



AGENDA

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

November 9, 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 – Nathaniel Rodriguez of Infinite Center
- 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. Retiring Fire Staff	
3.2. Waste Management Recycling All Stars.....	7
3.3. Banning Distribution Center Update.....	9

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 to 6.14.**

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

6.1. Approval of Minutes from the October 26, 2021 City Council Meetings.....	24
6.2. Adopt City Council Resolution No. 2021-111, A Resolution of the City Council of the City of Banning, California, Authorizing Public Meetings of All City	

Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same.....	25
6.3. Bulky Item Community Clean-up Event Report.....	28
6.4. Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning...	30
6.5. Second 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.....	32
6.6. Second Reading 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.....	37
6.7. Second 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.....	41
6.8. Resolution 2021-113, Approving a Purchase Order with A-Z Bus Sales in the Amount of \$37,752.66, which includes a 10% contingency, for a Long Block Replacement on a Transit Bus.....	43
6.9. Consideration of Resolution 2021-108, Authorizing the Police Department to Apply for Federal Grants from the Federal Department of Homeland Security.....	45
6.10. Resolution 2021-92, Approving Fiscal Year 2022/2023 Community Development Block Grant Program Applications.....	47
6.11. Consideration of Resolution 2021-110, Granting Authority to Establish Subcommittees to Parks and Recreation Commission.....	49
6.12. Consider Authorizing the City Manager to enter into an Agreement with Zencycity.....	51
6.13. Resolution 2021-112, Approving the Third Amendment to Contract Services Agreement C00229 with Electric Power Systems International, Inc.....	53
6.14. Accept the Right-of-Way Dedication for 468 E. George Street (Assessor's Parcel Number 541-070-005) from Abraham Arias for Public Road and Utilities Purposes.....	56

7. PUBLIC HEARING(S)

Agenda Item 7.1, a Public Hearing related to the Redistricting Process, will begin at 6:00 p.m. or shortly thereafter in accordance with Government Code §21507.1 (d).

7.1. First Public Hearing to Receive Comments and Input on the Redistricting Process for the Potential Redrawing of Election District Boundaries.....	58
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(Staff Report: Kevin Ennis, City Attorney)

Recommendation: Staff recommends that the City Council: 1) Open the public hearing and accept public comments and input regarding “communities of interest” districts for the purpose of possibly redrawing election district boundaries and close the public hearing; and 2) Provide additional direction to staff, as appropriate.

7.2. Resolution 2021-109, recommending the City Council adopt a Negative Declaration and recommending approval of General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, to the City Council for final adoption..... **63**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Approve Resolution 2021-109, adopting the Initial Study/Negative Declaration prepared for the project and that the Negative Declaration satisfies the requirements of the California Environmental Quality Act (CEQA); and adopt General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element.

7.3. Adoption of Resolution 2021-93 Approving Updates to the City’s TUMF Program Fee Schedule..... **70**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Adoption of the attached Resolution 2021-93 adopting an updated and revised Fee Schedule for the City of Banning, Transportation Uniform Mitigation Fee (TUMF) Program.

8. REPORT OF OFFICERS

None

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. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Retail Marijuana (Happe)
6. Business-Friendly Zoning (Wallace)

11. ADJOURNMENT

Next Regular Meeting – December 14, 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 5:00 P.M. on the 4th day of November 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

CERTIFICATE OF RECOGNITION

PRESENTED TO

RUDY SORIANO



*The City Council of the City of Banning recognizes you
for your exemplary recycling efforts as part of
Waste Management's Recycling All Stars Program
by doing your part to **Recycle Often and Recycle Right**.*

**RECYCLING
ALL STARS**

Presented on this 9th day of November 2021

Colleen Wallace
Colleen Wallace, Mayor



City of Banning

CERTIFICATE OF RECOGNITION

PRESENTED TO

GUCCI AMERICA
OF BANNING, CALIFORNIA



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**RECYCLING
ALL STARS**

Presented on this 9th day of November 2021

Colleen Wallace
Colleen Wallace, Mayor

OVERVIEW

CITY OF BANNING



OUR TEAM





OUR PEOPLE



Our Team

A national team with deep local roots across key strategic markets



Employees

63



Our Offices

Seven offices across six states

WEST REGION DEVELOPMENT TEAM



Led by seasoned professionals with deep local roots



Dennis Rice
Executive VP – West Region

Dennis leads LPC's western development division and has been with the team for 21 years. He has more than 30 years of commercial real estate experience having worked at Heitman, Cushman and Wakefield and Ridge Management.



Joe Sandhu
Senior VP – West Region

Joe is responsible for all aspects of pre-construction, design and construction activities for new developments of logistics properties. Joe brings over 19 years of project management experience to Logistics Property Company (LPC).



Jack Massingill
Development Associate – West Region

Jack performs underwriting and provides development support for all Logistics Property Company (LPC) activities in the West Region. Prior to joining LPC, Jack interned at Eastdil Secured in Santa Monica, CA. and The Carson Companies in Newport Beach, CA.



Kathleen Bonesz
Senior VP – West Region

Kathleen is responsible for due diligence, entitlements, design and construction for new development and investment opportunities in the West Region. She manages all aspects of the development process. Kathleen has over 10 years of experience in real estate development



Mark Burkes
SVP, Project Management – West Region

Mark has more than 30 years' experience in real estate development. Mark holds a California Contractor's License (A & B), California Real Estate Brokers License, and is a LEED Accredited Professional.



Maria Peralta
Construction Accountant and Office Manager – West Region

Maria manages incoming communications, coordinates meetings and plays an integral part in day-to-day business transactions. With 20 years of experience, she is responsible for contracts of all development projects, maintains records, and manages construction draws.

OUR PROPERTIES



TARGET MARKETS

LPC has identified 12 primary target markets with strong demographics and significant in-place infrastructure

SUPPLY CONSTRAINED COASTAL MARKETS

- Underpinned by a strong economy
- Import / export focus
- Large population base
- Significant barriers to entry

STRATEGIC GROWTH MARKETS

- Regional center for industry
- Strong population and job growth
- Reduced labor costs
- Absorb spillover from mature markets



BANNING ONE

Banning, CA

STATUS

Under Construction

MARKET

Inland Empire

SIZE

1,000,000 sf

SPECS

40' clear
Cross dock
4 drive-in doors
303 auto parking spaces
326 trailer parking spaces
182 dock high doors
60' to first column line loading bay
ESFR (with diesel fire pump)
56' x 50' column spacing
60' speed bays



BANNING ONE

2600 East John Street, Banning, CA 92220



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Managing Director

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PROPERTY
CO

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ENVIRONMENTAL, SOCIAL & GOVERNANCE (ESG)



OUR PROGRAMS

VALUES

LPC's sustainability objectives are underpinned by our DNA: expertise, diligence and value

COMMUNITY

Fostering a supportive environment based on listening, education, and action. Focused on respect for the rights, differences, and dignity of others

COMPLIANCE

Maintaining a strong and regimented program for health, safety, and environmental (HSE) regulations and risk reduction in the workplace

MOTIVATION

Provide perpetually modern facilities that are energy efficient and exceed market standards

GOVERNANCE

The LPC Board works closely with the LPC ESG Committee and senior leadership team to provide oversight and maintenance of consistent expectations and performance

Introducing our pathway to CLEARER HEIGHTS

Logistics Property Company, LLC (LPC)'s mission is to be the leader in industrial real estate promoting disciplined investment to ensure optimal outcomes for our people, our community, and our environment.

We are strategically engaged in Environmental, Social and Governance (ESG) as well as Equity, Diversity and Inclusion (EDI), not only because it is the right thing to do, but also because it lowers the cost of occupancy for our tenants.

To efficiently manage our programs, LPC established the following internal working groups:

1. LPC ESG Committee
2. LPC Community Engagement Committee
3. LPC Women's Leadership Forum
4. LPC Post-Pandemic Recovery Task Force

LPC's inaugural ESG Report offers a snapshot of our activities to date. It also provides a solid foundation for the building blocks of much more to come as we continue to embrace CLEARER HEIGHTS—literally across our growing portfolio of logistics properties, and figuratively across our corporate management philosophies.



About Logistics Property Company, LLC

LPC is an industrial real estate company focused on the acquisition, development and management of modern logistics properties in key North American markets. The management team of LPC partnered with MIRA Real Estate – part of Macquarie Infrastructure and Real Assets (MIRA) – on the formation of the platform. LPC is developing properties in key logistics markets including Atlanta, Chicago, Dallas, Houston, Kenosha, Mount Pocono, Philadelphia, Newark, New Jersey and Seattle-Tacoma with an estimated end value of more than \$2 billion. Headquartered in Chicago, LPC has offices in Atlanta, Baltimore-Washington, Dallas, Houston, Los Angeles, and Seattle. For further information, please visit logisticspropco.com and follow [@logisticspropco](https://twitter.com/logisticspropco).



