



## AGENDA

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

July 12, 2022

5:00 p.m.

**In Chambers and via Zoom**

Council Chambers  
99 E. Ramsey Street  
Banning, CA 92220

*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 via Zoom so that members of the public may observe and participate in this meeting electronically. If you 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). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la 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/81007280759?pwd=d0JCK0yeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759  
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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
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

#### **2. AGENDA APPROVAL**

- 2.1. Approve Agenda

### **3. PRESENTATION(S)**

- 3.1. Visit from Banning Animal Shelter Pet of the Month
- 3.2. Ramsey Street Village Homeless Shelter Success Story

### **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. ~ Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.*

#### **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**

5.3.1. Designation of Voting Delegate and Alternate for the League of California Cities (Cal Cities) Annual Conference.....	<b>7</b>
5.3.2. Making Appointments to the City's General Plan Advisory Committee (GPAC) to Participate in the City's Update to the Land Use and Circulation Elements of the General Plan.....	<b>8</b>

#### **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 6.10.**

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

6.1.	Approval of Minutes of the June 28, 2022 City Council Meetings.....	<b>11</b>
6.2.	Consideration of Resolution 2022-93, Approving Nuisance Abatement Charges to be Added to the Tax Rolls of Riverside County, California.....	<b>12</b>
6.3.	Consideration of Resolution 2022-96, Approving Amendment No. 1 to the Contract Agreement with CASC Engineering and Consulting, Inc. ("CASC") for Consulting Services Associated Focused General Plan Update Services for Fiscal Year 2022/2023 in the amount of \$71,252 for a total of \$186,734..	<b>14</b>
6.4.	Consideration of Resolution 2022-98, Establishing an Employee Volunteerism Program.....	<b>16</b>
6.5.	Consideration of Resolution 2022-99, Establishing a Pre-Qualified Professional Engineering On-Call Vendor List.....	<b>18</b>
6.6.	Consideration of Resolution 2022-100, Approving Amendment No. 1 for \$25,000 to an Agreement with Regional Government Services (RGS) for Recruitment Services in Fiscal Year 2022 for a Total of \$50,000; Approving an Agreement for Recruitment Services for \$25,000 Fiscal Year 2023; and Approving an Agreement to Implement NeoGov for \$25,000.....	<b>21</b>
6.7.	Consideration of Resolution 2022-07 UA, Awarding a Professional Services Agreement for Leak Detection Survey, McKim & Creed in the amount of \$29,732.....	<b>23</b>
6.8.	Consideration of Resolution 2022-08 UA, Approving Amendment No. 5 to the Maintenance and Operations Agreement with Veolia Water Contract Operations USA, Inc. to Extend the Term of the Agreement for One Year.....	<b>26</b>
6.9.	Consideration of Resolution 2022-09 UA, Approving the Award of an Agreement for the Installation of Altitude Valves at San Gorgonio Reservoirs to Canyon Springs Enterprises in the amount of \$552,975, Authorizing Staff to Purchase Two Altitude Valves and Setting a Total Project Budget of \$708,272.50.....	<b>29</b>
6.10.	Consideration of Resolution 2022-95, Adopting an Amended Conflict of Interest Code Containing Revised Designated Positions and Disclosure Categories, and Repealing Resolution 2020-96.....	<b>32</b>

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

7.1.	Consideration of Resolution 2022-101, Adopting Amendments to Water Shortage Contingency Plan of the 2020 Urban Water Management Plan.....	<b>34</b>
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*(Staff Report: Art Vela, Director of Public Works)*

**Recommendation:** Staff recommends that City Council adopt Resolution 2022-101, amending the City's Water Shortage Contingency Plan.

## **8. REPORTS OF OFFICERS**

8.1. Lion's Park Ballfield Lighting Project Financing Plan Disclosures ..... **37**  
*(Staff Report: Ralph Wright, Parks and Recreation Director)*

**Recommendation:** That City Council Receive and File the Disclosures to comply with Government Code 5852.1.

8.2. Consideration of Resolution 2022-97, Designating Juneteenth as an Official City Holiday..... **39**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** A motion to approve Resolution No. 2022-97, Designating Juneteenth as an Official City Holiday.

8.3. Report on City Treasurer Duties and Responsibilities/Scope of Comments under Brown Act ..... **41**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** No action requested.

8.4. Consideration of Resolution 2022-94, Calling for Placement of a Measure on the Ballot at the November 8, 2022 General Municipal Election..... **43**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** A motion approving Resolution 2022-94, Calling for Placement of a Measure on the Ballot at the November 8, 2022 General Municipal Election to impose a Utility Users Tax (UUT) on electric energy use.

8.5. City Attorney Annual Consumer Price Index (CPI) Adjustment..... **45**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

8.6. Fiscal Year 2023 City Council Travel and Conference Expense Allocation.... **46**  
*(Staff Report: Laurie Sampson, Assistant City Manager)*

**Recommendation:** Staff recommends City Council discuss and allocate the FY2023 City Council Travel budget for each council member.

## **9. DISCUSSION ITEM(S)**

None

## **10. ITEMS FOR FUTURE AGENDAS**

### **10.1. New Items**

### **10.2. Pending Items:**

1. Affordable Housing Solutions
2. Internship Program
3. ~~Presentation of Homeless Shelter Success Story (Wallace) – Agendized 7/12~~
4. Traffic Circles/Diverging Diamonds (Happe)
5. Cannabis Regulations (Happe)
6. ~~City Treasurer Report – Agendized 7/12~~

## **11. ADJOURNMENT**

***Next Regular Meeting – August 23, 2022 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.

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### **Estándares comunitarios de Zoom para Reuniones Públicas**

*Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.*

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminen por cada violación de estos estándares de la comunidad.

## **AFFIDAVIT • DECLARACIÓN JURADA**

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](http://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 7<sup>th</sup> day of July 2022.



Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

## **PUBLIC NOTICE • NOTICIA PÚBLICA**

### **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](http://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**

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**¿Necesita servicios de traducción para participar?** Contacto Oficina del Secretario de la Ciudad.

## **CONTACT • CONTACTO**

Office of the City Clerk • 951-922-3102 • [CityClerks@banningca.gov](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** July 12, 2022

**SUBJECT:** Designation of Voting Delegate and Alternate for the League of California Cities (Cal Cities) Annual Conference

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### **RECOMMENDATION:**

Staff respectfully recommend City Council designate a single voting delegate and alternate for the 2022 League of California Cities ("Cal Cities") Annual Conference.

### **BACKGROUND:**

This year's LOCC annual conference and expo is scheduled for September 7-9, 2022 in Long Beach. At the conference, league members participate in an Annual Business Meeting where they consider and take action on matters that establish LOCC policy. In order for the City to vote at the meeting, the City Council must designate a voting delegate and an alternate who are authorized to cast a vote for the City of Banning.

The voting delegate and alternate chosen must be registered to attend the conference on Friday, September 9th. To cast their vote, the delegate must be present (in person) and in possession of the voting delegate card. If for some reason the delegate and alternate are unable to attend, the voting card cannot be transferred and the City will not be able to vote.

