



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

**MINUTES
CITY COUNCIL**

**10/26/2021
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Mayor Colleen Wallace
Mayor Pro Tem David Happe
Council Member Mary Hamlin
Council Member Kyle Pingree

COUNCIL MEMBERS ABSENT: Council Member Alberto Sanchez

OTHERS PRESENT: Douglas Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Art Vela, Public Works Director
Ralph Wright, Parks and Recreation Director
Adam Rush, Community Development Director*
Matthew Hamner, Chief of Police
Tom Miller, Electric Utility Director
Suzanne Cook, Finance Director*
James Wurtz, Economic Development Manager*
A'ja Wallace, Financial Analyst*
Laurie Sampson, Executive Assistant*
Alejandro Geronimo, Treasurer*

*Participated via Zoom.

1. CALL TO ORDER

Mayor Wallace called the regular meeting to order at 5:01 p.m.

1.1. Invocation

1.2. Pledge of Allegiance
Council Member Happe led the Pledge of Allegiance.

1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Hamlin, Mary	X	
Happe, David	X	
Pingree, Kyle	X	
Sanchez, Alberto		X
Wallace, Colleen	X	

2. **AGENDA APPROVAL**

2.1. Approve Agenda

Mayor Wallace announced she would move item 8.1 to immediately following the consent agenda.

Motion to approve the agenda as amended.

Motion by Council Member Pingree
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

3. **PRESENTATION(S)**

Fire Division Chief Todd Hopkins introduced new Fire Battalion Chief Tim Voigt.

4. **REPORT ON CLOSED SESSION**

City Attorney Ennis gave a report on closed session. For all five items there was staff direction given with no final or reportable action.

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

5.1. PUBLIC COMMENTS None

5.2. CORRESPONDENCE None

5.3. APPOINTMENTS None

5.4. CITY COUNCIL COMMITTEE REPORTS Mayor Wallace discussed a recent committee meeting she attended regarding the City of Blythe and AB363 compliance.

5.5. CITY MANAGER REPORT

City Manager Schulze reported he would be participating in the pass area City Manager's Forum on the morning of October 28.

5.6. CITY ATTORNEY REPORT

None

6. CONSENT ITEMS

- 6.1. Approval of Minutes from the October 12, 2021 City Council Meetings
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of September 2021
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of September 2021
- 6.4. Receive and File Police Department Statistics for the Month of September 2021
- 6.5. Receive and File Fire Department Statistics for the Month of September 2021
- 6.6. Public Works Capital Improvement Project Tracking List
- 6.7. Parks and Recreation Report Quarterly Report for FY 2022 Quarter 1 ending September 30, 2021
- 6.8. Resolution 2021-103, 2021-10 UA and 2021-05 SA, Approving Amendments to the Fiscal Year 2020-21 Budget for Encumbrance Carryovers and Continuing Appropriations of Unexpended Fiscal Year 2020-21 Appropriations
- 6.9. Accept the Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map 37390-2 for the Maintenance of the City Owned Electric Distribution System
- 6.10. Resolution 2021-105, Approving an Increase for Canon Financial Services PO 31170 and Future Purchase Orders to Include the Lease of an Imageprograf XT4100 Plotter for the Electric Utility Department
- 6.11. Consider Approval of an Exclusive Negotiating Agreement with AMG Sign Company, Inc. for an Outdoor Advertising Lease on City Property located at APN 532-090-011
- 6.12. Resolution 2021-107, Requesting the San Geronio Pass Maintain Unified Representation as a Community of Interest During the County of Riverside's Redistricting Efforts

Public Comments

Paul Perkins said the police report should include updates on the number of alarm permits and false alarms each month.

Motion to approve the consent agenda.

Motion by Council Member Hamlin
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

8.1. Presentation from the San Geronio Pass Water Agency on the Backbone Pipeline

Art Vela, Public Works Director, presented the staff report. Lance Eckhart from the San Geronio Pass Water Agency presented an update on the backbone pipeline project.

Mickey Valdivia addressed the Council regarding the project.

7. PUBLIC HEARING(S):

7.1. Resolution 2021-94, Approving Fees Related to the Alarm Permit Program Approved in Ordinance 1575

Chief of Police Matthew Hamner presented the staff report.

Public Comments

None

Motion by Council Member Pingree
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

7.2. Resolution 2021-102, Approving Electric Utility Rate Adjustments – Effective January 1, 2022

Electric Utility Director Thomas Miller presented the staff report.

Public Comments

Frank Burgess commented on the Ad Hoc Committee and disagreed with the rate increase.

Motion by Council Member Happe
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

Mayor Wallace called a recess at 6:30 p.m. The meeting was reconvened at 6:39 p.m.

- 8.2. Consider Resolution No. 2021-104, Support of Local Measure H Benefitting San Gorgonio Hospital

City Manager Schulze presented the staff report.

Public Comments

Frank Burgess said he was in support but had questions about the letter assigned to the measure.

Frank Connolly said he was in support of the measure and emphasized the importance of emergency services.

Dr. Dennis Tankersley, Chair of the San Gorgonio Memorial Hospital Board, spoke in support of the measure.

George Moyer said he was also in support of Measure H.

Motion to approve Resolution 2021-104.

Motion by Council Member Pingree
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

- 7.3. Consideration and Introduction of Ordinance 1578 Amending Section 13.16.020, Restricting Water Use During Water Supply Emergencies, of Chapter 13.16, Water Conservation, of Title 13, Public Services, of the Banning Municipal Code, and Finding an Exemption from Review under CEQA Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308

Public Works Director Art Vela presented the staff report.

Public Comments

None

Motion to waive further reading of Ordinance 1578.

Motion by Council Member Happe

Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

Motion to introduce Ordinance 1578 for a first reading.

Motion by Council Member Happe

Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 member absent.

- 7.4. First Reading of Ordinance 1566 amending Title 12 of the Banning Municipal Code revising regulations pertaining Rules and Regulations in Banning Parks and finding an exemption from CEQA under Section 15061(B)(3) of the CEQA guidelines

Parks and Recreation Director Ralph Wright presented the staff report.

Public Comments

Frank Connolly asked about pets in parks.

Director Wright clarified that the existing park rules did not allow pets, but that these revisions would allow pets on a leash in city parks.

Motion to waive further reading of Ordinance 1566.

Motion by Council Member Pingree
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

Motion to introduce Ordinance 1566 for a first reading.

Motion by Council Member Pingree
Seconded by Mayor Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

- 7.5. First Reading of Ordinance 1579 amending Title 2 of the Banning Municipal Code revising regulations pertaining to the Parks and Recreation Commission's meeting attendance rules and finding an exemption from CEQA under section 15061 (B)(3) of the CEQA guidelines

Parks and Recreation Director Ralph Wright presented the staff report.

Public Comments

None

Motion to waive further reading of Ordinance 1579.

Motion by Council Member Happe
Seconded by Council Member Pingree

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

Motion to introduce Ordinance 1579 for a first reading.

Motion by Council Member Happe
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

8. REPORT OF OFFICERS

- 8.3. Resolution No. 2021-106 Approving Agreement Pursuant to Government Code Section 66462.5 Between Vintage-Stone Eagle, LLC and City of Banning for Acquisition of Certain Real Property Interests (TTM 33540) in Connection with Off-Site Improvements

Public Works Director Vela presented the staff report.

Public Comments

Paul Perkins commented on eminent domain.

Motion to approve Resolution 2021-106.

Motion by Council Member Happe
Seconded by Council Member Hamlin

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	X				
Happe, David	X				
Pingree, Kyle	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 member absent.

- 8.4. Expiration of Governor's Executive Order that "Relaxed" the Brown Act's Provisions Related to Remote Attendance by Members of the City Council and City Commissions, Resumption of In-Person Meetings with Continuation of Remote Attendance Option for Members of the Public, and Consideration of Alternatives Allowed under AB 361

City Attorney Ennis presented the staff report.

