



AGENDA

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

**May 25, 2021
5:00 p.m.**

In Chamber and via Video/Teleconference
Council Chambers
99 E. Ramsey Street

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

Due to the COVID-19 pandemic emergency, and to protect the health and safety of all participants, this meeting is being held in Chamber and via Video/Teleconference on Zoom. 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=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

Meeting ID: 874 1527 7765

Password: 870511

One tap mobile: +16699009128,, 87415277765#

Dial in: +1 669 900 9128 US

Meeting ID: 874 1527 7765

Find your local number: <https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

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 – *Elder Eric Biggers, Mission Church of God in Christ*

1.2. Pledge of Allegiance

1.3. Roll Call – *Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace*

2. AGENDA APPROVAL

2.1. Approve Agenda

3. PRESENTATION(S)

3.1. Mayor's Special Recognitions..... **7**

3.2. RCTC Presentation on Highland Springs Interchange
(*Arturo Vela, Public Works Director/City Engineer*)

4. REPORT ON CLOSED SESSION

4.1. City Attorney

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

5.1. PUBLIC COMMENTS – *On 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 their time 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 Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.***

5.2. CORRESPONDENCE

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

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

5.5. CITY MANAGER REPORT

5.6. CITY ATTORNEY REPORT

6. CONSENT ITEMS

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

Mayor to Open Consent Items for Public Comments
Motion: Approve consent items 6.1 – 6.18.

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

6.1.	Minutes of the May 11, 2021 City Council Meetings	9
6.2.	Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of April 2021.....	10
6.3.	Receive and File Cash, Investments and Reserve Report for the Month of April 2021.....	11
6.4.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of April 2021.....	13
6.5.	Receive and File Fire Department Statistics for April 2021.....	15
6.6.	Receive and File Police Department Statistics for April 2021.....	16
6.7.	Public Works Capital Improvement Project Tracking List for April 2021.....	17
6.8.	Consider Proposed Ordinance to Update the Local Development Mitigation Fee (LDMF) for Funding the Preservation of the Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).....	18
6.9.	Ordinance 1573 An Ordinance of the City of Banning, California, Amending Title 6 (Animals) of the Banning Municipal Code, Amending the City's Animal Code Provisions, and Finding an Exemption from CEQA under Section 15061(b)(3) of the CEQA Guidelines.....	22
6.10.	Resolution No. 2021-41, Declaring, Pursuant to Government Code Section 54221, that Real Property Owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APNs 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) is designated as surplus land and not necessary for the City's use at this time, finding that such declaration is exempt from environmental review under CEQA, and taking related actions.....	27
6.11.	Resolution 2021-19, Authorizing the City of Banning to Enter into a 1-year Lease Agreement, Effective June 1, 2021, with Skydive West Coast for Property Located at the Banning Municipal Airport	29
6.12.	Resolution 2021-44, Approving the Purchase Order with CDW-G for the Purchase of Computers, Software, and Computer Accessories Not to Exceed \$100,000.....	30
6.13.	Resolution 2021-39, Authorizing Staff to Utilize the Public Utilities Exceptions (Electric, Sewer, and Water) that Allows for Informal Procurements Without Formal Competitive Bidding as Provided for in Article 2, Section 3-105 (7) Notes and Exceptions, in the Purchasing Policy No. B-30, Approved by City Council Resolution 2018-156 on February 26, 2019 for the Purchase of	

Certain Supplies, Materials and Equipment for the City's Public Utility Departments.....	31
6.14. Resolution #2021-40 Approving a Three-Year Enterprise Licensing Agreement with Microsoft (Through SoftwareOne).....	34
6.15. Resolution 2021-42 Approving Agreement Pursuant to Government Code Section 66462.5 between Rancho San Geronio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with Off-Site Improvements.....	36
6.16. Resolution 2021-43 Approving Amendment 1 to the Cooperative Agreement between the Riverside County Transportation Commission, City of Banning and City of Beaumont for the I-10 Highland Springs Avenue Interchange....	39
6.17. Approving an Amendment 5 to the Contractual Services Agreement with Siemens Industry, Inc., Increasing FY 2021 Compensation for Maintenance and Repair Services in an amount of \$5,000.....	41
6.18. Approving a Three (3) Year Agreement with PetData of Dallas, Texas for Animal Licensing Services for FY 2021-2022 through FY 2024-2025.....	43

7. **PUBLIC HEARING(S):**

7.1. Resolution 2021-32, A Resolution of the City Council of the City of Banning Establishing the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee Applicable to All Developments in the Plan Area.....	45
<i>(Staff Report: Adam Rush, Community Development Director)</i>	

Recommended Action: Staff recommends the City Council adopt Resolution 2021-32, establishing the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee Applicable to all Developments in the Plan Area.

7.2. Resolution 2021-34, Establishing Animal Licensing Fees.....	48
<i>(Staff Report: Doug Schulze, City Manager)</i>	

Recommended Action: Adopt Resolution 2021-34 establishing Animal Licensing Fees

8. **REPORTS OF OFFICERS:**

8.1. Ring of Honor Criteria and Improvements.....	50
<i>(Staff Report: Doug Schulze, City Manager)</i>	

Recommendation: Provide direction regarding Downtown Ad Hoc Committee recommendations for the Ring of Honor.

9. DISCUSSION ITEM(S)

- 9.1. Parks and Recreation Summer Programming Update.....**53**
(Staff Report: Ralph Wright, Parks and Recreation Director)

Recommendation: That the City Council receive and file the update.

- 9.2. Budget and Finance Ad Hoc Committee Meetings**55**
(Staff Report: Doug Schulze, City Manager)

Recommendation: 1. Provide direction regarding frequency of Budget and Finance Ad Hoc Committee Meetings; and 2. Provide direction regarding purpose and goals for Budget and Finance Ad Hoc Committee.

10. ITEMS FOR FUTURE AGENDAS

- 10.1. New Items:

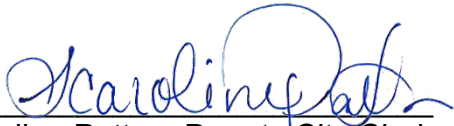
- 10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Golf Cart/EV Ordinance
5. Census/Redistricting
6. Cannabis Microbusiness/More dispensaries
7. Revenue Generation Ideas

11. ADJOURNMENT

Next Meeting – June 8, 2021 at 5:00 p.m.

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the Banning City Hall Bulletin Board and the City's Website by 5:00 P.M. on the 20th day of May 2021.


Caroline Patton, Deputy City Clerk

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 their time 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 their time 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. Advanced notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]

Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available at City Hall, 99 E. Ramsey St., at the office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. **Since City Hall is currently closed to the public due to COVID, please call (951) 922-3102 or email cpatton@banningca.gov to request information be mailed.**

City of Banning



CERTIFICATE OF RECOGNITION



PRESENTED TO

GLORIA BELL

The Mayor and City Council of the City of Banning recognize your contributions to the history of our city and the institutions that support our Hispanic community.

WITH DEEP APPRECIATION



Presented on this 25th day of May 2021

Colleen G. Wallace

Colleen Wallace, Mayor

City of Banning



CERTIFICATE OF RECOGNITION



PRESENTED TO

RICHARD SANCHEZ

The Mayor and City Council of the City of Banning recognize your contributions to the history of our city and the institutions that support our Hispanic community.

WITH DEEP APPRECIATION



Presented on this 25th day of May 2021

Colleen G. Wallace


Colleen Wallace, Mayor



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk 

MEETING DATE: May 25, 2021

SUBJECT: Minutes of the May 11, 2021 City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the May 11, 2021 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 May 11, 2021 Special Meeting
https://banningca.gov/DocumentCenter/View/8785/ATT1-20210511_Minutes_Special-Meeting
2. Minutes of the May 11, 2021 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/8784/ATT2-20210511_Minutes_Regular-Meeting

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: May 25, 2021

SUBJECT: Receive and File Contracts Approved Under the City Manager's Signature Authority for the Month of April 2021

RECOMMENDATION:

Receive and file contracts approved under the City Manager's signature authority for the Month of April 2021.

