



AGENDA

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

September 13, 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
Password: 092220**

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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 – Reverend Gregg Schafer of Morongo Moravian Church
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

3.1. Comments on New Council Chambers Lobby Exhibits from San Gorgonio Pass Historical Society President John McLaughlin	
3.2. Proclamation – Hispanic Heritage Month.....	8
3.3. Banning Beautification Award Presentation - September 2022	
3.4. Riverside County Transportation Commission (RCTC) Coachella Valley Rail Project Update.....	9

4. REPORT ON CLOSED SESSION

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

5.1. <u>PUBLIC COMMENTS – Non-Agenda Items Only</u>	
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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. <u>CORRESPONDENCE</u>	
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Items received under this category may be received and filed or referred to staff for future research or a future agenda.

5.3. <u>APPOINTMENTS</u>	
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5.3.1. Selection of New Mayor Pre Tem through December 13, 2022.....	16
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5.4. <u>CITY COUNCIL COMMITTEE REPORTS</u>	
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5.5. <u>CITY MANAGER REPORT</u>	
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5.6. <u>CITY ATTORNEY REPORT</u>	
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5.7. <u>CITY TREASURER REPORT</u>	
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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.	Minutes of the August 18 and 23, 2022 City Council Meetings.....	17
6.2.	Report on Anticipated Special Election Costs.....	18
6.3.	Receive and File Fire Department Statistics for the Month of June 2022.....	20
6.4.	Consideration of Resolution 2022-118, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for Coordinated Transit Services.....	21
6.5.	Consideration of Resolution 2022-120, Establishing a Vendor List and Annual Expenditure Budget of \$75,000 per Year for Auto Body and Repair Services.....	23
6.6.	Consideration of Resolution 2022-121, Approving a Surplus Lands Act Declaration for Banning Electric Utility Property located at 1581 East Charles Street (APN 543-090-008).....	26
6.7.	Consideration of Resolution 2022-122 Approving Final Tract Maps 37389-1, 37389-2, 37389-3, and 37389-5 and Release the Maps for Recordation; Authorize Staff to Sign the Subdivision Improvement Agreements and Final Tract Maps; Accept Faithful Performance and Labor Bonds for Public Improvements; Authorize Staff to Accept Lot in Fee Dedication for Lot "K"....	29
6.8.	Consideration of Resolution 2022-123, Approving a Funding Agreement between the County of Riverside and the City of Banning in the Amount of \$5,049,202 for Two Non-Potable Water Infrastructure Projects.....	32
6.9.	Consideration of Resolution 2022-124, Approving a Short-Term Rental Agreement with Misael Castillo for Use of City-Owned Property located at 150 East Ramsey Street in Banning.....	35
6.10.	Consideration of Resolution 2022-125, Approving the Third Amendment to the Custodial Services Agreement with Dynamic Building Maintenance, Inc. of Riverside, California for Parks Facility Maintenance for Fiscal Year 2023 in the amount of \$13,500.....	37
6.11.	Consideration of Resolution 2022-126, Approving an Amendment to the GovInvest Contract for Financial Forecasting and Compensation Modules.....	40
6.12.	Consideration of Resolution 2022-12 UA, Approving an Agreement in the Amount of \$190,374 with Cla-Val for the Servicing of the City's Cla-Val Water Valves.....	42
6.13.	Approve an Amendment with National Restroom Trailers to Provide a 5 Station, 23' Shower Restroom Laundry Trailer with 750 Gallon Waste Tank by \$12,295.00 to Add for ADA Access for a Total of \$92,263.00.....	44
6.14.	Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Improvement Bonds for Tract 37298-3 (Atwell Planning Area 1B), Accept Street Monuments for Tracts 37298-2, 37298-3, and 37298 (Atwell Planning Areas 1A, 1B, and 2A) and Release Monumentation Bonds	46

7. PUBLIC HEARING(S)

7.1. Consideration of (1) An Addendum to an Adopted Initial Study/Negative Declaration Prepared for the 6th RHNA Cycle for the 2021-2029 Housing Element, (2) A General Plan Amendments (GPA 22-3501), (3) An Amendment to the Official Zoning Map (ZC-22-2501), and (4) A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element..... **48**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommends that the City Council: (1) Adopt Resolution 2022-85, A Resolution of the City Council of the City of Banning, California, Approving General Plan Amendment (GPA) 22-2501 (1) Removing Text Associated with the Affordable Housing Opportunity (AHO) Overlay Designation from the Land Use Element, (2) Redesignating Nine Parcels (APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) to Very High Density Residential (VHDR), (3) Removing the HDR-20/AHO Overlay Land Use Designation from Eight Parcels (APNs: 532-080-007 (Formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (Formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013) and Redesignating Such Parcels Consistent with the Zoning Classifications Approved under Zone Change (ZC) 22-3501, and (4) Correcting a Prior General Plan Land Use Mapping Error that Incorrectly Designated 63.3 Gross Acres of a Total 72.3-Acre Parcel (APN: 537-110-014, Formerly 537-110-008) and 13.01 Gross Acres of a Total 21.21-Acre Parcel (APN: 537-120-034) as HDR-20/AHO, and Making Findings Pursuant to CEQA, Determinations that no Further CEQA Review is Required, and Adopting an Addendum; (2) Waive full reading and introduce, as read by title only, Ordinance 1583, An Ordinance of the City of Banning, California, Amending Sections 17.08.010.B.10. and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code, and Making Findings Pursuant to CEQA; and (3) Waive full reading and introduce, as read by title only, Ordinance 1584, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone of (1) Nine Parcels (APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) from Low Density Residential (LDR) and Medium Density Residential (MDR) Zones To The Very High Density Residential (VHDR) Zone; (2) an Approximately 215.46 Gross Acre Parcel (APN: 532-080-007) from High Density Residential-20 Du/Acre (HDR-20)/AHO Zone to Open Space – Resources (OS-R) Zone; (3) an Approximately 0.40 Gross Acre Parcel (APN: 534-161-008) from HDR-20/AHO Zone to VHDR Zone; (4) an Approximately 0.61 Gross Acre Parcel (APN: 534-161-009) from HDR-20/AHO Zone to VHDR Zone; (5) an Approximately 0.91 Gross Acre Parcel (APN: 534-161-010) from HDR-20/AHO Zone to VHDR Zone; (6) Approximately 9.00 Gross Acres of a 72.3 Acre Parcel (APN: 537-110-014) from HDR-20/AHO Zone to High Density Residential (HDR) Zone; (7) an Approximately 8.20 Gross Acre of a 21.21-Acre Parcel (APN: 537-120-034) from HDR-20/AHO Pre-Zone to HDR Pre-Zone; (8) an Approximately 1.60 Gross Acre Parcel (APN: 541-110-009) from HDR-20/AHO Zone to HDR Zone; and (9) an Approximately 1.68 Gross Acre Parcel (APN: 541-110-013) from HDR-20/AHO Zone to HDR Zone, and Making Findings Pursuant To CEQA.

8. REPORTS OF OFFICERS

8.1. Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters..... **65**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: That the City Council introduce Ordinance 1585 and schedule a public hearing for October 11, 2022 per Gov. Code, § 50022.3.

8.2. Approval of the Water and Wastewater Rate Study and Authorization of Staff to Proceed with Proposition 218 Noticing in Connection with Proposed Water and Wastewater Rate Adjustments **67**
(Art Vela, Director of Public Works)

Recommendation: Approve the Water and Wastewater Rate Study ("2022 Rate Study") as prepared by Black and Veatch and authorize staff to send out Proposition 218 notices to customers and property owners and schedule a Public Hearing to consider adoption of the proposed water and wastewater rates on November 8, 2022 at 5:00 pm.

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. Traffic Circles/Diverging Diamonds (Happe)
4. Cannabis Regulations (Happe)

11. ADJOURNMENT

Next Regular Meeting – September 27, 2022 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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- 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.

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) 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 8th day of September 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).

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.

¿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
99 East Ramsey Street, Banning, California 92220



**CITY OF BANNING
OFFICE OF THE MAYOR**



Proclamation

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

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

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

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

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

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

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

***Hispanic Heritage Month
September 15 – October 15, 2022***

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

BE IT PROCLAIMED this 13th day of September 2022.

Colleen Wallace, Mayor

COACHELLA VALLEY RAIL PROJECT UPDATE

BANNING CITY COUNCIL
SEPTEMBER 13, 2022

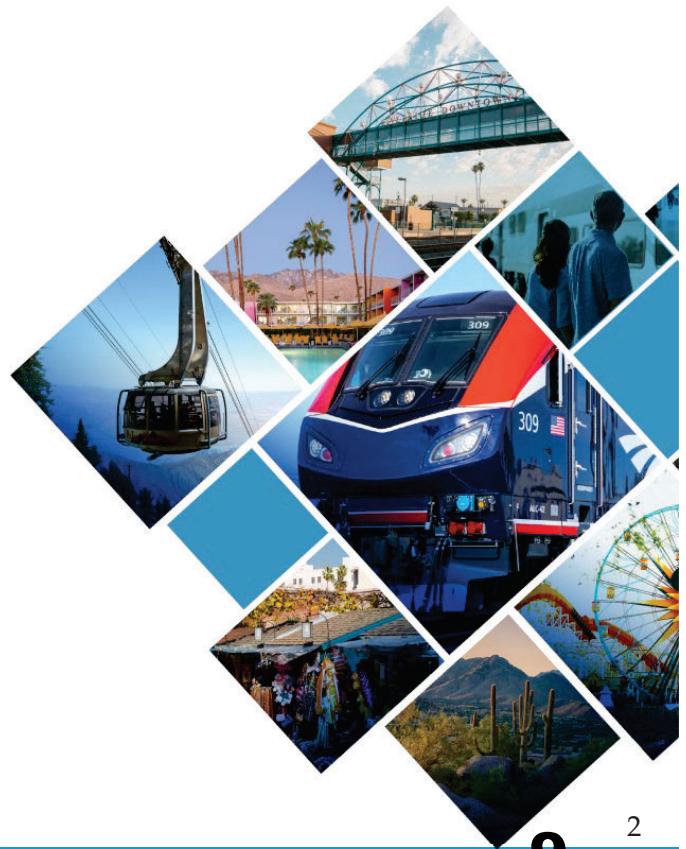
Aaron Hake, Deputy Executive Director

1



Tonight's Presentation

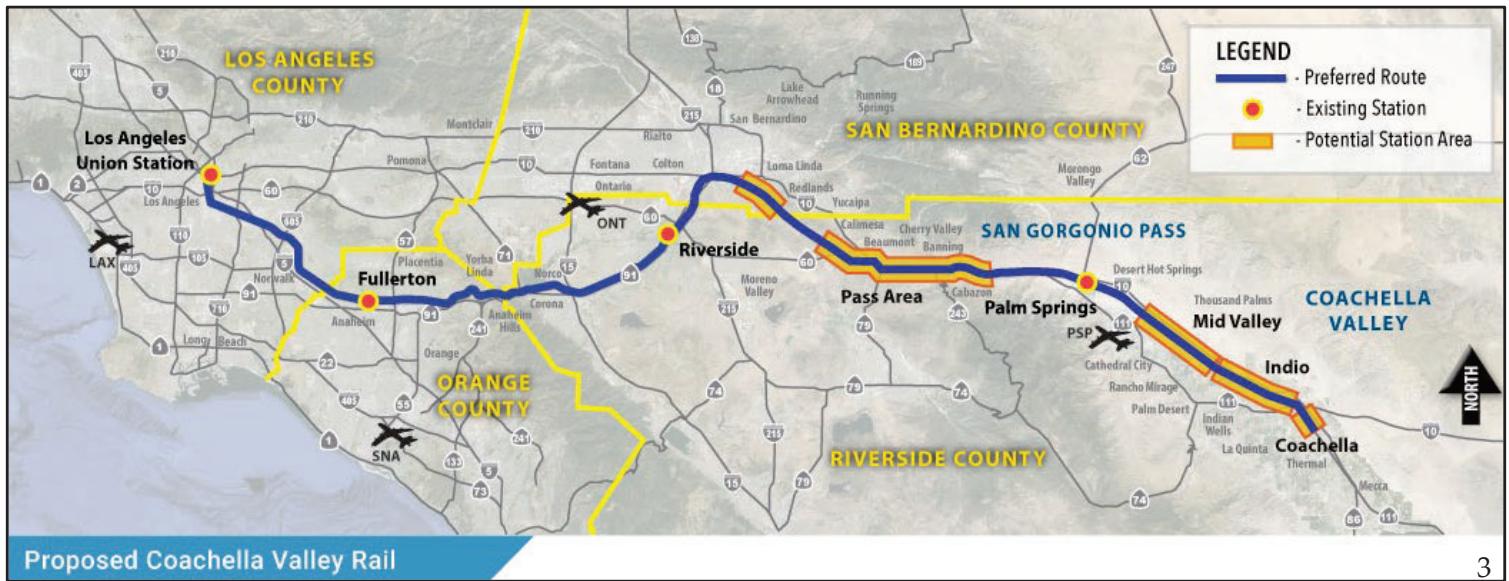
- Overview
- Purpose and Process
- Status
- Tier 1 and Tier 2 EIS/EIR Overview
- Continued Outreach
- Next Steps



