



AGENDA

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

September 14, 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 Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held in Chamber and via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically. If you choose to participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda).

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

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

**Meeting ID: 874 1527 7765
Password: 870511**

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Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an 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. Swearing in of Parks and Recreation Commissioner Nicholas Parra
- 3.2. Proclamation for National Hispanic Heritage Month
- 3.3. Mayor's Special Recognitions

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 – Non-Agenda Items Only**

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**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 - 6.12.**

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

6.1. Approval of Minutes from the August 24, 2021 City Council Meetings.....	8
6.2. Accept the Easement for 940 E. Williams St for the Maintenance of the City Owned Electric Distribution System	9

6.3. Accept the Easement for APN 538-182-027 for the Maintenance of the City Owned Electric Distribution System.....	11
6.4. Discuss and Consider Adopting Resolution 2021-80, "Approving the City of Banning Electric Utility Power Source Disclosure Annual Report and Power Content Label for Calendar Year 2020".....	13
6.5. Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-1 Meadowline Way for the Maintenance of the City Owned Electric Distribution System.....	15
6.6. Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-1 for the Maintenance of the City Owned Electric Distribution System.....	17
6.7. Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Maps 35966 and 37390-2 for the Maintenance of the City Owned Electric Distribution System.....	19
6.8. Authorize Contract Award with Auto Renewals to the InfoSend Service Agreement to Provide Data-Processing, Printing, and Mailing Services for Utility Billing.....	21
6.9. Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-F Meadowline Way for the Maintenance of the City Owned Electric Distribution System.....	24
6.10. Adopt Resolution 2021-09 UA, Approving the Second Amendment to the Professional Services Agreement with Falen Law Offices, LLC for Legal Services related to the Transfer of the San Gorgonio Flume System.....	26
6.11. Approving an Increase in the amount of \$2,029.27 to Fiscal Year 2020/2021 Blanket Purchase Orders with Galls/P&P for Police Department Uniforms and Equipment and Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Uniforms "Not to Exceed" an Annual Aggregate of \$30,000 for Fiscal Years 2022, 2023, and 2024.....	29
6.12. Adopt Resolution 2021-82, Approving the FY 2021/2022 – FY 2023/2024 Short Range Transit Plan and Authorizing the Submittal of the FY 2021/2022 Funding Claims.....	31

7. PUBLIC HEARING(S):

7.1. Ordinance 1577, an Ordinance of the City of Banning amending the Banning Municipal Code by (1) amending Chapters 3.15 and 3.17 of Title 3 pertaining to microbusinesses, (2) amending Chapters 5.33 and 5.35 of Title 5 establishing regulatory requirement for microbusinesses, (3) amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 of Title 17 (Zoning Text Amendment (ZTA) 21-97501) establishing zoning standards for cannabis microbusinesses, (4) making additional conforming amendments to regulations pertaining to commercial cannabis businesses, and (5) making a determination that the Ordinance is exempt from CEQA review pursuant to CEQA Guidelines sections 15060 (c) (3) and 15061 (b) (1).....	33
<i>(Staff Report: Adam Rush, Community Development Director)</i>	

Recommendation: That the City Council: (1) Make a determination, pursuant to Sections 15060(c)(3) and 15061(b)(1) of the California Environmental Quality Act

(CEQA) Guidelines that the project is exempt from CEQA pursuant to Business and Professions Code section 26055(h); and, (2) Introduce for first reading City Council Ordinance 1577, amending Planning Commission recommendation to approve Zoning Text Amendment 21-97501, Amending Title 17, amending Chapters 3.15, 3.17, 5.33, 5.35, 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 making additional amendments to regulations pertaining to commercial cannabis businesses of the Banning Municipal Code (BMC).

7.2. First Reading of Ordinance 1576 Amending and Restating Existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code, and Finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines..... **41**
(Staff Report: Art Vela, Public Works Director)

Recommendation: Staff recommends Council introduce the first reading of Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code and finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines. If approved, a second reading will be scheduled and considered by Council on September 28, 2021. Adoption of Ordinance 1576 requires a two-thirds vote of the City Council.

8. REPORT OF OFFICERS

8.1. Consider Rescinding Resolution No. 2017-44 that Declared it Shall be a Goal of the City of Banning to Close the Banning Municipal Airport as soon as Legally Permitted **45**
(Staff Report: Doug Schulze, City Manager)

Recommendation: No action is recommended at this time.

8.2. Authorize City Manager to Enter into Contract with Strategic Government Resources..... **49**
(Staff Report: Doug Schulze, City Manager)

Recommendation: A motion authorizing the City Manager to enter into a contract with SGR (Strategic Government Resources) for executive recruitment services to conduct a search for a Finance Director in an amount not to exceed \$27,000 and directing a budget adjustment to be prepared.

8.3. Review and Discuss City of Banning Strategic Plan..... **52**
(Staff Report: Doug Schulze, City Manager)

Recommendation: Review and discuss adopted Strategic Plan. No action necessary unless changes are desired.

8.4. Consider Approval of Employment Agreement for Suzanne Cook, Finance Director **54**
(Staff Report: Doug Schulze, City Manager)

Recommendation: Staff recommends Council authorize the City Manager to execute the Employment Agreement with Suzanne Cook for the position of Finance Director.

9. DISCUSSION ITEM(S)

None

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. Census/Redistricting
5. Golf Cart/EV Ordinance
6. Airport Advisory Commission
7. Retail Marijuana
8. Credit card fees
9. Dog tethering

11. ADJOURNMENT

Next Regular Meeting – September 28, 2021 at 5:00 p.m.

Zoom Community Standards for Public Meetings

By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

AFFIDAVIT

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, by 4:00 P.M. on the 9th day of September 2021.



Caroline Patton, Deputy City Clerk

PUBLIC NOTICE

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/archive).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the 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 Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the 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 §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the City to make arrangements to ensure your accessibility.

CONTACT

Office of the City Clerk • 951-922-3102 • CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



**CITY OF BANNING
OFFICE OF THE MAYOR**



Proclamation

WHEREAS, the United States has observed “Hispanic Heritage Week” since 1968 and “Hispanic Heritage Month” since 1988; and

WHEREAS, Hispanic Heritage Month celebrates the histories, cultures, and contributions of those whose ancestors were indigenous to North America as well as Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, the purpose of Hispanic Heritage Month is to create awareness of the 500 years of cultural contributions of people of Hispanic Heritage to the American culture; and

WHEREAS, many people of Hispanic Heritage have and continue to serve this community as leaders, organizers, first responders, teachers, healthcare professionals, athletes, inventors, entrepreneurs and more; and

WHEREAS, the City of Banning is fortunate to have a large number of residents of Hispanic Heritage who strengthen our culture, economy, and contribute to our daily lives; and

WHEREAS, the City wishes to honor their achievements while continuing efforts to ensure the City is a welcoming and inclusive place with opportunities for all; and

NOW THEREFORE, I, Colleen Wallace, Mayor of the City of Banning, do hereby proclaim:

***Hispanic Heritage Month
September 15 – October 15, 2021***

in the City of Banning and encourage citizens of Banning to increase their cultural awareness by learning the important contributions of people of Hispanic Heritage to the City of Banning.

BE IT PROCLAIMED this 14th day of September, 2021.

Colleen Wallace, Mayor



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk *CP*

MEETING DATE: September 14, 2021

SUBJECT: Minutes of the August 24, 2021 City Council Meetings

RECOMMENDED ACTION:

Approve the Minutes of the August 24, 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 August 24, 2021 Special Meeting
https://banningca.gov/DocumentCenter/View/9304/Att-1-2021-08-24_Minutes_Special-Meeting
2. Minutes of the August 24, 2021 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/9343/Att-2-2021-08-24_Minutes-Regular-Meeting

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easement for 940 E. Williams St for the Maintenance of the City Owned Electric Distribution System

RECOMMENDATION:

Accepting an easement for electric utility purposes at 940 E. Williams St for the maintenance of the City owned electric distribution system.