BACKGROUND:

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

ATTACHMENT:

1. Contracts List for April 2021
<https://banningca.gov/DocumentCenter/View/8755/2021-Executed-Contracts-up-to-25000>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

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

MEETING DATE: May 25, 2021

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of April 2021

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **April 30, 2021** 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	\$	7,217,183.41	\$ 7,573,430.56
Investments			
LAIF	\$	39,669,409.52	\$ 39,712,747.94
Brokerage	\$	27,527,196.04	\$ 27,534,480.74
Total Funds Under Control of the City	\$	74,417,943.97	\$ 74,824,814.24
Funds Under Control of Fiscal Agents			
US Bank			
Restricted Bond Project Accounts	\$	13,804,514.91	\$ 11,671,192.48
Restricted Bond Accounts	\$	4,820,126.99	\$ 4,820,127.79
Union Bank & SCPPA			
Restricted Funds	\$	3,823,091.08	\$ 4,194,601.87
Total Funds Under Control of Fiscal Agents	\$	22,447,732.98	\$ 20,685,922.14
Total Funds	\$	96,865,676.95	\$ 95,510,736.38

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 96,865,676.95	\$ 95,510,736.38
Restricted Funds	41,760,359.66	\$ 39,928,031.26
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	13,059,561.44	\$ 13,059,561.44
Total Restricted, Assigned, Committed and Reserve	\$ 67,227,118.35	\$ 65,394,789.95
Operating Cash - Unrestricted Reserves	\$ 29,638,558.60	\$ 30,115,946.43
Less Accounts held in Investments	\$ 27,527,196.04	\$ 27,534,480.74
Liquid Cash	\$ 2,111,362.56	\$ 2,581,465.69

ATTACHMENTS:

1. Cash, Investment and Reserve Report April 2021
<https://banningca.gov/DocumentCenter/View/8796/Attachment-1--Cash-Investment-and-Reserve-Report-April-2021>
2. Investment Report April 2021
<https://banningca.gov/DocumentCenter/View/8797/Attachment-2--Investment-Report-April-2021>
3. City of Banning Broker Investment Report – April 2021
<https://banningca.gov/DocumentCenter/View/8793/Attachment-3--City-of-Banning-Broker-Report>
4. LAIF / PMIA Performance Report
https://banningca.gov/DocumentCenter/View/8794/Attachment-4--PMIA-LAIF_performance-Report-April-2021
5. LAIF Market Valuation Report April 2021
<https://banningca.gov/DocumentCenter/View/8795/Attachment-5--LAIF-Market-Valuation-April-2021>

Approved by:



 Doug Schulze
 City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

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

MEETING DATE: May 25, 2021

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of April 2021

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **April 30, 2021**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	177814-178189	\$ 3,841,513.64	
Voided / Reissue Check		\$ 431.50	
Check Total			\$ 3,841,082.14
Wires Total	1052-1054		\$ 2,074,942.18
ACH payments:			
	9006981-9007001		
Payroll Direct Deposit 4/9/2021		\$ 409,744.57	
Payroll Direct Deposit 4/23/2021		\$ 414,010.84	
Other Payments		\$ 788,092.41	
ACH Total			\$ 1,611,847.82
Payroll Checks:			
	12293-12313		
Payroll - Regular 4/9/2021		\$ 2,546.57	
Payroll - Regular 4/23/2021		\$ 2,009.79	
Payroll Check Total			\$ 4,556.36
Total Warrants Issued for April 2021			\$ 7,532,428.50

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/8801/Attachment-1--Fund-List>
2. Warrant Report April 2021
<https://banningca.gov/DocumentCenter/View/8798/Attachment-2--Warrant-Report-April-2021>
3. Warrant Report Detail April 2021
<https://banningca.gov/DocumentCenter/View/8799/Attachment-3--Warrant-Report-Detail-April-2021>
4. Voided Check Log, Payroll Log & Registers – April 2021
<https://banningca.gov/DocumentCenter/View/8800/Attachment-4--Void-Check-Log-Payroll-Log-and-Payroll-Registers>

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

Approved by:



Doug Schulze
City Manager



**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: May 25, 2021

SUBJECT: Receive and File Fire Department Statistics for April 2021

RECOMMENDED ACTION:

Receive and File Fire Department statistics for April 2021.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENT:

1. Fire Statistics for April 2021
<https://banningca.gov/DocumentCenter/View/8756/Banning-April-2021-Fire-Report>

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
Angie Lam, Police Assistant II

MEETING DATE: May 25, 2021

SUBJECT: Receive and File Police Department Statistics for April 2021

RECOMMENDED ACTION:

Receive and File April 2021 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 for April 2021
<https://banningca.gov/DocumentCenter/View/8757/April-2021-stats>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: May 25, 2021

SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDED ACTION:

This is informational only; receive and file report.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENT:

1. CIP Status List
<https://banningca.gov/DocumentCenter/View/8802/Attach-1-CIP-Update-May-2021>

Approved by:

Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director
Sandra Calderon, Development Project Coordinator

MEETING DATE: May 25, 2021

SUBJECT: Consider Proposed Ordinance to Update the Local Development Mitigation Fee (LDMF) for Funding the Preservation of the Natural Ecosystems in Accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

RECOMMENDED ACTION:

Conduct the second reading of Ordinance No.1572, amending and updating the local Mitigation Fee (LDMF) for Funding the Preservation of Natural Ecosystems in Accordance with the Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

BACKGROUND:

The City of Banning is a Member Agency of the Western Riverside County Regional Conservation Authority (RCA), a joint powers authority comprised of the County of Riverside and the eighteen (18) cities located in western Riverside County. The RCA was formed to acquire, administer, operate, and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan).

The Western Riverside County MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on the permanent conservation of 500,000 acres and the protection of 146 species, including 33 that are currently listed as threatened or endangered. The MSHCP was developed in response to the need for future growth opportunities in western Riverside County, from housing developments to transportation and infrastructure, while addressing the requirements of the State and federal Endangered Species Acts (ESA). The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 as well as a Natural Communities Conservation Plan (NCCP) under California's NCCP Act of

2001. The MSHCP streamlines environmental permitting processes by allowing the participating jurisdictions such as City of Banning to authorize “take” of plant and wildlife species identified within the Plan Area. Without the MSHCP, each development and transportation project would need to conduct an individual assessment and mitigation for impacts to endangered species, an approach that would be less efficient and effective, and more costly.

The City of Banning receipt of local Measure A sales tax funds for local streets and roads is conditioned upon the City’s participation in the MSHCP. This condition of funding is memorialized in the voter-adopted ordinance that authorizes Measure A. In the previous fiscal-year the City of Banning received \$627,191.39 in Measure A funding for local transportation projects.

The MSHCP required a Nexus Study under the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) to establish a Local Development Mitigation Fee (LDMF) that would then be adopted by each jurisdiction participating in the MSHCP. The LDMF pays for acquisition of Additional Reserve Lands (ARL) to meet the target conservation acreage that local governments are responsible to acquire per the Plan. The original Nexus Study was completed in 2003 coinciding with the adoption of the MSHCP, Implementing Agreement, and signing of the Permits. Section 8.5.1 of the MSHCP allows the fee to be reevaluated and revised should it be found to insufficiently cover mitigation of new development. Based on the 2003 Nexus Study, the City of Banning adopted and implemented an ordinance authorizing the imposition of the LDMF.

Pursuant to the Mitigation Fee Act, RCA prepared a new nexus study (“2020 Nexus Study”) to update the fees for the first time since original adoption. On December 7, 2020, the RCA Board of Directors adopted the 2020 Nexus Study. On December 31, 2020 RCA transmitted a model ordinance and model resolution to the City of Banning. The RCA Board of Directors also approved the use of the MSHCP Mitigation Fee Implementation Manual to assist Member Agencies with LDMF collection questions.

