

II. ADJOURNMENT

By consensus, the meeting adjourned at 4:45 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=lcKRIWtRrV6F> . Related documents may be found by visiting <https://banninglive.viebit.com/player.php?hash=lcKRIWtRrV6F> 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

03/10/2020
REGULAR MEETING

COUNCIL MEMBERS PRESENT: Mayor Andrade
Mayor Pro Tem Wallace
Councilmember Happe
Councilmember Pingree (upon appointment)
Councilmember Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT Douglas Schulze, City Manager
Marie Calderon, City Clerk
Sonja De La Fuente, Deputy City Clerk
Jennifer Christensen, Administrative Services Director
Matthew Hamner, Police Chief
Art Vela, Public Works Director/City Engineer
Adam Rush, Community Development Director
Ralph Wright, Community Services Director
Tom Miller, Electric Utility Director
Suzanne Cook, Deputy Finance Director
Carla Young, Business Support Manager
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 Andrade on March 10, 2020, at 5:00 p.m. at the Banning City Council Chamber, 99 E. Ramsey Street, Banning, California.

Police Chaplain Merle Malland offered the invocation.

Mayor Pro Tem Wallace led the audience in the Pledge of Allegiance.

II. AGENDA APPROVAL

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, 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. Mayor's Special Recognition

The Mayor and City Council presented Certificates of Recognition to Suzanne Cook with the City of Banning and Table of Plenty, thanking them for making Banning a better place to work, live, and play.

IV. REPORT ON CLOSED SESSION

The City Manager reported that the City Council only discussed two of the five items on the Closed Session Agenda as follows:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange (Midway Sunset Cogeneration Company Settlement), Federal Energy Regulatory Commission, Docket No. EL00-95-311

Direction was provided to staff regarding the case.

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 150 E. Ramsey Street

City Negotiator: Douglas Schulze, City Manager

Negotiating Parties: Brandon Sudweeks, Sudweeks Development and Investment Company

Under Negotiation: Price and terms for potential sale of City property to Sudweeks Development Company.

No action taken.

V. PUBLIC COMMENTS, CORRESPONDENCE, AND APPOINTMENTS

PUBLIC COMMENT(S)

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

Aaron Thomas, Government Relations Manager, Southern California Edison introduced himself and indicated he would like to present some opportunities at a future City Council Meeting.

Inge Schuler spoke regarding the microphones being difficult to hear and expressed gratitude for adding page numbers to the agenda. She asked about a notification system for things such as the coronavirus, as the notification system through the website is not working for her.

Frank Burgess expressed concern with construction at Wilson and Smith Creek as well as Ramsey and Highland Springs. He would like someone to contact him and explain the plans for both projects.

Seeing no further comments, the Mayor closed Public Comments.

CORRESPONDENCE

None.

APPOINTMENT(S)

1. Resolution 2020-30, Appointment of District 2 City Council Representative

Councilmember Welch nominated Kyle Pingree. Councilmember Wallace seconded the nomination.

Councilmember Happe nominated Jennifer Flesher. Nobody seconded the nomination.

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to adopt Resolution 2020-30, appointing Kyle Pingree as the District 2 City Council Representative. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-30.

Marie Calderon, City Clerk, administered the Oath of Office.

2. Planning Commissioner Appointment

Mayor Pro Tem Wallace nominated David Lopez. Councilmember Happe seconded the nomination.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Happe, to appoint David Lopez to serve on the Planning Commission for a term of four years. Electronic vote was taken as follows:

AYES: Andrade, Happe, Pingree, Wallace & Welch

NOES: None

ABSTAIN: None

ABSENT: None

Action: Appointed David Lopez to the Planning Commission.

Marie Calderon, City Clerk, administered the Oath of Office.

VI. CONSENT ITEMS

Items 3, 6, and 8 were pulled for discussion.

1. Minutes – February 25, 2020, Special Meeting (Closed Session)
2. Minutes – February 25, 2020, Regular Meeting
4. Appropriation of Funds and an Increase to the Purchase Order with A-Z Bus Sales, Inc. for the As-Needed Repairs to the City's Transit Fleet
5. Increase to the Purchase Order with Coutts Heating and Cooling, Inc. for HVAC Repairs and Emergency Services
7. 2nd Amendment to the Transportation Uniform Mitigation Fee Program Reimbursement Agreement with Western Riverside Council of Governments for Project No. 2006-06, 'Sunset Avenue Grade Separation
9. Resolution 2020-28, Approving the Census Funding Agreement #2020Census-01 Between the County of Riverside and the City of Banning
10. Contracts Approved Under the City Manager's Signature Authority for the Month of January 2020
11. Resolution 2020-25, Approving New and Revised Job Descriptions and Revisions to the Compensation and Classification Plan

Public Comments

None

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to approve consent calendar items 1-2, 4-5, 7 and 9-11. Electronic vote was taken as follows:

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

Action: Approved Consent Items 1-2, 4-5, 7 and 9-11.

3. Minutes – February 27, 2020, Special Meeting (Interviews)

Public Comment

None

Councilmember Happe requested the typo under attendance be corrected. Deputy City Clerk confirmed that it would be corrected.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to approve Consent Items 3 as amended. Electronic vote was taken as follows:

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

Action: Approved Consent Item 3 as amended.

6. 1st Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc. for the Design of the Reconstruction and Widening of Ramsey Street and Hathaway Street

Councilmember Happe requested clarification regarding the design fees and property negotiations.

The City Manager reminded all that property negotiations are a closed session item.

Public Comment

Frank Burgess asked if a contract is amended, does staff have to bring back to Council for approval. He also questioned the re-design of the project.

Seeing no further comments, the Mayor closed Public Comment.

The City Manager clarified that there is an adopted City Policy that staff has the authority to issue change orders up to 10% of the total contract price. Regarding property negotiations, the City Council will often give staff authority a maximum amount they will allow staff to negotiate up to. Therefore, it would not require going back to Council to reject an offer.

Public Works Director Vela confirmed that the contract had 10% contingency built into the contract. Temporary Construction Easements (TCE) were not included in the original contract. He also explained that the redesign of the project would reduce construction costs by approximately \$200,000. Plans will be finalized when Right-of-Way acquisition phase is completed.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, to approve Consent Items 6. Electronic vote was taken as follows:

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

Action: Approved Consent Item 6.

8. Resolutions 2020-31, 2020-4 UA and 2020-2 SA, Approving Amendment No. 3 to the Professional Services Agreement with Lance, Soll & Lunghard, LLP CPAs for Financial Auditing Services

Deputy Finance Director Suzanne Cook provided clarification on the contract terms.

Public Comment

Inge Schuler recommended changing companies.

Frank Burgess recommended allowing the new director one year to review the contract then decide what to do after one year.

Seeing no further comments, the Mayor closed Public Comment.

A motion was made by Mayor Pro Tem Wallace, seconded by Mayor Andrade, to approve Consent Items 8. Electronic vote was taken as follows:

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

Action: Approved Consent Item 8.

VII. PUBLIC HEARING(S)

1. Ordinance 1559, Approving Zoning Text Amendment No. 19-97506 and Section 17.08.100 "Accessory Dwelling Unit Standards" of Title 17 of the Banning Municipal Code in Compliance with Assembly Bills 881, 68, 587 and 670, and Senate Bill 13, Removing Barriers to the Construction of Accessory Dwelling Units and Junior Accessory Dwelling Units.

Adam Rush, Community Development Director provided a presentation (Attachment 1).

Public Hearing

Seeing nobody come forward, the Mayor closed the Public Hearing

Councilmember Happe asked how this would affect Homeowner's Associations (HOAs).

Community Development Director Rush explained that this prevents HOAs from enforcing their rules.

The Mayor clarified that this is a housekeeping to implement State of California regulation.

Mayor Pro Tem Wallace asked if this pertains to tiny houses.

Community Development Director Rush confirmed that if they meet State Code and would be a secondary unit.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1559. The Deputy City Clerk read as follows:

"Ordinance 1559, an Ordinance of the City Of Banning, California, Amending Title 17 ("Zoning") of the Banning Municipal Code to Update the City's Development Standards for Accessory Dwelling Units and Establish Development Standards for

Junior Accessory Dwelling Units Consistent with State Law, and Making a Determination of Statutory Exemption Under CEQA Section 21080.17 and CEQA Guidelines Section 15282(H).”

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace to waive further reading of Ordinance 1559. Electronic vote was taken as follows:

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

Action: Waived further reading of Ordinance 1559.

A motion was made by Councilmember Welch, seconded by Councilmember Happe that Ordinance 1559 pass its first reading. Electronic vote was taken as follows:

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

Action: Ordinance 1559 passed its first reading.

2. Ordinance 1560, an Interim Ordinance Prohibiting the Establishment or Expansion of RV Storage Facilities in all Zones of the City, Making a Determination of Exemption Under the California Environmental Quality Act, and Declaring the Urgency Thereof.

Adam Rush, Community Development Director provided a presentation (Attachment 2).

Public Hearing

Inge Schuler indicated she did not see the what the beginning and ending dates of the moratorium in the document.

Andy Anderson read a prepared statement (Attachment 3).

Seeing no further comments, the Mayor closed the Public Hearing.

Community Development Director Rush advised that the moratorium would not apply to Mr. Anderson, as there are permits in process and he would email him as

such. Regarding Ms. Schuler's concern, the ordinance will be effective 45 days from the date of adoption (today).

The City Manager explained that in Section 6 of the Ordinance there is an effective date and the 45-day duration.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1560. The Deputy City Clerk read as follows:

"Ordinance 1560, an Interim Ordinance of the City of Banning, California, Prohibiting the Establishment or Expansion of RV Storage Facilities in All Zones of the City, Making a Determination of Exemption Under the California Environmental Quality Act, and Declaring the Urgency Thereof."

A motion was made by Councilmember Happe, seconded by Councilmember Welch to waive further reading of Ordinance 1560. Electronic vote was taken as follows:

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

Action: Waived further reading of Ordinance 1560.

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace that Ordinance 1560 is adopted. Electronic vote was taken as follows:

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

Action: Adopted Ordinance 1560.

VIII. ANNOUNCEMENTS AND REPORTS

CITY COUNCIL COMMITTEE REPORTS

Councilmember Pingree thanked the Council for the opportunity to serve as the Councilmember representing District 2.

Councilmember Happe congratulated Councilmember Pingree.

Councilmember Welch congratulated Councilmember Pingree.

Mayor Pro Tem Wallace congratulated Councilmember Pingree and reported on the following:

- Last Thursday she read books to kindergartners at Central Elementary.
- Community Action Partnership held Tech Assist at the Community Center today. There were 23 graduates and they received computers.
- Speaking at the High School on Thursday about what made her want to run for City Council.
- Community Clean Up at Dysart Park on April 18, 2020 from 1:00 p.m. until 3:00 p.m.

Mayor Andrade reported on the following:

- Attended and spoke at Girls Empowerment Club at Nicolet Middle School.
- Demolition of the former Banning Business Center began on Monday of last week.
- Thanked the Chamber of Commerce for supporting the City and their events.
- Attended the Riverside County Board of Education State of Education Address with Mayor Pro Tem Wallace on Thursday.
- Attended the League of California Cities in Indio where they discussed the Coronavirus.
- Those that wish to be updated regarding the Coronavirus may sign up on the City's website.

REPORT BY CITY ATTORNEY

None

REPORT BY CITY MANAGER

City Manager Doug Schulze reported on the following:

- Regarding the Coronavirus (COVID-19), cases have been confirmed in Riverside County. Participating in conference calls with Emergency Management and Public Health on a weekly basis. Most of the information received is the same that can be found in the news. Riverside County Board of Supervisors ratified the Riverside County Public Health Officer's Order.
- Nixle is the tool the City will use for emergency notifications and encouraged all to sign up to receive notifications by visiting the City's website: <https://banningca.gov/540/City-of-Banning-Alerts> or texting 92220 to 888777.

- Pardee is completing projects on Wilson Street and Highland Springs in phases. The work being done right now is consistent with Phase 1. Improvements will continue as they continue with additional phases.
- Video conference interviews for the Economic Development Manager position will be held tomorrow with five candidates. Some or all candidates will be invited for in-person interviews. If all goes well, an offer would hopefully be made in late March with the selected candidate starting in late April or early May.

REPORTS OF OFFICERS

1. Fiscal Year 2018-19 Audited Financial Statements for City of Banning, Banning Utility Authority and Banning Housing Authority.

Deputy Finance Director Suzanne Cook provided the staff report and PowerPoint presentation (Attachment 4) regarding this item.

Deborah Harper with Lance Soll & Lunghard provided additional information regarding the audit.

Public Comment

None.

A motion was made by Mayor Pro Tem Wallace, seconded by Councilmember Welch, to receive and file Fiscal Year 2018-19 Audited Financial Reports and Independent Auditor's Reports for the City, Banning Utility Authority, and the Housing Authority, which were audited by Lance, Soll & Lunghard, LLP. Electronic vote was taken as follows:

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

Action: Approved receiving and filing reports.

2. Resolution 2020-33, Adopting the Official City Seal and Ordinance 1561 Amending Municipal Code Pertaining to the Seal Design and Use Restrictions.

City Manager Schulze provided the staff report for this item.

Mayor Pro Tem Wallace expressed her dissatisfaction with the new design of the seal. Councilmember Welch expressed his satisfaction with the design of the new seal.

Public Comment

None

A motion was made by Councilmember Welch, seconded by Mayor Andrade, to adopt Resolution 2020-33, Adopting the Official City Seal. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-33.

The Mayor asked the Deputy City Clerk to read the title of Ordinance 1561. The Deputy City Clerk read as follows:

“Ordinance 1561, an Ordinance of the City Of Banning, California, Amending Section 1.08.10 of the Banning Municipal Code Pertaining to the Design and Restrictions for Use of the City Seal and Penalties for Misuse Thereof.”

A motion was made by Councilmember Happe, seconded by Councilmember Pingree to waive further reading of Ordinance 1561. Electronic vote was taken as follows:

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

Action: Waived further reading of Ordinance 1561.

A motion was made by Councilmember Welch, seconded by Councilmember Happe that Ordinance 1561 pass its first reading. Electronic vote was taken as follows:

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

Action: Ordinance 1561 passed its first reading.

3. Exclusive Negotiation Agreement for 150 E. Ramsey Street.

Councilmember Happe recused himself due to potential conflict of interest.

City Manager Schulze provided the staff report for this item.

Brandon Sudweeks with Sudweeks Development provided a PowerPoint presentation for this item (Attachment 5).

Public Comment

Paul Perkins spoke in favor of the project and asked about deposits from the developer to work against.

Bill Hobbs spoke in favor of the project and asked if there was any affiliation with Beaver.

John Hagan spoke in favor of the project and recommended water tolerant landscape. He also asked if there would be adequate parking.

Seeing no further comments, the Mayor closed Public Comment.

There was some discussion held among Council and staff. The City Manager explained that the developer would provide deposits that would be drawn against and fully accounted for.

A motion was made by Councilmember Welch, seconded by Mayor Pro Tem Wallace, to approve an Exclusive Negotiation Agreement with Sudweeks Development for 150 E. Ramsey Street. Electronic vote was taken as follows:

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

Action: Approved Exclusive Negotiation Agreement.

The Mayor recessed the meeting at 7:22 p.m. and reconvened at 7:33 pm.

4. Update and Discussion of the Rate Options to Appear on Proposition 218 Ballots for Landscape Maintenance District (LMD) 1.

Public Works Director Art Vela provided the staff report for this item.

Public Comment

John Hagan advised he lives in Landscape Maintenance District No. 1 Zone 8. He asked how the company arrived at the figure for the cost of services provided. He asked everyone to vote against the item.

Karen Amirson expressed her concern with an annual rate increase. She asked if property owners were being notified, not just renters.

Seeing no further comments, the Mayor closed Public Comment.

Public Works Director Vela explained how the costs were arrived upon and added the increased level of service. He also explained that this is an assessment, not a fee and the property owner would be assessed through the Riverside County Assessor's office. Finally, he advised that all property owners were notified.

Councilmember Happe asked what would happen if the voters did not pass this. Public Works Director Vela explained that the level of service would have to be reduced as the revenue is reduced.

Councilmember Welch asked if there would be a way to show how the money is spent. Public Works Director Vela advised the annual Engineer's Report is available to the public and if it is the Council's desire it could be mailed to the residents.

A motion was made by Councilmember Happe, seconded by Councilmember Welch, to determine the Rate Options/Assessment Units to appear on Proposition 218 Ballots for Landscape Maintenance District No. 1. Electronic vote was taken as follows:

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

**Action: Approved Rate Options/Assessment Units for Proposition 218
 Ballots for Landscape Maintenance District No. 1.**

5. Resolution 2020-32, Awarding a Construction Agreement to Weka, Inc. in the Amount of \$3,735,435 and Establishing a Total Project Budget of \$4,108,978.50 and Rejecting all Other Bids.

Public Works Director Art Vela provided the staff report for this item.

Public Comment

None

Councilmember Wallace asked if Hargrave would be smooth upon completion of the project. Public Works Director Vela advised it would be.

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to adopt Resolution 2020-32. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-32.

6. Resolution 2020-27, Authorizing the Submittal of an Application for Grant Funds from the Bureau of Reclamation WaterSMART Grants: Small-Scale Water Efficiency Projects Program for Fiscal Year (FY) 2020, Funding Opportunity No. BOR-DO-20-F006.

Public Works Director Art Vela provided the staff report for this item.

Public Comment

John Hagan suggested the City would be eligible for more grants if rock scaping was implemented.

Seeing no further comments, the Mayor closed Public Comment.

Public Works Director Vela explained this type of grant wouldn't fund landscape improvements.

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to adopt Resolution 2020-27. Electronic vote was taken as follows:

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

Action: Adopted Resolution 2020-27.