About MIRA Real Estate

MIRA Real Estate is a global real estate manager and investor with an extensive network and capability across listed and unlisted funds, asset management, real estate platform and direct investment and private capital markets transactions services. MIRA Real Estate has a global network of over 210 people in 24 markets and, as at March 31, 2020, managed assets of over \$17 billion across a portfolio of more than 500 office, logistics, retail and residential assets.

MIRA Real Estate is part of Macquarie Infrastructure and Real Assets (MIRA), one of the world's leading alternative asset managers. As March 31, 2020, MIRA managed \$132 billion in assets, including; over 150 portfolio businesses, approximately 500 properties and 4.8 million hectares of farmland. For further information, please visit MIRAfunds.com.



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: November 9, 2021

SUBJECT: Minutes of the October 26, 2021 City Council Meetings

RECOMMENDATION:

Approve the Minutes of the October 26, 2021 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the October 26, 2021 Special City Council Meeting
https://banningca.gov/DocumentCenter/View/9658/2021-10-26_Minutes_Special-Meeting
2. Minutes of the October 26, 2021 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/9659/2021-10-26_Minutes-Regular-Meeting

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Kevin Ennis, City Attorney

MEETING DATE: November 9, 2021

SUBJECT: Adopt City Council Resolution No. 2021-111, A Resolution of the City Council of the City of Banning, California, Authorizing Public Meetings of All City Legislative Bodies to be Held with a Teleconference Option for Members of those Bodies and the Public Pursuant to Government Code Section 54953(e), and Making Findings and Determinations Regarding the Same

RECOMMENDATION:

Staff recommends that the City Council adopt proposed City Council Resolution No. 2021-111, a Resolution of the City Council of the City of Banning, California, authorizing the public meetings of all City legislative bodies to be held with a teleconference option for members of those bodies and the public pursuant to Government Code Section 54953(e), and making findings and determinations regarding the same (**Attachment 1**).

BACKGROUND:

On March 17, 2020, near the beginning of the COVID-19 pandemic, Governor Newsom issued Executive Order ("EO") N-29-20 that "relaxed" the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. The City Council and City's Planning and Parks and Recreation Commissions have met remotely throughout the pandemic to protect the health and safety of the public, staff, and commissioners. The relaxed Brown Act rules expired on September 30, 2021.

In its place, the Legislature passed Assembly Bill ("AB") 361, which became effective October 1, 2021. Under AB 361, the Brown Act now provides that a Brown Act body, such as the City Council or a City Commission, that wants to continue to allow remote teleconference attendance by one or more its members may do so only if the Brown Act body makes one of three potential findings: (1) that it is meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measure to promote social distancing; (2) the Brown Act body determines by majority vote that, whether as a result of the emergency, meeting in person would present an imminent risk to the health or safety of attendees; or (3) that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires

that the City Council review these requirements every 30 days, to determine whether in person meetings of the City Council and other City Commissions would present imminent risks to the health and safety of attendees. See **Attachment No. 2** for the relevant text of AB 361 on this subject (Government Code Section 54953(e)).

On October 26, 2021, the City Council directed staff to follow AB 361's procedures and prepare the required findings for the Council's consideration to permit remote attendance by members of the City Council and all other legislative bodies of the City, along with continuing to permit members of the public to attend by remote teleconference (currently Zoom). In response to the Council's direction, City staff has prepared proposed City Council Resolution No. 2021-111 for the Council's consideration and adoption. Proposed Resolution No. 2021-111 makes the findings required by AB 361 that City's legislative bodies continue to hold meetings during the COVID-19 pandemic, and state and local officials have imposed or recommend measures to promote social distancing.

Should the City Council adopt proposed City Council Resolution No. 2021-111, the City need to follow certain procedures for its meetings. Those certain procedures required by AB 361 include the following:

- The City cannot require public comments to be submitted in advance of the meeting.
- Agencies may not close a public comment period until members of the public are given the opportunity to register and the time for that comment period has elapsed, whether it is for a specific agenda item or a general comment period. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to register or "otherwise be recognized for the purpose of providing public comment.
- In the event of a disruption that prevents the City from broadcasting the remote meeting, or in the event of a disruption within the City's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

FISCAL IMPACT:

There is no significant financial effect to the City for invoking the procedures under AB 361. If the City chooses to comply with the provisions of AB 361 to allow remote attendance of City Council or members of other legislative bodies of the City, some staff time and cost will be incurred in preparing agenda items to make monthly findings as to the need for the continued remote attendance by members. The City will continue to incur some cost by using Zoom at meetings for public attendance.

November 9, 2021

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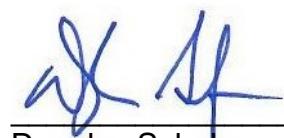
ALTERNATIVES:

1. Adopt Resolution No. 2021-111.
2. Not adopt the Resolution and require all in-person attendance by members of City legislative bodies but with the exception that allows the Planning Commission to adopt the findings to validate remote attendance by one member at a prior meeting of that Commission.

ATTACHMENTS:

1. Resolution 2021-111
<https://banningca.gov/DocumentCenter/View/9695/Att-1-Resolution-No-2021-111-AB-361>
2. Relevant Provisions of AB 361 (Government Code Section 54953(e))
<https://banningca.gov/DocumentCenter/View/9694/Att-2-AB361-Relevant-Provisions>

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
Edith Garcia, Solid Waste Program Coordinator

MEETING DATE: November 9, 2021

SUBJECT: Bulky Item Community Clean-up Event Report

RECOMMENDATION:

This is informational only; receive and file report.

BACKGROUND:

This year the City of Banning partnered with Waste Management and provided its residents two free community clean-up events. These events are held at Dysart Park and offer residents the opportunity to dispose of unwanted items including, but not limited to, appliances, mattresses, green waste, e-waste and so forth. This event also offers residents the opportunity to have paper shredded and household batteries collected.

The latest event, held on Saturday, October 9, 2021, welcomed 502 vehicles. An accumulation of 36.76 tons of municipal solid waste, 6.21 tons of green waste, 14.8 tons of white goods/metal, 3.3 tons of e-waste and 0.67 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 61.74 tons of waste of which 24.98 tons were successfully diverted from the landfill. The overall tonnage collected equates to Waste Management servicing approximately 3087 homes. In addition, shredding services that were provided amounted to the approximate collection and diversion of 3.3 tons of paper and two full barrels of household batteries or approximately 60 gallons.

The City's Bulky Item clean up events continue to be a success and provide a great service to our community. The events also aid in keeping the community clean through reducing the amount of waste that may otherwise be illegally dumped throughout our City and its rights-of-ways.

FISCAL IMPACT:

The material cost associated with producing the event was \$3,898.52, which funded the purchase of signs, banners, tables and chairs. The event is staffed by the Public Works

Staff Report: Bulky Item Community Clean-Up Event Report

November 9, 2021

Page **2** of **2**

Department, Refuse and Street Divisions. Staff time and material costs were funded by the Refuse fund.

ATTACHMENT:

1. Event Pictures

<https://banningca.gov/DocumentCenter/View/9685/Att-1-Event-Pictures>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Suzanne Cook, Finance Director

MEETING DATE: November 9, 2021

SUBJECT: Update on Cost Recovery Services for First Responder (EMS/Fire) Medical Billing Fees Collected by Wittman Enterprises LLC for the City of Banning

RECOMMENDATION:

Receive and file reports with updates on cost recovery services for first responder (EMS/Fire) medical billing fees collected by Wittman Enterprises LLC for the City of Banning

BACKGROUND:

On March 24, 2020, the City Council directed staff to return with a resolution to implement an Emergency Medical Services Billing Program Fee and Related Write Off Policy modeled after the Cities of Indian Wells, Rancho Mirage and Palm Desert. The emergency medical services billing program fee is paid by insurance. Insurance will be billed directly whenever possible. If insurance information isn't available, the statement will clearly indicate that the bill should be submitted to insurance for payment. No collection activities are proposed in the event a bill is not paid.

On May 26, 2020 City Council authorized the Agreement with Wittman Enterprises LLC to begin the Emergency Medical Services Billing Program which allows Wittman Enterprises LLC to bill medical insurance companies (at no cost to the public) for medical Fire/EMS response fees. This program is intended to recover costs and generate revenue for the city.

Staff will evaluate, on an annual basis, the services provided to the City by Wittman Enterprises LLC to confirm that it is appropriate to continue receiving said services.

On June 8, 2021 City Council authorized an amendment to the Contract with Wittman Enterprises for an additional one-year term, ending on June 30, 2022. Staff was directed to bring recurring updates on fees collected by Wittman for the City of Banning.

November 9, 20221

Page **2** of **2**

FISCAL IMPACT:

For Fiscal Year ended June 30, 2021 the City received a total of \$31,965.69 in payments.
For the 1st quarter of Fiscal Year 2022, the City has received \$9,311.38 in payments.