An updated Nexus Study was needed to ensure adequate funding to complete reserve acquisition to fulfill local governments’ responsibilities under the MSHCP. Over the last 16 years, many of the assumptions underlying the original Nexus Study were not borne out by reality. Forces contributing to the unmet expectation include the Great Recession, less acreage dedicated to RCA by private landowners, and less state and federal funding than expected. The 2020 Nexus Study calculated the expected costs to complete ARL acquisition, manage the conservation lands in perpetuity via an endowment, and administration of the MSHCP. The Nexus Study extended the reserve acquisition period by an additional fifteen years. Currently, the acquisition period ends in 2029. By extending the acquisition period, the LDMF increase is lower because it covers more development over a longer period. The RCA Board also adopted a phased increase of the new fee, with 50 percent of the fee increase taking effect on July 1, 2021 and the remainder of the increase taking effect on January 1, 2022. Public deliberation over the 2020 Nexus Study stretched over a year in multiple public meetings.

DISCUSSION:

The proposed Ordinance provides the legal basis for a revised MSHCP LDMF schedule. The actual MSHCP LDMF schedule will be established through the Resolution. In accordance with the Mitigation Fee Act, the proposed Ordinance and 2020 Nexus Study: (i) identifies the purpose of the revised fees; (ii) identifies the use to which the revised fees is to be put, including identification of any facilities to be financed; (iii) determines how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; (iv) determines how there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fee is imposed; and (v) determines how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. The ordinance will establish the Fee Schedule for the MSHCP LDMF as described in the two right-hand columns below:

Category	Current Fee	Jul. 1, 2021 - Dec. 31, 2021	Jan. 1, 2022 – Jun. 30, 2022	▲\$
Residential, density less than 8.0 DU/AC (fee per DU)	\$2,234	\$2,935	\$3,635	\$1,401
Residential, density between 8.0 and 14.0 DU/AC (fee per DU)	\$1,430	\$1,473	\$1,515	\$85
Residential density greater than 14.0 DU/AC (fee per DU)	\$1,161	\$670	\$670	(\$491)
Commercial (fee per acre)	\$7,606	\$11,982	\$16,358	\$8,752
Industrial (fee per acre)	\$7,606	\$11,982	\$16,358	\$8,752

PROJECT MILESTONES:

The following is a brief outline concerning the public hearing and noticing milestones:

COUNCIL DATE	ITEM	DESCRIPTION	ACTION
May 11, 2021	Ord. 1572	Amendment to BMC to update fee program	1 st Reading

May 25, 2021	Ord. 1572	Amendment to BMC to update fee program	2 nd Reading
May 25, 2021	Resolution 21-32	Establishment of new MSHCP fees	2 nd Reading

ATTACHMENTS:

1. Ordinance 1572
<https://banningca.gov/DocumentCenter/View/8787/ATT-1-Ordinance-1572>
2. Nexus Study Fact Sheet
<https://banningca.gov/DocumentCenter/View/8761/ATT-2-Nexus-Study-Background-Factsheet>
3. 2020 Nexus Study
<https://banningca.gov/DocumentCenter/View/8762/ATT-3-2020-NEXUS-STUDY-FINAL>
4. MSHCP Mitigation Fee Implementation Manual
<https://banningca.gov/DocumentCenter/View/8760/ATT-4-MSHCP-Mitigation-Fee-Implementation-Manual-Final-w--Dividers>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
CITY COUNCIL REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: May 25, 2021

SUBJECT: Ordinance 1573 An Ordinance of the City of Banning, California, Amending Title 6 (Animals) of the Banning Municipal Code, Amending the City's Animal Code Provisions, and Finding an Exemption from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDED ACTION:

Staff Recommends the City Council waive further reading and adopt Ordinance 1573 an Ordinance of the City of Banning, California, Amending Title 6 (Animals) of the Banning Municipal Code, Amending the City's Animal Code Provisions, and Finding an Exemption from CEQA under Section 15061(b)(3) of the CEQA Guidelines.

BACKGROUND:

On May 11, 2021, City Council conducted a Public Hearing and Ordinance 1573 passed its first reading.

OPTIONS:

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

ATTACHMENT:

1. Ordinance 1573
<https://banningca.gov/DocumentCenter/View/8777/Ordinance-No-1573-Animal-Code>

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: May 25, 2021

SUBJECT: Resolution No. 2021-41, Declaring, Pursuant to Government Code Section 54221, that Real Property Owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APNs 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) is designated as surplus land and not necessary for the City's use at this time, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions

RECOMMENDED ACTION:

Staff recommends that the City Council approve the attached resolution declaring pursuant to Government Code Section 54221 that real property owned by the City, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (Consisting of APNs 532-130-011, 012 & 018, APNs 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.

BACKGROUND:

The City of Banning ("City") is the owner in fee simple of that certain real property, commonly known as the Banning Municipal Airport, located at 200 South Hathaway Street, Banning California (consisting of APNs 532-130-011, 012 & 018, APNs 532-140-003, APNs 532-150-002, 003, & 004, APN 541-240-009, APN 541-250-009 and APN 532-180-034) described in Exhibit "A" to the attached Resolution ("Property"). Under the Surplus Land Act, Government Code Sections 54220-54233 ("Act"), as recently amended

by AB 1486, surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The Act provides that such land shall be declared either surplus land or exempt surplus land before the City may take action to dispose of it consistent with the City's policies or procedures.

Pursuant to the Act, surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The land must be declared either surplus land or exempt surplus land. Under the Act, land is necessary for the City's use if the land is being used or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations.

Government Code Section 54222 requires the City, if it declares land it owns to be surplus and not necessary for the City's use, to provide written notice thereof to certain local agencies and housing sponsors ("Designated Entities"), the form of such notification is included as Exhibit "B" to the attached Resolution ("Notification Process"). The Notification Process provides Designated Entities a 60-day opportunity to request to negotiate for the lease or sale of the Property consistent with parameters for such negotiations provided by the Act. If the City does not receive any notices of interest within the 60-day period or the notices of interest do not comply with the Act, the City may dispose of the Property without further regard to the requirements of the Act. If the City receives a notice of interest from one or more Designated Entities within the 60-day period, the City must enter good faith negotiations with the Designated Entity or entities in an attempt to agree to a mutually satisfactory sales price and terms or lease terms. If the City does not agree on price and terms with any of the entities after a negotiation period of at least 90 days, the City may dispose of the surplus land without further regard to the Act. Notwithstanding the forgoing, the California Department of Housing and Community Development ("HCD") has oversight authority over negotiations with Designated Entities for the purpose of confirming that such negotiations, if any, were conducted within the parameters described in the Act.

In this case, the Property consists of the following three (3) use categories: i) APNs 532-130-012 & 018, APN 532-140-003, APNs 532-150-002, 003, & 004 have been improved for active general aviation purposes; ii) APN 541-240-009, and APN 541-250-009 are vacant and provide a runway safety area for the airport; and iii) APN 532-130-011 and APN 532-180-034 are undeveloped and are not otherwise being used by the City. Based on the real estate principle of "Highest and Best Use", the City Council is considering the feasibility of leasing or selling all or a portion of the Property for private development purposes to increase employment opportunities and increase local tax-ratables.

In addition to HCD oversight, the sale or lease of APN 532-130-011 and APN 532-180-034 are subject to certain required disposition procedures, as more particularly described within the Banning Successor Agency's Long-Range Property Management Plan (collectively, "LRPMP Parcels"). Except for the LRPMP Parcels, any reuse and/or sale

of the balance of the Property is subject to review and approval by the U.S. Department of Transportation, Federal Aviation Administration ("FAA Affected Parcels"), whether general aviation operations continue at the Property. Because the required disposition procedures related to the LRPMP Parcels and the FAA Affected Parcels are complicated and are subject to being protracted, City staff recommends that the City Council declare the Property to be surplus and not necessary for the City's use and authorize the initiation of the Notification Process, thus enabling the completion a procedural step affecting the Property.

City staff has evaluated the Property for its potential to be used for alternate City work or operations and has determined that the Property is not needed for such City uses at this time. Approval of the attached Resolution will confirm the City Council's declaration that the Property is surplus and not necessary for the City's use at this time and authorize the initiation of the Notification Process.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The attached Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). City staff has determined that the designation of this property as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review pursuant to State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the property is sold to a purchaser and that purchaser proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

FISCAL IMPACT:

It is anticipated that the FAA Affected Parcels and the LRPMP Parcels will be sold for market value. In such case, the land sales proceeds attributable to the FAA Affected Parcels will be retained by the City for future projects. Regarding the LRPMP Parcels, per the LRPMP, the City will transfer the net purchase price sale proceeds from the LRPMP Parcels to the Riverside County Auditor-Controller that will in turn divide and pay over the net purchase price sale proceeds to the effected taxing entities in proportion to their respective shares of the 1% general tax levy, which will include the City.

