



## AGENDA

### SPECIAL MEETING (CLOSED SESSION) AND REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

**Tuesday, October 13, 2020**

**4:30 P.M. Closed Session Meeting**

**5:00 P.M. Regular Meeting**

**Council Chamber**

**99 E. Ramsey Street**

**and via Video/Teleconference**

*The following information comprises the agenda for the closed session and 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.*

**Due to the COVID-19 pandemic emergency, and to protect the health and safety of all participants, *this meeting is being held in person and via video/teleconference*. Pursuant to Governor Newsom's Executive Orders, members of the Banning City Council, staff and public may observe and participate in this meeting electronically or telephonically as outlined below:**

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

**Meeting ID: 874 1527 7765**

**Password: 870511**

One tap mobile: +16699009128,, 87415277765#

Dial in: +1 669 900 9128 US

Meeting ID: 874 1527 7765

Find your local number: <https://us02web.zoom.us/u/kdrYMKxbB>

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

*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.*

**1. CALL TO ORDER 4:30 P.M. SPECIAL MEETING**

**2. CLOSED SESSION**

- 2.1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property: Sunset Substation (APNs 531-080-013 and 015)  
City Negotiator: Douglas Schulze, City Manager  
Negotiating Parties: New Energy North America, LLC  
Under Negotiation: Price and terms for potential lease of property
- 2.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8  
Property: 150 E. Ramsey Street  
City Negotiator: Douglas Schulze, City Manager  
Negotiating Parties: Sudweeks Development and Best Development  
Under Negotiation: Price and terms for potential lease of property
- 2.3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9  
Name of Case: Fisher v. City of Banning, Case No. RIC 1905878
- 2.4 CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: Two potential cases
- 2.5 CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6  
City Designated Representative: Jennifer Christensen, Administrative Services Director, Art Vela, Public Works Director, and Doug Schulze, City Manager  
Employee Organizations: International Brotherhood of Electrical Workers (IBEW)–General, International Brotherhood of Electrical Workers (IBEW)–Utilities, Teamsters Local Union No. 1932 (Teamsters), Banning Police Officers Association (BPOA), and Banning Police Management Association (BPMA)  
Unrepresented Employees: All Department Directors

**3. ADJOURN SPECIAL MEETING**

## **1. CALL TO ORDER REGULAR MEETING - 5:00 P.M.**

- 1.1. Invocation
- 1.2. Pledge of Allegiance
- 1.3. Roll Call - *Council Members Happe, Pingree, Wallace, Welch and Mayor Andrade*

## **2. AGENDA APPROVAL**

- 2.1. Approve Agenda

## **3. PRESENTATIONS**

- 3.1. Mayor's Special Recognitions
- 3.2. Swear in New Police Officers

## **4. REPORT ON CLOSED SESSION**

City Attorney

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

### PUBLIC COMMENTS –Items Not on the Agenda

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her three 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

### CITY MANAGER REPORT

### CITY ATTORNEY REPORT

### CITY COUNCIL COMMITTEE REPORTS

## **6. CONSENT ITEMS**

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

**Recommendation:** Approve Consent Items 6.1 – 6.13

6.1.	Minutes of the September 22, 2020 City Council Meetings .....	9
6.2.	Lease Agreement between City of Banning and Banning Chamber of Commerce for Animal Shelter Property .....	11
6.3.	Award the Banning Connect Transit System Fleet Wrapping Services Agreement to Canyon Print & Signs of Palm Springs, California in the amount of \$100,000 and Rejecting all Other Bids.....	13
6.4.	Notice of Completion for Project “Grit Drive Replacement”.....	17
6.5.	Ordinance 1563, An Ordinance of the City of Banning, California, Approving Zone Change 17-3502 (ZC 17-3502) to Change the Zoning Classification of Real Property Identified as APNs 534-050-003, 534-084-001, and 534-084-002 2 from Low Density Residential (LDR) to Industrial Mineral Resources (IMR) – <b>2<sup>nd</sup> Reading</b> .....	19
6.6.	Ordinance 1570, An Ordinance of the City of Banning, Approving Development Agreement No. 17-1503 (Da 17-1503) Between the City of Banning, Robertson’s Ready Mix, Ltd., and Matich Corporation, for the Expanded and Continued Development and Reclamation of a Quarry on Real Property Identified as APNs 534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006 – <b>2<sup>nd</sup> Reading</b> .....	21
6.7.	Resolution 2020-121, Approving New Job Description and Revision to the Compensation and Classification Plan.....	23
6.8.	Resolution 2020-124, Declaring the Intention to Levy and Collect a Change in Assessments for Fiscal Year 2021/2022, Approving the Proposition 218 Engineer’s Report and Setting the Date for the Public Hearing for the Proposition 218 Ballot Proceeding for Landscape Maintenance District No. 1 .....	27
6.9.	Resolution 2020-125, Approving the Amended Agreement for Participation in the County of Riverside’s Urban County Program for Fiscal Years 2021-22, 2022-23, and 2023-24. .....	33

6.10.	Resolution 2020-126, Authorizing the Designation of the Director of Public Works/City Engineer as Authorized Agent for the California Department of Water Resources Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant Agreement.....	37
6.11.	Resolution 2020-127, Supporting the Passage of Proposition 20 on November 3, 2020 .....	39
6.12.	Resolutions 2020-128, Approving a Professional Services Agreement in the Amount of \$121,018, and an Optional Task Not to Exceed \$25,000, with Rincon Consultants, Inc. for the Preparation of the General Plan Housing Element Pursuant to the 6 <sup>th</sup> RHNA Cycle .....	41
6.13.	Adopt Resolution 2020-130, Establishing a Pre-Approved Professional Land Use and Environmental Vendor List for the Remainder of Fiscal Year 20/21 through the end of Fiscal Year 23/24 .....	45

## **7. PUBLIC HEARINGS**

7.1.	2020-129, Approving the Street Vacation Application Street Vacation of the following Public Streets, Highways, and Service Easements: Gilman, between Hathaway € and Evans (W); Theodore, between Hathaway (E ) and Phillips (W); Summit (formerly Jacob (E/W); Repplier (formally Kline) (E/W), between Hathaway (E ) and Blanchard (W); Hathaway (N/S), between Repplier (N) and Evans (S); Harlow Street (N/S), between Theodore (N) and Gilman (S). The Proposed Street Vacation Will Impact Approximately 9.7-Acres of Streets, Easements, and Public Rights-of-Way.....	49
------	---	----

*(Staff Report: Adam Rush, Community Development Director)*  
**Recommendation:** Adopt Resolution 2020-129, approving the street vacation application Street Vacation of public streets, highways, and service easements within the Banning Quarry.

## **8. REPORTS OF OFFICERS**

8.1.	Amendment to Exclusive Negotiating Agreement with Sudweeks Development .....	53
------	--	----

*(Staff Report: Doug Schulze, City Manager)*  
**Recommendation:** Authorize the City Manager to execute the Amendment to the Exclusive Negotiated Agreement with Sudweeks Development for 150 E. Ramsey Street.

8.2.	Purchase and Sales Agreement for APN 541-181-032 .....	<b>55</b>
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	<b>Recommendation:</b> Authorize the City Manager to execute the Purchase and Sales Agreement for Assessor Parcel Number 541-181-032 in an amount of \$500,000.	
8.3.	Banning Sportsman's Club Lease Agreement.....	<b>57</b>
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	<b>Recommendation:</b> Authorize the City Manager to execute a lease agreement with Banning Sportsman's Club, Inc. for property at 260 Mias Canyon Road.	
8.4.	Term Sheet Between City of Banning and New Energy North America, LLC.....	<b>59</b>
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	<b>Recommendation:</b> Approve the Term Sheet between the City of Banning and New Energy North America (NENA) for the Banning Green City Battery Storage Project.	
8.5.	Resolution 2020-123 Amending Compensation and Certain Benefits and Adopting a Furlough Program for City Department Director.....	<b>63</b>
	<i>(Staff Report: Doug Schulze, City Manager)</i>	
	<b>Recommendation:</b> 1) Adopt Resolution No. 2020-123 Amending Compensation and Certain Benefits and Eliminating a Furlough Program for City Department Directors, and; 2) Authorize the City Manager to execute any contract amendments or documents necessary to implement the proposed changes to compensation and benefits for all directors and the Chief of Police.	