9

2

Coachella Valley Rail Corridor



144 MILES
Route Length

100% Commission Supported ✓

► SoCal Population
10 Million

► Inland Empire Population
4.65 Million



Running Time
Los Angeles to Coachella Valley

No. of
Proposed
Stations

9

► San Gorgonio Pass
Travelers
160,000 / Day

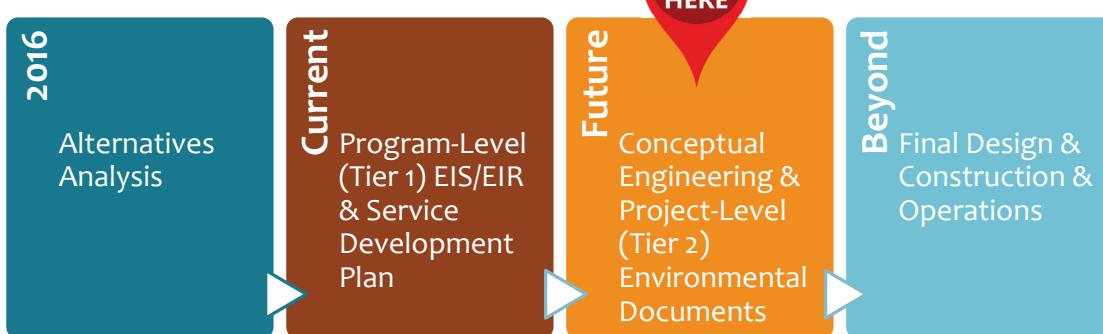
Why Coachella Valley Rail?

- ✓ **Transformational** – Transforms the way Californians will travel
- ✓ **Connections** – Links LA, Orange, San Bernardino, Riverside counties
- ✓ **Access & Equity** – Options for residents in disadvantaged communities
- ✓ **Economic Investment** – Expands access to the regional economy
- ✓ **Sustainability** – Combats climate change by reducing vehicle use



5

Project Status



- ✓ Program-Level (Tier 1) EIS/EIR
- ✓ Service Development Plan

Program-Level (Tier 1) EIS/EIR Overview

Program-level (Tier 1) process satisfies both **federal and state environmental requirements** (EIS + EIR) and delivered:

- ✓ Program Level Impacts (800-1500 ft Study Area from tracks and station)
- ✓ Identified environmental risks/challenges to further study and mitigate
- ✓ No Environmental Clearance for actual construction

Tier 1 EIS/EIR Public Outreach



Environmental Tiering

APPROVED

TIER 1
Regional Context

Broad areas of potential effects

- Train operations and routes
- Infrastructure improvements



TIER 2
Project-level

Site-specific impacts

- Rail infrastructure
- Station locations



9

Project-Level (Tier 2) EIS/EIR Overview: Looking Ahead

- ✓ Conceptual engineering will be developed to better define the project
- ✓ Tier 2 would analyze site-specific impacts based on infrastructure improvements
- ✓ Identifies station locations and local impacts
- ✓ Certification of Tier 2 will allow construction to begin!

Funding need and opportunities

- \$60 million needed to complete Tier 2
- \$23 million secured so far
- Seeking federal funding through the Federal Railroad Administration & Infrastructure Investment and Jobs Act
- Pursuing state funding through CalSTA State Rail Assistance Program, Transit Intercity Rail Capital Program, and Senate Bill 1
- We will need support letters from communities like yours

Leading the conversation with continued outreach

- RCTC Ad Hoc Committee
- Trip to Washington DC - September 19 - 21, 2022
- Trip to Sacramento – Fall 2022
- Community Engagement & Stakeholder Outreach
- Pursue Regional Partnerships for Funding





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951.787.7141



info@rctc.org



@theRCTC

13



**QUESTIONS,
DISCUSSION**



14
15



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 13, 2022

SUBJECT: Selection of New Mayor Pro Tem through December 13, 2022

RECOMMENDATION:

Staff respectfully recommend City Council appoint one of its members as Mayor Pro Tem to serve for the remainder of the term (through December 13, 2022).

BACKGROUND:

The annual process of Council reorganization is set by the Banning Municipal Code, Chapter 2.04.070, which dictates that City Council appoint one of its members as Mayor and a second as Mayor Pro Tem.

The term of service for both Mayor and Mayor Pro Tem shall be for a period of one year from date of appointment or until a successor is appointed. In accordance with statute, these appointments are made at the meeting the municipal elections results are declared and new elected officials sworn in and seated.

Pursuant to Banning Municipal Code (BMC) Section 2.04.070(c), Mayor Pro Tem Wallace will automatically fill the seat of Mayor upon the effective date of Kyle Pingree's resignation. Therefore, staff recommend the City Council take action to appoint a new Mayor Pro Tem.

ATTACHMENTS:

1. Election of Mayor Pro Tem
<https://banningca.gov/DocumentCenter/View/11317/Att-1-Election-of-Mayor-Pro-Tem>
2. Banning Municipal Code Chapter 2.04.070
<https://banningca.gov/DocumentCenter/View/11316/Att-2-BMC-204070-Appointment-of-Mayor-Pro-Tem>

Approved by:

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

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: September 13, 2022

SUBJECT: Minutes of the August 18 and 23, 2022 City Council Meetings

RECOMMENDATION:

Approve the minutes of the August 18 and 23, 2022 City Council Meetings. Minutes of the Regular Meeting of August 23, 2022 will be on the next agenda.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the August 18, 2022 Special City Council Meeting
https://banningca.gov/DocumentCenter/View/11342/2022-08-18_Minutes_Special-Meeting
2. Minutes of the August 23, 2022 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/11340/2022-08-23_Minutes_Special-Meeting---Closed-Session
3. Minutes of the August 23, 2022 Special City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/11341/2022-08-23_Minutes_Special-Meeting---Workshop

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: September 13, 2022

SUBJECT: Report on Anticipated Special Election Costs

RECOMMENDATION:

Staff respectfully recommend City Council receive and file this informational report.

BACKGROUND:

On March 9, 2022, petitioners filed a Notice of Intention to Circulate a Recall Petition with the City's Elections Official to recall and remove Council Member Mary Hamlin from the office of City Council for City Council District 3. Since then, a considerable amount of legal resources and staff time have gone into the preparation and processing of recall documents.

In addition to the significant legal expense and staff time considerations, the recall must be administered by the Riverside County Registrar of Voters office. Following the order of a special election, City Council requested staff find out and report on the estimated cost associated with the upcoming special election.

The County will invoice the City after the election to pay for administration of the election on the City's behalf, which includes producing the physical materials for the election, managing polls and poll workers, as well as tallying and certifying the results.

JUSTIFICATION:

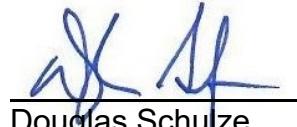
The Registrar of Voters office has reported that the **base cost** for administering the special election is \$3.50 per registered voter. As of August 30, 2022, the ROV estimated the base cost for the special election in District 3 would be \$18,000. Staff anticipate actual costs of administering the election to exceed the estimate. This is in addition to the added advertising costs to publicly notice and advertise the special election.

ATTACHMENTS:

1. Registrar of Voters Base Cost Estimate

https://banningca.gov/DocumentCenter/View/11344/Att-1-2022-08-30_ROV-Cost-per-RV

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Todd Hopkins, CALFIRE Division Chief
Laurie Sampson, Assistant City Manager

MEETING DATE: September 13, 2022

SUBJECT: Receive and File Fire Department Statistics for the Month of June 2022

RECOMMENDATION:

Receive and file Fire Department statistics for the month of June 2022.

BACKGROUND:

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

FISCAL IMPACT:

None

ATTACHMENT:

1. Fire Statistics for June 2022

<https://banningca.gov/DocumentCenter/View/11339/Banning-June-2022-Fire-Report>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-118, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for Coordinated Transit Services

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2022-118, approving an Interagency Services Agreement between the City of Banning ("Banning") and the City of Beaumont ("Beaumont") for the purpose of providing coordinated transit services.

BACKGROUND:

On October 22, 2002, the City Council of the City of Banning approved Resolution 2002-76, "Resolution of the City Council of the City of Banning Authorizing the Execution of an Agreement with the City of Beaumont to Provide Coordinated Transit Services".

Subsequently, on June 25, 2019, City Council approved an Interagency Services Agreement (ISA) which superseded the 2002 Agreement. The new ISA described the way integration will occur between both agency's transit operations, including the following:

1. Cooperation in providing the public with specific bus transit information, advertising the operations of both agencies and promoting the general use of public transit.
2. Cooperation in the location, installation and maintenance of the following jointly used transfer bus stops:
 - a. Walmart Transfer Station – 1540 E. 2nd Street, Beaumont, CA 92223
 - b. San Gorgonio Memorial Hospital – 600 N. Highland Springs Avenue, Banning, CA 92220
3. Banning will be limited to no more than three buses per hour at the Walmart Transfer Station.
4. Beaumont will be limited to no more than three buses per hour at the San Gorgonio Memorial Hospital bus stop.
5. Each party agrees that neither party will board passengers at any other bus stop within the other party's jurisdiction, with the exception as those listed as transfer bus stops.
6. Each party shall retain all fares collected in the operation of their service.
7. Each agency agrees to accept a one-time transfer media (e.g. ticket) of the other

September 13, 2022

Page 2 of 2

8. agency valued at the base fare at the above mentioned transfer stops. Passengers will not be required to "top-up" their bus fare to cover any shortfall between the agencies base fare.
9. The transfer ticket or media shall not be issued on a Dial-A-Ride or other curb-to-curb service.
10. Each party shall accept the other party's valid employee identification, on all fixed route and commuter services in lieu of payment of fare.
11. Each agency will accept the others Military Veteran Identification for purchase of each other's reduced Veterans fares.
12. Neither party may operate duplicative services in the other's jurisdiction without the written approval of the other party's elected city council.

JUSTIFICATION:

The ISA has resulted in increased ridership for the Banning transit operations as well as coordination efforts between both cities. The ISA described above, which was approved on June 25, 2019, and renewed in 2020 and 2021 expired June 30, 2022.

For these reasons staff recommends that the City Council approve Resolution 2022-118 approving the ISA as attached and as previously approved in 2019 and renewed in 2020 and 2021. There are no changes to the language in the agreement.