ATTACHMENTS:

1. Resolution 2021-41

<https://banningca.gov/DocumentCenter/View/8805/Attachment-1---Resolution-2021-41-Surplus-Lands-Declaration-BMA>

2. Map of Proposed Surplus Property

<https://banningca.gov/DocumentCenter/View/8803/Attachment-2---Aerial-Banning-Airport-Surplus-Land-05-17-2021>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: James Wurtz, Economic Development Manager

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-19, Authorizing the City of Banning to Enter into a 1-year Lease Agreement, Effective June 1, 2021, with Skydive West Coast for Property Located at the Banning Municipal Airport.

RECOMMENDATION:

Approve Resolution 2021-19 authorizing the City of Banning to enter into a 1-year lease agreement effective June 1, 2021 with Skydive West Coast a California Corporation for property located at 200 S. Hathaway Street, Banning, CA. 92220 (APN-532-130-012) Commonly referred to as ("Skyline Hangar" and adjacent vacant real property). A legal description of the property is set forth in attached "Exhibit "A."

BACKGROUND:

The City of Banning pursuant to Resolution 2017-19 executed a 4-year lease agreement with Skydive West Coast for facilities and a landing zone at the Banning Municipal Airport located at 200 S. Hathaway Street. The effective beginning date of the lease was April 15th, 2017 with a termination date of April 15th, 2021. The financial terms were initially \$2000.00 per month with a 2% increase effective each April 15th. The final monthly lease payment was \$2,122.41 per month.

JUSTIFICATION:

During the past four years not only has Skydive West Coast brought numerous people from all over Southern California into the City with their unique business, but they have been prompt with all lease payments and an exemplary business and ambassador for the City of Banning often referring clients to our local restaurants and other businesses.

As further proof of their commitment to Banning, Skydive West Coast remained operational and successfully navigated through the COVID-19 Pandemic, The Banning Drag Races and even through the "Apple Fire" which started on 07/31/2020 and required multiple local, state and federal fire agencies to restrict operations from the Banning Municipal Airport for its fire suppression operations which lasted through the end of August 2020.

FISCAL IMPACT:

Renewal of Skydive Westcoast's lease would bring the monthly lease payment to \$2,164.85 for June 1, 2021 to June 1, 2022 for a total of \$25,978.20 The balance of these lease payment goes directly to help fund airport operations and upkeep of airport facilities. The approval of this agreement will not only ensure Skydive West Coast's continued operation as a valuable business that brings revenue directly to the city in the form of lease payments but ancillary business & visitors from outside the community who frequently visit our hotels and restaurants.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2021-19
<https://banningca.gov/DocumentCenter/View/8809/Att-1-Resolution-2021-19-Skydive-West-Coast-Lease>
2. Proposed Lease and Operating Agreement
<https://banningca.gov/DocumentCenter/View/8810/Att-2-Lease-and-Operating-Agreement>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Eric Brown, IT Manager
Carla Young, Business Support Manager

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-44, Approving the Purchase Order with CDW-G for the Purchase of Computers, Software, and Computer Accessories Not to Exceed \$100,000.

RECOMMENDED ACTION:

Adopt Resolution 2020-44, Approving the Purchase Order with CDW-G for the purchase of computers, software, and computer accessories not to exceed \$100,000 Authorizing the City Manager to execute the related agreement, and the Deputy City Clerk to certify adoption of this resolution and file in the book of original resolutions.

BACKGROUND:

Since 2000 the City of Banning has purchased computers, software, and accessories from CDWG, a leading multi-brand technology solutions provider to business, government, education and healthcare customer.

JUSTIFICATION:

The continued private and secure communications between the City departments and facilities are vital to maintain daily operations. The City's technology inventory is aging and requires the constant replacement and upgrade to computer towers, monitors, laptops, hard drives, wireless headsets and printers. The City also purchases annual software from CDW-G such as Adobe Acrobat licenses and Barracuda Email Archiver.

FISCAL IMPACT:

The Purchasing Department has identified an existing agreement, Sourcewell 08149-CDW, that conforms to the City's bid policies and therefore we may piggyback on this agreement. The purchase order shall be issued as a blanket with a not to exceed amount of \$100,000. Each department is responsible for the purchase of their equipment.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2021-44
https://banningca.gov/DocumentCenter/View/8811/Att-1-Resolution-2021-44_PO-for-CDW-G
2. Sourcewell 08149-CDW
https://banningca.gov/DocumentCenter/View/8812/Att-2-CDW_Final_Contract_081419-1

Approved by:

A handwritten signature in blue ink, appearing to read 'DS' followed by a stylized flourish.

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-39, Authorizing Staff to Utilize the Public Utilities Exceptions (Electric, Sewer, and Water) that Allows for Informal Procurements Without Formal Competitive Bidding as Provided for in Article 2, Section 3-105 (7) Notes and Exceptions, in the Purchasing Policy No. B-30, Approved by City Council Resolution 2018-156 on February 26, 2019 for the Purchase of Certain Supplies, Materials and Equipment for the City's Public Utility Departments.

RECOMMENDED ACTION:

Staff recommends authorization for use by the City's Electric, Water and Wastewater Utilities of the Public Utilities exceptions (electric, sewer, and water) to formal competitive bidding for informal procurements as allowed by Article 2, Section 3-105 (7) Notes and Exceptions in the Purchasing Policy No. B-30, approved by City Council Resolution 2018-156 on February 26, 2019.

- Approve Resolution 2021-39, authorizing use of the Public Utilities exceptions for informal procurement of specified items of equipment, materials and supplies for the fiscal year 2022.

BACKGROUND:

In February of 2019, the City Council adopted Resolution 2018-156, approving the Purchasing Officer's recommended amendments to the City's Purchasing Policy No. B-30. Within this updated Policy, Article 2, Section 3-105, Note (7) provides exceptions from regular purchasing procedures for the City's utilities (electric, sewer, and water) for certain types of materials, equipment and supplies listed in that Note. The list of items that may, with City Council approval, and with the review and approval by the Purchasing Officer, be purchased without formal competitive bids are provided in Attachment 1 to this staff report. This list is sometimes referred to as the exceptions list.

The City's utilities, as a matter of routine business, regularly consume specific commodities, materials, inventory, and services which are included in the exceptions list, and that are typical to the operations, maintenance, planned replacement, and capital improvements of their respective enterprise services. In order to provide good customer service in a safe, timely, uninterrupted, and efficient manner, it is necessary for the utilities to routinely and at times, quickly, purchase these specifically excepted items without the delay that would result from compliance with the formal bidding procedures.

City staff understands that by invoking this exception, the staff in the Utility Departments would not be required to procure the items on the exceptions list through a formal competitive process. However, to address this issue and avoid an overuse of this exception, the approved Purchasing Policy incorporates two checks and balances applicable to purchases using these exceptions. In addition to the Council's authorization of these exceptions, the Purchasing Officer reviews these exceptions to formal procurement requirements through the requisition process. The Purchasing Officer is aware that there are items that often pose a peculiar and unique purchasing circumstance in which it can be difficult to acquire suitable and appropriate items that meet the distinct, specific needs of the utilities and are necessary to allow them to maintain adequate service levels for utility customers. Due to the nature of the public utilities industry, the specific and aged utilities' assets, and limited availability of qualified vendors, authorizing the exceptions within the Purchasing Policy will allow the utilities to meet the goals and needs set forth by Council to better serve the City's utility customers.

As standard practice and whenever possible, the public utilities departments will acquire more than one quote for a product, to ensure wise use of funds. When this is not possible or a situation is presented where it would be detrimental to reliability and service, the sole source function within the Purchasing Policy may be utilized, subject to the approval and recommendation of the Purchasing Officer. The public utilities of the City of Banning strive to provide continuity of service and improve work flow while purchasing the item for the best price and maintaining appropriate purchasing standards and practices.