See attached account summary reports for more details.

ATTACHMENTS:

1. Account Summary FY 2021 7/1/2020 to 6/30/2021
<https://banningca.gov/DocumentCenter/View/9683/Att-1-Activity-Summary-FY-2021-7-1-2020-to-6-30-2021>
2. Account Summary FY 2022 1st Quarter 7/1/2021 to 9/30/2021
<https://banningca.gov/DocumentCenter/View/9684/Att-2-Activity-Summary-Fy-2022-1st-Qtr-7-1-2021-to-9-30-2021>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: November 9, 2021

SUBJECT: Second 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

RECOMMENDATION:

Staff recommends the City Council approves the second reading of the Ordinance amending Title 12 of the Banning Municipal Code pertaining to the rules and regulations in Banning Parks and finding the Ordinance exempt from CEQA under Section 15061(B)(3) of the CEQA guidelines.

BACKGROUND:

The City Council authorized the first reading and the Introduction of Ordinance 1566 at its regularly scheduled City Council meeting on October 26, 2021.

Over the last year and a half, the Parks and Recreation Commission and staff have been tasked with reviewing the established rules and regulations that govern Banning Parks. As part of the review process, staff consulted with the City's Insurance Authority as well as submitted inquiries through association list serves to aid in the full review of the park rules and regulations. After this thorough review, the Parks and Recreation Commission unanimously recommended the presented modifications and additions to Sections 12.36.120 (Hours of Park Operation) and Chapter 12.36.130 (Regulations for Park Use).

Modification to Chapter 12.36.120 – Hours of Park Operation.

The City has adopted by Ordinance the following rules and regulations for park use:

12.36.120 - Hours of Operation:

No person shall gather, loiter, wander or remain within any public park or park facility after sunset or before sunrise without a written permit from the City issued in accordance set forth, except as follows:

- A. Sports activities on lighted tennis courts, basketball courts or baseball diamonds;

- B. Events authorized by the City to occur during specified hours.

After review of this section, the recommended change to Chapter 12.36.120 – Hours of Operation, is to modify subsection A to remove baseball diamond and include any properly lit ballfield so that soccer fields, multi-use fields and subsequent future facilities will be exempt when in use and add an additional exception as subsection C that allows for park patrons to walk on lit walking paths as follows:

- C. Park patrons while walking on properly lit walking paths in parks.

Modification to Chapter 12.36.130 – Regulations for Park Use.

The City has adopted by Ordinance the following rules and regulations for park use:

12.36.130 - Regulations for Park Use:

The following regulations shall apply to all parks and park facilities in the City:

- A. No person shall cut, deface, remove or damage any tree, shrub, plant, turf, structure or building.
- B. No person shall indulge in any loud, boisterous or riotous conduct or activity.
- C. No person shall throw or deposit any bottle, can, broken glass, paper, rubbish, or waste material of any kind at any place except in containers placed for such purposes.
- D. No person shall drive or operate any vehicle, cycle or automobile on any area not designated for such purposes.
- E. No person shall sell any goods, merchandise or articles unless a special permit is granted pursuant to the provisions in this chapter.
- F. 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.

After review of the adopted rules and regulations in parks, the Parks and Recreation Commission recommended modifying subsection E and F to more accurately reflect existing park uses and adding sections G through O to prohibit or monitor activities that could negatively affect the City's parks or our park patrons.

Amend subsection E to add "services" as follows:

- E. No person, shall sell or offer for sale any goods, merchandise, services or articles unless a special event permit is granted pursuant to the provisions of this chapter or a specific concession or contract granted by the City.

This change prohibits commercial services from being offered in public parks without the City's knowledge and insurance and indemnification when necessary.

Since the existing code does not allow for patrons to bring domestic animals under owner controls into our parks the recommendation is to replace section F in its entirety 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.

Additionally, the parks and Recreation Commission recommended the additions of – subsections G – O to control, monitor or prohibit activities that could negatively affect our parks or park patrons:

G. Permit to Gather - No person, company, society, organization, gathering or 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 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 first been obtained.

H. Amplified Sound in City Parks

1. The intent of this section is to reasonably regulate the use of parks within the City in such a manner that various groups may enjoy such parks without unduly interfering with or creating conflicts with other groups, and to insure that if public address systems, amplified instruments or percussion instruments are used within the parks, that they shall be used in such place and manner that they will not unduly interfere with or be an annoyance to other groups or individual people who may be using the parks at the same time or to the surrounding neighborhood.
2. Public address systems, acoustical instruments, and/or electrically amplified instruments are prohibited unless the City Manager or his

designee finds the amplification meets the criteria stated in paragraph (a) above, and the amplification use is approved in writing by and in the sole discretion of the City Manager or his designee.

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 of any kind within a park.

K. Use or Sale of Narcotics and Illegal Drugs in Parks.

1. 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 any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

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.

M. No person shall wound, kill 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.

JUSTIFICATION:

The change of the Banning Municipal Code will better ensure that Banning Parks allow for safe and enjoyable use of Banning's parks by our patrons.

FISCAL IMPACT:

There is minimal Fiscal Impact associated with this change of the Banning Municipal Code to effect these changes. New signage will be needed throughout the parks system

reflecting the changes. However, these signs are in need of replacement and the cost of replacement is included in the FY 2021-22 adopted budget.

ALTERNATIVES:

1. Adopt Ordinance 1566.
2. Reject Ordinance 1566.

ATTACHMENTS:

1. Ordinance 1566
<https://banningca.gov/DocumentCenter/View/9689/Att-1-Ordinance-1566---Park-Rules>
2. Public Notice
<https://banningca.gov/DocumentCenter/View/9688/Att-2-Public-Notice-Affidavit---Ordinance-1566>

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: November 9, 2021

SUBJECT: Second Reading 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

RECOMMENDATION:

Staff recommends Council waive full reading and introduce, as read by title only, Ordinance 1578, An Ordinance of the City of Banning, California, 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 Making a Determination of Exemption Under CEQA. If approved, a second reading will be scheduled and considered by Council on November 9, 2021. Adoption of Ordinance 1578 requires a two-thirds vote of the City Council.

BACKGROUND:

In accordance with the Urban Water Management Planning Act of 1983, as amended ("UWMPA"), all "urban water agencies" that either provide over 3,000 acre-feet of water annually for municipal purposes or serve more than 3,000 customers are required to assess the reliability of their water sources over a 20-year planning horizon. The assessment must consider normal and dry years, and estimate future water demands.

The City is an Urban Water Supplier with a water service area that includes the jurisdictional limits of the City of Banning and portions of the County of Riverside just south of the City's boundaries. The City has complied with California state law as set forth in the UWMPA by preparing and submitting an Urban Water Management Plan ("UWMP") in 1998 with updates occurring in 2005, 2010, 2015, and 2020.

On June 8, 2021, in keeping with the guidelines, the City Council approved the City's latest 2020 update to the UWMP. As part of the 2020 UWMP update, the Council adopted a Water Shortage Contingency Plan, which considers extended droughts of up to five-years and incorporates six stages of responses that address water supply reliability.

As a result of the 2020 UWMP update, it is necessary to amend and restate BMC Chapter 13.16.020 entitled "Restricting Water Use During Water Supply Emergencies." Like the updated UWMP, the proposed update to BMC Section 13.16.020 will implement a phased in approach to address various levels and stages of water shortages.

In summary, the proposed ordinance imposes six stages of response actions based on the severity of the City's water supply shortage. The existing provisions within BMC Section 13.16.020 only imposes four stages of response actions. The six stages are based on the Department of Water Resources' criteria as shown below. The first four stages regulate both customer and City Water Department staff responses to shortages. Stages 5 and 6 only regulate City Water Department staff response efforts.

Shortage Stage	Restriction Type	Water Supply Reduction Target
Stage 1	Mandatory	<10%
Stage 2	Mandatory	10-20%
Stage 3	Mandatory	20-30%
Stage 4	Mandatory	30-40%
Stage 5	Mandatory	40-50%
Stage 6	Mandatory	>50%

Each stage has a specific list of restrictions as identified in the proposed Ordinance 1578.

The first reading of Ordinance 1578 was considered and approved for a second reading by City Council on October 26, 2021.

JUSTIFICATION:

Proposed Ordinance 1578, amending BMC Section 13.16.020 must be approved to conform to provisions recently adopted by the City Council as part of the 2020 UWMP update, and as required by the provisions of the UWMPA.

CEQA:

Staff has determined that proposed Ordinance 1578 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 proposed amendments, as provided for in proposed Ordinance 1578, will not have a significant effect on the environment and

that the amendments, which strengthen water supply and reliability, represent actions by a regulatory agency (the City) for the protection of the environment.

FISCAL IMPACT:

Penalty amounts are currently set forth in Chapter 13.16.020 as outlined below.