7. Budget Processes, Policies and Fund Structures.

Administrative Services Director Jennifer Christensen provided the staff report and PowerPoint presentation (Attachment 6) for this item.

Public Comment

None

City Manager Schulze advised there will be a lot of information over the next few months during the budget process. He encouraged Council and the public to reach out to staff with any questions.

There was some discussion held among Council and Staff regarding the budget process and system.

A motion was made by Councilmember Welch, seconded by Councilmember Happe, to adopt the proposed Budgetary Processes, Policies and Fund Structure for the fiscal years ending 2021 and 2022 budget for the City of Banning. Electronic vote was taken as follows:

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

Action: Adopted Budgetary Processes, Policies and Fund Structure for Fiscal Years 2021 and 2022.

IX. DISCUSSION ITEM

None

CITY COUNCIL – Next Meeting, March 24, 2020, 5:00 p.m.

X. ITEMS FOR FUTURE AGENDAS

XI. ADJOURNMENT

By consensus, the meeting was adjourned at 8:41 p.m.

Minutes Prepared by:

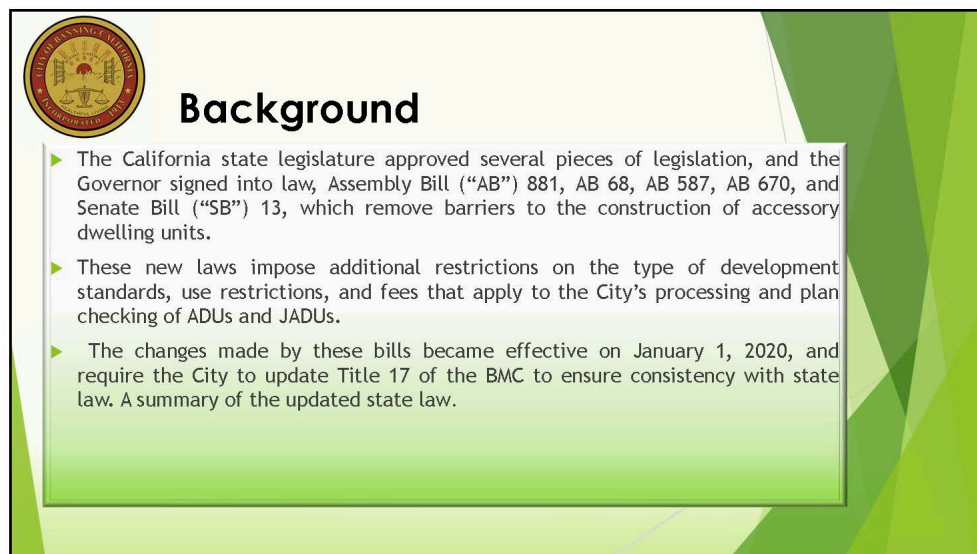
Sonja De La Fuente, Deputy City Clerk

***The entire discussion of this meeting may be viewed here:
<https://banninglive.viebit.com/player.php?hash=JHLsPAEN7nUn> and
<https://banninglive.viebit.com/player.php?hash=3Tvlps2BA9d>. Any related
documents maybe viewed here:
<http://www.banningca.gov/ArchiveCenter/ViewFile/Item/2260> 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




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1




Updated Provisions

Accessory Dwelling Unit is an **attached or a detached residential dwelling unit** that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.”

Junior Accessory Dwelling Unit is a unit that is **no more than five hundred square feet** in size, is contained entirely within a single-family residence, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.”

3




Updated Provisions

- Building Permit Only (approval w/in 60-days)
- Unless, if submitted concurrent with a new SFR
- One attached ADU per lot if within the same dimensions of the SFR “footprint” or 150 s.f. beyond
- Exterior Access
- Rear and side safety setbacks
- Not more than two ADU within SFR At least 800 s.f., but not more than 1,200 s.f., and 16-feet in height, except as an efficiency unit
- Not more than two ADU within MFR lots and up to 25% expansion

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Updated Provisions

- Zoning of existing lot shall be single or multi-family zoning
- Density and lot coverage is not an absolute
- No additional parking requirements are applied, even for loss of parking due to conversion of interior space.
- Fire sprinklers are required only if within the primary dwelling
- Owner Occupancy required with attached but not for detached
- Utility requirements can be applied

5



Updated Provisions


Junior ADUs:

In addition to the previously described standards, the following are in addition:

- A minimum of 200 s.f. but maximum of 500 s.f. in floor area
- An “efficiency” kitchen
- Junior ADUs not subject to utility connections
- Owner-occupancy is required
- Prohibition on sale of Junior ADU

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Fees and Utilities

- ▶ The impact of ADUs can be assessed for water and sewer services with the exception of the first 750 s.f. is removed from this impact fee calculation for most ADUs
- ▶ ADUs are subject to inspection fees

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General Regulations

- ▶ No subdivision of the ADU from the primary dwelling
- ▶ All construction must meet Building, Electrical, Plumbing, and Fire Codes

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Environmental Determination

The project pursuant to Section 21080.17 of the California Environmental Quality Act (CEQA) and Section 15282(h) of the CEQA Guidelines, that Zoning Text Amendment No. 19-97506 is statutorily exempt from the requirements of CEQA because the amendment implements Government Code Section 65852.2.

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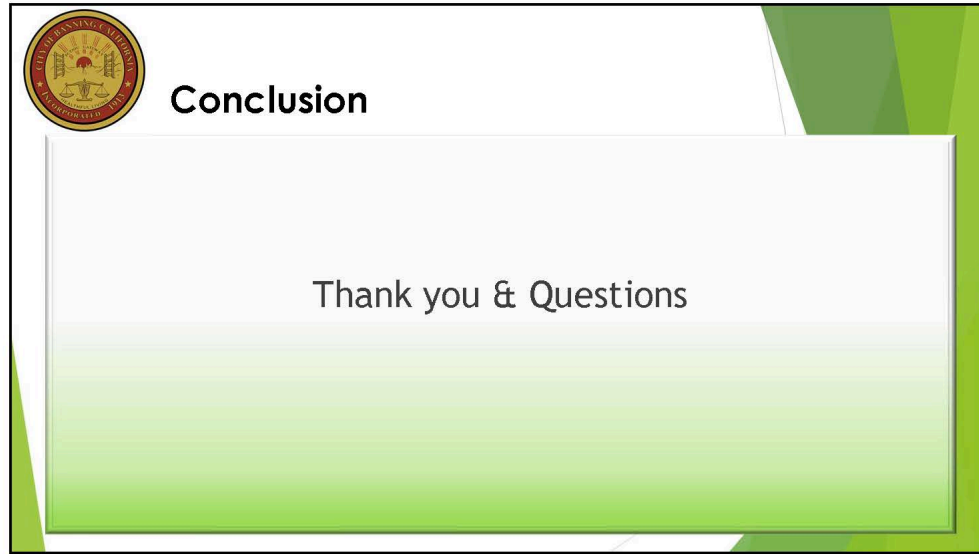


City Council Action:

- ▶ Make a determination. pursuant to Section 21080.17 of the California Environmental Quality Act (CEQA) and Section 15282(h) of the CEQA Guidelines, that Zoning Text Amendment No. 19-97506 is statutorily exempt from the requirements of CEQA because the amendment implements Government Code Section 65852.2.
- ▶ Adopt Planning Commission Resolution No. 2020-03, recommending the City Council approve Zoning Text Amendment No. 19-97506, Amending Title 17 ("Zoning") of the Banning Municipal Code (BMC) to update the City's development standards for accessory dwelling units (ADUs) and establish development standards for junior accessory dwelling units (JADUs) in compliance with Assembly Bill ("AB") 881, AB 68, AB 587, AB 670, and Senate Bill ("SB") 13, which remove barriers to the construction of ADUs and JADUs.

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ATTACHMENT 2




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Analysis

- Increases in speculative activity and investigation of land uses and zonings.
- RV storage projects typically follow increases in residential development activity.
- Staff is concerned that a sudden increase in establishment or expansion of RV storage facilities could create a public safety impact.
- Currently, no RV storage applications have been filed with the City. As such, no current entitlements will be directly impacted.

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Investigation and Report.

- During the interim ordinance, the Community Development Department will study revisions to the existing RV storage regulation to mitigate the conditions that present potential concern.
- During this term, a report back to the City Council with his or her findings and proposed revisions to current regulations necessary to implement the recommended course of action

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Effective Date & Term

- Pursuant to Government Code, this Interim Ordinance shall be adopted by not less than a four-fifths vote of the City Council and **shall be in effect for 45 days** from its adoption, unless extended.
- After notice pursuant to Government Code Section 65090 and a public hearing, **the City Council may extend the Interim Ordinance for up to an additional 10 months and 15 days** and subsequently for one year, if necessary.
- The Community Development Director and the City Clerk's office shall undertake all actions legally necessary to extend this Interim Ordinance in the event the studies and reports required by the City Council cannot be completed within 45 days.

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Environmental Determination

The City Council finds that this Interim Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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City Council Action:

- ▶ Make a determination pursuant to sections 15061(b)(3) (the activity has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) and 15378 (the activity is not a project under CEQA) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
- ▶ **Introduce for the first reading, Ordinance 1560**, adopting an Interim Ordinance of the City of Banning, California, prohibiting the establishment or expansion of RV storage facilities in all zones of the City, making a determination of exemption under the California Environmental Quality Act, and declaring the urgency thereof.

7



Conclusion

Thank you & Questions

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ATTACHMENT 3

Received 3-10-2020
SB

March 10, 2020
City of Banning
Council Meeting
Banning, CA
Good Evening,

My name is Andy Andersen. I'm the owner of 4.53 acres of land on Charles Street, APN: 543-090-0195-5. I started the construction for the Andersen RV and Equipment Facility, May 2019. I finished the rough grading January 2020.

I'm here regarding the proposed Ordinance 1560, prohibiting the establishment or expansion of RV storage facilities in all zones of the City of Banning.

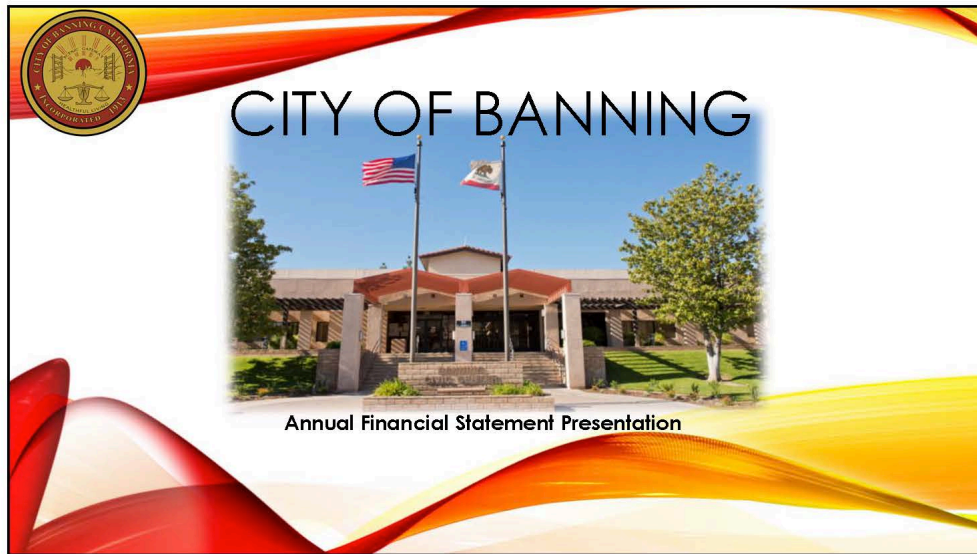
The **Analysis** notes that the City of Banning does not have any RV storage applications filed, in process, or pending any type of permit or entitlement approval.

I put in a call to Doug Schulze, the City Manager today, and he promptly returned my call, which I appreciate, he assured me that this ordinance would not apply to my project since I was vested. What I would like from the City of Banning is a letter for my file stating that, and recognizing my project is in progress.

Thank you very much,

Andy Andersen

ATTACHMENT 4

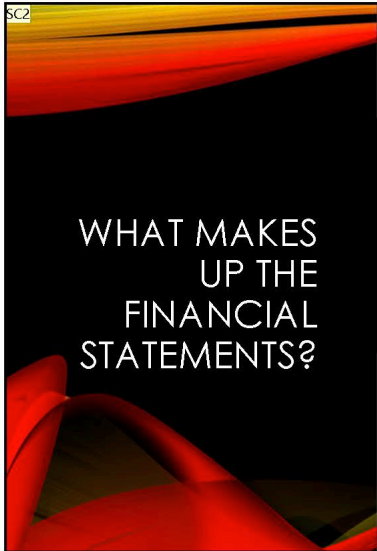


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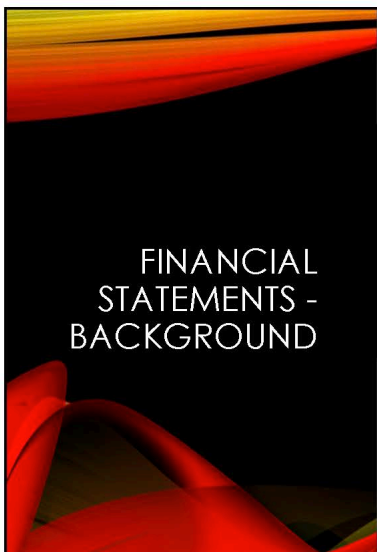
1



WHAT MAKES UP THE FINANCIAL STATEMENTS?

- Independent Auditor's Report p.1
- Management's Discussion & Analysis (MD&A) p.6
- Government-Wide Financial Statements p.23
 - Statement of Net Position
 - Statement of Activities
- Fund Financial Statements p.24
 - Balance Sheet (Presentation of Assets, Liabilities & Net Position) Governmental, Proprietary & Fiduciary Funds
 - Statement of Revenues, Expenditures & Changes in Fund Balances: Governmental, Proprietary & Fiduciary Funds
 - Cash Flow Statements Proprietary Funds
- Notes to Financial Statements include the following: p.39
 - Cash & Investments (Note 2, p. 52)
 - Long-Term Debt
 - Retirement & Other Post Employment Benefits
 - Commitments and Contingencies
 - Prior Period Adjustments (Restatements)
- Required Supplementary Information p. 80
 - Includes Changes in Net Pension Liability and related schedules (p.80-81)
 - Budgetary Comparison General Fund
 - Notes to Required Supplementary Information
- Combining and Individual Fund Statements & Schedules, p.87
 - Includes Budgetary Comparison Schedules for Special Revenue Funds and Capital Project Funds

3



FINANCIAL STATEMENTS - BACKGROUND

Contract with independent CPA Firm

Perform two audits annually

- Internal Controls – Interim Audit
- Year-end Field Work on Year-end figures

Over the years, expanded reporting requirements by GASB have increased the work effort required for the preparation of the Financial Statement.

Received an unqualified ("clean") opinion for Fiscal Year 2018-19

4



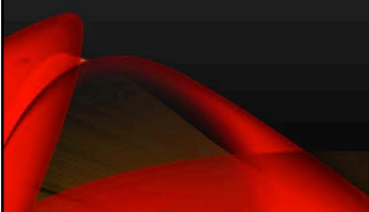
AUDITOR'S OPINION

Independent Auditor's Report (pp 1-3)

Unqualified opinion excerpt from the report:

"In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Banning, California, as of June 30, 2019, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America."