FISCAL IMPACT:

After the initial agreement approval in 2019, the Banning's transit operations realized an increase in ridership and farebox revenue because of operational changes made related to the ISA such as Beaumont revising their operations to no longer operate along the Ramsey Street corridor. Although the increase was short lived due to ridership impacts related to COVID-19, it is expected that the ridership increase will once again be realized once ridership levels bounce back to pre-covid conditions.

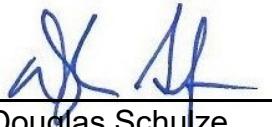
ALTERNATIVES:

1. Do not approve Resolution 2022-118 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2022-118
<https://banningca.gov/DocumentCenter/View/11346/Att-1-Resolution-2022-118-Transit-ISA>
2. Interagency Services Agreement
<https://banningca.gov/DocumentCenter/View/11345/Att-2-Banning-Interagency-Agreement-FY-23>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-120, Establishing a Vendor List and Annual Expenditure Budget of \$75,000 per Year for Auto Body and Repair Services

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2022-120:

1. Establishing an approved vendor list for auto body and repair services for Fiscal Years 2023, 2024, 2025, 2026 and 2027.
2. Authorizing an annual budget "not to exceed" \$75,000 for the procurement of auto body and repair services for Fiscal Year 2023, 2024, 2025, 2026 and 2027, to be utilized on services provided by the vendors on the approved list.
3. Authorizing the establishment and renewal of purchase orders for Fiscal Years 2023, 2024, 2025, 2026 and 2027 upon satisfactory annual review with the ability to adjust budget allocations for each vendor within the approved annual aggregate budget.
4. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related this purchase.

BACKGROUND:

The Public Works Department, Fleet Division, maintains and repairs over 200 city-owned automobiles and pieces of equipment, through in-house and contract service repairs. The Public Works Department does not have the required staff or necessary equipment to perform auto body repair services; therefore, it has been necessary to retain an auto body shop to provide these services.

Staff determined that it is necessary to establish an approved vendor list, which will assist staff in expediting the repairs and getting City vehicles back in operation.

A solicitation was released through ProcureNow (RFP-22-020) on July 20, 2022. In response to the solicitation, only one incomplete proposal was received by Lee's Auto

Body. As allowed by the City's Purchasing Policy, staff proceeded with a direct solicitation and obtained rate schedules from three (3) current, local vendors including Lee's Auto Body, as well as Class Acts Autobody, Inc. and Pro Motors Collision Repair. All vendors currently provide satisfactory services to the City. As a result, staff recommends that a pre-approved vendor list be established utilizing the following mentioned vendors:

Pre-Approved Auto Body & Repair Services Vendors

1. Lee's Auto Body
2. Class Acts Autobody, Inc.
3. Pro Motors Collision Repair

Allocations for each vendor may be increased or decreased as deemed necessary, as long as, the annual aggregate dollar amount does not exceed \$75,000. When services are procured, vendors will be selected based upon prices, availability and lead time.

JUSTIFICATION:

Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000. Auto body repair services are necessary in order to maintain City-owned and operated vehicles. The Public Works Department does not have the required staff or necessary equipment to perform these services. An approved vendor list and budget will allow staff to expeditiously process repairs and get City vehicles back in operation.

FISCAL IMPACT:

The operational budget of the Fleet Division (Fund 702) will be utilized to fund auto body repair services up to the approved budget of \$75,000 using Account 702-3800-480.30-05 (Repair/Maint-Vehicles).

ALTERNATIVE:

Reject this recommendation. If rejected, once the annual commodity aggregate of \$25,000 is exhausted, per the City's Purchasing Policy, it will be necessary for staff to solicit bids and obtain City Council approval for additional procurement of automobile and equipment parts.

ATTACHMENTS:

1. Resolution 2022-120
<https://banningca.gov/DocumentCenter/View/11350/Att-1-Resolution-2022-120-Auto-Body-Services>
2. Lee's Auto Body Price Proposal
<https://banningca.gov/DocumentCenter/View/11347/Att-2-LEES-AUTO-BODY-QUOTE>

September 13, 2022

Page 3 of 3

3. Class Acts Auto Body, Inc. Price Proposal

<https://banningca.gov/DocumentCenter/View/11348/Att-3-CLASS-ACTS-AUTO-BODY-QUOTE>

4. Pro Motors Collision Repair Price Proposal

<https://banningca.gov/DocumentCenter/View/11349/Att-4-PRO-MOTOR-QUOTE>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-121, Approving a Surplus Lands Act Declaration for Banning Electric Utility Property located at 1581 East Charles Street (APN 543-090-008)

RECOMMENDATION:

Staff recommends that the City Council approve the attached resolution declaring pursuant to Government Code Section 54221 that real property owned by the City, located at 1581 East Charles Street, is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.

BACKGROUND:

The City of Banning ("City") is the owner in fee simple of that certain real property, located at 1581 East Charles Street, Banning California APN 543-090-008) described in Exhibit "A" to the attached Resolution ("Property"). Under the Surplus Land Act, Government Code Sections 54220-54233 ("Act"), as recently amended by AB 1486, surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The Act provides that such land shall be declared either surplus land or exempt surplus land before the City may take action to dispose of it consistent with the City's policies or procedures.

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

Government Code Section 54222 requires the City, if it declares land it owns to be surplus and not necessary for the City's use, to provide written notice thereof to certain local agencies and housing sponsors ("Designated Entities"), the form of such notification is

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

In this case, the Property (APN 543-090-008) was improved for retail electric distribution and power transformation step-down facilities and has since been split with the excess property available for use. Based on the real estate principle of "Highest and Best Use", the City Council is considering the feasibility of leasing or selling all or a portion of the Property for private development purposes to increase employment opportunities and increase local tax-ratables.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

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

FISCAL IMPACT:

It is anticipated that this parcel will be sold for market value. In such case, the land sales proceeds will be retained by the City for future electric enterprise projects.

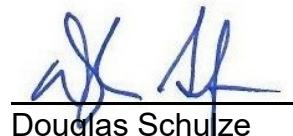
September 13, 2022

Page 3 of 3

ATTACHMENTS:

1. Resolution 2021-121
<https://banningca.gov/DocumentCenter/View/11353/Att-1-Resolution-2022-121-Surplus-Lands-Declaration-BEU-Ivy>
2. Map of Proposed Surplus Property
<https://banningca.gov/DocumentCenter/View/11351/Att-2-1581-E-Charles-Street>
3. Lot Split
<https://banningca.gov/DocumentCenter/View/11352/Att-3-22-042LOT-SPLIT-EXHIBIT-B-082922>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-122 Approving Final Tract Maps 37389-1, 37389-2, 37389-3, and 37389-5 and Release the Maps for Recordation; Authorize Staff to Sign the Subdivision Improvement Agreements and Final Tract Maps; Accept Faithful Performance and Labor Bonds for Public Improvements; Authorize Staff to Accept Lot in Fee Dedication for Lot "K"

RECOMMENDATION:

That the City Council adopt Resolution 2022-122 approving Final Tract Map 37389-1, 37389-2, 37389-3, and 37389-5 and release the maps for recordation; and authorize staff to sign the Subdivision Improvement Agreement and Final Tract Maps; and accept the Faithful Performance and Labor Bonds for public improvements.

BACKGROUND:

Tentative Tract Map (TTM) No. 37389 was approved by Planning Commission on June 2, 2021 and by City Council on June 22, 2021 as Resolution 2021-59. The proposed map implements the Atwell Specific Plan (also known as the Butterfield Specific Plan; "Specific Plan") originally approved by the City Council in March of 2012, with minor modifications approved in 2017 and provides for the development as allowed by the Specific Plan.

The applicant has processed Final Maps for portions of the approved Tentative Tract Map, as permitted by the Subdivision Map Act. Four of the seven maps are ready for approval.

Final Tract Map 37389-1 dedicates major roadways and adjacent open space lots, including Meadowline Way, Apex Street, Highland Home Road, and project entries from Meadowline Way and Highland Home Road.

Final Map 37389-2 subdivides Planning Area 11 consistent with the approved Tentative Tract Map and Conditions of Approval. The map also includes the park site identified as Planning Area 30.

Final Map 37389-3 subdivides Planning Area 10 consistent with the approved Tentative Tract Map and Conditions of Approval. The map also includes a park site identified as Planning Area 29, and a future potable water well site identified as Planning Area 28.

Planning Area 28 (Lot K) Detail: Lot "K" within the 37389-3 Final Map is envisioned as a potable water well site for the City of Banning. Technical analysis of the site is underway to determine if the property is suitable for a public potable water well. Tri-Pointe Homes has agreed to grant Lot "K" to the City of Banning as conditioned if the property is used for a well. If the site is found to be infeasible for a potable water well, the property would be used by Tri-Pointe as open space. As such, the following actions are being taken at this time:

- Lot "K" is being retained by Tri-Pointe Homes on Final Map 37389-3
- Blanket easements encumbering the entirety of Lot "K" are being offered for Public Sewer, Water, Storm Drain, Drainage and Maintenance purposes on Final Map 37389-3.
- Separate Lot in Fee Dedication is offered by Tri-Pointe Homes to the City of Banning for Lot "K". This offer would be accepted by the city upon successful determination that a potable water well is feasible at the site.

Final Map 37389-5 subdivides Planning Area 5A consistent with the approved Tentative Tract Map and Conditions of Approval.

The remaining planning areas and Final Map (PA12/FM37389-4, PA9A/FM37389-9A, PA13/FM37389) will be brought to Council for recordation at a later date. These planning areas are contingent upon the issuance of a permit from the California Department of Fish and Wildlife, Army Corps of Engineers, and the Regional Water Quality Control Board. Those efforts are ongoing with Tri-Pointe and the regulatory agencies.

JUSTIFICATION:

Final Maps 37389-1, 37389-2, 37389-3, and 37389-5 were checked by the City's consulting surveyor and was found to be technically correct and conforms to the requirements of the Subdivision Map Act. All Conditions of Approval required to be met prior to the recordation of have been met.

The City Engineer has verified that the final maps are in substantial conformance with the approved TTM 37389

The Lot in Fee Dedication for TR 37389-3 Lot "K" will be accepted after it is determined that a potable water well is feasible.

FISCAL IMPACT:

There is no direct fiscal impact based on the approval of FM 37389-1, however, the recordation of the map allows for the development of the project which will increase the assessed value of the properties resulting in an increase in property tax revenue.

Additionally, the project will generate development impact fee revenues. The City's cost for processing the project will be offset by processing fees.

ALTERNATIVES:

Do not approve FM 37389-1, FM 37389-2, FM 37389-3, and 37389-5, and offer of Lot in Fee Dedication for Lot "K" and provide staff with additional direction

ATTACHMENTS:

1. Resolution 2022-122
<https://banningca.gov/DocumentCenter/View/11357/Att1-Reso-2022-122>
2. FM 37389-1
<https://banningca.gov/DocumentCenter/View/11358/Att-2a-FM-37389-1>
3. FM 37389-2
<https://banningca.gov/DocumentCenter/View/11359/Att-3a-FM-37389-2>
4. FM 37389-3
<https://banningca.gov/DocumentCenter/View/11360/Att-4a-FM-37389-3>
5. FM 37389-5
<https://banningca.gov/DocumentCenter/View/11354/Att-5a-FM-37389-5>
6. Lot K Lot in Fee Dedication
<https://banningca.gov/DocumentCenter/View/11355/Att-6-LEGAL-WELL-C8-Cover>
7. Resolution 2021-59
<https://banningca.gov/DocumentCenter/View/11356/Att-7-Reso-2021-059>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-123, Approving a Funding Agreement between the County of Riverside and the City of Banning in the Amount of \$5,049,202 for Two Non-Potable Water Infrastructure Projects

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2022-123, which:

1. Approves a Funding Agreement between the County of Riverside and the City of Banning in the amount of \$5,049,202 for two non-potable water infrastructure projects.
2. Authorizes the City Manager or designee to execute the Funding Agreement.