### **ATTACHMENTS:**

1. Voting Delegate Packet 2022  
<https://banningca.gov/DocumentCenter/View/10921/Att-1-Voting-Delegate-Packet>
2. 2022 Annual Conference Voting Delegate/Alternate Form  
<https://banningca.gov/DocumentCenter/View/10922/Att-2-2022-Annual-Conf-Voting-Form>

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:** July 12, 2022

**SUBJECT:** Making Appointments to the City's General Plan Advisory Committee (GPAC) to Participate in the City's Update to the Land Use and Circulation Elements of the General Plan

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### **RECOMMENDATION:**

Staff recommends the City Council make appointments to the General Plan Advisory Committee (GPAC).

### **BACKGROUND:**

The GPAC is established to provide community-based support and oversight associated with the 2021 City of Banning Focused General Plan Update. This focused update will realign the City's Land Use and Circulation Elements to incorporate 15-years of changes to the landscape of Banning. The GPAC will primarily focus be to review and analyze the staff proposed land use/zoning updates in the context of their stakeholder's perspective.

Upon completion of the GPAC's review and critique, City staff will bring forth a series of changes to the City's Land Use Designations and Roadway alignments necessary to accommodate existing and future growth. In addition to the proposed changes, City staff will also prepare the appropriate CEQA-level environmental documents. In addition, California state law requires that a jurisdiction must update their Safety Element when two or more required General Plan Elements are also updated. As such, the Safety Element will be drafted and updated solely by City staff as to maximum the limited budget allocated for the two aforementioned elements.

Furthermore, the GPAC will supplement the community input provided through a series of workshops and public study sessions anticipated by City staff. These workshops will hold at regular intervals and during dates and times convenient to the public in order to maximize participation throughout the General Plan Update. Members of the Committee are expected to provide feedback and direction to the project consultant and City staff, with the goal of developing policies and objectives that enhance the goals and vision for the next generation.

Based upon public input, and as considered by the GPAC, City staff will refine the approach taken for each major step in the process, provide feedback through interim steps, review reports, and review policy alternatives to select preferred policies. City staff intends for the Committee to provide guidance at key project milestones, communicate information about the General Plan Update to Banning community members and to encourage all interested parties to participate in the process. The Committee will conclude its obligation by submitting a recommendation to the Planning Commission and the City Council on the adoption of the Focused General Plan Update.

**JUSTIFICATION:**

A General Plan Update, even in a limited form such as this particular update, requires and uses public input to vet critical decisions on the staff proposed document. The Committee's input covers a wide spectrum of issues, such land use densities, housing stock and type of housing, and strives to balance the interests of a broad-based constituency with the intention of City staff, Commission, and Council on an update that can be in effect for a generation or more.

The ten-member committee will meet on a monthly-basis at minimum, throughout the General Plan Update process, which is anticipated to last between 5 and 6 months. All meetings of the committee are open to the public. Meeting times and agendas may be viewed on the meetings and agendas page for the GPAC, located on the City's Planning Division webpage.

Staff recommends the following distribution of members; however, the Council retains the ultimate authority to amend as desired:

- Two members of the City Council
- Two members of the Planning Commission
- Two members of the Banning Chamber of Commerce (one board member and one non-board member)
- One representative from the Riverside Chapter of the Building Industry Association (BIA)
- Two long-time and permanent residents of the Banning community, that are not members of any of the groups referenced above.

Staff recommendation for GPAC membership is detail within **Attachment 1**, which is attached herein.

**FISCAL IMPACT:**

City staff will manage, moderate, and provide support services to the GPAC. These items have been budgeted for within the General Plan Update which is being funded through the Local Early Action Planning (LEAP) grant, provided by the Department of Housing and Community Development (HCD).

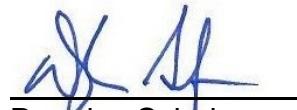
**ALTERNATIVES:**

1. Appoint members to the General Plan Advisory Committee.
2. Choose to continue this item to a future meeting.

**ATTACHMENTS:**

1. Staff Recommendations  
<https://banningca.gov/DocumentCenter/View/10927/Att-1-Staff-Recommendations>
2. Presentation  
<https://banningca.gov/DocumentCenter/View/10928/Att-2-Presentation>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** July 12, 2022

**SUBJECT:** Minutes of the June 28, 2022 City Council Meetings

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### **RECOMMENDATION:**

Approve the minutes of the June 28, 2022 City Council Meetings.

### **ALTERNATIVES:**

1. Approve as recommended.
2. Approve with modifications.

### **ATTACHMENTS:**

1. Minutes of the June 28, 2022 Special City Council Meeting – Closed Session  
[https://banningca.gov/DocumentCenter/View/10886/2022-06-28\\_Minutes\\_Special-Meeting---Closed-Session](https://banningca.gov/DocumentCenter/View/10886/2022-06-28_Minutes_Special-Meeting---Closed-Session)
2. Minutes of the June 28, 2022 Regular City Council Meeting - Workshop  
[https://banningca.gov/DocumentCenter/View/10884/2022-06-28\\_Minutes\\_Special-Meeting---Workshop](https://banningca.gov/DocumentCenter/View/10884/2022-06-28_Minutes_Special-Meeting---Workshop)
3. Minutes of the June 28, 2022 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/10885/2022-06-28\\_Minutes-Regular-Meeting](https://banningca.gov/DocumentCenter/View/10885/2022-06-28_Minutes-Regular-Meeting)

Approved by:

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

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Matthew Hamner, Chief of Police  
Diana Serrano, Code Enforcement Officer

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-93, Approving Nuisance Abatement Charges to be Added to the Tax Rolls of Riverside County, California

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2022-93 approving certain nuisance charges to be added to the tax rolls of Riverside County, California.

### **BACKGROUND:**

The City Council adopted Ordinance 1326, establishing Chapter 8, Section 48 of the Banning Municipal Code (BMC), establishing the procedures for creating assessment liens and authorizing the County Board of Supervisors to levy and collect such charges.

According to the BMC and the procedures required by the Riverside County Auditor's Office, City Council must approve a resolution authorizing these liens annually. Liens on all subject parcels have been previously recorded against the properties in the office of the County Recorder.

### **JUSTIFICATION:**

The City has incurred costs in the process of abating certain nuisances. Adoption of this resolution provides for the recovery of such costs. City Council approval is sought for these liens on an annual basis and is required for the purposes of cost recovery.

### **FISCAL IMPACT:**

The amount of the assessment to be placed on the tax roll is just under \$10,723. This assessment will be placed on the Riverside County Auditor-Controller's tax rolls and collected with the ad valorem taxes and any other assessments against the properties. The City participates in the Teeter Plan, whereby the County will reimburse the City 100% of the amount placed on the tax rolls for the weed abatement.

**ALTERNATIVES:**

1. Approve Resolution 2022-93 as recommended.
2. Approve Resolution 2022-93 with modifications.
3. Do not approve and provide alternative direction.