## **9. DISCUSSION ITEMS**

9.1.	Mayor/Mayor Pro Tem Rotation.....	<b>65</b>
------	-----------------------------------	-----------

## **10. ITEMS FOR FUTURE AGENDAS**

New Items:

Pending Items:

1. Fee Suspension Update
2. Website Redesign
3. CNG Facility Update
4. New Energy Workshop
5. Permanent Homeless Solution
6. Shopping Cart Ordinance Update

## **11. ADJOURN REGULAR MEETING**

**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 regular meeting agenda but is of interest to the general public and is an item upon which the Mayor and Council may act. A three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to "share" his/her three 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 on the City's website at [www.banningca.gov](http://www.banningca.gov) or via email or regular mail by calling (951) 922-3102 or emailing [sdelafuente@banningca.gov](mailto:sdelafuente@banningca.gov) in the Office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. and requesting a copy.*

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Sonja De La Fuente, Deputy City Clerk  
**MEETING DATE:** October 13, 2020  
**SUBJECT:** Minutes of the September 22, 2020, City Council Meetings

---

### **RECOMMENDED ACTION:**

Approve the Minutes of the September 22, 2020 City Council Meetings.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Minutes of the September 22, 2020, City Council Meetings  
<https://banningca.gov/DocumentCenter/View/8007/Minutes-9-22-2020>

Approved by:

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

---

Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 13, 2020

**SUBJECT:** Lease Agreement between City of Banning and Banning Chamber of Commerce for Animal Shelter Property.

---

### **RECOMMENDED ACTION:**

A motion to authorize the City Manager to execute the Lease Agreement with the Chamber of Commerce for the City's Animal Shelter Property located at 2244 Charles Street.

### **BACKGROUND:**

The purpose of the lease agreement is to give short-term control of the property to the Banning Chamber of Commerce, which will allow the Chamber to collect donations, manage improvements, and coordinate volunteer events. The City of Banning does not currently have resources to dedicate to this project so it is dependent upon volunteers and donations.

The lease agreement will terminate by the end of February 2021 or sooner if improvements are completed and a shelter operator is ready to begin providing sheltering services.

### **JUSTIFICATION:**

The Chamber of Commerce is capable and interested in leasing the property to complete the necessary improvements required for the facility to operate as an animal shelter.

### **FISCAL IMPACT:**

The City Council has previously agreed to waive permit fees associated with the improvements. Improvements are being funded through donations and volunteer labor.

### **OPTIONS:**

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

**ATTACHMENTS:**

1. Lease Agreement

<https://banningca.gov/DocumentCenter/View/7970/Animal-Shelter-Lease-Agreement>

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  
Holly Stuart, Management Analyst

**MEETING DATE:** October 13, 2020

**SUBJECT:** Awarding the Banning Connect Transit System Fleet Wrapping Services Agreement to Canyon Print & Signs of Palm Springs, California in the amount of \$100,000 and Rejecting all Other Bids

---

### **RECOMMENDED ACTION:**

City Council approve the following:

1. An award of the Banning Connect Transit System Fleet Wrapping Services Agreement to Canyon Print & Signs of Palms Springs, California in the amount of \$100,000 for a three (3) year term with the option to review for two (2) additional single year periods.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the agreement for Banning Connect Transit System Fleet Wrapping Services.
3. Authorizing the City Manager or designee to execute the Banning Connect Transit System Fleet Wrapping Services Agreement with Canyon Print & Signs for a three (3) year term with the option to renew for two (2) additional single year term.

### **BACKGROUND:**

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

## Banning Connect Transit System Fleet Wrapping Services

May 26, 2020

Page 2 of 3

The transit system is currently known as “Pass Transit” and previously functioned under an Interagency Services Agreement (ISA) with operations, in part, being administered in unison by both cities of Banning and Beaumont. In June of 2019, a new ISA was executed, resulting in Banning operating separate of Beaumont and working to rebrand the transit division as Banning Connect Transit System. As part of the rebranding efforts there is a need to remove the previous logo of Pass Transit and place the new logo on the City’s transit fleet.

In following the City’s purchasing policy, staff prepared a Request for Proposals (RFP) for Banning Connect Transit System Fleet Wrapping Services. The scope of work for these services includes the removal, repair, production and adherence of printed graphics (i.e. wraps) to the existing transit fleet which consists of sixteen (16) passenger vehicles, vans and buses. Additionally, the scope includes providing similar services to transit units that are purchased over the three (3) year term of the agreement or for transit units that participate in a potential advertising program.

On August 18, 2020 an RFP for Banning Connect Transit Fleet Wrapping Services was released through the ProcureNow purchasing system used by the City. In response, two (2) proposals were received and ranked per the following:

<u>Companies</u>	<u>Score</u>
1. Canyon Print and Signs	75.5%
2. AAA Flag & Banner	66.67%

A committee consisting of three (3) members was assembled to evaluate the proposals based on pricing, experience, professional references, approach and methodology resulting in Canyon Print & Signs being ranked the highest.

As a result of these evaluations, staff recommends an award to Canyon Print & Signs in the amount of \$100,000 for a three (3) year term with the option to renew for two (2) additional single years.

If awarded, staff anticipates that initial services will be completed within two (2) months from the issuance of the award notice. Upon satisfactory review of the initial term, the agreement may be extended for two (2) additional single year terms.

### **JUSTIFICATION:**

In order to rebrand the transit system fleet, it is necessary to remove the existing wraps representing Pass Transit and apply new printed graphics signifying the change to Banning Connect Transit System.

Staff adhered to the City’s purchasing policy resulting in the recommendation to award an agreement to the highest ranked company, Canyon Print & Signs.

**FISCAL IMPACT:**

The Banning Connect Transit Fleet Wrapping Services Agreement will be funded by Transit, Account No. 610-5800-434.90-50 (Fleet Maint/Capital Cost) in the amount of \$100,000.

The initial services for the removal, repair, production and adherence of printed graphics (i.e. wraps) to the existing transit fleet, consisting of sixteen (16) passenger vehicles, vans and buses, will be provided in an amount not to exceed \$68,750. Similar services will be provided on as needed basis, in an amount not to exceed \$31,250 for units purchased over the three (3) year term of the agreement or for transit units that participate in a potential advertising campaign program.

**OPTIONS:**

Reject the recommendation and provide staff direction. If rejected, the transit fleet will continue to display graphics that represent Pass Transit.

**ATTACHMENTS:**

1. Request for Proposals  
<https://banningca.gov/DocumentCenter/View/7983/Attachment-1---RFP>
2. Wrap Design  
[https://banningca.gov/DocumentCenter/View/7984/Attachment-2\\_Banning\\_Transit-Mockup](https://banningca.gov/DocumentCenter/View/7984/Attachment-2_Banning_Transit-Mockup)
3. Transit System Fleet Pictures  
<https://banningca.gov/DocumentCenter/View/7985/Attachment-3- -Transit-Fleet-Pictures>
4. Canyon Print & Sign Proposal  
<https://banningca.gov/DocumentCenter/View/7986/Attachment-4---Canyon-Proposal>
5. Draft Agreement  
[https://banningca.gov/DocumentCenter/View/7987/Attachment-5 \\_Draft-Agreement](https://banningca.gov/DocumentCenter/View/7987/Attachment-5 _Draft-Agreement)

Approved by:



---

Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING BANNING UTILITY AUTHORITY REPORT

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 13, 2020

**SUBJECT:** Authorize the City Manager to Sign the Notice of Completion  
for Project "Grit Drive Replacement" as Complete and Direct  
the City Clerk to Record the Notice of Completion

---

### **RECOMMENDED ACTION:**

That the City Council accept Project "Grit Drive Replacement" 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 May 8, 2020, a contract was entered in with J.R. Filanc Construction, Inc., for Project, "Grit Drive Replacement". The project was approved in the amount of \$33,831.