BACKGROUND:

The property owner at 940 E. Williams St (APNs 541-116-037 and 541-116-043) 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.

ALTERNATIVES:

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

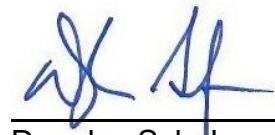
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ATTACHMENTS:

1. Easement for 940 E. Williams St
<https://banningca.gov/DocumentCenter/View/9305/Att-1-Easement--940-E-Williams>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/9306/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easement for APN 538-182-027 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDATION:

Accepting an easement for electric utility purposes at APN 538-182-027 for the maintenance of the City owned electric distribution system.

BACKGROUND:

The property owner at APN 538-182-027 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.

ALTERNATIVES:

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

ATTACHMENTS:

1. Easement for APN 538-182-027

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<https://banningca.gov/DocumentCenter/View/9308/Att-1-APN-538-182-027-2929-W-Ramsey-Easement>

2. Certificate of Acceptance

<https://banningca.gov/DocumentCenter/View/9307/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director
Jim Steffens, Power Resources Manager

MEETING DATE: September 14, 2021

SUBJECT: Discuss and Consider Adopting Resolution 2021-80,
"Approving the City of Banning Electric Utility Power Source
Disclosure Annual Report and Power Content Label for
Calendar Year 2020."

RECOMMENDATION:

The City Council consider adopting Resolution 2021-80:

1. Approving the City of Banning Electric Utility ("Utility") Power Source Disclosure Annual Report and Power Content Label for Calendar Year 2020, attached herewith as Exhibit "A" and Exhibit "B" to Attachment 1.
2. Authorize the Electric Utility Director, or his or her designee, to disseminate the information included on the Power Content Label to the Utility's customers in compliance with the requirements of Senate Bill 1305 and Assembly Bill 162.

BACKGROUND:

On October 11, 2009 the Governor signed California State Assembly Bill 162 ("AB 162"), which amended the Power Content Label reporting requirements originally set forth in Senate Bill 1305. The amendments changed the reporting requirements from quarterly to annual, and require that utilities report actual power content information instead of projected.

The information must be provided to the utility's customers through either printed or electronic means, including posting it on the City's website. The Utility will provide it by posting an electronic copy of the Power Content Label on the City's website.

The California Energy Commission (CEC), which has oversight authority for this requirement, has stated that the governing body of each locally owned public utility must approve both the Power Source Disclosure Annual Report and the annual Power Content Label for the utility(s) under its jurisdiction. Therefore, Staff is requesting that the City

Council approve Resolution 2021-80, accepting both the Utility's Power Source Disclosure Annual Report, attached herewith as Exhibit "A" to attachment 1, and the Utility's Power Content Label, attached herewith as Exhibit "B" to Attachment 1.

JUSTIFICATION:

AB 162 requires that all load serving electric utilities develop and provide to its customers on an annual basis an approved Power Content Label. The Power Content Label shows the percentages of each type of energy resources that are used to serve an electric utility's customers. The regulation has been amended beginning in calendar year 2019, requiring the governing body of each locally owned public utility approve both the Power Source Disclosure Annual Report and the Power Content Label.

FISCAL IMPACT:

None.

ALTERNATIVES:

1. Approve the Power Source Disclosure Annual Report and the Power Content Label as recommended.
2. Do not approve the Utility's Power Source Disclosure Annual Report and Power Content Label, which would put the Utility in violation of AB 162.

ATTACHMENT:

1. Resolution 2021-80

<https://banningca.gov/DocumentCenter/View/9309/Att-1-Resolution-2021-80---Electric-Utility-Annual-Report-and-Power-Content-Label-2020>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-1 Meadowline Way for the Maintenance of the City Owned Electric Distribution System

RECOMMENDED ACTION:

Accepting the easements from Tri Pointe Homes for electric utility purposes on Assessor's Tract Map No. 37390-1 along Meadowline Way for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37390-1 (Phase I) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tri Pointe Homes has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval 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.

ALTERNATIVES:

1. Approve as recommended.

September 14, 2021

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2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easements – Meadowline Way Tract 37390-1 APN 408-611-011
<https://banningca.gov/DocumentCenter/View/9311/Att-1-Atwell- Meadowline-Tract-37390-1>
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/9310/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-1 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDATION:

Accepting the easements from Tri Pointe Homes for electric utility purposes on Assessor's Tract Map No. 37390-1 within Planning Area 6 (PA 6) for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37390-1 (Phase I) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tri Pointe Homes has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval 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.

ALTERNATIVES:

1. Approve as recommended.

2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easements – 37390-1 PA 6 APN 408-120-036, 408-120-043, 408-120-088, 408-120-092, 408-120-095

https://banningca.gov/DocumentCenter/View/9313/Att-1-Atwell_PA-6-Tract-37390-1

2. Certificate of Acceptance

<https://banningca.gov/DocumentCenter/View/9327/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Maps 35966 and 37390-2 for the Maintenance of the City Owned Electric Distribution System

RECOMMENDATION:

Staff recommend the Council accept the easements from Tri-Pointe Homes for electric utility purposes on Assessor's Tract Map No. 35966 and 37390-2 within Planning Area 7 (PA 7) for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 35966 and 37390-2 (Phase I) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tri Pointe Homes has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval 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.

ALTERNATIVES:

1. Approve as recommended.

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2. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Easements – 35966 and 37390-2 PA 7 APN 408-120-088, 408-120-092
https://banningca.gov/DocumentCenter/View/9329/Att-1--Atwell_PA-7-Tract-37390-2-35966
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/9328/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Stacy Bouslog, Customer Service & Billing Manager

MEETING DATE: September 14, 2021

SUBJECT: Authorize Contract Award with Auto Renewals to the InfoSend Service Agreement to Provide Data-Processing, Printing, and Mailing Services for Utility Billing

RECOMMENDATION:

Staff respectfully recommends City Council approve this annual renewal to the existing contract with InfoSend for data-processing, printing, and mailing services related to utility billing.

BACKGROUND:

The utility billing division utilizes InfoSend to produce a variety of mailings on behalf of the City, including utility bills, reminder notices, announcements, rate change advisories, water quality program notices, awareness and education campaign notices, final bills and penalties/collections notices. InfoSend services include paper bill processing, printing and the entire mailing process—validation, bar coding, printing, folding, envelope stuffing and postage application for every item.

The City incurs the cost of postage for mailing all bills and notices. InfoSend pays this expense upfront and then passes this cost on to the City, with no mark-up, during the invoicing process. Therefore, InfoSend only retains a portion of the total amount paid by the City through this contract, with the rest going to the U.S. Postal Service. The City is responsible for this postage regardless of the vendor providing the printing and support services.

In previous years, the majority of funds paid through this contract go directly to postage. The table provided shows the actual costs associated with the InfoSend contract for FY 2018 through FY 2021, as well as the anticipated FY 2022 costs as approved in the budget.

Fiscal Year	Printing Costs Supplies & Services	Postage Costs Pass through to USPS
FY 2018	\$21,345	\$ 59,725
FY 2019	\$ 23,911	\$ 66,685
FY 2020	\$ 22,914	\$ 66,561
FY 2021	\$ 22,604	\$ 64,701
FY 2022 Adopted Budget	\$ 24,000 <i>(Anticipated)</i>	\$ 67,000 <i>(Anticipated)</i>

In August 2012, the City entered into a 4-year agreement for data processing, printing and mailing services. This agreement included auto renewals processed annually following the initial term. Utility Billing staff are recommending Council approve this annual renewal to the contract with InfoSend for printing and mailing services related to utility billing.