5



FINANCIAL HIGHLIGHTS

Management's Discussion and Analysis (pp 5-22)

Highlights of the City as a Whole (p.8):

- As of June 30, 2019, the City's Net Position, which is the difference between the City's assets and deferred outflows of resources versus its liabilities and deferred inflows of resources, is at \$200.77 million, an increase of \$0.36 million over June 30, 2018.
- At the close of the fiscal year, the Unrestricted portion of the Net Position, that which may be used to meet on-going obligations due to creditors, is \$50.74 million, a decrease of \$3.63 million over the prior fiscal year.
- The Net Investment in Capital Assets, another component of Net Position, was \$122.11 a decrease of \$2.55 million over June 30, 2018. The Restricted portion of the Net Position amounted to \$27.92 million, an increase of \$6.53 million over the prior fiscal year.
- GASB Statement No. 68 (Accounting and Financial Reporting for Pensions) and Statement No. 71 (Pension Transition for Contributions Made Subsequent to the Measurement Date) require that the Net Pension Liability be presented on the face of the financial statements. At June 30, 2019, the total Net Pension Liability for the City of Banning, government-wide, was \$40.09 million, an increase of \$0.01 million over the prior fiscal year. (p80-81)

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FINANCIAL STATEMENT DETAILS

Summary of Net Position (in Millions) Comparison to FY 2018
Table 1 MD&A p10

Reference Statement of Net Position p 23

	Governmental Activities		Business-Type Activities		Government-Wide Totals		% CHG
	2018	2019	2018	2019	2018	2019	
Assets:							
Current and other assets	38.74	38.44	79.40	83.85	118.22	122.29	3.4%
Capital assets	71.12	67.31	113.76	112.14	184.87	179.45	2.9%
TOTAL ASSETS	\$ 109.85	\$ 105.75	\$ 193.24	\$ 195.99	\$ 303.09	\$ 301.74	0.4%
Deferred outflows on refunding	-	-	3.13	2.94	3.13	2.94	6.1%
Deferred pension related items	7.35	5.29	2.84	2.21	10.19	7.50	26.4%
TOTAL DEFERRED OUTFLOWS	\$ 7.35	\$ 5.29	\$ 5.97	\$ 5.15	\$ 13.32	\$ 10.44	21.6%
Liabilities:							
Current and other liabilities	5.23	5.44	7.55	7.25	12.78	12.70	0.6%
Long-term liabilities*	27.85	26.73	74.02	70.97	101.87	97.70	4.1%
TOTAL LIABILITIES	\$ 33.08	\$ 32.17	\$ 81.57	\$ 78.23	\$ 114.65	\$ 110.40	3.7%
Deferred inflows on refunding	-	-	-	-	-	-	0.0%
Deferred pension related items	0.83	0.50	0.52	0.51	1.34	1.01	24.6%
TOTAL DEFERRED INFLOWS	\$ 0.83	\$ 0.50	\$ 0.52	\$ 0.51	\$ 1.34	\$ 1.01	24.6%
Net Position:							
Net investment in capital assets	70.01	66.69	54.65	55.42	124.66	122.11	2.0%
Restricted for:							
Community Development Projects	2.58	2.65	-	-	2.58	2.65	2.7%
Public Safety	0.29	0.31	-	-	0.29	0.31	6.9%
Culture and Leisure	0.04	0.04	-	-	0.04	0.04	0.0%
Transportation	3.31	3.86	-	-	3.31	3.86	16.0%
Capital Projects	8.30	8.16	6.87	6.91	15.17	15.07	0.7%
Debt Service	-	-	-	-	-	-	0.0%
SCPPA Projects	-	-	-	2.03	-	2.03	0.0%
SCPPA Project Stabilization Fund	-	-	-	3.96	-	3.96	0.0%
Unrestricted	18.23	18.44	55.80	54.08	54.37	50.74	6.7%
TOTAL NET POSITION	\$ 83.29	\$ 78.37	\$ 117.12	\$ 122.40	\$ 200.41	\$ 200.77	0.2%

7

FINANCIAL STATEMENT DETAILS

Statement of Activities (in Millions) comparison to FY 2018

	Governmental Activities		Business-Type Activities		Government-Wide Totals	
	2018	2019	2018	2019	2018	2019
Revenues:						
Program Revenues:						
Charges for Services	3.34	4.30	47.26	49.64	\$6.70	\$4.59
Operating Contributions and Grants	2.01	0.36	2.59	1.84	4.60	2.72
Capital Contributions and Grants	0.16	0.30	-	-	0.16	0.30
Subtotal Program Revenues	5.51	6.01	50.45	51.50	\$6.06	\$7.51
General Revenues:						
Property Taxes	4.76	5.22	-	-	4.76	5.22
Sales Taxes	4.19	4.47	-	-	4.19	4.47
Business Licenses Taxes	0.16	0.17	-	-	0.16	0.17
Franchise Taxes	0.87	0.90	-	-	0.87	0.90
Transient Occupancy Taxes	0.85	0.90	-	-	0.85	0.90
Other Taxes	0.54	1.20	-	-	0.54	1.20
Motor Vehicle In-Lieu	0.02	0.02	-	-	0.02	0.02
Use of Money and Property	0.74	1.13	0.64	1.59	1.38	2.72
Other	0.51	0.55	0.41	0.27	0.92	0.83
Gain on sale of capital asset	-	-	-	-	-	-
Subtotal General Revenues	12.36	16.56	1.05	1.86	13.40	16.41
TOTAL REVENUES	18.47	22.57	51.50	53.36	19.46	23.92
Expenses:						
General Government	2.46	3.12	-	-	2.46	3.12
Public Safety	15.12	15.36	-	-	15.12	15.36
Community Development	1.62	2.01	-	-	1.62	2.01
Culture and Leisure	1.44	1.41	-	-	1.44	1.41
Transportation	4.97	5.75	-	-	4.97	5.75
Interest on long-term debt	0.06	0.04	-	-	0.06	0.04
Airport	-	-	0.59	0.55	0.59	0.55
Traffic	-	-	1.87	2.32	1.87	2.32
Electric Utility	-	-	22.72	21.02	22.72	21.02
BWA Water	-	-	8.14	8.32	8.14	8.32
BWA Wastewater	-	-	2.94	3.50	2.94	3.50
Refuse	-	-	3.51	4.48	3.51	4.48
TOTAL EXPENSES	23.67	26.11	49.53	49.59	73.27	76.10
Increase/(Decrease) in Net Position Before Transfers and Special Items	(5.21)	(5.59)	1.97	3.38	(3.30)	(1.17)
Transfers	0.72	0.94	(0.72)	(0.61)	-	-
Increase/(Decrease) in Net Position	(4.49)	(4.39)	1.25	2.74	(3.30)	(1.17)
Net Position at Beginning of Year	87.77	85.29	115.24	117.11	203.71	204.41
Restatement of Net Position	-	-	-	2.54	-	2.54
Net Position at End of Year	83.29	78.37	117.12	122.40	200.41	204.77

Table 2 MD&A p11
Reference Statement of Activities pp 24-25

8

4



SIGNIFICANT MATTERS

Restatements for FY2019 (Note 18, p. 79)

- From May 2014 to May 2016, the Electric Fund overcharged the Banning Utility Water Fund on six electrical utility accounts. Total overstatement of Banning Electric revenues of \$1,276,936 and understatement on the Banning Water Utility, restated in fiscal year 2019.
- Over billing from SCPPA for various projects with the joint powers authority which used as a credit towards current year projects. Prior years accumulated over billings were \$202,898 and \$1,561,705 specifically for San Juan Unit 3 project. Adjustments were made to reflect these restatements.
- City transferred \$773,322 from prior year over billings to the SCPPA Project Stabilization Fund, which was incorrectly recorded as an expense. This was corrected to show the proper investment help by SCPPA for the City in the Project Stabilization Fund.

9



SPOTLIGHT – ELECTRIC UTILITY

Proprietary Fund
aka Enterprise
Fund or Business-
Type

Charges fees for
goods or services
as opposed to
taxes

Accounting and
reporting is similar
to that used in
private sector

Primary
customers are
external to
government

Conditions
requiring use of
resources






Type of fund is
often used for
Utilities

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SPOTLIGHT – ELECTRIC UTILITY

Electric Utility Funds:

-  Electric Operations (670) including Generation – tracks the revenues and costs to provide the reliable and safe distribution of electricity to residents and business in the City of Banning. The department contracts with both public and private entities for the provisions of specialized services
-  Rate Stability (672) – accumulated funds are used to offset operation costs to help mitigate the need for rate increases. There is a minimum reserve of 20% required per the available fund balance reserve policy
-  Electric Improvement (673) – financial tracking and accounting of the Electric Utility capital projects that are funded from the Electric Operations fund. Purpose is to provide a clear financial separation between operational and maintenance work, and capital projects
-  Electric Bond Project (674) – Banning Financial Authority was created in 2003 for the purpose of providing financing for the acquisition or construction of public capital improvements. This fund tracks the revenue bond proceeds set aside for certain improvements to the Electric System. Debt Service (678) – tracks the debt service payments and costs.
-  Public Benefits Fund (675) – The California electric restructuring legislation, Assembly Bill 1890, requires publicly owned utilities to maintain a usage based Public Benefits Charge to be used for Public Benefits Programs. This fund tracks these charges and programs.

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SPOTLIGHT – ELECTRIC UTILITY

Statement of Net Position June 30, 2019 p. 30

Electric Utility		Liabilities, Deferred Inflow of Resources and Net Position:	
Assets:		Liabilities:	
Current:		Current:	
Pooled cash and investments	\$ 10,487,003	Accounts payable	\$ 1,080,404
Receivables:		Accrued liabilities	171,403
Accounts, net	4,765,922	Accrued interest	105,952
Loans	4,935	Unearned revenues	-
Interest	185,100	Deposits payable	403,856
Prepaid costs	1,597,859	Compensated absences	287,356
Deposits	113,744	Claims and judgments	-
Due from other governments	-	Bonds, notes, and capital leases	1,150,000
Inventories	2,310,406	Total Current Liabilities	3,778,781
Restricted:		Noncurrent:	
Cash and investments	2,279,429	Net Pension Liability	7,877,728
Cash with fiscal agent	2,785,087	Compensated absences	107,570
Investment in SCPPA Project Stabilization Fund	2,367,820	Claims and judgments	-
Total Current Assets	36,163,384	Bonds, notes, and capital leases	29,850,953
Noncurrent:		Total Noncurrent Liabilities	36,836,081
Advances to other funds	394,118	Total Liabilities	40,614,872
Capital assets - net of accumulated depreciation	48,858,603	Deferred Inflows of Resources:	
Total Noncurrent Assets	49,252,721	Deferred person related items	222,472
Total Assets	85,386,105	Total Deferred Inflows of Resources	222,472
Deferred Outflows of Resources:		Net Position:	
Deferred charge on refunding	2,117,290	Net investment in capital assets	20,025,200
Deferred person related items	1,197,021	Restricted for capital projects	2,788,287
Total Deferred Outflows of Resources	3,304,321	Restricted for debt service	-
Total Assets and Deferred Outflows of Resources	\$ 88,679,426	Restricted for SCPPA Projects	2,031,133
		Restricted for SCPPA Stabilization Fund	3,662,458
		Unrestricted	18,126,204
		Total Net Position	47,853,082
		Total Liabilities, Deferred Inflows of Resources, and Net Position	\$ 88,679,426

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SPOTLIGHT – ELECTRIC UTILITY

Statement of Revenue, Expenses and Change in Fund Net Position Year Ended June 30, 2019 p. 32

Operating Revenues:	Electric Utility	Nonoperating Revenues (Expenses):	
Sales and service charges	\$ 31,485,295	Intergovernmental	13,515
Miscellaneous	158,171	Interest revenue and change in fair value of investments	645,906
		Interest expense	(1,289,017)
		Gain (loss) on disposal of capital assets	(92,738)
Total Operating Revenues	31,643,466	Total Nonoperating Revenues (Expenses)	(722,334)
Operating Expenses:		Income (Loss) Before Transfers	1,762,552
Salaries and benefits	5,337,456	Transfers in	-
Supplies and services	5,541,309	Transfers out	-
Repairs and maintenance	32,838		
Street lighting costs	144,287	Changes in Net Position	1,762,552
Power purchased	16,753,417		
Bad debt expense	65,291	Net Position:	
Insurance premiums	-	Beginning of Year, as previously reported	44,809,541
Depreciation expense	1,283,982	Restatements	1,260,989
Total Operating Expenses	29,158,580	Beginning of Fiscal Year, as restated	46,070,530
Operating Income (Loss)	2,484,886 ★★	End of Fiscal Year	\$ 47,833,082 ★

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SPOTLIGHT – ELECTRIC UTILITY

Statement of Cash Flows Year Ended June 30, 2019 p.34

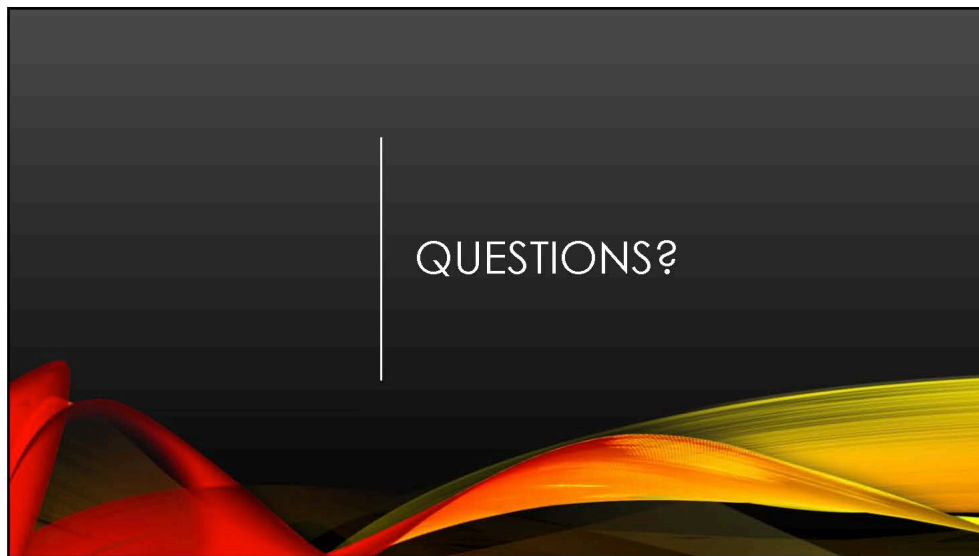
Cash Flows from Operating Activities:	Electric Utility	Cash and Cash Equivalents at Beginning of Year	27,227,704
Cash received from customers and users	\$ 31,240,878	Cash and Cash Equivalents at End of Year	\$ 24,534,519
Cash received from interfund services provided	158,171	Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities:	
Cash paid to suppliers for goods and services	(23,235,878)	Operating income (loss)	\$ 2,484,886 ★★
Cash paid to employees for services	(4,839,556)	Adjustments to Reconcile Operating Income (loss)	
Cash received from others	-	Net Cash Provided (used) by Operating Activities:	
Net Cash Provided (Used) by Operating Activities	3,323,410 ★	Depreciation	1,283,982
Cash Flows from Non-Capital Financing Activities:		Bad debt expense	65,291
Cash transfers in	-	(Increase) decrease in accounts receivable	(211,837)
Cash transfers out	-	(Increase) decrease in deposits receivable	(2,352)
Intergovernmental	13,515	(Increase) decrease in due from other governments	-
Cash received (paid to) other enterprise funds	(1,278,635)	(Increase) decrease in prepaid expense	(124,111)
Net Cash Provided (Used) by Non-Capital Financing Activities	(1,265,120)	(Increase) decrease in inventories	4,045
Cash Flows from Capital and Related Financing Activities:		Increase (decrease) in accounts payable	(941,009)
Acquisition and construction of capital assets	(1,336,495)	Increase (decrease) in accrued liabilities	42,412
Principal paid on capital debt	(1,005,000)	Increase (decrease) in deposits payable	(32,782)
Interest paid on capital debt	(1,304,711)	Increase (decrease) in unearned revenue	-
Proceeds from sales of capital assets	-	Increase (decrease) in employee salary/benefit obligations	384,853
Net Cash Provided (Used) by Capital and Related Financing Activities	(3,729,176)	Increase (decrease) in claims and judgments	-
Cash Flows from Investing Activities:		Increase (decrease) in compensated absences	70,632
Collections of repayment on loan receivables	(3,923)	Total Adjustments	838,524
Issuance of notes and loans receivable	-	Net Cash Provided (Used) by Operating Activities	\$ 3,323,410 ★
Payments made to SCPPA Project Stabilization Fund	(1,504,568)	Non-Cash Investing, Capital, and Financing Activities:	
Interest received	584,423	Amortization of Unamortized Premiums/Discounts	\$ 152,817
Net Cash Provided (Used) by Investing Activities	(1,013,968)	Amortization of Gain/Loss on Deleverance	(117,627)
Net Increase (Decrease) in Cash and Cash Equivalents	(2,695,185)		

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ATTACHMENT 5



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Our Team

- Developer- Sudweeks Development and Investment Company (SDIC);
- Contractor- Sudweeks Construction. (SC);
- Architect- Pings & Associates (Pings);
- Property Management Team- Coldwell Banker Commercial (CBC).

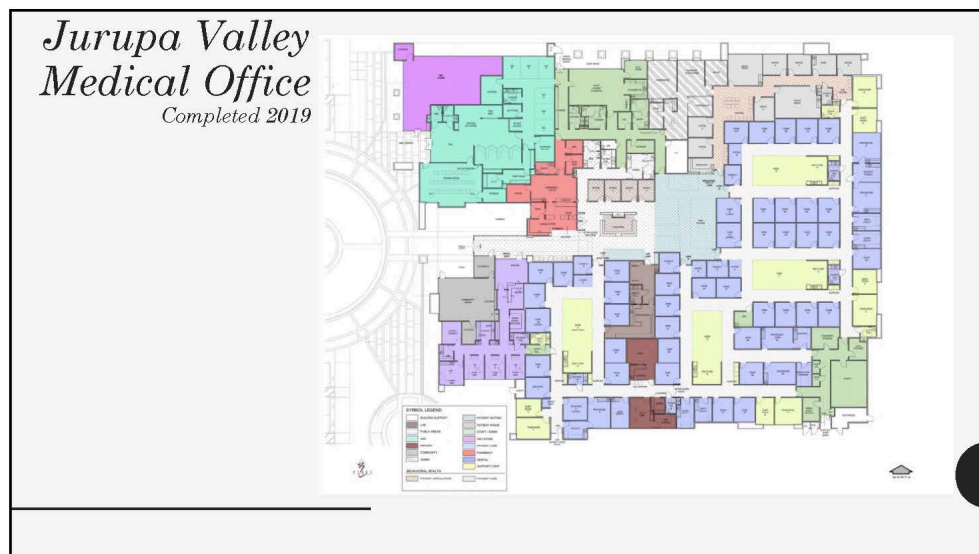
We are passionate about building a project that will provide the underserved Banning community with much needed medical services and will enable the City to enhance its mission and growth objectives. If selected we will bring our passion for creating attractive and functional developments to the Banning Community and build a mixed-use project including; a state of the medical office project, along-side a downtown town-center, while utilizing the knowledge and expertise of industry experts.

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RAMSEY & LIVINGSTON

5.5 Gross Acres – 4 Net Acres

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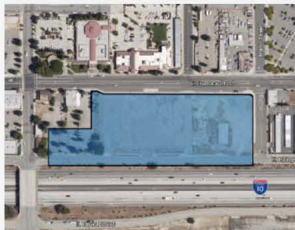
Site Information

ADDRESS (PROPOSED)
E. Livingston Street Banning, CA

TOTAL LAND AREA
±5.5 Gross Acres ±4 Net Acres

ZONING
Downtown Commercial

PERMITTED USES
Restaurants, Professional Offices



6

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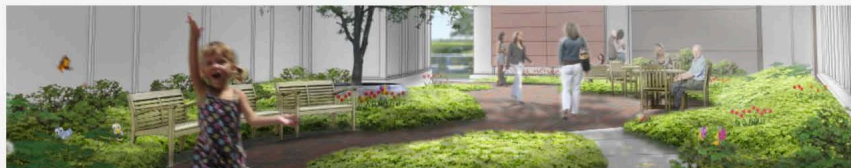
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Healing and Therapy Gardens



HEALING GARDEN

To give a welcoming and comforting refuge, this project has included a healing garden. This is an open and inviting space for both patients and their families. This also serves as an offload area.

