



AGENDA

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

December 8, 2020

Video/Teleconference

5:00 P.M.

The following information comprises the agenda for the regular meeting of the Banning City Council, the Banning City Council sitting in its capacity of 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 via video/teleconference only. 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

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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

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

2. SPECIAL PRESENTATION

- 2.1 Mayor Daniela Andrade's Special Recognitions

3. CERTIFICATION OF ELECTION RESULTS

- 3.1. Resolution 2020-145, Reciting the Facts of the Consolidated General Election Held in the City of Banning on November 3, 2020 9

Recommendation: Adopt Resolution 2020-145, Reciting the Facts of the Consolidated General Election held in said City on November 3, 2020 and declaring the result thereof and such other matters as provided by law.

4. PRESENTATIONS

- 4.1. Outgoing City Council Members and Treasurer
- 4.2. Swearing in of City Council Members, Treasurer and Clerk

5. REORGANIZATION OF CITY COUNCIL

- 5.1. City Council Reorganization 11

Recommendation: Choose one Council Member as Mayor and another as Mayor Pro Tem to serve for a period of one year.

6. AGENDA APPROVAL

- 6.1. Approve Agenda

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

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

8. CONSENT ITEMS

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

Recommendation: Approve Consent Items 8.1 – 8.22

8.1.	Minutes of the November 5 and November 10, 2020 City Council Meetings.....	13
8.2.	Policy B-38, Organization Conflict of Interest for Design-Build Projects.....	15
8.3.	Policy B-37, Environmentally Preferable Purchases and Practices and Recycled Products Purchasing.....	17
8.4.	Police Department Statistics for October 2020	21
8.5.	Fire Department Statistics for October 2020.....	23
8.6.	Contracts Approved Under the City Manager's Signature Authority in October 2020	25
8.7.	Notice of Completion for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen".....	27
8.8.	Award a Professional Services Agreement to West & Associates Engineering, Inc. in the Amount of \$39,800 plus 10% Contingency for the 2020 Urban Water Management Plan Update	29
8.9.	Accept Easement for Electric Utility Purposes at 313 S. Gallaher Way (APN: 541-220-023)	33
8.10.	Accept Easement for Sidewalk Purposes at 313 S. Gallaher Way (APN: 541-220-018)	35

8.11.	Accept Right-of-Way Dedication at the Southeast Corner of Hathaway Street and Hoffer Street for Road and Utility Purposes (APN: 534-283-011 and 534-283-014)	37
8.12.	Resolution 2020-150, Adopting the Water Supply Verification for Rancho San Gorgonio Specific Plan Phases 1 and 2.....	39
8.13.	Memorandum of Understanding and Agreement for Maintenance of Traffic Signals Along Highland Springs Avenue	41
8.14.	Bulky Item Community Clean-Up Event Update	43
8.15	Resolution 2020-144, Authorizing the Purchase and Installation of Replacement Playground Equipment at Richard Sanchez Park in the Amount of \$70,092.24 and Approving the Agreement with Playcore Wisconsin, Inc. dba Gametime	45
8.16	Ratification of Amendment No. 1 to the Cooperation Agreement with Riverside County for the 2021-2024 Urban County Cycle.....	47
8.17	Resolution 2020-148, Approving the Amendment to Grant of Exclusive Easement and Approving a Temporary Right of Entry Agreement with Southern California Gas Company with Respect to Portions of Real Property Located Along East Westward Avenue.....	49
8.18	Resolution 20020-147, Approving the Banning Municipal Airport Capital Improvement Plan for 2021-2025	53
8.19	Change Order to the Professional Services Agreement with Blais and Associates, LLC in the Amount of \$7,500 and Amendment 1 to the Professional services Agreement with Blais and Associates, LLC for Year 2 Grant Research and Grant Activity Reporting Services in the Amount of \$16,380.....	57
8.20	Accounts Payable and Payroll Warrants Issued in the Month of October 2020.....	61
8.21	Cash, Investments and Reserve Report for the Month of October 2020	63
8.22	Resolution 2020-149, Approving a Lease Agreement with Cell Business Leasing for Seven Copiers for 60 Months and Approving a Maintenance Agreement with Cell Business Equipment for 60 Months.....	65

9. PUBLIC HEARINGS

9.1. Diagram and the Levy and Collection of a Change in Assessments and Declaring the Results of the Assessment Ballot Tabulation within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2021/22 **67**
(Staff Report: Art Vela, Public Works Director)
Recommendation: 1) Conduct Public Hearing. 2) Adopt Resolution 2020-146, Confirming a Diagram and the Levy and Collection of a Change in Assessments if approved through the Proposition 218 Ballot Tabulation within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and Article XIII D of the California Constitution.

9.2. Conditional Use Permit (CUP) 20-8005, a Proposal to Allow for a Commercial Cannabis Cultivation Facility in an Existing 4,000 Square-Foot Building Located at 679 West Lincoln Street (APN: 540-220-007) in the Industrial Zoning District **71**
(Staff Report: Adam Rush, Community Development Director)
Recommendation: 1) Conduct Public Hearing. 2) Adopt Resolution 2020-142, making a determination that the Project is exempt under Section 15270 (Projects which are disapproved) of the California Environmental Quality Act (CEQA) and denying the request to permit and authorize CUP 20-8005; which is a proposal to allow for a commercial cannabis cultivation facility in an existing 4,000 square foot building located at 679 West Lincoln Street (APN: 540-220-007) in the Industrial (I) zoning district.

9.3. Conditional Use Permit (CUP) 20-8010, to Allow for a Commercial Cannabis Cultivation Facility in an Existing Industrial Building Located at 820 S. Hathaway Street (APN: 532-160-012) in the Industrial Zoning District **77**
(Staff Report: Adam Rush, Community Development Director)
Recommendation: 1) Conduct Public Hearing. 2) Adopt Resolution 2020-143, making a determination that the Project is exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) and approving CUP 20-8010 to allow for the commercial cultivation of cannabis in an existing industrial building located at 820 South Hathaway Street (APN: 532-160-012) in the Industrial (I) zoning district.

9.4. Amendment 5 to the Sun Lakes Village North Specific Plan, Zone Change and Final Environmental Impact Report (EIR) to Allow for a New Development Concept Including Business and Warehouse, Office and Professional, and Retail and Service Land Uses on an Approximately 47-Acre Vacant Parcel Located North of Sun Lakes Boulevard, East of Highland Springs Avenue.....80
(Staff Report: Adam Rush, Community Development Director)

Recommendation: 1) Conduct Public Hearing. 2) Adopt Resolution 2020-141, certifying an EIR and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for Specific Plan Amendment of approximately 47 gross acres located between Sun Lakes Boulevard and Interstate 10, approximately 840 feet east of Highland Springs Avenue (APN: 419-140-057) to update the existing specific plan document to amend the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park and Warehouse, Office & Professional, and Retail & Service. The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions, and approve Specific Plan Amendment No. 20-2001, Zone Change No. 20-3501, Environmental Assessment No. 20-1502. 3) Ordinance 1571, Approving Zone Change No. 20-3501 to amend the Zoning Ordinance to incorporate the text of the Sun Lakes Village North Specific Plan Amendment 5 (Specific Plan Amendment No. 20-2001) Pass its First Reading.

10. REPORTS OF OFFICERS

10.1. Fiscal Year 2020-21 First Quarter Budget Update and Financial Status Report.....93
(Staff Report: Jennifer Christensen, Administrative Services Director)
Recommendation: Receive and file the Fiscal Year 2020-21 First Quarter Budget Update and Financial Status Report for the quarter ending September 30, 2020.

11. DISCUSSION ITEMS

None

12. ITEMS FOR FUTURE AGENDAS

New Items:

Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Cannabis Microbusiness Workshop

13. CLOSED SESSION

13.1. CONFERENCE WITH LEGAL COUNCIL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: One potential cases

14. REPORT ON CLOSED SESSION

City Attorney

15. ADJOURNMENT

Next Meeting: January 12, 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 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 or via email or regular mail by calling (951) 922-3102 or emailing 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.

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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: December 8, 2020

SUBJECT: Resolution 2020-145, Reciting the Facts of the Consolidated General Election Held in the City of Banning on November 3, 2020

RECOMMENDED ACTION:

That the City Council: 1) adopt Resolution 2020-145, reciting the facts of the consolidated General Election held in the City of Banning on November 3, 2020 and declaring the result thereof and such other matters as provided by law; and 2) authorizing the Administrative Services Director or her appointee to appropriate and transfer any funds necessary to cover the cost of the election.

JUSTIFICATION:

The Elections Code requires the City Council to adopt a resolution reciting the facts of the election and declare the results no later than the next regularly scheduled city council meeting following the presentation of the canvass of the returns. The County of Riverside Registrar of Voters conducted the election at the City's request and has completed a canvass of the votes and provided certification of those results which is included as Exhibit "A" to the resolution.

BACKGROUND:

At the June 23, 2020 Council meeting, the City Council adopted Resolution 2020-71 calling and giving notice of a General Municipal Election to be held Tuesday, November 3, 2020 for the election of Members of the City Council by District 1, 2 and 3, City Clerk and City Treasurer for a full four (4) year term, and for the passing of Measure L.

OPTIONS:

This is a legal requirement, there are no options to the recommended action.

FISCAL IMPACT:

The estimated cost from the Registrar of Voters to conduct the election was \$61,000 - \$81,000; and the invoice is expected after the first of the year.

ATTACHMENTS:

1. Resolution 2020-145
<https://banningca.gov/DocumentCenter/View/8243/Resolution-2020-145>
2. Exhibit "A" – Certification of 2020 Election Results from the Registrar of Voters
<https://banningca.gov/DocumentCenter/View/8242/Exhibit-A>

Approved by:



Douglas Schulze
City Manager



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: December 8, 2020
SUBJECT: City Council Reorganization

RECOMMENDATION:

That the City Council choose one of its members as Mayor and another of its members as Mayor Pro Tem to serve for a period of one year.

BACKGROUND:

According to Chapter 2.04, Section 2.04.070 (A. 2.) of the Banning Municipal Code, the City Council shall choose one of its members as Mayor and one of its member as Mayor Pro Tem every year at the meeting at which the declaration of the municipal elections results and the installation of the newly elected officers is made pursuant to Sections 10262 and 10264 of the California Elections Code, following the declaration of the election results. Additionally, in the intervening years, the organizational meeting shall be held at the first meeting in December. The term of service for both Mayor and Mayor Pro Tem shall be for a period of one year from date of appointment or until their successor is appointed. No person may become Mayor or Mayor Pro Tem unless a majority of the Council votes to approve the action. Section 2.04.070 (A. 3.) of the Banning Municipal Code states that the Mayor shall serve as the Chair of the Housing Authority. The Mayor Pro Tem shall serve as the Vice Chair of the Housing Authority.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Format for Election of Mayor
<https://banningca.gov/DocumentCenter/View/8157/Att-1-Format---Election-of-Mayor>
2. Format for Election of Mayor Pro Tem
<https://banningca.gov/DocumentCenter/View/8158/Att-2-Format---Election-of-Mayor-Pro-Tem>
3. Banning Municipal Code Chapter 2.04.070
<https://banningca.gov/DocumentCenter/View/8159/Att-3-Municipal-Code---Appointment-of-Mayor-and-Mayor-Pro-Tem>

Approved by:



Douglas Schulze
City Manager



**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: December 8, 2020

SUBJECT: Minutes of the November 5 and November 10, 2020 City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the November 5 and November 10, 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 November 5, Special City Council Meeting
<https://banningca.gov/DocumentCenter/View/8161/11-05-2020-Special-Meeting-Minutes>
2. Minutes of the November 10, Regular City Council Meeting
<https://banningca.gov/DocumentCenter/View/8162/11-10-2020-Regular-Meeting-Minutes>
3. Minutes of the November 10, 2020, Special City Council Meeting
<https://banningca.gov/DocumentCenter/View/8160/11-10-2020-Special-Meeting-Minutes>

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: Jennifer Christensen, Administrative Services Director
Shiloh Rogers, Purchasing Manager

MEETING DATE: December 8, 2020

SUBJECT: Approving a New Organizational Conflict of Interest Policy for Design-Build Projects B-38

RECOMMENDATION:

Adopt and approve the new Organizational Conflict of Interest Policy for Design-Build Projects B-38 to establish guidelines to enable the City of Banning (City) to procure design-build contracts for qualified public projects.

JUSTIFICATION:

Policies must be established to set standards for internal controls and guidelines to carry out related procedures. California Public Contract Code Section 22160 et seq. authorizes cities and other local agencies to procure design-build contracts for qualified public works projects in excess of \$1,000,000, awarding the contract to either the lowest responsible bidder or to the design-build entity whose proposal provides the best value to the public.

BACKGROUND:

California Public Contract Code Section 22162 requires each local agency seeking to use the design-build procurement method to develop guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity, that performs services for the local agency relating to the solicitation of a design-build project, to submit a proposal as a design-build entity, or to join a design-build team.

City staff have determined that the attached Organizational Conflict of Interest Policy for Design-Build Projects is appropriate for the City and consistent with the requirements of California Public Contract Code Section 22162.

December 8, 2020

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FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Policy B-38 Organizational Conflict of Interest Policy for Design-Build Projects
<https://banningca.gov/DocumentCenter/View/8153/Attachment-1---Policy-B-38>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jennifer Christensen, Administrative Services Director
Shiloh Rogers, Purchasing Manager

MEETING DATE: December 8, 2020

SUBJECT: Adopt and Approve the Environmentally Preferable Purchases and Practices Policy (EPPP) and Recycled Products Purchasing Policy (RCP) B-37

RECOMMENDATION:

Adopt and approve the new Environmentally Preferable Purchases and Practices Policy (EPPP) and Recycled Products Purchasing Policy (RCP) B-37 to establish a commitment and initiative to make environmentally responsible purchases of goods and services.

JUSTIFICATION:

The city's participation in and promotion of recycling programs helps to reduce the volume of the solid waste stream thereby conserving natural resources and landfill capacity.

BACKGROUND:

By incorporating environmental considerations in public purchasing, the City of Banning can demonstrate environmental responsibility by reducing its burden on the local and global environment, removing unnecessary hazards from its operations, protecting public health, reducing costs and liabilities, and potentially improving the environmental quality of the region. This policy is an effective way to direct the City's effort in procuring environmentally preferable products and services.