The scope of work included all parts, labor, equipment and materials required for the replacement of the grit drive unit. The final project cost was \$33,831.

### **JUSTIFICATION:**

As part of the wastewater treatment plant, the grit drive maintains a constant rotation of the vortex flow allowing the grit to settle out and be pumped to the grit bin that is hauled away. This drive unit has been in operation for 20+ years running 365 days a year 24 hours a day and recently failed. The bidder, J.R. Filanc was awarded the contract under CUPCCAA and work was completed on September 21, 2020. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory and that the contractor met the required contract obligations.

**FISCAL IMPACT:**

The project was completed in the amount of \$33,831 and was funded by the Wastewater Operations Fund, Account No. 680-8000-454-95.12 (Treatment Plant Improvements).

**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/7989/Attachment-1---Notice-of-Completion>

Approved by:



\_\_\_\_\_  
Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 13, 2020

**SUBJECT:** Ordinance 1563 approving Zone Change 17-3502 rezoning three Parcels Located West of Hathaway Street and North of Repllier Road (APNs 534-050-003; 534-084-001 & 002) as Industrial – Mineral Resources (IMR), and Making Findings Pursuant to CEQA

### **RECOMMENDED ACTION:**

Staff Recommends the City Council:

Waive further reading and adopt Ordinance 1563 approving Zone Change 17-3502.

### **BACKGROUND:**

On September 22, 2020, City Council conducted a Public Hearing and Ordinance 1563 passed its first reading.

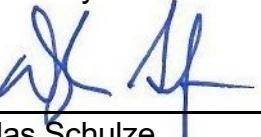
### **OPTIONS:**

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

### **ATTACHMENT:**

1. Ordinance 1563  
[https://banningca.gov/DocumentCenter/View/8000/ATT-1-Ordinance-1563---Adopt-Robertson\\_s-Quarry-ZC---10-13-20-v1](https://banningca.gov/DocumentCenter/View/8000/ATT-1-Ordinance-1563---Adopt-Robertson_s-Quarry-ZC---10-13-20-v1)

Approved by:

  
Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 13, 2020

**SUBJECT:** Development Agreement No. 12 Between the City of Banning and Robertson's Redi-Mix, Inc. for the Operation of a surface mining operation; and Ordinance No. 1570, An Ordinance of the City of Banning, California, approving the Development Agreement on Real Property Located at 1401 North Hathaway Street (APNs: 534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006).

### **RECOMMENDED ACTION:**

Staff Recommends the City Council:

Waive further reading and adopt Ordinance 1570 approving Development Agreement 12.

### **BACKGROUND:**

On September 22, 2020, City Council conducted a Public Hearing and Ordinance 1570 passed its first reading.

### **OPTIONS:**

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

### **ATTACHMENT:**

1. Ordinance 1570  
[https://banningca.gov/DocumentCenter/View/7992/ATT\\_1\\_CC\\_Ordinance-1570---Adopt-Robertson\\_s-Quarry-DA---101320-v6\\_RWG\\_with-exhibits](https://banningca.gov/DocumentCenter/View/7992/ATT_1_CC_Ordinance-1570---Adopt-Robertson_s-Quarry-DA---101320-v6_RWG_with-exhibits)

Approved by:

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

---

Douglas Schulze

City Manager



## **CITY OF BANNING CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Aja Wallace, Budget and Financial Analyst  
Suzanne Cook, Deputy Finance Director

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution 2020-121 Approving New Job Description and Revision to the Compensation and Classification Plan.

---

### **RECOMMENDED ACTION:**

That City Council adopt Resolution 2020-121:

1. Approving new job description (Animal Control Officer) and revision to the Compensation and Classification Plan.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers.

### **BACKGROUND:**

It is necessary to amend the City's Classification and Compensation Plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs. The adoption of Resolution 2020-121 would replace Resolution 2020-25.

**JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

The addition of two Animal Control Officer positions. The Animal Control Officers will enforce City and local ordinances governing the care and keeping of domestic animals within the City. This position will also distribute animal licenses to City residents. The City has determined there is an estimated cost savings by providing Animal Control services since the County of Riverside contract costs have increased by approximately 100% for Fiscal Year 2020-2021.

**FISCAL IMPACT:**

Animal Control Officer with a salary range (G48) from \$34,486.76 (Step 1) to \$52,067.81 (Step 13) funded 100% by the General Fund, total salaries and benefits \$80,111.53 (Step 1) to \$101,315.13 (Step 13) for each position.

Total General Fund impact- An annual estimated savings of approximately \$110,000 in light of the current budgeted Animal Control contract cost with Riverside County of \$360,000 as compared to the estimated in-house Animal Control cost of \$250,000 provided to City Council on September 8, 2020.

Revisions to Class and Compensation Plan:

Add: Animal Control Officer 2

**OPTIONS:**

1. Approve Resolution 2020-121 authorizing the new and revised job description and revisions to the Classification and Compensation Plan and make the necessary budget adjustments, appropriation and transfers.
2. Do not approve the resolution and provide direction to staff.

**ATTACHMENTS:**

1. Resolution 2020-121  
[https://banningca.gov/DocumentCenter/View/7966/Att-1-Resolution-2020-121\\_Final](https://banningca.gov/DocumentCenter/View/7966/Att-1-Resolution-2020-121_Final)
2. Position Costs for New Position  
<https://banningca.gov/DocumentCenter/View/7967/Att-2---New-Position-Costs---Animal-Control-Officer>

Approved by:



---

Douglas Schulze

City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution No. 2020-124, Declaring the Intention to Levy and Collect a Change in Assessments for Fiscal Year 2021/2022, Approving the Proposition 218 Engineer's Report and Setting the Date for the Public Hearing for the Proposition 218 Ballot Proceeding for Landscape Maintenance District No. 1

---

### **RECOMMENDED ACTION:**

Staff recommends that the City Council adopt Resolution 2020-124:

1. Declaring the Intention to Levy and Collect Assessments, Approving the Proposition (Prop) 218 Engineer's Report and Setting the Date for the Public Hearing for Landscape Maintenance District No. 1 in accordance with Proposition 218 balloting proceedings.
2. Authorizing the City Clerk to certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

### **BACKGROUND:**

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

LMD No. 1 provides a mechanism for the operation and maintenance of landscape medians and parkways, perimeter strips, landscaped hillsides with high visibility, side

slopes adjacent to sidewalks and retention basins annexed into it. LMD No. 1 funds expenses (e.g. utility costs, landscape maintenance contractor, etc.) by revenues collected from the special benefit assessments paid for by each property owner within LMD No. 1. A map displaying LMD No. 1 and boundaries of each tract is attached herewith as Attachment 3.

The District, by special benefit assessments, provides funding for the operation and maintenance of certain landscape areas within the City of Banning, all of which were constructed as part as private development projects and all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value.

The annual Assessment Unit ("Assessment") rate ranges from \$98.91 to \$216.69, depending on the zone. The current assessments provide funding for general maintenance and do not fund capital replacement projects (e.g. major replanting, irrigation system/landscaping reconstruction, etc.). Based on the current assessments there is an estimated deficit of \$69,974 in fiscal year 2020/2021 which will be covered by the LMD No.1 fund balance of \$295,355.