Public Comments

None

Motion to employ the provisions of AB 361 to allow members of the public to participate remotely without following the provisions of the Brown Act.

Motion by Council Member Hamlin
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary	✗				
Happe, David	✗				
Pingree, Kyle		✗			
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 3-1, with 1 member absent.

9. DISCUSSION ITEMS

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items:

10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Retail Marijuana (Happe)
6. Business-Friendly Zoning (Wallace)

11. ADJOURNMENT

Mayor Wallace adjourned the meeting at 7:58 p.m.

Minutes Prepared by:


Caroline Patton, Deputy City Clerk

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2551>

EXHIBIT A

Agenda Item 8.1



DISCUSSION OF REGIONAL “BACKBONE” PIPELINE

BANNING CITY COUNCIL, OCTOBER 26, 2021



1



DISCUSSED FOR MANY YEARS

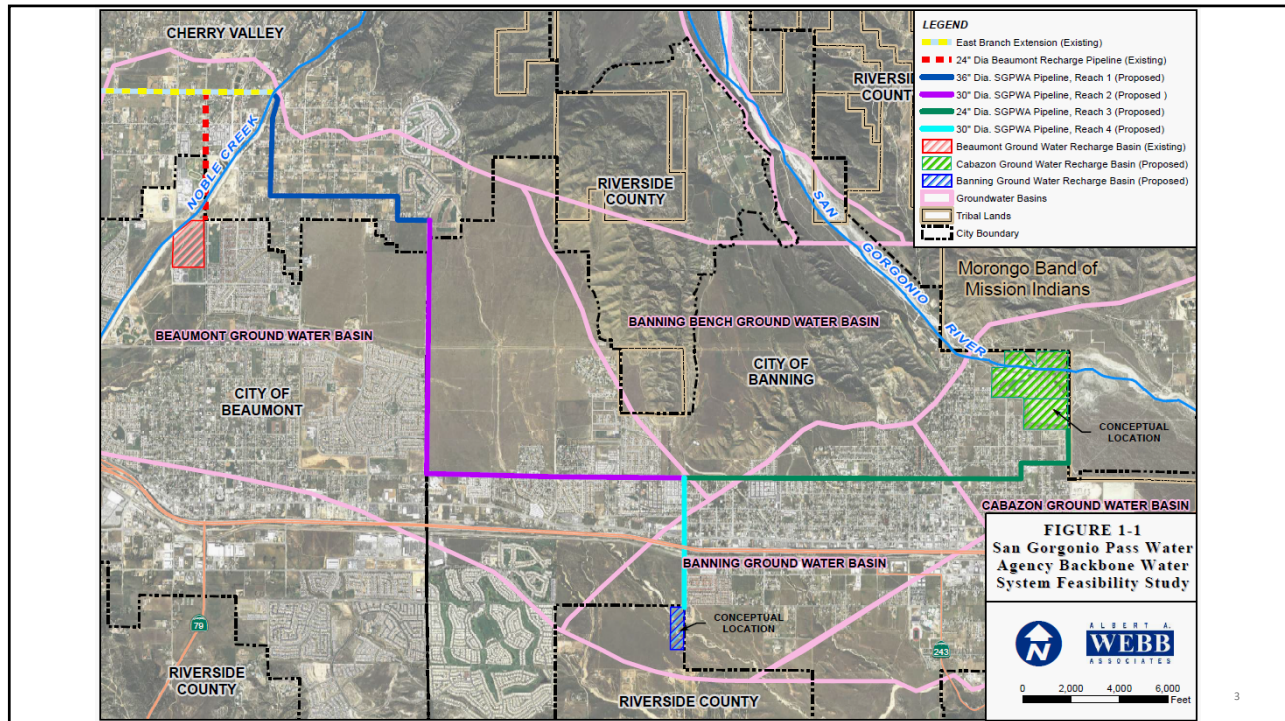
Backbone Pipeline & Other Local Facilities

- 2005 Study Contemplating Regional Pipeline, Other CIP Improvements & Use of Gravel Pits (Cabazon Pipeline Terminus)
- Plans Further Refined Along with Discussions with Banning
- Various Reaches Coined the “Banning” & “Cabazon” Pipeline(s)
- Local Interests Waned, Project Rebrand (~2014):
 - SGPWA Reach 1
 - SGPWA Reach 2
 - SGPWA Reach 3
- Parts of the Agency CIP Plan were Implemented:
 - Brookside Recharge Facility – 2019
 - 32 cfs EBX/Foothill Pipeline Capacity Purchase from Valley District - 2020

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EXHIBIT A

Agenda Item 8.1



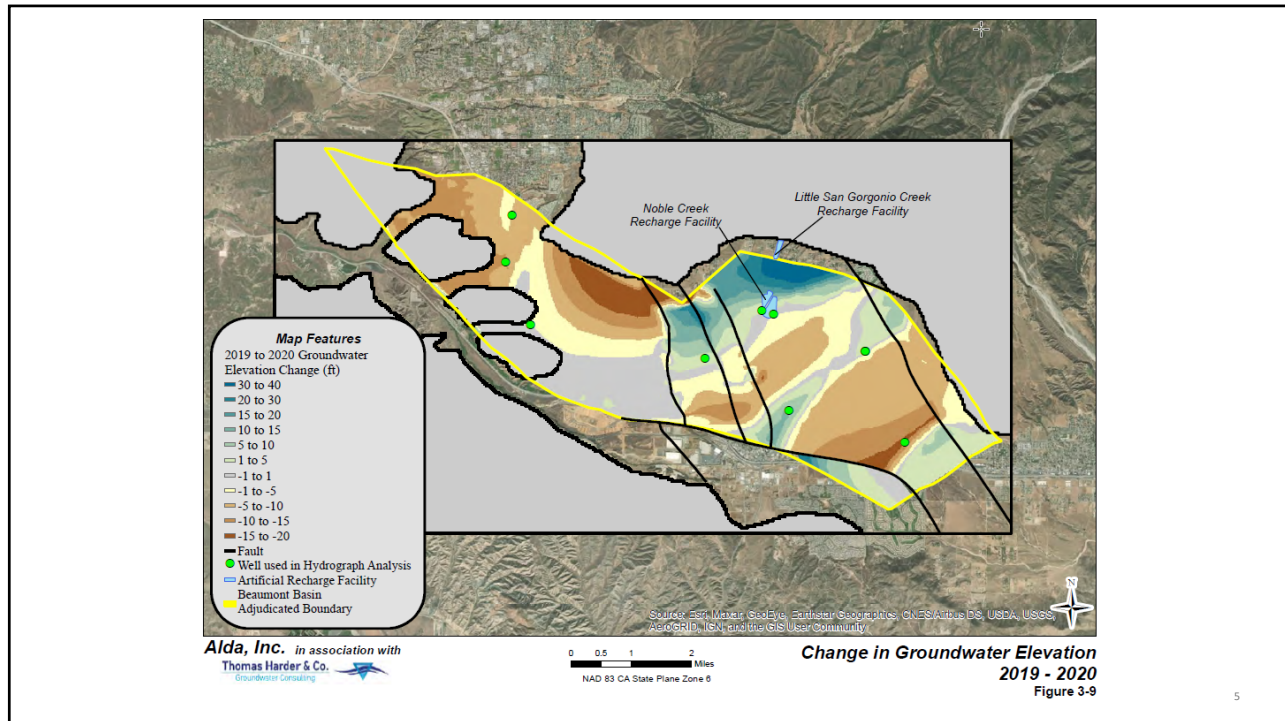
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COSTS UPDATED 2020				
Description	Diameter	Capacity (CFS)	Length	Cost*
Reach 1 Pipeline	36-inch	52	12,000 feet	\$10,000,000
Reach 2 Pipeline	30-inch	30	22,000 feet	\$15,500,000
Reach 3 Pipeline	24-inch	22	19,000 feet	\$10,700,000
Recharge Facility	-	-	(181 acres)	\$14,200,000
Total				\$50,400,000