The City of Banning commits to:

- A. Procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities (e.g. Energy Star, EPA Eco Purchasing Guidelines).

- B. Integrate environmental factors into the City's buying decisions where external authorities have not established criteria. Examples:
 - i. Replacing disposables with reusables or recyclables.
- C. Raise staff awareness on the environmental issues affecting procurement by providing relevant information and training;
- D. Encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices;
 - i. Encourage providers of services to consider environmental impacts of service delivery.
 - ii. Comply with all environmental legislative and regulatory requirements in the procurement of products and services.

Nothing in this policy shall be construed as requiring a department, agency or contractor to procure products that do not perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

Procedures and Guidelines may be established as necessary to ensure the continuation of a strong Environmental Procurement Program.

Responsibility

All City of Banning departments, offices and agencies shall identify and purchase the most environmentally responsible products and services that are available for the intended purpose and that meet the performance requirements. Factors that should be considered when determining the environmentally preferable good or service include, but are not limited to:

- Minimization of virgin material use in product or service lifecycle
- Maximization of recycled products used in product or service life cycle
- Environmental cost of entire product or service lifecycle
- Reuse of existing products or materials in product or service life cycle
- Recyclability of product
- Minimization of packaging
- Reduction of energy/water consumption
- Toxicity reduction or elimination
- Elimination of uncertified hardwoods in product or service life cycle
- Durability and maintenance requirements
- Ultimate disposal of the product

Purchasing Division Responsibilities:

1. Develop and maintain information about environmentally preferable products and recycled products containing the maximum practicable amount of recycled materials, to be purchased by departments, agencies, consultants and contractors whenever possible.
2. Inform departments, agencies and contractors of their responsibilities under this policy and provide implementation assistance.
3. Institute product testing and trial service to evaluate environmentally responsible alternatives pursuant to established testing guideline
4. Require the use of recycled materials and recycled products by incorporating them in bid specifications where practicable;
5. Disseminate information on recycled and environmentally preferable product procurement requirements, specifications, and performance to assist vendors with procurement opportunities with the City.
6. Establish guidelines governing the review and approval of specifications for the procurement of selected materials based on considerations of recycling, energy and water conservation, life cycle costing and other environmental considerations.
7. Submit reports of policy impacts on an annual basis.

Public Works Department Responsibilities:

1. Support Purchasing in its implementation of this policy by providing training, information when requested, and assistance in the evaluation of the EPP status of a product or service.
2. Support departments and agencies in evaluation and analysis of products and services for EPP criteria.
3. Help establish and promote needed environmental procurement legislation.

Department and Agency Responsibilities:

1. Evaluate each requested product and service to determine the extent to which the specifications could include an environmentally preferable option.
2. Ensure that contracts issued by the departments and agencies include environmentally preferable products and recycled products wherever practicable;
3. Determine standard at which products are considered environmentally preferable and use in selective criteria.
4. Expand the awareness and use of environmentally preferable products.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Policy B-37 Environmentally Preferable Purchases and Practices Policy (EPPP) and Recycled Products Purchasing Policy (RCP)
<https://banningca.gov/DocumentCenter/View/8154/Attachment-1---Environmentally-Preferable-Purchases-and-Practices-Policy-EPPP-and-Recycled-Products-Purchasing-Policy-RCP-B-37>

Approved by:



Douglas Schulze
City Manager



**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: **December 8, 2020**

SUBJECT: **Receive and File Police Department Statistics for October 2020**

RECOMMENDED ACTION:

Receive and File October 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. Police Statistics October 2020
<https://banningca.gov/DocumentCenter/View/8152/Police-Statistics-October-2020>

Approved by:

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Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: Receive and File Fire Department Statistics for October 2020

RECOMMENDED ACTION:

Receive and file Fire Department statistics for October 2020.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENTS:

1. Fire Statistics for October 2020

<https://banningca.gov/DocumentCenter/View/8150/Banning-October-2020-Fire-Report>

Approved by:

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Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: December 8, 2020

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

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority for the Month of October 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 October 2020
<https://banningca.gov/DocumentCenter/View/8149/CM-Executed-Contracts-October-2020>

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
Patrick Safari, Associate Engineer

MEETING DATE: December 8, 2020

SUBJECT: Notice of Completion for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen"

RECOMMENDED ACTION:

That the City Council accept Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen" 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 March 24, 2020, a contract was entered in with Cora Constructors, Inc., for Project No. 2020-01WW "Wastewater Treatment Plant Mechanical Bar Screen". The project was approved in the amount of \$232,000.

The scope of work included all parts, labor, equipment and materials required for the installation of a mechanical bar screen and its accompanying solid screenings compactor. The single change order, in the amount of \$2,682.08 was for unanticipated site conditions. The final project cost was \$234,682.08.

JUSTIFICATION:

The lowest bidder, Cora Construction, Inc. was awarded the contract and work was completed on December 1, 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.

December 8, 2020

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FISCAL IMPACT:

The project was completed in the amount of \$234,682.08 and was funded by the Wastewater Operations Fund, Account No. 680-8000-454-95.12 (Treatment Plant Improvements).

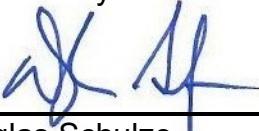
ALTERNATIVE:

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/8169/Attachment-1---Notice-of-Completion---Genesis>

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, Public Works Director**
Jennifer Jackson, Management Analyst

MEETING DATE: **December 8, 2020**

SUBJECT: **Award a Professional Services Agreement for the 2020 Urban Water Management Plan Update to West & Associates Engineering, Inc. in the Amount of \$39,800 including a 10% Contingency for a Total Project Budget of \$43,780**

RECOMMENDED ACTION:

1. Award a Professional Services Agreement for the 2020 Urban Water Management Plan Update to West & Associates Engineering, Inc. in the amount of \$39,800 including a 10% contingency for a total project budget of \$43,780.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the project and to approve the change orders within the 10% contingency.
3. Authorize the City Manager or designee to execute the Professional Services Agreement with West & Associates Engineering, Inc. of Foothill Ranch, CA in the amount of \$39,800 including a 10% contingency.

BACKGROUND:

Established by Assembly Bill 797 in 1983, the Urban Water Management Planning Act requires urban water suppliers to prepare plans that support long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. According to the Urban Water Management Planning Act, Sections 10617 and 10621, each urban water supplier providing water for municipal purposes, either directly or indirectly, to more than 3,000 customers annually shall prepare and update its Urban Water Management Plan (UWMP) at least once every five (5) years.

Pursuant to the standards for the development of an UWMP as set forth by the California Department of Water Resources (DWR), all plans must include the following:

- A description of the City's service area, including a map of the area.
- A description of existing and planned supply sources and their reliability under various conditions.
- Historic and projected water use.

- A description of Demand Management Measures.
- The quality of existing sources of water.
- Descriptions of opportunities for alternative sources of water.

Since the City's UWMP was last updated in 2015, the DWR now requires additional information, including a water shortage contingency plan, a 5-year drought risk assessment, a seismic risk assessment and mitigation plan, a brief energy analysis, a brief analysis of water savings from codes and ordinances, and determination of whether the City has met its 2020 target water use as well as assessment of the City's progress towards meeting its 2025 target use, to be included in the final UWMP. The 2020 UWMP will be developed according to the *2020 Urban Water Management Plan Guidebook for Urban Water Suppliers*.

Public Works Staff advertised a Request for Proposals (RFP) on October 12, 2020 via the City's "Procure Now" e-procurement software platform. As a result, staff received eight proposals from the following firms:

- Michael Baker International
- IMEG Corp.
- West & Associates Engineering, Inc.
- Albert A. Webb Associates
- MKN & Associates
- Rincon Consultants, Inc.
- TKE Engineering, Inc.

A committee consisting of three members was assembled to evaluate the proposals based on qualifications, pricing, experience, professional references, approach & methodology and value-added services.

Based on the tabulated scores (Attachment 1), West & Associates Engineering, Inc. (Attachment 2) appears to be the best qualified company with the ability to update the plan successfully. According to West & Associates Engineering, Inc. proposal, the total cost to perform the 2020 Urban Water Management Plan Update is \$39,800. In addition, staff is requesting to add a 10% contingency for unforeseen scope changes for a total project budget amount of \$43,780.

JUSTIFICATION:

The Urban Water Management Planning Act, as codified in Section 10610 of the California Water code passed by the California legislation in 1983, requires urban water suppliers with more than 3,000 service connections to develop an UWMP every five years to address changing conditions related to water sources, water availability, water demands, and water reliability for the next 20 years. Compliance with the Act is necessary to be eligible for State grants, loans and drought assistance. The City's 2020 UWMP update must be submitted to DWR no later than July 1, 2021.

FISCAL IMPACT:

The planned expense is included in the fiscal year 2019/2020 budget and therefore funding is available in the Water Division Operational Fund, Account No. 660-6300-471.33-11 (Professional Services).

ALTERNATIVE:

Reject the Professional Services Agreement with West & Associates Engineering, Inc. and provide staff with additional direction. It should be noted, that if the 2020 UWMP Update is not completed and submitted to the Department of Water Resources by July 1, 2021 as required, the City may be assessed a penalty for non-compliance.

ATTACHMENTS:

1. Aggregate Scoring Summary
<https://banningca.gov/DocumentCenter/View/8166/Attachment-1---2020-UWMP-Scores-120820>
2. West & Associates Engineering, Inc. proposal dated October 28, 2020
<https://banningca.gov/DocumentCenter/View/8165/Attachment-2---West-and-Associates-Engineering-Inc-2020-UWMP-Proposal-120820>

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: Thomas Miller, Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: December 8, 2020

SUBJECT: Electric Utility Easement from 313 S. Gallaher Way, APN 541-220-023

RECOMMENDED ACTION:

Accept the easement for electric utility purposes at 313 South Gallaher Way, APN 541-220-023 for the maintenance of the City-owned electric distribution system.

BACKGROUND:

The property owner at 313 South Gallaher Way in Banning, CA has constructed electrical improvements for commercial purposes that were required to serve the parcel. As part of the conditions for electric service for the project, the owner is required to provide the City the necessary easements for the maintenance of the City-owned electric distribution system.

JUSTIFICATION:

It is necessary to obtain the easements for the City to access and provide maintenance for the City-owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

OPTIONS:

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

December 8, 2020

Page 2 of 2

ATTACHMENTS:

1. Easement – APN 541-220-023, 313 S. Gallaher Way, Banning, CA 92220
<https://banningca.gov/DocumentCenter/View/8185/Attachment-1---Easement-for-313-S-Gallaher-Way-APN-541-220-023>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/8186/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: Acceptance of an Easement for Sidewalk Purposes on 313 S. Galleher Way (APN 541-220-018)

RECOMMENDED ACTION:

Accept an easement from Anthony A. Saffo for sidewalk purposes on Assessor's Parcel Number (APN) 541-220-018.

BACKGROUND:

The property owner, Anthony A. Saffo submitted an application to repair the existing building and rehabilitate the parking lot on the site at 313 S. Galleher Way (APN 541-220-018). As part of the Conditions of Approval for the project, the owner is required to reconstruct the commercial driveway approach to comply with current City Standard and ADA requirements. An additional four and a half foot (4.5') easement is needed so that the sidewalk to be constructed behind and adjacent to the driveway can be accessible to the public.

JUSTIFICATION:

It is necessary to obtain the easement in order for the City to allow public access to the sidewalk.

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

ATTACHMENTS:

1. Sidewalk Easement [https://banningca.gov/DocumentCenter/View/8164/
Attachment-1---Sidewalk-Easement](https://banningca.gov/DocumentCenter/View/8164/Attachment-1---Sidewalk-Easement)
2. Certificate of Acceptance
[https://banningca.gov/DocumentCenter/View/8163/Attachment-2---Certificate-of-
Acceptance](https://banningca.gov/DocumentCenter/View/8163/Attachment-2---Certificate-of-Acceptance)

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: Accept the Right-of-Way Dedication from J. Francis Company
for Road and Utilities Purposes on Assessor's Parcel Numbers
534-283-011 and 534-283-014

RECOMMENDED ACTION:

Accept the Right-of-Way Dedication from J. Francis Company for road and utilities purposes on Assessor's Parcel Numbers 534-283-011 and 534-283-014.

BACKGROUND:

The property owner, J. Francis Company submitted an application to construct an 80-unit apartment (Cedar Hills Apartment) on the site at the southeast corner of Hathaway Street and Hoffer Street (Assessor's Parcel Numbers 534-283-011 and 534-283-014). As part of the Conditions of Approval for the project, the owner is required to dedicate to the City the necessary right-of-way for public street and utilities purposes. This right-of-way dedication is for Wilson Street, Hathaway Street and Hoffer Street adjacent to the project site.

JUSTIFICATION:

It is necessary to obtain the right-of-way dedication in order for the City to develop its street network consistent with the City's current General Plan, Circulation Element.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Right-of-Way Dedication
<https://banningca.gov/DocumentCenter/View/8168/Attachment-1---Right-of-Way-Dedication>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/8167/Attachment-2---Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-150, Adopting the Water Supply Verification for Rancho San Gorgonio Specific Plan, Phases 1 and 2

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2020-150, approving the Water Supply Verification (WSV) prepared by Romo Planning Group for Rancho San Gorgonio Specific Plan, Phases 1 and 2.

BACKGROUND:

California Government Code §66473.7 requires affirmative written verification from the water purveyor of the public water system that sufficient water supplies are available for projects meeting certain criteria. In the case of Rancho San Gorgonio Phases 1 and 2, the estimated number of single family dwellings are 809, which is above the 500 Equivalent Dwelling Units (EDU) threshold requiring written verification of sufficient water supplies.

California Water Code §10910 requires the preparation of a water supply assessment, which provides substantial evidence in support of the written verification. A water supply assessment (WSA) was previously prepared for the entire Rancho San Gorgonio SP and approved by City Council with final modifications in 2016.