JUSTIFICATION:

The City's utilities maintain capital improvement plans that have been reviewed and approved by the City Council. Further, the capital improvement plans and annual operations and maintenance programs are included in annual budgets and are authorized by the City Council on a regular basis. Requiring City Council review of routine purchases that are already approved through the capital improvement planning and regular budgeting updates can be redundant and inefficient. In addition, the routine practice of obtaining competitive proposals, bids or quotes from material vendors often will not result in cost-efficiencies because the items are unique, or the items have been found to be purchased for the best price from a particular vendor. The primary purpose of the City's utilities is to provide continued reliable, and uninterrupted utility services. In order to ensure that the City's utility services remain consistently reliable, it is necessary for the

City's utilities to have the means to quickly and efficiently acquire specific goods, equipment and services as identified and approved in advance by the City Council, and set forth as exceptions in the City's Purchasing Policy. The adoption of the Resolutions herein will serve to further ensure the continued, reliable provision of utility services to the City while at the same time providing authority to the Purchasing Officer to review and approve of the use of the exception for those purchases.

FISCAL IMPACT:

Expedited processing of purchase requisitions for items on the Purchasing Policy exceptions list will improve the timeliness, efficiency, and effectiveness of staff, and result in greater efficiency in the provision of utility services, thereby saving money.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2021-39
<https://banningca.gov/DocumentCenter/View/8814/Att-1-Resolution-2021-39-Utility-Purchasing-Exceptions>
2. Purchasing Policy Number B-30
<https://banningca.gov/DocumentCenter/View/8782/ATT-2-B-30-Procurement-Pages-16-and-17>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Eric Brown, IT Manager
Carla Young, Business Support Manager

MEETING DATE: May 25, 2021

SUBJECT: Resolution #2021-40, Approving a Three-Year Enterprise Licensing Agreement with Microsoft (Through SoftwareOne)

RECOMMENDED ACTION:

That the City Council approve Resolution 2021-40, Approving the Enterprise Licensing Agreement with Microsoft (through Software One) and authorize the City Manager to execute the related agreement.

BACKGROUND:

The City uses and intends to continue using Microsoft software products as its standard configuration on its Application Servers and desktop computer environment. Microsoft offers an enterprise (or citywide) software licensing agreement. This agreement has several benefits. Some of those benefits include:

- Lower cost of software in the future
- Free upgrades on all software covered by agreement
- Ensures compliance with all licensing requirements
- Will facilitate standardization of software throughout the City
- Allows City to implement new Microsoft applications at a reduced rate
- Licensing costs spread over three years versus a lump sum payment
- Employee Purchase Program Discount on packaged software, including Microsoft Office, and reference software
- Training vouchers for Training at Certified Technical Training Centers
- Problem Resolution Support

JUSTIFICATION:

The City executed a three-year licensing agreement with Microsoft for fiscal years 2018 through 2021. That agreement will expire on July 1, 2021 and it is time to execute a new

agreement if the City wishes to continue using Microsoft software products. Among other benefits, the agreement will keep the City in compliance with all current licensing requirements.

FISCAL IMPACT:

This is a three-year agreement totaling \$186,438.60. The contract calls for three annual payments of \$62,146.20. Funds are currently available in the Information Services budget to pay the first annual installment. No additional appropriation is necessary.

OPTIONS:

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

ATTACHMENTS:

1. Resolution 2021-40
<https://banningca.gov/DocumentCenter/View/8815/Att-1-Resolution-2021-40-Microsoft-Agreement---Electric>
2. Microsoft (Software One) Quote
https://banningca.gov/DocumentCenter/View/8816/Att-2-2021-40_Banning---EA-2021-renewal_rev1

Approved by:

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

Doug Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-42 Approving Agreement Pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with Off-Site Improvements

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2021-42, a Resolution of the City Council of the City of Banning approving an agreement pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC ("Developer") and the City of Banning for acquisition of certain real property interests in connection with Rancho San Gorgonio project off-site improvements ("Agreement").

BACKGROUND:

On October 11, 2016, the City Council adopted Ordinance No. 1500 approving the Rancho San Gorgonio Specific Plan ("Project"), adopting conditions of approval, and making findings in support. As part of the Project, Developer will develop a master plan development on that certain real property owned by Diversified Pacific Development Group, LLC consisting of approximately 831 acres. The Project was approved for the development of a mix of residential units, Neighborhood Commercial uses, an elementary school site, parks, recreational areas with passive open space trails and sports fields, and 77 acres for circulation uses, including ways, pathways, and bridges for vehicular, bikes, pedestrian, and equestrian uses.

Ordinance No. 1500 contained specific conditions of approval requiring Developer to construct several public improvements, including the construction of "C" Street from the Project boundary to State Route (SR) 243 and construction of sewer improvements. The public improvements include:

- Right-of-way acquisition, design, and construction for the off-site portions of “C” Street from the Project boundary to SR 243. “C” Street shall intersect SR 243.
- Construction of approximately 600 feet of off-site sewer main to the point of connection with the existing sewer system. The Project would connect the existing 21” sewer trunk line located south of Wesley Street, east of San Gorgonio Avenue (i.e SR 243).

The City and Developer acknowledge that a portion of the property needed to secure road access alignment for “C” Street and for the sewer trunk line, as described above, is on private property and not owned or controlled by the Developer. The Developer is required to make a good faith effort to acquire any necessary right-of-way for said improvements including securing all required easements for the sewer trunk line.

The Developer has provided credible evidence that Developer has made a good faith effort to acquire the right-of-way and easements, but has been unable to do so by negotiated purchase. In order to facilitate the acquisition of the needed right-of-way and easements needed for the Project, the Developer has requested that the City acquire the right-of-way and easements pursuant to Government Code Section 66462.5.

Pursuant to California Government Code Section 66462.5, when a condition of a subdivision map approval or a development agreement requires the installation or construction of off-site improvements on property not owned or controlled by a developer, and title cannot be obtained by negotiated purchase, a city is required to commence proceedings to acquire the required right-of-way and/or easements by eminent domain or such off-site improvement conditions will be waived. In the case of the Project, compliance with the conditions of approval are necessary and should not be waived.

Pursuant to said Section 66462.5, a city and a developer may enter into an agreement to allocate the costs and responsibilities for acquisition of right-of-way and/or easements necessary for the orderly development of a project. To facilitate the satisfaction of the conditions of approval, City and Developer have mutually agreed to enter into the Agreement which sets forth the obligations for the costs and responsibilities in connection with the acquisition of the right-of-way and easements.

JUSTIFICATION:

Approved Ordinance No. 1500 contained conditions of approval that require the construction of improvements that involve the acquisition of real property interests in order to be completed. The Agreement will facilitate the development of the project and compliance with the conditions of approval, which requires the construction of “C” Street to SR 243 and the construction of a sewer trunk main as described in Ordinance No. 1500.

FISCAL IMPACT:

The Developer is responsible for all costs associated with the cost of acquisition.

Upon execution of the Agreement the Developer is required to deposit \$60,000, as a deposit, to the City and agrees to provide additional deposits to keep no less than \$25,000 in the deposit account. The deposit will be used to reimburse the City for costs incurred in the acquisition process. Additionally, the Developer will provide the City with the entire amount to acquire the right-of-way and easements by either negotiated price or by Eminent Domain Law.

CEQA DETERMINATION:

City Staff has reviewed the terms of the Agreement and finds that the Agreement does not make any physical changes to the Atwell project previously reviewed and approved by the City pursuant to the Final Environmental Impact Report (EIR) that would cause any new or more severe impacts than what were previously reviewed in the Final EIR. The terms of Agreement are administrative and financial in nature, and the City Staff therefore finds that the Agreement does not require, and is not subject to, additional environmental review under the California Environmental Quality Act (CEQA).