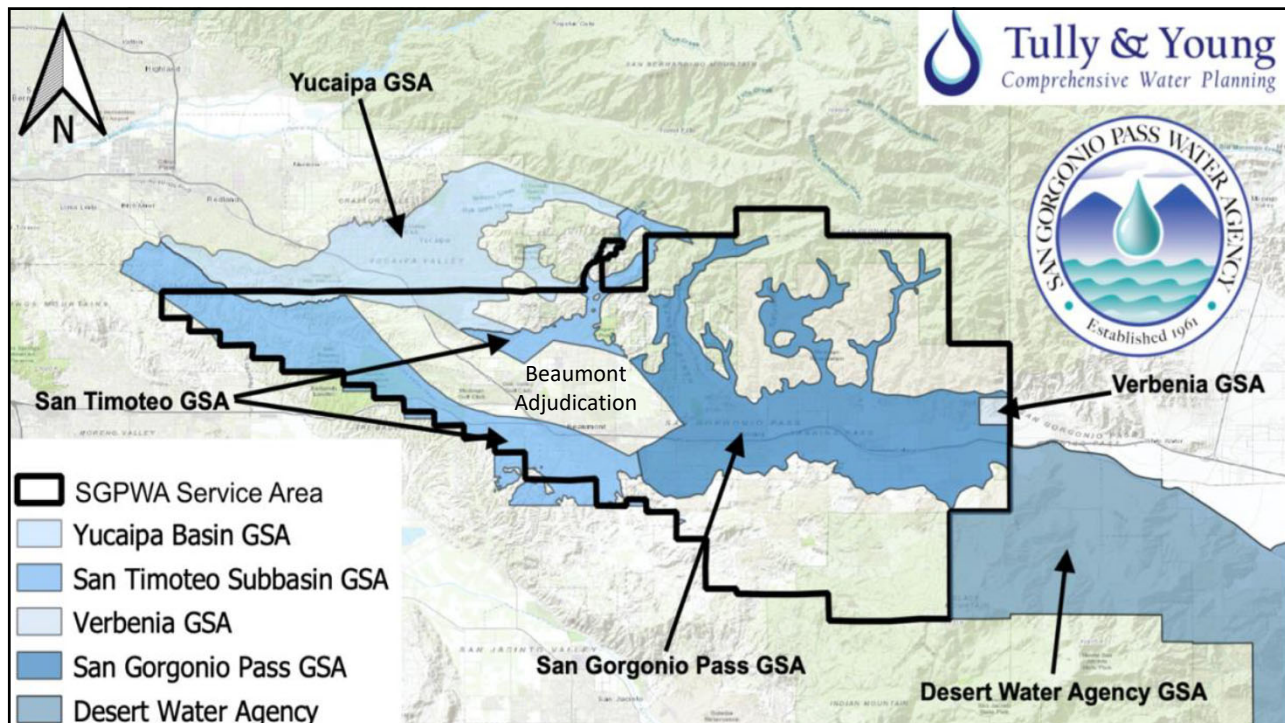
*Estimated Project Cost Factor = x1.4 (planning, design environmental, construction, contingencies, etc.); does not include financing, legal, land, right-of-way, complex environmental costs.

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Agenda Item 8.1



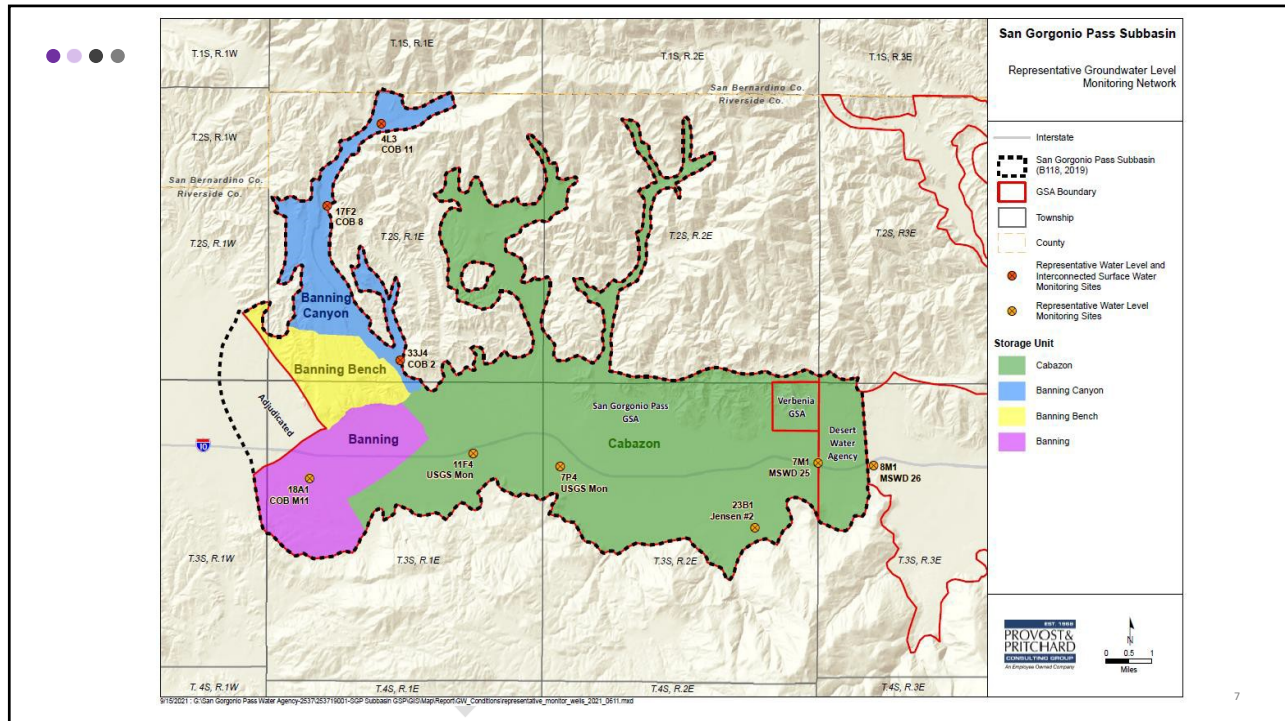
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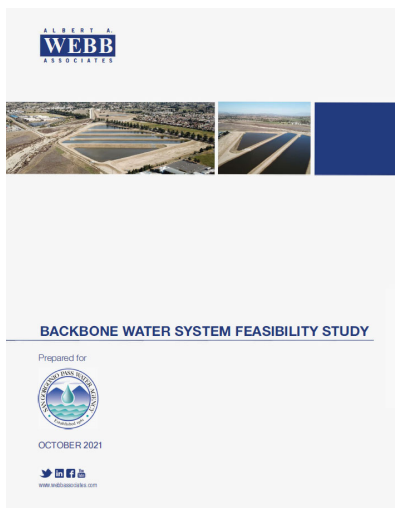
EXHIBIT A