JUSTIFICATION:

On an annual basis, InfoSend produces and mails approximately 174,000 bills and notices on behalf of the City. Without the expert assistance of InfoSend, the City would not be able to produce, assemble and mail the current volume of utility bills and notices in house.

The City has been utilizing the services of InfoSend for twelve years and has experienced excellent service during this time. In order to maintain current business processes, the City would like to continue the contract with InfoSend by executing another one-year renewal.

FISCAL IMPACT:

Funds for this contract have already been allocated in the Approved FY 2021-22 Budget.

ALTERNATIVES:

1. Council could approve as recommended.
2. Council could not approve the contract and provide staff alternate direction.

ATTACHMENTS:

1. InfoSend Rates (Notice as of Last Increase in November 2017)
<https://banningca.gov/DocumentCenter/View/9316/Att-1-InfoSend-Latest-Rate-Increase-dated-11-01-2017>
2. InfoSend Agreement
<https://banningca.gov/DocumentCenter/View/9314/Att-2-InfoSend-Executed-Agreement>

3. InfoSend Proposal

<https://banningca.gov/DocumentCenter/View/9315/Att-3-InfoSend-Proposal-dated-04-16-2012>

4. InfoSend Sole Source Determination

<https://banningca.gov/DocumentCenter/View/9318/Att-4-Sole-Source-Memorandum-06-28-17>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Accept the Easements from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-F Meadowline Way for the Maintenance of the City Owned Electric Distribution System

RECOMMENDED ACTION:

Accepting the easements from Tri Pointe Homes for electric utility purposes on Assessor's Tract Map No. 37390-F along Meadowline Way for the maintenance of the City owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37390-F (Phase I) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Tri Pointe Homes has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval 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.

September 14, 2021

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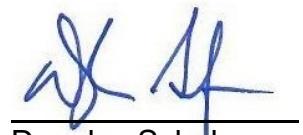
ALTERNATIVES:

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

ATTACHMENTS:

1. Easements – Meadowline Way Tract 37390-F APN 408-650-033
https://banningca.gov/DocumentCenter/View/9330/Att-1-Atwell_Meadowline-Tract-37390-F
2. Certificate of Acceptance
<https://banningca.gov/DocumentCenter/View/9331/Att-2-Certificate-of-Acceptance>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Holly Stuart, Public Works Program Manager

MEETING DATE: September 14, 2014

SUBJECT: Adopt Resolution 2021-09 UA, Approving the Second Amendment to the Professional Services Agreement with Falen Law Offices, LLC for Legal Services related to the Transfer of the San Gorgonio Flume System

RECOMMENDATION:

Staff Recommends that the Banning Utility Authority adopt Resolution 2021-09 UA:

1. Approving the Second Amendment to the Professional Services Agreement with Falen Law Offices, LLC for Legal Services related to the Transfer of the San Gorgonio Flume System increasing the contract in the amount of \$50,000 for a total services agreement amount not to exceed \$400,000; and extending the term for a one-year period ending August 14, 2022.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Second Amendment to the Professional Services Agreement with Falen Law Offices, LLC for Legal Services related to the Transfer of the San Gorgonio Flume System.
3. Authorizing the City Manager to execute the Amendment to the Professional Services Agreement with Falen Law Offices, LLC.

BACKGROUND:

For several years, the City of Banning, in cooperation with Banning Heights Mutual Water Company and San Gorgonio Pass Water Agency, has been engaged in negotiations to secure control of the San Gorgonio Flume from Southern California Edison (SCE). SCE has attempted to surrender its license for the San Gorgonio hydroelectric system to the Federal Energy Regulatory Commission (FERC) for many years; however, several

outstanding issues must be resolved before FERC will issue an approval of the SCE application and the Flume transfer can be completed.

Due to the complex nature of the Flume transfer, as well as the significance of several other ongoing Water and Wastewater projects/activities, the City sought specialized legal services through a formal Request for Proposals (RFP) process in 2018. As a result of that process, the firm of Churchwell White, LLP was selected to represent the City in Water and Wastewater matters, and Falen Law Offices, LLC was selected for representation for the San Gorgonio Flume project specifically.

Falen Law Offices, LLC was chosen based upon their experience and expertise dealing with projects that involve the Federal Land Policy and Management Act (FLPMA), US Forest Service appeals, the 1891 Right of Way Act and Federal land issues, all of which relate to the San Gorgonio Flume project.

On April 23, 2019, the Banning Utility Authority approved a two-year Professional Services Agreement with Falen Law Offices, LLC in the amount of \$100,000 for Legal Counsel Services related to the Transfer of the San Gorgonio Flume Project. On February 25, 2020, City Council approved the First Amendment to the Agreement increasing the contract by \$250,000 for a total agreement amount not to exceed \$350,000.

At this time, staff respectfully requests approval of a Second Amendment, increasing the agreement in the amount of \$50,000 and extending the term for an additional one-year through August 13, 2022.

JUSTIFICATION:

Since the execution of the agreement, Falen Law Offices, LLC, has diligently worked to review and evaluate historical documents, as well as, continued to be well-versed in longstanding negotiations to resolve the San Gorgonio Flume issue on behalf of the City. Through the FERC Dispute Resolution Service (DRS) process, negotiations continue regarding the proposed decommissioning and US Forest Service permitting agreement.

Although staff remains optimistic regarding the progress achieved thus far, additional funds are necessary to continue working towards resolution of this complex matter. Negotiations are expected to continue into Fiscal Year 2022.

The current contract balance is \$93,355.

FISCAL IMPACT:

The Second Amendment to the Professional Services Agreement with Falen Law Offices, LLC in the amount of \$50,000 will be funded by Account 660-6300-471-90.78 (Planning/Design – Capital).

September 14, 2021

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The original contract and First Amendment with Falen Law Offices, LLC were approved in the amount of \$350,000. If approved, the Second Amendment will increase the contract in the amount of \$50,000 for a total contract amount of \$400,000.

ALTERNATIVE:

The Banning Utility Authority may choose to reject this recommendation and provide alternative direction.

ATTACHMENTS:

1. Resolution 2021-09 UA

https://banningca.gov/DocumentCenter/View/9334/Attachment-1_Resolution-2021-09-UA

2. Draft Second Amendment

https://banningca.gov/DocumentCenter/View/9335/Attachment-2_Resolution-2021-09-UA

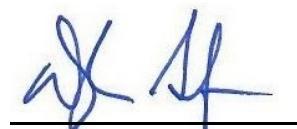
3. First Amendment

https://banningca.gov/DocumentCenter/View/9332/Attachment-3_C00516_FALEN_LAW_AMENDMENT_1

4. Original Agreement

https://banningca.gov/DocumentCenter/View/9333/Attachment-4_-C00516_FALEN_LAW_OFFICES_LLC

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 14, 2021

SUBJECT: Approving an Increase in the amount of \$2,029.27 to Fiscal Year 2020/2021 Blanket Purchase Orders with Galls/P&P for Police Department Uniforms and Equipment and Establishing a Vendor List and Blanket Purchase Orders for the Purchase of Uniforms "Not to Exceed" an Annual Aggregate of \$30,000 for Fiscal Years 2022, 2023, and 2024

RECOMMENDATION:

Staff recommend Council:

1. Approve an increase to Fiscal Year 2020/2021 purchase orders with Gall's/P&P in the amount of \$2,029.27 for a total amount of \$27,029.27 and authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the requested increase.
2. Establish a Vendor List for Fiscal Years 2022, 2023, and 2024 for the procurement of Police Department Uniforms.
3. Establish Fiscal Year 2022 blanket orders for the purchase of Police Department Uniforms and Equipment for an annual aggregate amount "not to exceed" \$30,000.
4. Authorize the City Manager or his designee to renew blanket orders for Fiscal Years 2022, 2023, and 2024 upon satisfactory service review with an annual aggregate "not to exceed" \$30,000.
5. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the procurement of Police Department Uniforms and equipment for Fiscal Years 2022, 2023, and 2024.