1. First violation, the City shall issue a written notice of violation to the water user in violation.
2. Second violation, twenty-five percent surcharge. For a second violation within a twelve-month period, a one-month surcharge is hereby imposed in an amount equal to twenty-five percent of the previous month's water bill for the meter through which the wasted water was supplied.
3. Third violation, fifty percent surcharge; installation of flow restrictor. For a third violation within a twelve-month period, a one-month penalty surcharge is hereby imposed in an amount equal to fifty percent of the previous month's water bill for the meter through which the wasted water was supplied. In addition to the surcharge, the City may at its discretion install a flow-restricting device at such meter with a one-eighth-inch orifice for services up to one and one-half inch size, and comparatively sized restrictors for larger services, on the service of the customer at the premises at which the violation occurred, for a period of not less than forty-eight hours. The charge for installing a flow-restricting device shall be based upon the size of the meter and the cost of installation but shall not be less than twenty-five dollars. The charge for removal of the flow-restricting device and restoration of normal service shall be twenty-five dollars if restoration of normal service is performed during the hours of 7:00 A.M. to 3:30 P.M. on regular working days. If the removal of the flow-restricting device and restoration of normal service is made after regular working hours, on holidays or weekends, the restoration service charge shall be forty dollars.
4. Subsequent violations; discontinuance of service. For any subsequent violation within twenty-four calendar months after a first violation, the penalty surcharge shall be imposed and the City shall discontinue water service to that customer at the premises or to the meter where the violation occurred. The charge for reconnection and restoration of normal service shall be twenty-five dollars. Such restoration of service shall not be made until the Water Operations Superintendent of the city has determined that the water user has provided reasonable assurances that future violations of this section by such user will not occur.

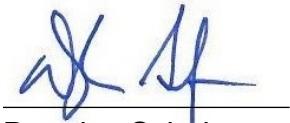
ALTERNATIVES:

1. Direct staff to revise proposed Ordinance 1578.
2. Reject proposed Ordinance 1578 and provide direction to staff.

ATTACHMENTS:

1. Ordinance 1578
<https://banningca.gov/DocumentCenter/View/9663/Att-1-Ordinance-No-1578-Water-Conservation>
2. Redline changes to BMC Chapter 13.16.020
<https://banningca.gov/DocumentCenter/View/9664/Att-2-Redlines-to-Existing-Code>
3. Public Notice
<https://banningca.gov/DocumentCenter/View/9661/Att-3-Public-Notice-Affidavit---Ordinance-1578>
4. 2020 Urban Water Management Plan
<https://banningca.gov/DocumentCenter/View/9662/Att-4-Banning-Final-2020-UWMP-w-Appendices---06282021>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: November 9, 2021

SUBJECT: Second 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

RECOMMENDATION:

Staff recommends the City Council approves the second reading of Ordinance 1579 amending Title 2 of the Banning Municipal Code pertaining to the Parks and Recreation Commission meeting attendance rules and finding the Ordinance exempt from CEQA under section 15061(B)(3) of the CEQA guidelines.

BACKGROUND:

The City Council authorized the first reading and the Introduction of Ordinance 1579 at its regularly scheduled City Council meeting on October 26, 2021.

The Parks and Recreation Commission has had to cancel 40% of its regularly scheduled meetings over the last year due to a lack of quorum and of the 15 regularly scheduled meetings since January of 2020, only two have had all five appointed Commissioners in attendance. Chapter 2.40.030 of the Banning Municipal Code allows for a commissioner to miss up to 66% of the nine annual regularly scheduled meetings before they are deemed to have resigned their office. This leaves little recourse to remove Commissioners that are unable to fulfil their obligations as a Parks and Recreation Commissioner and inhibits completion of Parks and Recreation Commission work in a timely manner.

At the special meeting of the City Council held on July 17, 2021, it was the consensus of the Council to amend Chapter 2.40 – Parks and Recreation Commission, of the Banning Municipal Code to better reflect the time requirements of Parks and Recreation Commissioners and ensure they are able to participate in regularly scheduled meetings.

The proposed Ordinance amends section 2.40.030 – Appointment of Members, Sub-Section D to adjust the maximum number of meetings the Parks and Recreation Commissioners may miss in a calendar year from its current allowance for six excused or unexcused meetings in a calendar year to a maximum of 2 meetings whether excused or unexcused. With this change, if a Parks and Recreation Commissioner misses two meetings in a calendar year, they will be deemed to have resigned their office and the City Council may appoint a new member to serve in the resigned commissioner's place.

The change to Sub-Section D, results in the removal of Sub-Section E from the existing Ordinance as two absences whether excused or unexcused results in the resignation of office.

JUSTIFICATION:

The change of the Banning Municipal Code will better ensure that the Parks and Recreation Commission can meet on a regular basis and complete the policy and planning work required of the Commission.

FISCAL IMPACT:

There is no fiscal impact associated with this change of the Banning Municipal Code.

ALTERNATIVES:

1. Adopt Ordinance 1579.
2. Reject Ordinance 1579.

ATTACHMENTS:

1. Ordinance 1579
<https://banningca.gov/DocumentCenter/View/9692/Att-1-Ordinance-1579---Parks-and-Rec-Commission>
2. Public Notice Affidavit
<https://banningca.gov/DocumentCenter/View/9691/Att-2-Public-Notice-Affidavit---Ordinance-1579>

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

MEETING DATE: November 9, 2021

SUBJECT: Resolution 2021-113, Approving a Purchase Order with A-Z Bus Sales in the Amount of \$37,752.66, which includes a 10% contingency, for a Long Block Replacement on a Transit Bus

RECOMMENDATION:

Approve Resolution 2021-113 approving a purchase order with A-Z Bus Sales in the amount of \$37,752.66, which includes a 10% contingency for a long block replacement on a transit bus.

BACKGROUND:

Unit 243, an El Dorado E-Z Riders (2017) is having major motor issues and if left unattended could lead to motor failure and damage that would be more expensive than the scope of work included in the attached quote from A-Z Bus Sales.

A-Z Bus Sales, a sole source vendor, has provided a quote in the amount of \$34,320.60.

JUSTIFICATION:

The repairs to Unit 243 are required in order to prevent further damage to the unit. The Transit Division has limited fixed route buses and short on back up vehicles. It is important to get Unit 243 repaired so that the City can continue providing reliable transportation services to the City's ridership.

The 10% contingency will only be used if additional diagnostics and repairs are needed.

FISCAL IMPACT:

The purchase order will be funded utilizing Account 702-3800-480.30-05 (Fleet - Repair/Maint) which has a balance of \$130,785.45.

November 9, 2021

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ALTERNATIVE:

City Council may elect to not approve the purchase order with A-Z Bus Sales for the repairs to Unit 243. This will result in the bus not being repaired which will leave the Transit Division short on buses.

ATTACHMENTS:

1. Resolution 2021-113

<https://banningca.gov/DocumentCenter/View/9713/Att-1-Resolution-2021-113-PO-with-A-Z-Bus-Sales>

2. A-Z Bus Sales Quote

<https://banningca.gov/DocumentCenter/View/9712/Att-2-A-Z-Quote>

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: November 9, 2021

SUBJECT: Consideration of Resolution 2021-108, Authorizing the Police Department to Apply for Federal Grants from the Federal Department of Homeland Security

RECOMMENDATION:

City Council adopt Resolution 2021-108, rescinding and replacing Resolution No. 2008-68 and designating and authorizing the City Manager, Chief of Police, Finance Manager, or designee to execute and submit on behalf of the City of Banning, to include agreements, amendments, extensions, and grant award documents, for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California.

BACKGROUND:

The Banning Police Department receives grant funding from the Department of Homeland Security as a sub-grant recipient through the State of California and the County of Riverside. The most recent award was from a 2019 application to improve communications with the county for dispatch services.

JUSTIFICATION:

This will allow the City and Police Department the ability to accept grant funding and is required by the Department of Homeland Security.

FISCAL IMPACT:

There is no immediate fiscal impact, but this authorization will allow the Police Department to seek out additional grant funding opportunities.

November 9, 2021

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ATTACHMENT:

1. Resolution 2021-108

<https://banningca.gov/DocumentCenter/View/9660/Resolution-2021-108-Allowing-PD-to-Apply-to-DHS>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant

MEETING DATE: November 9, 2021

SUBJECT: Resolution 2021-92, Approving Fiscal Year 2022/2023 Community Development Block Grant Program Applications

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2021-92, approving Funding Year 2022-2023 Community Development Block Grant Program Project, and authorize staff to submit application to the Riverside County Housing, Homelessness Prevention and Workforce Solutions ("HHPWS").