In addition to the WSA prepared for the entire SP, each subdivision with water demands in excess of 500 equivalent dwelling units (EDUs) requires the preparation of a Water Supply Verification, pursuant to California Senate Bill 221 (Chapter 642, Statutes of 2001) and Government Code §66473.7(a)(1). If the water demand of the proposed project was accounted for in the most recent Urban Water Management Plan (UWMP), the water

December 8, 2020

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supply verification may draw upon the information and analysis in the UWMP previously prepared by the City. The City prepared and adopted its 2015 UWMP as of June 2016, and the prepared Water Supply Verification relied on the information within the City's UWMP.

The Water Supply Verification demonstrates that the City's water supply will meet the water demands of the proposed Project. The combined indoor and outdoor water demands for Rancho San Gorgonio SP Phases 1 and 2 are estimated at 439.4 acre-feet per year. For the years 2020 through 2040, the City has a projected water supply of between 13,318 and 13,659 acre-feet per year. In addition, the City of Banning maintains a storage account in the Beaumont Basin, currently estimated at 52,320 acre-feet. The City produced a total of approximately 7,935 acre-feet to meet demands during the 2019 calendar year.

JUSTIFICATION:

The WSV prepared for Rancho San Gorgonio SP Phases 1 and 2 is subject to and meets the requirements of the California Water and Government Codes.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Resolution 2020-150
<https://banningca.gov/DocumentCenter/View/8179/Attachment-1---Resolution-2020-150-WSV-for-RSG-Phases-1-and-2>
2. Water Supply Verification for Rancho San Gorgonio SP Phases 1 and 2
<https://banningca.gov/DocumentCenter/View/8180/Attachment-2---WSV-for-Rancho-San-Gorgonio-Phases-1-and-2>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: December 8, 2020

SUBJECT: Memorandum of Understanding and an Agreement for Maintenance of Traffic Signals Along Highland Springs Avenue

RECOMMENDED ACTION:

1. City Council authorize the execution of a Memorandum of Understanding (MOU) between the Cities of Banning and Beaumont and with Caltrans.
2. City Council authorize the execution of an Agreement for Maintenance of Traffic Signals and Safety Lighting between the Cities of Banning and Beaumont ("Traffic Signal Maintenance Agreement").

BACKGROUND:

The Highland Springs Avenue corridor has been impacted by an increase in traffic related to commercial and residential development within the corridor from Sun Lakes Boulevard to Cougar Way/Highland Home Road. Currently there are several traffic signals that are either maintained by the City of Banning, City of Beaumont or Caltrans. Traffic signals operate at their highest efficiencies when they are coordinated/synchronized as one system. Several months ago the staff from the City of Banning, Beaumont and Caltrans began meeting to come up with a solution to better manage the traffic signal system along the Highland Springs Avenue corridor and resulted in two separate agreements: 1) MOU between the Cities of Banning and Beaumont and Caltrans and 2) a Traffic Signal Maintenance Agreement between the Cities of Banning and Beaumont.

The MOU commits the two Cities along with Caltrans to work together to develop and maintain traffic signal timings between the City owned operated traffic signals and Caltrans' signals at the Highland Spring Avenue interchange. Caltrans will continue to maintain their traffic signals and the Cities will maintain theirs.

The Traffic Signal Maintenance Agreement is between the two Cities and it identifies the City of Beaumont as taking the lead in the operation and maintenance of the traffic signals along Highland Springs Avenue including, but not limited to, confirming and maintaining signal timing, replacement of lights when needed, inspection/testing of control system, inspection to assure video detection, loop detection and pedestrian detection is functional.

JUSTIFICATION:

The two agreements will result in a coordinated traffic signal system which will be mutually beneficial to the agencies and would improve traffic safety and flow for the traveling public.

FISCAL IMPACT:

The City of Banning and the City of Beaumont will share in the cost to maintain the traffic signal system along Highland Springs Avenue according to the payment schedule in Appendix "A" of the Traffic Signal Maintenance Agreement. Expenses are expected to increase due to the addition of traffic signals related to the Pardee Atwell development.

The expenses will be funded by the Gas Tax Street Fund, which currently funds the operation and maintenance of the City's traffic signal system.

ATTACHMENTS:

1. MOU Banning/Beaumont/Caltrans
https://banningca.gov/DocumentCenter/View/8178/Attach-1-Caltrans-Banning-Beaumont-MOU_highland-springs-FINAL-91020
2. Agreement for Maintenance of Traffic Signals Banning/Beaumont
<https://banningca.gov/DocumentCenter/View/8176/Attach-2-COOPERATIVE-AGREEMENT--BANNING-BEAUMONT-102220>
3. Exhibit A, Traffic Signal Locations
<https://banningca.gov/DocumentCenter/View/8177/Attach-3-Signal-Maintenance-Exhibit>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Edith Garcia, Solid Waste Program Coordinator

MEETING DATE: December 8, 2020

SUBJECT: Receive and File Bulky Item Community Clean-up Event Update

RECOMMENDED ACTION:

This is informational only; receive and file report.

BACKGROUND:

Every year the City of Banning partners with Waste Management for two free community clean-up events held at Dysart Park. These events allow residents an opportunity to dispose of unwanted items too large to dispose of using regular refuse collection services. Disposal services for electronic waste and onsite paper shredding are provided to our residents at these events as well. Unfortunately, our scheduled event for April had to be cancelled this year due to COVID-19 safety measures.

The latest event, held on Saturday, October 10, 2020 received 377 vehicles. An accumulation of 77.01 tons of municipal solid waste, 3.42 tons of green waste, 20.8 tons of metal, 3.11 tons of e-waste and 0.75 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 105.09 tons of waste of which 28.08 tons were successfully diverted from the landfill. The overall tonnage collected equates to Waste Management servicing approximately 5,255 homes. A total of 590 pounds were collected in household batteries and 4,000 pounds of paper were shredded. The amount of paper shredded equates to approximately 128 banker's boxes.

The City's Bulky Item clean up events continue to be a success and provides a great service to our citizens. The events also help in keeping the community clean by offering a place to get rid of large items, which would normally be illegally dumped throughout our City if not taken to a landfill.

Staff Report: Bulky Item Event Update

December 8, 2020

Page 2 of 2

Additionally, to further reduce illegal dumping throughout the community the Public Works Department will begin working on an illegal dumping program, which will include revisiting the City's ordinances (e.g. enforcement, fines, etc.) and placing cameras in areas that are considered "hot spots" for illegal dumping activities.

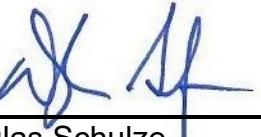
FISCAL IMPACT:

The material cost associated with producing the event was \$5,743, which funded the advertisement of the event, shredding vendor, battery disposal, and a team lunch. The event is staffed by the Public Works Department, Street Division. Staff time and material costs were funded by the Refuse fund.

ATTACHMENTS:

1. Event Pictures https://banningca.gov/DocumentCenter/View/8170/Attachment-1_Event-Pictures

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-144, Authorizing the Purchase and Installation of Replacement Playground Equipment at Richard Sanchez Park in the amount of \$70,092.24 and Approving the Agreement with Playcore Wisconsin, Inc. dba Gametime

RECOMMENDED ACTION:

Staff recommends that the City Council adopt Resolution 2020-144, Authorizing the purchase and installation of Replacement Playground Equipment at Richard Sanchez Park in the amount of \$70,092.24 and Approving the Agreement for said purchase and installation with Playcore Wisconsin, Inc. dba Gametime

BACKGROUND:

The Playground at Richard Sanchez Park was originally installed with a pour in place safety surfacing system that was vandalized and subsequently removed. This along with the age and condition of the playground equipment resulted in a playground that needs replacement due to safety concerns.

Staff inquired with multiple vendors and received numerous design options for playground system and swings. Staff reviewed the design options and then conducted an online survey through our social media platforms and received over 100 responses with the proposed playground as the number one selected option.

Through Omnia Partners Public Sector, the City is able to piggyback on a cooperative purchasing agreement for playground equipment purchases for Gametime Equipment. This cooperative agreement was competitively bid by another lead government agency. Additionally, Gametime offers a playground play system grant that the City was able to secure resulting in additional cost savings.

If approved, it is expected that the new playground will be installed shortly after the first of the year.

JUSTIFICATION:

In accordance with the City of Banning's Purchasing Policy, Section 12 of the City of Banning's Policy # B30, Procurement policies and Procedures, authorizes the City to make purchases through contracts awarded to other Cities through Cooperative agreements. Additionally, the City was able to secure a grant through Gametime resulting in an additional reduction of \$7,815.34.

FISCAL IMPACT:

In the Fiscal Year 2020-21 Budget, \$80,000 was allocated for the Purchase and installation of replacement playground equipment for Richard Sanchez Park. The cost of the proposed playground system is below the allocated amount.

ALTERNATIVE:

Do not approve Resolution 2020-144 and provide alternate direction.

ATTACHMENTS:

1. Resolution 2020-144
<https://banningca.gov/DocumentCenter/View/8182/Resolution-2020-144>
2. Agreement for Contract Services (C00692)
<https://banningca.gov/DocumentCenter/View/8183/2-Contract-with-Playcore>
3. Quote for Playground purchase and installation
<https://banningca.gov/DocumentCenter/View/8184/3--Quote>
4. Playground renderings <https://banningca.gov/DocumentCenter/View/8181/4-Richard-Sanchez-Park-Playground--Renderings>

Approved by:



Douglas Schulze
City Manager



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: December 8, 2020

SUBJECT: Ratification of Amendment No. 1 to the Cooperation Agreement with Riverside County

RECOMMENDED ACTION:

Ratify the approval of Amendment No. 1 to the Cooperation Agreement with Riverside County for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnership Program (HOME) programs for the 2021-2024 Urban County cycle.

BACKGROUND:

On May 12, 2020 the City Council adopted Resolution 2020-60, authorizing participation in the County of Riverside's Urban County Program for Fiscal Years 2021-22, 2022-23, and 2023-24. On October 13, 2020 the City Council adopted Resolution 2020-125, rescinding the incorrect version of the agreement and approving the correct version of the agreement for participation in the County of Riverside's Urban County Management Program for Federal Fiscal Years 2021, 2022, and 2023.

On November 25, 2020, staff received a request to amend the agreement, as HUD had determined that additional changes were required. Due to extreme time constraints, County of Riverside Housing, Homelessness Prevention, and Workforce Solutions (HHPWS) and the US Department of Housing and Urban Development (HUD) were able to develop a simple amendment to the Cooperation Agreement. No changes were required to the resolution.

JUSTIFICATION:

Pursuant to Section 24 of the Cooperation Agreement, the County determined it would not be necessary to submit the amended agreements to the Board of Supervisors; the

amended agreements needed only to be signed by the HHPWS Director. Therefore, the City Manager, in consultation with the City Attorney, followed a similar process – review by City Attorney then execution by Mayor. The only section of the Cooperation Agreement to be amended is Section 4, Paragraph (c):

1. Paragraph (c) of Section 4, COMPLIANCE WITH FEDERAL STATUTES, REGULATIONS AND OTHER APPLICABLE STATUTES, REGULATIONS AND ORDINANCES, is hereby deleted in its entirety and replaced as follows:

“(c) The COUNTY and CITY are hereby obligated to take all actions necessary to assure compliance with Section 109 of Title I of the Act, which incorporates Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act, and the Age Discrimination Act of 1975, and Section 3 of the Housing and Urban Development Act of 1968, and comply with other applicable laws.”

Therefore, staff request the City Council ratify the approval of the Amendment to Cooperation Agreement as outlined above.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Resolution 2020-60 <https://banningca.gov/DocumentCenter/View/8206/2020-60>
2. Resolution 2020-125 <https://banningca.gov/DocumentCenter/View/8207/2020-125>
3. Approved Cooperation Agreement
<https://banningca.gov/DocumentCenter/View/8211/Approved-Cooperation-Agreement>
4. Amended Cooperation Agreement
<https://banningca.gov/DocumentCenter/View/8205/Amended-Coop-Agreement>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: James Wurtz, Economic Development Manager

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-148, Approving the Amendment to Grant of Exclusive Easement and Approving a Temporary Right of Entry Agreement with Southern California Gas Company with Respect to Portions of Real Property Located Along East Westward Avenue

RECOMMENDED ACTION:

Staff recommends that the City Council approve the attached resolution approving the Amendment to Grant of Exclusive Easement and approving a Temporary Right of Entry Agreement with Southern California Gas Company with respect to portions of real property located along East Westward Avenue, Banning, California (APN 532-130-011), and approving certain related actions.

BACKGROUND:

The City of Banning (the "City") is the owner of that certain approximately 39.1-acre parcel of real property located along East Westward Avenue, Banning, California known as APN 532-130-011, described as follows: *"The Southeast Quarter of the Southeast Quarter of Section 11, Township 3 South, Range 1 East, San Bernardino Meridian, in the City of Banning, County of Riverside, State of California, according to the Official Map thereof."* (the "Property"). The Property is zoned for Industrial uses and is adjacent to the Banning Municipal Airport.

The Southern California Gas Company (the "SoCalGas") is the holder of that certain Grant of Exclusive Easement located in the northeast corner of the Property consisting of 1,668.5 square feet, as more particularly described as: Grant of Exclusive Easement dated April 4, 2016 and recorded on April 25, 2016 as Document No. 2016-0162857, Official Records, County of Riverside, California (the "April 4, 2016 Grant of Exclusive Easement"). The April 4, 2016 Grant of Exclusive Easement enabled SoCalGas to install and maintain certain above and below ground natural gas utility distribution-related improvements as more particularly described within the April 4, 2016 Grant of Exclusive

Easement (the “SoCalGas Facilities”). The SoCalGas Facilities have been installed and are in operation.

To enhance and improve the distribution of natural gas to its Banning customers, SoCal Gas has:

- i) Identified a need to expand the area described and depicted within the April 4, 2016 Grant of Exclusive Easement by approximately 4,138 square feet (the “Additional Easement Area”), resulting in an amended total easement area of approximately 5,806.5 square feet, as more particularly described within the Amendment to Grant of Exclusive Easement, which is included as Exhibit “A” to the attached Resolution; and
- ii) Requested the City’s approval of the Amendment to Grant of Exclusive Easement.