ATTACHMENTS:

1. Resolution 2021-42
<https://banningca.gov/DocumentCenter/View/8826/ATT-1-Resolution-2021-42-RSG-Acquisition-of-Real-Property>
2. Agreement Pursuant to Government Code Section 66462.5 between Rancho San Gorgonio, LLC and the City of Banning for Acquisition of Certain Real Property Interests in Connection with the Off-Site Improvements
<https://banningca.gov/DocumentCenter/View/8827/ATT-2-Agreement-per-Gov-Code-664625-Acq-Off-Site-Prop-51221docx>
3. Letters of request for City's assistance in acquisition of right-of-way and easements
<https://banningca.gov/DocumentCenter/View/8828/ATT-3-Request-Letters>
4. Ordinance No. 1500
<https://banningca.gov/DocumentCenter/View/8829/ATT-4-Ordinance-No-1500-COA>

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: May 25, 2021

SUBJECT: Resolution 2021-43 Approving Amendment 1 to the Cooperative Agreement between the Riverside County Transportation Commission, City of Banning and City of Beaumont for the I-10 Highland Springs Avenue Interchange

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2021-43, a Resolution of the City Council of the City of Banning approving Amendment 1 to the Cooperative Agreement between the Riverside County Transportation Commission ("RCTC"), City of Banning ("Banning") and City of Beaumont ("Beaumont") for the I-10 Highland Springs Avenue Interchange adding the Project Approval and Environmental Document (PA/ED) Phase.

BACKGROUND:

The Highland Springs Avenue Interchange (the "HSA Interchange"), which is located within the jurisdictional boundaries of the Cities of Banning and Beaumont, has been greatly impacted by the increase in traffic related to residential and commercial development along the Highland Springs Avenue corridor. The HSA Interchange is in need of improvements to mitigate the current congestion as well as to provide additional capacity for future developments such as Tri Pointe Homes' Atwell development and projects within Beaumont's city limits.

In order to facilitate the improvements to the HSA Interchange, Banning, Beaumont and RCTC agreed that RCTC would take the lead in the development of the project. The phases for the project include the Project Study Report (PSR); Project Approval and Environmental Document (PA/ED); Plans, Specifications and Estimates (PS&E); and Construction (CONST).

On September 10, 2019, City Council approved Resolution 2019-114, authorizing the City Manager to execute a Cooperative Agreement between Banning, Beaumont and RCTC for the preparation of the Highland Springs Interchange PSR ("Cooperative Agreement").

Recently, RCTC and its consultants finalized the draft PSR and submitted it to Caltrans for approval. In anticipation of the PSR approval and RCTC's continued delivery of similar projects, staff is recommending an amendment to the Cooperative Agreement to include the PA/ED phase.

JUSTIFICATION:

RCTC is nearing the completion of the PSR phase as required by the Cooperative Agreement. Amendment 1 to the Cooperative Agreement will allow for the delivery of the PA/ED phase.

RCTC has a proven delivery record in similar projects and has the capacity and expertise to deliver the next phase of the project.

FISCAL IMPACT:

Western Riverside Council of Governments (WRCOG) allocated \$2,000,000 in Transportation Uniform Mitigation Fee (TUMF) program funds to the HSA Interchange project. Approximately, \$1,500,000 remains in TUMF funding for the PA/ED phase.

ALTERNATIVES:

Reject staff's recommendation and discuss alternative delivery methods, which may cause delays in the development of the HSA Interchange project.

ATTACHMENTS:

1. Resolution 2021-43
<https://banningca.gov/DocumentCenter/View/8823/ATT-1-Resolution-2021-43-Amend-1-Coop-Agrmt-HSA-IC>
2. Cooperative Agreement
<https://banningca.gov/DocumentCenter/View/8824/ATT-2-Signed-Agreement-with-RCTC-City-of-Beaumont>
3. Amendment 1 to the Cooperative Agreement
<https://banningca.gov/DocumentCenter/View/8825/ATT-3-RCTC---Amendment-No-1-to-3-Party-Cooperative-Agreement-No-20-31-008-01>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

**PREPARED BY: Art Vela, Public Works Director
Holly Stuart, Management Analyst**

MEETING DATE: May 25, 2021

SUBJECT: Approving an Amendment 5 to the Contractual Services Agreement with Siemens Industry, Inc., Increasing FY 2021 Compensation for Maintenance and Repair Services in an amount of \$5,000

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Approve an Amendment 5 to the Contractual Services Agreement with Siemens Industry, Inc., to increase compensation for Fiscal Year 2021 maintenance and repair services in the amount of \$5,000.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Amendment 5 with Siemens Industry, Inc., for Fiscal Year 2021 maintenance and repairs services.
3. Authorize the City Manager or his designee to execute the Amendment 5 to the Contractual Services Agreement with Siemens Industry, Inc., for Fiscal Year 2021.

BACKGROUND:

The City of Banning owns traffic signals and related devices (e.g. signal controllers, poles and lights, video detection, loop detectors and battery backup systems) at the following locations:

- Ramsey Street and Hargrave Street
- Ramsey Street and Sunset Avenue
- Ramsey Street and 4th Street
- Ramsey Street and 8th Street
- Ramsey Street and 22nd Street
- Ramsey Street and San Geronio Avenue
- Ramsey Street and Highland Springs Avenue (50% shared with Beaumont)
- Wilson Street and Mountain Avenue
- Wilson Street and Highland Springs Avenue (50% shared with Beaumont)

Amendments 1-4 extended the term of the agreement by adding single years (FY 17/18, 18/19, 19/20 and 20/21) and also to recognize a company name change.

At this time, staff determined a Fiscal Year 2021 contract increase in the amount of \$5,000 is necessary to cover as needed maintenance and repair costs of citywide traffic signals, due to unforeseen repairs that were completed this fiscal year. The proposed increase includes all labor, tools, materials and equipment necessary to perform maintenance and repair services as needed for the remainder of contract term, which is set to expire on August 31, 2021.

JUSTIFICATION:

For the safety of the public, traffic signals must be inspected and maintained on a regular basis. The Public Works Department does not have the required staff needed to provide traffic signal inspection and maintenance services.

Currently, Siemens Industry, Inc. provides these services at an acceptable level with affordable rates; therefore, staff recommends the approval of an Amendment. If approved, the Amendment will increase the compensation of the existing Contractual Services Agreement in the amount of \$5,000 for a total Fiscal Year 2021 contract amount of \$30,000.

FISCAL IMPACT:

The proposed Amendment will be funded by the Street Division Operational Budget, Account No. 100-4900-431.30-09 (Repair/Maintenance Traffic Signals) in an amount not to exceed \$5,000. If approved, the total Fiscal Year 2021 contract amounts to \$30,000.

ALTERNATIVE:

Do not approve as presented and discontinue services for the remainder of Fiscal Year 2021 once the current purchase order allowance is exhausted. With this option, there would be an interruption in services.

ATTACHMENT:

1. Draft Amendment 5

<https://banningca.gov/DocumentCenter/View/8830/ATT-1-C00013-SIEMENS-INDUSTRY-INC-AMENDMENT-5>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-47, Approving a Three (3) Year Agreement with PetData of Dallas, Texas for Animal Licensing Services for FY 2021-2022 through FY 2024-2025.

RECOMMENDATION:

That City Council approve Resolution 2021-47, authorizing the three (3) year agreement with PetData to provide animal licensing services, authorize the City Manager to execute said agreement and authorize the Deputy Finance Director, or her designee, to make all necessary budget adjustments or appropriations.

BACKGROUND:

On September 8, 2020, the City Manager, Doug Schulze, was directed by the Council to create an Animal Control Division.

The Banning Chamber of Commerce signed a lease for the City's Animal Shelter located at 2244 Charles Avenue and began efforts to upgrade the shelter with donated materials and volunteer labor. City Staff began the recruiting process to find a non-profit group to provide shelter services. On October 13, 2020, the Council adopted Resolution No. 2020-121, approving the creation of Animal Control Officer positions.

On April 27, 2021, the City Council approved an agreement with ARE Animal Rescue Services to provide shelter services within the City. In accordance with the agreement all shelter service fees will be collected and retained by ARE Rescue Services and animal license fees will be collected and retained by the City.