Collectively, this integrated setting is in a natural landscape enclave, providing a peaceful refuge accented with screen walls and benches.



THERAPY GARDEN

To provide clinicians with an alternate therapeutic environment, we have provided this therapy garden. This is a secure space, separated from the surrounding area.

Pediatric patients are often not comfortable in the office-based environment.

This landscaped garden environment may be helpful for select patients

This is a large yet personalized area that is emotionally and physically separated from any outside intrusions.

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Project Benefits

- The Medical Facility will bring much needed health care services to the City of Banning in a state-of-the-art facility.
 - Hundreds of Patrons per day will visit the facility.
- The project will create hundreds of jobs. Including; Doctors, Nurses, Pharmacists, Lab Tech's, Medical Assistants, Phycologists, Psychiatrists, Dentists, Radiologists, Chefs, Waiters / Waitresses, Construction Workers and much more.
- The project will create a Downtown Plaza area to bring the community together for local events.
 - An Art Plaza area will give the project a creative and unique design with Custom Made Art.
- New Restaurants will be targeted and incentivized to come to Downtown Banning.
- Tens of Millions of Dollars will be invested in the Downtown Banning Area.

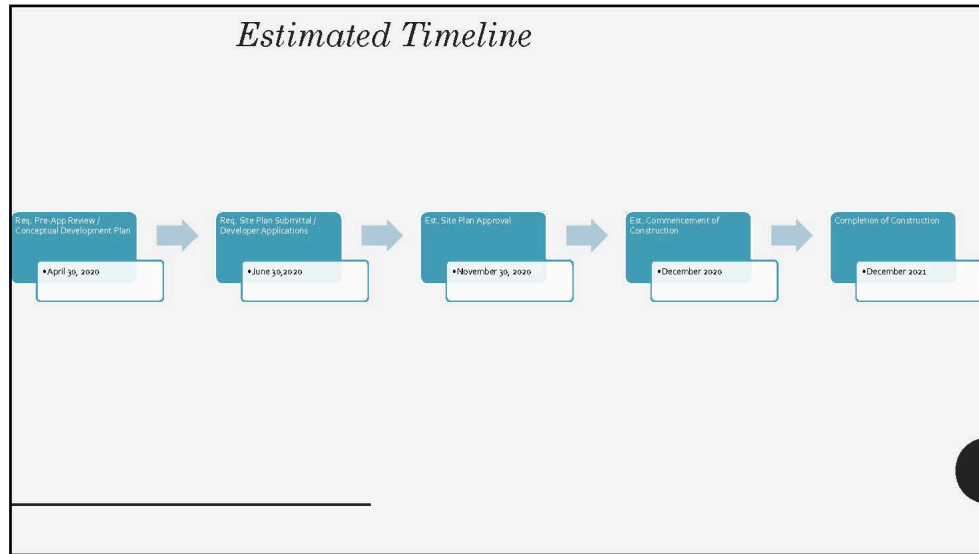
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TIMELINE

Design to Completion

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ATTACHMENT 6

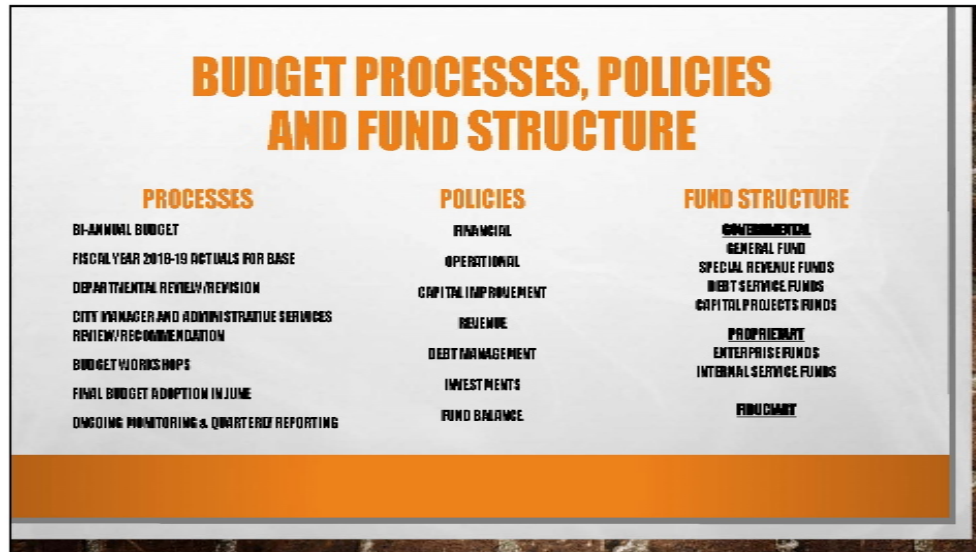


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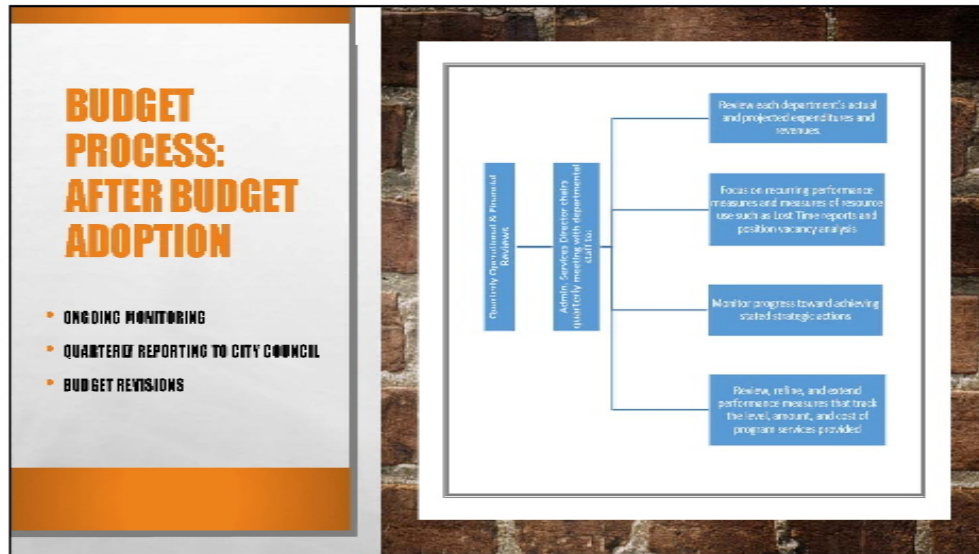


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3

BUDGET POLICIES: FINANCIAL

- ACCOUNTABILITY/TRANSPARENCY
- BALANCED BUDGET/FISCAL STABILITY
- FULL COST RECOVERY
- IDENTIFICATION/MITIGATION OF FUTURE RISKS
- ALLOCATION OF GENERAL FUND RESOURCES
- SERVICE LEVELS IMPACTS
- CAPITAL AND INFRASTRUCTURE
- EMPLOYEE RETENTION

7

BUDGET POLICIES: OPERATIONAL

- BUDGETARY CONTROL SYSTEMS
- PERFORMANCE MEASURES
- MONITORING

8

4

BUDGET POLICIES: CAPITAL IMPROVEMENT

- COSTS ASSIGNED TO USERS: FEES, CHARGES, ASSESSMENTS AND DEVELOPER AGREEMENTS
- FULL LIFE COSTS
- PAY-GO VS. BORROWING
- MATCHING
- INTER-GENERATIONAL EQUITY
- SEE ALSO, DEBT MANAGEMENT POLICY

9

BUDGET POLICIES: REVENUES

DIVERSIFICATION OF REVENUES

- FEDERAL & STATE FUNDING
- GRANTS

ONE TIME VS. ONGOING

- ONE-TIME NATURE OF DEVELOPMENT IMPACT FEES
- MATCHING

FULL COST RECOVERY

- DIRECT AND INDIRECT COSTS
- MASTER FEE SCHEDULE/ELECTRIC COST STUDY/COST ALLOCATION PLAN

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BUDGET POLICIES: FUND BALANCE AND RESERVES

TYPES OF BUDGETARY FUNDS

- GENERAL FUND
- SPECIAL REVENUE FUNDS
- CAPITAL IMPROVEMENT FUNDS
- ENTERPRISE FUNDS
- INTERNAL SERVICE FUNDS

FUND BALANCE/RESERVES

EMERGENCY/CONTINGENCY

DATE STABILIZATION

11

FUND STRUCTURE

**GOVERNMENTAL: FUNDS GENERALLY
USED TO REPORT TAX SUPPORTED
ACTIVITIES**

**PROPRIETARY: FOCUS ON OPERATING
INCOME, COST RECOVERY, FINANCIAL
POSITION AND CASH FLOWS**

**FIDUCIARY: ASSETS HELD FOR
OTHERS**

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QUESTIONS?

13



RECOMMENDATION:

**THAT THE CITY COUNCIL ADOPT THE PROPOSED BUDGETARY PROCESSES,
POLICIES AND FUND STRUCTURE FOR THE FISCAL YEARS ENDING 2021
AND 2022 BUDGET FOR THE CITY OF BANNING.**

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: March 24, 2020

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of February 2020

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **February 29, 2020**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	172642 - 173129	\$ 2,780,250.14	
Voided / Reissue Check		\$ 382.66	
Check Total			\$ 2,779,867.48
Wires Total	1023 - 1025		\$ 1,391,876.75
ACH payments:	9006623 - 9006654		
Payroll Direct Deposit 2/14/2020		\$ 377,237.19	
Payroll Direct Deposit 2/28/2020		\$ 363,816.00	
Other Payments		\$ 685,655.50	
ACH Total			\$ 1,426,708.69
Payroll Checks:	12025 - 12044		
Payroll - Regular 2/14/2020		\$ 2,294.51	
Payroll - Regular 2/28/2020		\$ 2,183.42	
Manual Checks 2/3/2020		\$ 8,777.51	
Manual Checks 2/14/2020		\$ 3,801.88	
Payroll Check Total			\$ 17,057.32
Total Warrants Issued for February 2020			\$ 5,615,510.24

ATTACHMENTS:

1. Fund List
https://banningca.gov/DocumentCenter/View/7105/Attachment-1---Fund_List
2. Warrant Report February 2020
<https://banningca.gov/DocumentCenter/View/7106/Attachment-2---February-2020-Warrant-Report>
3. Warrant Report Detail February 2020
<https://banningca.gov/DocumentCenter/View/7107/Attachment-3---February-2020-Warrant-Report-Detail>
4. Voided Check Log, Payroll Log & Registers – February 2020
<https://banningca.gov/DocumentCenter/View/7108/Attachment-4---Void-and-Payroll-logs-and-Payroll-registers>

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

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Deputy Finance Director

MEETING DATE: March 24, 2020

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of February 2020

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **February 29, 2020** 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 \$	9,987,883.01 \$	12,548,861.88
Investments			
	LAIF \$	42,152,611.15 \$	42,152,611.15
	Brokerage \$	27,251,071.57 \$	27,294,426.23
Total Funds Under Control of the City		\$ 79,395,720.73	\$ 82,000,054.26
Funds Under Control of Fiscal Agents			
US Bank			
	Restricted Bond Project Accounts \$	14,782,678.97 \$	14,790,781.91
	Restricted Bond Accounts \$	4,820,346.57 \$	4,820,370.24
Union Bank & SCPPA			
	Restricted Funds \$	4,419,236.89 \$	4,421,685.61
Total Funds Under Control of Fiscal Agents		\$ 24,022,262.43	\$ 24,032,837.76
Total Funds		\$ 103,417,983.16	\$ 106,032,892.02

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 103,417,983.16	\$ 106,032,892.02
Restricted Funds	41,507,387.62	\$ 42,735,620.16
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 Reserve	\$ 69,175,202.99	\$ 70,403,435.53
Operating Cash - Unrestricted Reserves	\$ 34,242,780.17	\$ 35,629,456.49
Less Accounts held in Investments	\$ 27,251,071.57	\$ 27,294,426.23
Liquid Cash	\$ 6,991,708.60	\$ 8,335,030.26

ATTACHMENTS:

1. Cash, Investment and Reserve Report February 2020
<https://banningca.gov/DocumentCenter/View/7116/Attachment-1---Cash-Investment-and-Reserve-Report-February-2020>
2. Investment Report February 2020
<https://banningca.gov/DocumentCenter/View/7117/Attachment-2---Investment-Report-February-2020>
3. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/7118/Attachment-3---PMIA-LAIF_perform-February-2020

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

Approved by:



Douglas Schulze
City Manager

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS (CIP) TRACKING SHEET

Category	Project #	Project Name	Phase	% Completed	Tasks Completed	Current Tasks	Future Tasks	Tentative Completion Date	Project Budget
Streets	2014-03	Hargrave/Ramsey Street Intersection	Design	99%	PS& E are 100% complete. Right of way documents accepted by Council and recorded by County. Water Main Replacement Plan completed. SCE has completed their design and has submitted a relocation agreement	Waiting on SCE to acquire easement certificate.Applied for Caltrans Encroachment Permit. Working on Scope Reduction After Bid Opening.	Council Award of Contract.	3/20/20	\$ 79,920
Streets	2016-11	Hathaway/Ramsey Street Intersection	Design	95%	Design is under final review."Intent to Appraise" letters sent to property owners. Appraisals are complete. Several right of ways have been acquired.	Revision of Plans to Eliminate need for certain Right-of-Way Acquisition.	Approve Revised Plans. Bid Project.	6/1/20	\$ 254,512
Streets	ATPL-5214(012)	ATP Bicycle/Pedestrians Safe Routes to School	Construction	100%	Project awarded on 4/23/19. PO issued and project kicked off. Construction is complete.	Final punch list items. Final invoice from contractor. Working on invoicing Caltrans for reimbursement. Project acceptance/approval by City Council.	Notice of Completion recorded. Project closeout and final reimbursement request submittal.	11/15/19	\$ 875,000
Streets	STPL 5214 (011)	Ramsey Street, from Hargrave St. to west of Hathaway St.	Construction	100%	Project completed.	Project Completed. Caltrans Audit late January.	Caltrans Audit, Notice of Completion.	1/31/20	\$ 262,900
Streets	2019-05	Street Rehabilitation at Various Locations	PS&E, Construction	50%	Completed PS&E and Bid Documents, bid opening and award complete.	Project currently under construction		4/15/20	\$ 1,500,000
Streets		Sun Lakes Blvd Extension	General Plan Amendment (IS/MND)	10%	Contract awarded, purchase order issued and project kicked off.	Processing purchase order	Project kick off		\$ 74,345
Streets	2020-04	Sun Lakes Blvd Extension	Design	5%	Scope of work	RFP sent to potential bidders for design services.	Evaluate Proposals and Award Contract.	12/30/20	\$ 1,000,000
Parks	2017-03	Lions Park Multi Purpose Fields	Design	100%	SWPPP, WQMP and Project Plans & Technical Specifications completed. Submitted a Statewide Park Development and Community Revitalization Program grant. Grant awards are expected to be announced December. 2019.	Expecting grant award by end of 2/2020		-	\$ 77,798
Water	2018-02W	New Domestic Water Well C8	Design	15%	Evaluation of Water Resources in Cabazon Storage Unit; Technical Memo; Amendment to Complete a Well Siting Study; Reviewed Well Siting Study	Selection of new Well C8 site.	Continue Design	6/30/20	\$ 671,296
Water	2018-07W	Altitude Valve for Southwest Reservoir	Construction	90%	Installation of Vault and Cla-Val	Backfill, electrical wiring, paving	Cla-Val calibration, acceptance testing, project closeout.	3/31/20	\$ 175,000
Water	2018-08W	Advanced Metering Infrastructure (AMI) Water Meter Conversion	Installation	15%	Pilot study completed. Obtained P.O.'s.. First batch of meters delivered. Installed collectors (communications equipment). Staff Training. Development of Workflows. 800 meters installed to date.	Website and Outreach Materials. Meter replacements.	Billing System Integration. Ongoing meter replacements.	12/31/21	\$ 2,164,077
Water	2019-01W	Pelton Wheel and Well Repairs	Construction	95%	Removal of Equipment at Wells M4, M5, M8. Brushing and bailing of Well 9; sonar-jetting of Well 9; Well 9 pump break-down and inspection; Re-installation of Well 9 pump; Well MP-1 Repairs. Inspection of Pelton Wheel. Repairs to Pelton Wheel. Brush and bail Well 4 casing.	Re-install and test Pelton Wheel	Project closeout.	3/31/20	\$ 179,885
Water	2020-01W	Tank Inspection and Cleaning	Bidding	60%	Notice Inviting Bids, IFB, Specs completed.	Bid Advertisement (2/11/20)	Pre-Bid Meeting 2/24; Final Questions due 3/4; Bid Opening 3/18 @ 2:00 pm.	6/30/20	\$ 100,000
Wastewater	2018-03WW	Nitrogen Removal Feasibility Study	Planning	85%	Evaluation of Treatment Technologies. Workshop provided to City Council and public. Condition Assessment of Existing Plant. Draft report of impacts to groundwater.	Finalize groundwater impacts report. Begin Salt and Nutrient Management Plan	Complete Salt and Nutrient Management Plan. Meet with Regional Board to discuss various reports.	6/30/20	\$ 351,669
Wastewater	2020-01WW	Headworks Bar Screen	Design	95%	Kickoff Meeting; Preliminary Specs.	Project Bidding	Bids due 2/26/20	7/31/20	\$ 350,000
Wastewater	2019-04WW	Iron Sponge Media Replacement	Construction	99%	Pre-Con (Kickoff) Meeting; Mobilization; Removal and Stabilization of Existing Media; Inspection of Interior Coating of Vessels, Welding of Bottom Plate. Re-painting the interior of vessels, replacement of media. Notice of Completion.	Release of Retention.	Project closeout.	3/15/20	\$ 40,437
Wastewater		WWTP Equalization Basin	Design	5%	Site Investigation	Developing Scope of Work	RFP for Design	5/30/20	\$ 40,437
Buildings	2020-02	ADA Improvements Senior Center	Design	90%	Reviewed plans	Plan review by building and safety. Bid Documents	Approve plans and specs; Put it out to bid		\$ 150,000
Buildings	2019-07	Design of Demolition and Parking Lot Improvements on San Gorgonio Avenue	Design	90%	Kickoff meeting, topo and boundary survey, county record research and parking lot layout concepts. Property record search for parcel merger, continue with desian in preparation for first submittal. Utilitv research.	3rd plan submittal.	Complete Final PS&E and Bid Documents.	3/1/20	\$ 59,960

PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS (CIP) - FUNDED BY PARDEE, ELIGIBLE FOR DIF CREDITS

Category	Project #	Project	Phase	% Completed	Tasks Completed	Current Tasks	Future Tasks	Tentative Completion Date	Project Budget
Non-potable		Well NP-1	Design	45%	Conceptual Design; Well Rehab; Capacity Recommendation; Pipeline 100% Design, Site Layout Drawing; Removable Roof Design	30% Design for Well Equipping	60% Design for Well; 90% Design for Well; 100% PS&E; Environmental; Bid	6/30/20	DIF Credits, TBD
Non-potable		Irrigation Pipeline Phase 1 Segments B, D1 and D2	Redesign and Permitting	75%	Kickoff Meeting; Obtained Encroachment Permit from Caltrans; Re-design of Segment C (renamed Segment D due to new alignment); Survey; 90% Design	100% Design	Finalize PS&E. Construction Bid	3/31/20	DIF Credits, TBD
Non-potable		Non-potable Reservoir at WWTP	Design	15%	Kickoff Meeting; Reservoir Sizing Calculations	Preliminary Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Non-potable		Recycled Water Booster Station at WWTP	Design	10%	Kickoff Meeting; Conceptual Design; Verification of Lions Park peak demands	Preliminary Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Non-potable		Booster Station on Lincoln	Design	10%	Kickoff Meeting; Conceptual Design; Verification of expected operating pressures and demands	Preliminary Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	12/31/20	DIF Credits, TBD
Water		Brinton Booster Station	Design	10%	Kickoff Meeting; Conceptual Design	Required Capacity Analysis; Preliminary Design	30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Water / Non-potable		Meadowline Way Interconnect Building	Design	15%	Kickoff Meeting; Conceptual Design; Site Layout	Adjustments to Site Layout	Preliminary Design; 30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Water		Foothill West Reservoir	Design	10%	Kickoff Meeting	Reservoir Sizing & Configuration; Schedule; Hydraulic Modeling	Conceptual Design; 30% Design; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Wastewater		Ramsey Lift Station	Design	10%	Kickoff Meeting; Conceptual Design	Site Acquisition; 30% Design	CEQA, Site Acquisition; 60% Design; 90% Design; 100% PS&E; Environmental; Construction Bid	6/30/20	DIF Credits, TBD
Water		Well C4 Generator	Purchase & Construction	25%	Kickoff Meeting; Specifications and Site Layout; Pre-Purchase of Generator	60% Site Design, Specifications	90% Design; 100% PS&E; Construction Bid; Installation	12/31/20	DIF Credits, TBD
Wastewater		New Pump at Westward Lift Station	Purchase & Installation	100%	Kickoff Meeting; Preliminary Specs; Finalized Specs; Bid the Project; Pump Submittals; Replaced Pump No. 3 with a new one; acceptance testing	project closeout	credit agreement	1/31/20	DIF Credits, \$51,436 construction
Wastewater		Atwell Offsite Sewer Trunk Mains and Force Main	Design	15%	Kickoff Meeting; Sewer Flow Monitoring; CCTV Video Inspection; Wilson Street Sewer Design	Finalize Alignment from Wilson St & Highland Home Rd to new Lift Station location at Diamond Hills Auto Dealer	Ramsey Street Force Main and Gravity Main Design; Preliminary Design for New Sewer Trunk Mains and Force Main; 60% Design; 90% Design; 100% PS&E; Construction Bid	6/30/20	DIF Credits, TBD



**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: March 24, 2020

SUBJECT: Police Department Statistics for February 2020

RECOMMENDED ACTION:

Receive and File February 2020 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. February 2020 Statistics
<https://banningca.gov/DocumentCenter/View/7078/February-2020>

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: Todd Hopkins, Division Chief
Laurie Sampson, Executive Assistant

MEETING DATE: March 24, 2020

SUBJECT: Receive and File Fire Department Statistics for February 2020

RECOMMENDED ACTION:

Receive and file Fire Department statistics for February 2020.

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 February 2020
<https://banningca.gov/DocumentCenter/View/7079/Fire-Department-Stats-February-2020>

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: Laurie Sampson, Executive Assistant

MEETING DATE: March 24, 2020

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month February 2020

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority for the Month of February 2020.

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 February 2020
<https://banningca.gov/DocumentCenter/View/7080/February-2020-CM-Authorized-Contracts>

Approved by:

Douglas Schulze
City Manager

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ORDINANCE NO. 1559

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING TITLE 17 ("ZONING") OF THE BANNING MUNICIPAL CODE TO UPDATE THE CITY'S DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND ESTABLISH DEVELOPMENT STANDARDS FOR JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW, AND MAKING A DETERMINATION OF STATUTORY EXEMPTION UNDER CEQA SECTION 21080.17 AND CEQA GUIDELINES SECTION 15282(H)

The City Council of the City of Banning does hereby ordain as follows:

Section 1. The City Council makes the following findings in connection with the adoption of this Ordinance:

A. Section 17.116.010 ("Purpose") of the Banning Municipal Code ("BMC") provides that the City Council may amend the provisions of this Zoning Ordinance (BMC Title 17) for the public health, environmental protection, safety, general welfare and the aesthetic harmony of the City.

B. BMC Section 17.116.020 further provides that amendments to the Zoning Ordinance may be proposed by the Community Development Director, the City Attorney, members of the Planning Commission or City Council, and any land owner or his or her agent.

C. The California state legislature enacted multiple bills (Assembly Bill ("AB") 881, AB 68, AB 587, AB 670, and Senate Bill ("SB") 13) in an effort to reduce the barriers on the permitting and construction of accessory dwelling units (ADUs), which includes both attached and detached ADUs, as well as, junior accessory dwelling units (JADUs).

D. The BMC is inconsistent with recent state legislation concerning ADUs and JADUs, and the City is obligated to bring BMC Title 17 into conformity with AB 881, AB 68, AB 587, AB 670, and SB 13.

E. On January 2, 2020, the Community Development Director initiated Zoning Text Amendment No. 19-97506 to amend the Zoning Ordinance to update the City's development standards for ADUs and establish development standards for JADUs in compliance with AB 881, AB 68, AB 587, AB 670, and SB 13, which remove barriers to the construction of ADUs and JADUs.

F. In accordance with BMC Chapter 17.68 ("Hearings and Appeals") and Government Code Sections 65090 and 65091, on January 3, 2020, the City gave public notice, by advertisement in the Record Gazette, a newspaper of general circulation within the City of Banning, of a public hearing at which the proposed Zoning Text Amendment would be considered.

G. On January 15, 2020, the Planning Commission held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment No. 19-97506, and following receipt of testimony, continued the public hearing and item to February 5, 2020, in accordance with the recommendation of the Community Development Director.

H. On February 5, 2020, the Planning Commission held a duly noticed continued public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment No. 19-97506 and, after the close of the hearing, adopted Resolution No. 2020-03, recommending that the City Council adopt proposed Zoning Text Amendment No. 19-97506, amending Title 17 (“Zoning”) of the BMC to update the City’s development standards for ADUs and establish development standards for JADUs consistent with state law.

I. In accordance with BMC Chapter 17.68 (“Hearings and Appeals”) and Government Code Sections 65090, on February 28, 2020, the City gave public notice, by advertisement in the Record Gazette, a newspaper of general circulation within the City of Banning, of a public hearing at which the proposed Zoning Text Amendment would be considered.

J. On March 10, 2020, the City Council held a duly noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to proposed Zoning Text Amendment No. 19-97506.

K. All other prerequisites to the adoption of this Ordinance have been satisfied.

Section 2. The City Council makes the following California Environmental Quality Act findings in connection with the adoption of this Ordinance:

A. California Environmental Quality Act (CEQA). Planning Division staff have determined that the proposed Zoning Text Amendment No. 19-97506 (the “Project”) is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which provide that the adoption of an ordinance regarding ADUs by a city to implement Government Code Section 65852.2 is statutorily exempt from CEQA. The City Council has reviewed staff’s determinations of exemption from CEQA and, based on its own independent judgment, concurs with staff’s determination of exemption.

B. Multi-Species Habitat Conservation Plan (MSHCP). The proposed Zoning Text Amendment does not relate to any one physical project and are not subject to the MSHCP.

Section 3. The City Council hereby finds the following in accordance with BMC Section 17.116.050:

A. The Proposed Amendment is Consistent with the Goals and Policies of the General Plan. The proposed Zoning Text Amendment No. 19-97506 is consistent with the following goals and policies of the General Plan:

Findings of Fact: The proposed Zoning Text Amendment No. 19-97506 is consistent with the goals and policies of the General Plan.

The residential goals of the General Plan encourage the preservation and enhancement of the City's neighborhoods with a broad range of housing types to fill the needs of future residents.

It is a stated policy (Residential Policy 1) that the City's General Plan shall provide for a range of housing densities while considering land use compatibility.

Policy 6 of the General Plan Community Development Element incorporates a need for creative and flexible design standards for residential projects, including clustered housing units.

As such, the proposed amendment is consistent with the stated goals, programs, and policies of the General Plan.

B. The Proposed Amendment is Internally Consistent with the Zoning Ordinance.

Findings of Fact: The proposed Zoning Text Amendment No. 19-97506 is internally consistent with the Zoning Ordinance.

The proposed Zoning Text Amendment is consistent with the purpose and objective of the Zoning Ordinance (Title 17) to ensure orderly development of uses and lands within the City to protect the public health, safety, and welfare. With the approval of proposed Zoning Text Amendment No. 19-97506, the amendment will be internally consistent with the Zoning Ordinance and California State Law regarding ADUs and JADUs.

C. The City Council has Independently Reviewed and Considered the Requirements of the California Environmental Quality Act.

Findings of Fact: Planning Division staff have determined that the proposed Zoning Text Amendment No. 19-97506 (the "Project") is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA Guidelines pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which provide that the adoption of an ordinance regarding ADUs by a city to implement Government Code Section 65852.2 is statutorily exempt from CEQA. The City Council has reviewed staff's determinations of exemption from CEQA and, based on its own

independent judgment, concurred with staff's determination of exemption in Section 2.A. of this Ordinance.

Section 4. The definition of "Accessory Dwelling Unit/Second Unit" in Section 17.04.070 ("Definitions") of Chapter 17.04 ("Basic Provisions") of Division I ("General Provisions") of Title 17 ("Zoning") of the Banning Municipal Code is hereby amended to read as follows:

"Accessory Dwelling Unit is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, is located on a lot with a proposed or existing primary residence, and meets all the development standards set forth in Section 17.08.100, including an efficiency unit, as defined in Section 17.08.100(E)(5)(a), and a manufactured home, as defined in Health and Safety Code Section 18007. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated."

Section 5. Section 17.04.070 ("Definitions") of Chapter 17.04 ("Basic Provisions") of Division I ("General Provisions") of Title 17 ("Zoning") of the Banning Municipal Code is hereby amended to add a definition for "Junior Accessory Dwelling Unit" in alphabetical order to read as follows:

"Junior Accessory Dwelling Unit is a unit that is no more than five hundred square feet in size, is contained entirely within a single-family residence, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure."

Section 6. Section 17.08.100 ("Accessory Dwelling Unit Standards") of Article II ("Land Use District Development Standards") of Chapter 17.08 ("Residential Districts") of Division II ("Land Use Districts") of Title 17 ("Zoning") of the Banning Municipal Code is hereby amended in its entirety to read as follows:

"17.08.100 – Accessory dwelling unit and junior accessory dwelling unit standards.

- A. These standards are adopted pursuant to California Government Code Sections 65852.2 and 65852.22. The purpose of these standards is to establish procedures and standards for the development of accessory dwelling units and junior accessory dwelling units in a manner that preserves the integrity of single-family and multi-family residential areas, avoids adverse impacts on such areas, and ensures a safe and attractive residential environment.
- B. Building Permit Application Required. Applicants for accessory dwelling units or junior accessory dwelling units shall submit an application for approval of a building permit and the applicable application fee, as established by resolution of the City Council.
- C. Notwithstanding the provisions of Chapter 17.112 of this title, a building permit application for an accessory dwelling unit or junior accessory

dwelling unit shall be considered ministerially without discretionary review or hearing.

1. Existing single-family or multi-family dwelling on lot. If there is an existing single-family or multi-family dwelling unit on the lot on which the accessory dwelling unit or junior accessory dwelling unit is proposed, the building permit application for the accessory dwelling unit or junior accessory dwelling unit shall be acted upon within sixty days after receiving a complete building permit application, unless the sixty-day period is tolled upon the applicant's request.
 2. New single-family or multi-family dwelling on lot. If a building permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted with an application to construct a new single-family or multi-family dwelling on the lot, the building permit application for the accessory dwelling unit or junior accessory dwelling unit shall be acted upon after any permits required for the single-family or multi-family dwelling have been approved.
- D. Notwithstanding the provisions of this section to the contrary, the City shall ministerially approve a building permit application within a residential or mixed-use zone to create any of the following:
1. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. For purposes of this section, the term "accessory structure" shall mean a structure that is accessory and incidental to a dwelling located on the same lot.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The junior accessory dwelling unit complies with the requirements of Subsection (F) of this section and Government Code Section 65852.22.

2. One detached, new construction, accessory dwelling unit that does not exceed eight hundred square feet or sixteen feet in height and has at least four-foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection (D)(1) of this section.
 3. At least one accessory dwelling unit within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The applicant may request and the City shall allow the number of accessory dwelling units that equal up to twenty-five percent of the number of multi-family dwelling units in the existing building.
 4. Not more than two detached accessory dwelling units that are located on a lot that has an existing multi-family dwelling so long as the units do not exceed a height of sixteen feet and have at least four-foot rear and side yard setbacks.
- E. Except for those accessory dwelling units approved pursuant to Subsection D of this section, the following standards shall apply to accessory dwelling units:
1. General plan designation and zoning classification consistency. An accessory dwelling unit shall be consistent with the General Plan designation and the zoning classification for the lot. For purposes of this Subsection (E)(1), an accessory dwelling unit that conforms to the provisions of this section shall be deemed to be consistent with the General Plan designation and the zoning classification for the lot.
 2. Zone. The accessory dwelling unit shall be located or proposed to be located on a lot zoned to allow single-family or multi-family dwelling residential use.
 3. Density. An accessory dwelling unit shall not exceed the allowable density for the lot upon which the accessory dwelling unit is located or proposed to be located. For purposes of this Subsection (E)(3), an accessory dwelling unit that conforms to the provisions of this section shall not be considered to exceed the allowable density for the lot upon which it is located or proposed to be located.
 4. Lot location. The accessory dwelling unit shall either be attached to, or located within, the proposed or existing primary single-family or multi-family dwelling, including attached garages, storage areas, or similar uses, or an accessory structure, or detached from the

proposed or existing primary single-family or multi-family dwelling and located on the same lot as the proposed or existing primary single-family or multi-family dwelling.

5. Floor area.

- a. The minimum gross floor area of an accessory dwelling unit shall be no less than the size of a two hundred twenty square foot efficiency unit. For purposes of this Subsection (E)(5)(a), the term “efficiency unit” shall have the same meaning as defined in Health and Safety Code Section 17958.1.
- b. If there is an existing primary single-family or multi-family dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary single-family dwelling or twenty percent lot coverage of the lot on which the existing multi-family dwelling is located.
- c. The total floor area of a detached accessory dwelling unit shall not exceed one thousand two hundred square feet.

6. Lot coverage/floor area ratio. The total gross floor area of all covered structures, including an attached accessory dwelling unit, shall not exceed the lot coverage or floor area ratio as prescribed in the applicable zoning district, except that the lot coverage or floor area ratio prescribed in a particular zone shall not prohibit an accessory dwelling unit that is at least eight hundred square feet and sixteen feet tall, with four-foot rear yard and side yard setbacks.

7. Setbacks.

- a. No setback shall be required for an existing living area, existing accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. For purposes of this Subsection (E)(7)(a), the term “living area” shall mean the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- b. Any accessory dwelling unit that is not subject to Subsection (E)(7)(a) of this section shall be at least four feet from the side and rear lot lines.

8. Height. Notwithstanding the maximum height requirements applicable to the zone in which the lot is located, the maximum height of an attached or detached accessory dwelling unit shall be sixteen feet.

9. Parking.

- a. On-site Parking. Accessory dwelling units shall not be subject to the provisions of the Parking Standards set forth in Chapter 17.32 of this title.
- b. Replacement of On-Site Parking Not Required. The City shall not require the replacement of on-site parking spaces lost when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit.