**ATTACHMENT:**

1. Resolution 2022-93

<https://banningca.gov/DocumentCenter/View/10929/Att-1-Resolution-2022-93-with-Exhibits>

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:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-96, Approving Amendment No. 1 to the Contract Agreement with CASC Engineering and Consulting, Inc. ("CASC") for Consulting Services Associated Focused General Plan Update Services for Fiscal Year 2022/2023 in the amount of \$71,252 for a total of \$186,734

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### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2022-96:

1. Amendment No. 1 to the Contract Agreement with CASC Engineering and Consulting, Inc. to increase the contract by \$71,252.00 for additional consulting services associated with the Focused General Plan Update.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Contract Agreement Amendment No. 1 with CASC Engineering and Consulting, Inc.
3. Authorizing the City Manager or his designee to execute Amendment No. 1 to the Contract Agreement with CASC, Inc. for Fiscal Year 22/23, not to exceed \$186,734.

### **BACKGROUND:**

City staff requested an augment to the existing contract so that additional environmental analysis can be performed (services which were unforeseen during the original RFP) and subsequent contract award. More specifically, these services include conducting a Vehicle Miles Travel – or VMT – analysis, as well as add time associated with future meetings and coordination, required for the Project.

### **JUSTIFICATION:**

The City has not updated its General Plan since 2006; as such, provisions of the current General Plan will require more detailed analysis. Additional effort is required to accomplish this goal, partly due to recent changes to state law and partly to City staff's requirement for further study, research, and project-level meetings and coordination.

**FISCAL IMPACT:**

Anticipated fiscal impact totals \$71,252.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$71,252.00

**ALTERNATIVES:**

1. Adopt Resolution 2022-96 as recommended.
2. Adopt Resolution 2022-96 with modifications.
3. Do not approve Resolution 2022-96 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-96  
<https://banningca.gov/DocumentCenter/View/10932/Att-1-Resolution-2022-96-CASC-Engineering-Inc-Amendment-1>
2. Draft Amendment No. 1 to Agreement with CASC Engineering, Inc.  
<https://banningca.gov/DocumentCenter/View/10930/Att-2-CASC-Amendment-No-1-Draft>
3. CASC Engineering Addendum  
<https://banningca.gov/DocumentCenter/View/10931/Att-3-CASC-Engineering-Addendum>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-98, Establishing an Employee Volunteerism Program

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### **RECOMMENDATION:**

A motion to approve Resolution No. 2022-98, Establishing an Employee Volunteerism Program.

### **BACKGROUND:**

Resolution 2022-98 establishes an employee volunteerism program, which will allow employees to take up to eight (8) hours of paid time off each month to participate in a specific volunteer program. Volunteer time must be requested in advance and for a nonprofit organization located in Banning.

Goals of the employee volunteerism program include:

- Encouraging City employees to be actively involved in the community;
- Supporting local nonprofit organizations;
- Strengthening bonds between coworkers; and
- Improving employee retention by helping employees feel better about the City as an employer.

### **JUSTIFICATION:**

Report on a previously authorized feasibility analysis.

### **FISCAL IMPACT:**

No direct fiscal impact.

### **ALTERNATIVES:**

1. Approve Resolution No. 2022-98 as presented.
2. Approve Resolution No. 2022-98 with modifications.
3. Do not approve Resolution No. 2022-98.

**ATTACHMENT:**

1. Resolution No. 2022-98

<https://banningca.gov/DocumentCenter/View/10933/Resolution-2022-98-Volunteerism>

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  
Nate Smith, Deputy Director of Public Works/City Engineer

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-99, Establishing a Pre-Qualified Professional Engineering On-Call Vendor List

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### **RECOMMENDATION:**

The City Council adopt Resolution 2022-99 to establish a pre-qualified professional engineering vendor list for various services for the public works department starting in FY22/23 for a maximum of 5 years (maximum expiration end of FY 26/27).

### **BACKGROUND:**

In September of 2019, the City Council approved an engineering vendor list that continues to be utilized for services to the Public Works Department. The engineering vendor list allows for the Public Works Department to procure engineering services in a manner that requires less time from staff to prepare and evaluate a Request for Proposal ("RFP") for each needed task. The pre-approved vendor list in current use expired on June 30, 2022.

A new vendor list is necessary to continue services provided by the Public Works Department in various fields. A new RFP was released on March 7, 2022 through the ProcureNow service. The RFP closed on April 25, 2022 with a total of 23 proposals received and validated.

The RFP was seeking experienced and qualified engineering firms to provide services in the following categories listed below:

- Civil Design Services
- Specialized Utility Services
- Traffic Engineering
- Transportation Planning Services
- Surveying and Mapping
- Geotechnical and Materials Testing
- Grant Writing and Management
- Environmental Services

- Landscape Architecture

A more detailed scope of services for each category is included in the full RFP as Attachment 2 to this report (starting on Page 7 of RFP).

For the review of this RFP, evaluation committees were created consisting of 3 persons for each service category. The evaluations were rated on a weighted scale of 0-5 points (0 = no response, 1 = bad response, 2 = poor response, 3 = acceptable response, 4 = good response, 5= excellent response) for each evaluation criteria listed below:

- Qualifications (30% of final score)
- Experience and References (25% of final score)
- Approach and Methodology (20% of final score)
- Quality Control (15% of final score)
- Staffing Availability (10% of final score)

A weighted average score of 80 or greater is considered to be qualifying for this list. As a qualified engineering vendor, the firms below can be directly engaged to provide services or more detailed proposals, depending on the size, scope, and value of potential projects.

Detailed ranking and scores are provided as reference in Attachment 2, but overall score is not indicative of ability to provide services to the City of Banning.

Attachment 3 provides a matrix of pre-qualified firms and the associated service categories each is pre-qualified for. Firms are listed alphabetically.

### **JUSTIFICATION:**

The Public Works Department procures several professional engineering services contracts throughout the year for the evaluation, development, maintenance, construction, and long-range planning of public infrastructure and services to the City of Banning. Establishing a pre-qualified vendor list would expedite the process in obtaining these services as well as reduce the time spent by City staff preparing and evaluating formal RFPs and proposals.

### **FISCAL IMPACT:**

There is no fiscal impact related to this resolution. The funding of on-call engineering services contracts will be determined at the time of contract award for each specific project and shall be awarded per the City's purchasing policies.

### **ALTERNATIVES:**

Do not approve as presented and staff would proceed with a Request for Proposals for individual projects in order to obtain the required services.