To be able to efficiently construct the improvements needed for the Additional Easement Area, SoCalGas has requested the City’s approval of a temporary right of entry within an area consisting of 91,693.5 square feet, as more particularly described within the attached Temporary Right of Entry Agreement, which is included as Exhibit “B” to the attached Resolution (the “Temporary Right of Entry Area”). SoCalGas has offered to acquire the Additional Easement Area and to rent the Temporary Right of Entry Area from the City for fair, reasonable and market-rate values.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Pursuant to § 15060 (c) of the California Environmental Quality Act (the “CEQA”) Guidelines (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387), approval of this Resolution is exempt from CEQA because the actions described herein will not result in a direct or reasonable foreseeable indirect physical change in the environment and the actions described herein are not a “Project”, as defined within § 15378 of the CEQA Guidelines.

FISCAL IMPACT:

SoCalGas has offered to acquire the Additional Easement Area for Fifteen-Thousand Dollars (\$15,000.00) and to rent the Temporary Right of Entry Area from the City for three months for Eight-Thousand Four-Hundred Dollars (\$8,400.00). The sum of these amounts is Twenty-Three Thousand Four-Hundred Dollars (\$23,400.00). In the event that SoCalGas requires the use of the Temporary Right of Entry Area for more than three months, the holdover rent would be Two-Thousand Eight-Hundred (\$2,800.00) per month, not to exceed six months. The compensation offered for the Additional Easement Area and the rental rate for the Temporary Right of Entry Area is based upon a comparable sales analysis prepared by SoCalGas. SoCalGas’ comparable sales analysis was reviewed and confirmed to be reasonable by TKE Engineering, the City’s Development Services Consultant.

In addition, although the Property is held in fee by the City, it is a former asset of the dissolved Community Redevelopment Agency of the City of Banning. In that regard, the Property is identified as Site No. 4 within the Long-Range Property Management Plan of the Successor Agency to the Community Redevelopment Agency of the City of Banning. Consequently, the payments received from SoCalGas will become assets of the Successor Agency and, therefore, must be held in trust to be used for Successor Agency financial obligations authorized by a Recognized Obligation Payment Schedule that has been approved by the Riverside Countywide Oversight Board and the California Department of Finance.

Attachments:

1. Resolution 2020-148
<https://banningca.gov/DocumentCenter/View/8155/Att-1-Resolution-2020-148>
2. Temporary Right of Entry Agreement
<https://banningca.gov/DocumentCenter/View/8156/Att-2-Temporary-Right-of-Entry>

Approved by:



Douglas Schulze
City Manager

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CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-147, Approving the Banning Municipal Airport Capital Improvement Plan for 2021-2025

RECOMMENDATION:

Adopt Resolution 2020-147, approving the five-year (2021-2025) Airport Capital Improvement Plan (ACIP) and direct staff to submit the ACIP to the Federal Aviation Administration (FAA).

BACKGROUND:

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

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

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

Last year staff recommended that the ACIP include a runway rehabilitation project to be designed in 2020 and constructed in 2021 for the purpose of increasing operational safety at the airport. On August 25, 2020 City Council approved Resolution No. 2020-102, awarding a Professional Services Agreement for Project No. 2020-06, "Design for the Rehabilitation of the existing Runway and Taxiway at Banning Municipal Airport" to

IMEG Corp. in the amount of \$56,970 and accepting and executing the FAA Grant in an amount of \$64,970. The grant will cover the consultant costs of \$56,970 and an additional \$8,000 for Public Works' staff time to administer the design contract, prepare and submit monthly required FAA forms, and plan check, review and approve the consultant's design drawings and Specifications. Currently, the design is under way and should be completed by early 2021.

Public Works staff will prepare the FAA grant application this month for the construction of the project, funding the construction phase next year as shown in the attached ACIP for 2021-2025.

JUSTIFICATION:

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

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

FISCAL IMPACT:

The approval of Resolution 2020-147 would require a local match of \$33,000 in 2021:

Year	Project	Federal Funds	State Funds	City Funds	Total Project
2020	Rehabilitate Runway (Design, Consultant and PW staff)	\$64,970	\$0	\$0	\$64,970
2021	Rehabilitate Runway (Construction)	\$540,000	\$27,000	\$33,000	\$600,000

The City's local match would come from the Airport Fund, which is projected to have a fund balance of \$73,270 at the end of the fiscal year.

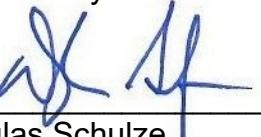
ALTERNATIVE:

Reject Resolution 2020-147 and provide direction to staff such as modifying the list of projects included in the ACIP.

ATTACHMENTS:

1. Resolution 2020-147
<https://banningca.gov/DocumentCenter/View/8175/Attachment-1>
2. 2021-2025 Airport CIP, Project Layout, FAA ACIP Form
<https://banningca.gov/DocumentCenter/View/8174/Attachment-2>

Approved by:



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/City Engineer**
Jennifer Jackson, Management Analyst

MEETING DATE: **December 8, 2020**

SUBJECT: **Change Order to the Professional Services Agreement with Blais and Associates, LLC in the amount of \$7,500 and Amendment 1 to the Professional Services Agreement with Blais and Associates, LLC for Year 2 Grant Research and Grant Activity Reporting Services in the amount of \$16,380**

RECOMMENDED ACTION:

1. Approve a Change Order to the Professional Services Agreement with Blais and Associates, LLC in the amount of \$7,500.
2. Approve Amendment 1 to the Professional Services Agreement with Blais and Associates, LLC for Year 2 Grant Research and Grant Activity Reporting Services in the amount of \$16,380.
3. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Change Order and Amendment 1 to the Professional Services Agreement with Blais and Associates, LLC.
4. Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Blais and Associates, LLC.

BACKGROUND:

At the October 9, 2018 Council Meeting, Council adopted Resolution 2018-121 (Attachment 1), establishing a pre-approved grant writing services vendor list through FY 2021. As the top-scoring consultant on the pre-approved list, Public Works staff solicited a proposal from Blais and Associates, Inc. for ongoing Grant Research and Grant Activity Reporting. The proposal included a scope of work consisting of the development and maintenance of a department-specific project wish list, grant activity reports, monthly grant calls and general grant consulting support.

In anticipation of the benefit from an ongoing, focused grant-seeking effort, the City entered into a Professional Services Agreement (PSA) with Blais and Associates, Inc. on December 4, 2019 (Attachment 2). The term of the agreement is one (1) year, with a maximum term not to exceed five (5) years.

Soon after contract commencement, additional City departments learned of the grant services Blais was providing to Public Works and requested to participate as well. As a result, Blais was asked to expand their original scope of grant monitoring and consulting to accommodate additional requests. Therefore, the initial contract amount of \$16,380 has been exceeded. It is anticipated that a Change Order in the amount of \$7,500 will satisfy the overage thru Year 1 contract termination date of December 3, 2020.

In order to commence Year 2 of the approved contract with Blais and Associates, the Purchasing Division requires City Council approval of Amendment 1 (Attachment 3) to the original PSA. Additionally, Blais and Associates is now under new ownership and has filed with the CA Secretary of State as a Limited Liability Company (LLC). The Amendment will document the change in status from a Corporation (INC) to (LLC).

JUSTIFICATION:

Since Agreement execution in December 2019, Blais and Associates has identified several key grant opportunities for the City which have ultimately led to the following **grant awards**:

- Bureau of Reclamation Drought Resiliency Smart Metering Project \$300,000
- Bureau of Reclamation Small Scale Efficiency Pressure Zone Separation \$75,000
- Emergency Solutions Grant CV Rd 1 – Ramsey St. Village \$125,000
- CA HCD Local Early Action Planning (LEAP) \$150,000

The following applications have been prepared and submitted on behalf of the City and are **awaiting award announcements**:

- Federal Highway Administration – Highway Safety Improvement Program
 - Pedestrian Improvements (4 crossings) \$250,000
 - Ramsey & Omar Improvements \$429,390
- CALOES Community Power Resiliency City Hall Generator Replacement/Well 8 Generator \$300,000

The following grant applications are currently **under development**:

- SCAG Sustainable Communities Program Active Transportation Plan \$250,000
- CA State Parks Statewide Park Program (SPP) Lions Park Expansion \$3.6 mil
- Emergency Solutions Grant CV Rd 2 – Ramsey St. Village \$ TBD

In addition to the aforementioned efforts, Blais and Associates, LLC is managing the City's COVID-19 funding portfolio, ensuring compliance with all federal, state and local CARES Act and other pandemic-related funding requirements.

It is anticipated that due to the continued economic impacts from the pandemic, as well as the City's disadvantaged community status and ongoing homeless crisis, the need for grant-assisted project funding will continue indefinitely.

FISCAL IMPACT:

The Change Order in the amount of \$7,500 and Amendment 1 to the Professional Services Agreement with Blais and Associates, LLC in the amount of \$16,380 will be funded by the following accounts:

YEAR 1 CHANGE ORDER

100-4900-431-33-11	STREETS/PROFESSIONAL SERVICES	\$ 1,144.50
660-6300-471-33-11	WATER/PROFESSIONAL SERVICES	\$ 2,518.50
680-8000-454-33-11	WASTEWATER/PROFESSIONAL SERVICES	\$ 2,692.50
690-9600-453-33-11	SOLID WASTE/PROFESSIONAL SERVICES	<u>\$ 1,144.50</u>
		\$ 7,500

PSA AMENDMENT 1 (YEAR 2)

100-4900-431-33-11	STREETS/PROFESSIONAL SERVICES	\$ 2,500
660-6300-471-33-11	WATER/PROFESSIONAL SERVICES	\$ 5,500
680-8000-454-33-11	WASTEWATER/PROFESSIONAL SERVICES	\$ 5,880
690-9600-453-33-11	SOLID WASTE/PROFESSIONAL SERVICES	<u>\$ 2,500</u>
		\$16,380

ALTERNATIVE:

Do not authorize the Change Order and/or Amendment and provide further direction to staff.

ATTACHMENTS:

1. Resolution 2018-121
<https://banningca.gov/DocumentCenter/View/8189/Attachment-1-Reso-2018-121-120820>
2. Original Agreement (C00630)
<https://banningca.gov/DocumentCenter/View/8187/Attachment-2-C00630 - Blais Associates PSA-120820>
3. Amendment 1
<https://banningca.gov/DocumentCenter/View/8188/Attachment-3-Amendment-to-Blais-Agreement-120820>

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

MEETING DATE: December 8, 2020

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

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **October 31, 2020**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	175723-176159	\$ 3,808,202.47	
Voided / Reissue Check		\$ 3,966.01	
Check Total			\$ 3,804,236.46
 Wires Total	1040-1043		\$ 3,871,200.84
 ACH payments:			
Payroll Direct Deposit 10/9/2020		\$ 408,517.37	
Payroll Direct Deposit 10/23/2020		\$ 397,801.70	
Other Payments		\$ 806,074.29	
ACH Total			\$ 1,612,393.36
 Payroll Checks:			
12182-12198			
Payroll - Regular 10/9/2020		\$ 1,836.69	
Payroll - Regular 10/23/2020		\$ 1,752.95	
Payroll - Manual 10/29/2020		\$ 429.20	
Payroll Check Total			\$ 4,018.84
 Total Warrants Issued for October 2020			\$ 9,291,849.50

Staff Report: Accounts Payable and Payroll Warrants for October 2020

December 8, 2020

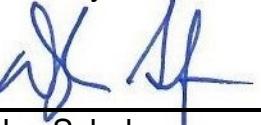
Page 2 of 2

ATTACHMENTS:

1. Fund List <https://banningca.gov/DocumentCenter/View/8197/Attachment-1---Fund-List>
2. Warrant Report October 2020
<https://banningca.gov/DocumentCenter/View/8198/Attachment-2---Warrant-Report-October-2020>
3. Warrant Report Detail October 2020
<https://banningca.gov/DocumentCenter/View/8195/Attachment-3---Warrant-Report-Detail-October-2020>
4. Voided Check Log, Payroll Log & Registers – October 2020
<https://banningca.gov/DocumentCenter/View/8196/Attachment-4---Void-Check-Log---Payroll-Log---Payroll-Register>

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
A'ja Wallace, Budget and Financial Analyst

MEETING DATE: December 8, 2020

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

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **October 31, 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	\$ 6,912,533.41	\$ 6,344,524.57
Investments		
LAIF	\$ 39,519,338.64	\$ 39,606,787.01
Brokerage	\$ 27,425,546.98	\$ 27,505,585.33
Total Funds Under Control of the City	\$ 73,861,574.03	\$ 73,461,051.91
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts	\$ 14,801,720.21	\$ 14,801,863.81
Restricted Bond Accounts	\$ 4,820,122.36	\$ 4,820,123.12
Union Bank & SCPPA		
Restricted Funds	\$ 3,684,577.34	\$ 4,031,912.64
Total Funds Under Control of Fiscal Agents	\$ 23,306,419.91	\$ 23,653,899.57
Total Funds	\$ 97,167,993.94	\$ 97,114,951.48

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 97,167,993.94	\$ 97,114,951.48
Restricted Funds	43,136,746.80	\$ 43,541,554.41
Assigned Funds - Specific Purpose	8,881,339.00	\$ 8,881,339.00
Committed Funds - Specific Purpose	3,525,858.25	\$ 3,525,858.25
Fund Balance Reserves	14,192,130.23	\$ 13,652,130.23
Total Restricted, Assigned, Committed and Reserves	\$ 69,736,074.28	\$ 69,600,881.89
Operating Cash - Unrestricted Reserves	\$ 27,431,919.66	\$ 27,514,069.59
Less Accounts held in Investments	\$ 27,425,546.98	\$ 27,505,585.33
Liquid Cash	\$ 6,372.68	\$ 8,484.26

ATTACHMENTS:

1. Cash, Investment and Reserve Report October 2020
<https://banningca.gov/DocumentCenter/View/8201/Attachment-1-Cash-Investment-and-Reserve-Report-October-2020>
2. Investment Report October 2020
<https://banningca.gov/DocumentCenter/View/8202/Attachment-2-Investment-Report-October-2020>
3. City of Banning Broker Investment Report – October 2020
<https://banningca.gov/DocumentCenter/View/8203/Attachment-3-City-of-Banning-Broker-Investment-Report>
4. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/8199/Attachment-4-PMIA-LAIF_Performance-Report-October-2020
5. LAIF Market Valuation Report October 2020
<https://banningca.gov/DocumentCenter/View/8200/Attachment-5-LAIF-Market-Valuation-October-2020>

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

Approved by:



Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Eric Brown, IT Manager
Laurie Sampson, Executive Assistant

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-149, Approving a Lease Agreement with Cell Business Leasing for Seven (7) Copiers for 60 Months and Approving a Maintenance Agreement with Cell Business Equipment for 60 Months.