COMMITTEE RECOMMENDATION:

On September 28, 2021, the City Council appointed an Ad-hoc Committee comprised of two Council members and the Economic Development Manager to review and recommend approval of Community Development Block Grant ("CDBG") Funding Cycle 2022/2023. The committee met on November 2, 2021 and recommended the City's CDBG entitlement be allocated to City of Banning, Parks & Recreation (Sylvan Park Dog Park) \$80,000; City of Banning, Parks & Recreation (Lions Park Irrigation and Fencing Project) \$109,000; Boys & Girls Club of San Gorgonio Pass (Teen Leader Program) \$10,000 (Exhibit A).

BACKGROUND:

The City of Banning, through the Riverside County Housing, Homelessness Prevention and Workforce Solutions, has submitted various projects annually for funding under the CDBG program. Notifications of the application period in English and Spanish were published on the City's website and press releases were transmitted to the Record Gazette, Facebook, Instagram, and Twitter (Attachment 2).

As part of the CDBG guidelines, the proposed projects/activities must meet the following criteria:

1. The project or activity must primarily benefit the low and moderate-income community.
2. The project or activity must aid in the prevention or elimination of slums and blight areas.
3. The project or activity must be designed to meet the Community's development needs and have a particular urgency.

November 9, 2021

Page 2 of 2

Applications were due to the city for consideration on or before October 25, 2021. The city received and the Ad-hoc Committee reviewed four applications and recommended funding for all projects (Attachment 2). HHPWS has the authority to approve or deny the submitted applications.

JUSTIFICATION:

In response to the 2022/2023 grant cycle, two applications for a service-related projects were submitted by a non-profit organizations and two applications from the City were received. The applications are summarized in Exhibit A (Attachment 2). As set forth in the guidelines for utilization of the CDBG funding, the City Council may designate up to 14% of the City's allocation, to service oriented non-profit agencies for public services projects, but is not required.

The City 2022/2023 applications represent requests for funding to fund community youth-related programming, renovations to the Women's Club, and physical improvements to Sylvan Park and Lions Park. For the projects involving physical improvements, CDBG funding will be utilized for the construction phase of the project.

FISCAL IMPACT:

The estimated funding under the CDBG Fiscal Year 2022/2023 program is approximately \$199,000. Upon approval of the City Council, the City approved projects will be submitted to the HHPWS for review and consideration. It is anticipated that final funding approval will be provided to the City by October of 2022.

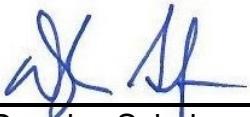
ALTERNATIVES:

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

ATTACHMENTS:

1. Resolution 2021-92
https://banningca.gov/DocumentCenter/View/9665/Att-1-Resolution-2021-92_CDBG
2. Exhibit "A" All Received Applications
<https://banningca.gov/DocumentCenter/View/9715/Att-2---Exhibit-A>
3. Proof of Publication
<https://banningca.gov/DocumentCenter/View/9717/Att-3-Proof-of-Public-Notice>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: November 9, 2021

SUBJECT: Consideration of Resolution 2021-110, Granting Authority to Establish Subcommittees to Parks and Recreation Commission

RECOMMENDATION:

The City Council adopt Resolution 2021-110 authorizing the Parks and Recreation commission to establish subcommittees, when necessary, for the special purpose of completing the work established in their 2021-2022 Workplan.

BACKGROUND:

The Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning, in Section 6.4, subsection iii, outlines that Sub-legislative cannot create subcommittees without authorization from the City Council.

The Parks and Recreation Commission for the City of Banning has defined a workplan for 2021 and 2022 that includes an update to the Parks and Recreation Master Plan, an update to the Smith Creek Master Plan, a development of a Cost Recovery Methodology Policy and the development of a Parks Beautification Campaign. Staff and the Parks and Recreation Commission believe the best way to accomplish the list of items in their workplan would be, when deemed beneficial, the creation of subcommittee(s), consisting of two members of the Parks and Recreation commission, for the special purpose of developing and completing one or more of the tasks associated within the workplan.

The established subcommittee(s) will meet more often than the Parks and Recreation Commission's regularly scheduled monthly meetings and upon development and completion of the established tasks, they would bring the work product to the entire Parks and Recreation Commission for review and recommended approval. When deemed beneficial, the establishment of the subcommittees would take place during the regular meetings of the Parks and Recreation Commission. Nominations would be made by the Parks and Recreation Commission and the Chairman would appoint two members to each established subcommittee.

Any subcommittee established would cease to exist upon the accomplishment of the special purpose for which it was established.

JUSTIFICATION:

The establishment of subcommittees will better allow staff and the Parks and Recreation Commission to meet more often than the regularly scheduled meetings of the Parks and Recreation Commission and spend more direct time in the development and completion of the items in their workplan.

FISCAL IMPACT:

The creation of sub-committees by the Parks and Recreation Commission will potentially result in small amounts of additional staff time preparing and participating in subcommittee meetings.

ALTERNATIVES:

1. Adopt Resolution 2021-110 as presented.
2. Do not adopt Resolution 2021-110 and provide alternate direction

ATTACHMENT:

1. Resolution 2021-110

<https://banningca.gov/DocumentCenter/View/9707/Resolution-2021-110>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: November 9, 2021

SUBJECT: Consider Authorizing the City Manager to enter into an Agreement with Zencity

RECOMMENDATION:

I make a motion to authorize the City Manager to enter into an annual agreement with Zencity for online community engagement in an amount of \$24,000 plus applicable taxes.

BACKGROUND:

During the past three years, one of the most difficult problems has been actively engaging the community in a meaningful way. Public meetings are typically poorly attended and community members frequently express concerns about limited opportunities to obtain information and share opinions about City projects and issues. Most recently, the proposal for a homeless shelter village on City-owned property along 22nd Street and the Banning Pointe project have emphasized the need to improve community engagement.

Three different platforms were considered, and demonstrations provided. Based on the objective of engaging the community through information sharing and dialogue, Zencity is the recommended platform. Zencity's proposal includes collaboration with the Civil Space platform, which provides the ability to engage in ongoing dialogue. Zencity gathers social media conversations from different platforms (Facebook, Twitter, NextDoor, etc.) to help understand the social media conversations occurring in the community. Civil Space provides the two-way communication. The third platform considered is Polco, which is more of a polling platform. Polco does not provide a dialogue feature.

JUSTIFICATION:

A pillar of success established by the current Strategic Plan is Reliable Infrastructure and Connected Mobility. One of the objectives of this pillar is to keep citizens connected and informed. American Recovery Plan Act funding can be used to purchase an online community engagement platform, such as Zencity.

FISCAL IMPACT:

The annual license cost for Zencity with the Civil Space platform is \$24,000, plus applicable taxes. This is an eligible expense for American Recovery Plan Act funds.

ALTERNATIVES:

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

ATTACHMENTS:

1. Zencity Proposal
<https://banningca.gov/DocumentCenter/View/9698/Att-1-Zencity---Banning-CA-Standard-Order-Form-Services-Agreement>
2. Bang the Table Proposal
<https://banningca.gov/DocumentCenter/View/9699/Att-2-BtT-Proposal-for-Banning-Oct-2021>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Brandon Robinson, Electrical Engineering Supervisor

MEETING DATE: November 9, 2021

SUBJECT: Resolution 2021-112, Approving the Third Amendment to Contract Services Agreement C00229 with Electric Power Systems International, Inc.

RECOMMENDATION:

Staff respectfully recommends that the City Council consider approving City Council Resolution 2021-112, which would:

1. Approve the Third Amendment to Contract Services Agreement C00229 with Electric Power System International, Inc. ("EPS") to include additional maintenance, testing, and modifications to SCADA and communications systems at each substation for Banning Electric Utility ("Utility") in an amount of \$275,000. The total contract amount will increase to \$1,555,517.07 for the Utility's Electric Substation Equipment Maintenance and Testing contract.
2. Appropriate funds to the Electric Capital Improvement Fund and authorize the City Manager and/or designees to complete and execute all documents related to this transaction for construction.

BACKGROUND:

The City executed a contract with EPS in February of 2018 to complete several maintenance activities within the four 12kV substations. These activities include of testing substation breakers, transformers, switches, protective relays and other equipment by specialty technicians within the four 12kV stations; and in accordance with industry standards, specifications and maintenance schedules. All work is coordinated and inspected by Utility staff.

While performing maintenance for the Utility under this contract, the Utility and EPS identified the need to add capabilities to the existing SCADA system to monitor, alarm & control their electrical operations. The Survalent SCADA system implementations will be developed for the existing electrical substations to offer flexibility of expansion to new

substations and/or new capabilities. This scope will include the connections of 22nd Street, Sunset, San Gorgonio, Midway, Stagecoach and Ivy substations to the SCADA operations center at the City of Banning Corporate Yard.