BACKGROUND:

Due to staffing increases in fiscal year 2020-2021, more Police Department uniforms and equipment became necessary causing an overage of \$2,029.27. As a result, staff respectfully requests an increase to the fiscal year 2020/2021 BPOs in the amount of \$2,029.27 for a total fiscal year funding amount of \$27,029.27.

In order to establish a vendor list, bids were solicited through PlanetBids (RFQ No. 17-111) on December 21, 2017 where P & P Uniforms was awarded as the lowest bidder. In addition, Galls has an approved purchasing cooperative agreement through Sourcewell contract 011221-GAL which is authorized under Purchasing Policy B-30. As a result, staff recommends the inclusion of Galls and that a pre-approved vendor list be established utilizing the following two (2) vendors:

1. Galls (Sourcewell contract 011221-GAL)
2. P&P Uniforms (RFQ 17-111)

JUSTIFICATION:

Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000.

FISCAL IMPACT:

This approval is required due to the amount exceeding the \$25,000 threshold. The \$2029.27 that is over the threshold amount is in the 2021 budget. This has no fiscal impact as the funds were allocated through the budget process.

ALTERNATIVES:

The City Council may choose to reject staff's recommendation and provide alternative direction.

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 14, 2021

SUBJECT: Adopt Resolution 2021-82, Approving the FY 2021/2022 – FY 2023/2024 Short Range Transit Plan and Authorizing the Submittal of the FY 2021/2022 Funding Claims

RECOMMENDATION:

That City Council adopt Resolution 2021-82 approving the FY 2021/2022-2023/24 Short Range Transit Plan (SRTP) and authorizing the submittal of the 2021/22 funding claims.

BACKGROUND:

Under state law, the Riverside County Transportation Commission (RCTC) is tasked with the responsibility to identify, analyze, and recommend potential productivity improvements to ensure federal, state, and local funds are allocated to transit operators to provide needed transit services for county residents. In order to meet this obligation, RCTC requires the submittal of annual SRTP update by the county's public transportation operators, including the City of Banning.

The purpose of the annual SRTP is to: (1) identify the transit servicers and capital improvements required to meet the transit needs of Riverside County over a three-year period and the proposed sources of funding to carry out the plan; (2) serve as a management tool for the operators to guide their activities over the next year; and (3) provide justification for operating and capital assistance for grant applications to be submitted to state and federal funding agencies.

JUSTIFICATION:

The City's transit operations depend on Local Transportation Funds (LTF), State Transit Assistance (STA) and State of Good Repair (SGR) funds to cover its operational and capital expenses. In order to receive this funds the City must submit its formally approved SRTP. The 2021/2022 – 2023/2024 has been developed by Public Works staff and reviewed by RCTC staff, who has deemed the SRTP ready for approval.

FISCAL IMPACT:

The approval of Resolution 2021-82 will comply with RCTC's requirements to receive the needed LTF and STA funding for the 2021/2022 fiscal year in the following amounts:

LTF: \$1,687,000
STA: \$1,659,707

ALTERNATIVES:

Reject Resolution 2021-82 which would result in the inability to file a LTF and STA funding claims for fiscal year 2021/2022.

ATTACHMENTS:

1. Resolution 2021-82
<https://banningca.gov/DocumentCenter/View/9337/Attach-1-Resolution-2021-82>
2. 2021/2022-2023/2024 Short Range Transit Plan
<https://banningca.gov/DocumentCenter/View/9336/Attach-2-SRTP-FY-22-Banning-FINAL-82521>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Director

MEETING DATE: September 14, 2021

SUBJECT: **Ordinance 1577, an Ordinance of the City of Banning amending the Banning Municipal Code by (1) amending Chapters 3.15 and 3.17 of Title 3 pertaining to microbusinesses, (2) amending Chapters 5.33 and 5.35 of Title 5 establishing regulatory requirement for microbusinesses, (3) amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 of Title 17 (Zoning Text Amendment (ZTA) 21-97501) establishing zoning standards for cannabis microbusinesses, (4) making additional conforming amendments to regulations pertaining to commercial cannabis businesses, and (5) making a determination that the Ordinance is exempt from CEQA review pursuant to CEQA Guidelines sections 15060 (c) (3) and 15061 (b) (1)**

RECOMMENDATION:

That the City Council take the following actions:

1. Make a determination, pursuant to Sections 15060(c)(3) and 15061(b)(1) of the California Environmental Quality Act (CEQA) Guidelines that the project is exempt from CEQA pursuant to Business and Professions Code section 26055(h).
2. Introduce for first reading City Council Ordinance 1577, amending Planning Commission recommendation to approve Zoning Text Amendment 21-97501, Amending Title 17, amending Chapters 3.15, 3.17, 5.33, 5.35, 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 making additional amendments to regulations pertaining to commercial cannabis businesses of the Banning Municipal Code (BMC).

BACKGROUND:

On July 10, 2018, the City Council adopted Ordinance 1523 which established provisions for a conditional use permit process for cannabis cultivation, manufacturing level 1, and testing laboratory facilities within the Industrial zoning district. In addition to this ordinance,

the City Council also adopted Ordinances 1527 and 1528, placing Measures N and O on the November 2018 General Election Ballot. Measure N established a cannabis cultivation tax at \$15 per square foot of canopy space, but contained provisions allowing the City Council, without the vote of the people, to adjust this tax by either reducing the rate, or increasing the rate up to \$25 per square foot of canopy space. Measure N also established a tax on commercial cannabis cultivation, manufacturing, and testing laboratories at 10% of the gross receipts of the business. Measure O established a tax on cannabis retailers at 10% of gross receipts of the business. Both measures were approved by the voters.

The City Council also adopted two ordinances that authorized cannabis retailers to develop within the City subject to conditional use permit (CUP) approvals and regulatory permit process.

On June 23, 2020, the City Council approved Ordinance 1564 to reduce the tax on cannabis cultivation facilities.

July 14, 2020, the City Council approved Ordinance 1565 allowing cannabis distribution facilities in the Industrial Zoning District contingent on approval of Measure L, a measure to impose a 10% tax on cannabis distribution facilities.

November 3, 2020, Measure L passed approving the 10% tax on cannabis distribution facilities and Ordinance 1565 became effective allowing cannabis distribution facilities in the Industrial Zoning District.

November 10, 2020, the City Manager requested direction from the City Council regarding increasing the number of cannabis retailers allowed in the City and the possibility of allowing cannabis microbusinesses to operate in the City. The Council directed Staff to bring back information regarding cannabis microbusinesses, and to consider increasing the number of cannabis retailers. No final action on either of those changes was approved at that meeting.

On March 23, 2021, the City Council held a Workshop regarding Cannabis microbusinesses. At that Special Meeting of the City Council, Placeworks, Inc., a community planning and design organization, presented a power point presentation regarding cannabis microbusinesses. The City Council hosted this discussion item to solicit public testimony and provide direction to City staff regarding several provisions of the proposed amendment to the Cannabis Ordinance. No decision was made; however, staff did receive direction to proceed on a path to update the City's Cannabis Program. Upon conclusion of this discussion item, the City Council directed City staff to process an ordinance amendment that incorporates cannabis microbusinesses into the cannabis program.