RECOMMENDED ACTION:

That the City Council adopt Resolution 2020-149, Approving a lease agreement with Canon Financial Services for seven (7) copiers for a period of 60 months and a maintenance agreement with Cell Business Equipment for 60 months.

BACKGROUND:

In June of 2016, the City of Banning contracted with Cell Business Equipment to lease several Sharp copiers for use in various departments of the City. This lease agreement expired in June of 2020. The terms of the agreement stipulated at the end of the lease all of the equipment could be purchased for fair market or all of the equipment could be returned.

Upon expiration of the existing lease the IT Department began researching options to either purchase the Sharp copiers or terminate the lease and receive new copiers.

JUSTIFICATION:

After several meetings with end users and Cell Business Equipment it was determined that returning the Sharp copiers and beginning a new lease for HP copiers would be a better solution for the City. The Sharp copiers constantly required repairs. The HP copiers have a better track record for reliability and can better withstand the City's copier use requirement. Cell Business Equipment will provide a maintenance agreement for each new unit based on the number of pages printed.

December 8, 2020

Page 2 of 2

FISCAL IMPACT:

The Lease Agreement is \$1,109.11 per month and \$13,309.32 annually, per Department Budget Exhibit A to Resolution 2020-149. Approval for an amount not to exceed \$14,000 annually to cover unexpected expenses such as late fees.

The Maintenance Agreement in an amount not to exceed \$20,000 per Department Budget Exhibit B to Resolution 2020-149.

ATTACHMENTS:

1. Resolution 2020-149
<https://banningca.gov/DocumentCenter/View/8212/Att-1-Resolution-2020-149-Cell-Business-Equipment>
2. Cell Business Equipment Sales and Service Agreement
https://banningca.gov/DocumentCenter/View/8213/Att-2-Unsigned-sales_service-agreementRevised-111820
3. Cell Business Equipment Lease Agreement
<https://banningca.gov/DocumentCenter/View/8214/Att-3-Unsigned-lease-docRevised-111820>
4. CMAS Number 3-20-36-0049G
<https://banningca.gov/DocumentCenter/View/8215/CBE-HP-CMAS-Contract>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT/ PUBLIC HEARING

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: December 8, 2020

SUBJECT: **Resolution 2020-146, Confirming a Diagram and the Levy and Collection of a Change in Assessments if approved through the Proposition 218 Ballot Proceeding and Declaring the results of the Assessment Ballot Tabulation within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2021/22**

RECOMMENDED ACTION:

Staff recommends that the City Council hold a public hearing and adopt Resolution 2020-146, Confirming a Diagram and the Levy and Collection of a Change in Assessments if approved through the Proposition 218 Ballot Proceeding and Declaring the results of the Assessment Ballot Tabulation within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code and Article XIII D of the California Constitution.

BACKGROUND:

Landscape Maintenance District No. 1 ("LMD No. 1" or the "District") 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, all of which were constructed as part of private development projects and all of which are located in the public right-of-way. LMD No. 1 funds expenses (e.g. utility costs, landscape maintenance contractor, etc.) with revenues collected from the special benefit assessments paid by the owners of assessed parcels within LMD No. 1. A map displaying LMD No. 1 and boundaries of each tract and Zone is attached herewith as Attachment 2.

The Landscaping and Lighting Act of 1972 (the "1972 Act") and Article XIII D of the California Constitution require that assessments be levied according to special benefit rather than according to assessed value.

The current annual rate per Assessment Unit ranges from \$98.91 to \$216.69, depending on the Zone. The current assessments provide funding for general maintenance and do not fund maintenance costs for 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 replacement projects, the Public Works Department prepared a Request for Proposals in December of 2018 with the intention to hire a consultant with expertise in the Proposition (Prop) 218 process and assessment districts to determine the proper zones and assessment amounts for each tract and the basis of assessments; assist in holding a Prop 218 balloting proceeding and 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 to be explored, including the potential restructuring of the 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 outlining the budget analysis and options for the LMD No. 1 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 replacement 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 proposed rates per Assessment Unit (per Zone) as shown on Attachment 4, including an annual Consumer Price Index (CPI) increase, to be included in the balloting process. The Prop 218 balloting was scheduled to occur in June of 2020. However, due to COVID-19 restrictions and the closing of public facilities, the Prop 218 vote was temporarily postponed and will now be considered at tonight's City Council meeting.

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 prepared the Engineer's Report, that presents the new proposed Assessment Unit rates for each Zone reflected on the Prop 218 Ballot for each Zone. On October 13, 2020 the City Council approved the Engineer's Report pursuant to Resolution 2020-124 and set the date for tonight's public hearing and Proposition 218 ballot proceeding. The proof of advertisement in the Record Gazette is included as Attachment 3.

The public hearing is governed by Government Code section 53753, which provides procedures for assessment ballot proceedings under Proposition 218. Pursuant to these procedures and requirements, the assessment rate for each Zone may only be increased if no majority protest exists for that Zone. At the public hearing, the assessment ballots must be tabulated separately for each of the 10 Zones. An Assessment Ballot and a Notice of Public Hearing in English and Spanish and return Ballot envelope were mailed to the affected property owners within LMD No. 1 by October 23, 2020. A virtual community meeting was held on November 19, 2020 to provide community outreach and information about the Prop 218 process.

A majority protest will exist within a Zone if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment for that Zone exceed the assessment ballots submitted, and not withdrawn, in favor of the proposed assessment. In tabulating the ballots, each ballot is weighted according to the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. In the event of a majority protest for a Zone, the increase will not be implemented in that Zone.

Each Zone's voting results are independent of the voting results of other Zones. In the event the Prop 218 vote held tonight 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, the property owners within the applicable tracks/Zones authorized an annual CPI adjustment. In the absence of a majority protest, the City Council may order the levy of the increased assessments within a Zone for fiscal year 2021-22, as set forth in the Engineer's Report.

The public hearing will be held and the opening and tallying of ballots submitted by the affected property owners to consider approving the new assessment rates will occur at tonight's regularly scheduled City Council meeting. A list of tracts and Zones in LMD No. 1 and their respective proposed assessments is shown as Attachment 4.

JUSTIFICATION:

The 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 the assessment rates should be changed.

FISCAL IMPACT:

The Prop 218 ballot process will determine the assessment rates that may be levied and collected against parcels in LMD No. 1 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 the improvements in LMD No.1 or maintenance and service levels will have to decrease to fit within available budgets.

ALTERNATIVE:

Reject the Prop 218 balloting proceeding process of voting on a change in assessments and approve the levy and collection of assessments at rates less than or equal to the previously approved maximum assessment rates (including the previously approved inflationary adjustments).

ATTACHMENTS:

1. Resolution No. 2020-146 <https://banningca.gov/DocumentCenter/View/8192/Attach-1-Resolution-No-2020-146-w-Exhibit-A>
2. LMD No. 1 Map for FY 2021/22
<https://banningca.gov/DocumentCenter/View/8193/Attach-2-LMD-1-Map-FY-21-22>
3. LMD No. 1 Public Hearing Publication
<https://banningca.gov/DocumentCenter/View/8190/Attach-3-Record-Gazette-Ad-Notice-of-Public-Hearing>
4. LMD No. 1 Assessment Rates per Zone
<https://banningca.gov/DocumentCenter/View/8191/Attach-4-Prop-218-Assessment-Rates-per-Zone>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-142, making a determination of exemption under CEQA Guidelines Section 15270 (Projects which are disapproved), and DENYING the request for approval of Conditional Use Permit 20-8005, a proposal to allow for a commercial cannabis cultivation facility in an existing 4,000 square foot building located at 679 West Lincoln Street (APN: 540-220-007) in the Industrial (I) Zoning District.

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2020-142, making a determination that the Project is exempt under Section 15270 (Projects which are disapproved) of the California Environmental Quality Act (CEQA) and DENYING the request to permit and authorize Conditional Use Permit 20-8005; which is a proposal to allow for a commercial cannabis cultivation facility in an existing 4,000 square foot building located at 679 West Lincoln Street (APN: 540-220-007) in the Industrial (I) zoning district.

PROJECT / APPLICANT INFORMATION:

Project Location: 679 West Lincoln Street, Banning, CA 92220

APN Information: 540-220-007

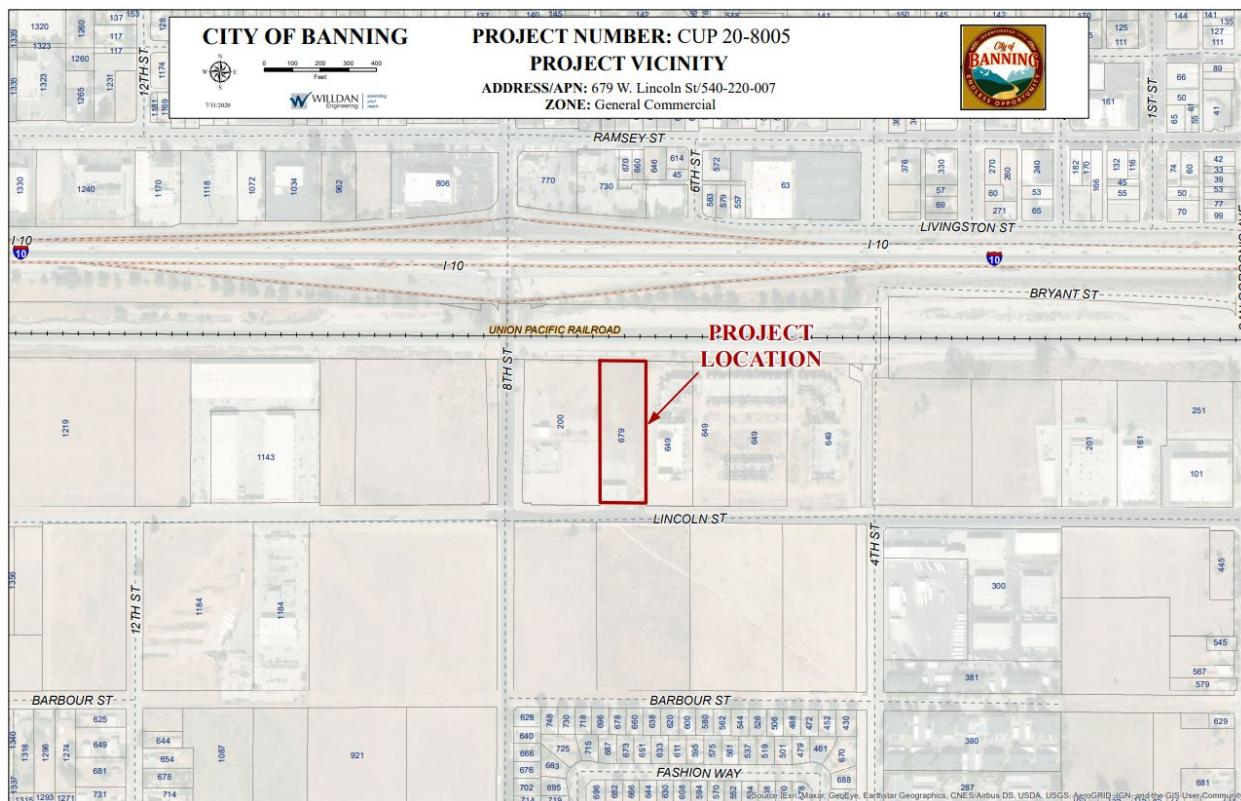
Project Applicant: Banning Greenhouse, Inc.
Edmond Ter-Pogosyan
526 E. Elmwood Avenue, Suite 103
Burbank, CA 91501

Property Owner: Agahee Family Trust
37 Cinnamon Lane
Palos Verdes Estates, CA 90275

PLANNING COMMISSION RECOMMENDATION: At the regular Planning Commission meeting on November 4, 2020, the Planning Commission adopted Resolution 2020-19, recommending that the City Council deny the request for approval of Conditional Use Permit 20-8005.

REQUEST:

The applicant, Edmond Ter-Pogosyan, is requesting approval of a Conditional Use Permit (CUP) to allow a commercial cannabis cultivation facility in an existing 4,000 square foot industrial building in the Industrial (I) zoning district located at 679 West Lincoln Street, Banning, CA 92220.



DESCRIPTION:

Compliance Analysis with City Municipal Code:

The applicant is requesting approval to allow for the tenant improvements and operation of a commercial cannabis cultivation facility within an existing 4,000 square foot (sf) building. Staff has determined the existing building lacks the necessary floor space and is insufficient in both square-footage and height, which precludes the applicant's compliance with the Banning Municipal Code (BMC). More specifically, the existing

building is approximately 4,000 sf, while the minimum canopy area required under the BMC is at least 10,000 sf. Furthermore, the building height does not exceed fifteen (15) feet from ground level to the roof line, which is inconsistent with the requirements under the BMC.

In accordance with BMC Section 17.52.160:

Cannabis Commercial Indoor Cultivation shall occur only indoors and shall contain not less than 10,000 square feet of canopy space nor exceed 22,000 square feet of canopy space per cannabis conditional use permit holder.

As required by the BMC, the minimum canopy space shall be no less than 10,000 sf. Staff met with the applicant on several occasions to review various floor plan configurations. The latest site plan submitted by the applicant's consulting architect details a system of shelving and racking in "stacks" of two and three levels. However, the minimum vertical height, of this racking system (per the specifications provided by the applicant) is at least seven and one half (7.5) feet in height. Stacking in configurations of three levels (i.e., 22.5-feet) exceeds the maximum height of the existing building.

An analysis of the project demonstrates that the building has an existing floor area of 4,000 square feet and a ceiling height of fifteen (15) feet. Staff has been working with the applicant to achieve compliance with City and State regulations, which requires a minimum of 10,000 sf of canopy space. There is no configuration that can accommodate the 10,000-sf minimum in a 4,000 square foot building. The applicant proposes a stacking system for cannabis plant growth. The system is similar to a commercial storage racking system that can be configured in multiple ways. The system can be purchased directly from a vendor and is expandable up to thirty (30) feet in height and sixty (60) feet in length, photos and specifications are attached herein.