An amendment to the contract was approved by City Council in April of 2021 to incorporate many recommendations from EPS for several equipment upgrades that are required to ensure that the Utility protects and enhances the reliability of the distribution circuits providing power to various residential, commercial and industrial customers. Realizing the need for enhanced visibility and security at each 12kV substation, the Utility requested engineering support to develop and implement a detailed architecture for proposed SCADA Central System, cyber security aspects, hardware & software requirements, construction plan, commissioning plan and training. EPS provided the Utility with a cost to complete these upgrades under its current Major Maintenance contract. This includes a complete RTU replacement at the Utility's Sunset Substation which includes, planning, engineering construction and training services to modernize the existing SCADA infrastructure.

JUSTIFICATION:

The Utility has a need to perform required preventative maintenance, which includes critical upgrades to the Utility's SCADA and communications systems, on its six existing substations: Ivy, Stagecoach, San Gorgonio, Midway, 22nd Street, and Sunset Substations. These maintenance activities will increase the reliability of Banning's electric system.

FISCAL IMPACT:

An appropriation from the Electric Capital Improvement Fund to Account No. 673-7000-473.96-20 in the amount of \$275,000 will be required. The consultant will invoice the city on a monthly basis, with an itemized list of work performed, along with delivery of the specific work products.

<u>Year</u>	<u>Estimated Amount</u>
2021/2022	\$275,000.00

ALTERNATIVES:

1. Adopt the Resolution.
2. Approve with modifications.
3. Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2021-112
<https://banningca.gov/DocumentCenter/View/9710/Att-1-Resolution-2021-112-SCADA-Mods>

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2. Professional Services Agreement C00229

https://banningca.gov/DocumentCenter/View/9711/Att-2-C00229_ELECTRIC_POWER_SYSTEM_AMENDMENT-NO-2

3. Contract Amendment for Recommended Maintenance Upgrades

<https://banningca.gov/DocumentCenter/View/9708/Att-3-Proposed-AMENDMENT-NO-3>

4. Quotes from EPS to complete SCADA Modifications

<https://banningca.gov/DocumentCenter/View/9709/Att-4-EPS-Quotes>

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
Kevin Sin, Senior Engineer

MEETING DATE: November 9, 2021

SUBJECT: Accept the Right-of-Way Dedication for 468 E. George Street
(Assessor's Parcel Number 541-070-005) from Abraham Arias
for Public Road and Utilities Purposes

RECOMMENDATION:

Accepting the Right-of-Way dedication for 468 E. George Street (Assessor's Parcel Number 541-070-005) from Abraham Arias for public road and utilities purposes.

BACKGROUND:

The property owner, Abraham Arias submitted an application to develop the parcel of land located at 468 E. George Street. As part of the Conditions of Approval for the project, the owner is required to dedicate the necessary right-of-way in order to construct the public improvements on Nicolet Street fronting the property.

JUSTIFICATION:

It is essential to obtain the right-of-way in order to construct the required public improvements on George Street as set forth by the adopted General Plan and Circulation Element.

FISCAL IMPACT:

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

ALTERNATIVE:

City Council has the alternative available to them to not accept the right-of-way which would result in not acquiring the necessary right-of-way for the construction of public improvements on George Street.

November 9, 2021

Page **2** of **2**

ATTACHMENTS:

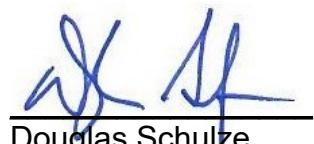
1. Right-of-Way Dedication

<https://banningca.gov/DocumentCenter/View/9687/Attachment-1---Right-of-Way-Dedication>

2. Certificate of Acceptance

<https://banningca.gov/DocumentCenter/View/9686/Attachment-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: Laurie Sampson, Executive Assistant
Kevin Ennis, City Attorney

MEETING DATE: November 9, 2021

SUBJECT: First Public Hearing to Receive Comments and Input on the Redistricting Process for the Potential Redrawing of Election District Boundaries

RECOMMENDATION:

Staff recommends that the City Council: 1) Open the public hearing and accept public comments and input regarding “communities of interest” districts for the purpose of possibly redrawing election district boundaries and close the public hearing; and 2) Provide additional direction to staff, as appropriate.

BACKGROUND:

Transition to District-Based Elections

The City of Banning completed the process set forth in the California Voting Rights Act (CVRA) in 2016 and transitioned from a system of “at-large” elections to a system of “district-based” elections for electing Councilmembers. The threat of litigation claimed the City’s at-large election system was racially polarized, resulting in minority vote dilution in violation of the CVRA. The intent of having district-based elections was to create majority minority districts and allow individuals from protected classes an opportunity to be elected to remain in compliance with the CVRA. Other background information regarding the CVRA and the procedures which led to convert to a district-based election process for electing City Councilmembers is available on the City’s website at: <http://banning.ca.us/470/2016-City-Council-Elections-by-Districts> including the staff reports, videos and other relevant information for the prior meetings and public hearings from June 6, 2016, to June 7, 2016.

On June 28, 2016, the City Council adopted Ordinance No. 1497 transitioning the City’s manner of election from an “at-large” system where all voters regardless of residence location within the city may vote for all Councilmembers to a “district” based system where only voters residing within a geographical district may vote for one Councilmember representing that district. Ordinance No. 1497 established City Council district boundaries

pursuant to a map entitled "Smith Map 1", which was incorporated into Ordinance No. 1497 as the Exhibit A Council District Map. Ordinance No. 1497 also established district-based election sequencing with Districts 1, 2 and 3 elected in 2016 and every four years thereafter, and Districts 4 and 5 elected in 2018 and every four years thereafter. The first district-based election was held on November 8, 2016. The process of transitioning to district elections was facilitated by National Demographics Corporation, Inc. (NDC) who provided demographic information, public outreach, and assistance with drafting maps for the formation of proposed districts. The population of the City of Banning in 2010 was 29,603. For the purpose of districting, the population in each district is approximately 5,920.

Requirement for Redistricting and Redistricting Deadline

Every 10 years, jurisdictions that have district-based elections are required to review district boundaries based on the results of the decennial Census to ensure equal representation based on population growth and to adjust district boundaries, if necessary, to reflect changes in population.

Historically, Census results have been released by the end of March in the year following the Census; however, 2020 results were not provided to states until August 12, 2021, due to Census delays caused by the COVID-19 pandemic. On September 27, 2021, California's Statewide Database released official population data for local governments, which is based on federal 2020 Census data with adjustments for incarcerated populations. The official 2020 population for the City of Banning is 29,505. For the purposes of districting, each of the four council districts must have approximately 5,901 people.

California Elections Code Section 21602 et seq. establishes timeframes for completion of redistricting following the release of Census results. The City's next regularly scheduled election will be held on November 8, 2022. Section 21602(a)(3) of the Elections Code applies to cities conducting its next regular election on or after July 1, 2022 and reads: "For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022." Based on the provisions of the Elections Code, the City must adopt Council Districts on or before April 17, 2022, which is 205 days prior to the next City Council election on November 8, 2022.

In the event the 2020 Census data results show that existing City Council Districts remain "population balanced", which is when, assigned to their districts, the population numbers reflected in the 2020 Census data do not exceed a ten percent (10%) deviation among the districts, the existing boundaries may not require revision per the Elections Code. However, even if the existing district boundaries may not require revision, the City is still required to go through the redistricting public hearing process established in the Elections Code in order to adopt the post 2020 Census district map boundaries.

DISCUSSION:

The California Legislature enacted new laws governing the redistricting process, known as the Fair Maps Act, which took effect on January 1, 2020, and includes the process which must be followed and specific criteria that must be considered in redrawing district boundaries, new requirements for public hearings, new outreach requirements, and criteria to be considered in the drawing of district maps.

Elections Code Section 21601(a) describes the process that General Law cities must comply with to enable interested parties to provide comments and input on the drawing of district maps to ensure the population in each of the City's five City Council districts are balanced and each City Councilmember represents about the same number of constituents. Further, Elections Code Section 21607.1 requires that, "Before adopting final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts." Key provisions of section require:

- 1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries;
- 2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries;
- 3) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday;
- 4) Public hearing buildings shall be accessible to persons with disabilities; and
- 5) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda.

Elections Code Sections 21601(b) and (c) discuss the criteria that must be adhered to when considering and adopting council district boundaries:

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.); and

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

- (1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
- (2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective

and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

- (3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- (4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.”

Additional possible features defining “communities of interest” might include, but be not limited to: 1) school district boundaries; 2) natural division lines such as major roads, hills, or highways; 3) neighborhood landmarks or areas around parks; 4) legislative/election concerns, common issues or neighborhood activities; 5) shared demographic characteristics, including but not limited to: similar levels of income, education, language spoken at home, limited English speaking households, single-family and multi-family housing areas, etc.

There will be additional inclusive opportunities for the public and all interested parties to provide their comments and input into the redistricting process, as required by law. To increase public awareness, outreach, participation, and engagement in the redrawing of election district boundaries, and as required under the Fair Maps Act, the City will provide information on a dedicated web page to contain staff reports, presentations, videos, district maps submitted for consideration, and other resources to facilitate public engagement. The Fair Maps Act further requires the webpage be maintained for 10 years after the adoption of council district boundaries.