**ATTACHMENTS:**

1. Resolution 2022-99  
<https://banningca.gov/DocumentCenter/View/10934/Att-1-Resolution-2022-99-On-Call-Engineering-Vendor-List>
2. Request for Proposals (RFP) dated March 7, 2022  
<https://banningca.gov/DocumentCenter/View/10935/Att-2-RFP-On-Call-Engineering>
3. RFP Proposals Scoring Results Table  
<https://banningca.gov/DocumentCenter/View/10936/Att-3-RFP-Score-Table>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Assistant City Manager

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-100, Approving Amendment No. 1 for \$25,000 to an Agreement with Regional Government Services (RGS) for Recruitment Services in Fiscal Year 2022 for a Total of \$50,000; Approving an Agreement for Recruitment Services for \$25,000 Fiscal Year 2023; and Approving an Agreement to Implement NeoGov for \$25,000

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### **RECOMMENDATION:**

Staff recommends City Council approve Resolution 2022-100 for the following actions:

1. Approve Amendment No. 1 to the Fiscal Year 2022 Agreement with Regional Government Services for Recruitment Services not to exceed \$25,000 for a total amount of \$50,000.00; and
2. Approve an Agreement with RGS for Recruitment Services for Fiscal Year 2023, not to exceed \$25,000.00; and
3. Approve an Agreement in the amount of \$25,000 with RGS to provide services to implement NeoGov; and
4. Authorizing the City Manager to execute Amendment No. 1, The Professional Services Agreement for FY 2023 and the Agreement to implement NeoGov; and
5. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfer related to these agreements.

### **BACKGROUND:**

In March of 2022 the City contracted with Regional Government Services to assist the Human Resources Department with recruitment and other Human Resources tasks.

### **JUSTIFICATION:**

With the recent departure of the City's Human Resources Manager the department requires continued support until the open positions in Human Resources are filled.

**FISCAL IMPACT:**

The cost of these services will be paid with salary savings created with the exit of the Human Resources Manager.

**ALTERNATIVES:**

1. Adopt Resolution 2022-100 as recommended.
2. Adopt Resolution 2022-100 with modifications.
3. Do not approve Resolution 2022-100 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-100  
<https://banningca.gov/DocumentCenter/View/10937/Att-1-Resolution-2022-100-Regional-Government-Services>
2. Quote to Implement NeoGov  
<https://banningca.gov/DocumentCenter/View/10938/Att-4-2022-05-13-Banning---NeoGov>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** **BANNING UTILITY AUTHORITY**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Art Vela, Director of Public Works**  
**Angela Shelton, Management Analyst**

**MEETING DATE:** **July 12, 2022**

**SUBJECT:** **Consideration of Resolution 2022-07 UA, Awarding a Professional Services Agreement for Leak Detection Survey, McKim & Creed in the Amount of \$29,732**

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### **RECOMMENDATION:**

The City Council adopt Resolution 2022-07 UA approving the following actions:

1. Approving a Professional Services Agreement for Leak Detection Survey with McKim & Creed in the amount of \$29,732
2. Authorize the City Manager or his designee to execute the Professional Services Agreement with McKim & Creed and to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for Leak Detection Survey.

### **BACKGROUND:**

The City's water distribution system is made up of approximately 165 miles of water mains ranging in size from 2 inch to 30 inch. It is common for water systems to have leaks in the water distribution system. Leaks are repaired when the Department of Public Works, Water Division is notified of them or identifies them out in the field. This occurs when the water leak reaches the surface and make itself visible. Unfortunately, water leaks do not always reach the surface.

California's on-going drought and other water shortages highlight the need to manage water loss in water distribution systems. Water loss can result from seepage, leaks, and pipe failures due to aging infrastructure and/or errors in data, and water theft. Water utilities can increase water supplies and recover revenue by identifying the scale and cost of these losses. To identify and mitigate water loss, Assembly Bill 1414 and Assembly Bill 606 was issued which required urban retail water suppliers to submit water loss audit reports on or before January 1 of each year starting January 1, 2024.

Leak Detection Surveys use specialized sounding equipment to identify existing subsurface leaks that have not surfaced in order to make repairs and reduce a water system's overall water loss.

A Request for Proposals was posted and advertised on the City's electronic bidding system, "ProcureNow" on April 18, 2022. In response to these efforts, four (4) bids were received on May 17, 2022 from the following companies:

<b><u>Companies</u></b>	<b><u>Bid Amount</u></b>
1) McKim & Creed, Inc	\$29,732
2) Xylem	\$27,600
3) Asterra	\$36,000
4) M.E. Simpson Company	\$79,550

McKim & Creed, Inc. has successfully performed similar work with other City's and water agencies as a subcontractor and a prime contractor in multiple contracts. The company has proven to be a responsive and responsible contractor.

As a result, staff recommends that the Professional Services be awarded to the most capable and responsible bidder, McKim & Creed of Wilmington, North Carolina, in the amount of \$29,732. A copy of McKim & Creed's bid can be found attached hereto.

If awarded, staff anticipates the work to commence mid-August 2022.

The scope of work includes only a third of the City's water distribution system. It is intended that the entire distribution system will be surveyed over the course of three years.

#### **JUSTIFICATION:**

The Department of Public Works, Water Division, in an effort to mitigate water loss in its water distribution system, sought the expertise of leak detection survey company. The surveys conducted will capture a third of the system mileage in each yearly investigation over the course of three years.

The project, through identifying leaks and staff making the necessary leak repairs, will reduce its water loss (i.e. non-revenue water).

#### **FISCAL IMPACT:**

The Professional Services Agreement with McKim & Creed is for an amount of \$29,732. The agreement will be funded by 660-6300-471.45-08 (Water Distribution Systems), in the amount of \$29,732. The project has been budgeted for in the Fiscal Year 2022/2023 approved budget.

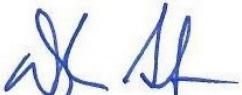
**ALTERNATIVES:**

Reject Resolution No. 2022-07 UA and provide direction to staff.

**ATTACHMENTS:**

1. Resolution No. 2022-07 UA  
<https://banningca.gov/DocumentCenter/View/10942/Att-1-Resolution-2022-07-UA-Leak-Detection-Survey>
2. McKim & Creed Proposal  
[https://banningca.gov/DocumentCenter/View/10939/Att-2-FINAL-McKim-Creed-BAFO-Proposal\\_Banning](https://banningca.gov/DocumentCenter/View/10939/Att-2-FINAL-McKim-Creed-BAFO-Proposal_Banning)
3. Draft Agreement  
<https://banningca.gov/DocumentCenter/View/10940/Att-3-C00757-MCKIM-CREED---Draft>
4. Request for Proposal  
<https://banningca.gov/DocumentCenter/View/10941/Att-4-Leak-Detection-Request-for-Proposal>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-08 UA, Approving Amendment No. 5 to the Maintenance and Operations Agreement with Veolia Water Contract Operations USA, Inc. to Extend the Term of the Agreement for One Year

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### **RECOMMENDATION:**

Staff Recommends that the Banning Utility Authority adopt Resolution 2022-08 UA:

1. Approving the Fifth Amendment to the Maintenance and Operations Agreement with Veolia Water Contract Operations USA, Inc. to extend the term of the agreement for one (1) additional year and thereby amending the termination date of the original Agreement to September 30, 2023.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Resolution 2022-08 UA.
3. Authorizing the City Manager to execute the Fifth Amendment to the Maintenance and Operations Agreement with Veolia Water Contract Operations USA, Inc.

### **BACKGROUND:**

The City of Banning has outsourced the operation and maintenance of the Wastewater Treatment Plant (WWTP) since 1993. Additional background on the various contracts and related amendments can be found in Attachment 2.