At the meeting of June 2, 2021, the Planning Commission considered Zoning Text Amendment 21-97501 and discussed how allowing cannabis microbusinesses to operate

in the city would impact existing retailers and the City's current cap of only permitting one retailer for every 10,000 residents. The Planning Commission asked Staff specific questions and the meeting was continued to July 14, 2021, to allow Staff time to research the questions posed by the Commission.

PLANNING COMMISSION RECOMMENDATION:

At the meeting of July 14, 2021, the Planning Commission approved Resolution 2021-09 recommending the City Council approve Zoning Text Amendment 21-97501 with the following recommendations regarding the proposed microbusiness ordinance:

1. That the retail component be a non-store front delivery service only.
2. That there be no 200-foot separation from residential uses or zones.
3. That there be a cap of one microbusiness for every 8,000 residents.
 - a. If a cap is imposed, the City Council will need to determine the method of selecting microbusiness applicants.
4. That there be an accelerated time schedule from approval to operation.

CITY COUNCIL CONSIDERATION AND RECOMMENDATION:

At the meeting of August 24, 2021, the City Council of the City of Banning held a public hearing on the proposed microbusiness ordinance, at which time all persons interested had the opportunity and did address the City Council on these matters. Following the receipt of public testimony, the City Council closed the public hearing, and directed staff to revise the ordinance recommended by the Planning Commission as follows: (1) not limit cannabis microbusinesses to non-storefront microbusinesses only; (2) eliminate the cap on microbusiness; (3) and include a 200-foot separation requirement from residentially zoned property.

ANALYSIS:

It has been over two years since the City's Commercial and Retail Cannabis program came into effect. During this period, three retail cannabis dispensaries and four indoor commercial cannabis cultivation facilities have been approved.

After determining that the Cannabis Program was not yielding the results anticipated when established back in late 2018, the Council made several changes to the program:

- The Council adopted an ordinance allowing cannabis distributors to operate in the city and placed a measure on the ballot to tax cannabis distributors.
- The Council lowered the tax rates for cannabis cultivators from \$15 per square feet of canopy space to \$5 per square feet of canopy space for the first year the business is in operation and then \$10 per square feet of canopy space beginning in year two and every year thereafter.

- The Council adopted an ordinance requiring that cannabis retailers submit a completed conditional use permit within ninety days of receiving a cannabis regulatory permit.

There has been a growing interest by members of the public and Council to increase the options for cannabis businesses by establishing regulations for the operation of microbusinesses. A cannabis microbusiness may operate by doing business in three of the current four types of cannabis operations allowed by the City. The definition of a cannabis microbusiness is as follows:

“Cannabis microbusiness” means a commercial cannabis business that operates as a cannabis retailer, a manufacturing facility, a cultivation facility with canopy space of less than 10,000 square feet, and/or distribution facility on the same premises. To qualify as a cannabis microbusiness, the cannabis business must engage in at least three out of the four above referenced uses.

JUSTIFICATION:

Proposed amendments to the Banning Municipal Code

Title 3 (Revenue and Finance), Chapter 3.15 (Cannabis Retailer Tax), Section 3.15.020 (Definitions.), to add a definition for “Cannabis Microbusiness.”

Title 3 (Revenue and Finance), Chapter 3.15 (Cannabis Retailer Tax), Section 3.15.030 (Tax imposed on cannabis retailers.), to add a new subsection “D” to impose a tax on cannabis microbusinesses based on the tax rate of each component of the business (retailer, cultivation, distribution, and/or manufacturing).

Title 3 (Revenue and Finance), Chapter 3.17 (Cannabis Industrial Tax), Section 3.17.020 (Definitions.), to add a definition for “cannabis microbusiness.”

Title 3 (Revenue and Finance), Chapter 3.17 (Cannabis Industrial Tax), Section 3.17.030 (Tax imposed on commercial cannabis cultivation, manufacturing, distribution, and testing laboratory facilities.), relabel existing Subsection “D” as Subsection “E” and add a new Subsection “D” to impose a tax on cannabis microbusinesses based on the tax rate of each component of the business (retailer, cultivation, distribution, and/or manufacturing).

Title 5 (Business Licenses and Regulations), Chapter 5.33 (Cannabis Retailer Regulatory Permits), Section 5.33.010 (Definitions.), to add a definition for “cannabis microbusiness.”
Title 5 (Business Licenses and Regulations), Chapter 5.33 (Cannabis Retailer Regulatory Permits), Section 5.33.020 (Cannabis regulatory permit required.), to add a new Subsection “E” to provide that a cannabis microbusiness is subject to the requirements of Chapter 5.35.

Title 5 (Business Licenses and Regulations), Chapter 5.35 (Cannabis Regulatory Permits), 5.35.010 (Definitions.), to amend the definition of “Cannabis business” and add a definition of “cannabis microbusiness.”

Title 5 (Business Licenses and Regulations), Chapter 5.35 (Cannabis Regulatory Permits), 5.35.050 (Additional application requirements.), to add a new Subsection "E" to identify the application requirements for cannabis microbusinesses.

Title 8 (Health and Safety), Chapter 8.48 (Nuisances), Section 8.48.330 (Manufacture or sales of drugs.), adding, "Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law is declared a nuisance. This section shall not apply to the manufacture, sale or storage of marijuana or cannabis permitted under Chapters 5.33, 5.34, and 5.35 of this Code."

Title 17 (Zoning), Division I (General Provisions), Chapter 17.04 (Basic Provisions), 17.04.070 (Definitions.), to add definitions for "Cannabis Distribution Facility," and Cannabis microbusiness and to amend the definition of "Other Cannabis Uses."

Title 17 (Zoning), Division II (Land Use Districts), Chapter 17.08 (Residential Districts), Article I (General Provisions), Section 17.08.020 (Permitted, conditional and prohibited uses.) to add "Cannabis Distribution," and "Cannabis Microbusiness" as prohibited uses.

Title 17 (Zoning), Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses), to amend Table 17.12.020 to add "Cannabis Microbusiness" as a conditionally permitted use and to add Footnote 11 to read as follows; A Cannabis Microbusiness shall require approval of a Cannabis Conditional Use Permit by the City Council, after recommendation by the Planning Commission, and shall be subject to the requirements of Chapter 17.53.

Title 17 (Zoning), Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.050 (Use Specific Development Standards), to add new lines for "Cannabis Distribution Facility" and "Cannabis Microbusiness" to the Table and adding Subsections Z and AA to provide that cannabis distribution facilities and cannabis microbusinesses require the approval of a cannabis conditional use permit by the City Council after recommendation by the Planning Commission.

Title 17 (Zoning), Chapter 17.16 (Public Facilities Districts), Section 17.16.020 (Permitted, Conditional and Prohibited Public Facilities Uses), to add lines for "Cannabis Distribution Facility," and "Cannabis Microbusiness," as prohibited uses.

Title 17 (Zoning), Chapter 17.20 (Open Space Districts), Section 17.20.020 (Permitted, Conditional and Prohibited Open Space Uses) to add lines for "Cannabis Distribution Facility," and "Cannabis Microbusiness," as prohibited uses.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.010 (Definitions.), to amend the definition of "Cannabis Business," and add a definition for "Cannabis Microbusiness."