BACKGROUND:

On March 11, 2021, President Biden signed into law a \$1.9 trillion economic stimulus bill also known as the COVID-19 Stimulus Package or the American Rescue Plan Act (ARPA). The intent of the bill is to accelerate the United States recovery from the economic and health impacts of the COVID-19 pandemic. ARPA includes \$362 billion in Coronavirus State and Local Fiscal Recovery Funds (ARPA Fiscal Recovery Funds) for eligible state, local, territorial, and tribal governments. These ARPA Fiscal Recovery Funds can be utilized for four categories of eligible uses:

Riverside County's share of the American Rescue Plan funding is estimated to be \$479 million. Funding must be obligated by December 31, 2024 and expended by December 31, 2026.

On February 8, 2022, the Riverside County Board of Supervisors approved establishing the ARPA infrastructure funding category in the amount of \$82 million. This amount dedicated \$75 million to water and sewer infrastructure projects, distributed \$15 million per district and the remaining \$7 million was allocated to the Broadband affordability program. Of which the Board of Supervisors has allocated \$5,049,202 to the City of Banning for two non-potable water infrastructure projects:

1. Non-Potable Booster Pump Station 1 and Reservoir Project

The NP-1 Booster Pump Station will be located adjacent to the existing City of Banning Wastewater Treatment Plant. On Charles Street in the City of Banning. The non-potable water supply will be from Well NP-1. The NP-1 Booster Pump Station will pump to the NP-2 Booster Pump Station on Lincoln Street.

The NP-1 Booster Pump Station will be designed to pump a maximum of 1,000 gpm. The Booster Station will have two (2) vertical turbine can mounted pumps, one (1) duty and one (1) standby and pump can for a future pump. The Booster Pumps will be enclosed in a masonry building. A diesel fueled emergency engine generator will be provided. The design includes mechanical, architectural, structural, electrical, instrumentation and SCADA.

The NP-1 Non-Potable Water Reservoir will be a 54' diameter above ground steel tank with ring wall foundation. The height of the tank will be approximately 27' tall, with 21' to the high-water level. The design will include, inlet and outlet pipes, overflow pipe, access manholes, exterior and interior access ladders and other appurtenances as required. The design includes mechanical, structural, electrical instrumentation and SCADA

The estimated project cost is \$2,669,725

2. Non-Potable Booster Pump Station 2

The NP-2 Booster Pump Station will be located on Lincoln Street in the City of Banning future park site. NP-2 Booster Pump Station will pump to the Sun Lakes Country Club irrigation lakes.

The NP-2 Booster Pump Station will be designed to pump a maximum of 1,000 gpm. The Booster Station will have two (2) vertical turbine can mounted pumps, one (1) duty and one (1) standby and pump can for a future pump. The Booster Pumps will be enclosed in a masonry building. The design includes mechanical, architectural, structural, electrical, instrumentation and SCADA.

The estimated project cost is \$2,379,477.

The two projects above are integral to having a fully functional non-potable water distribution system.

JUSTIFICATION:

The approval and execution of the Funding Agreement will allow the City to be reimbursed for the cost of the two non-potable system, which are vital to having a functional non-potable distribution system, which will support the City's goal of having a robust water supply portfolio.

September 13, 2022

Page 3 of 3

FISCAL IMPACT:

The Funding Agreement will provide an amount of \$5,049,202 to fund two critical non-potable water projects.

ALTERNATIVES:

1. Adopt Resolution 2022-123 as recommended.
2. Adopt Resolution 2022-123 with modifications.
3. Do not approve Resolution 2022-123 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2022-123
<https://banningca.gov/DocumentCenter/View/11361/Att-1-Resolution-2022-123-County-ARPA>
2. Funding Agreement
https://banningca.gov/DocumentCenter/View/11362/Att-2-Agreement-BanningARPA_InfrastructureAgrmt_8-24-2022-AATF

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Marisol Lopez, Economic Development Manager

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-124, Approving a Short-Term Rental Agreement with Misael Castillo for Use of City-Owned Property located at 150 East Ramsey Street in Banning

RECOMMENDATION:

Staff recommend City Council adopt Resolution 2022-124, approving the short-term rental agreement.

BACKGROUND:

The Economic Development Department was contacted regarding the use of the property located at 150 E. Ramsey Street. The old site of the San Gorgonio Inn has been vacant for over a year and is currently unprogrammed.

Earlier this year, Misael Castillo of Castillo Rentals applied for and received a Temporary Use Permit (#22-2182) to operate a Pumpkin Patch with related services on the site. The Pumpkin Patch will operate the site for the month of October, with additional days in the agreement for set-up and tear-down. While open, the Pumpkin Patch will include activities such as inflatable rides, games, vendors for food and more.

Staff thought this would be a good use of the underutilized site and would draw residents and visitors to the City's downtown core.

FISCAL IMPACT:

The term of the short-term rental agreement is 35 days – September 30 through November 3, 2022. Tenant shall pay \$1,500 plus any associated late fees they may incur per the agreement.

ATTACHMENTS:

1. Resolution 2022-124
<https://banningca.gov/DocumentCenter/View/11331/Att-1-Resolution-2022-124-Pumpkin-Patch-Short-Term-Rental>

September 13, 2022

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

2. Temporary Use Permit # 22-8102

<https://banningca.gov/DocumentCenter/View/11329/Att-2-TUP-22-8102-Approval-Pumpkin-Patch--8232022>

3. Draft Agreement

https://banningca.gov/DocumentCenter/View/11330/Att-3-Draft-Short-Term-Rental-Agreement_Pumpkin-Patch

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: September 13, 2022

SUBJECT: Consideration of Resolution 2022-125, Approving the Third Amendment to the Custodial Services Agreement with Dynamic Building Maintenance, Inc. of Riverside, California for Parks Facility Maintenance for Fiscal Year 2023 in the amount of \$13,500

RECOMMENDATION:

Staff recommends that City Council adopt 2022-125:

1. Approve the third Amendment to the Contractual Services Agreement with Dynamic Building Maintenance, Inc. to add the custodial maintenance of the four park restrooms to the existing scope of Custodial Services of Municipal Facilities for Fiscal Year 2023 and increase compensation in an amount not to exceed \$13,500.
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the third Amendment to the Agreement with Dynamic Building Maintenance.
3. Authorize the City Manager or his designee to execute the third Amendment to the Agreement with Dynamic Building Maintenance.

BACKGROUND:

A Request for Proposals (RFP) was published on March 13, 2020. On May 26, 2020, City Council approved the award of an agreement for custodial services to Dynamic Building Maintenance, Inc. in the amount of \$79,213. The original agreement was for a one-year period, expiring June 30, 2021, with the option to renew for an additional four (4) single years upon satisfactory review of services. On May 11, 2021, City Council exercised the option to renew the agreement for Fiscal Year 2022 and the term was extended to June 30, 2021. On May 10 2022, City Council once again exercised the option to renew the agreement for Fiscal Year 2023 and the term was extended to June 30, 2022

Due to staffing recruitment constraints and increased vandalism and parks maintenance requirements the Park's Division is unable to perform the required maintenance on the park's restrooms. This has resulted in unscheduled closures of park restrooms and

delays in opening for the public's use. In consultation with Dynamic Building Maintenance, a quote was secured to perform park restroom maintenance to the scope of the work included in the custodial services agreement. The quote provides for complete custodial service on the four park's restrooms, 3 days a week at a cost of \$1,500 per month. For the remaining 9 months of the Fiscal year, the total additional cost would be \$13,500.

The proposed third amendment with Dynamic Building Maintenance will add the three (3) day a week, custodial maintenance of the park restrooms in Lion's, Reppier, Roosevelt Williams and Sylvan Parks. Dynamic Building Maintenance will provide complete custodial services including all labor, tools materials and equipment necessary to perform the added services. If the third Amendment is approved, there is no change to the term of the agreement, there will be two (2) remaining single year options to further extend the agreement, with renewal options and extensions to expire no later than June 30, 2025.

The new amendment will add to the original scope of work for Fiscal Year 2022-23 that includes five (5) days per week facility maintenance of the Civic Center, City Yard and Banning Police Department. The Banning Water Shop will require three (3) days of service per week and the Community/Senior Centers shall be limited to quarterly floor and window cleanings. Additionally, the Senior Center will be deep cleaned biannually, and the Aquatic Center flooring will be cleaned annually.

JUSTIFICATION:

The Parks Department does not have the required staff needed to provide custodial maintenance for the park restrooms and has resulted in delays in opening park restrooms and on certain days inability to open the park restrooms. Attempts to recruit part time maintenance assistance for the department have not been successful and the department has backfilled with recreation leaders when available but it has not been consistent. Dynamic Building Maintenance, Inc. provides the City with an acceptable level of service at affordable rates; therefore, staff recommends the approval of the third Amendment and the additional scope.

FISCAL IMPACT:

The third Amendment in the amount of \$13,500 and will be funded by the operational budgets of Park's Department and will not require an additional allocation for Fiscal Year 2022-23.

The agreement will be funded by the following operational budgets:

ACCOUNT NO.	DESCRIPTION	AMOUNT
001-4010-3600-461-30.02	Contract Svc/Repair/Maint.-Buildings	\$13,500
	TOTAL	\$13,500

September 13, 2022

Page 3 of 3

ALTERNATIVES:

The City Council may to take no action on this matter which would result in an the Park's staff continuing to inadequately maintain the park restrooms and at time close restrooms until maintenance can be performed. The City does not currently have staff resources to perform these tasks.

ATTACHMENTS:

1. Resolution 2022-125
https://banningca.gov/DocumentCenter/View/11364/Att-1-Resolution-2022-125_Dynamic-Building-Maint
2. Draft Agreement No. 3 to Agreement (C00645)
https://banningca.gov/DocumentCenter/View/11365/Att-2-DRAFT_C00645-Amendment3---Dynamic-Building-Maintenance-Inc---Additional-Scope-of-Work
3. Executed Amendment No. 2 to Agreement (C00645)
https://banningca.gov/DocumentCenter/View/11363/Att-3-DocuSign_C00645_Dynamic_Bldg_Maint_A2-002

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Finance Director

MEETING DATE: September 13, 2022

SUBJECT: Consideration of Resolution 2022-126, Approving an Amendment to the GovInvest Contract for Financial Forecasting and Compensation Modules

RECOMMENDATION:

Approve Resolution 2022-126 to authorize the City Manager to execute a contract amendment with GovInvest for its Financial Forecasting and Compensation Modules in the amount of \$9,333 for eight months.

BACKGROUND:

The City entered into a contract with GovInvest Inc. on May 20, 2020 for three years to obtain its Pension Module of the Total Liability Calculator Software Program with a not-to-exceed amount of \$24,000, including implementation costs. On that same day, the City entered a three-year contract with Adastragov Inc. to obtain its Labor Costing Software Module with a not-to-exceed amount of \$23,000, including implementation costs. Since that time, GovInvest Inc. has purchased Adastragov Inc. and upon renewal, these contract extensions will be requested together with those proposed with this contract amendment. The current maintenance costs are \$6,500 per module per year.

JUSTIFICATION:

As a part of the biennial budget process and mid-cycle, mid-year updates, financial forecasting is of the utmost importance. Since compensation is such a large part of any government's budgeted expenditures, adding these modules will help the Fiscal Services Department better project results and potential deviations from those projections.