10. Local building code. Accessory dwelling units shall comply with building and fire code requirements that apply to detached dwellings, as applicable and set forth in the Building Ordinance of the City of Banning in Title 15, and the California Fire Code, as applicable and amended and codified in Chapter 8.16.

11. Fire sprinklers. An accessory dwelling unit shall not be required to provide fire sprinklers if sprinklers are not required for the primary single-family or multi-family residence.

12. Rental and conveyance. An accessory dwelling unit may be rented separate from the primary residence only for terms longer than thirty consecutive calendar days, but shall not be sold or otherwise conveyed separate from the primary residence.

13. Passageways. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For purposes of this section, the term "passageway" shall mean a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

F. The following standards shall apply to junior accessory dwelling units:

1. Number. The number of junior accessory dwelling units shall be limited to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
2. Zone. The junior accessory dwelling unit is located or proposed to be located on a lot zoned to allow single-family dwelling residential use.
3. Lot location. A permitted junior accessory dwelling unit shall be constructed within the walls of the proposed or existing single-family residence.

4. Floor area. A junior accessory dwelling unit shall be a maximum of five hundred square feet of gross floor area. The gross floor area of a shared sanitation facility shall not be included in the maximum gross floor area of a junior accessory dwelling unit.
 5. Access. A permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
 6. Kitchen. The permitted junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 7. Utilities. For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
 8. Owner-occupancy. Owner-occupancy is required in the single-family residence in which the junior accessory dwelling unit will be permitted, unless the property owner is another governmental agency, land trust, or housing organization. The property owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.
 9. Deed restriction. The property owner shall record a deed restriction, which shall run with the land, shall file the deed restriction with the City. The deed restriction shall include both of the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
- G. The following standards shall apply to accessory dwelling units described in Subsection (D) of this section:
1. The City shall not require, as a condition for ministerial approval of a building permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions. For purposes of this Subsection

(G)(1), the term “nonconforming zoning condition” shall mean a physical improvement on a property that does not conform with current zoning standards.

2. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
 3. A rental of an accessory dwelling unit created pursuant to Subsection (D) of this section shall be for a term longer than thirty consecutive days.
 4. The City may require, as part of the building permit application to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.
- H. In accordance with the timelines provided in Subsection (C) of this section, the directory of community development, or designee, shall approve an application for an accessory dwelling unit or junior accessory dwelling unit upon payment of all required fees set forth in Subsection (I) of this section and if all of the following requirements are met: (1) the accessory dwelling unit or junior accessory dwelling unit is located on property that is zoned to allow single-family residential uses, multi-family residential uses, or mixed-uses, as applicable; (2) the accessory dwelling unit or junior accessory dwelling unit is located on property that includes an existing or proposed primary single-family or multi-family dwelling, as required; (3) the accessory dwelling unit or junior accessory dwelling unit satisfies all applicable standards set forth in Subsections (E), (F), and (G) of this section. For purposes of this section, the term “proposed primary single-family or multi-family dwelling” shall mean a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- I. Fees and utility connections. Fees charged for accessory dwelling units and junior accessory dwelling units shall be determined in accordance with the provisions of Chapters 6 and 7 of the Mitigation Fee Act (Gov. Code, § 66000 *et seq.*).
1. An accessory dwelling unit shall be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, only if the accessory dwelling unit is constructed in conjunction with a new single-family dwelling.
 2. No impact fee shall be imposed upon the development of an accessory dwelling unit that is less than seven hundred fifty square feet. An accessory dwelling unit that is seven hundred fifty square

feet or more shall be subject to impact fees in proportion to the square footage of the primary dwelling unit. For purposes of this Subsection (I)(2), the term “impact fee” shall have the same meaning as the term “fee” is defined in Government Code Section 66000(b), except that it also includes fees specified in Government Code Section 66477. The term “Impact fee” does not include any connection fee or capacity charge charged by the City.

3. An accessory dwelling unit described in Subsection (D)(1) of this section shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.
 4. An accessory dwelling unit not described in Subsection (D)(1) of this section shall install a new or separate utility connection directly between the accessory dwelling unit and the applicable utility purveyor. The Public Works Director shall determine the types and method of these connections. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
 5. A junior accessory dwelling unit shall be subject to fees for inspection of the junior accessory dwelling unit to determine if the junior accessory dwelling unit complies with applicable building standards.
 6. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of providing service for water, sewer, or power, including a connection fee.
- J. Upon approval of an accessory dwelling unit or junior accessory dwelling unit on a lot, the lot shall not be further divided unless there is adequate area to divide the lot consistent with the general plan, zoning ordinance, the subdivision ordinance, and the Subdivision Map Act.
- K. All construction, structural alterations, or additions made to create an accessory dwelling unit or junior accessory dwelling unit shall comply with current building, electrical, fire, and plumbing codes regulations that apply to detached dwellings, as applicable.

- L. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail.”

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses, phrases or portions thereof be declared invalid.

Section 8. Publication, Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute order of the passage and adoption thereof in the records and the proceeding of the City Council at which time the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) calendar days after its final passage, the City Clerk shall publish, or cause a summary of this Ordinance to be published in a newspaper of general circulation and shall post the same at City Hall, 99 E. Ramsey Street, Banning, California. The City Clerk shall cause the Ordinance to be printed, published, and circulated.

Section 9. The City Council hereby directs the Community Development Director to submit a copy of this Ordinance to the California Department of Housing and Community and Development (HCD) within 60 days of its adoption in accordance with Government Code Section 65852.2.

INTRODUCED for the first reading, the 10th day of March, 2020, and **PASSED, APPROVED AND ADOPTED** at a second reading, the ___[th/rd] day of [month], 2020.

Daniela Andrade, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance 1552 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 10th day of March, 2020, and was duly adopted at a regular meeting of the City Council of said City Council on the __[th/rd] day of [month], 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

ORDINANCE 1561

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING SECTION 1.08.10 OF THE BANNING MUNICIPAL CODE PERTAINING TO THE DESIGN AND RESTRICTIONS FOR USE OF THE CITY SEAL AND PENALTIES FOR MISUSE THEREOF

WHEREAS, by Resolution 2020-33, the City Council of the City of Banning has adopted an official seal; and

WHEREAS, such City Seal is used in the authentication of official documents and in the conduct of official City business; and

WHEREAS, the City Council has determined that appropriate regulations are necessary in order to ensure that the City Seal is not utilized except in conjunction with official city business.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 1.08.10 (City Seal) of Chapter 1.08 (City Seal) of Title 1 (General Provisions) of the Banning Municipal Code is hereby amended to read as follows:

“1.08.010. City Seal.

A. *City Seal:* The official seal of the City of Banning shall be circular in form. It shall bear the inscription “Incorporated 1913” at the top, “Endless Opportunities” on the bottom, and “The City of Banning” in the center, and shall bear an appropriate insignia depicting the scenic and health advantages of the City, attached as Exhibit “A”.

B. *Use of Seal:* It shall be unlawful and a misdemeanor for any person to make or use the seal of the City of Banning, or reproduction thereof, for any purpose other than for the official business of the City of Banning, its Council, officers or departments, except upon approval of the City Council by ordinance or resolution.

C. *Use of City Seal for Political Purposes Prohibited.* It shall be unlawful and a misdemeanor for any person to place the City Seal or any copy, facsimile, imitation or reproduction thereof on any written or printed material supporting or opposing any candidate or candidates for any elective public office or any local or statewide referendum, initiative or other ballot measure, except upon the approval of the City Council whether or not such placement or use is intended to, is likely to, or actually does, confuse, mislead or deceive as to the City’s endorsement, approval, or generation of the material.

D. *Imitation of Seal for Other Purposes:* No person shall place any imitation of the City seal on any written or printed material that is designed, calculated, intended or likely to confuse, deceive or mislead the public or cause the reader of such written or printed material to believe it to be an official City publication, and no person shall

circulate or distribute any such written or printed material in the City of Banning. Any person violating this provision shall be guilty of a misdemeanor.

E. *Custodian of Seal*: The City Clerk of the City of Banning shall be the official custodian of the official seal of the City."

Section 2. Repeal of Prior Ordinances adopting a City Seal.

Ordinance Number Two adopted on February 25, 1913 and Ordinance 418 adopted on May 1, 1956 are hereby repealed.

Section 3. Publication.

This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the RECORD GAZETTE, a newspaper of general circulation, printed and published in the City of Banning or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2020

Daniela Andrade, Mayor
City of Banning

ATTEST:

Sonja De La Fuente, Deputy City Clerk
City of Banning

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

Kevin G. Ennis, Esq., City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Sonja De La Fuente, Deputy City Clerk of the City of Banning, California, do hereby certify that Ordinance 1561 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 10th day of March 2020, and was duly adopted at a regular meeting of said City Council on the _____ day of _____, 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonja De La Fuente, Deputy City Clerk
City of Banning, California

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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
Kevin Sin, Senior Civil Engineer

MEETING DATE: March 24, 2020

SUBJECT: Accept the Right-of-Way Dedication from Banning Industrial, L.P. for Public Road and Utilities Purposes on Assessor's Parcel Numbers 532-130-001 and 532-130-015 for John Street Improvements

RECOMMENDED ACTION:

Accepting the Right-of-Way dedication from Banning Industrial, L.P. for public road and utilities purposes on Assessor's Parcel Numbers 532-130-001 and 532-130-015 for John Street improvements.

BACKGROUND:

The property owner, Banning Industrial, L.P. submitted an application to construct a one million square foot warehouse building at the site just north of the airport. As part of the Conditions of Approval for the project, the owner is required to dedicate the necessary right-of-way to extend and widen the existing John Street to the proposed site in order to meet the ultimate right-of-way width as set forth by the adopted General Plan and Circulation Element. The current John Street is an unimproved roadway with substandard width less than 40 feet. The proposed John Street will have an ultimate right-of-way of 60 feet with asphalt concrete pavement; concrete curb & gutter and sidewalk; street lights and landscaping.

JUSTIFICATION:

It is necessary to obtain the right-of-way in order to meet the proposed right-of-way width requirement for John Street as set forth by the adopted General Plan and Circulation Element.

FISCAL IMPACT:

There is no fiscal impact associated with this right-of-way acceptance.

ALTERNATIVE:

City Council has the alternative available to them to not accept the right-of-way which would result in not acquiring the necessary right-of-way for the construction and widening of John Street.

ATTACHMENTS:

1. Right-of-Way Dedication
<https://banningca.gov/DocumentCenter/View/7089/Attachment-1---ROW-Dedication>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7090/Attachment-2---Certificate-of-Acceptance>

Approved by:

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

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
Kevin Sin, Senior Civil Engineer

MEETING DATE: March 24, 2020

SUBJECT: Accept the Right-of-Way Dedication for 2929 W. Ramsey Street (Assessor's Parcel Number 538-182-008-1) from O'Reilly Auto Enterprises, LLC for Public Road and Utilities Purposes

RECOMMENDED ACTION:

Accepting the Right-of-Way dedication for 2929 W. Ramsey Street (Assessor's Parcel Number 538-182-001-1) from O'Reilly Auto Enterprises, LLC for public road and utilities purposes.

BACKGROUND:

The property owner, O'Reilly Auto Enterprises, LLC submitted an application to develop the parcel of land located at 2929 W. Ramsey Street. As part of the Conditions of Approval for the project, the owner is required to dedicate the necessary right-of-way in order to construct the public improvements on Ramsey Street fronting the property.

JUSTIFICATION:

It is essential to obtain the right-of-way in order to construct the required public improvements on Ramsey Street as set forth by the adopted General Plan and Circulation Element.

FISCAL IMPACT:

There is no fiscal impact associated with this right-of-way acceptance.

ALTERNATIVE:

City Council has the alternative available to them to not accept the right-of-way which would result in not acquiring the necessary right-of-way for the construction of public improvements on Ramsey Street.

ATTACHMENTS:

1. Right-of-Way Dedication
<https://banningca.gov/DocumentCenter/View/7091/Attachment-1---ROW-Dedication>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/7092/Attachment-2---Certificate-of-Acceptance>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 24, 2020

SUBJECT: Resolution 2020-34, Awarding IFB No. 20-005 for Banning Electric Utility's Public Benefits lease of a 2020 Hyundai Kona Ultimate Electric Vehicle to Ontario Hyundai in the amount not to exceed \$37,268.59 for a three-year term.

RECOMMENDED ACTION:

The City Council consider adopting Resolution 2020-34:

1. Awarding IFB No. 20-005 for Banning Electric Utility's Public Benefits lease of a 2020 Hyundai Kona Ultimate Electric Vehicle lease to Ontario Hyundai.
2. Authorizing the City Manager or his designee to execute the lease agreement in the amount of \$37,268.59 for a three-year term.

BACKGROUND:

The City of Banning Electric Utility (BEU) is one of 11 members of the Southern California Public Power Authority. California's publicly owned utilities (POUs) have collaborated since 2006 on developing energy efficiency programs and reporting annual results to their customers and the California Energy Commission (CEC) in a consistent and comprehensive manner.

Along with the other members, BEU's Public Benefit's division offers many energy efficiency programs. These programs work collectively to improve our operational efficiency for our customers and reduce the load on the electric grid. By promoting energy efficiency and providing different programs, we can effectively reduce operating costs and improve the comfort and safety of our customers. These programs can serve to maintain or lower electric rates - and benefit the community we serve.

Electric vehicles have been on the market since 2001; however, it was only recently that these vehicles have become affordable to the general public and the number of electric vehicles on the road has increased rapidly. To encourage and facilitate this energy and cost saving growth, BEU will be implementing a new Residential and Commercial Electric Vehicle (EV) rebate program.

ISSUES/ANALYSIS:

The City of Banning Electric Utility recently initiated the process of replacing its aging and inefficient vehicles. This includes effectively rotating the fully depreciated and worn-out equipment in a safely planned schedule while enabling the Electric Utility to initiate and maintain an industry standard FERC asset depreciation model.

BEU's Public Benefit's fleet vehicles have both reached an age and condition where they can no longer be operated at a safe, efficient and cost savings manner. The current vehicles consist of a 2005 Honda Civic and a 2011 Chevrolet Equinox. To remedy this while also following the core values set forth within the Public Benefits energy efficiency program, it is determined that replacing these vehicles with an electric vehicle option would add value to the program itself. The addition of electric vehicles to BEU's fleet would enable the Public Benefits division to fully establish and validate the options available to our customers on the electric vehicle market. Having electric vehicles on hand to demonstrate will also make encouraging customers to utilize the new rebates set in place for energy efficiency and cost savings more effective.

Staff researched and tested many electric vehicles over a six-month period. Staff determined that the generation of EVs hitting the market was changing and the 2020 Hyundai Kona Ultimate EV provided a good representation of the type of EV current and near future BEU customers would be looking for. The lease option will allow staff to stay abreast of the changing EV technology and market in a timely manner. Staff released IFB No. 20-005 for the lease of a 2020 Hyundai Kona Ultimate EV on March 9, 2020, with two vendors inquiring. The IFB closed on March 13, 2020 with one response. This is most likely due to the high demand for electric vehicles at this time and vendors having the vehicle readily available on hand to provide for this contract.

FISCAL IMPACT:

The City of Banning Electric Utility's budget was approved for FY 2019-2020 and included the replacement of vehicles that were determined to be fully depreciated and no longer efficient.

ALTERNATIVE:

1. Reject Resolution 2020-34 and provide direction.

ATTACHMENTS:

1. Resolution No. 2020-34
<https://banningca.gov/DocumentCenter/View/7081/Att-1-Resolution-2020-34->
2. IFB No. 20-005 – 2020 Hyundai Kona Ultimate EV
<https://banningca.gov/DocumentCenter/View/7082/Att-2-IFB-20-005>

Approved by:

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Douglas Schulze
City Manager

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**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 24, 2020

SUBJECT: Authorize the City Manager to sign the Notice of Completion for Project No. 2019-01W, "Pelton Wheel and Well Repairs" as complete and direct the City Clerk to record the Notice of Completion

RECOMMENDED ACTION:

That the City Council accept Project No. 2019-01W, "Pelton Wheel and Well Repairs" as complete, authorize the City Manager or designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

BACKGROUND:

On December 11, 2018, the City awarded a contract to Layne Christensen Company, for Project No. 2019-01W, "Pelton Wheel and Well Repairs". The project was approved in the amount of \$179,885.

The scope of work included all parts, labor, equipment and materials required for the removal and repair of pumping equipment at two wells, the rehabilitation of two wells, the removal of obsolete equipment at three monitoring wells and the offsite restoration of a Pelton Wheel and subsequent reinstallation. The work was performed at the City's Wells 4, 9, M4, M5, M8 & MP-1 and substantially completed on February 27, 2020. The project's final cost came in under budget at \$168,283.39

JUSTIFICATION:

The lowest bidder, Layne Christensen Company, was awarded the contract and work was completed on February 27, 2020. Public Works staff verified through inspections and acceptance testing that the workmanship, materials, and procedures were satisfactory and that the contractor had met the required contract obligations.

FISCAL IMPACT:

The project was completed in the amount of \$168,283.39 and was funded by the Water Operations Fund, Account No. 660-6300-471.95-08 (Special Utility Cap Items/Wells/Pumping Equipment).

ALTERNATIVE:

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

ATTACHMENT:

1. Notice of Completion

<https://banningca.gov/DocumentCenter/View/7094/Attachment-1---Notice-of-Completion---Layne>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
BANNING UTILITY AUTHORITY REPORT**

TO: BANNING UTILITY AUTHORITY

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 24, 2020

SUBJECT: Authorize the City Manager to sign the Notice of Completion for Project No. 2018-07W, "Altitude Valve at Southwest Reservoir" as complete and direct the City Clerk to record the Notice of Completion

RECOMMENDED ACTION:

That the City Council accept Project No. 2018-07W, "Altitude Valve at Southwest Reservoir" as complete, authorize the City Manager or designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

BACKGROUND:

On June 11, 2019, the City awarded a contract to Hemet Manufacturing Co, Inc., doing business as Genesis Construction, for Project No. 2018-07W, "Altitude Valve at Southwest Reservoir". The project was approved in the amount of \$174,907.