Due to the revenue shortfall and the lack of funding for capital improvements, the Public Works Department prepared a Request for Proposals in December of 2018 with the intention to hire a consultant with expertise in the Prop 218 process and assessment districts to determine the proper zones and assessment amounts for each tract; the basis of assessments; assist in holding a Prop 218 Public Hearing; determine the estimated budget for the next 20 years; prepare necessary reports; and perform community outreach. In essence, a complete overhaul of the LMD No. 1 was sought including the restructuring of the district zones and assessments.

On April 9, 2019, the City Council approved Resolution 2019-42, awarding the professional services contract to Webb Municipal Finance, LLC ("Webb") to prepare the Financial Analysis, Redevelopment and Proposition 218 Report ("Report").

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

As requested, community outreach meetings were held on November 20, 2019 (2 meetings, morning and afternoon), December 9, 2019 and December 11, 2019. Presentations outlying the budget analysis and options for the LMD assessment units were given. The three options that were presented to the property owners within LMD No. 1 were as follows:

- Escalated costs with a reserve collection and maintenance program collection (\$0.29/SQFT), Option 1
- Escalated costs with a reserve collection and an escalated maintenance program collection (\$0.44/SQFT), Option 2
- Escalated costs with a reserve and maintenance program collection (\$0.29/SQFT) as well as a CIP collection over 30 years (\$13/SQFT), Option 3

Only twelve (12) vote cards were received at the meetings, with seven (7) property owners voting for Option 1, one (1) for Option 2 and four (4) for "none of the above." The City's website contained information on the Report and survey/vote cards were made available online.

On March 10, 2020, the City Council was presented an updated status report and requested to "Discuss and Determine the Rate Options/Assessment Units to Appear on Prop 218 Ballots for Landscape Maintenance District No. 1" and subsequently, the City Council approved the Prop 218 Assessment rates per Zone as shown on Attachment 5, including an annual CPI increase. The Prop 218 Vote was scheduled to occur in June of 2020. However, due to COVID-19 restrictions and the closing of public facilities, the Prop 218 Engineer's Report approval and Prop 218 vote was temporarily postponed and will now be considered at tonight's City Council meeting and on December 8, 2020, respectively.

On September 22, 2020, an update and discussion outlining the status of the Prop 218 ballot proceedings and remaining steps was presented to the City Council.

Webb Municipal Finance, LLC prepared the Prop 218 Engineer's Report, shown as Attachment 2, that presents the new proposed Assessment rates for each Zone reflected on the Prop 218 Ballot for each Zone. If the Engineer's Report is approved by City Council, the Prop 218 Ballot will be mailed to the property owners within LMD No. 1 by October 23, 2020.

Each Zone's voting results are independent of the voting results of other Zones. In the event the Prop 218 vote on December 8, 2020 fails for a Zone, that Zone's Assessment rate would remain unchanged, with the exception that a CPI increase would be applied to a tract if it was one that was annexed into the LMD No. 1 in 2005, at which time, those property owners authorized an annual CPI adjustment.

The Prop 218 Engineer's Report, which provides background on the proposed Assessments, is on file with the City Clerk. If Resolution 2020-124 is approved, the public hearing and tallying of ballots submitted by the affected property owners to consider approving the new Assessment rates will be held at the regularly scheduled City Council meeting on December 8, 2020, at 5:00 p.m. A list of tracts and Zones in LMD No. 1 and their respective proposed increased Assessments is shown as Attachment 5.

Attachment 4 includes a Draft Assessment Ballot and a Draft Notice of Public Hearing in English and Spanish, and Draft envelopes that will be mailed to the affected property owners within LMD No. 1. A community meeting will be held in mid-November to provide community outreach and information about the Prop 218 process.

**JUSTIFICATION:**

The Prop 218 Engineer's Report provides justification for the proposed changes in Assessments, which are needed to provide the necessary funding to operate the LMD No. 1.

The Prop 218 Ballot process will allow the property owners to vote on whether or not the Assessment rates should be increased.

**FISCAL IMPACT:**

The Prop 218 ballot process will determine the Assessment rates to be collected from LMD No. 1 property owners and will have a significant impact on the budget for the foreseeable future. Without increased Assessment rates, other funding sources would have to be utilized to pay for the expenses related to the operation and maintenance of LMD No.1 or operation service levels will have to decrease to fit within available budgets.

**ALTERNATIVES:**

Reject Resolution No. 2020-124, which would result in staff not continuing with the Prop 218 balloting proceedings process of voting on an increase in assessments. As a result, the implementation of Assessment would remain unchanged.

**ATTACHMENTS:**

1. Resolution No. 2020-124  
<https://banningca.gov/DocumentCenter/View/7995/Attach-1--Resolution-No-2020-124>
2. Proposition 218 Engineer's Report  
<https://banningca.gov/DocumentCenter/View/7996/Attach-2-Prop-218-Engineers-Report>
3. LMD No. 1 Map for FY 2020/2021  
<https://banningca.gov/DocumentCenter/View/7997/Attach-3-LMD-No1-Map>
4. Draft Envelopes, Assessment Ballot and Notice of Public Hearing  
<https://banningca.gov/DocumentCenter/View/7998/Attach-4-Prop-218-Ballot-Information>

5. Approved Prop 218 Ballot Assessment Rates

<https://banningca.gov/DocumentCenter/View/7999/Attach-5-Prop-218-Assessment-Rates-per-Zone>

Approved by:

---

Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution 2020-125, Approving the Amended Agreement for Participation in the County of Riverside's Urban County Program for Fiscal Years 2021-22, 2022-23, and 2023-24

---

### **RECOMMENDED ACTION:**

It is recommended that City Council consider:

1. Adopting Resolution 2020-125, approving the amended agreement for the participation in the County of Riverside's Urban County Program for Fiscal Years 2021-22, 2022-23, and 2023-24;
2. Authorizing the Mayor to execute the amended agreement.

### **BACKGROUND:**

The City has historically participated in the Riverside County Urban County Program as a source of funding for community and neighborhood programming and revitalization. Riverside County acts as a direct conduit administering CDBG funds directly to participating cities through the program.

Every year, the City notifies the public and past applicants of the upcoming funding availability, which also encourages applications for potential programs and physical improvements tied to funding requirements.

Entitlement Funding for the County is determined by a formula based upon several criteria, including: housing inventory, population, and poverty levels. The County then utilizes a similar formula for cities participating in the Urban County Program.

On May 12, 2020, the City Council approved Resolution 2020-60 Approving participation in the Urban County Cooperation Agreement. On September 30, 2020 the City was informed the original agreement approved and executed by the City included some minor errors that require the City to execute a revised agreement and resolution. The errors are as follows:

1. Modification to Paragraph 4C by adding "Section 109 of Title I of the Act" and "Title II of the American with Disabilities Act";
2. Modification to Paragraph 21 by replacing the original clause with the following: "The City may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations. City must use such funds for activities eligible under title I of the ACT."

#### **ISSUES/ANALYSIS:**

The County of Riverside, as part of its ongoing administration of the Urban County Program must certify cooperating city participation through an executed agreement and City Resolution, in three year increments. By approving the Resolution and Cooperating Agreement, the City will remain eligible for Community Development Block Grant funding through the County of Riverside's Urban County Program for the next three fiscal years, through 2023-24.

#### **FISCAL IMPACT:**

By approving the Cooperating Agreement, the City can continue to receive an annual entitlement for the next three (3) fiscal years. Each year the entitlement amount varies but is approximately \$170,000 that can be used for community benefit and associated programs.

#### **ALTERNATIVE:**

Reject Cooperating Agreement with the County of Riverside and provide staff with alternative direction.