Since outsourcing the operations and maintenance of the WWTP in 1993, the City has maintained compliance with the Waste Discharge Requirements (WDR) issued to the City by the California Regional Water Quality Control Board (RWQCB). Suez has also contributed to the City being the recipient of several regional awards such as, the WWTP Plant of the Year in 2007 (less than 5 MGD) and 2nd place for this same award in 2008. Additionally, in 2008 the WWTP received a safety award from the Colorado River Basin Section for its operation procedures. Again in 2016, the WWTP received the Plant of the Year (less than 5 MGD) award.

On September 22, 2020, the Banning Utility Authority approved Resolution 2020-10 UA, approving the “Fourth Amendment to the Maintenance and Operations Agreement with Suez Water Environmental Services, Inc. to extend the term of the agreement for two (2) additional years and thereby amending the termination date of the original Agreement to September 30, 2022 with the option to renew for an additional three (3) years.”

Recently, Suez Water Environmental Services, Inc. changed its name to Veolia Water Contract Operations USA, Inc. (Veolia).

**Scope of Work**

Veolia, under the Current Agreement, is responsible for the operation and maintenance of the City’s WWTP and four wastewater lift stations located throughout the City. As stated in the Current Agreement, Suez is responsible for several maintenance activities including treatment plant equipment maintenance, building maintenance and site maintenance. Suez is responsible for providing five (5) full-time employees to staff the WWTP seven (7) days a week, eight (8) hour days including providing the City with twenty-four (24) hour, seven (7) days per week, on-call operational coverage. In addition to the five (5) full time employees Veolia also provides technical assistance utilizing their professional in-house resources for various wastewater programs such as pre-treatment, industrial waste discharges, preventative maintenance and capital improvement planning.

Further details of the Veolia’s contract obligations are identified in the Current Agreement included herein as Attachment 4.

**JUSTIFICATION:**

Since 1993 JMM/United Water/Suez/Veolia has proven to be a responsible contractor capable of effectively and successfully managing the operation and maintenance of the City’s WWTP. The existing contract is set to expire on September 30, 2022 and it is essential that the City preserve the continued operation and maintenance of the WWTP.

The Fifth Amendment, if approved, will allow the continued operation and maintenance of the City’s WWTP until September 30, 2023, with the option to renew for two additional years.

**FISCAL IMPACT:**

The Department of Public Works, Wastewater Division Operations Fund, Account No. 680.8000-454.23-38 (contracted wastewater plant services) will continue to fund the Operation and Maintenance Agreement. The required funding has been included in the approved Fiscal Year 2022/2023 budget. The base annual agreement is for an amount of \$849,762. The current agreement allows for annual increase reflective of the CPI increase.

**ALTERNATIVES:**

1. Adopt Resolution 2022-08 UA as recommended.
2. Adopt Resolution 2022-08 UA with modifications.

July 12, 2022

Page 3 of 3

3. Do not approve Resolution 2022-08 UA and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-08 UA  
<https://banningca.gov/DocumentCenter/View/10946/Att-1-Resolution-2022-08UA>
2. September 22, 2020 Staff Report  
<https://banningca.gov/DocumentCenter/View/10943/Att-2-SR-2020-10UA-Suez-Amendment-4>
3. Name Change Letter  
<https://banningca.gov/DocumentCenter/View/10944/Att-3-Bannning-Name-Change-Letter---42922>
4. Current Agreement  
<https://banningca.gov/DocumentCenter/View/10945/Att-4-Current-Agreement-Including-Amendments-1-2-3-4>

Approved by:



\_\_\_\_\_  
Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-09 UA, Approving the Award of an Agreement for the Installation of Altitude Valves at San Gorgonio Reservoirs to Canyon Springs Enterprises in the amount of \$552,975, Authorizing Staff to Purchase Two Altitude Valves and Setting a Total Project Budget of \$708,272.50

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### **RECOMMENDATION:**

The Banning Utility Authority adopt Resolution 2022-09 UA approving the following actions:

1. Approving an Agreement with Canyon Springs Enterprises for the installation of Altitude Valves at the San Gorgonio Reservoirs in the amount of \$552,975 and a 10% contingency in the amount of \$55,297.50 for a project budget of \$608,272.50.
2. Authorizing the City Manager or his designee to execute the Agreement with Canyon Springs Enterprises and to make necessary budget adjustments, appropriations and transfers related to the Agreement for Altitude Valves at San Gorgonio Reservoirs and to approve change orders with the 10% contingency.
3. Authorizing the purchase of two twenty-inch altitude valves with a not-to-exceed budget of \$100,000.

### **BACKGROUND:**

The City's water system depends on storage reservoirs for fire protection, operational flexibility, and in emergencies such as extended power outages. The largest pressure zone in the water system is the Main Zone and has five (5) storage reservoirs with a combined total of 14.5 million gallons of storage capacity. However, the entire storage capacity has not been realized due to differences in elevation and pressure variations across the Main Zone. To keep from overflowing reservoirs, which would waste water, operations staff has been forced to keep reservoir levels lower than their design capacity.

At the September 10, 2018 meeting, the Banning Utility Authority awarded a professional services contract to Michael Baker International for the design of Altitude Valves at the Southwest and San Gorgonio Reservoirs.

An Invitation for Bid (IFB) was prepared and advertised through OpenGov on June 3, 2022. Three proposals were received. Canyon Springs Enterprises was the lowest bidder and is recommended here for award.

<b><u>Companies</u></b>	<b><u>Bid Amount</u></b>
1) Canyon Springs Enterprises	\$552,975
2) Kirtley Construction, Inc.	\$584,085
3) Hemet Manufacturing Co.	\$985,444

### **JUSTIFICATION:**

The City of Banning currently operates its reservoirs within the Main Zone below their design capacity. In order to make full use of all available storage, the San Gorgonio Reservoirs must be retrofitted with an altitude valve that will prevent overflows. City operations staff has made all possible adjustments to maximize storage, but an altitude valve is needed at the San Gorgonio Reservoirs due to its location and elevation relative to other reservoirs in the same pressure zone.

The lowest responsive bid was from Canyon Springs Enterprises from Temecula, California.

### **FISCAL IMPACT:**

Staff recommends awarding an agreement to Canyon Springs Enterprises in the amount of \$552,975 and establishing a 10% contingency in the amount of \$55,297.50.

Staff is currently seeking quotes for the purchase of two twenty-inch altitude valves and intends to present the lowest quote during the council meeting. The purchase of the altitude shall not exceed \$100,000. The total project budget is not-to-exceed \$708,272.50, which includes the Agreement with Canyon Springs Enterprises, ten percent contingency and cost for the purchase of the altitude valves. The project expenses will be paid for from Account No. 660-6300-471.95-09 (Special Utility Cap Items/Reservoirs). Funding for this project was planned for and included in the approved Fiscal Year 2022/2023 budget.

On January 15, 2021, the City entered into a Grant Agreement with the Department of Water Resources of the State of California to provide funding from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) to assist in the funding of this project in the amount of \$481,792. A copy of the Grant Agreement can be found attached hereto. The grant opportunity came through the Department of Water Resources (DWR) Proposition 1 - Round 1 IRWM Implementation Grant.