The scope of work included all parts, labor, equipment and materials required for the installation of a 16-inch altitude valve in a traffic-rated vault due to its location within a Southern California Edison access road. After initial site investigation by the contractor, pipe material, depth, and angle of installation required additional fittings and a revision to the vault design, resulting in a change order. A change order in the amount of \$35,426 was approved on December 10, 2019. Not all of the anticipated fittings were used during final installation, therefore the final project cost was \$195,466.

JUSTIFICATION:

The lowest bidder, Genesis Construction, was awarded the contract and work was completed on March 4, 2020. Public Works staff verified through inspections and acceptance testing that the workmanship, materials, and procedures were satisfactory and that the contractor had met the required contract obligations.

FISCAL IMPACT:

The project was completed in the amount of \$195,466 and was funded by the Water Capital Facility Fund, Account No. 661-6300-471.95-09 (Special Utility Cap Items/Reservoirs). The single change order, in the amount of \$35,426 was for unanticipated site conditions. Not all of the requested change order funds were needed.

ALTERNATIVE:

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

ATTACHMENT:

1. Notice of Completion

<https://banningca.gov/DocumentCenter/View/7093/Attachment-1---Notice-of-Completion----Genesis>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 24, 2020

SUBJECT: Award a Construction Agreement for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen" to Cora Construction, Inc., Palm Desert, CA in the Amount of \$232,000 and Establishing a Total Project Budget of \$255,200 and Rejecting all Other Bids.

RECOMMENDED ACTION:

1. Approve a Construction Agreement for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen" to Cora Construction, Inc., Palm Desert, CA in the Amount of \$232,000 and Establishing a Total Project Budget of \$255,000 and Rejecting all Other Bids.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Construction Agreement for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen" and to approve change orders within the 10% contingency.
3. Authorize the City Manager to execute the Construction Agreement with Cora Construction, Inc. for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen".

BACKGROUND:

On July 25, 2006 City Council approved Resolution 2006-85, awarding a Professional Services Contract to Parsons, Inc. for the design and construction management of the wastewater treatment plant expansion in the amount of \$2,229,652. The installation of

a new mechanical bar screen was part of the overall expansion project; however, due to lack of funds, the expansion project has not proceeded to the construction phase.

This project will upgrade the screening process within the headworks of the City's wastewater treatment plant located at 2242 E. Charles Street. The initial step in the treatment process is the influent headworks bar screens where large materials such as rags, tree branches, rocks and plastics are removed from untreated wastewater.

The existing screening system includes one mechanical bar screen and one manual bar screen installed in two separate concrete channels. The mechanical bar screen is equipped with a washer and debris compactor. The screening area also includes one concrete channel that was built but the bar screen was never installed.

The only existing mechanical bar screen and compactor, installed in 1998, are prone to frequent breakdowns resulting in staff having to divert flow to the manual bar screen which requires staff to manually pull out solid screenings from the bar screen.

This project will install a new mechanical bar screen in the vacant concrete channel and the project will also remove the existing compactor and install a compactor equipped with two hoppers that will simultaneously compact and convey solid screenings from the newly installed mechanical bar screen and the existing mechanical bar screen.

JUSTIFICATION:

As a result of the wearing away of key components of the existing mechanical bar screen and compactor, it is necessary to install a new mechanical bar screen and compactor in the vacant concrete channel as a backup system.

Staff issued a Notice Inviting Bids on January 30, 2020 through ProcureNow web page and five firms attended the mandatory pre-bid meeting. All five firms submitted bids and the results are summarized as follows:

Firm Name	Total Bid Amount
Cora Construction, Inc.	\$ 232,000
Hemet Manufacturing Co.	\$ 277,860
Pacific Hydrotech Corp.	\$ 290,900
GSE Construction Co.	\$ 293,300
Spiess Construction Co., Inc.	\$ 318,750

The lowest responsive bid was from Cora Construction, Inc. from Palm Desert, CA.

FISCAL IMPACT:

Staff recommends awarding an agreement to Cora Construction, Inc. in the amount of \$232,000 and establishing a 10% contingency in the amount of \$23,200 for a total project budget of \$255,000. An appropriation from Fund 683 to Account No. 683-8000-454.95-12 is required to fund the project.

ALTERNATIVE:

Do not approve and provide alternative direction. Not funding the installation of a new bar screen will have adverse effect on the normal and efficient functioning of the wastewater treatment plant.

ATTACHMENTS:

1. Approved Resolution No. 2006-85
<https://banningca.gov/DocumentCenter/View/7095/Attachment-1-Approved-Resolution-No2006-85pdf>
2. Cora Construction, Inc. Bid Schedule
<https://banningca.gov/DocumentCenter/View/7096/Attachment-2-Bid-Schedule--Cora-Construction>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: March 24, 2020

SUBJECT: Resolution No. 2020-35, Ratifying Emergency Proclamation

RECOMMENDED ACTION:

A motion to adopt Resolution No. 2020-35, Ratifying the Emergency Proclamation dated March 17, 2020.

BACKGROUND:

The President of the United States, the Governor of the State of California, and the County of Riverside have already declared that National, State, and local health emergencies exist. As a result of these declarations and, legislative actions at the federal and state level, emergency funding is available to the City of Banning and local businesses impacted by the health emergency (COVID-19).

The Proclamation declaring the existence of a local emergency due to the Novel Coronavirus (COVID-19) will authorize certain emergency actions and expenditures that may be necessary to appropriately respond to the health emergency. In addition, the proclamation declaring a local emergency is an action that is necessary for reimbursement of costs related to our response efforts.

Banning Municipal Code Section 2.48.040 designates the City Manager as the City's Director of Emergency Services. Section 2.48.060 (A)(1) of the Banning Municipal Code authorizes the Director of Emergency Services, if the City Council is not in session, to proclaim the existence or threatened existence of a local emergency. The proclamation must be ratified by the City Council at the earliest practicable time.

It is important for the City Council to understand that in the event of the proclamation of a "local emergency," or the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director is empowered:

- a. To make and issue rules and regulations on matters reasonably related to the protection of life and property affected by such emergency; provided, however, such rules and regulations shall be ratified at the earliest practicable time by the city council;
- b. To obtain vital supplies, equipment, and such other necessities found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
- c. To require emergency services of any city officer or employee and to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
- d. To requisition necessary personnel or material of any city department, and;
- e. To execute all of his ordinary power as city manager, conferred upon him by the Banning ordinance code or by resolution or emergency plan adopted pursuant to this chapter by the city council, all powers conferred upon him by a statute, by any agreement approved by the city council and by any other lawful authority.

JUSTIFICATION:

National, State and Riverside County officials have declared local health emergencies.

FISCAL IMPACT:

Reimbursement for costs associated with response to a declared emergency will be sought.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2020-35
<https://banningca.gov/DocumentCenter/View/7102/Att-1-Resolution-2020-35-Ratifying-Emergency-Proclamation>
2. Proclamation of Local Emergency
<https://banningca.gov/DocumentCenter/View/7103/Att-2-Proclamation---Local-Emergency-COVID-19>
3. Chapter 2.48, Banning Municipal Code
<https://banningca.gov/DocumentCenter/View/7104/Att-3-BMC-Chapter-248>

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

MEETING DATE: March 24, 2020

SUBJECT: Resolution 2020-36, amending the Contract for Professional Tree Trimming Services with Utility Tree Service, Inc., to include one additional year and increasing the spend for an additional \$150,000.

RECOMMENDED ACTION:

The City Council consider adopting Resolution 2020-36:

1. Approving the First Amendment to Professional Service Agreement C00158 with Utility Tree Services, Inc. to include one additional year and increasing the spend for an additional \$150,000.
2. Authorizing the City Manager or Electric Utility Director to execute the First Amendment to the Professional Services Agreement with Utility Tree Services, Inc. to include one additional year and increasing the spend for an additional \$150,000.

BACKGROUND:

Tree clearance is a requirement mandated by the Public Utilities Commission, General Order 95 of the State of California's Electrical General Orders. It is also a good practice of the utility operations to ensure the reliability of the City's electrical system. The tree trimming will provide the necessary clearance to the City of Banning's electrical distribution system that covers 34kV/12kV/4kV three-phase circuits, and the 7.2 kV and 2.4 kV single-phase circuits.

Per American National Standards Institute (ANSI) Z133.1, an electrical hazard exists when a worker, a tool, or any conductive object is closer than 10 feet (3 meters) from an energized conductor rated 50 kV or less. When an electrical hazard exists, minimum

clearances shall be maintained, and only qualified line clearance tree trimmers or qualified line clearance tree trimmer trainees shall perform the work.

Utility Tree is the world's largest provider of line clearance tree trimming and has been in business for 86 years. Utility Tree has provided commendable tree trimming line clearance services to City of Banning previously, and their tree trimmers have the required line clearance certifications. All equipment such as trim lifts, aerial buckets, dump trucks, stump grinders, log splitters, chippers and other essential equipment necessary for tree trimming shall be provided by the contractor.

ISSUES/ANALYSIS:

The City of Banning Electric Utility must maintain the right-of-way tree trimming necessary to maintain reliability of the electrical system. Amending the contract to include an additional year will provide continuity for service, meet State of California Wildfire Mitigation expectations and provide continued reliable service to our customers.

FISCAL IMPACT:

The City of Banning Electric Utility budget was approved for FY 2019-2020 and included \$150,000.00 annually for tree trimming services. Funds are available to cover this expense.

ALTERNATIVE:

1. Reject Resolution 2020-36 and provide direction.

ATTACHMENTS:

1. Resolution No. 2020-36
<https://banningca.gov/DocumentCenter/View/7085/Att-1-Resolution-2020-36-Utility-Tree-Trimming>
2. Amendment to Professional Agreement C00158
<https://banningca.gov/DocumentCenter/View/7086/Att-2-C00158-UTILITY-TREE-SERVICE-INC-AMENDMENT-1>
3. Professional Services Agreement C00158
<https://banningca.gov/DocumentCenter/View/7087/Att-3-C00158-Utility-Tree-Service--Executed-Contract>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 24, 2020

SUBJECT: Approve a Professional Services Agreement to upgrade Cartegraph Asset Management Software to web-based Operations Management System (OMS) with Cartegraph Systems, Inc. of Dubuque, Iowa in the amount of \$42,176.66.

RECOMMENDED ACTION:

1. Approve a Professional Services Agreement to upgrade Cartegraph Asset Management Software to web-based Operations Management System (OMS) with Cartegraph Systems, Inc. of Dubuque, Iowa in the amount of \$42,176.66.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to Professional Services Agreement to upgrade Cartegraph Asset Management Software to web-based Operations Management System (OMS).
3. Authorize the City Manager to execute the Professional Services Agreement to upgrade Cartegraph Asset Management Software to web-based Operations Management System (OMS).

BACKGROUND:

Cartegraph software is a database system designed for the management of the City's infrastructure assets. The system's essential functions include tracking the condition, work history and cost of various City owned assets. Cartegraph is used by Public Works to analyze the condition of street pavements, sidewalks, street signs and pavement markings.

The Public Works Department started using Cartegraph in 2008 to track the condition of street pavements for the City's annual street rehabilitation program.

The new web-based Operations Management System (OMS) will enable City staff to use mobile devices in the field to inspect on a regular basis and assign an overall condition index rating to all street segments in the City. This rating will allow City staff to develop street maintenance work plans that prioritize needed repairs of streets and make sure that money allocated for street repairs is spent efficiently.

JUSTIFICATION:

The existing Cartegraph software that the City has been using for a few years, is being phased out and will no longer be supported in the future. Cartegraph is replacing the old version of the software with a new web-based Operations Management System (OMS) software that is more user friendly and possesses highly enhanced performance features. This software package also includes staff training, future software upgrades and timely technical support.

Cartegraph OMS is a trusted and reliable platform that will provide the City with the capabilities to more efficiently and effectively manage miles of paved roadways in the City.

FISCAL IMPACT:

The contract with Cartegraph includes an initial purchase of the OMS software upgrade and expense reimbursement in the amount of \$24,250. There will also be an ongoing annual fee of \$5,799.81 (FY 2021), \$5,973.82 (FY 2022) and \$6,153.03 (FY 2023). The total amount for the three-year contract is \$42,176.66.

Item	Cost	Accounts
Implementation Services OMS	\$19,450	001-3000-442.89-49
Expense Reimbursement	\$4,800	001-3000-442.89-49
FY 2020	\$0	-
FY 2021	\$5,799.81	001-3000-442.89-49
FY 2022	\$5,973.82	001-3000-442.89-49
FY 2023	\$6,153.03	001-3000-442.89-49
Total	\$42,176.66	

ALTERNATIVE:

Do not approve agreement with Cartegraph Systems, Inc. and provide alternative direction. Not funding the upgrade to the existing software will affect the maintenance of the City's roadways and other facilities. Additionally, the existing Cartegraph software will become outdated and will no longer be supported.

ATTACHMENTS:

1. Cartegraph Systems, Inc. Contract
<https://banningca.gov/DocumentCenter/View/7088/Attachment-1-Cartegraph-Contract>

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: March 24, 2020

SUBJECT: Resolution 2020-37, approving General Plan Amendment 19-2502 and Environmental Assessment 19-1503, a proposed amendment to the Circulation Element of the General Plan to modify the alignment of Sun Lakes Blvd. from its the existing General Plan Alignment with Lincoln Street to intersect with W. Westward Avenue, finding the project will have a less than significant effect on the environment and approving a Negative Declaration.

RECOMMENDED ACTION:

Staff recommends the City Council:

Adopt Resolution 2020-37, approving General Plan Amendment 19-2502 and Environmental Assessment 19-1503 adopting a Negative Declaration finding the project will have a less than significant effect on the environment and making findings in support thereof.

PROJECT / APPLICANT INFORMATION:

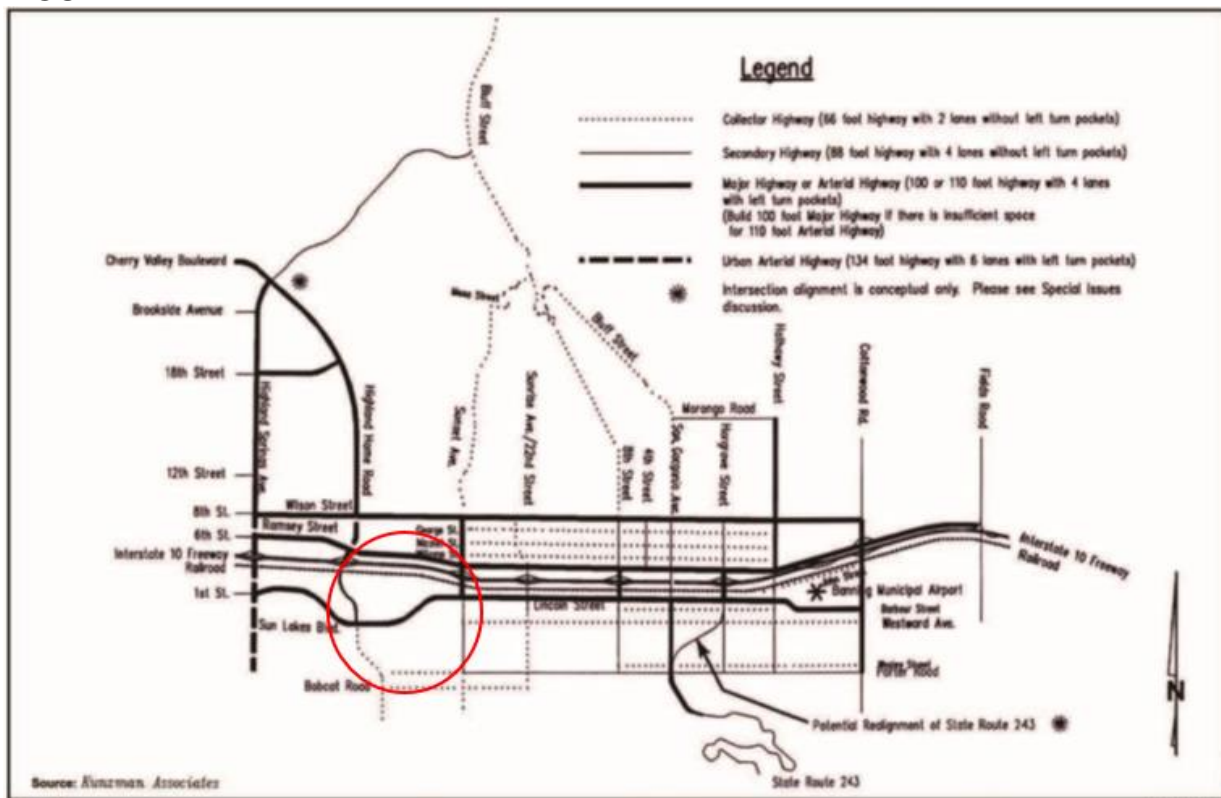
Project Location	The extension of Sun Lakes Boulevard from Highland Home Road to Sunset Avenue at West Westward Avenue.
APN Information:	<ol style="list-style-type: none">1. 537-110-0072. 537-110-0083. 537-110-0094. 537-110-010
Project Applicant:	City of Banning, Public Works Department

Property Owner: Lennar Homes of California Inc., MSD Sunset Crossroads
980 Montecito Drive #302
Corona, CA 92879

BACKGROUND:

At the request of the Public Works Department, the Community Development Department initiated an amendment to the Circulation Element of the General Plan which proposes the realignment of Sun Lakes Blvd. The current General Plan Circulation Element details Sun Lakes Blvd., terminating at Highland Home Road, to continue eastward and curving upward to connect with Lincoln Street at Sunset Avenue (Figure 1).