**ATTACHMENTS:**

1. Resolution 2020-125  
<https://banningca.gov/DocumentCenter/View/7971/Resolution-2020-125-Revised-CDBG-Urban-County-Program>
2. Revised Cooperation Agreement for Community Development Block Grant, Home Investment Partnership Program, and Emergency Solutions Grant for Federal Fiscal Years 2021,2022 and 2023  
<https://banningca.gov/DocumentCenter/View/7972/COOP-Agreement-2021-2024Corrected-Aug-11>

Approved by:



---

Douglas Schulze, City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works/City Engineer  
Jennifer Jackson, Management Analyst

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution 2020-126, Authorizing the Designation of the Director of Public Works/City Engineer as Authorized Agent for the California Department of Water Resources Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant Agreement

---

### **RECOMMENDED ACTION:**

That the City Council adopt Resolution 2020-126, Authorizing the Designation of the Director of Public Works/City Engineer as Authorized Agent for the California Department of Water Resources Proposition 1 Round 1 Integrated Regional Water Management (IRWM) Implementation Grant Agreement.

### **BACKGROUND:**

On October 22, 2019, the City Council adopted Resolutions 2019-134 and 2019-23 UA, providing authorization for staff to submit a proposal to the California Department of Water Resources for a Proposition 1 Round 1 IRWM Implementation Grant and for the "City Manager, or his designee, to act as agent with legal authority to enter into the grant agreement" should the application be successful.

On June 2, 2020, the DWR announced Final Awards for the Colorado River Basin Funding Area, with the San Gorgonio IRWM (SGIRWM) Region receiving an award of \$3,537,882.

Grant proceeds will be split among four (4) projects within the SGIRWM Region:

City of Banning - Altitude Valves to Maximize Emergency Storage; Location #2 Waterline Replacement; and Smart Metering (AMR/AMI)

Cabazon Water District - Isolation Valve Improvement Project

October 13, 2020

Page 2 of 2

**JUSTIFICATION:**

Since receiving the official Notice of Award dated June 9, 2020, staff has been gathering and submitting the required deliverables in the effort to ensure timely processing of the grant agreement with DWR. As part of the information collection process, the DWR requires that the Grantee identify the Authorized Agent who will act as the official Project Representative on behalf of the City.

Per City Council Resolutions 2019-134 and 2019-23 UA adopted October 22, 2019, the City Manager has designated the Director of Public Works/City Engineer to act as the Authorized Agent for the Proposition 1 Round 1 IRWM Implementation Grant Agreement. DWR requires that the City Council adopt a resolution ratifying this designation, hence the purpose of Resolution 2020-126.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

1. Resolution 2020-126

<https://banningca.gov/DocumentCenter/View/7990/Attachment-1---Resolution-2020-126>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Matthew Hamner, Chief of Police

**PREPARED BY:** Jeff Horn, Captain

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution 2020-127 In Support of the Passage of Proposition 20 on November 3, 2020

---

### **RECOMMENDED ACTION:**

City Council adopt Resolution 2020-127 approving the following:

1. Support the passage of Proposition 20

### **BACKGROUND:**

This proposition fixes some unintended consequences in Propositions 47, 57 and AB109. Proposition 57 allowed for early release for “non-violent offenders.” The proposition listed “non-violent” offenders is included in the research material attached to this staff report but does include the offenses of “Kidnapping a child to sell them as a sex slave” and “Rape of a person by use of drugs.” Proposition 47 made all thefts under \$950 a misdemeanor no matter how many times a person is convicted of stealing. Prop 20 would allow for a third time offender to be punished as either a misdemeanor or as the lowest-level felony. This is supported by the California grocer’s and retailer’s groups who have been devasted by rising theft. Prop 20 would also require that a parolee who violates the terms of his parole for a third time be brought before a judge to determine whether parole should be revoked. It would also require the Board of Parole Hearings to consider an inmate’s entire criminal history when deciding parole and not just the most recent commitment offense. (information taken from ADDA “Making the case for yes on Prop 20”)

**JUSTIFICATION:**

This proposition is a fix to previous legislation's unintended consequences. Crime suppression and safety is arguably the most important function a city can provide for the residents. This proposition is important to keep criminals away from the public and hold criminal behavior accountable.

**FISCAL IMPACT:**

Supporting this proposition will not increase the budget of the City of Banning.

**OPTIONS:**

1. Approve as recommended.
2. Do not approve.

**ATTACHMENTS:**

1. Resolution 2020-127  
<https://banningca.gov/DocumentCenter/View/7977/Resolution-2020-127-In-Support-of-Proposition-20>
2. Link to Association of Deputy District Attorneys, "Making the case for Yes on Proposition 20" <https://www.laadda.com/making-the-case-for-yes-on-prop-20/>
3. Link to Voter Guide: <https://voterguide.sos.ca.gov/propositions/20/index.htm>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam Rush, AICP, Community Development Director  
Shiloh Rogers, Purchasing Manager

**MEETING DATE:** August 25, 2020

**SUBJECT:** Resolution 2020-128, Approving the Professional Services Agreement in the amount of \$121,018, and an Optional Task not to exceed \$25,000, with Rincon Consultants, Inc. for the preparation of the General Plan Housing Element pursuant to the 6<sup>th</sup> RHNA Cycle.

---

### **RECOMMENDED ACTION:**

City Council adopt Resolution 2020-128 approving the following:

1. Adopt Resolution 2020-128, Approving the Professional Services Agreement in the amount of \$121,018, and an Optional Task not to exceed \$25,000, with Rincon Consultants, Inc. for the preparation of the General Plan Housing Element pursuant to the 6<sup>th</sup> RHNA cycle.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement.
3. Authorizing the City Manager to execute the Professional Services Agreement with Rincon Consultants, Inc.

### **BACKGROUND:**

#### *Housing Element Update and RHNA Process:*

The City of Banning is required under state housing law (Gov't Code Section 65588 et. al.) to prepare, submit for public comment, and obtain certification by the Department of Housing and Community Development (HCD), an updated Housing Element pursuant to each cycle of the Regional Housing Needs Assessment or RHNA.

The RHNA is initially prepared by the state Department of Finance (DOF) and then transmitted to the applicable Metropolitan Planning Organization (MPO) for distribution and allocation of the Regional Housing Needs on across each of the five-county SCAG members and city-by-city. The 6<sup>th</sup> Cycle RHNA, for the City of Banning, is 1,668; which is slightly less than the 5<sup>th</sup> Cycle RHNA of 1741.

**RFP and Selection Process:**

The Community Development Department released a Request for Proposal (RFP) on July 22, 2020 where three firms downloaded the RFP and two submitted responsive and responsible proposals. An evaluation team, drawn from three separate city departments (including Community Development) reviewed both proposals. The resulting evaluations presented a wide variance in scoring between the two proposed firms; wherein Rincon Consultants, Inc. was determined to be the most qualified and responsive firm to propose the requested services. Therefore, City staff is requesting the Council approve a professional services agreement, with Rincon Consultants, Inc., for preparation of the Housing Element Update.

**JUSTIFICATION:**

The Housing Element update process is not only a requirement of state law, but a certified Element is vital to retaining in excess of \$300,000 in state grants (e.g., SB 2 and LEAP grant funding provided by HCD). In addition, achieving a certified Element prior to October of 2021 ensures the City will remain on the 8-year RHNA cycle. Failure to provide a certified Element within this timeframe can reduce this review cycle to 4-years, as well as prevent future grant funding opportunities.

**FISCAL IMPACT:**

The total compensation for the services shall not exceed \$121,018 allocated to the balance of Fiscal Year 20/21 and approximately 6-months of F.Y. 21/22 (given time for the final project close-out). In addition, the Department requests authorization to engage the consultant in an Optional Task, not to exceed \$25,000 if and when additional funding becomes available. This task includes the preparation of technical reports and special studies that may be necessary to complete the Housing Element Update.