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.100 (Security.), to amend subsection "D" to require that a cannabis distributor and cannabis microbusiness hire 24-hour security.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.120 (Signage.), to add a new Subsection "F" to address signage requirements for a cannabis microbusiness.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), relabeling and relocating Sections 17.53.200 through 17.53.210 as Sections 17.53.210 through 17.53.220.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits) adding a new Section 17.53.200 (Cannabis Microbusinesses.) to establish operational regulations for cannabis microbusinesses.

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.010 (Definitions.), to add a definition for "Cannabis microbusiness."

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.020 (Cannabis retailer conditional use permit required), to add a new Subsection "C" to provide that a cannabis microbusiness with a retail component is subject to Chapter 17.53.

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.200 (Expiration), to correct the days allowed to submit for building permits from 30 to 45 days.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Division staff and the Planning Commission have determined that the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3),) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

Moreover, even if the adoption of this Ordinance is a project, it is exempt from review under the CEQA and the State CEQA Guidelines Section 15061(b)(1)), which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses,

or other authorizations to engage in commercial cannabis activity. Pursuant to that exemption, Title 17 of the Banning Municipal Code provide that conditional use permit applications for cannabis microbusinesses will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, conditional use permits for cannabis microbusinesses are subject to discretionary review by both the Planning Commission and the City Council.

Multiple Species Habitat Conservation Plan (MSHCP).

This proposed Ordinance does not relate to any one physical project and is not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of the MSHCP, including mitigation through payment of the MSHCP Mitigation Fee.

FISCAL IMPACT:

City staff has dedicated time associated with the preparation of this report, cost that will be reimbursed through the application of development review fees. There is no specific appropriation of funds requested.

PUBLIC COMMUNICATION:

Proposed Municipal Code Amendment was advertised in the Record Gazette newspaper on August 13, 2021. As of the date of this report, staff has not received any written comments on the project.

ALTERNATIVES:

1. Approve as recommended.
2. Direct staff to amend the ordinance and return to City Council.
3. Direct staff to return the ordinance to the City Planning Commission for further review.

ATTACHMENTS:

1. Ordinance 1577
https://banningca.gov/DocumentCenter/View/9319/Att-1-Ordinance-1577_CC-Attachment-1_ordinance-1577_final_9721
2. Planning Commission Resolution 2021-09
<https://banningca.gov/DocumentCenter/View/9321/Att-2-Resolution-2021-09>
3. Zoning Map
https://banningca.gov/DocumentCenter/View/9320/Att-3-Zoning-Map_md
4. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/9258/Attachment-4---PHN-ZTA-21-97501-Proof-of-Publication>

5. Notice of Exemption

https://banningca.gov/DocumentCenter/View/9322/Att-5-NOE_md

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Public Works Director
Holly Stuart, Public Works Program Manager

MEETING DATE: September 14, 2021

SUBJECT: First Reading of Ordinance 1576 Amending and Restating Existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code, and Finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines

RECOMMENDATION:

Staff recommends Council introduce the first reading of Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code and finding an Exemption from CEQA under Sections 15061(b)(3) and 15308 of the CEQA Guidelines. If approved, a second reading will be scheduled and considered by Council on September 28, 2021. Adoption of Ordinance 1576 requires a two-thirds vote of the City Council.

BACKGROUND:

The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, ("AB 939" or the "Act") (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process which requires cities and other local jurisdictions to implement plans for source reduction, reuse and recycling as integrated waste management practices for solid waste attributed to sources within their respective jurisdictions.

The Act provides that aspects of solid waste handling of local concern include but are not limited to frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste services. The Act encompasses mandates including Assembly Bill (AB) 341 and AB 1826, as well as the newly adopted Short-Lived Climate Pollutants mandate, Senate Bill (SB) 1383.

Senate Bill 1383 builds on existing legislation, AB 341 and AB 1826. The purpose of SB 1383 is to reduce organic waste disposal, recover edible food waste from the waste

stream and reduce methane emissions. The goal of SB 1383 is to reduce greenhouse gas emissions to 40% below 1990 levels by the year 2030. To achieve this, the target is to reduce organic waste that ends up in the landfill by 50% by the year 2020 and 75% by the year 2025. In addition to reducing landfilled organics by 75%, the State will also be required to recover edible food that is currently thrown away by 20% through programs such as establishing edible food recovery programs. In order to achieve the reduction of landfilled waste and to increase recovery, the State has mandated the following:

1. Provide Organics Collection Services to All Residents, Multi-family Complexes and Businesses
2. Establish Edible Food Recovery Programs
3. Conduct Education and Outreach to the Community
4. Procure Recyclable and Recovered Organics Products
5. Secure Access to Recycling Capacity
6. Monitor Compliance and Conduct Enforcement

The schedule summarizing implementation requirements of SB 1383 is provided below:

SB 1383 Requirements		
January 1, 2022	Organics Recycling Programs for all accounts	Regulations take effect. Organics Recycling Programs for all accounts including businesses, multi-family complexes and residential units shall be implemented. Enforceable regulations will be required to take effect. Jurisdictions must implement an enforceable ordinance or ordinances.
January 1, 2022	Edible Food Recovery Programs (Tier 1)	As required by the State, jurisdictions must take progressive enforcement actions against non-compliant regulated Tier 1 entities including food service providers, food distributors, grocery stores (10,000+ Sq Ft), Supermarkets, and whole food vendors.
January 1, 2022	Local Ordinance and Purchasing Policy	To implement State mandate, the adoption of a local ordinance is necessary. Additionally, State mandate requires local jurisdictions procure recyclable and recovered organics products that meets or exceeds its assigned procurement target.
January 1, 2024	Edible Food Recovery Programs (Tier 2)	As required by the State, jurisdictions must take progressive enforcement actions against non-compliant regulated Tier 2 entities including hotels with an on-site food facility and 200+ rooms, health facilities with an on-site food facility and 100+ beds, state agency cafeterias with 5,000+ sq. ft. or 250+ seats, large venues, large events, and restaurant facilities that are 5,000+ sq. ft. or 250+ seats.

On April 27, 2021, Council approved a new collection services franchise agreement between the City and Waste Management of the Inland Empire (WM) for the Provision of Residential and Commercial Garbage, Recyclable Materials and Organics Waste Collection, Transportation, Recycling and Disposal Services. This franchise agreement became effective on July 1, 2021, and addresses requirements of the Act and SB 1383. Pursuant to the requirements of SB 1383, as well as the newly adopted franchise agreement, it is necessary to amend and replace existing Title 8, Chapter 8.28, Garbage Collection and Disposal, of the Banning Municipal Code. As outlined above, SB 1383 obligates jurisdictions to adopt a local ordinance addressing State mandates by January

1, 2022. Additionally, the franchise agreement identifies tax roll provisions for certain delinquent accounts be adopted by October 29, 2021.

The proposed ordinance addresses key elements including the following:

Collection Services: Trash, recyclable and organic collection services for all commercial, multi-family and residential accounts are required unless a commercial waiver is granted.

Commercial Edible Food Generator: These generators are required to recover the maximum amount of edible food that would otherwise be disposed in the waste stream and implement related programs. These generators shall maintain and provide record access to City staff.

Food Recovery Organizations: Shall maintain and provide record access to City staff.

Locking Containers: Commercial Edible Food Generators shall use locking bins to prevent access to unauthorized persons, animals, wind, rain, insects and rodents. Commercial or residential premises in the downtown area shall keep containers secured to prevent access to unauthorized persons, animals, wind, rain, insects and rodents. Accessible containers in the downtown area shall be locked.

Tax Roll, Delinquencies: Legal action may be pursued to collect unpaid fees and/or adding unpaid fees to the County Tax Roll.