FIGURE 1



The proposed General Plan Circulation Element Amendment consists of the realignment of Sun Lakes Blvd. and will extend Sun Lakes Blvd. at Highland Home Road by continuing eastward to connect with W. Westward Avenue to eventually terminate Sunset Avenue (Figure 2). This alignment demonstrated within Parcel Map (PM) 25541 was not approved. Although not approved, PM 25541 demonstrates the proposed

alignment of Sun Lakes Blvd. (Figure 3). Additionally, it allows the City to accept the offer of dedication for the alignment of Sun Lakes Blvd., which occurred at the February 11, 2020 City Council meeting (Figure 4).

The proposed realignment of Sun Lakes Blvd. is anticipated to assist to alleviate the current and future congestion of the intersections of Highland Springs Avenue and Interstate 10 (I-10) and Highland Springs Avenue and West Ramsey Street. Currently there is no east/west route through the City on the south side of the Interstate. The City's long-term circulation, and traffic management plans are to create an east/west corridor, thereby providing travelers an alternative freeway passage from one end of the City to the next. This east/west corridor will also be beneficial in providing an emergency route in the event I-10 is closed.

FIGURE 2

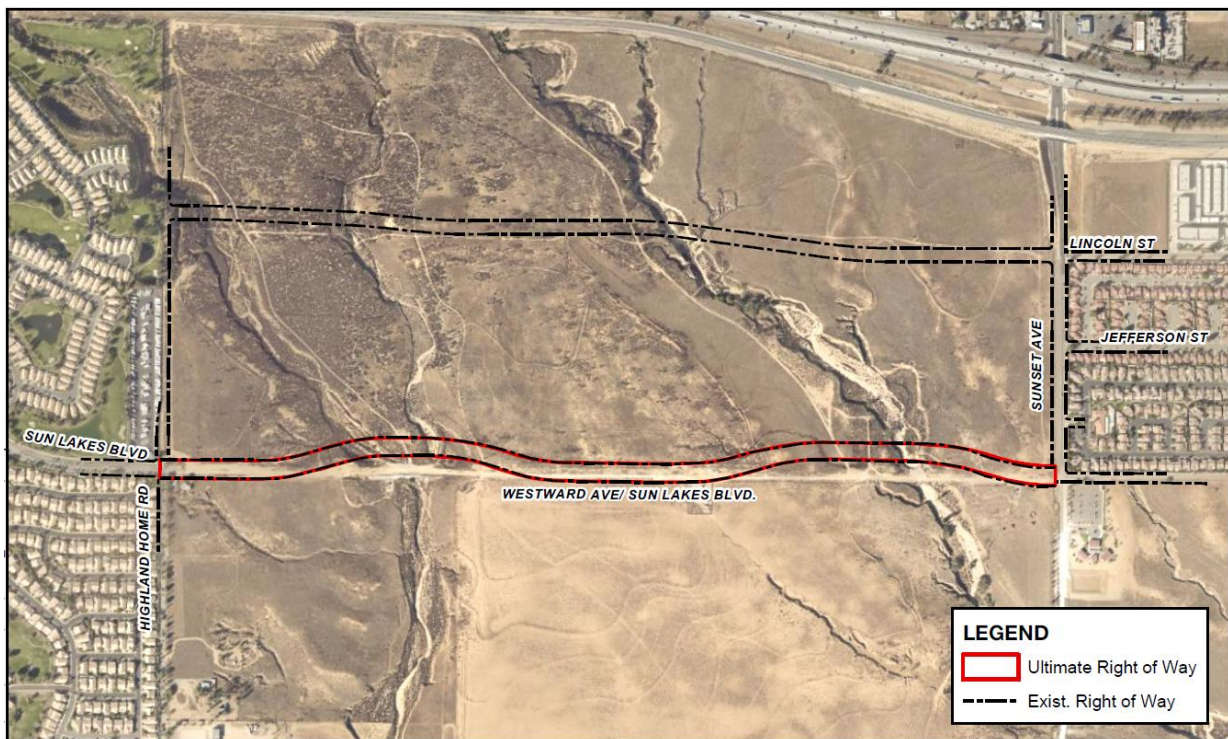


FIGURE 3

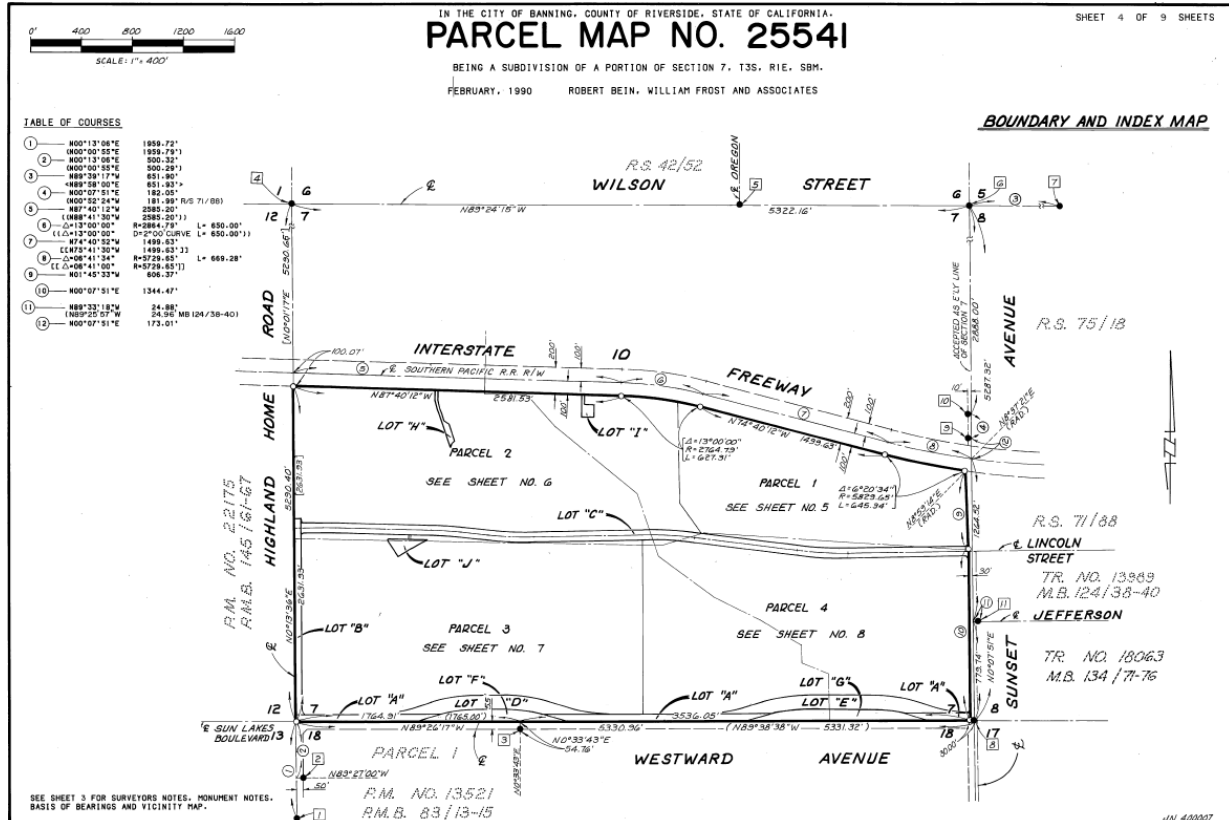


FIGURE 4

CITY COUNCIL'S ACCEPTANCE STATEMENT

I, Lucille M. Elizondo, CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF THE CITY OF BANNING, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE SAID CITY COUNCIL AT ITS REGULAR MEETING HELD ON THE 28 DAY OF August, 1990, ELECTED NOT TO ACCEPT AT THIS TIME BUT RESERVES THE RIGHT TO ACCEPT ON BEHALF OF THE PUBLIC LOTS "A" THROUGH "E" FOR STREET AND PUBLIC UTILITIES PURPOSES. ALSO ELECTED NOT TO ACCEPT AT THIS TIME BUT RESERVES THE RIGHT TO ACCEPT ON BEHALF OF THE PUBLIC THOSE PARCELS OF LAND GRANTED TO WIT, LOTS "I" AND "J" FOR WATER WELLS AND LOT "H" FOR ELECTRICAL FACILITIES.

ANALYSIS:

The purpose of the proposed General Plan Amendment to the Circulation Element is to extend the alignment of Sun Lakes Blvd. General Plan Amendments are approved by City Council Resolution.

General Plan Amendment

- A. The General Plan is the comprehensive long-term plan for the physical development of the City and provides the basic framework for all subsequent land use actions taken by the City. Since the City Council is desirous of proper development within the City and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City's long term vision and planning process.
- B. The City Council may amend the General Plan of the City of Banning whenever required by public necessity and general welfare.
- C. The Commission shall make written recommendations on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings to the City Council.
- D. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings. Amendments to the General Plan Land Use/Zoning District map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.
- E. An amendment to the General Plan may be adopted only if all of the findings are made:
 - a. That the proposed amendment is internally consistent with the General Plan.
 - b. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - c. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
 - d. That in the case of an amendment to the General Plan Land Use Map, the subject parcels (s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations(s) and the anticipated land use developments (s).

The proposed General Plan Amendment findings are made and can be found in the attached Resolution.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

The proposed General Plan Amendment 19-2502 is considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.). An Initial Study (EA 19-1503) has been prepared and made available for public review beginning on January 17, 2020 and closing on February 5, 2020.

Based upon analysis contained in the Initial Study, staff determined that all effects on the environment are less than significant level and that the preparation of a Negative Declaration (ND) was appropriate.

TRIBAL CONSULTATION:

In accordance with Senate Bill (SB) 18 and Assembly Bill (AB) 52, letters requesting consultation were sent to the Native American Heritage Commission (NAHC), all tribes listed on the NAHC list, and all tribes who contacted the City requesting notification according to AB 52. As of the date of this report, no tribes have requested consultation, although consultation remains open and will likely continue through the project design and compliance with CEQA.

PUBLIC COMMUNICATION:

The proposed General Plan Amendment and Zone Change was advertised in the Record Gazette newspaper on January 17, 2020 and again, February 21, 2020 (Attachment 3 & 4).

ATTACHMENTS:

1. Resolution 2020-37
<https://banningca.gov/DocumentCenter/View/7109/Att-1-Resolution-2020-37>
2. Negative Declaration (Initial Study)
<https://banningca.gov/DocumentCenter/View/7110/Att-2-Sun-Lakes-IS-Public-Review>
3. Notice of Completion
<https://banningca.gov/DocumentCenter/View/7111/Att-3-Notice-of-Completion>
4. Notice of Determination
<https://banningca.gov/DocumentCenter/View/7112/Att-4-NOD-GPA-19-2502>
5. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/7113/Att-5-PUBLIC-HEARING-NOTICE-3-24-CC>

6. Exhibit Appendices
<https://banningca.gov/DocumentCenter/View/7114/Att-6-EXHIBIT-APPENDECIES>
7. PowerPoint Presentation
<https://banningca.gov/DocumentCenter/View/7115/PowerPoint-Presentation-GPA19-2502>

Approved by:

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

Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: March 24, 2020

SUBJECT: Resolution No. 2020-38, City of Banning Pandemic Influenza Plan

RECOMMENDED ACTION:

City Council adopt Resolution 2020-38 approving the City of Banning Pandemic Influenza Plan, including provisions allowing for Pandemic Sick Leave.

BACKGROUND:

This Pandemic Influenza Preparedness Plan ("Preparedness Plan") is an evolving document which may be modified from time to time, as new information or scientific data becomes available. While the Preparedness Plan provides guidance, the City will continue to apply its best efforts to inform and protect its employees and the community, however, as in every instance common sense should govern and each individual is responsible for taking all reasonable measures to protect themselves and not to infect others.

The objectives of this Plan are:

1. Establish departmental service continuity plans for the current and future pandemic influenza to insure delivery of basic city services.
2. Mitigate the spread of seasonal influenza and pandemic influenza among employees.
3. Assist employees and their families in managing personal and/or family illnesses during pandemic influenza outbreaks.

A key priority will be ensuring the continuation of City operations. Planning increases the likelihood that the City of Banning will be able to continue service operations during a global health crisis.

The Plan, as proposed, includes a new employee benefit that is specific to a declared influenza pandemic, called Pandemic Sick Leave (page 15). To be eligible for this benefit, the employee, his or her spouse or children or other member of the employee's household must be diagnosed with Pandemic Influenza (e.g. COVID-19). Upon confirmation from a physician, the City Manager shall review the request and make a determination.

The current situation with the Novel Coronavirus (COVID-19) pandemic has emphasized the need for unique leave due to the length of time, even if diagnosed with COVID-19, involved with quarantine. Employees who do not have sufficient accrued leave may be reluctant to stay at home for the recommended period of time, which puts all other employees at risk and increases the overall use of leave time.

JUSTIFICATION:

The current Novel Coronavirus (COVID-19) Pandemic is a real example of the need for a Pandemic Influenza Plan.

FISCAL IMPACT:

N/A

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2020-38
<https://banningca.gov/DocumentCenter/View/7124/Att-1-Resolution-2020-38-Pandemic-Influenza-Preparedness-Plan>
2. Pandemic Influenza Plan
<https://banningca.gov/DocumentCenter/View/7123/COB-Pandemic-Plan-2020-Final-rev-31620>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Jennifer Christensen

MEETING DATE: March 24, 2020

SUBJECT: Emergency Medical Services Billing Program Fee

RECOMMENDATION:

That City Council direct staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write Off Policy modeled after the Cities of Rancho Mirage and Palm Desert.

BACKGROUND:

The Cities of Palm Desert, Rancho Mirage and Indian Wells recently passed resolutions establishing an emergency medical services billing program fee. The fee is paid by insurance.

The majority of content within the three cities' resolutions is identical in intent, but there is a difference in the manner that each city bills non-residents, as outlined below.

Indian Wells: Patients residing outside of the Cove Communities (Indian Wells, Rancho Mirage, and Palm Desert), will be billed three times (if necessary) over a 90-day period. The City Council provided their staff with the option to evaluate all 90-day outstanding accounts on a case-by-case basis, with the option to send unpaid accounts to a collection agency. Their staff indicated such action would be very minimal and closely evaluated, as they would not want to incur the negative publicity. Although not addressed in the resolution, their Staff indicated that uninsured patients can request a hardship waiver and they will likely waive any remaining balance.

Rancho Mirage and Palm Desert: Patients residing outside the City will receive one balance bill. For accounts with no payment activity for 90 days, the City will determine that debt to be uncollectable and will write off the accounts. Any patient without insurance will be granted a hardship waiver and their debt will be written off.

The City of Indian Wells also has an additional category of "Guests/Family Members of Indian Wells Residents" that may lead to some initial confusion. Guests or family members of Indian Wells residents will receive only one bill, with a letter stating the City's policy of waiving the remainder of the bill for them as they fall within this special category. While such a category may work in a low population city, there would be increased

complexity and staff time involved in reviewing such requests within a larger community. For this reason, staff recommends following the program as implemented by Rancho Mirage and Palm Desert as outlined in the table below. Insurance will be billed directly whenever possible. If insurance information isn't available, the statement will clearly indicate that the bill should be submitted to insurance for payment. No collection activities are proposed in the event a bill is not paid.

EMERGENCY SERVICES BILLING PROGRAM COMPARISON MATRIX

	Indian Wells	Rancho Mirage	Palm Desert
City Residents	Waive whatever insurance does not pay. They do not receive a bill.	Waive whatever insurance does not pay. They do not receive a bill.	Waive whatever insurance does not pay. They do not receive a bill.
City Residents	Patients will not incur any costs, but will be sent a balance bill and letter explaining they do not have to pay the bill. If a payment is received, their staff indicated that it will be reimbursed to the patient.	Patients will not incur any costs, but will be sent a balance bill and letter explaining they do not have to pay the bill. If a payment is received, their staff indicated that it will be reimbursed to the patient.	Patients will not incur any costs, but will be sent a balance bill and letter explaining they do not have to pay the bill. If a payment is received, their staff indicated that it will be reimbursed to the patient.
Non-Residents	Patients are billed three times within 90 days. If no payment is received, staff has the option to send delinquent accounts to collections on a case-by-case basis.	Patients are billed one time within 90 days. If no payment is received, the City will not pursue any further action and write off the debt.	Patients are billed one time within 90 days. If no payment is received, the City will not pursue any further action and write off the debt.
Guest/Family Members of City Residents	Will not incur out of pocket expenses, but will receive a balance bill and a letter explaining this process. Staff has the additional duty to evaluate who falls into this category.	Not Addressed	Not Addressed
Hardship Requests	Staff indicates they will allow uninsured patients to express a hardship and will likely waive any out of pocket expenses. Please note that there is no such language in the resolution.	Uninsured patients are eligible for a financial hardship and will be granted a hardship waiver request. The City will write off the debt.	Uninsured patients are eligible for a financial hardship and will be granted a hardship waiver request. The City will write off the debt.

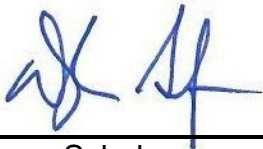
FISCAL IMPACT:

Based on the number of medical response calls for the City of Banning annually over the past five (5) years, the fee is anticipated to generate approximately \$400,000-500,000 annually after taking into consideration the costs of program administration.

OPTIONS:

1. Approve the recommended action and direct staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write Off Policy modeled after the Cities of Rancho Mirage and Palm Desert.
2. Do not approve and provide alternative direction.

Approved by:



Doug Schulze
City Manager