**OPTIONS:**

1. Approve as recommended.
2. Provide an alternative recommendation, e.g., remove the Optional Task
3. Do not approve and provide alternative direction.

October 13, 2020

Page 3 of 3

**ATTACHMENTS:**

1. Resolution 2020-128  
<https://banningca.gov/DocumentCenter/View/8001/Att-1-Resolution-2020-128>
2. Draft Professional Services Agreement with Rincon Consultants, Inc.  
<https://banningca.gov/DocumentCenter/View/8002/Att-2-Rincon-Consultants-Draft-PSA>
3. Local Housing Data for City of Banning  
[https://banningca.gov/DocumentCenter/View/8003/Att-3---Banning\\_HE\\_0920](https://banningca.gov/DocumentCenter/View/8003/Att-3---Banning_HE_0920)

Approved by:



---

Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** October 13, 2020

**SUBJECT:** Adopt Resolution 2020-130, Establishing a Pre-Approved Professional Land Use and Environmental Vendor List for the Remainder of Fiscal Year 20/21 through the end of Fiscal Year 23/24

### **RECOMMENDED ACTION:**

Staff Recommends the City Council:

The City Council adopt Resolution 2020-130 establishing a pre-approved professional land use and environmental planning vendor list for the remainder of fiscal year (F.Y.) 20/21 and through F.Y. 24/25.

### **BACKGROUND:**

In May of 2016, the City Council approved an environmental planning vendor list that was utilized several times by the Community Development Department. The vendor list allowed staff to acquire various land use and environmental planning services for a wide variety of department services, including the peer-review of environmental documents, plan check and examination of various environmental studies and technical reports, and assistance in preparing highly complex and technical environmental documents on behalf of other City Departments (i.e., Public Works and Banning Electric Utility). Unfortunately, the existing list only includes three qualified firms and in the last 18-months, two of the three firms have failed to submit proposals, leaving a need to update and expand the Department's consultant list.

A Request for Proposals was released through ProcureNow on June 24, 2020. Through this release, thirty-eight (38) firms were directly notified. The request for proposals closed on July 24, 2020 with the nineteen (19) consultants listed below responding and submitting proposals by the deadline.

**SUBMITTED PROPOSALS:**

<b>VENDOR</b>
Albert A. Webb Associates
CASC Engineering and Consulting, Inc.
Michael Baker International
VCS Environmental
Rincon Consultants
FirstCarbon Solutions
Romo Planning Group Inc.
Willdan Engineering
<a href="https://lsa.net/">https://lsa.net/</a>
Chambers Group, Inc.
Aspen Environmental Group
MIG, Inc.
MSA Consulting, Inc.
Sagecrest Planning + Environmental
Cornerstone Development Company
Infrastructure Engineers
Lilburn Corporation
UltraSystems Environmental Inc. (DBE   SBE   WBE)

**SUCCESSFUL FIRMS:**

<b>VENDOR</b>	<b>TOTAL SCORE</b>
Albert A. Webb Associates	87.33%
CASC Engineering and Consulting, Inc.	87.33%
Michael Baker International	87.33%
VCS Environmental	84.00%
Rincon Consultants	82.00%
FirstCarbon Solutions	81.67%
Romo Planning Group Inc.	80.67%

**OPTIONS:**

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

October 13, 2020

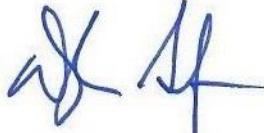
Page 3 of 3

**ATTACHMENT:**

1. Resolution 2020-130

<https://banningca.gov/DocumentCenter/View/8008/Attachment-1-Resolution-2020-130-On-Call-Land-Use-1>

Approved by:



---

Douglas Schulze  
City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



**CITY OF BANNING  
PLANNING COMMISSION  
STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director  
Kevin Ennis, City Attorney

**MEETING DATE:** October 13, 2020

**SUBJECT:** Resolution No. 2020-129, Vacating portions of Gilman Street, Theodore Street, Summit Drive, Repplier Road, Hathaway Street, and Harlow Street within the Robertson's Ready Mix Banning Quarry Project Site (Located on APNs: 534-242-001; 534-230-001 & 002, 534-241-003 AND 534-242-001; 534-100-001, 002, 003, 004, 005, 006, 007 & 008; 534-110-002, 003, 004 & 005 AND 534-123-002; 534-110-005, 534-230-002, 534-242-001 AND 534-273-003; 534-241-003, 004 AND 534-242-001, respectively under the public streets, highway, and service easements vacation law (Streets, Highway Code Section 8300 et. seq.) and making findings in connection with CEQA

**RECOMMENDED ACTION:**

Staff Recommends the City Council:

Adopt Resolution 2020-129 Vacating portions of Gilman Street, Theodore Street, Summit Drive, Repplier Road, Hathaway Street, and Harlow Street within the Robertson's Ready Mix Banning Quarry Project Site.

**APPLICANT INFORMATION:**

Project Location	1990 N. Hargrave Street (Entrance at the terminus of North Hathaway Street)
APN Information:	534-100-001 thru 008; 534-110-001 thru 005; 534-050-003; 534-084-001 & 002; 534-110-005; 534-213-002; 534-230-001 & 002; 534-241-003 & 004; 534-242-001; 534-273-002, 003, 006

Project Applicant      Robertson's Ready Mix

Property Owner #1:      Robertson's Ready Mix  
P.O. Box 3200  
Corona, CA 92882

Property Owner #2:      Matich Corporation  
Robert Matich  
P.O. Box 10  
Highland, CA 92346

Project Representative:      EnviroMine, Inc.  
c/o Warren Coalson  
3511 Camino Del Rio South, Suite 403  
San Diego, CA 92108

**REQUEST:**

The Robertson's Ready Mix Banning Mine is requesting approval for their expansion project that includes a General Plan Amendment (GPA) and Zone Change (ZC) for 17-acres at the northwest corner of the mine, from Low Density Residential (LDR) to Industrial Mineral Resources (I-MR), a Conditional Use Permit (CUP), to expand the mining area to encompass rezoned 17-acres and an additional 23-acres of land to the south (currently owned by Matich Corporation) to accommodate a 24-hour operation of an onsite ready mix concrete batch plant and associated support and maintenance facility on a total of approximately 208 acres. There is an associated Reclamation Plan (RCL) Amendment to combine two previously approved RCLs; and including the aforementioned 17-acres at the northwest corner. There is also a Development Agreement that contemplates the mining and reclamation of the Quarry consistent with these entitlements, as well as a request to vacate certain paper streets within the Quarry area, more particularly identified in Exhibits C of the attached Resolutions.

**BACKGROUND:**

At the September 22, 2020 City Council Public Hearing the Robertson's entitlement package was approved at a duly notice public hearing. The entitlements included a General Plan Amendment, Zone Change, Conditional Use Permit, Amended Reclamation Plan, and adoption of an Environmental Document. Due to Government Code requirements, for the Road Vacation to be considered during a separate public hearing, City staff prepared both property owner notifications, advertised in the local paper of record (i.e., Record Gazette) and posted physical notices on-site of a minimum of two weeks prior to the public hearing.

The public streets and easements in question are commonly referred to as "paper streets". This is a colloquial term indicating the streets and easements do not physically exist on the property; however, they are only represented through the City's maintained roadbook and with the plats and easements originally creating the roadways and easements. The property owner intends to utilize the area beneath the grade of these "paper streets" to continue their surface mining operations pursuant to the recent approval of Conditional Use Permit 16-8007.