Inspections and Investigations: City representative are authorized to conduct inspections and investigations to confirm compliance. Regulated entities shall provide access and cooperate with staff during the process.

Enforcement: Violation of any provision of this chapter shall constitute grounds for issuance of a penalty (e.g. failure to implement organics recycling collection services or programs, regulated food organizations not implementing edible food recovery programs or maintaining records, failure to permit access for inspections and investigations, etc.).

JUSTIFICATION:

Proposed Ordinance 1576, amending and restating existing Title 8, Chapter 8.28, Garbage Collection and Disposal, must be approved to establish provisions of the new franchise agreement, and to obtain compliance with SB 1383.

CEQA:

Staff determined that proposed Ordinance 1576 is exempt from California Environmental Quality Act (Cal. Pub. Resources Code, § 21000 et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs., § 15000 et seq., the "CEQA Guidelines")

pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in proposed Ordinance 1576 will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

FISCAL IMPACT:

Penalty amounts for various types of violations will be phased in and begin January 1, 2024 as required by SB 1383 and outlined by Ordinance 1576 as shown below. Violation of any provision of this chapter shall constitute grounds for issuance of a penalty (e.g. failure to implement organics recycling collection services or programs, regulated food organizations not implementing edible food recovery programs or maintaining records, failure to permit access for inspections and investigations, etc.).

1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

ALTERNATIVES:

1. Direct staff to revise proposed Ordinance 1576
2. Reject proposed Ordinance 1576 and provide direction to staff.

ATTACHMENTS:

1. Ordinance 1576
https://banningca.gov/DocumentCenter/View/9346/Attachment-1_Banning-Solid-Waste-Ordinance-9_8
2. Redline changes to Banning Municipal Code Chapter 8.28
<https://banningca.gov/DocumentCenter/View/9347/Redline-Changes-to-Chapter-828>
3. Public Notice
https://banningca.gov/DocumentCenter/View/9345/Public-Notice-Affidavit_09-07-2021

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 14, 2021

SUBJECT: Consider Rescinding Resolution No. 2017-44 that Declared it Shall be a Goal of the City of Banning to Close the Banning Municipal Airport as soon as Legally Permitted

RECOMMENDED ACTION:

No action is recommended at this time.

BACKGROUND:

The Banning Municipal Airport was originally built in the 1930's, but in 1943 the U.S. Army widened and extended the runway, which was intended to be used for the Patton Army headquarters on South San Gorgonio. Currently, the Banning Municipal Airport consists of 153.83 acres south of I-10 and east of Hathaway Street. The runway is a 4,955 foot long asphalt paved surface. Structures include 54 City-owned hangars, 7 privately-owned hangars, and a small office/terminal building.

In 2016, HdL Companies completed an Airport Feasibility Study to analyze and evaluate the Banning Municipal Airport, including its effectiveness as a land use, along with exploring the possibility of closing down the airport operation and looking at the 'highest and best' land use for the future, as well as suggested next steps for the City of Banning to consider. The study included a comparison of Banning Municipal Airports with other airports in the region.

The data from the fourteen other airports suggest that the Banning Municipal Airport lacks the needed infrastructure, amenities or superior location to successfully compete with other airports for more business. The hangars available at Banning Municipal Airport are lacking as compared to other nearby airports.

As of 2015, only 38 or 62% of the total of 61 hangars at Banning are used. The number of aircraft based at Banning, in conjunction with a steady decline in the total annual flight operations seems to present a less than optimistic future for the Banning Municipal Airport. From 2010 to 2015, annual flight operations decreased by 71.7%.

Staff Report: Consider Rescinding Resolution 2017-44 to Pursue Airport Closure

September 14, 2021

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Airport	Ownership	Runways	Planes Based at Airport	Number of Annual Operations
Banning Municipal Airport	City of Banning	One asphalt runway of 4,955'	38	1,324 flight operations in 2015
Bermuda Dunes Airport	Privately Owned	One asphalt runway of 5,002'	101	10,950 flight operations in 2015
Chino Airport	San Bernardino County	Three asphalt runways of 7,000', 4,919' and 4,858'	479 (FY 2013/14)	164,615 flight operations in 2014
Corona Municipal Airport	City of Corona	One asphalt runway of 3,200'	251	50,000 flight operations in 2015
French Valley Airport	Riverside County	One asphalt runway of 6,000'	195	98,185 flight operations in 2014/15
Hemet-Ryan Airport	Riverside County	One asphalt runway of 4,315'	69	75,555 flight operations in 2015
March Air Reserve Base	US Air Reserve	One concrete runway of 13,300' and one asphalt runway of 3,059'	0	Open to the public with Air Museum and looking to expand services with new private terminal operations
Ontario International Airport	City of Ontario	Two concrete runways of 12,197' and 3,718'	37	83,585 flight operations in 2015
Palm Springs	City of Palm Springs	Two asphalt runways of 10,000' and 3,048'	96	54,480 flight operations in 2015
Riverside Municipal Airport	City of Riverside	Two asphalt runways of 5,401' and 2,850'	159	109,865 flight operations in 2015
Riverside-Flabob Airport	Privately Owned	One asphalt runway of 3,190'	86	7,665 flight operations in 2015
Jacqueline Cochran Airport	Riverside County	Two asphalt runways of 8,500' and 4,995'	47	76,285 flight operations in 2015
Perris Valley Airport	Privately Owned	One asphalt runway of 5,100 feet	56	27,375 flight operations in 2015
San Bernardino Airport	San Bernardino International Airport Authority	One concrete runway 10,000'	38	30,660 flight operations in 2014
Upland-Cable Airport	Privately Owned	One asphalt runway of 3,853'	298	91,980 flight operations in 2014

The following table demonstrates the trend of significantly decreasing annual flight operations from 2010 to 2015. The study found that given the significant decline in annual flight operations and low number of aircraft based at the Banning Municipal Airport as compared to other airports, the ability to compete with other airports for business in the future seemed unattainable. Investing more resources into the airport and providing upgrades would not be cost-effective or provide the city with an adequate return on investment.

ANNUAL FLIGHTS – BANNING MUNICIPAL AIRPORT			
Flights	Year	Previous Year % Change	Total % Change 2010 - 2015
4,674	2010		
1,875	2013	59.99%	
1,414	2014	24.6%	
1,324	2015	6.4%	71.7%

The study concluded, “the highest and best use for the airport property in Banning—now or in the future doesn’t appear to be operating it as a municipal airport. Clearly the data shows that general aviation use has been declining in both California and the U.S. for the past 20 years. The use and revenue stream for the Banning Municipal Airport reflect this trend. Additionally, based on research, the Banning Municipal Airport doesn’t compare well with other nearby airports in terms of infrastructure and use.”

As of July 2021, there were a total of 16 based aircraft at Banning Municipal Airport, which is a decline of 22 aircraft since the 2015 Study. However, flight operations increased to 5,495 primarily due to the Skydive West Coast business that is based at the airport.

Following City Council discussion of the HdL Airport Feasibility Study, the City Council adopted Resolution No. 2017-44, declaring that it shall be a goal of the City of Banning to close the Banning Municipal Airport as soon as legally possible. City staff met with FAA staff to discuss closure and with individuals involved with the closure of the Rialto Airport. Based on those discussions, City staff worked with federal lobbyists to draft legislation that is ready to be introduced. However, the legislation is on hold pending FAA review of the Grandave Studios at Banning Project.

JUSTIFICATION:

Resolution No. 2017-44 and the legislation drafted to close Banning Municipal Airport is an important strategic issue related to the FAA review of the Grandave Studios at Banning Project. While efforts to close the airport have been suspended, it may be necessary to pursue closure if the FAA does not approve the Grandave Studios project.