Agenda Item 8.1



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BACKBONE FEASIBILITY STUDY



Leverage Current/Previous Efforts

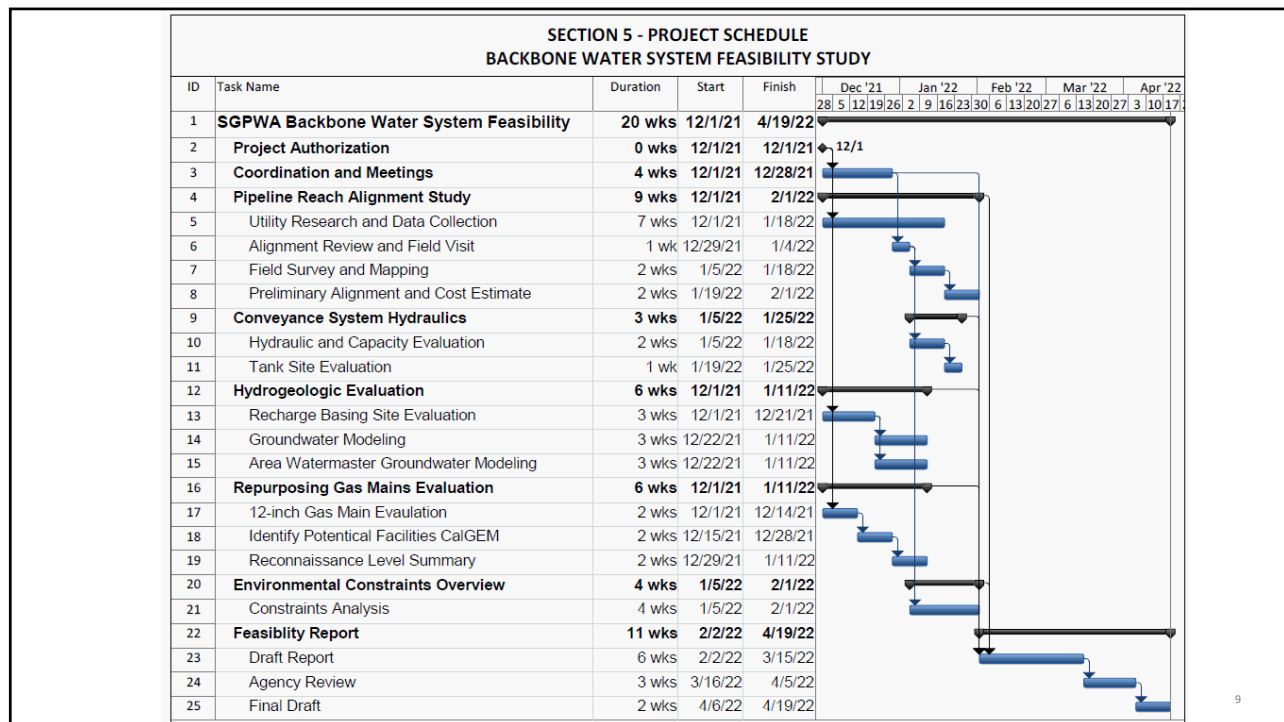
- **Albert A. Webb & Associates**
 - 2 decades of experience working on Backbone concept
- **Provost & Pritchard**
 - Preparing the San Geronio Pass Groundwater Sustainability Plan (GSP)
- **INTERA Geoscience & Engineering**
 - Groundwater modelers for the GSP
- **USGS**
 - Decades of experience working with area groundwater basins
- **Beaumont Basin Watermaster**
 - As-needed support

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EXHIBIT A

Agenda Item 8.1



9

OBSERVATION

The area would be well positioned for material State/Federal grant support for a regional backbone supply pipeline. The anticipated level of financial support may be unique for this decade.

The program will need broad regional support, close local collaboration and appreciable work to be in a fundable position (i.e. "shovel ready") within the next ~2+ years.



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EXHIBIT B

Agenda Item 7.2



Public Hearing Banning Electric Utility Rate Adjustments

Regular meeting of the City of Banning

City Council

October 26th, 2021

Role of City Council

- Local Control (publicly-owned utility – not-for-profit)
- Sole Rate Making Authority
 - Public Hearing Notice
 - Establish Rates by Resolution
 - Implement in 30 days (in this case January 1, 2022)
 - Electric Ad-hoc Committee and Budget and Finance Committee
- Adopt Financial Policies (Resolution 2019-139)
 - Meet bond covenants (debt service coverage)
 - Operating Income
 - Establish Reserves, work capital needs, and fund depreciation
- Revenue Requirements
- Cost of Service Analysis
- Course of Action



EXHIBIT B

Agenda Item 7.2

Tonight's Proposed Course of Action

- Termination of all previously adopted electric utility tariffs, charges, general provisions, and rate riders effective January 1, 2022.
- Authorization for electric utility rate increase in residential service rates in two increments.
- Authorize revisions and additions to other electric utility tariffs and charges.
- Authorize revisions and changes to general provisions and riders that are universal across all electric utility rate tariffs.
- Authorize staff to make the changes in the utility billing system software and billing statement reproductions or to take such actions deemed necessary or useful to implement the changes in electric utility charges.

Background Information

- Last rate increase was May 2013
- Revenue neutral rate design change in October 2018
 - Removed tiered rates for residential and implemented a flat rate design
 - Changed from low-income rate design to low-income discount (flat dollar)
 - Several other Proposition 26 administrative changes
- Implemented Distributed Self-Generation tariff in March 2019
 - Suspended the Net Energy Metering tariff after achieving State mandated NEM cap and sunset the program
- Cost of Service Analysis (Borismetrics, Los Angeles, California)
 - Fiscal Year-end 2019 (Electric Ad-hoc Committee)
 - Fiscal Year-end 2020 (Budget and Finance Committee)

EXHIBIT B

Agenda Item 7.2

What is a Cost-of-Service Analysis?

- Identifies Revenue Requirements
- Functionalizes Services
 - Generation
 - Transmission
 - Distribution
 - Metering, billing, administering, working capital, and reserves
- Allocates expenditures per class of revenue
 - Energy (kWh)
 - Capacity (kW)
 - Coincident with System Peak (CP)
 - Non-coincident with Peak (NCP)
- Provides Findings
 - FYE 2019
 - Revenue requirements were met
 - Slight imbalance between classes of revenue
 - No action recommended by staff and the Electric Ad-hoc Committee
 - FYE 2020
 - Revenue requirements were met
 - Notable imbalance between classes of revenue
 - Action recommended by staff and the Budget and Finance Committee



Major impacts on Cost of Service

- Reduction in Cap-and-Trade revenues and the overabundance in utility scale solar impacting generation expenses
 - Resource Adequacy (RA) Requirements (115% of needs)
 - 50% Natural Gas
 - 25% Imports from out-of-state
- Significant changes and increases in transmission expenses
 - Wildfire Mitigation Investments
 - Public Safety Power Shut-offs
 - SCE WDAT contract increases
 - \$1.2 million increase in September 2017
 - \$222k accumulating increase every year September 2018 – August 2026
- Modernizing Banning Electric Utility's Substations
 - System automation
 - Impacts reserves
- General Fund Transfer
 - Transfers were eliminated and funds were used to cover loss of Cap-and-Trade revenues and increased RA costs
- Roof-top Solar has reduced our annual revenues nearly \$600k annually

EXHIBIT B

Agenda Item 7.2

COSA Results

New Analysis FY2020 20210518								
Scenario		Overall	Residential	Small Commercial	Medium Commercial	Lights	TOU	Wells
CP	Current Rates	\$0.187	\$0.184	\$0.209	\$0.205	\$0.156	\$0.154	\$0.158
CP	COSA Rates	\$0.185	\$0.203	\$0.175	\$0.177	\$0.192	\$0.133	\$0.156
Rate change + increase; - Decrease		-0.9%	10.0%	-16.2%	-14.1%	23.1%	-13.7%	-1.7%
kWh	Current Rates	\$0.187	\$0.184	\$0.209	\$0.205	\$0.156	\$0.154	\$0.158
kWh	COSA Rates	\$0.185	\$0.192	\$0.179	\$0.179	\$0.233	\$0.165	\$0.174
Rate change + increase; - Decrease		-0.9%	4.1%	-14.3%	-13.0%	48.8%	7.0%	10.1%
		Ave	7.1%	-15.3%	-13.6%	35.9%	-3.4%	4.2%