**ALTERNATIVES:**

1. Adopt Resolution 2022-09 UA as recommended.
2. Adopt Resolution 2022-09 UA with modifications.
3. Do not approve Resolution 2022-09 UA and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution No. 2022-09 UA  
<https://banningca.gov/DocumentCenter/View/10950/Att-1-Resolution-2022-09-UA>
2. Canyon Springs Enterprises Proposal  
<https://banningca.gov/DocumentCenter/View/10951/Att-2-Canyon-Springs-Ent---Proposal>
3. Draft Agreement  
<https://banningca.gov/DocumentCenter/View/10947/Att-3-C00769-Canyon-Springs-Enterprises---DRAFT>
4. Invitation to Bid  
[https://banningca.gov/DocumentCenter/View/10948/Att-4-Ad\\_Proof](https://banningca.gov/DocumentCenter/View/10948/Att-4-Ad_Proof)
5. Grant Agreement  
<https://banningca.gov/DocumentCenter/View/10949/Att-5-IRWM-Grant-Agreement-City-of-Banning>

Approved by:



\_\_\_\_\_  
Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-95, Adopting an Amended Conflict of Interest Code Containing Revised Designated Positions and Disclosure Categories, and Repealing Resolution 2020-96

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2022-95, A Resolution of the City Council adopting an amended Conflict of Interest Code containing revised designated positions and disclosure categories, and repealing Resolution 2020-96.

### **BACKGROUND:**

The Political Reform Act of 1974, Government Code Section 81000 *et seq.* (the “Act”), requires all public agencies to adopt and maintain a conflict of interest code. The primary effect of the code is to establish disclosure requirements for various government positions involved in the requisite level of decision-making as set forth in the Act. The Act requires each city to adopt a local conflict of interest code designating city positions not otherwise designated in the Act itself, that are involved in making or participating in the making of city decisions at all levels of city government.

### **DISCUSSION:**

Resolution 2022-95 updates the list of designated positions by revising the titles of certain positions and adding positions that should be subject to the local conflict of interest code. This update also revises the disclosure requirements for consultants to reflect the definition of “consultant” in FPPC Regulation 18700.3(a). The proposed amendments to the City’s designated positions list include:

- Separating “Public Works Director / City Engineer” into two separate designated positions of “Public Works Director” and “City Engineer”
- Updating the title of “Electric Operations Manager” to “Electric Operations & Maintenance Manager,” which is the formal title of this position
- Updating the title of “Recreation Program Coordinator” to “Recreation Coordinator”

- Updating the title of “Public Benefits Analyst” to “CORE Manager”
- Adding four new designated positions:
  - Finance Director
  - Public Works Deputy Director
  - Assistant City Manager
  - Utility Financial Analyst

**JUSTIFICATION:**

The City Council last reviewed the Conflict of Interest Code on July 14, 2020 and adopted the current Conflict of Interest Code by Resolution 2020-96. In conducting the review this year, Staff recommends that the City update the Conflict of Interest Code to add, update, and delete positions and update disclosure categories as necessary. These revisions are included in Appendices A and B to Resolution 2022-95.

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

1. Adopt Resolution 2022-95 as recommended.
2. Adopt Resolution 2022-95 with modifications.
3. Do not approve Resolution 2022-95 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-95  
<https://banningca.gov/DocumentCenter/View/10882/Att-1-Resolution-2022-95-Conflict-of-Interest-Code>
2. Resolution 2020-96  
<https://banningca.gov/DocumentCenter/View/10650/Att-2-Resolution-2020-96---Conflict-of-Interest-Code>
3. Local Agency Biennial Notice Instructions  
[https://banningca.gov/DocumentCenter/View/10648/Att-3-FPPC-Local\\_Agency\\_Biennial\\_Instructions](https://banningca.gov/DocumentCenter/View/10648/Att-3-FPPC-Local_Agency_Biennial_Instructions)
4. Local Agency Biennial Notice  
[https://banningca.gov/DocumentCenter/View/10649/Att-4-FPPC-Local\\_Agency\\_Biennial\\_Note---Completed](https://banningca.gov/DocumentCenter/View/10649/Att-4-FPPC-Local_Agency_Biennial_Note---Completed)



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-101, Adopting Amendments to Water Shortage Contingency Plan of the 2020 Urban Water Management Plan

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### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2022-101, amending the City's Water Shortage Contingency Plan.

### **BACKGROUND:**

In accordance with the Urban Water Management Planning Act (UWMPA) of 1983 and subsequent amendments, 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. New for the 2020 Urban Water Management Plan (UWMP) was the requirement to consider extended droughts of up to five years, and adoption of a Water Shortage Contingency Plan (WSCP) that has a minimum of 6 stages, in keeping with the latest State guidelines.

On June 8, 2021, the City Council approved Resolution 2021-50 adopting the 2020 UWMP and Resolution 2021-51 adopting the WSCP. The WSCP is a strategic planning document designed to prepare for and respond to a water supply shortage. The City's WSCP is intended to be implemented when a loss of water supply is observed in the City's system.

On March 28, 2022 California's Governor Gavin Newsom released Executive Order (EO) N-7-22 in response to the state's ongoing drought conditions. The provisions of the EO N-7-22 became effective immediately and covered the entire State. EO N-7-22 outlines several requirements for the State Water Resource Control Board (SWRCB) and local water agencies, including:

- By May 25, 2022 the SWRCB shall consider adopting emergency regulations that include all of the following:
  - o A requirement that each urban water supplier, as defined in Section 10617 of the Water Code, shall submit to the Department of Water Resources (DWR) a preliminary annual water supply and demand assessment consistent with Section 10632 of the Water Code no later than June 1, 2022 and submit a final annual water supply and demand assessment to the DWR no later than the deadline set by Section 10632.1 of the Water Code.
  - o A requirement that each urban water supplier that submitted a WSCP to the DWR implement, at a minimum, the shortage response actions adopted under Section 10632 of the Water Code for a shortage level of up to twenty percent (Stage 2).

#### Water Supply and Demand Assessment

City staff completed and submitted the preliminary and final annual water supply and demand assessments by the set deadlines. In summary, the water supply and demand assessment indicated that the City will have an estimated water demand of 7,577.44 acre-feet and an estimated water supply of 9,645.73 acre-feet for fiscal year 22/23.

#### Water Shortage Contingency Plan

As mentioned above, City staff developed a WSCP Plan as part of the 2020 UWMP. The WSCP is a guide for the City of Banning's intended actions during water shortage conditions. It is meant to improve preparedness for droughts and other impacts on water supplies by describing the process used to address varying degrees of water shortages.

Certain elements of the WSCP are required by the California Water Code, including response actions that align with six standard water shortage levels (i.e. 10%, 20%, 30%, 40%, 50% and greater than 50%) based on water supply conditions, as well as shortages resulting from catastrophic supply interruptions.

Through EO N-7-22 and emergency regulation adopted by SWRCB, the City of Banning is required to implement the actions for Stage 2 (20% shortage) of the WSCP, although an actual shortage in the City's supply does not exist, evident by the results of the annual water supply and demand assessment.