FISCAL IMPACT:

Joining these two beta programs offers the advantage of a waiver of one-time implementation costs and a \$1,500 reduction of the ongoing maintenance fees per year. The full maintenance fee is \$7,000 per module per year.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$9,333

ALTERNATIVES:

1. Adopt Resolution 2022-126 as recommended.
2. Adopt Resolution 2022-126 with modifications.
3. Do not approve Resolution 2022-126 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2022-126
<https://banningca.gov/DocumentCenter/View/11394/Att-1-Resolution-2022-126---GovInvest-Amendment>
2. Draft Amendment to GovInvest Inc. Contract
<https://banningca.gov/DocumentCenter/View/11391/Att-2-GovInvest-Amendment-Forecasting-and-Compensation-Banning-CA---8-29-22>
3. Agreement for Professional Services (C00656) for the Standard Pension Module of the Total Liability Calculator Software Program by and between City of Banning and GovInvest Inc.
https://banningca.gov/DocumentCenter/View/11392/Att-3-GovInvest_City-of-Banning_Pension_5202020
4. Agreement for Professional Services (C00655) for the Labor Costing Software Module by and between City of Banning and Adastragov Inc.
https://banningca.gov/DocumentCenter/View/11393/Att-4-GovInvest_City-of-Banning_ADASTRAGOV

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **BOARD OF THE UTILITY AUTHORITY**

FROM: **Douglas Schulze, City Manager**

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

MEETING DATE: **September 13, 2022**

SUBJECT: **Consideration of Resolution 2022-12 UA, Approving an Agreement in the Amount of \$190,374 with Cla-Val for the Servicing of the City's Cla-Val Water Valves**

RECOMMENDATION:

Adopt Resolution 2022-12 UA, approving an Agreement with Cla-Val for the servicing of the City's Cla-Val water valves in the amount "Not to Exceed" \$190,374.

BACKGROUND:

The City's water system includes Cla-Val valves that range from 2" to 16". These valves have a variety of uses that included but are not limited to automated pump control, reducing pressures between pressure zones, emergency pressure relief, and regulation of elevated water levels in reservoirs. Each valve is rebuilt on a one, two, or three year schedule depending on the operational role they play in the water system. Staff requested quotes for the anticipated maintenance, separated by year.

JUSTIFICATION:

To prevent voiding Cla-Val warranties, it is necessary to have Cla-Val trained personnel perform all repairs and maintenance services on City Cla-Val valves. Cla-Val services are competitive to similar services performed by other companies on non Cla-Val valves.

FISCAL IMPACT:

The Agreement with Cla-Val over five years in the amount of \$190,374 is available in Account No. 660-6300-471.46-06 (Wells/Pumps/EquipExp) of which \$20,807 is allocated for the maintenance of valves at well sites and Account No. 660-6300-471.46.08 (Water Distribution System Exp) of which \$169,567 is allocated for the maintenance of valves throughout the remaining City water distribution system.

ALTERNATIVES:

Do not approve and provide alternative direction. Not funding preventive maintenance to these critical valves could have serious consequences, such as rendering some facilities inoperable, making it difficult to maintain reliable water service to the community.

ATTACHMENTS:

1. Resolution 2022-12 UA

<https://banningca.gov/DocumentCenter/View/11368/Att-1-Resolution-2022-12UA-Cla-Val-Annual-Maintenance>

2. Cla-Val Quotes

<https://banningca.gov/DocumentCenter/View/11367/Att-2-Quotes-Combined>

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: September 13, 2022

SUBJECT: **Approve an Amendment with National Restroom Trailers to Provide a 5 Station, 23' Shower Restroom Laundry Trailer with 750 Gallon Waste Tank by \$12,295.00 to Add for ADA Access for a Total of \$92,263.00**

RECOMMENDATION:

The City Council approve the following actions:

1. Approve an amendment with National Restroom Trailers for a 5 Station, 23' Shower, Restroom, Laundry Trailer with 750 Gallon Waste Tank for Project 2022-03 "Bryant Street Homeless Shelter" by \$12,295.00 to add ADA access for a total of \$92,263.00
2. Authorizing the City Manager or his designee to make budget adjustments, appropriations and transfers related to the project.

BACKGROUND:

Homelessness is a growing regional and local crisis in the City of Banning. The City Council has long identified homelessness as a key issue in the community and has previously supported local efforts to address the issue. City staff has identified Bryant Street, east of San Gorgonio Avenue, as an ideal location to build a homeless shelter. The site is located on a cul-de-sac street with a large enough footprint to accommodate the proposed amenities and services and it is owned by the City of Banning. The site features a level of existing infrastructure that makes the site suitable for the proposed use. Such infrastructure includes paved surface, water and sewer, partial fencing around the site and adequate lighting provided by existing streetlights.

JUSTIFICATION:

The Restroom Trailer purchased in 2021 for the Ramsey Street Village does not include ADA access. The proposal was awarded by the purchasing staff based on cost and quality of services provided and following all adopted purchasing policies.

September 13, 2022

Page 2 of 2

FISCAL IMPACT:

Funds for this project are to be provided by grants approved by Emergency Shelter Grant Funds and City of Banning Housing Funds in the amount of \$92,263.00

ALTERNATIVES:

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

ATTACHMENT:

1. Updated National Restroom Trailers Proposal

<https://banningca.gov/DocumentCenter/View/11372/Att-1-Restrooms-Trailer-Proposal>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: September 13, 2022

SUBJECT: Accept Various Improvements within the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration for Improvement Bonds for Tract 37298-3 (Atwell Planning Area 1B), Accept Street Monuments for Tracts 37298-2, 37298-3, and 37298 (Atwell Planning Areas 1A, 1B, and 2A) and Release Monumentation Bonds

RECOMMENDATION:

City Council accept various public improvements constructed within the Atwell Specific Plan development and authorize the 90% bond exoneration for said improvements.

BACKGROUND:

On December 10, 2019 City Council adopted Resolution 2019-150 approving Final Tract Map No. 37298, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

On December 10, 2019 City Council adopted Resolution 2019-152 approving Final Tract Map No. 37298-2, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

On December 10, 2019 City Council adopted Resolution 2019-153 approving Final Tract Map No. 37298-3, releasing the map for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

As a condition of the development Tri Pointe Homes (Pardee) was required to sign a Subdivision Improvement Agreement and submit bonds to assure the City that the required public improvements including street, sewer, water, non-potable water and storm drain improvements are constructed according to City standards and specifications.

JUSTIFICATION:

Staff has verified that the improvements related to the bonds were completed per City standards and specifications and recommends that City Council accept the improvements and authorize the 90% bond exonerations for the following bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS331820	\$353,050.75	PA1B Sewer
CMS331821	\$558,624.00	PA1B Street
CMS331822	\$ 78,993.50	PA1B Storm Drain
CMS331823	\$305,406.00	PA1B Water

Staff has verified that the street monuments related to the bonds were completed per City standards and specifications and recommends that City Council accept the monuments and authorize the exoneration for the following bonds:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS331841	\$24,725.00	PA1A Monumentation
CMS331842	\$17,135.00	PA1B Monumentation
CMS331839	\$34,270.00	PA2A Monumentation

FISCAL IMPACT:

Not applicable

ALTERNATIVES:

Do not accept staff's recommendation and provide staff with additional direction.

ATTACHMENTS:

1. Subdivision Improvement Agreement TM 37298-2
<https://banningca.gov/DocumentCenter/View/11369/Att-1---SIA-37298-2>
2. Subdivision Improvement Agreement TM 37298-3
<https://banningca.gov/DocumentCenter/View/11370/Att-2---SIA-37298-3>
3. Subdivision Improvement Agreement TM 37298
<https://banningca.gov/DocumentCenter/View/11371/Att-3---SIA-37298>

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: September 13, 2022

SUBJECT: Consideration of (1) An Addendum to an Adopted Initial Study/Negative Declaration Prepared for the 6th RHNA Cycle for the 2021-2029 Housing Element, (2) A General Plan Amendments (GPA 22-3501), (3) An Amendment to the Official Zoning Map (ZC-22-2501), and (4) A Zoning Text Amendment (ZTA 22-97501) for Compliance with Programs in the 2021-2029 Housing Element

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2022-85, A Resolution of the City Council of the City of Banning, California, Approving General Plan Amendment (GPA) 22-2501 (1) Removing Text Associated with the Affordable Housing Opportunity (AHO) Overlay Designation from the Land Use Element, (2) Redesignating Nine Parcels (APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) to Very High Density Residential (VHDR), (3) Removing the HDR-20/AHO Overlay Land Use Designation from Eight Parcels (APNs: 532-080-007 (Formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (Formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013) and Redesignating Such Parcels Consistent with the Zoning Classifications Approved under Zone Change (ZC) 22-3501, and (4) Correcting a Prior General Plan Land Use Mapping Error that Incorrectly Designated 63.3 Gross Acres of a Total 72.3-Acre Parcel (APN: 537-110-014, Formerly 537-110-008) and 13.01 Gross Acres of a Total 21.21-Acre Parcel (APN: 537-120-034) as HDR-20/AHO, and Making Findings Pursuant to CEQA, Determinations that no Further CEQA Review is Required, and Adopting an Addendum;
2. Waive full reading and introduce, as read by title only, Ordinance 1583, An Ordinance of the City of Banning, California, Amending Sections 17.08.010.B.10. and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code, and Making Findings Pursuant to CEQA; and
3. Waive full reading and introduce, as read by title only, Ordinance 1584, An Ordinance of the City of Banning, California, Approving an Amendment to the

City of Banning Official Zoning Map Changing the Zone of (1) Nine Parcels (APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023) from Low Density Residential (LDR) and Medium Density Residential (MDR) Zones To The Very High Density Residential (VHDR) Zone; (2) an Approximately 215.46 Gross Acre Parcel (APN: 532-080-007) from High Density Residential-20 Du/Acre (HDR-20)/AHO Zone to Open Space – Resources (OS-R) Zone; (3) an Approximately 0.40 Gross Acre Parcel (APN: 534-161-008) from HDR-20/AHO Zone to VHDR Zone; (4) an Approximately 0.61 Gross Acre Parcel (APN: 534-161-009) from HDR-20/AHO Zone to VHDR Zone; (5) an Approximately 0.91 Gross Acre Parcel (APN: 534-161-010) from HDR-20/AHO Zone to VHDR Zone; (6) Approximately 9.00 Gross Acres of a 72.3 Acre Parcel (APN: 537-110-014) from HDR-20/AHO Zone to High Density Residential (HDR) Zone; (7) an Approximately 8.20 Gross Acre of a 21.21-Acre Parcel (APN: 537-120-034) from HDR-20/AHO Pre-Zone to HDR Pre-Zone; (8) an Approximately 1.60 Gross Acre Parcel (APN: 541-110-009) from HDR-20/AHO Zone to HDR Zone; and (9) an Approximately 1.68 Gross Acre Parcel (APN: 541-110-013) from HDR-20/AHO Zone to HDR Zone, and Making Findings Pursuant To CEQA.

BACKGROUND:

Project Location: Citywide (for GPA 22-3501 and ZTA 22-97501) and parcel specific (for GPA 22-3501 and ZC 22-2501).

APN Information: APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023; 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013

Project Description:

The City has initiated a General Plan Amendment (GPA) (GPA 22-3501) and a Zone Change (ZC) (ZC 22-2501) that will amend the land use designations and zoning classifications of 16 privately owned, and one publicly owned, parcels of land¹. These amendments are required by programs established in the 6th Cycle RHNA Housing Element (“Housing Element”). Since, the City’s General Plan land use designations and Zoning district classifications are consistent and utilize the same nomenclature, the term “land use” will be used to reflect both the General Plan land use designation and Zoning district classification of a particular parcel. These amendments affect properties within two categories: First, Program 4 (Residential Sites Inventory and Rezone Program) of the Housing Element requires that the City re-designate and rezone nine (9) parcels that met the standards of the California Department of Housing and Community Development (“HCD”) for affordable housing development at the highest density possible.² The City is

¹ Assessors Parcel Number 532-080-007 is owned (in fee) by the Morongo Band of Mission Indians. This parcel is within the boundary of the tribal reservation.