- COSA Results based on May 2021 Updated FY2020 #s
 - Residential Increase; Commercial Decrease
 - Lights need large increase
 - Fixed Cost Customer/Distribution 29% to 39% of total



Residential Service

Current Residential Service:

Basic Service Charge \$18.00
 All Energy per kW \$0.15232
Average Customer is 509 kWh

Monthly bill is \$95.53
 Public Benefit is 2.85%
 Total Bill is \$98.25

January 1, 2022 (Increase of 3.49%)

Basic Service Charge \$25.00
 All Energy per kW \$0.14520
Average Customer is 509 kWh

Monthly bill is \$98.91
 Public Benefit is 2.85%
 Total Bill is \$101.73

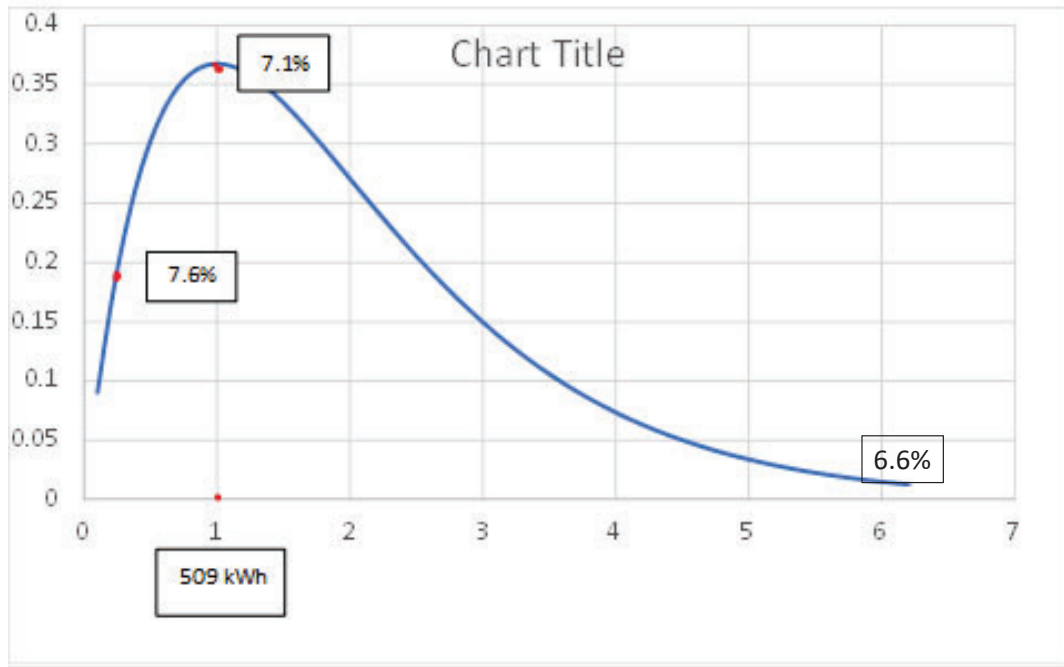
January 1, 2023 (Increase of 3.60%)

Basic Service Charge \$30.00
 All Energy per kW \$0.14210
Average Customer is 509 kWh

Monthly bill is \$102.33
 Public Benefit is 2.85%
 Total Bill is \$105.25

EXHIBIT B

Agenda Item 7.2



City of Banning Electric Utility (BEU)
Electric Tariff
Resolution 2021-102

Residential Service
RS-1

Rate Schedule: Residential Service (RS-1)

Rate Designation: Single-phase electrical service for residential, single family, accessory dwelling units, or mobile home, as primary residences; alternately a building of multiple occupancy which shares common walls and/or floors and ceilings with other single-family dwellings.

Class of Service: 120/240 volts, single-phase, three wire, alternating current, 60 Hertz per second, not to exceed a 400-amp service panel; alternately 120/208volts for multiple occupancy single-family dwellings.

Service Area: All areas within the City's assigned area of service.

Availability: Applicable for single-phase service through a single meter to a customer using BEU's standard service based upon service availability at a proposed location, the size of the load, and the operating characteristics of the customer's equipment.

BEU reserves the right to limit the capacity of any single-phase service when, in its judgment, such service will impair the service to other customers, or such service shall exceed the capacity of BEU's facilities.

Service hereunder is subject to the provision of BEU's Electric Service Standards, Rules and Regulations, this tariff, and the terms of the Application for electric service.

Monthly Rate:

Effective: January 1, 2022
Basic Service Charge \$25.00 per meter per month
Energy Charge – all kWh \$0.1452 per kWh

Effective: January 1, 2023
Basic Service Charge \$30.00 per meter per month
Energy Charge – all kWh \$0.1421 per kWh

Minimum Charge: The minimum charge per billing cycle will be the Basic Service Charge.

Billing: The bill is the amount computed when applying the above rates to the number of kWhs consumed plus a power cost adjustment factor and all other applicable riders and fees per the tariff. Bills are rendered on a cycle basis, on or about the same day of every month. The bill is due upon receipt and becomes delinquent 20 days after the billing cycle date.

Energy Taxes and Surcharges: All applicable local, county, state, and federal taxes or surcharges or franchise fees may be included in the above rates or may be added to the rates.

Issued: October 26, 2024
Issued by: Thomas A. Miller

Effective: January 1, 2022
Title: Electric Utility Director

City of Banning Electric Utility (BEU)
Electric Tariff
Resolution 2021-102

Residential Service
RS-1

Applicable Riders: Power Cost Adjustment Factor, Public Benefits, Low-income Discount, Medical Discount, Net Energy Metering Surplus Production, Distributed Self-Generation Buy-back, and Power Factor Correction charges.

Issued: October 26, 2024
Issued by: Thomas A. Miller

Effective: January 1, 2022
Title: Electric Utility Director

EXHIBIT B

Agenda Item 7.2

Other Rate Changes

- General Service Single Phase Service less than 50 kVA capacity (Decrease of 15.2%) (Commercial Lighting Service)
- Small Service Multi-phase Service less than 50 kVA capacity (Decrease of 15.2%)
- Interruptible Well Service (Increase of 4.3%)
- Medium Commercial Service greater than 50 kVA but smaller than 500 kVA capacity (Decrease of 13.6%)
- Industrial Service greater than 500 kVA capacity (Decrease of 3.4%)
- Security Lighting Service (Increase of 36%)
- Street Lighting Service (Increase of 116%)

General Provisions and Rate Riders

- Power Factor Correction <90% PF (revised to a kVA charge of \$1.90/kVA)
- **Power Cost Adjustment (new charge – base of \$0.1148/kWh)**
- Low-income Discount (Increase discount to \$32.50/meter/month)
- Medical Discount (no change)
- Distributed Self-Generation (no change)
- Net Energy Metering (no change – phasing out)
- Economic Development Discount (no change)
- Electric Vehicle Charging (procedural clarification)
- Master Metered Mobile Home Parks (procedural clarification)
- Public Benefit Charge (no change – 2.85% of gross revenue)

EXHIBIT B

Agenda Item 7.2

	Current Average		Proposed		New Average		Includes
Revenue Class	Monthly Bill		Rate Adjustment		Monthly Bill		Public Benefits
Residential 2022	\$ 98.25		\$ 3.48		\$ 101.73		3.54%
Residential 2023	\$ 101.73		\$ 3.52		\$ 105.25		3.46%
Small Commercial	\$ 231.00		\$ (35.20)		\$ 195.80		-15.24%
Interruptible Wells	\$ 6,714.59		\$ 290.40		\$ 7,004.99		4.32%
Medium Commercial	\$ 3,310.40		\$ (448.93)		\$ 2,861.47		-13.56%
Large Industrial	\$ 26,285.45		\$ (887.81)		\$ 25,397.64		-3.38%
	Current Average		Proposed		New Annual		Includes
Revenue Class	Monthly Bill		Rate Adjustment		Revenues		Public Benefits
Security Lighting	\$ 21,043.00		\$ 7,569.00		\$ 28,612.00		35.97%
Street Lighting	\$ 155,820.00		\$ 181,434.00		\$ 337,254.00		116.44%

Tonight's Proposed Course of Action

- Termination of all previously adopted electric utility tariffs, charges, general provisions, and rate riders effective January 1, 2022.
- Authorization for electric utility rate increase in residential service rates in two increments.
- Authorize revisions and additions to other electric utility tariffs and charges.
- Authorize revisions and changes to general provisions and riders that are universal across all electric utility rate tariffs.
- Authorize staff to make the changes in the utility billing system software and billing statement reproductions or to take such actions deemed necessary or useful to implement the changes in electric utility charges.