Staff has recommended certain revisions to WSCP that are appropriate for the current state of the City's water supply.

#### **JUSTIFICATION:**

The City's annual water supply and demand assessment indicates that the City has ample water supply to meet water demands for the upcoming year and references the 2020 UWMP Drought Risk Assessment which states that the City does not expect to have a water supply shortage for many years to come.

While the City supports and promotes making water conservation a way of life, it also supports the economic development of the City. For this reason, City staff recommends revisions to the response actions outlined in the City's WSCP.

**FISCAL IMPACT:**

Water conservation measures are expected to negatively impact the City's water sales and will partially be offset by the increase in water demands associated with developments within the City.

**ATTACHMENTS:**

1. Resolution 2022-101  
<https://banningca.gov/DocumentCenter/View/10956/Att-1-Resolution-2022-101>
2. Executive Order N-7-22  
<https://banningca.gov/DocumentCenter/View/10957/Att-2-Executive-Order>
3. Emergency Regulation Text  
<https://banningca.gov/DocumentCenter/View/10958/Att-3-Emergency-Regulation-Text>
4. Redlined WSCP  
<https://banningca.gov/DocumentCenter/View/10959/Att-4-Redlined-Revised-WSCP>
5. Final WSCP  
<https://banningca.gov/DocumentCenter/View/10953/Att-5-Clean-Revised-WSCP>
6. Annual Water Supply/Demand Assessment  
<https://banningca.gov/DocumentCenter/View/10954/Att-6-City-of-Banning-Annual-Supply-and-Demand-Assessment>
7. Proof of Publication  
[https://banningca.gov/DocumentCenter/View/10955/Att-7-UWMP-Amendment\\_Proof-of-Publication](https://banningca.gov/DocumentCenter/View/10955/Att-7-UWMP-Amendment_Proof-of-Publication)

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:** July 12, 2022

**SUBJECT:** Lion's Park Ballfield Lighting Project Financing Plan Disclosures

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### **RECOMMENDATION:**

City Council Receive and File the Disclosures to comply with Government Code 5852.1

### **BACKGROUND:**

At the February 8, 2022, meeting of the City Council for the City of Banning, the Council considered and adopted Resolution 2022-11 authorizing the Lion's park Ballfield Lighting project and a seven year financing plan with Government Capital Corporation.

Due to logistics, seasonal timing and safety concerns with construction moving forward concurrent with the Little League Spring season, the project was delayed. With the all-star season nearly complete, the project is now moving forward and will be completed prior to the Fall ball season in October.

This report is to provide the disclosures required by Government Code 5852.1.

As required under Section 5852.1 of the California Government Code, the good faith estimates of the Lease-Purchase Agreement are as follows:

1. The true interest cost is 4.584%, calculated as provided in Section 5852.1(a)(1)(A) of the Code.
2. The finance charges, including all other fees and charges paid to third parties, is \$7,544.63.
3. Proceeds received less the finance charges set forth in (2) above, is equal to \$754,462.50.
4. The total payment amount calculated as provided in Section 5852.1(a)(1)(D) of the Code is \$870,954.46.

### **JUSTIFICATION:**

These disclosures are required per Government Code 5852.1

**FISCAL IMPACT:**

The disclosures associated with this staff report have no fiscal impact on the project budget. The project is moving forward, and the project financing cost will not surpass the authorized not to exceed financing amount of \$932,966.30 per adopted Resolution 2022-11.

**ATTACHMENTS:**

1. California Municipal Lease Purchase Agreement for Lion's Ballfield Lighting Project  
<https://banningca.gov/DocumentCenter/View/10919/Att-1-CA-Municipal-Lease-Purchase-Agreement>
2. Certified Resolution 2022-11  
<https://banningca.gov/DocumentCenter/View/10920/Att-2-CC-Resolution-No-2022-011>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-97, Designating Juneteenth as an Official City Holiday

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### **RECOMMENDATION:**

A motion to approve Resolution No. 2022-97, Designating Juneteenth as an Official City Holiday.

### **BACKGROUND:**

Juneteenth is a federal holiday in the United States commemorating the emancipation of enslaved African Americans. Juneteenth marks the anniversary of the announcement of General Order No. 3 by Union Army General Gordon Granger on June 19, 1865, proclaiming freedom for enslaved people in Texas. Originating in Galveston, the holiday has since been observed annually on June 19 in various parts of the United States, often broadly celebrating African-American culture. The day was first recognized as a federal holiday in June 2021, when President Joe Biden signed the Juneteenth National Independence Day Act into law.

In the 2000s and 2010s, activists continued a long process to push Congress towards official recognition of Juneteenth. Organizations such as the National Juneteenth Observance Foundation sought a Congressional designation of Juneteenth as a national day of observance. In 2016, Opal Lee, often referred to as the "grandmother of Juneteenth", walked from Fort Worth, Texas to Washington D.C. to advocate for a federal holiday. When it was officially made a federal holiday on June 17, 2021, it became one of five date-specific federal holidays along with New Year's Day (January 1), Independence Day (July 4), Veterans Day (November 11), and Christmas Day (December 25). Juneteenth also falls within the statutory Honor America Days period, which lasts for 21 days from Flag Day (June 14) to Independence Day (July 4).

All 50 states either commemorate or observe Juneteenth but only 18 observe it as a permanent paid state holiday, those being, Colorado, Connecticut, Delaware, Georgia, Illinois, Louisiana, Maine, Massachusetts, Maryland, Nebraska, New Jersey, New York, Ohio, Oregon, South Dakota, Texas, Virginia and Washington. California legislators have considered a Bill, but it was not passed during the previous session. In the private sector,

Juneteenth will be a paid holiday for about 30% of private employers in the country in 2022.

**JUSTIFICATION:**

Report on a previously authorized feasibility analysis.

**FISCAL IMPACT:**

Police Officers will receive paid holiday time in addition to hours worked on the holiday. Other employees may be paid overtime or on-call pay depending on scheduling. Fiscal impact will be approximately \$20,000.

**ALTERNATIVES:**

Do not approve Resolution No. 2022-97.

**ATTACHMENT:**

1. Resolution No. 2022-97

<https://banningca.gov/DocumentCenter/View/10960/Att-1-Resolution-2022-97-Designating-Juneteenth-as-a-Paid-City-Holiday>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** July 12, 2022

**SUBJECT:** Report on City Treasurer Duties and Responsibilities/Scope of Comments under Brown Act

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### **RECOMMENDATION:**

No action requested.

### **BACKGROUND:**

During the June 28, 2022 City Council meeting, a request was made to discuss the Elected City Treasurer time allowed for comment during meetings of the City Council. Questions have been raised regarding the City Treasurer's ability to participate in City Council meetings without time limitations/restrictions.

First, it is important to understand the duties and responsibilities of a City Treasurer, as established in California Government Code Sections 41001-41007, Chapter 3. The duties and responsibilities are:

- 41001. The city treasurer shall receive and safely keep all money coming into his hands as treasurer.
- 41002. He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.
- 41003. He shall pay out money only on warrants signed by legally designated persons.
- 41004. Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.
- 41005. The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.
- 41006. The city treasurer may appoint deputies for whose acts he and his bondsmen are responsible.
- 41007. The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.