**HISTORY:**

The Robertson's Ready Mix Banning Mine is located at the northeastern portion of the City of Banning. It is an existing aggregate (sand and gravel) mine and processing plant owned and operated by Robertson's Ready Mix (Robertson's). The mine has been in continuous operation since the early 1900's and consists of the West Pit, East Pit, South Pit and Central Area. Much of the existing operations predate zoning restrictions and state mining laws and have been sanctioned by two separate permits issued by the City in 1965 and 1996. Neither permit is restricted by time limits. As a result of the continuous nature of the operations and the lack of a closure date on the permits issued by the City of Banning, the site is considered to have vested mining rights. These rights are attributed to the property in ownership at the time that activities commenced. The applicant request that the City of Banning vacate existing rights-of-way for the following paper streets within the limits of the CUP boundary: Summitt Drive, Repplier Road, Gilman Street, Hargrave Street, Theodore Street, and Hathaway Street. Upon completion of this street and easement vacation, the underlying property will return to adjacent property owners as Real Property and Robertson's/Matich will record fee title ownership of approximately 9.7-acres.

**ATTACHMENTS:**

1. Resolution 2020-129 <https://banningca.gov/DocumentCenter/View/8004/Att-1-Resolution-2020-129>
2. Project Plans  
<https://banningca.gov/DocumentCenter/View/8005/Att-2---Project-Plans>
3. Public Hearing Notice (PHN)  
<https://banningca.gov/DocumentCenter/View/8006/Att-3---PUBLIC-HEARING-NOTICE>

October 13, 2020

Page 4 of 4

Approved by:



---

Douglas Schulze

City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 13, 2020

**SUBJECT:** Amendment to Exclusive Negotiated Agreement with Sudweeks Development

---

### **RECOMMENDED ACTION:**

A motion to authorize the City Manager to execute the Exclusive Negotiated Agreement with Sudweeks Development for 150 E. Ramsey Street.

### **BACKGROUND:**

On March 10, 2020, the City entered into an Exclusive Negotiated Agreement with Sudweeks Development for property at 150 E. Ramsey Street (former San Gorgonio Inn). Recently, Best Development contacted City staff regarding the property. Best Development's representative was put in contact with Sudweeks Development and they have reached an agreement to proceed with a joint venture. As a result, the ENA will need to be amended to remove two parcels from the Agreement so they can be sold to Best Development now. The remaining parcels will remain under the ENA with Sudweeks Development until the Agreement expires in March 2021.

Best Development intends to purchase the two easterly parcels, which is the area of the site plan that is intended for retail commercial development. That portion of the project will be moving forward on a faster timeframe than the Medical Office Building project to be developed by Sudweeks Development.

### **JUSTIFICATION:**

Amendment of the ENA is necessary prior to sale of the two parcels to be purchased by Best Development. Sudweeks Development has consented to amendment of the ENA for this purpose. Sale of the two parcels to Best Development and initiation of the commercial retail phase will allow Sudweeks Development to offer more incentives to the Medical Office Building tenant, which could accelerate that phase.

### **FISCAL IMPACT:**

No fiscal impact associated with amendment of the ENA other than it will facilitate the sale and development of the property on a faster timeframe.

**OPTIONS:**

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

**ATTACHMENTS:**

1. ENA Amendment No. 1  
<https://banningca.gov/DocumentCenter/View/7976/Amendment-No-1-to-ENA>
2. March 2020 ENA  
<https://banningca.gov/DocumentCenter/View/7979/March-2020-ENA---Sudweeks-Development>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 13, 2020

**SUBJECT:** Purchase and Sales Agreement for APN 541-181-032

---

### **RECOMMENDED ACTION:**

A motion authorizing the City Manager to execute the Purchase and Sales Agreement for Assessor Parcel Number 541-181-032 in an amount of \$500,000.

### **BACKGROUND:**

In March 2020, the City of Banning entered into an Exclusive Negotiated Agreement with Sudweeks Development for property located at 150 E. Ramsey Street. The ENA remains in effect until March 2021 while Sudweeks Development conducts various studies and recruits a tenant for the proposed medical office building to be developed on the property. In addition, the easterly most portion of the project is proposed for retail/commercial spaces.

Approximately two months ago, Economic Development Manager James Wurtz was contacted by a representative of Best Development expressing interest in the easterly portion of the property for a commercial/retail project. Since the property was under an ENA, Mr. Wurtz was not able to discuss the property with the representative, but did reach out to Mr. Brandon Sudweeks. Mr. Sudweeks has been working with Best Development for several weeks and an agreement has been reached for development of the easterly portion of the property. As such, Best Development is prepared to purchase the easterly parcel (APN 541-181-032) for \$500,000. The remaining parcels (APN 541-181-033 – 035) will be purchased by Sudweeks Development at a point in the near future.

The entire property consists of 4 individual parcels totaling 5.18 acres and has an appraised value of \$1,100,000. APN 541-181-032 is 2.48 acres or slightly less than one-half of the total land area. Prior to development of the property, a lot line adjustment will be required to configure the property in a manner that is conducive to the development of the two projects.

Best Development is prepared to move forward with the entitlement and permitting process immediately following close of escrow, which is expected to take approximately 60 days.

**JUSTIFICATION:**

The property at 150 E. Ramsey Street is owned by the City of Banning and the City has solicited interest from developers. Sudweeks Development submitted a response to the City's Request for Proposals, which resulted in an Exclusive Negotiated Agreement. The site plan for the proposal included retail/commercial on the easterly portion of the property and a medical office building on the westerly portion of the property. Sale of APN 541-181-032 will facilitate development of the easterly retail/commercial project as well as increase the likelihood of the medical office building.

**FISCAL IMPACT:**

Sale of the property will generate needed revenue for the General Fund in an amount of \$500,000, which is consistent with the appraised value of the property.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Draft Purchase and Sales Agreement  
<https://banningca.gov/DocumentCenter/View/7993/Best-Development-PSA>
2. 150 E. Ramsey Street Parcel Map  
<https://banningca.gov/DocumentCenter/View/7994/150-E-Ramsey-St-parcel-map>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** October 13, 2020  
**SUBJECT:** Banning Sportsman's Club Lease Agreement

---

**RECOMMENDED ACTION:**

City Council authorize the City Manager to execute a lease agreement with Banning Sportsman's Club, Inc. for property at 260 Mias Canyon Road.

**BACKGROUND:**

The current lease agreement with the Banning Sportsman's Club was entered into on June 27, 2007. The term of the current lease agreement included a one (1) year period with a fifteen (15) year extension. Therefore, the current lease agreement expires in June 2023. Representatives of the Banning Sportsman's Club contact the City Manager's Office several months ago to request consideration of an additional extension or new lease agreement.

The purpose of the request for the extension or new lease agreement is because the Sportsman's Club desires to make improvements to their facilities on the property, but they do not want to invest in the property if the lease is going to be terminated in a few years. While the Sportsman's Club uses the property for the sole purpose of maintaining and operating a clubhouse, rifle and pistol shooting range, and related activities, the lease agreement also requires the Club to make the property available exclusively to the Banning Police Department one day per week. Use of the facilities is of substantial value to the City of Banning.

It is not financially feasible for the City to operate a gun range solely for the purpose of the Banning Police Department. Operation of the facility by a 501 (c) (3), such as the Sportsman's Club, is a cost-effective option for the Banning Police Department to have a facility within close proximity. The lease agreement has been re-written completely to make it easier to interpret and updated with current language found in lease agreements.

City staff is not recommending declaration of the property as surplus due to the potential future use of the property for municipal operations. However, it is unlikely that the City will require use of the property within the proposed lease term.

**JUSTIFICATION:**

The City-owned property located at 260 Mias Canyon Road is currently used by the Banning Sportsman's Club as a rifle and pistol shooting range. The facilities require improvements and that investment is not practical without a longer term lease.