On May 11, 2021, the City Council introduced Ordinance 1573 Amending Title 6 (Animals) of the Banning Municipal Code in support of the City's Animal Control Services Program and waived further reading. The second appearance of Ordinance 1573 is on the regular A key component to a successful Animal Control Program is pet licensing. The City of Banning currently has 2134 licenses issued. Our focus will be on reuniting as many stray animals with their families as possible and licensing is an integral part of this plan.

JUSTIFICATION:

PetData is an all-inclusive service. They issue licenses, send renewal and past due notices, and track rabies vaccination requirements. They offer a dedicated toll-free number specifically for the City of Banning. Licenses can be applied for online, US Mail or by phone. They will transfer the current license information from Riverside County directly into their system.

PetData collects all the license fees, deducting the City fees of \$4.20 for a 1-year license, \$6.20 for a two-year license and \$8.20 for three-year license. They will remit the balance due to the City via check.

FISCAL IMPACT:

Fiscal impact is unknown currently. We have several existing Lifetime licenses issued while services were being provided by the City of Beaumont but anticipate the efforts of the new Animal Control Officers will increase the number of new licenses being issued.

ALTERNATIVE:

The City Council may choose not to approve the agreement with PetData and provide staff alternate directions.

ATTACHMENTS:

1. Resolution 2021-47
<https://banningca.gov/DocumentCenter/View/8834/Att-1-Resolution-2021-47>
2. PetData Proposal
<https://banningca.gov/DocumentCenter/View/8835/Att-2-2021-PetData-Banning-CA-Proposal>
3. Draft PetData Agreement
<https://banningca.gov/DocumentCenter/View/8836/Att-3-2021-PetData-Draft-Agreement-Banning>

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
Sandra Calderon, Development Project Coordinator

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-32, A Resolution of the City Council of the City of Banning Establishing the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee Applicable to All Developments in the Plan Area

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2021-32, establishing the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee Applicable to all Developments in the Plan Area.

FURTHER DISCUSSIONS:

The City Council has introduced the initial reading of the LDMF Ordinance, which establishes the necessary updates to the MSHCP program. Adoption of the enclosed resolution will establish the fee schedule recommended by the 2020 Nexus Study, conducted by the RCA in order to identify a proper funding source to pay the costs associated with mitigating development impacts.

BACKGROUND:

The City of Banning is a Member Agency of the Western Riverside County Regional Conservation Authority (RCA), a joint powers authority comprised of the County of Riverside and the eighteen (18) cities located in western Riverside County. The RCA was formed to acquire, administer, operate, and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan).

The Western Riverside County MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on the permanent conservation of 500,000 acres and the protection of 146 species, including 33 that are currently listed as threatened or endangered. The MSHCP was developed in response to

the need for future growth opportunities in western Riverside County, from housing developments to transportation and infrastructure, while addressing the requirements of the State and federal Endangered Species Acts (ESA). The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 as well as a Natural Communities Conservation Plan (NCCP) under California's NCCP Act of 2001. The MSHCP streamlines environmental permitting processes by allowing the participating jurisdictions such as City of Banning to authorize "take" of plant and wildlife species identified within the Plan Area. Without the MSHCP, each development and transportation project would need to conduct an individual assessment and mitigation for impacts to endangered species, an approach that would be less efficient and effective, and more costly.

The City of Banning receipt of local Measure A sales tax funds for local streets and roads is conditioned upon the City's participation in the MSHCP. This condition of funding is memorialized in the voter-adopted ordinance that authorizes Measure A. In the previous fiscal-year the City of Banning received \$627,191.39 in Measure A funding for local transportation projects.

The MSHCP required a Nexus Study under the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) to establish a Local Development Mitigation Fee (LDMF) that would then be adopted by each jurisdiction participating in the MSHCP. The LDMF pays for acquisition of Additional Reserve Lands (ARL) to meet the target conservation acreage that local governments are responsible to acquire per the Plan. The original Nexus Study was completed in 2003 coinciding with the adoption of the MSHCP, Implementing Agreement, and signing of the Permits. Section 8.5.1 of the MSHCP allows the fee to be reevaluated and revised should it be found to insufficiently cover mitigation of new development. Based on the 2003 Nexus Study, the City of Banning adopted and implemented an ordinance authorizing the imposition of the LDMF.

Pursuant to the Mitigation Fee Act, RCA prepared a new nexus study ("2020 Nexus Study") to update the fees for the first time since original adoption. On December 7, 2020, the RCA Board of Directors adopted the 2020 Nexus Study. On December 31, 2020 RCA transmitted a model ordinance and model resolution to the City of Banning. The RCA Board of Directors also approved the use of the MSHCP Mitigation Fee Implementation Manual to assist Member Agencies with LDMF collection questions.

An updated Nexus Study was needed to ensure adequate funding to complete reserve acquisition to fulfill local governments' responsibilities under the MSHCP. Over the last 16 years, many of the assumptions underlying the original Nexus Study were not borne out by reality. Forces contributing to the unmet expectation include the Great Recession, less acreage dedicated to RCA by private landowners, and less state and federal funding than expected. The 2020 Nexus Study calculated the expected costs to complete ARL acquisition, manage the conservation lands in perpetuity via an endowment, and administration of the MSHCP. The Nexus Study extended the reserve acquisition period by an additional fifteen years. Currently, the acquisition period ends in 2029. By extending the acquisition period, the LDMF increase is lower because it covers more development over a longer period. The RCA Board also adopted a phased increase of the new fee,

with 50 percent of the fee increase taking effect on July 1, 2021 and the remainder of the increase taking effect on January 1, 2022. Public deliberation over the 2020 Nexus Study stretched over a year in multiple public meetings.

ATTACHMENTS:

1. Resolution 2021-32
<https://banningca.gov/DocumentCenter/View/8786/ATT-1-Resolution-2021-32-MSCHP-Fee-Increases>
2. Nexus Study Fact Sheet
<https://banningca.gov/DocumentCenter/View/8820/ATT-2-Nexus-Study-Background-Factsheetfinal-3-3-21>
3. 2020 Nexus Study
<https://banningca.gov/DocumentCenter/View/8821/ATT-3-2020-NEXUS-STUDY-FINAL>
4. MSHCP Mitigation Fee Implementation Manual
<https://banningca.gov/DocumentCenter/View/8822/ATT-4-MSHCP-Mitigation-Fee-Implementation-Manual-Final-w--Dividers>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS' followed by a stylized flourish.

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: May 25, 2021

SUBJECT: Resolution 2021-34, Establishing Animal Licensing Fees

RECOMMENDATION:

That City Council adopt Resolution 2021-34, establishing Animal Licensing Fees.

BACKGROUND:

On September 8, 2020, the City Manager, Doug Schulze, was directed by the Council to create an Animal Control Division.

The Banning Chamber of Commerce signed a lease for the City's Animal Shelter located at 2244 Charles Avenue and began efforts to upgrade the shelter with donated materials and volunteer labor. City Staff began the recruiting process to find a non-profit group to provide shelter services. On October 13, 2020, the Council adopted Resolution No. 2020-121, approving the creation of Animal Control Officer positions.

On April 27, 2021, the City Council approved an agreement with ARE Animal Rescue Services to provide shelter services within the City. In accordance with the agreement all shelter service fees will be collected and retained by ARE Rescue Services and animal license fees will be collected and retained by the City.

On May 11, 2021, the City Council introduced Ordinance 1573 Amending Title 6 (Animals) of the Banning Municipal Code in support of the City's Animal Control Services Program and waived further reading. The second appearance of Ordinance 1573 is on the regular Meeting Agenda for May 25, 2021, after which it will be adopted following a 30-day waiting period.

JUSTIFICATION:

Per Ordinance 1573, Animal Licensing Fees are to be charged and retained by the City and are set by Resolution. The licensing fees established are the commensurate with the current County of Riverside Department of Animal Control Services fees.

FISCAL IMPACT:

Animal Licensing income at the current level is anticipated to be \$ 35,000.

ALTERNATIVE:

1. The City Council adopt Resolution No. 2021-34
2. Provide staff with an alternate solution.

ATTACHMENTS:

1. Resolution No. 2021-34
<https://banningca.gov/DocumentCenter/View/8780/Att-1-Resolution-2021-34>
2. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/8779/Att-2-Notice-of-Publication>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS' followed by a stylized 'Schulze'.