EXHIBIT B

Agenda Item 7.2

City of Banning Electric Utility (BEU)
Electric Tariff
Resolution 2021-102

Residential Service
RS-1

Rate Schedule: Residential Service (RS-1)

Rate Designation: Single-phase electrical service for residential, single family, accessory dwelling units, or mobile home, as primary residences; alternately a building of multiple occupancy which shares common walls and/or floors and ceilings with other single-family dwellings.

Class of Service: 120/240 volts, single-phase, three wire, alternating current, 60 Hertz per second, not to exceed a 400-amp service panel; alternately 120/208volts for multiple occupancy single-family dwellings.

Service Area: All areas within the City's assigned area of service.

Availability: Applicable for single-phase service through a single meter to a customer using BEU's standard service based upon service availability at a proposed location, the size of the load, and the operating characteristics of the customer's equipment.

BEU reserves the right to limit the capacity of any single-phase service when, in its judgment, such service will impair the service to other customers, or such service shall exceed the capacity of BEU's facilities.

Service hereunder is subject to the provision of BEU's Electric Service Standards, Rules and Regulations, this tariff, and the terms of the Application for electric service.

Monthly Rate:

Effective: January 1, 2022

Basic Service Charge	\$25.00 per meter per month
Energy Charge – all kWh	\$0.1452 per kWh

Effective: January 1, 2023

Basic Service Charge	\$30.00 per meter per month
Energy Charge – all kWh	\$0.1421 per kWh

Minimum Charge: The minimum charge per billing cycle will be the Basic Service Charge.

Billing: The bill is the amount computed when applying the above rates to the number of kWhs consumed plus a power cost adjustment factor and all other applicable riders and fees per the tariff. Bills are rendered on a cycle basis, on or about the same day of every month. The bill is due upon receipt and becomes delinquent 20 days after the billing cycle date.

Energy Taxes and Surcharges: All applicable local, county, state, and federal taxes or surcharges or franchise fees may be included in the above rates or may be added to the rates.

Issued: October 26, 2021
Issued by: Thomas A. Miller

Effective: January 1, 2022
Title: Electric Utility Director

City of Banning Electric Utility (BEU)
Electric Tariff
Resolution 2021-102

Residential Service
RS-1

Applicable Riders: Power Cost Adjustment Factor, Public Benefits, Low-income Discount, Medical Discount, Net Energy Metering Surplus Production, Distributed Self-Generation Buy-back, and Power Factor Correction charges.

Issued: October 26, 2021
Issued by: Thomas A. Miller

Effective: January 1, 2022
Title: Electric Utility Director



Questions?

EXHIBIT C

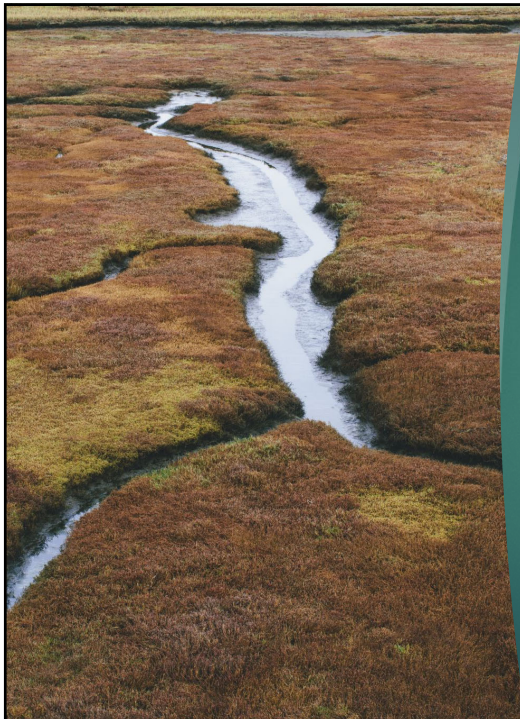
Agenda Item 7.3

Ordinance 1578: Amending Section 13.16.020, Restricting Water Use During Water Supply Emergencies

10/26/2021



1



URBAN WATER MANAGEMENT PLAN (UWMP)

- ▶ Urban Water Management Planning, established in 1983 and codified in the California Water Code, requires that water agencies that serve more than 3,000 customers, update their UWMP every 5 Years.
- ▶ UWMP is a long-range planning document for water supply and a source of information for Water Supply Assessments (SB 610) and Written Verifications of Water Supply.
- ▶ The 2020 UWMP was adopted on June 8, 2021.

2

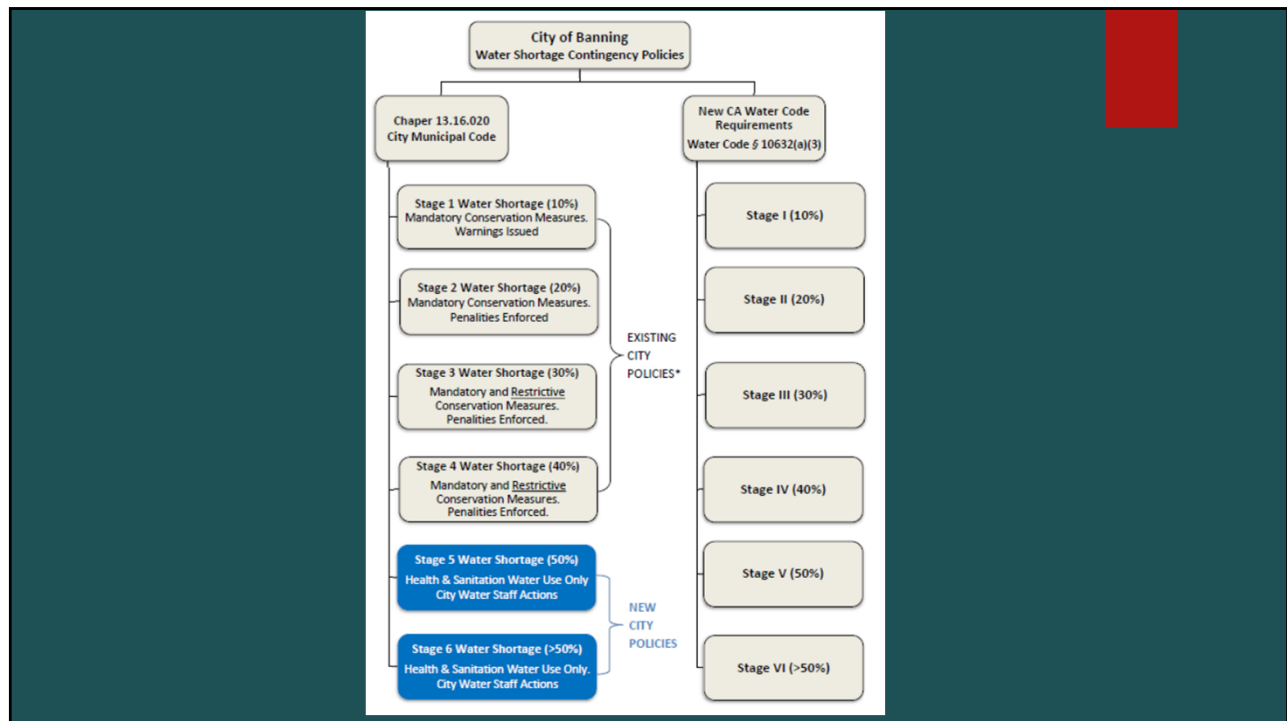
EXHIBIT C

Agenda Item 7.3

WATER SHORTAGE CONTINGENCY PLAN (WSCP)