² See Appendix B-2

required to complete the re-designations and rezonings by October 2023. These changes are required in order to identify enough vacant property to accommodate the unmet housing needs of the Housing Element.

These nine (9) parcels are listed in Appendix B-2 to the Housing Element and carry a land use of either Low Density Residential (LDR) or Medium Density Residential (MDR), with a maximum allowable density of five (5) dwelling units per acre (DU/AC) and ten (10) DU/AC, respectively. The parcels range in size from 0.55 to 9.25 acres and their land use will be amended to accommodate a maximum allowable density of twenty-four (24) DU/AC under the Very High Density Residential (VHDR) land use designation and Zoning district classification, which permits nineteen (19) to twenty-four (24) DU/AC. In some cases, this is a 5-fold increase in the number of units possible for residential development purposes. Under Program 4 of the Housing Element, the City committed to HCD that enough residential sites would be rezoned to VHDR in order to accommodate a minimum of 510 units³. Since the density range of VHDR is 19-24 DU/AC, and residential development typically builds at, or close to the midpoint density (21.5 DU/AC in this case), the VHDR rezoned sites could likely produce approximately 577 DU/AC.⁴

Second, the Housing Element no longer includes a prior program (Program 5 of the 5th RHNA Cycle Housing Element adopted by the City Council on January 28, 2014) that required the City to establish the High Density Residential-20 (HDR-20) Zone and the Affordable Housing Opportunity (AHO) overlay Zone (HDR-20/AHO). Due to the lack of success and complexity of this overlay to generate affordable housing units of any type or form, the requirement to maintain the HDR/AHO zone was not included in the Housing Element. Therefore, GPA 22-3501 and ZC 22-2501 will also amend the General Plan land use map and the City's official zoning map to remove the HDR-20 and HDR-20/AHO land use designation and zoning from the following residential parcels: 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013. As a result of this GPA and zone change, one parcel will revert to the underlying Open Space - Resources (OS-R) designation/classification (APN: 532-080-007, formerly 532-080-004), three parcels will be redesignated and rezoned VHDR (APNs: 534-161-008; 534-161-009; and 534-161-010), and four parcels will revert to the underlying HDR (11-18) designation/classification (APNs: 537-110-014 (formerly 537-110-008); 537-120-034 (a pre-zone); 541-110-009; and 541-110-013).

GPA 22-3501 also corrects a prior General Plan land use mapping error that incorrectly designated 63.3 gross acres of a total 72.3-acre parcel (APN: 537-110-014, formerly 537-110-008) as HDR-20/AHO. The City had not previously changed the land use designation for the 63.3 acres and the correct land use designation that should be reflected on the General Plan land use map is Low, Medium, and High Density Residential and Open Space-Resource.

³ See Appendix B-2

⁴ See Table 1 – AHO & VHDR Rezone Parcel List_20220614

The City has also initiated a Zoning Text Amendment (ZTA 22-97507). ZTA 22-97507 will remove text from Sections 17.08.010.B.10 and 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code referencing the HDR-20/AHO Zone and make additional confirming amendments to the Banning Municipal Code pertaining to the removal of the HDR-20/AHO overlay zone.

Project Background:

The housing element is one of the state-mandated elements of a city's general plan. State law requires all jurisdictions within the Southern California Association of Governments (SCAG) region (which includes Riverside County) to update their housing elements for the "6th RHNA Cycle" 2021-2029 planning period. During this 8-year planning period, the City conducted several public workshops and hearings to consider the draft 6th Cycle RHNA Housing Element ("Housing Element"). At their October 19, 2021 public hearing, the Planning Commission recommended adoption of the Housing Element and the City Council concurred by approving GPA 21-2504, adopting the Housing Element during their November 9, 2021 City Council meeting. State law also requires that cities submit housing elements to HCD for review. A finding of compliance by HCD is referred to as "certification" of the Housing Element. Certification is desirable in order to enhance the City's eligibility for State and federal grant funds and to support the City's local land use control.

In 2014, during the 5th RHNA Cycle 2013-2021 planning period, HCD issued a letter finding that revisions to the draft 5th RHNA Cycle Housing Element were needed in order for the 5th RHNA Cycle Housing Element to fully comply with State law. It should be noted that at this time, the 5th RHNA Cycle Housing Element was overdue by at least 12-months. The required revisions included the establishment of the AHO overlay zone. HCD stated that adoption of an AHO overlay on parcels in the HDR-20 Zone, as described in the City's letter of April 30, 2014, would address HCD's concerns. The AHO overlay allowed a density of 20-24 units/acre only for projects that reserved 20% of its residential units for lower-income households. Market-rate projects would not be eligible for a density increase, nor would projects within the AHO overlay area be required to include affordable units. The overlay provided an alternative development option for property owners if they chose to provide affordable housing.

Program 5, of the 5th Cycle RHNA Housing Element, also required modifications to Title 17 of the BMC; more specifically, Program 5 required the amendment of Sections 17.08.010.B.10 and 17.08.020 to add the following language (this language will be modified by proposed ZTA 22-97507):

Zoning Code §17.08.010.B.10 is hereby amended as follows:

*High Density Residential-~~20/Affordable Housing Opportunity~~ (HDR-20/AHO)
(~~20-24~~ 11-18 DU/AC). Allows condominiums and townhomes, as well as
apartments with the provision of common area amenities and open space by-
right at a minimum density of 20 dwelling units per acre ~~and a maximum
density of 24 dwelling units per acre~~ when at least ~~2050~~ 20% of the units are
reserved for lower-income households *in conformance with Program 5 of the**

Housing Element. Projects requesting a density increase above 18 units/acre shall execute a Density Bonus Housing Agreement in conformance with Section 15.60.130 of this code. Affordable units shall be distributed throughout the development and shall be comparable to market rate units in design and quality. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. Home Occupations may be appropriate with approval of a Home Occupation permit.

Zoning Code Table 17.08.020 will amend the HDR footnote as follows:

**Housing developments in the HDR-20/AHO district are permitted at a density of 11-18 20-24 dwelling units per acre when at least 2050% of the units are reserved for lower-income households in conformance with Program 5 of the Housing Element. Development standards for qualifying developments shall be as provided for the HDR district in Chapter 17.24.*

The AHO overlay, and the amendments to the Zoning Code in 2014, were the result of a formal agreement with HCD during the 5th Cycle RHNA Housing Element update to rezone certain parcels to the highest residential density allowed under the zoning regulations at the time.

Project Analysis: Program 4 of the 6th RHNA Cycle Housing Element: Residential Sites Inventory and Rezone Program:

The City's RHNA is 1,673 households, which is distributed across various sites throughout the City. State Housing Law requires that a *Vacant Sites List* is required to identify the parcels available that will accommodate the City's affordable housing allocation. After City staff prepared the list, a shortfall of 510 lower-income units remained. The City cannot ignore an unmet need for low-income housing units. Therefore, State Housing Law requires that a rezoning program be included within the Housing Element. State law requires that cities implement housing element programs within a six (6) year timeframe from adoption of the housing element.

Staff incorporated Program 4 of the Housing Programs section of the Housing Element (Section 6.2) to the satisfaction of HCD staff. To accommodate the shortfall of lower-income RHNA of 510 units, the City will undergo a General Plan amendment, and zone changes, and zoning text amendment to develop standards for the VHDR Zone with a minimum density of 20 DU/AC and maximum of 30 DU/AC by October 2023. Rezoned sites will permit owner-occupied and rental multifamily uses by right pursuant to Government Code Section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households (see Housing Element Appendix B-2).

Below are the objectives for Program 4:

- By October 2023, the City will change the land use and zoning designations of properties identified as proposed VHDR zone in Appendix B-2 of the Housing Element to address any shortfall of sites to accommodate the City's remaining RHNA requirements.

- The City will create an opportunity for at least 510 units of multi-family housing for lower income households.
- The City will maintain an ongoing inventory of multi-family residential and mixed-use sites and provide updated information on sites on the City's website.
- The City will maintain an ongoing inventory of City-owned properties and other surplus sites owned by other public agencies that may be appropriate for residential uses.
- The City will continue to update the Infill Affordable Housing Map to indicate suitable infill development sites.
- The City will provide residential sites information to interested developers.
- The City will coordinate public improvements in areas where residential development is anticipated to facilitate revitalization, such as neighborhoods north of W. Ramsey Street and in neighborhoods with sites that will be rezoned to VHDR.

The proposed GPA and ZC satisfy the majority of Program 4's objectives, with the exception of increasing the VHDR zoning classification to allow a maximum of 30 DU/AC. At this time, the VHDR Zone is an existing zoning classification within the City's Zoning Ordinance, but is limited to a maximum of 24 DU/AC. As such, Planning Division staff will recommend a subsequent zoning text amendment as part of the forthcoming update to the City's General Plan Land Use & Circulation Elements, slated for public hearings in late 2022 and continuing into the early months of 2023.

Elimination of the Affordable Housing Opportunity (AHO) Overlay:

The City Council adopted Ordinance 1466 on August 13, 2013, rezoning all or portions of the following parcels as HDR-20: APNs 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008; approx. 9.00 gross acres of a 72.3-acre parcel); 537-120-034 (8.20 acres of pre-zone); 541-110-009; and 541-110-013. Exhibit 5 (pages 2 and 3) to Ordinance 1466 shows the area affected by Ordinance 1466 as being limited to only eight (8) parcels within 238 gross acres. The effected parcels, and their associated acreages are detailed in Table 1, attached herein.

On January 13, 2015, the City Council adopted Ordinance 1482, approving GPA 14-2502, and establishing the AHO overlay, which was the result of an agreement between the City and HCD for certification of the 5th RHNA Cycle Housing Element. The AHO overlay was applied only to parcels zoned HDR-20 at the time the AHO overlay was established. This newly established overlay allowed an increase in base density (excluding density bonus) to 24 DU/AC when the implementing housing project agreed to provide a minimum percentage of affordable housing units dedicated to both very low, and low, income units (approximately 10% to each). In addition, multi-family units developed within the AHO overlay were permitted "by-right," meaning the planning/entitlement process was waived and developments were only subject to approval of a building permit.

It's important to clarify that the deadline for the 5th RHNA Cycle update was December of 2012. Due to delays in completing the 5th RHNA Cycle Housing Element, the City was arguably rushed into agreeing to add the AHO overlay zone as an implementation program

in the 5th RHNA Cycle Housing Element in order to gain HCD's agreement to conditionally certify the update.

Therefore, in 2014 City staff prepared a General Plan Amendment, Zone Change and Zoning Text Amendment to adopt the HDR-20 zoning and to incorporate the HDR-20/AHO as an augment to the affordable housing programs within the 5th RHNA Cycle Housing Element. As mentioned above, on January 13, 2015, the City Council adopted Ordinance 1482, approving GPA 14-2502, and establishing the AHO overlay. The AHO overlay was more than a new zoning overlay. Rather, the establishment of the AHO overlay was combined with a Zoning Text Amendment that incorporated a series of density bonuses and incentives to encourage the development of affordable housing in the City.

However, the HDR-20/AHO zoning overlay did not produce any housing units (affordable or otherwise) as it was anticipated to do in 2014. There are several factors that contributed to the failure of the overlay. First, the location of several parcels is entirely inappropriate for affordable housing of any type. For example, the pre-zoning of an 8.20-acre parcel identified as APN 537-120-034 was changed to HDR-20/AHO pre-zone. The parcel, however, is not located within the Banning Municipal Boundary; but rather, the parcel is located within the unincorporated County of Riverside. Notably, APN 537-120-034 is located within the City's Sphere of Influence (SOI), which does include future zoning classifications (e.g., pre-zoning) in the event of future annexation of the property. However, the City does not have control of this property and, as such, the City has not allocated this 8.20-acre parcel to any zoning capacity analysis, such as Senate Bill (SB) 330. Development of property located within a City's SOI would require a LACFO action to annex the property into the City's municipal boundaries. In order to complete this annexation, the City is required to prepare a Municipal Services Review (MSR), which is an expensive and lengthy process.