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: May 25, 2021

SUBJECT: Ring of Honor Criteria and Improvements

RECOMMENDED ACTION:

Provide direction regarding Downtown Ad Hoc Committee recommendations for the Ring of Honor.

BACKGROUND:

The purpose of the Banning “Ring of Honor” program is to honor very special citizens who, through their efforts over a significant period of time, have enhanced the community. This program will provide a lasting monument to those persons qualifying for such special honor. The circular structure in the park west of City Hall (Carpenter Hamilton Park) contains eleven pillars. Both sides of each pillar are intended to be reserved for honored citizens with the placement of a bronze plaque containing a bas-relief picture of his/her bust, name and other information relating to his/her service to the community.

The “Ring of Honor” is an expression of the appreciation of the community for the service and generosity of those individuals honored. Due to the significance of the award and the established criteria, it will take a considerable number of years to complete the “Ring of Honor”. This program is also intended to raise individual and collective pride in the community.

The criterion for an individual to be added to the Ring of Honor are difficult to achieve, by design. Only 3 individuals have been for the Ring of Honor and no person has been inducted since 2004. According to meeting minutes for the three inductees, the nominees were secret and nobody knew who was nominated, but not inducted. The Brown Act most likely would prohibit the City from keeping such information confidential today. In 2004, the budget for bronze plaques was \$3,500.

The Selection Committee is to be appointed by the City Council and is required to meet on a biennial basis to consider nominations, which are to be forwarded to the City Council. The term of the Committee members is one cycle and new members are appointed each

nomination cycle. The adopted policy requires Selection Committee meetings to be held in April of each even numbered year.

Community members have suggested modification of the criteria for being selected as a member of the “Ring of Honor” to open it up for more individuals. The specific criterion are:

- 1) Honorees shall be those citizens who service to the community exceeds by a considerable degree that service provided by most citizens during their lifetime or tenure in the community.
- 2) Service to the community is defined as:
 - a. donation of time and effort in community projects;
 - b. active participation in community organizations and service clubs;
 - c. long time service as an elected city official;
 - d. active participation in appointed positions in city government;
 - e. active participation in charitable programs and activities;
 - f. service should not normally require service in all the above, but must include a substantial part of described service;
 - g. service not listed above may be considered by the selecting committee if it regards such service as so outstanding that it would otherwise be included in the current list.
- 3) Any citizen may submit a nomination on the form provided.
- 4) Awards may be made posthumously.
- 5) No current member of the City Council or Selection Committee will be eligible.

There is also interest in revitalizing the landscaping and possibly the structure to make it more visible and inviting. The current landscaping hides the “Ring of Honor” and creates an inviting location for transient activity, vandalism, and other illegal activity.

JUSTIFICATION:

Discussion item.

FISCAL IMPACT:

Fiscal impact will be developed following direction from the City Council. It should be noted that improvements to the landscaping and structure could be funded through donations as well as Community Development Block Grant funds.

OPTIONS:

Discussion item.

ATTACHMENTS:

1. Ring of Honor Policy
<https://banningca.gov/DocumentCenter/View/8839/Attachment-1-Ring-of-Honor-Policy>
2. Ring of Honor Program
<https://banningca.gov/DocumentCenter/View/8837/Attachment-2-Ring-of-Honor-Program>
3. 2002 Selection Committee Appointment
<https://banningca.gov/DocumentCenter/View/8838/Attachment-3-Ring-of-Honor-Selection-Committee-Appointment-2002>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: City Council

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director
Scott Foster, Recreation Manager

MEETING DATE: May 25, 2021

SUBJECT: Parks and Recreation Summer Programming Update

RECOMMENDATION:

That the City Council receive and file the update.

BACKGROUND:

In early March of 2020, Local, State and Federal Health officials began releasing health orders that restricted activities deemed non-essential to combat the spread of COVID-19. These restrictions significantly affected how Parks and Recreation Departments were able to offer services. As the guidelines changed over the last year, staff had to adjust the logistics of the offerings we were providing to deliver the needed services to our customers with virtual or drive through programming. However, much of our previously normal or regular activities were canceled over the last 15 months, including large scale events, the use of the Aquatic Center and our in-person Senior Center Operations.

Riverside County is currently in the Orange tier of the State's Blueprint for a Safer Economy. The Orange tier allows for increased capacity limits both indoor and outdoor thereby allowing for increased programming of Summer activities including use of the Aquatic Center. It is expected that effective June 15th, capacity restrictions will be either eliminated or reduced even further.

Staff will present a PowerPoint update on the activities and programs currently being offered as well as the planned Summer schedule of Parks and Recreation Activities.

FISCAL IMPACT:

The Health Orders and guidelines for reopening have been inconsistent and ever changing and have had significant revenue and expenditure impact on the Parks and Recreation FY Budget. However, staff believes it has adequately anticipated these

variations and or if applicable will recommend appropriate mid-cycle adjustments for FY 2021-22.

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING CITY COUNCIL REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: May 25, 2021

SUBJECT: Budget and Finance Ad Hoc Committee Meetings

RECOMMENDED ACTION:

1. Provide direction regarding frequency of Budget and Finance Ad Hoc Committee Meetings.
2. Provide direction regarding purpose and goals for Budget and Finance Ad Hoc Committee.

BACKGROUND:

Mayor Wallace and City Treasurer Geronimo have requested City Council discussion of establishing monthly Budget and Finance Committee meetings. City staff has not had agenda items to fill monthly budgets in the past, which is why meetings were called as needed. Finance staff will be extremely busy during the next several months assisting the auditors with the annual audit and implementation of Priority Based Budgeting. Additional Budget and Finance Committee meetings will require added workload for City staff.

By definition, something ad hoc is put together on the fly for one narrow, pressing, or special purpose. For example, a government committee arranged to address one specific problem would be an ad hoc committee. In general, it can mean “spontaneous,” “unplanned,” or “on the spot.” As a result, guidelines as to how the committee will function or the purpose and goals of the committee might not be established in writing, or at all.

The City Council has established several ad hoc committees that meet “as needed,” including, the Budget and Finance Committee. There are no guidelines established for the committee, except members of the committee include the Mayor, a Council Member, and the City Treasurer. Other City ad hoc committees are: Economic Development, Healthy Living City, Downtown, Electric Cost of Service, Homelessness Advisory, and Government Access Channel. All of these committees meet on an as needed basis for very specific purposes.

Historically, the Budget and Finance Committee was originally established as early as 1934, but appears to have been discontinued at some point. It was then re-established in 2015 and has met 1 to 5 times per year since then. Agenda items have varied from introductory meetings with the Audit team to reviewing professional service standard

form. Agenda items appear to have been randomly selected based on elected official interest. However, the original purpose of the Budget and Finance Committee appears to be reviewing the biennial budget, mid-cycle budget, and quarterly budget adjustments.

Budget and finance issues are a primary responsibility of the City Council. In many cities, all members of the City Council prefer to be equally informed and involved with budget and finance issues so the ad hoc committee structure is not used. In my experience, when committees are assigned responsibility for issues that the full City Council is not comfortable delegating, it is not uncommon for the City Council to duplicate the effort of the committee. In 2018, the Budget and Finance Committee unilaterally determined that items related to spending should be presented to the Committee for approval prior to presentation to the City Council. As a result, several items were not approved by the Committee and the City Council was unable to consider the items.

JUSTIFICATION:

Monthly meetings of the Budget and Finance Committee will give the City Treasurer, Mayor and one Council Member additional opportunities to discuss budget and finance issues with the City Manager and Finance Director.

FISCAL IMPACT:

Previously, Budget and Finance Committee meetings were held during business hours, which did not require staff overtime expenses. The City Treasurer is unable to attend meetings during regular business hours so there will be some expenses incurred for staff overtime. However, costs can be reduced by implementing flexible schedules for non-exempt staff. Potentially, the added workload could require additional finance staff.

OPTIONS:

1. Provide direction regarding frequency of committee meetings, purpose of committee and goals for committee.
2. Take no action.

Approved by:

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

Douglas Schulze
City Manager