The following is the schedule for the City of Banning's redistricting process:

<i>November 9, 2021</i>	First Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>December 14, 2021</i>	Second Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>January 11, 2022</i>	Third Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>January 25, 2022</i>	Fourth Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>April 17, 2022</i>	City of Banning's final deadline for completion of the redistricting process.

FISCAL IMPACT:

The costs to conduct the redistricting process, including costs for advertising for a series of four public hearings, bilingual translation costs for hearing notices and outreach communications, bilingual translator meeting attendance, and City Attorney costs will be paid from account 001-1500-412.33-11.

ATTACHMENTS:

1. Adopted Map_Amended_ANX_18-1001
https://banningca.gov/DocumentCenter/View/9720/Att-1-Adopted-Map-1-Amended_ANX-18-1001
2. Adopted Plan Data_2016
https://banningca.gov/DocumentCenter/View/9721/Att-2-Adopted-Plan-Data_2016
3. 2020 Census Data
<https://banningca.gov/DocumentCenter/View/9722/Att-3-2020-Census-Data>
4. Procedures for 2020 Decennial Redistricting English
https://banningca.gov/DocumentCenter/View/9723/Att-4-2020-Redistricting-Procedures_English
5. Procedures for 2020 Decennial Redistricting Spanish
https://banningca.gov/DocumentCenter/View/9724/Att-5-2020-Redistricting-Procedures_Spanish
6. Public Notice English
<https://banningca.gov/DocumentCenter/View/9725/Att-6-Public-Notice-Public-Hearing-No-1-English>
7. Public Notice Spanish
<https://banningca.gov/DocumentCenter/View/9726/Att-7-Public-Notice-Public-Hearing-No-1-Spanish>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: November 9, 2021

SUBJECT: Resolution 2021-109, recommending the City Council adopt a Negative Declaration and recommending approval of General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element, to the City Council for final adoption

RECOMMENDATION:

Approve Resolution 2021-109, adopting the Initial Study/Negative Declaration prepared for the project and that the Negative Declaration satisfies the requirements of the California Environmental Quality Act (CEQA); and adopt General Plan Amendment 21-2504, approving the 6th RHNA Cycle for the 2021-2029 Housing Element.

BACKGROUND:

The City of Banning is required to prepare a Housing Element, on an eight (8) year cycle, and for the upcoming 2021-2029 planning period. The current cycle update of the Housing Element began in early 2021 and underwent a deliberate planning process that touched a wide spectrum of stakeholders. The following summary provides a brief chronology of events to date:

Joint Planning Commission and City Council Workshop	April 13, 2021
City Hosted and Online Community Survey	May 13, 2021
Public Workshop	June 2, 2021
Community Survey ended; results evaluated	June 30, 2021
Draft Housing Element posted on City website	July 14, 2021
Housing Element sent to HCD for preliminary review	July 14, 2021
Conference with HCD; received preliminary comments	August 20, 2021
Housing Element revised and sent to HCD for review	August 30, 2021
HCD review comments received	September 17, 2021
Revised Housing Element posted on City website	October 4, 2021
Planning Commission consideration of Draft HE	October 19, 2021

California Government Code Section 65302 requires a General Plan to consist of seven State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety Elements. The Housing Element is one of the seven State-mandated elements of the General Plan and must be updated every 8 years, unless otherwise mandated by California Government Code Section 65581.

The purpose of the Housing Element is to develop the comprehensive strategy for providing safe, decent, and affordable housing within the community, across all income levels. Furthermore, the Housing Element implements the following goals:

- 1) To provide an assessment of both current and future housing needs and constraints in meeting these needs; and
- 2) To provide a strategy that establishes housing goals, policies, and programs.

State law requires that each City and County adopt a comprehensive, long-term General Plan to guide development in their city and land outside its boundaries that has relation to its city planning (Govt. Code §65300). All jurisdictions within the six-county Southern California Association of Governments (SCAG) region¹ are required to prepare an update to the Housing Element for the “6th RHNA Cycle” planning period of 2021-2029. The due date for adoption of the 6th RHNA Cycle Housing Element is October 15, 2021, along with a 60-day grace period.

State law delegates the authority to HCD for review of the City’s Housing Element. After a detailed review, and several virtual meetings with the state, HCD issued written findings that the City must implement to achieve a certified Element that is compliant with state law. A finding of substantial compliance from HCD is referred to as “certification” of the Housing Element. Timely certification is important to maximize the City’s eligibility for grant funds, ensure the legal adequacy of the General Plan, maintain local land use control, and especially, to avoid a **carryover** of unmet housing needs from the prior planning period (i.e., 5th RHNA Cycle) to the next planning period (6th RHNA Cycle). The City must avoid this requirement as it would result in adding over 1,000 additional units. In addition, failure to obtain timely certification of the Element can result in HCD reducing future time frames of our planning periods, such as reducing the 8-year update cycle to a 4-year cycle.

DISCUSSION AND ANALYSIS:

For most cities, the key to obtaining HCD certification is demonstrating sufficient capacity for new housing development that equals the level of need described in the current Regional Housing Needs Assessment (“RHNA”). The focus of HCD’s review mainly concerns properties and parcels (i.e., “sites”) where the existing and underlying zoning classification authorizes multi-family development at densities appropriate to support affordable housing, which is defined in state housing statutes, as a minimum 30 dwelling units per acre, for specific areas in the City.

¹ The SCAG region includes Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

Regional Housing Needs Assessment (“RHNA”)

State Housing Element law requires that each jurisdiction provides for its share of the statewide housing demand. The amount of housing units is established through the process known as the *Regional Housing Need Assessment* (RHNA). The RHNA is prepared by the Southern California Association of Governments (SCAG) in consultation with member jurisdictions and sub-regional councils of governments such as the Western Riverside Council of Governments (WRCOG). The RHNA is based on the regional forecast of population growth and new household formation during the planning period, and the number of new housing units needed to accommodate additional household growth at each income level. The City’s required RHNA allocation is distributed among the following five income categories, which are based on a household’s annual income compared to the “areawide median income” (AMI):

- Extremely Low (<30% AMI)
- Very Low (31-50% AMI)
- Low (51-80% AMI)
- Moderate (81-120% AMI)
- Above Moderate (120%+ AMI)

SCAG determined that the City’s regional share of future housing need is 1,673 dwelling units. This allocation is distributed into five income categories, as shown below in **Table 1**. The RHNA includes a fair share adjustment which distributes units by income category to reduce over-concentration of lower income households in historically lower-income communities in the region.

Table 1: Housing Needs for 2021-2029

Income Category (% of County AMI)	Number of Units	Percent
Extremely Low (30% or less) *	155	9.30%
Very Low (31 to 50%)	162	9.70%
Low (51 to 80%)	193	11.60%
Moderate (81% to 120%)	280	16.70%
Above Moderate (Over 120%)	883	52.70%
Total	1,673	100.00%

Source: *Final Regional Housing Needs Allocation*, SCAG, (2021).

*The City has a RHNA allocation of 192 very low-income units (inclusive of extremely low-income units). Pursuant to State law (AB 2634), the City must project the number of extremely low-income housing needs based on Census income distribution or assume 50 percent of the very low-income units as extremely low. According to the CHAS data developed by HUD, 33.0% of City households earned less than 50 percent of the AMI. Among these households, 49.3 percent earned incomes below 30% (extremely low). Therefore, the City’s RHNA allocation of 317 very low-income units may be split into 155 extremely low and 162 very low-income units. However, for purposes of identifying adequate sites for the RHNA allocation, State law does not mandate the separate accounting for the extremely low-income category.

Appropriate Zoning to Accommodate the RHNA

It is important to note that the RHNA establishes a planning goal, and not a mandate or quota, to build or issue permits for the 1,673 dwelling units. Rather, the City is required to demonstrate that there are adequate sites, with appropriate high density zoning classifications available, for development commensurate with the RHNA. If property owners and developers choose to pursue such development opportunities, these Projects are evaluated in accordance with the City's General Plan land use and policies, the underlying zoning classification, and applicable housing law provisions.

Under state law, sites must be zoned high density, which allows residential development at a density of at least 30 units/acre, which is the minimum density considered suitable for lower-income housing in metropolitan areas such as Riverside County. Regardless of density, deed-restricted affordable housing requires public subsidies, and the level of funding for affordable housing is extremely limited. As a result, very few income-restricted affordable housing projects are built each year, and with the statewide elimination of redevelopment agencies, the construction of affordable housing is less likely to occur in lieu of "market rate" housing. The purpose of state law in stipulating minimum densities is to reduce constraints on affordable housing development due to local land use regulations, which may include either a General Plan Amendment, a Zone Change, or both.