Another example of poor land planning during the 5th Cycle was to place the HDR-20/AHO zoning overlay upon property zoned Open Space-Resources (OS-R). A 215.46 gross acre parcel identified as APN 532-080-007 (formerly 532-080-004) which is owned by the Morongo Tribe and is located within the tribal reservation boundary, was rezoned and re-designated HDR-20/AHO. Although located within the City's municipal boundaries, the tribal ownership and reservation status of this property make it impossible to develop the property into any land use, including affordable housing.

Together, APNs 537-120-034 and 532-080-007 (formerly 532-080-004) represent approximately 223.66 acres of land the City mapped within the HDR-20/AHO zoning overlay. However, at the time the overlay zone was established in 2014 the City did not have land use authority over either parcel. The later (APN 532-080-007) was and still is owned by the Morongo Tribal Government as Trust Lands and is part of the Reservation boundary. The former (APN 537-120-034) was located within the City's SOI in 2014 and remains within the SOI today. Establishing this zoning overlay brought zero value to the City's state-mandated affordable housing obligations as the City did not hold land use authority over either parcel. This status remains today.

The Housing Element describes the City's progress towards meeting the previous RHNA, shown below in Table 39 of the Housing Element:

Table 39 Quantified Housing Objectives (2013-2021)						
	New Construction		Rehabilitation		Conservation/ Preservation	
	Objectives	Actual	Objectives	Actual	Objectives	Actual
Very Low Income	872	0	0	0	0	0
Low Income	593	0	0	0	0	0
Moderate Income	685	0	0	0	0	0
Above Moderate Income ¹	1,642	764	0	0	0	0
Total	3,792	764	0	0	0	0

¹ Entitled and permitted units from 2018 and 2019 annual progress reports.

Source: Annual Progress Report Permit Summary: <https://www.hcd.ca.gov/community-development/annual-progress-reports.shtml>

During the 8-year planning program, the City only issued 764 permits for Above Moderate-Income dwelling units, zero in the Very Low-, Low-, and Moderate-Income categories. While this progress did not achieve the housing goals for the City, such lack of progress is commonplace throughout many cities in California. Based upon this and other factors related to the difficulty of building new affordable housing units, the AHO overlay program was not included in the 6th RHNA Cycle Housing Element. Therefore, references to the overlay need to be removed from the City's Zoning Ordinance, the City's General Plan land use map, and the City's Official Zoning Map. In order to completely remove references to the AHO, the aforementioned GPA, ZC, and ZTA are required and described below as to their individual purposes.

General Plan Amendment 22-3501:

GPA 22-3501 will amend the High-Density Residential land use category to remove the language struck out as follows:

"High Density Residential (HDR)"

Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space. Duplex and multi-plex development is the most prevalent type of development in this designation. The clustering of condominiums and townhomes may be appropriate with the provision of common area amenities and open space. Allowable base density for parcels within the ~~HDR-HDR-20 Affordable Housing Opportunity (AHO) overlay zone~~ may be increased to 20 ~~to 24~~ DU/AC for developments that reserve at least ~~20~~50% of units for lower-income households ~~in conformance with Program 5 of the Housing Element~~. Mobile home parks and subdivisions may also be appropriate, with the approval of a conditional use permit. Home occupations are permitted.⁵ GPA 22-3501 will also amend the General Plan land use map to remove the AHO overlay designation from all parcels with that designation and amend the land use designations of seventeen parcels in the General Plan land use map consistent with the

⁵ General Plan Land Use Element, Pg. III-7

proposed change of zones under proposed ZC 22-2501. Finally, GPA 22-3501 will correct a prior General Plan land use mapping error that incorrectly designated 63.3 gross acres of a total 72.3-acre parcel (APN: 537-110-014, formerly APN: 537-110-008) as HDR-20/AHO.⁶

Zoning Text Amendment 22-3501:

ZTA 22-2501 proposes to delete Section 17.08.010.B.10. of Chapter 17.08 of Title 17 of the Banning Municipal Code and delete a footnote from Table 17.08.020 of Section 17.08.020 of Chapter 17.08 of Title 17 of the Banning Municipal Code.

1. Section 17.08.010.B.10 is proposed to be deleted as follows:

~~High-Density Residential 20/Affordable Housing Opportunity (HDR-20/AHO) (20–24 du/acre). Allows condominiums and townhomes, as well as apartments with the provision of common area amenities and open space by right at a minimum of 20 dwelling units per acre and a maximum density of 24 dwelling units per acre when at least 20 percent of the units are reserved for lower income households in conformance with Program 5 of the Housing Element. Projects requesting a density increase above 20 units/acre shall execute a Density Bonus Housing Agreement in conformance with Section 15.60.130 of this code. Affordable units shall be distributed throughout the development and shall be comparable to market rate units in design and quality. The clustering of condominiums and townhomes is appropriate with the provision of common area amenities and open space. Home Occupations may be appropriate with approval of a Home Occupation permit.~~

2. Section 17.08.020 is proposed to be amended as follows:

Table 17.08.020 of Section 17.08.020 of Chapter 17.08 of Title 17 is proposed to be amended to ~~revise~~ ~~delete~~ the following table footnote:

~~*Housing developments in the HDR-20/AHO district are permitted at a density of 20–24 dwelling units per acre when at least 20 of the units are reserved for lower income households in conformance with Program 5 of the Housing Element. Development standards for qualifying developments shall be as provided for the HDR district in Chapter 17.24.~~

The AHO zoning overlay is only referenced in Sections 17.08.010.B.10 and 17.08.020 of the City's Zoning Ordinance, so the AHO zoning overlay will be eliminated from the Zoning Ordinance upon adoption of language referenced above.

Change of Zone 22-2501:

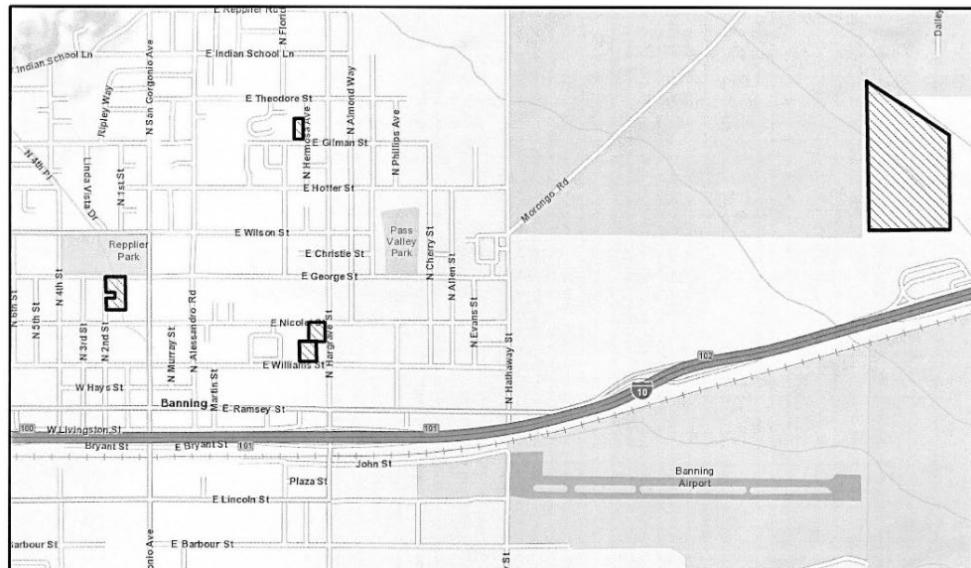
Section 7 of Ordinance 1466 identifies the parcels in Exhibits 1 and 2 (from Ordinance 1466) below as rezoned to HDR-20.

⁶ For APN 537-110-014, the General Plan land use map indicates incorrectly identifies the full 72.3-acre parcel as subject to the HDR-20/AHO overlay. Although that is not correct as only 9 acres of this APN were so designated, this GPA will correct the General Plan land use map to remove this designation in its entirety from APN 537-110-014.

EXHIBIT 1: East HDR District (per *Ordinance No. 1466, August 13, 2013*):

HDR zoning district (east)

Ordinance No. 1466 Exhibit 5 page 3 of 3

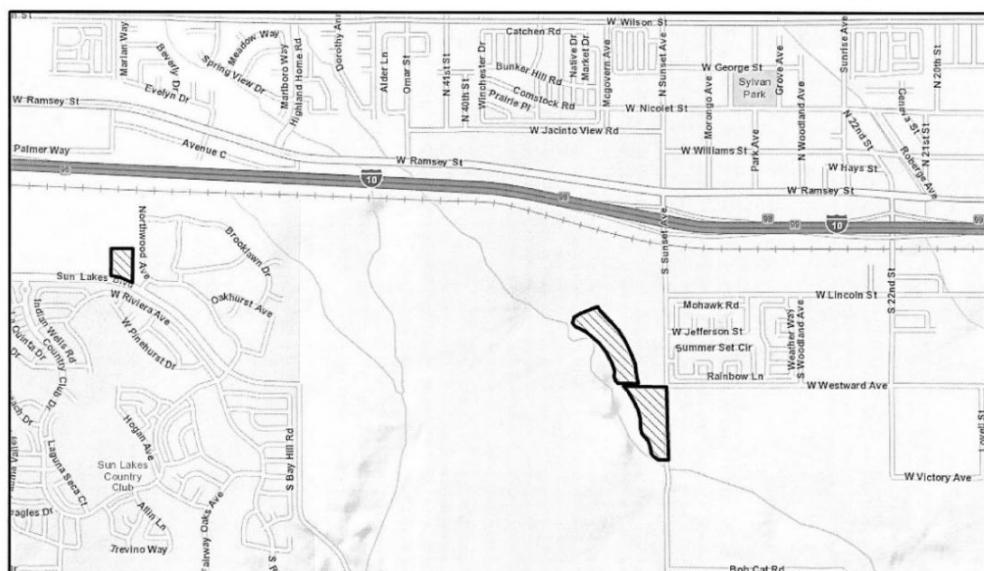


This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

EXHIBIT 2: West HDR District (per Ordinance No. 1466, August 13, 2013):

HDR zoning district (west)

Ordinance No. 1466 Exhibit 5 page 2 of 3



This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

Zone Change (ZC) 22-2501 will eliminate the HDR-20 zoning and the AHO overlay from all or portions of the following parcels: 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008; approx. 9.00 gross acres of a 72.3-acre parcel); 537-120-034 (pre-zone; approx. 8.20 gross acres of a 21.21-acre parcel); 541-110-009; and 541-110-013 and amend the mapped zoning to be consistent with GPA 22-3501. The Zoning Map Amendment will amend the zoning of: (a) an approximately 215.46 gross acre parcel (APN: 532-080-007, formerly 532-080-004) from HDR-20/AHO Zone to Open Space – Resources (OS-R) Zone; (b) an approximate 0.40 gross acre parcel (APN: 534-161-008) from HDR-20/AHO Zone to VHDR Zone; (c) an approximately 0.61 gross acre parcel (APN: 534-161-009) from HDR-20/AHO Zone to VHDR Zone; (d) an approximately 0.91 gross acre parcel (APN: 534-161-010) from HDR-20/AHO Zone to VHDR Zone; (e) approximately 9.00 gross acres of a 72.3 acre parcel (APN: 537-110-014, formerly 537-110-008) from HDR-20/AHO Zone to High Density Residential (HDR) Zone; (f) an approximately 8.20 gross acre parcel (APN: 537-120-034) from HDR-20/AHO Pre-Zone to HDR Pre-Zone; (g) an approximately 1.60 gross acre parcel (APN: 541-110-009) from HDR-20/AHO Zone to HDR Zone; and (h) an approximately 1.68 gross acre parcel (APN: 541-110-013) from HDR-20/AHO Zone to HDR Zone. Zone Change (ZC) 22-2501 will also amend the zoning from LDR or MDR to VHDR for APNs: 537-020-008 (4.06 Gross Acres); 538-250-004 (9.25 Gross Acres); 541-094-020 (2.29 Gross Acres); 541-103-022 (0.56 Gross Acres); 541-103-023 (0.55 Gross Acres); 541-103-025 (1.86 Gross Acres); 543-060-002 (4.71 Gross Acres); 540-250-014 (1.29 Gross Acres); 540-250-023 (2.26 Gross Acres).