**FISCAL IMPACT:**

Cost savings to the City by having a shooting range for Banning Police Officers to use for training.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Current Banning Sportsman's Club Lease Agreement  
<https://banningca.gov/DocumentCenter/View/7973/2007-Lease-Agreement>
2. Draft Lease Agreement  
<https://banningca.gov/DocumentCenter/View/7974/Lease-Agreement-final-draft>

Approved by:



---

Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** October 13, 2020

**SUBJECT:** Term Sheet Between City of Banning and New Energy North America, LLC

---

**RECOMMENDED ACTION:**

A motion to approve the Term Sheet between the City of Banning and New Energy North America (NENA) for the Banning Green City Battery Storage Project.

**BACKGROUND:**

In 2019, NENA approached City management to discuss a joint venture related to solar and battery storage. During the past year, NENA and City representatives have been refining the partnership and the terms for projects. In early 2020, it was determined that a public/private partnership, which was the preferred relationship, was not a viable option. Since that determination, the focus has been to create a relationship that allows the project(s) to move forward with benefits to NENA as well as the City of Banning.

The focus for the City of Banning has been to generate revenue, create resiliency, and increase the renewable energy of the City's electric utility portfolio without adversely impacting the ratepayers. As such, any proposed projects cannot add costs to Banning ratepayers or create unmitigated risks.

The attached Term Sheet provides details for projects that are proposed to be developed by the Project Company. The Project Company is a special purpose entity to be formed by NENA, LLC. The projects include up to ten 50 MW Battery Energy Storage Systems up to 500 MW. The City of Banning will be responsible for providing City-owned land adjacent to substations for each project. In return, the City will receive royalty payments of \$1,085,000 per year for each 50 MW of BESS placed into commercial operation.

Phase 2 requires a new substation adjacent that will allow the City of Banning to wheel energy directly onto the SCE Superhighway power line. Currently, the City only has authority to receive energy through SCE and cannot transmit energy onto the SCE system. The cost of the new substation is estimated to be \$20,000,000 and the Project Company will finance the project. Royalties generated from the Battery Energy Storage Systems will be used to repay the loan at prevailing interest rate over a 25-year period. In addition to the revenue generated from royalties paid to the City, which could amount

to more than \$10,000,000 annually, construction of the new substation will allow the City of Banning Electric Utility to terminate the Wholesale Distribution Access Tariff (WDAT) contract with SCE resulting in a cost reduction of \$3,800,000 annually.

**JUSTIFICATION:**

The City of Banning has been operating with an unsustainable General Fund deficit for several years. The General Fund balance and reserves have been spent down and can no longer support ongoing expenses. The New Energy North America projects can immediately begin generating \$1,000,000 annually upon commercial operation, which is expected to take a few months. Phase 2 construction will likely begin in 2022 and will generate substantial revenue for the General Fund. The risk to the City of Banning is the cost of the \$20,000,000 new substation, which will be financed by NENA. The substation will not be built unless NENA has long-term contractual obligations to buyers of energy from the Project Company's BESS. Royalties generated from use of City land will pay back the loan that will finance the new substation.

Furthermore, the project improves City of Banning Electric Utility's resiliency because it will have locally generated and available energy. The projects do no harm to City of Banning Electric Utility ratepayers and improve the electric portfolio by increasing the amount of renewable energy purchased.

**FISCAL IMPACT:**

The proposed projects will generate approximately \$10,000,000 annually for the City of Banning through royalty payments. In addition, the City of Banning Electric Utility will save approximately \$3.8M annually by terminating the SCE WDAT agreement once the new substation is built and operational.

**OPTIONS:**

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

October 13, 2020

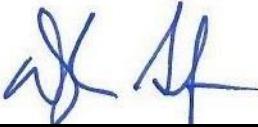
Page 3 of 3

**ATTACHMENTS:**

1. Term Sheet

<https://banningca.gov/DocumentCenter/View/7969/Term-Sheet>

Approved by:



---

Douglas Schulze

City Manager

***THIS PAGE  
INTENTIONALLY  
LEFT BLANK***



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jennifer Christensen, Administrative Services Director

**MEETING DATE:** October 13, 2020

**SUBJECT:** Adopt Resolution 2020-123 Amending Compensation and Certain Benefits and Adopting a Furlough Program for City Department Director

---

### **ACTION:**

That the City Council:

1. Adopt Resolution No. 2020-123 Amending Compensation and Certain Benefits and Eliminating a Furlough Program for City Department Directors, and;
2. Authorize the City Manager to execute any contract amendments or documents necessary to implement the proposed changes to compensation and benefits for all directors and the Chief of Police.

### **JUSTIFICATION:**

In order to address the city's structural deficit and offset impacts of the economic downturn caused by the pandemic, the city's executive staff reviewed a proposal to include 80 hours (2 weeks) of furlough and a suspension on leave balance buyouts and an annual cost of living adjustment for fiscal year ending June 30, 2021.

Executive staff has agreed to the proposed structure as well as a waiver of a 3% COLA (cost-of-living adjustment) for the period from July 1, 2020-June 30, 2021. On September 22, 2020, City Council approved Resolution 2020-116 to implement the changes for Fiscal Year 2020-21.

Resolution 2020-123 provides the City Council with an opportunity to amend Resolution 2020-116 to remove the furlough proposal while retaining the elimination of the cost-of-

living adjustment and moratorium on accrued leave balance cash outs for Fiscal Year 2020-21. With the furlough program, the cost savings are estimated to be approximately \$200,000 for the fiscal year. With the elimination of the furlough program, the cost savings to the city are estimated to be approximately \$150,000.

**BACKGROUND:**

The City maintains labor contracts with its executive staff including the City Manager, the Chief of Police, and all department directors. On or about April 9, 2019 the City Council of the City of Banning passed Resolution 2019-41, replacing Resolution 2017-101 and changing the maximum level of benefits and other compensation for Directors.

The attached Resolution 2020-123 provides for a temporary suspension of certain provisions previously adopted as part of Resolution 2019-41 for the current fiscal year ending June 30, 2021 and reinstates all benefits effective July 1, 2021.

Included in the resolution is a provision to ensure that suspension of leave accrual buyouts will not result in loss of existing or vested leave balances for directors for the fiscal year ending June 30, 2021.

**FISCAL IMPACT:**

The proposed suspensions of the cost of living increase and leave accrual cash outs and implementation of an 80-hour furlough will generate a savings of approximately \$200,000 for FY 2020-2021. Elimination of the 80-hour furlough program will reduce savings to the city by approximately \$50,000.

**OPTIONS:**

1. Adopt Resolution No. 2020-123, or
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Resolution No. 2020-123

<https://banningca.gov/DocumentCenter/View/7968/Resolution-2020-123-Amendment-to-Executive-Contracts>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** October 13, 2020  
**SUBJECT:** Mayor/Mayor Pro Tem Rotation

---

### **RECOMMENDED ACTION:**

No action is recommended.

### **BACKGROUND:**

At the September 22, 2020 City Council meeting, a request was made to amend a resolution related to rotation of the Mayor and Mayor Pro Tem positions to return to the rotation used in 2014. City staff researched files and did not find any resolutions or policies related to rotation of the Mayor and Mayor Pro Tem.

The success of a Mayor and Mayor Pro Tem depends upon support from a majority of the members of the City Council. Therefore, the individuals selected to serve as Mayor and Mayor Pro Tem should have the full support and confidence of each member of the Council. A prescribed rotation removes the option for a new City Council to select the leadership of which it has the most support and confidence. This is especially important when a City Council majority changes.

### **JUSTIFICATION:**

Each City Council can adopt, amend and rescind actions of a previous City Council so, any action by the current City Council to establish a rotation of the Mayor and Mayor Pro Tem positions can be changed by the new City Council when new members are seated.

### **FISCAL IMPACT:**

Not applicable.

**OPTIONS:**

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

**ATTACHMENTS:**

None.

Approved by:



---

Douglas Schulze  
City Manager