- ▶ WSCP is a required component of the City's UWMP.
- ▶ Provides guidance on stages of action to be undertaken by the City in response to water supply shortages.
- ▶ The WSCP is an independent document that has been incorporated into the City's 2020 UWMP.
- ▶ As a result of recent droughts, several changes were made to the Water Code in 2018 which affect WSCPs:
 - ▶ CWC § 10632: WSCPs must include six (6) standard stages, including a shortage of greater than 50 percent of "normal" water supply.
- ▶ Prior WSCP only had four (4) stages

3



4

EXHIBIT C

Agenda Item 7.3

ORDINANCE 1578

- ▶ Revises Chapter 13.16.020 of the BMC to reflect the new WSCP as included in the 2020 UWMP.
- ▶ Restates the penalties for non-compliance (no changes).



5


Thank you!
Questions/Comments



6

EXHIBIT D

Agenda Item 7.4



INCORPORATED 1913
BANNING
ENDLESS OPPORTUNITY
PARKS & RECREATION


Ordinance 1566 - Parks Rules Revisions

Banning City Council - October 26, 2021

1

Ordinance 1566 - Background

- Full Review Existing Park Rules - Title 12
- Parks and Recreation Commission review
 - Multiple Meetings over the last year and a half
- List Serve to California Cities
 - Compared park rules and regulations in other Cities.
- Review from City's Insurance Authority
 - Reviewed proposed changes and comparison of other cities in their network



INCORPORATED 1913
BANNING
ENDLESS OPPORTUNITY
PARKS & RECREATION

2

EXHIBIT D

Agenda Item 7.4

Proposed Changes to Chapters 12.36.120 & 12.36.130

- Proposed Modifications to Chapter 12.36.120 (Hours of Park Operations)
- Proposed Modifications to Chapter 12.36.130 (Regulations for Park Use)



3

Proposed Changes to Chapter 12.36.120

- Current Park hours - Sunset to Sunrise
 - Exceptions - Sports on lit courts and fields and authorized events
- Proposed Modifications -
 - Subsection A- remove baseball diamonds and replace with properly lit ballfields
- Proposed Addition -
 - Subsection C - Park patrons walking on properly lit walking paths in parks.



4

EXHIBIT D

Agenda Item 7.4

Proposed Changes to Chapter 12.36.130

- Modifications to Subsections E
 - Subsection E - Existing - No person shall sell or offer for sale any goods, merchandise or articles unless a special permit is granted pursuant to the provisions in this chapter.
 - Addition of- “services” as follows:
 - No person shall sell or offer for sale any goods, merchandise, services or articles unless a special permit is granted pursuant to the provisions in this chapter.



5

Proposed Changes to Chapter 12.36.130 - continued

- Subsection F - Existing - No person shall bring or permit in any park any horses, dogs (except seeing eye dogs) cats, or any other animal except such animals which are brought for purposes of exhibition pursuant to a special permit in a designated area.
- Replace Subsection F as follows
 - F. **Prohibition of Animals in Parks.** No person shall cause, permit, or allow any animal owned or possessed by him or her, or any animal in the custody or control of such person, to be present in any park except:
 1. Equine animals being led or ridden under reasonable control upon a bridle path, trail or park area authorized and provided for such purpose;
 2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;
 3. Dogs or cats when caged, or when led by a cord, leash or chain not more than six feet long, or when confined within the interior of a vehicle;
 4. Service animals which have been specially trained to do work or perform tasks for an individual with a disability.



6

EXHIBIT D

Agenda Item 7.4

Proposed Changes to Chapter 12.36.130 - Additions of Subsections - G through O

- Additions of Subsection G
 - **Permit to Gather** - No Person, company, society, organization, gathering group of more than twenty-five persons shall hold or conduct any picnic, celebration, parade, event, gathering, assembly or meeting in any park within the City of Banning without first obtaining a written permit to do so by the Parks and Recreation Department, and no person shall attend, take part in or be a participant in any such picnic, celebration, parade, exercise, gathering, assembly or meeting in a park unless the permission has been first obtained.



7

Proposed Changes to Chapter 12.36.130 - Additions of Subsections - G through O

- Additions of Subsection H
 - **Amplified Sound in City Parks**
 - This sections regulates the use of amplified sound in parks and requires authorization from the Parks and Recreation Department.
 - Mitigates impact to others in parks



8

EXHIBIT D

Agenda Item 7.4

Proposed Changes to Chapter 12.36.130 - Additions of Subsections - G through O

- Additions of Subsections I, J & K
 - I - No person shall interfere with the use of any scheduled group or activity that has received a permit from the City for use of said park.
 - J - Except as authorized in writing by the director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter in any park.
 - K. Use or Sale of Narcotics and Illegal Drugs in Parks
No person shall enter, be in or remain in any park owned, operated or controlled by the City, while in possession of transporting, purchasing, selling, giving away or consuming and narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.



9

Proposed Changes to Chapter 12.36.130 - Additions of Subsections - G through O

- Additions of Subsections L
 - L - No person shall make fires in any places other than barbeques or fire pits either provided within City parks or within personal barbeques adhering to the following:
 1. Barbeques must be a minimum of 6" off the ground;
 2. Barbeques cannot be within 25 feet of a playground;
 3. Barbeques cannot be left unattended;
 4. All grease, coals and debris must be properly disposed of in the proper receptacle or removed from the park upon exit.



10

EXHIBIT D

Agenda Item 7.4

Proposed Changes to Chapter 12.36.130 - Additions of Subsections - G through O

- Additions of Subsections M, N & O
 - M - No person shall wound or catch or attempt to catch any bird or animal.
 - N - No person shall loiter at or about any bathroom facility open to the public.
 - O. No person shall bring into a city park an inflatable bounce house, without first completing a facility use application and providing the proper insurance and indemnification information .



11

Summary

- Proper Notice in the Record Gazette
- Questions of Staff
- Recommended Action:
 - Waive reading of Ordinance in its entirety and Introduce Ordinance 1566 by title only.
 - Find that the Ordinance is exempt under CEQA
- If approved, second reading to take place at the November 9th meeting of the Banning City Council.



12

EXHIBIT E

Agenda Item 7.5



Ordinance 1579 Revising Parks and Recreation Commission Attendance Rules

Banning City Council - October 26, 2021

1

Ordinance 1579 - Background

- Cancellation of Parks and Recreation Meetings since January 2020 due to lack of quorum
- Cancellation of meetings of the Parks and Recreation Commission - Impacts
- Title 2 of the Banning Municipal Code - Chapter 2.40, Section 2.40.030 - If Commissioner misses six meetings in a Calendar year, considered resigned position.



2

EXHIBIT E

Agenda Item 7.5

Ordinance 1579 - Background

- Discussion at July 17, 2021 Special Meeting of the Banning City Council.
- The City Council recommended amending Chapter 2.40 to better reflect the time commitment requirements of the Commission



3

Proposed Changes to Chapter 2.40.030 - Appointment of Members

- Amend Subsection D to reduce the number of regular meetings a Commissioner can miss (Two) before they are considered to have resigned their position.
- Remove Subsection E - defines process of excusing meeting absences. No longer pertinent with amendment to subsection D.