This stacking system is designed to accommodate a maximum of four (4) levels (each between 7.5" to ten (10) feet in height. In order to meet the provisions of the BMC, three (3) levels of cannabis grow are required; however, three (3) levels cannot fit in any configuration that does not violate the Fire and Building Codes and still has three (3) levels and occupy the majority of the 4,000 square foot structure. This proposal has several unsurmountable issues: 1) With the three-level racking system, there is no room left for plant growth. Once you allow for the thickness of the lighting apparatus and the containers to grow the plants, there is less than three (3) feet of growth area in each level. This severely limits the space people will have to maintain the plants. 2) The racking system occupies most of the 4,000 square foot floor area leaving no room for offices, storage rooms, restrooms, breakrooms, drying rooms, clone room, security room and equipment room.

In addition, the existing building will require upgrades to a commercial fire suppression system which requires a minimum clearance of eighteen (18) inches, where all obstructions are prohibited. As such, even double-stacking the cannabis racking system will not provide any clearance as a double-stack system measures fifteen (15) feet in

height, which is the maximum height of the building, and would leave zero (0) feet of clearance between the racking and the ceiling. Given these obvious conflicts with the City's and County Fire Codes and the BMC, the existing building cannot accommodate a minimum of 10,000 sf of canopy space for cannabis cultivation.

Compliance Analysis with State Cannabis Control Bureau Regulations:

The proposed use requires a Class 3A license by the California Bureau of Cannabis Control, under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), Business and Professions Code, Division 10 (Cannabis), Chapter 6 (Licensed Cultivation Sites), Section 26061 (a)(9):

(9) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

Additionally, the applicant failed to respond or correct any of the issues stated in the incomplete letter sent, July 20, 2020 (see Attachment 4). The application was incomplete. The site plan was incomplete. There was no operations plan, neighborhood context map, or lighting plan.

Furthermore, the building was previously used as an illegal grow facility for the cultivation of cannabis. Utilities were bypassed and potentially hazardous waste was disposed into the existing septic system. While bypassing the Banning Electric Utility service, City of Banning Electric Utility equipment was damaged.

With the issues stated above and the applicant's inability to demonstrate how the project would comply with Banning's Municipal Code, Staff recommends denial of the project.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Division staff has determined that this Project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines pursuant to Section 15270(a) of the CEQA Guidelines because CEQA does not apply to projects which a public agency rejects or disapproves.

Multiple Species Habitat Conservation Plan (MSHCP)

The project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

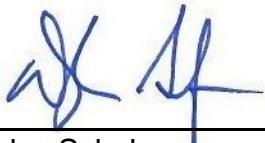
PUBLIC COMMUNICATION:

Proposed Conditional Use Permit 20-8005 was advertised in the Record Gazette newspaper on November 27, 2020. As of the date of this report, staff has not received any written comments on the project.

ATTACHMENTS:

1. City Council Resolution 2020-142
<https://banningca.gov/DocumentCenter/View/8221/ATTACHMENT-1---Banning---CC-Resolution-No-2020-142-Exemption-Denial-CUP-20-8005>
2. Planning Commission Staff Report with Resolution 2020-19
<https://banningca.gov/DocumentCenter/View/8217/ATTACHMENT-2---CUP-20-8005-Staff-Report>
3. Project Plans <https://banningca.gov/DocumentCenter/View/8218/ATTACHMENT-3---Project-Plans>
4. Incomplete Letter
<https://banningca.gov/DocumentCenter/View/8219/ATTACHMENT-4---Incomplete-Letter>
5. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/8220/ATTACHMENT-5---CC-PHN-CUP-20-8005>
6. Notice of Exemption
<https://banningca.gov/DocumentCenter/View/8222/ATTACHMENT-6---CUP-20-8005---Notice-of-Exemption-NOE>

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: Adam Rush, Community Development Director

MEETING DATE: December 8, 2020

SUBJECT: Resolution 2020-143, making a determination of exemption under CEQA Guidelines Section 15301 and approving Conditional Use Permit 20-8010, to allow for the commercial cultivation of cannabis in an existing industrial building located at 820 South Hathaway Street (APN: 532-160-012) in the Industrial (I) Zoning District

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2020-143, making a determination that the Project is exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) and approving Conditional Use Permit (CUP) 20-8010 to allow for the commercial cultivation of cannabis in an existing industrial building located at 820 South Hathaway Street (APN: 532-160-012) in the Industrial (I) zoning district.

PROJECT / APPLICANT INFORMATION:

Project Location: 820 South Hathaway Street, Banning, CA 92220

APN Information: 532-160-012

Project Applicant: Green Grow Farms, LLC
Attn: Cuong Truong
2618 San Miguel Drive, Suite 318
Newport Beach, CA 92660

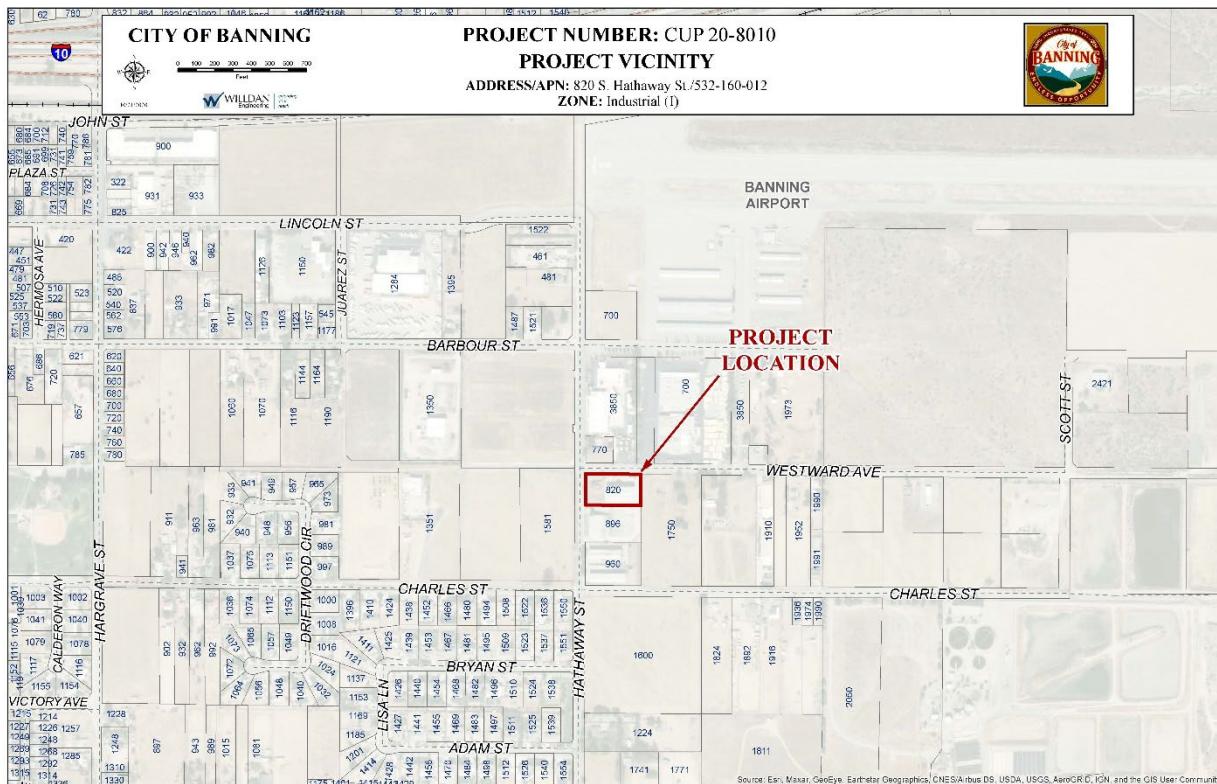
Property Owner: Ross Tesser
608 Ocean Avenue
Seal Beach, CA 90740

PLANNING COMMISSION RECOMMENDATION:

At the regular Planning Commission meeting on November 4, 2020, the Planning Commission adopted Resolution 2020-20, recommending that the City Council approve Conditional Use Permit 20-8010.

REQUEST:

The applicant, Green Grow Farms, LLC, is requesting approval of a Conditional Use Permit (CUP) to allow for the commercial cultivation of cannabis in an existing industrial building located at 820 South Hathaway Street, Banning, CA 92220. For location, see Figure 1 below.

FIGURE 1**DESCRIPTION:**

The applicant is requesting approval to allow for the commercial cultivation of cannabis. The applicant proposes to retrofit and improve the existing industrial building located at 820 South Hathaway Street. This industrial building is approximately 9,000 square feet in floor area and is proposed to expand to 12,000 square feet with a remodel to accommodate a lobby, office, storage room, security room, break room, grow rooms, dry and trim room, clone room and rest room. The building also includes a second floor that is approximately 1,000 square feet in floor area and will provide a distribution office, storage, restroom, and trim room. The total finished floor area will be approximately 13,000 square feet. In accordance with Banning Municipal Code (BMC), the applicant proposes a security plan with cameras, guards, and surveillance equipment. There will be adequate security lighting and protocols to minimize potential security threats. Additionally, a two-stage air filtration system will be installed to prevent odors from leaving the premises. Other improvements include accessibility parking spaces, security fencing, commercial drive approach, sewer lateral connection, water supply upgrades and sidewalks along the perimeter of the site adjacent to South Hathaway Street and East Westward Avenue. Staff believes that approval of the CUP will serve the community by

providing a location for the cultivation of cannabis, providing for jobs and tax revenue, and assisting local cannabis retailers with product procurement.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Division staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

Multiple Species Habitat Conservation Plan (MSHCP)

The project is not subject to MSHCP as the project is an existing facility with no expansion of the current structural footprint.

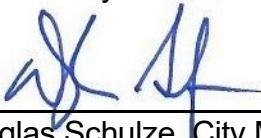
PUBLIC COMMUNICATION:

Proposed Conditional Use Permit 20-8010 was advertised in the Record Gazette newspaper on November 27, 2020. As of the date of this report, staff has not received any written comments on the project.

ATTACHMENTS:

1. City Council Resolution 2020-143
<https://banningca.gov/DocumentCenter/View/8227/ATTACHMENT-1---CC-Resolution-No-2020-143-Exemption-CUP-20-8010>
2. Planning Commission Staff Report with Resolution 2020-20
<https://banningca.gov/DocumentCenter/View/8228/ATTACHMENT-2---CUP-20-8010-PC-Staff-Report>
3. Project Plans <https://banningca.gov/DocumentCenter/View/8223/ATTACHMENT-3---CUP-20-8010-Project-Plans>
4. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/8224/ATTACHMENT-4---CUP-20-8010-Public-Notice>
5. Notice of Exemption
<https://banningca.gov/DocumentCenter/View/8225/ATTACHMENT-5---CUP-20-8010-Notice-of-Exemption>

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: December 8, 2020
SUBJECT: Amendment 5 of the Sun Lakes Village North Specific Plan, Zone Change, and Final Environmental Impact Report to allow for a new development concept including business and warehouse, office and professional, and retail and service land uses on an approximately 47-acre vacant parcel located north of Sun Lakes Boulevard east of Highland Springs Avenue (APN: 419-140-057)

RECOMMENDED ACTION:

That the City Council adopt and approve the following:

1. Resolution No. 2020-141 certifying the Final Environmental Impact Report and adopting the Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations, and CEQA Findings of Fact, and Amendment No. 5, to the Sun Lakes Village North Specific Plan Amendment 5.
2. Ordinance No. 1571 approving Zone Change No. 20-3501 to incorporate the associated Zoning Ordinance text corresponding to the Sun Lakes Village North Specific Plan Amendment 5; and

PROJECT/APPLICANT INFORMATION:

Project Location: North of Sun Lakes Boulevard, south of I-10, and approximately 840 feet east of Highland Springs Avenue

APN Information: 419-140-057

Project Applicant: The City of Banning
99 E. Ramsey St.
Banning, CA 92220

Property Owner: The McRae Group
Augustine H. Gomez
8800 N. Gainey Center Drive, Suite 255
Scottsdale, AZ 85258

Property Developer: LGE Design & Build
Ben McRae
1200 N. 52nd Street
Phoenix, AZ 85008

REQUEST:

The City of Banning is requesting approval of Amendment 5 of the Sun Lakes Village North Specific Plan, which serves as a regulatory document providing land uses, circulation and infrastructure plans, development standards, design guidelines, and implementation provisions for an undeveloped 47-acre site.

BACKGROUND:

The proposed Specific Plan is the fifth amendment of the original Sun Lakes Village Specific Plan adopted by the Banning City Council on February 28, 1983. Amendment 5 and the previous Amendment 4 in 2006 address 47 acres of undeveloped land remaining from the original 964-acre specific plan area.

Amendment 4 designated the area for retail commercial use, specifically auto dealerships, along with planning area boundaries, circulation plans, and development standards to support use of the site for auto sales.