The elected city treasurer position for the City of Banning does not perform these duties as they are all performed by the City Finance Department under the direction of the

Finance Director. Two-thirds of the 482 cities in California have changed to an appointed treasurer and many of the remaining cities are in the process of asking voters to do the same. While that is not currently being considered, it is noted because the duties prescribed under California Government Code are very specific and have all been assigned by ordinance to the Finance Director and Finance Department.

It should be noted that California Government Code does not establish any budgeting duties or responsibilities for the City Treasurer. Any report from the City Treasurer during City Council meetings should be limited to the duties and responsibilities established by California Government Code 41001 – 41007. If the City Council desires, an item for a City Treasurer Report can be added to the Regular Meeting Agenda.

**JUSTIFICATION:**

Report requested by City Council.

**FISCAL IMPACT:**

Not applicable.

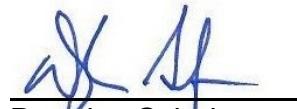
**ALTERNATIVES:**

Not applicable.

**ATTACHMENT:**

1. California Government Code Sections 41001 – 41007 Chapter 3. City Treasurer  
<https://banningca.gov/DocumentCenter/View/10952/Att-1-Govt-Code-41001-41007>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** July 12, 2022

**SUBJECT:** Consideration of Resolution 2022-94, Calling for Placement of a Measure on the Ballot at the November 8, 2022 General Municipal Election

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### **RECOMMENDATION:**

A motion approving Resolution 2022-94, Calling for Placement of a Measure on the Ballot at the November 8, 2022 General Municipal Election to impose a Utility Users Tax (UUT) on electric energy use.

### **BACKGROUND:**

During the June 28, 2022 City Council meeting, direction was given to the City Manager to prepare a resolution and ordinance for a ballot measure at the November 8, 2022 General Municipal Election to impose a utility user tax on electric energy use for park maintenance, park improvements and general municipal purposes. Resolution 2022-94, if adopted, will initiate the process of placing the measure on the November 8, 2022 General Municipal Election ballot.

Voters will be asked to allow funding for park maintenance, park improvements and for other general municipal purposes for the City of Banning of approximately \$2 million annually to be generated by a utility users tax at a rate of \$0.015 for each kilowatt-hour of electricity used by an electric energy service user until repealed by the voters.

Utility User Tax may be imposed by a city on the consumption of utility services, including, but not limited to, electricity, gas, water, sewer, telephone, sanitation and cable television. The rate of the tax and the use of its revenues are determined by the local agency. Most cities with UUTs adopted the taxes prior to 1986 by vote of the city council.

The average residential customer in Banning consumes approximately 520 kilowatt-hours of electricity per month. The annual cost of the \$0.015/kilowatt-hour tax for the average customer is estimated to be approximately \$90.00.

### **JUSTIFICATION:**

During the past several years, the City has experienced significant cost increases, including, but not limited to:

- Increase in pension and labor costs
- Inflation impacting costs of goods and services (30% increase in insurance and 59% increase in fuel costs since FY 2020-21)
- Capital Projects/Maintenance Costs have increased
- Cost of contracting for fire services has increased
- Deferred Maintenance Costs due to General Fund budgetary shortfalls
- Transit Operation Costs
- Public Safety funding needs

During this same period, revenues have not kept pace with inflation and increase costs. As a result, City services have not received the level of funding to meet community expectations. Specifically, community members frequently complain about park maintenance and lack of park improvements. The revenue generated by the Utility Users Tax could be used to increase the level of park maintenance and fund much needed park improvements.

### **FISCAL IMPACT:**

Revenue generated by the Utility User Tax is estimated to be \$2 million annually.

### **ALTERNATIVES:**

1. Adopt Resolution 2022-94, as written.
2. Adopt Resolution 2022-94, with modifications.
3. Do not adopt Resolution 2022-94.

### **ATTACHMENTS:**

1. Resolution 2022-94  
<https://banningca.gov/DocumentCenter/View/10961/Att-1-Resolution-2022-94-Utility-Users-Tax-Ballot-Measure>
2. DRAFT Ordinance Establishing a Utility Users Tax on Electric Energy Use for Park Maintenance, Park Improvements and Other General Municipal Purposes  
<https://banningca.gov/DocumentCenter/View/10962/Att-2-Draft-Ordinance>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** July 12, 2022  
**SUBJECT:** City Attorney Annual Consumer Price Index (CPI) Adjustment

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### **RECOMMENDATION:**

A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

### **BACKGROUND:**

The Legal Services Agreement between the City of Banning and Richards, Watson & Gershon dated October 10, 2017 provides for annual rate increases beginning July 1, 2019 based on the percentage change in the Consumer Price Index. Attached letter from City Attorney Kevin Ennis provides details regarding the Legal Services Agreement.

### **JUSTIFICATION:**

Agreement requires City Council approval for increases in excess of 3% and CPI for the Riverside-San Bernardino-Ontario region from March 2021 to March 2022 was 10.04%.

### **FISCAL IMPACT:**

Rate increase is 10.04%, but fiscal impact will depend on actual hours billed for legal services.

### **ATTACHMENT:**

1. Letter from Richards, Watson & Gershon regarding Rate Increase  
[https://banningca.gov/DocumentCenter/View/10963/Banning\\_Signed-Letter-re-Annual-CPI-Adjustment-in-City-Attorney-Contract-Rates-Effective-July-1-20](https://banningca.gov/DocumentCenter/View/10963/Banning_Signed-Letter-re-Annual-CPI-Adjustment-in-City-Attorney-Contract-Rates-Effective-July-1-20)

Approved by:

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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Assistant City Manager

**MEETING DATE:** June 28, 2022

**SUBJECT:** Fiscal Year 2023 City Council Travel and Conference Expense Allocation

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### **RECOMMENDATION:**

Staff recommends City Council discuss and allocate the FY2023 City Council Travel budget for each council member.

### **BACKGROUND:**

The reimbursement policy for elected and appointed officials was adopted by Resolution 2009-24 on March 24, 2009. This policy not only outlines the type of events for which council members can be reimbursed, it also requires the City Council to allocate the fiscal year travel and conference budget to each council member annually.

### **JUSTIFICATION:**

The Fiscal Year 2023 budget for City Council Travel and Conference has been set at \$9,500.00. The individual allocation must be set for council members to determine their schedules and which events they will attend. Any expenses expected to exceed the set annual allocation require approval in advance by the City Council.

### **ALTERNATIVES:**

1. Set individual allocations per Resolution 2009-24
2. Do not set individual allocations and provide alternative direction to staff.

### **ATTACHMENT:**

1. Resolution 2009-24  
<https://banningca.gov/DocumentCenter/View/10923/CC-Resolution-No-2009-024>

Approved by:

A handwritten signature in blue ink, appearing to read "AS" and "S".

Douglas Schulze  
City Manager