September 14, 2021

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OPTIONS:

1. Direct staff to begin work to rescind Resolution 2017-44.
2. Take no action at this time.

ATTACHMENT:

1. Resolution 2017-44

<https://banningca.gov/DocumentCenter/View/9236/Resolution-No-2017-44>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 14, 2021

SUBJECT: Authorize City Manager to Enter into Contract with Strategic Government Resources

RECOMMENDATION:

A motion authorizing the City Manager to enter into a contract with SGR (Strategic Government Resources) for executive recruitment services to conduct a search for a Finance Director in an amount not to exceed \$27,000 and directing a budget adjustment to be prepared.

BACKGROUND:

During the August 24, 2021 meeting, the City Council directed the City Manager to initiate the recruitment process to hire a new Finance Director. Several executive recruitment firms were contacted and four (4) proposals were received. The proposals are attached for informational purposes.

The recruitment process will take 3 – 4 months to complete once the contract has been executed and the consultant has been given notice to proceed. Contract execution is likely to take approximately 2 – 4 weeks after City Council authorization and the start date for a new department director will likely be 30 – 60 days after an employment offer has been extended.

Recruitments that are conducted after mid-November may be difficult due to distractions from holidays. It will be important to time the application timeframe so it does not occur between November 15 and January 1. With the current proposed schedule, the position profile and advertising would coincide with the holidays. As such, we will want to delay advertising a few weeks, but be prepared to launch the advertising shortly after January 1, 2022. This would result in a likely start date for the new Finance Director in mid-2022.

I have worked with SGR as a candidate and as a client so, I am very familiar with their process. CPS HR Consulting has been used for three recent Director recruitments, but the recruiter involved with those searches recently joined Koff & Associates. I do not have any experience with Municipal Solutions LLC or Koff & Associates.

Since this is a professional services contract, selection of the consultant is based on qualifications; not solely on low bid/quote. The warranty standard is 12 months, but both SGR and Municipal Solutions provide warranties that exceed the standard. The warranty requires the consultant to conduct a new recruitment if the selected candidate is terminated or resigns within the warrant period.

Consultant	Cost	Time	Warranty
SGR	\$24,900	15 weeks	18 months
Municipal Solutions LLC	\$22,500	13 weeks	24 months
CPS HR Consulting	\$25,000	14 weeks	12 months
Koff & Associates	\$22,000	14 weeks	12 months

JUSTIFICATION:

Recruitment of executive team members typically extends to a regional or national pool of candidates. Executive recruitment firms have the resources to reach hundreds of potential candidates who are qualified for the position.

FISCAL IMPACT:

The recruitment will include a consultant fee of \$24,900, plus \$2,100 for optional costs, if needed. In addition, it is common practice to pay for travel costs for in-person interviews, which is estimated to be \$1,500 per finalist or \$7,500 for a total of \$34,500.

ALTERNATIVES:

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

ATTACHMENTS:

1. Executive Search Proposal – SGR
<https://banningca.gov/DocumentCenter/View/9340/Att-1-SGR-Proposal-Banning-Finance-Director-09-21>
2. Executive Search Proposal – Municipal Solutions LLC
<https://banningca.gov/DocumentCenter/View/9341/Att-2-Executive-Search---MSLLC-Banning-CA---2-September-2021>
3. Executive Search Proposal – CPS HR Consulting
<https://banningca.gov/DocumentCenter/View/9338/Att-3-Cost-Letter-for-Exec-Search-for-City-of-Banning>
4. Executive Search Proposal – Koff & Associates
<https://banningca.gov/DocumentCenter/View/9339/Att-4-Proposal---City-of-Banning-Finance-Director>

September 14, 2021

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Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: September 14, 2021
SUBJECT: Review and Discuss City of Banning Strategic Plan

RECOMMENDATION:

Review and discuss adopted Strategic Plan. No action necessary unless changes are desired.

BACKGROUND:

The City Council conducted a strategic planning session in 2019, which resulted in an updated strategic plan. The strategic plan is a document that should be reviewed and updated on an annual basis, but due to COVID-19 a review was not completed in 2020. An updated strategic plan is critical for organizational direction and focus. In addition, it is an important element of Priority Based Budgeting, which the City is currently implementing.

The Strategic Plan includes five pillars (Diverse Economy, Reliable Infrastructure, Safe City, Good Governance and Quality of Life) with specific actions. Progress has been made in many areas, but the Strategic Plan is a 3 – 5 year plan and priorities change with each Council election. The current City Council has not had an opportunity to review and discuss the strategic plan. Therefore, it is recommended that a full-day workshop be scheduled to conduct a facilitated discuss and review of the strategic plan before the end of 2021. The updated strategic plan will provide clear direction for staff as the 2022/23 – 2023/24 is developed.

JUSTIFICATION:

The City Council provides direction to the City Manager through well-established goals and objectives. A strategic plan is a tool to facilitate implementation of the City Council goals and objectives as well as to track progress.

ALTERNATIVES:

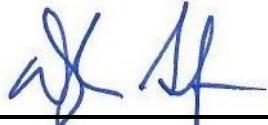
1. Approve as recommended.
2. Do not approve and provide alternative direction.

ATTACHMENT:

1. 2019 City of Banning Strategic Plan

<https://banningca.gov/DocumentCenter/View/9342/Goals--Objectives-04232019>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: September 14, 2021

SUBJECT: Consider Approval of Employment Agreement for Suzanne Cook, Finance Director

RECOMMENDATION:

Staff recommends Council authorize the City Manager to execute the Employment Agreement with Suzanne Cook for the position of Finance Director.

BACKGROUND:

In June 2021, the Administrative Services Director position was eliminated and Administrative Services Department was re-organized to become the Finance Department. The Deputy Finance Director position was also eliminated and the position of Finance Director was created. Suzanne Cook was promoted from Deputy Finance Director to Finance Director in July.

The attached Employment Agreement is the standard agreement that is used for Department Directors. The salary is based on the currently approved compensation plan. All benefits provided in the Employment Agreement are consistent with the benefits offered to Department Directors.

During the August 24, 2021 Regular Meeting, the City Council discussed the employment agreement and directed the City Manager to modify the agreement. The first modification is to change the term of the agreement from two years to one year. The second modification is to reduce City payment of travel costs related to commuting from employee's residence to Banning. Upon discussion with the employee, these modifications are acceptable and the attached version of the agreement reflects the changes.

Business-related expenses do not include travel for commuting to Banning. Travel to Banning will be limited to only those times that it is necessary for the conduct of business. Since City Council meetings are offered remotely via Zoom, in-person attendance at City Council meetings is not considered necessary. Therefore, during the term of the agreement physical presence of the employment is not required.

Finally, City Council directed the City Manager to initiate the recruitment process to hire a Finance Director. This process has been initiated and quotes from executive recruitment consultants have been obtained.

JUSTIFICATION:

The Finance Director position is established by Banning Municipal Code and provides overall supervision and direction for the Finance Department.

FISCAL IMPACT:

The fully loaded cost of the two positions that have been eliminated is approximately \$400,000. The new Finance Director position fully loaded cost is approximately \$225,000. The fiscal impact is a net savings of approximately \$175,000 annually.

OPTIONS:

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

ATTACHMENTS:

1. Employment Agreement between City of Banning and Suzanne Cook
<https://banningca.gov/DocumentCenter/View/9302/Att-1-Suzanne-Cook-Employment-Agreement---v3-09142021>
2. Finance Director Job Description
<https://banningca.gov/DocumentCenter/View/9303/Att-2-Finance-Director-Job-Description>

Approved by:



Douglas Schulze
City Manager