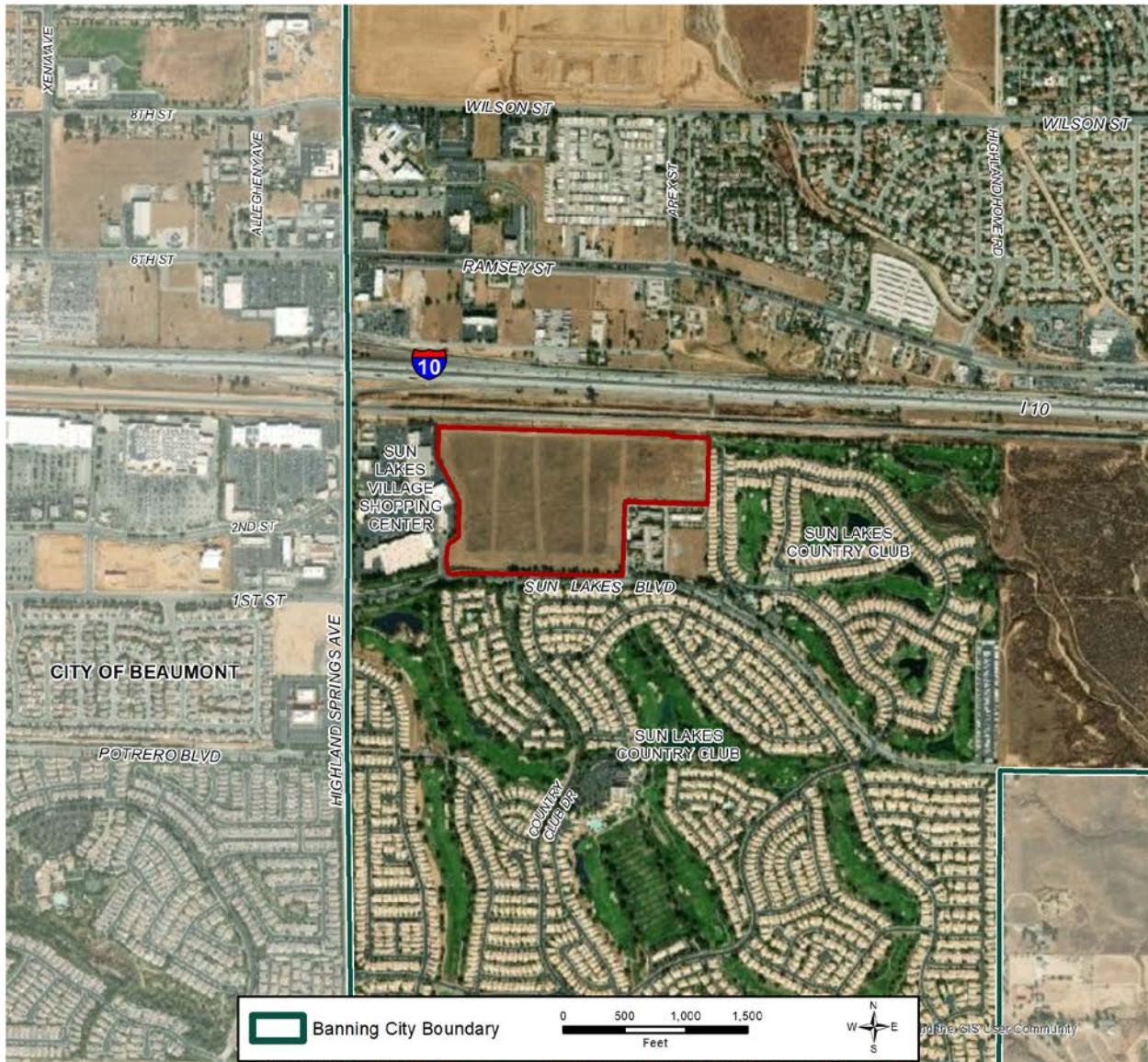
The development concept of Amendment 4 lacks sufficient appeal within the retail auto sales market and the land has remained undeveloped and vacant for over a decade. The undeveloped property creates a drain on City resources due to illegal dumping and transient activity. While the property owner is cooperative in their maintenance obligations, the vacant and unsecured property remains an attractive nuisance in its undeveloped state. The proposed Amendment 5 seeks to reimagine the Specific Plan area with a viable development concept that reflects today's market conditions.

DESCRIPTION:

Location

The Specific Plan area is located in the southwest portion of the city near the boundary with the City of Beaumont. The Specific Plan area is situated south of Interstate 10 (I-10), north of Sun Lakes Boulevard, and approximately 840 feet east of Highland Springs Avenue, as shown in Figure 1. The boundaries of the vacant 47.1-acre site consist of the Southern Pacific Railroad on the north, Sun Lakes Boulevard on the south, existing

Figure 1
Sun Lakes Village North Specific Plan
Project Location



residential parcels in the Sun Lakes Country Club community on the northeast, an assisted living facility on the southeast, and Sun Lakes Village Shopping Center on the west.

Specific Plan Objectives

Specific Plan Amendment 5 delineates a new vision for development of the Specific Plan area, which is based on the following primary objectives:

- Allow for a range of land uses that reflects current market conditions given the trend away from brick-and-mortar retail.
- Respond to an increase in e-commerce, especially driven by the coronavirus pandemic.
- Promote high quality development to safeguard the existing asset of the Sun Lakes Country Club and other development in the vicinity.
- Locate and design truck courts and semi-truck circulation to minimize impacts on surrounding land uses and development.
- Expand access to restaurants, shopping, and services for the nearby Sun Lakes Country Club community.

SPECIFIC PLAN PROVISIONS AND ANALYSIS:

The Specific Plan addresses land use, circulation, streetscape, infrastructure, development standards, and design guidelines to direct future development within the Specific Plan area. It also delineates provisions for administration and implementation of the Specific Plan.

Land Use

The Land Use Plan and land use districts for the Sun Lakes Village North Specific Plan Amendment 5 are illustrated in Figure 2. (All land uses must comply with the California Environmental Quality Act. Applications for development, such as new construction, within the Specific Plan area must comply with the Specific Plan's Section 4.5, Review Authority, as well as the California Environmental Quality Act.)

The Business & Warehouse District is the largest land use district under the Specific Plan at approximately 30.22 acres. It is located in the northwestern portion of the Specific Plan area, adjacent to the Sun Lakes Village Shopping Center, the Southern Pacific Railroad, and the I-10 Freeway. A selection of the large-scale uses permitted by right in this district includes corporate offices, indoor recreational facilities, e-commerce distribution centers, public storage, and general warehousing. Some of the uses requiring approval of a conditional use permit include hospitals, congregate care facilities, and trade schools or colleges.

The Office & Professional District is approximately 10.06 acres and is located in the east part of the Specific Plan area adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/

Figure 2
Sun Lakes Village North Specific Plan
Land Use Plan



golf course community. A wide range of land uses are allowed in this district, which are intended to be of a nature that limits impacts on the existing adjacent sensitive uses. Future buildings within the Office & Professional District will also serve as a buffer between existing uses to the east and larger-scale development allowed within the Business & Warehouse District. A selection of the uses permitted by right in the Office & Professional District includes professional offices, medical offices, retail, services, restaurants, hotels, indoor recreational facilities, and public storage. Uses requiring approval of a conditional use permit include brew pubs, pet boarding, day care, congregate care facilities, hospitals, colleges, and churches/temples.

The Retail & Service District is the smallest at approximately 6.83 acres. It is located on the southern edge of the Specific Plan area adjacent to Sun Lakes Boulevard. The land use objectives for this district are to provide convenient shopping and neighborhood-related services to meet the daily needs of nearby residents, create high quality development adjacent to the Sun Lakes Boulevard frontage, and screen the larger development within the Business & Warehouse District. A selection of the small-scale uses permitted by right within the Retail & Service District includes clothing, electronics, and jewelry stores; services such as banks, gyms, salons, dry cleaners, pet grooming, yoga studios, and dental offices; and restaurants, coffeehouses, and yogurt shops. Some of the uses allowed with approval of a conditional use permit include bars, drive-thru restaurants, and veterinary clinics.

The Specific Plan provides for a wide range of uses to meet anticipated market demands. However, should the market undergo significant change so that these uses are not desirable and viable from a real estate development perspective, the Specific

Plan establishes a process for approval of multi-family residential and mixed residential in the Office & Professional District in compliance with the respective review processes, development standards, and design guidelines delineated in the Banning Zoning Code in compliance with the California Environmental Quality Act.

Circulation Plan

The Specific Plan's conceptual Circulation Plan is illustrated in Figure 3. The Circulation Plan, including the location and design of access, is conceptual and subject to modification by the City Engineer after submittal of detailed site plans and development applications for the Specific Plan area.

Semi-Truck Access

Within the Specific Plan area, semi-trucks are only allowed within the Business & Warehouse District, except as periodically required within the other districts to deliver merchandise or provide services such as waste pickup.

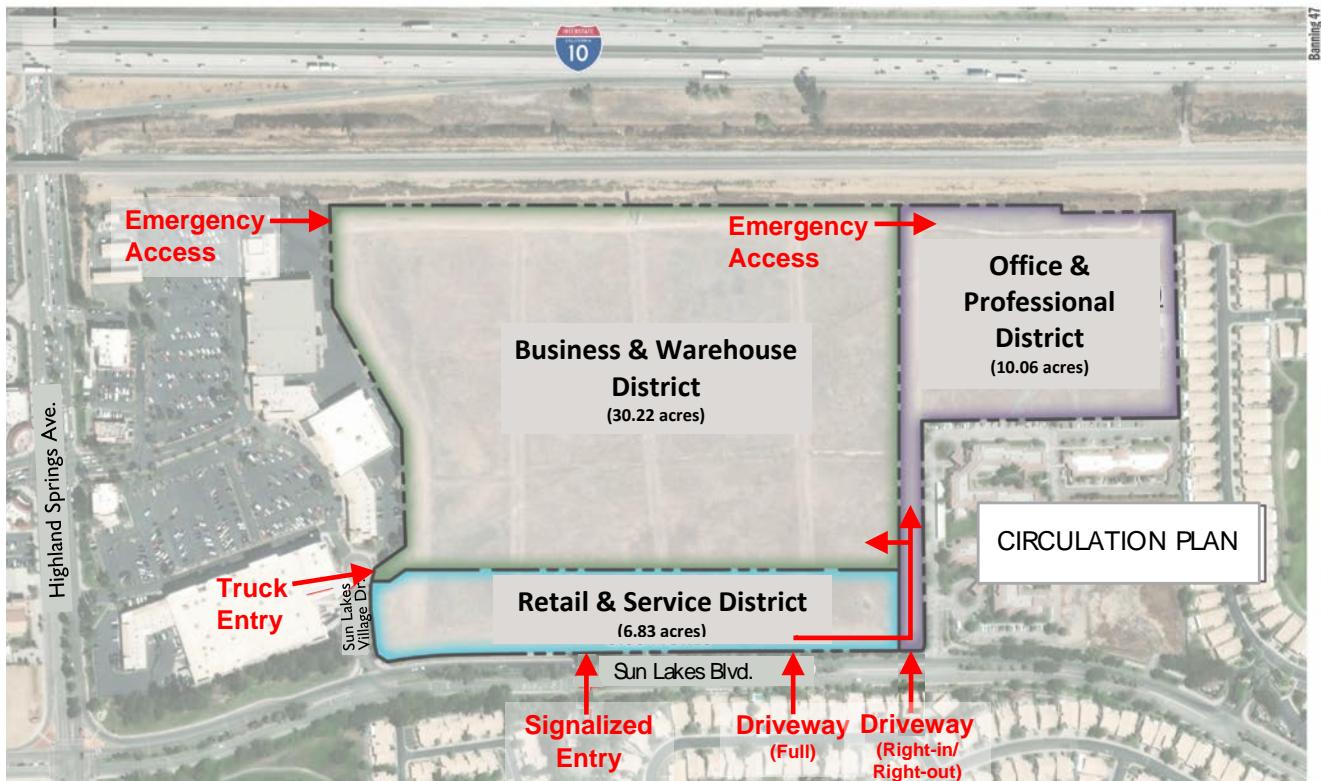
Semi-truck access to the Business & Warehouse District for eastbound vehicles is provided via a turn pocket into Sun Lakes Village Drive, which is located adjacent to the southwestern corner of the Business & Warehouse District outside of the Specific Plan area. Semi-trucks traveling westbound from the Sunset Avenue exit of the I-10 Freeway along the extension of Sun Lakes Boulevard through the Sun Lakes Country Club community also gain access to the Business & Warehouse District via Sun Lakes Village Drive.

The Specific Plan acknowledges that the existing driveway approach into Sun Lakes Village Drive from Sun Lakes Boulevard may need to be widened and re-designed. The Specific Plan also encourages that the design of the driveway approach considers that Sun Lakes Village Drive is a public right-of-way that is also utilized by trucks making deliveries to the Sun Lakes Village Shopping Center and by patrons in passenger vehicles going to the stores. These design aspects will be finalized to the satisfaction of the City Engineer when site plans for development projects are received.

Passenger Vehicle Access

Primary access for passenger vehicles to the Retail & Service District is provided via a signalized intersection on Sun Lakes Boulevard across from the Sun Lakes Country Club main entrance gate.

Figure 3
Sun Lakes Village North Specific Plan
Circulation Plan



Secondary driveway access for passenger vehicles is provided by two driveways located to the east between the primary signalized entry and the existing assisted living facility driveway on the adjacent property.

The secondary driveway locations and designs indicated in the Circulation Plan are conceptual and subject to approval by the City Engineer. Upon submittal of development plans, the location and design for each secondary driveway must demonstrate adequate space, provide sufficient storage volume for any turn pocket, verify appropriate sight distance/path, and prevent turning movement conflicts with other proposed and existing driveways.

The two secondary passenger vehicle driveways and a connected internal drive aisle are envisioned as follows:

- A full turning movement driveway located midway between the primary signalized access and the existing assisted living facility driveway on the adjacent property provides access to the Retail & Service District.
- A right-in/right-out driveway provides direct access to the Office & Professional District entry road fronting on Sun Lakes Boulevard and facilitates passenger vehicle access to the Business & Warehouse District.

- A connected internal drive aisle links the Retail & Service District to the Office & Professional District entry road, resulting in increased passenger vehicle access for all districts.

Golf Cart Access

To facilitate access for Sun Lakes Country Club residents to stores, restaurants, and services within the Retail & Service District, golf cart access is provided via the signalized intersection located at Sun Lakes Boulevard across from the Sun Lakes Country Club main entrance gate. Dedicated golf cart parking is also required within the Retail & Service District.

Emergency Vehicle Access

An access gate providing restricted entry for emergency personnel is located at the northwest corner of the Business & Warehouse District, which is accessible from the adjacent shopping center. An additional restricted entry gate accommodates emergency access between the Business & Warehouse and Office & Professional Districts.

Pedestrian Circulation

An on-site pedestrian walkway system connects the three districts within the Specific Plan area to facilitate employee access to restaurants, retail, and services and to create a pedestrian amenity. The pedestrian walkway system is envisioned to link with a natural-looking, landscaped on-site stormwater management facility to create a visually attractive amenity. The Design Guidelines specify that the design of the pedestrian walkway system includes shade trees and seating opportunities to enhance usability.

Other Plans

The Specific Plan also provides a Streetscape Plan to ensure attractive landscaping along Sun Lakes Boulevard and an Infrastructure Plan that addresses the provision of water, sewer, stormwater management, electrical service, and fire protection.