Credits toward RHNA

Units Planned or Approved

Housing units approved and/or pending (and not yet permitted for construction) as of June 30, 2021, can be credited towards meeting the City's RHNA. The City must demonstrate in this Housing Element the ability to meet the remaining housing needs, through the provision of sites, after subtracting anticipated units. **Error! Reference source not found.** shows the remaining unit deficit after subtracting units that are pending or approved as of June 30, 2021.

Table 2: Remaining 2021-2029 Share of Regional Housing Needs

Income/Affordability Category	RHNA	Units Pending or Approved	Remaining Units Deficit
Lower	510	0	510
Moderate	280	32	248
Above Moderate	883	1,384	0
Total	1,673	3,518	758

Remaining RHNA

After accounting for the planned and approved units, there is a remaining need of 758 units, which includes 510 lower income and 248 moderate units. The City must demonstrate the availability of sites with appropriate zoning and development standards that can facilitate and encourage the development of such units.

Residential Sites Inventory

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate a jurisdiction's share of the regional growth. The City is committed to identifying sites at appropriate densities as required by law. The

State, through AB 2348, has established “default density” standards for local jurisdictions. State law assumes that a land use density minimum, of 30 units/acre, is adequate to facilitate the production of housing affordable to lower income households.

Therefore, in estimating potential units by income range, it is assumed that:

- A density of 0.20 to 14.9 du/acre (primarily for single-family homes) is assumed to facilitate housing in the above moderate income category.
- A density of 15.0 to 29.9 du/acre (primarily for medium density multi-family developments) is assumed to facilitate housing in the moderate-income category; and
- A density of 30 or more du/acre (primarily for higher density multi-family developments) is assumed to facilitate housing in the very low- and low-income category.

Proposed Rezoning to Accommodate the RHNA

In addition to vacant and nonvacant parcels, the City has identified a list of parcels eligible for rezoning (e.g., commonly referred to “up-zoning”) that will support affordable housing densities. For example, the rezone of low-or-medium densities (5-10 du/ac) to higher density zones, can accommodate low-income development at 30 du/ac. The City has identified eligible sites and locations throughout the City that have been incorporated into the 6th RHNA Cycle Housing Element Update. A list of potential parcels that are eligible for rezoning is detailed within Element. A more detailed sites inventory of the residential capacity can be found in Appendix B of the Housing Element.

The City will also introduce a new General Plan land use category that will be introduced after October 2021. This new category would support 25+ du/ac and could facilitate the future development of lower income units. This new land use designation is a recommended program of the Housing Element that will be implemented once the Housing Element has been certified by HCD.

Revisions to the Draft Housing Element

The Draft Housing Element has been reviewed, revised, and updated over several iterations to address comments raised in HCD’s letter of September 17, 2021. At the time this report was prepared, HCD has yet to communicate if the revised Element fully addresses these comments. City staff is confident that the revised Element fully satisfies the HCD comments.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study/Negative Declaration (IS/ND) was prepared to evaluate the environmental impacts of the proposed Housing Element and related General Plan Amendment. The results of the Initial Study found there will be no significant impacts to the environment and a Negative Declaration is proposed for adoption.

The Draft Initial Study/Negative Declaration was circulated for public review on September 7, 2021 and closed October 6, 2021. Copies of the Initial Study were made available for public review at the Community Development Department, the Banning Public Library, and on the City’s website. At the time this report was prepared, no written comments had been received.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

Planning Division staff has determined that the proposed project will not have a significant impact on the environment and no mitigation is recommended or required. Staff has prepared and will file a Notice of Determination pursuant to Section 15075 of the California Environmental Act and CEQA Guidelines within 5 working days of the City's approval of the project.

PUBLIC COMMUNICATION:

Proposed Design Review 21-7011 and Conditional Use Permit 21-8017 were advertised in the Record Gazette newspaper, October 8, 2021 (Attachment 3). As of the date of this report, staff has not received any written comments on the project.

FISCAL IMPACT:

The budgeted cost of the Housing Element update was approximately \$130,000 and was paid entirely through state-allocated grant funding *LEAP Grant* funding.

<u>Year</u>	<u>Estimated Amount</u>
2020/2021	\$90,000
2021/2022	\$40,000
2022/2023	\$0
2023/2024	\$0
2024/2025	\$0

ALTERNATIVES:

1. The Council may consider alternatives or amendments to the Draft Housing Element.
2. The Council may consider denial of the Draft Housing Element.

ATTACHMENTS:

1. Resolution 2021-109
https://banningca.gov/DocumentCenter/View/9680/Att-1-CC-Resolution-No-2021-17_GPA-21-2504---Housing-Element-Update
2. Draft 2021-2029 Housing Element
<https://banningca.gov/DocumentCenter/View/9681/Att-2-Draft-2021-2029-Draft-Housing-Element>
3. HCD Comment Letter (dated September 17, 2021)
https://banningca.gov/DocumentCenter/View/9682/Att-3-HCD-review-letter_09-17-21
4. CEQA Initial Study
<https://banningca.gov/DocumentCenter/View/9676/Att-4-CEQA-Initial-Study>

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5. Notice of Completion

https://banningca.gov/DocumentCenter/View/9677/Att-5-NOC_SIGNED

6. Notice of Determination for a Negative Declaration

<https://banningca.gov/DocumentCenter/View/9678/Att-6-NOD-City-of-Banning>

7. Public Hearing Notice

https://banningca.gov/DocumentCenter/View/9679/Att-7-PHN_GPA-21-2504

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: November 9, 2021

SUBJECT: Adoption of Resolution 2021-93 Approving Updates to the City's TUMF Program Fee Schedule

RECOMMENDATION:

Adoption of the attached Resolution 2021-93 adopting an updated and revised Fee Schedule for the City of Banning, Transportation Uniform Mitigation Fee (TUMF) Program.

BACKGROUND:

The City of Banning is a Member Jurisdiction of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and eighteen (18) cities located in Western Riverside County. Acting in concert, in 2002-2003, WRCOG member jurisdictions developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial, and industrial development.

As a member jurisdiction of WRCOG and as a TUMF participating jurisdiction, the City / County participated in the preparation of a certain "Western Riverside County Transportation Uniform Fee Nexus Study," ("2002 Nexus Study") later adopted by the WRCOG Executive Committee. Based on the 2002 Nexus Study, the City / County adopted and implemented an ordinance authorizing the City's participation in a TUMF Program.

Pursuant to the Mitigation Fee Act (Gov. Code § 66000 et seq.), WRCOG has prepared a new Nexus Study ("2016 Nexus Study") to update the fees. On July 10, 2017, the WRCOG Executive Committee reviewed the 2016 Nexus Study and recommended TUMF participating jurisdictions update their fees by amending their applicable TUMF Programs to reflect changes in the TUMF Network and the cost of construction.

JUSTIFICATION:

The proposed Ordinance provides the legal basis for a revised TUMF schedule. The actual TUMF schedule will be established through the Resolution.

In accordance with the Mitigation Fee Act, the 2016 Nexus Study concluded the following:

- ✓ Identify the purpose of the revised fees
- ✓ Identify the use to which the revised fees are to be put, including identification of any facilities to be financed
- ✓ Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed
- ✓ Determine how there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fees are imposed
- ✓ Determine how there is a reasonable relationship between the amount of the fees and the cost of the public facilities or portion or the public facility attributable to the development on which the fees are imposed.

A. The existing TUMF Fee Schedule is listed below:

1	\$9,810.00 per single family residential unit
2	\$6,389.00 per multi-family residential unit
3	\$1.81 per square foot of an industrial project
4	\$7.50 per square foot of a retail commercial project
5	\$4.75 per square foot of a service commercial project
6	\$2.38 per square foot of a service Class A and B Office

B. The resolution will establish the following Fee Schedule for residential and non-residential projects for TUMF as follows:

1	\$10,104.00 per single family residential unit
2	\$6,580.00 per multi-family residential unit
3	\$1.86 per square foot of an industrial project
4	\$7.72 per square foot of a retail commercial project
5	\$4.89 per square foot of a service commercial project
6	\$2.45 per square foot of a service Class A and B Office

FISCAL IMPACT:

The cost to prepare this staff report and resolution was minimal. If the updated Fee Schedule is not approved, loss of critical infrastructure revenue may be forfeited.

ALTERNATIVES:

1. Not approve the updated Fee Schedule
2. Provide direction to staff and continue the item to a future date
3. Refer the item back to WRCOG with comments/direction

November 9, 2021

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ATTACHMENTS:

1. Resolution 2021-93

<https://banningca.gov/DocumentCenter/View/9671/Att-1---Resolution-2021-93-TUMF-Fee-Schedule-Update>

2. Public Hearing Notice

<https://banningca.gov/DocumentCenter/View/9672/Att-2---Public-Hearing-Notice>

Approved by:



Douglas Schulze
City Manager