4

EXHIBIT E

Agenda Item 7.5

Summary - Ordinance 1579

- Proper Notice in the Record Gazette
- Questions of Staff
- Recommended Action:
 - Waive reading of Ordinance in its entirety and Introduce Ordinance 1579 by title only.
 - Find that the Ordinance is exempt under CEQA
- If approved, second reading to take place at the November 9th meeting of the Banning City Council.



EXHIBIT F

Agenda Item 8.3

Resolution 2021-106: Agreement for Acquisition of Certain Real Property Interest (TTM 33540)

10/26/2021



1

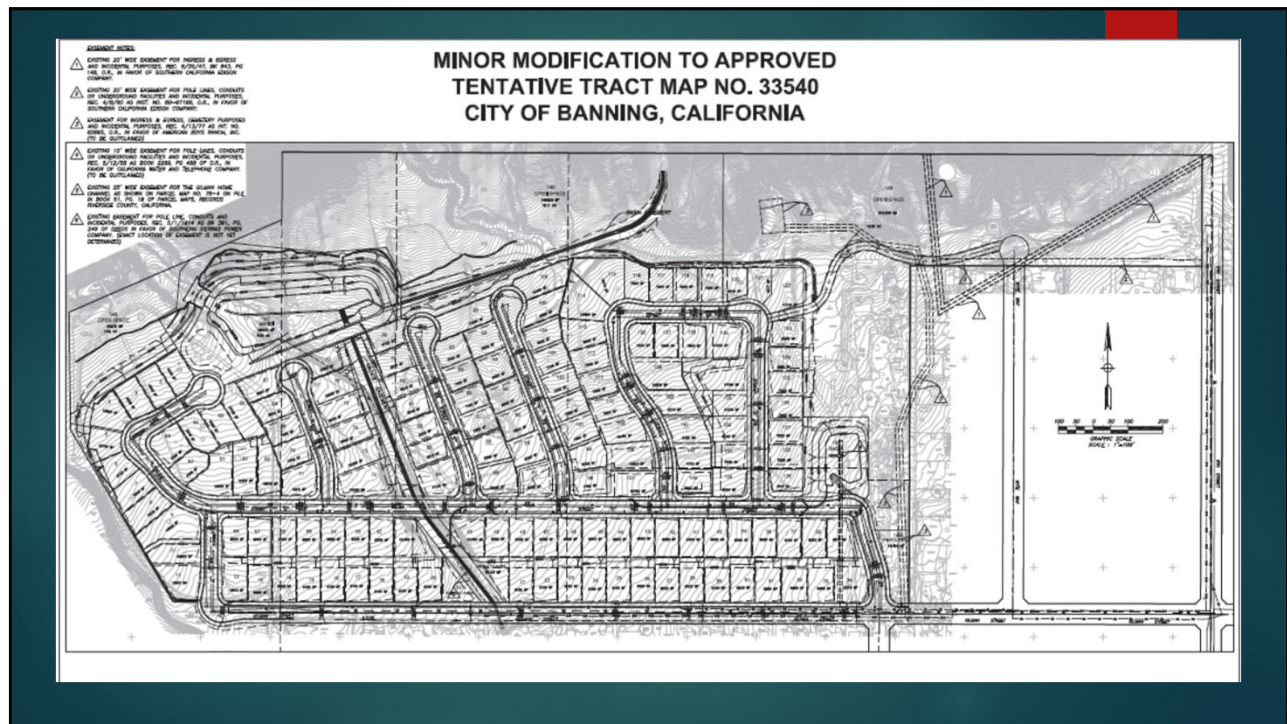
Tentative Tract Map 33540

- ▶ On September 26, 2006 Council adopted Resolution 2006-58 approving an MND in connection with TTM 33540
 - ▶ 65 acres, 172 residential lots, 3 open space lots, a flood control basin and streets.
- ▶ On December 11, 2018 Council adopted Resolution 2018-149 which included Design Review No. 18-7003 to revise the scope of TTM 33540
 - ▶ 143 residential lots, 3 open space lots, 2 detention basins and 1 HOA lot

2

EXHIBIT F

Agenda Item 8.3



3

Final COAs:

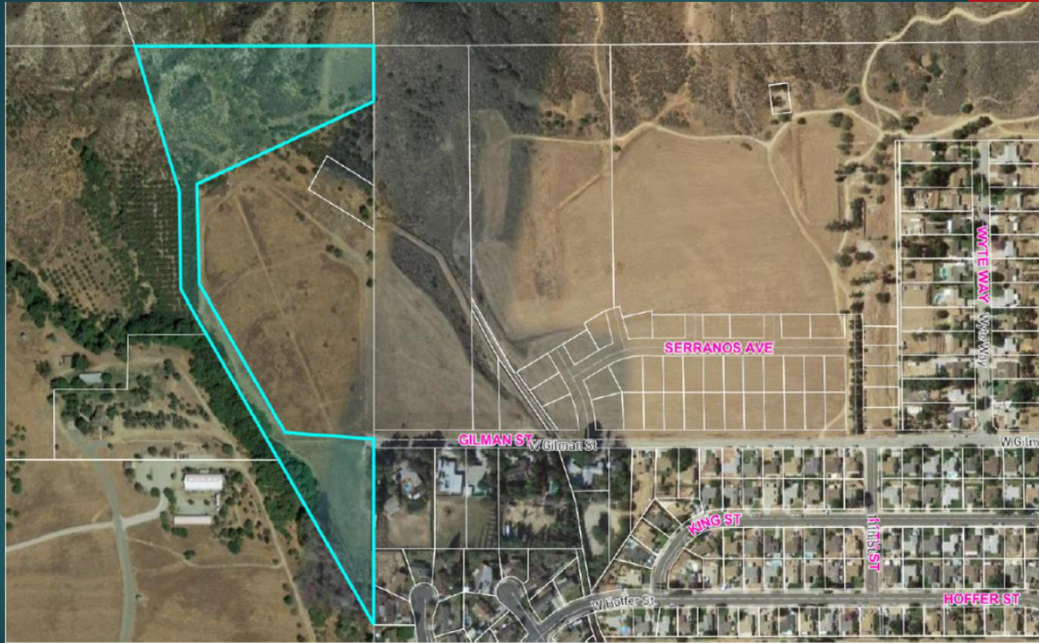
- Developer is required to "obtain right-of-way, or offer to dedicate for public purposes the necessary right-of-way to construct the knuckle at the westerly end of Gilman Street"
- The right-of-way is needed for traffic circulation, provide for a looped water system, sewer collection system and other utilities (i.e. electric, cable, telephone).



4

EXHIBIT F

Agenda Item 8.3



5

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 necessary property interests or right of way by eminent domain or such off-site improvement conditions will be waived.
- ▶ Compliance with the conditions of approval are necessary and should not be waived.

6

EXHIBIT F

Agenda Item 8.3

Agreement

- ▶ Outlines steps the City will follow to acquire the right-of-way and easements.
- ▶ Requires the City to keep the developer informed of the acquisition process and any eminent domain proceedings and to provide the developer the opportunity to review/comment on such process and proceedings.
- ▶ Requires developer to deposit the sum of \$35,000 for the City to use towards the acquisition costs. Developer must deposit additional funds to maintain a balance of \$35,000.

7

Recommendation

- ▶ Approve Agreement Pursuant to Government Code Section 66462.5 between Vintage-Stone Eagle, LLC and City of Banning for Acquisition of Certain Real Property Interests (TTM 33540) in Connection with Off-Site Improvements.



8