Development Standards

The Specific Plan delineates Floor Area Ratio (F.A.R.), building setbacks, landscape setbacks, and building height standards that are customized to the Business & Warehouse, Office & Professional, and Retail & Service Districts.

The maximum F.A.R. is higher in the Office & Professional and Retail & Service Districts and lower in the Business & Warehouse District. Building and landscape setbacks require that buildings be set back from the perimeter of the Specific Plan area with a landscape buffer. To serve as a buffer to obscure views and reduce noise, a 50-foot building setback that includes a 20-foot wide landscape setback is required at the northeastern Specific Plan boundary adjacent to the rear yards of the existing residential parcels in the Sun Lakes Country Club community. The maximum building height allowed is 35 feet in the Retail & Service District, 45 feet in the Office & Professional District, and 55 feet in the Business & Warehouse District.

Development standards for parking, landscaping, lighting, walls/fences, and signs defer to the existing standards in the Banning Zoning Code.

Design Guidelines

The Design Guidelines address site design and circulation, architectural design, landscape design, screening and buffers, as well as custom provisions for each of the Districts in order to ensure high-quality development. Following is a selection of some of the key Design Guidelines to promote attractive and functional design within the Specific Plan area:

- Locate, design, and/or screen truck courts, dock doors, and truck parking areas so they are not visible (including the tops of truck trailers) from Sun Lakes Boulevard.
- Separate circulation for semi-trucks from passenger vehicles within the Business & Warehouse District to minimize circulation conflicts.
- Prevent turning movement conflicts with the adjacent assisted living facility driveway.
- Dedicate and mark at least fifteen percent (15%) of the required parking spaces within the Retail & Service District for golf cart use. Locate and design the golf cart spaces to minimize interaction with cars.
- Place evergreen screen trees to create a landscape buffer along the northeastern Specific Plan boundary adjacent to the existing residential parcels. Select tree species and size to create a solid tree screen above the existing wall within one year.
- Buffer parking lots along Sun Lakes Boulevard from street view using berms and/or landscaping at least three feet high.
- Provide enhanced architectural details on building elevations within the Business & Warehouse District that are visible from Sun Lakes Boulevard.
- Provide pedestrian walkways to connect the three districts within the Specific Plan area so employees can easily access restaurants, stores, and services and to create an amenity to encourage walking.
- Incorporate ample shade trees and seating opportunities along the pedestrian walkway system.
- Design stormwater management facilities to create a natural-looking, landscaped open space that connects with the pedestrian walkway system.
- Design the Retail & Service District to reflect a high quality, pedestrian oriented character with attention to building scale, pedestrian-level architectural detail, views into buildings, and pedestrian oriented signage.
- Provide pedestrian oriented amenities such as shade, seating, lighting, and landscaping and encourage the design of tenant spaces to include patios for outdoor dining or casual eating within the Retail & Service District.

Phasing

The phasing provisions allow for flexibility to account for market conditions and financing availability. However, construction within the Retail & Service District is required to be completed prior to occupancy within the Business & Warehouse District. This ensures that the smaller commercial buildings within the Retail & Service District buffer and screen the large buildings in the Business & Warehouse District so they are less prominent as seen from Sun Lakes Boulevard. Additionally, this phasing provision places priority on the construction of commercial uses that will serve neighborhood residents.

ENVIRONMENTAL IMPACT REPORT:

Adoption of a specific plan amendment is considered a project subject to the California Environmental Quality Act (CEQA). Given the scope and extent, a specific plan amendment typically requires the preparation and consideration of an Environmental Impact Report (EIR) to disclose the potential significant environmental effects of the plan, plan alternatives, and the means by which possible environmental damage may be reduced or avoided. The City of Banning determined that an EIR would be required and issued a Notice of Preparation (NOP). Comments on the NOP were accepted from February 21, 2020 to March 21, 2020. A public scoping meeting was also held on Monday, March 2, 2020 at 5:30 pm at the Sun Lakes Village Community Center/Country Club, 850 Country Club Drive, Banning. Comments received on the NOP and at the scoping meeting are cited in the Final EIR, which is attached in the proposed City Council resolution.

The Draft EIR addresses the environmental effects associated with the Sun Lakes Village North Specific Plan Amendment 5. In conformance with CEQA, the EIR includes a study of specific land use factors that a land development or construction project would have on the environment in the area. These factors include Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions (GHG), Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, Tribal Cultural Resources, and Utilities and Service Systems

EIR Circulation and Public Response

The Draft EIR was made available for review and comment from September 11, 2020 through October 26, 2020. A Notice of Availability and Public Hearing notice were distributed to affected property owners, project stakeholders requesting to be notified, responsible and trustee agencies, and published in the Record Gazette newspaper. The Draft EIR was posted on the City's website and at City Hall for viewing. Comments received on the Draft EIR and the City's response to comment are incorporated in the Final EIR for review under separate cover.

A copy of each comment letter or email and a response to each environmental issue raised in those comments is provided on the following pages. No comments submitted to the City of Banning on the EIR have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines §15088.5.

Comment	COMMENTING ORGANIZATION, PERSON, OR PUBLIC AGENCY	DATE
A	Riverside County Airport Land Use Commission (via email)	9/15/20
B	Lozeau Drury LLP	10/01/20
C	Lozeau Drury LLP via email	10/01/20
D	Golden State Environmental Justice Alliance	10/16/20
D	Lozeau Drury LLP	11/03/20
D	Lozeau Drury LLP	11/29/20

Statement of Overriding Considerations

The California Environmental Quality Act provides provisions for an agency to approve a project when such a project will cause one or more significant environmental effects. In conjunction with the certification of the EIR, a Statement of Overriding Considerations and Findings of Fact pursuant to Section 21081 of the Public Resources Code and Section 15091 of CEQA provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project, unless, the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

NATIVE AMERICAN CONSULTATION:

Senate Bill (SB) 18 and Assembly Bill (AB) 52 mandate that cities and counties consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Places. The City exchanged correspondence and consulted with local tribal officials. The comments received from Native American tribes are reflected in the Project's conditions of approval and Mitigation Monitoring and Reporting Program.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):

The Project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP, a regional Habitat Conservation Plan, was adopted on June 17, 2003. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization

for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species. Based on the Habitat Assessment compiled as part of the EIR, potentially suitable habitat and small mammal burrows are present onsite and within the buffer area to the north, between the site and the I-10 freeway. No burrowing owls, occupied burrows, or owl sign was observed during the survey. However, because burrowing owls can occupy the site in the future, a pre-construction burrowing owl survey has been included as a Mitigation Measure.

PUBLIC COMMUNICATION:

Public hearing notices were published in the Record Gazette newspaper on October 23, 2020 and November 27, 2020. The Planning Division also mailed notices to surrounding property owners within 300 feet of the project site in compliance with the City of Banning standard noticing requirements for public hearings.

In that the City of Banning determined that the Project required the preparation of an Environmental Impact Report (EIR), a Notice of Preparation (NOP) and an initial study were prepared for review and comment by responsible and trustee agencies, the public, and other concerned parties. The NOP was posted for public review and the City accepted comments from February 21, 2020 through March 21, 2020. The Draft EIR was available for viewing on the City's website and at City Hall. The comment period for the Draft EIR was September 11, 2020 through October 26, 2020. Comments received regarding the Draft EIR are attached in the Final EIR, provided under separate cover.

ATTACHMENTS:

1. Resolution 2020-141 <https://banningca.gov/DocumentCenter/View/8238/ATTACHMENT-1-Resolution-2020-141-with-Exhibits>
2. Ordinance 1571 https://banningca.gov/DocumentCenter/View/8239/ATTACHMENT-2_Sun-Lakes-Village-North-SPA-CC-Ord---Zone-Change
3. Sun Lakes Village North Specific Plan Amendment 5
https://banningca.gov/DocumentCenter/View/8240/ATTACHMENT-3_Revised-Public-Review-Draft-Sun-Lakes-Village-North-SPA---12-08-2020
4. Public Hearing Notice <https://banningca.gov/DocumentCenter/View/8241/ATTACHMENT-4-N-Sun-Lakes-SPA>
5. Draft Environmental Impact Report
https://banningca.gov/DocumentCenter/View/8233/ATTACHMENT-5_Draft-EIR-Sun-Lakes-Village-North-Specific-Plan-Amendment-No-5
6. Final Environmental Impact Report (EIR)
https://banningca.gov/DocumentCenter/View/8234/ATTACHMENT-6_Final-EIR--Sun-Lakes-Village-SPA-5-PUBLIC-VERSION-REVISED-10-28-20
 - a. Administrative Response to Late Comment Letter
https://banningca.gov/DocumentCenter/View/8235/ATTACHMENT-6a_Response-to-Lozeau-Drury-LATE-Comment-Letter-11-30-20-R1
 - b. Comments on Final EIR
https://banningca.gov/DocumentCenter/View/8236/ATTACHMENT-6b_2020114-LIUNA-Comments---Sun-Lakes-Village---Final-1
 - c. Supplemental Comments on Final EIR
https://banningca.gov/DocumentCenter/View/8237/ATTACHMENT-6c_20201130-LIUNA-Comments---Sun-Lakes-Village---Final-w-Exhibits

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Approved by:

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Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jennifer Christensen, Administrative Services Director
A'ja Wallace, Budget & Financial Analyst

MEETING DATE: December 8, 2020

SUBJECT: **Fiscal Year 2020-21 First Quarter Budget Update and Financial Status Report**

RECOMMENDED ACTION:

That the City Council receive and file the Fiscal Year 2020-21 First Quarter Budget Update and Financial Status Report for the quarter ending September 30, 2020.

BACKGROUND:

The Fiscal Year 2020-21 Budget and Financial Update for the first quarter ending September 30, 2020, provides an early look at the City's financial position relative to the FY 2020-21 adjusted budget.

JUSTIFICATION:

FIRST QUARTER REPORT

In this report, projected financial results for the fiscal year-end are compared to the annual adjusted budget. The significant differences (variances) between budgeted and actual amounts through September 30, 2020, are discussed below.

Actual revenues and expenditures for the first three months of FY 2020-21 have been reviewed with each department to evaluate any variances from budget for the same period, in order to determine whether the variance results from timing of revenues and expenditures or is expected to persist as a result of a change in operations or economic circumstance.

BUDGET POLICY

As outlined in the City Council's adopted budget policies, the adoption of the budget is not the end of the budget process. In order to ensure execution of the Council's adopted policies, the City will use a formal reporting and review process to monitor and evaluate progress and assist in achieving stated objectives and priorities.

The City will maintain a budgetary control system to ensure compliance with the budget. The City will prepare quarterly status reports comparing actual revenues and expenditures to budgeted amounts.

Finally, the City Council has adopted a policy of full cost recovery and utilizes a cost allocation plan where the full cost of city services, both direct and indirect, shall be calculated in all cases where fees are charged and/or service contracts are negotiated to cover operating costs. This will also include services performed by one city department for another city department. In all cases, unless precluded by law, contracts, or current City Council policy, full costs shall be recovered.

GENERAL FUND SUMMARY (Attachment 1)

As of September 30, 2020, the General Fund had a projected year-end negative revenue variance of an additional \$800,000 after adjusting for timing variances for various tax and other miscellaneous income payments.

While a significant portion of the variance is due to timing of property tax receipts which are expected to be received in the second half of the fiscal year, there are several noteworthy revenue variances that require ongoing monitoring and may result in the need to adjust the FY 2020-21 budget. Miscellaneous income related to special events and Banning Unified School District contribution for an assigned officer will require additional monitoring and may need to be reduced in the future.

Cannabis tax revenue has not been received due to delays in opening of approved cannabis operators. Revenues associated with the pre-stabilization medical billing fee have experienced a timing variance due to delayed implementation of the third party administrator's billing program. However, the number of medical calls requiring Fire response appears to be at approximately 50% of the normal call volume for the past five (5) years. This will require additional monitoring and may need to be reduced in the future.

The table below provides detail on General Revenues. (Insert Table for Discretionary Revenues)

Fiscal Year 2020-21 First Quarter Budget Update and Financial Status Report

December 8, 2020

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Q1 FY2020/21 SUMMARY					
	Revised Budget	Jul-Sept		Variance	
			% of Budget Used	Remaining Budget	
	2020/21	Q1 FY2020		\$	%
Operating Revenues	18,168,847	2,691,684	15%	15,477,163	85%
Taxes	10,945,056	1,019,843	9%	9,925,213	91%
Property Taxes	2,712,021	0	0%	2,712,021	100%
In Lieu Property Tax (VLF)	2,538,637	0	0%	2,538,637	100%
Sales Tax	3,373,038	483,916	14%	2,889,122	86%
Other Taxes	2,321,360	535,927	23%	1,785,433	77%
Other Operating Revenues	7,223,791	1,671,841	23%	5,551,950	77%
Building Permits Total	460,000	58,014	13%	401,986	87%
Other Permits Total	1,496,601	746,279	50%	750,322	50%
Intergovernmental Revenues	261,148	324,683	124%		124%
Charges for Services	940,130	38,052	4%	902,078	96%
Use of Money and Property	63,276	20,824	33%	42,452	67%
Fines and Forfeitures	233,389	19,964	9%	213,425	91%
Contributions	5,400	1,350	25%	4,050	75%
Miscellaneous Revenue	545,996	975	0%	545,021	100%
Transfers/Recoveries	3,217,851	461,700	14%	2,756,151	86%
Operating Expenditures	25,317,704	5,246,874	21%	20,070,830	79%
Personnel	13,621,713	3,346,078	25%	10,275,635	75%
Services and Supplies	8,359,828	1,084,276	13%	7,275,552	87%
Capital	3,336,163	816,520	24%	2,519,643	76%
Operating Surplus/(Deficit)	(7,148,857)	(2,555,190)	36%	(4,593,667)	

FISCAL IMPACT:

Impacts are stated above in this staff report.

OPTIONS:

1. Receive and file; no action required.

ATTACHMENTS:

1. General Fund/Discretionary Revenues, and Expenditures by Department and Fund Type <https://banningca.gov/DocumentCenter/View/8232/Quarterly-Financial-Report-Attachment>

Approved by:



Douglas Schulze
City Manager