The existing residential zoning capacity in place, prior to January of 2018 is 314 dwelling units.⁷ The City does not have land use control or authority over property owned by the Morongo Tribe, which is also located within their reservation boundary. Tribal ownership pre-dates January of 2018. In addition, the City does not have land use control over property located within unincorporated Riverside County even though the City has mapped these areas with a Pre-Zoning classification.

The Zoning Change will increase the residential zoning capacity by a net total of 268⁸ dwelling units. This amount excludes the aforementioned parcels. This increase was arrived by calculating the maximum number of dwelling units under existing zoning by the density midpoint of the proposed zoning. This is a more conservative calculation of the anticipated buildout and details that future units can be developed feasibly.

Recent State law, known as Senate Bill (SB) 330, requires that there be no net loss in residential zoning capacity that can occur as the result of any change in land use or zone change, on any property controlled by the City as of January 1, 2018.

The totality of the proposed zoning amendments and map changes will result in a net gain of 268 (decrease of 535 residential dwelling units and increase of 803 residential dwelling units). This calculation is made assuming the highest theoretical density of the existing zoning and land use and is detailed in Table 1. Therefore, any decrease in residential

⁷ Calculations, for the purposes of SB 330 omit any zoning capacity allocated to APN 532-080-007 (formerly 532-080-004) as this property was not under City control and APN 537-120-034 as this property is located within the City's Sphere of Influence but not under City land use control.

⁸ Rounding to the next whole number

zoning must be replaced with an increase in residential zoning capacity elsewhere in the City. ZC 22-2501 complies with SB 330 by concurrently increasing the residential zoning capacity within the City by 803 units (excluding APNs 537-120-034 and 532-080-007), for a net increase of 268 dwelling units⁹ (excluding APNs 537-120-034 and 532-080-007). These concurrent amendments increase the residential zoning capacity overall and therefore satisfies both the City's obligation under SB 330 and the 6th RHNA Cycle Housing Element.

JUSTIFICATION:

Justification for General Plan Amendment 22-3501:

The purpose of the proposed General Plan Amendment, Zone Change, and Zoning Text Amendment is to correct inconsistencies within the General Plan Land Use and Zoning Maps and to promote economic development. The City of Banning uses a combined General Plan Land Use and Zoning Map. Therefore, a General Plan Amendment and Zone Change are required to make the requested changes to the General Plan Land Use and Zoning Map.

- A. The General Plan is the comprehensive long-term plan for the physical development of the city and lays the basic framework for all subsequent planning actions taken by the City. Since the City Council is desirous of proper development within the city and wishes to continue to encourage the development of appropriate projects, it becomes necessary to regulate such development so that it is properly integrated into the City's long-term vision and planning process.
- B. The City Council may amend the General Plan of the City of Banning whenever required by public necessity and general welfare.
- C. The Commission shall make written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings to the City Council.
- D. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings. Amendments to the General Plan Land Use/Zoning District map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.
- E. An amendment to the General Plan may be adopted only if all of the findings are made:
 - a. That the proposed amendment is internally consistent with the General Plan.
 - b. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - c. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
 - d. That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of

⁹ See Table 1

physical constraints), for the requested land use designations(s) and the anticipated land use developments.

- F. That the proposed amendment is internally consistent with the General Plan.
 - a. Proposed GPA 22-3501 will update the City's General Plan Land Use Element to reflect the changes made to the HDR-20 land use designation and its affordable housing provision through the 6th RHNA Cycle Housing Element previously adopted by the City Council as GPA 21-2504.
 - b. Proposed GPA 22-3501 implements Program 4 of the Housing Element.
- G. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - a. Proposed GPA 22-3501 will result in a net increase of 268 residential units, which is the difference between the loss of 535 residential units and addition of 803 residential units.
 - b. The Initial Study/Negative Declaration (IS/ND) prepared for the Housing Element previously evaluated this scenario and found that impacts were less than significant without mitigation incorporated.
 - c. This IS/ND was adopted by the Council prior to the adoption of the 6th Cycle Housing Element on November 9, 2021. The Notice of Determination (NOD) was posted with the County Clerk and State Clearinghouse (SCH) on November 10, 2021 with no challenges being received within the 30-day posting timeline. As such, proposed GPA 22-3501 will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- H. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
 - a. The proposed GPA 22-3501 establishes densities consistent with the 6th RHNA Cycle Housing Element, which sets forth programs to aid in the planning and production of affordable housing across various income levels.
- I. That in the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designations(s) and the anticipated land use developments (s).
 - a. The subject parcels are conveniently located adjacent to public roadways and situated within a reasonable distance from public utilities (e.g., water, sewer, storm drain, gas, and electric) so as to not create a burden upon housing development.
 - b. The criteria utilized to select a site for re-designation requires that the physical suitability of surrounding land uses be considered. By definition, the re-designated sites are physically suitable to the surrounding land uses and compatible with future housing projects.

Justification for Zone Change and Zoning Text Amendment:

- A. The City Council may amend the provisions of the Official Zoning Map and Title 17 – Zoning Ordinance for the public health, environmental protection, safety, general welfare, and the aesthetic harmony of the City.
- B. The Planning Commission shall make a written recommendation on the proposed zoning map changes and zoning text amendments to approve, approve in modified form, or disapprove based upon the Commission's findings.
- C. The Commission may recommend to the City Council that the proposed changes to the Official Zoning Map and Title 17 – Zoning Ordinance shall be approved, approved in modified form, or denied shall be considered by the City Council following the Planning Commission action. A copy of the Planning Commission's recommendation to approve, or approve in modified form, shall be forwarded to the City Council.
- D. Upon receipt of the Planning Commission's recommendation for approval, approval in modified form, or denial, the City Council may approve, approve with modifications, or disapprove the proposed amendment based upon its findings, Amendments to the Official Zoning Map and Title 17 – Zoning Ordinance, which shall be adopted by ordinance.
- E. An amendment to the Official Zoning Map and Title 17 – Zoning Ordinance may be adopted only if the following findings are made:
 - a. The proposed zoning map changes and amendments are consistent with the goals and policies of the General Plan.
 - b. The proposed zoning map changes and amendments are internally consistent with the Zoning Ordinance.
 - c. That the City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.
- F. The proposed zoning map changes and amendments are consistent with the goals and policies of the General Plan.
 - a. The proposed ZC 22-2501 and ZTA 22-97501 will implement elements already approved and contained within the City's General Plan Housing Element.
 - b. The proposed ZC 22-2501 change will bring the City's Official Zoning Map into consistency with the Housing Element and the concurrently proposed GPA 22-3501.
 - c. The proposed ZC 22-2501 and ZTA 22-97501 will support the proposed GPA 22-3501 and ensure the City's compliance with SB 330, by increasing the City's total net residential zoning capacity by 268 units even though the HDR-20/AHO land use designation and zone are being concurrently eliminated.
- G. The proposed Amendment is internally consistent with the Zoning Ordinance.
 - a. The proposed ZTA 22-97501 reconciles the removal of Program 5, of the 5th RHNA Cycle Housing Element, which was eliminated upon adoption of the current Element by removing these provisions of the Zoning Ordinance that make reference to the HDR-20 zone and AHO overlay zone. The HDR-20 Zoning District is being removed from both the Official Zoning

Map and the Zoning Ordinance and the AHO overlay zone is being removed in the same manner.

- b. The proposed ZC 22-2501 changes the zoning capacity of parcels referenced in Table 1.
- H. The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act.

Environmental Determination:

- A. On November 9, 2021, the City Council reviewed and adopted an Initial Study/Negative Declaration prepared for the 6th RHNA Cycle Housing Element and all comments received regarding the IS/ND and, based on the whole record before it, found that:
 - a. The Negative Declaration was prepared in compliance with CEQA; and
 - b. There was no substantial evidence that the 6th RHNA Cycle Housing Element would have a significant effect on the environment.
- B. The IS/ND considered the re-designation and rezoning of nine (9) parcels identified as APNs: 537-020-008; 538-250-004; 541-094-020; 541-103-022; 541-103-023; 541-103-025; 543-060-002; 540-250-014; 540-250-023.
- C. The IS/ND considered the removal of the HDR-20/AHO land use designation and zone from eight (8) parcels identified as APNs: 532-080-007 (formerly 532-080-004); 534-161-008; 534-161-009; 534-161-010; 537-110-014 (formerly 537-110-008); 537-120-034; 541-110-009; 541-110-013¹⁰.
- D. Based upon the review of a previously considered and adopted IS/ND, the Planning Commission recommended that the City Council make the following findings and adopt an Addendum to the IS/ND:
 - a. The proposed GPA 22-3501, ZC 22-2501, and ZTA 22-2501 (collectively, the "Project") does not create or result in substantial changes which will require major revisions of the previous IS/ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - b. The Project does not create or result in substantial changes occur with respect to the circumstances under which the 6th RHNA Cycle Housing Element is undertaken which will require major revisions of the previous IS/ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the IS/ND was adopted, showing any of the following:
 - i. The Project will have one or more significant effects not discussed in the previous negative declaration;
 - ii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce

¹⁰ See Attachment 7, Maps and Legals for HDR-20/AHO Parcels 537-110-003; -004; -011; -012; -013; -014)

one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative.

Multiple Species Habitat Conservation Plan (MSHCP):

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

Public Communication:

The Project was advertised in the Record Gazette newspaper on August 12, 2022. As of the date of this report, staff has not received any written comments on the project. In addition, property owner notification labels were mailed to the owners of parcels listed herein.

FISCAL IMPACT:

The preparation of staff reports, research and documents are funded, and within, current budget projections.

ALTERNATIVES:

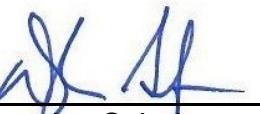
1. Adopt Resolution 2022-85 and introduce Ordinances 1583 and 1584, as recommended.
2. Adopt Resolution 2022-85 and introduce Ordinances 1583 and 1584, with modifications.
3. Do not adopt Resolution 2022-85 or introduce Ordinances 1583 or 1584 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2022-85 (Addendum, GPA 22-3501 - Housing Element Program 4 Compliance)
<https://banningca.gov/DocumentCenter/View/11379/Att-1-Resolution-2022-85>
2. Ordinance 1583 (Addendum, ZTA 22-97501 - Housing Element Program 4 Compliance)
<https://banningca.gov/DocumentCenter/View/11380/Att-2-Ordinance-No-1583>
3. Ordinance 1584 (Addendum, ZC 22-2501 - Housing Element Program 4 Compliance)
<https://banningca.gov/DocumentCenter/View/11381/Att-3-Ordinance-No-1584>
4. Table 1 – AHO & VHDR Rezone Parcel List
https://banningca.gov/DocumentCenter/View/11382/Att-4-TABLE-1--AHO-VHDR-REZONE-PARCEL-LIST_20220902
5. Zoning Maps
<https://banningca.gov/DocumentCenter/View/11373/Att-5-Zoning-Maps>
6. Appendix B-2 (Pg. 88-89 of HE)
<https://banningca.gov/DocumentCenter/View/11374/Att-6-APPENDIX-B-2-Pg-88-89-of-HE>

7. Appendix B-3 (Pg. 73-Table 38 of HE)Table 1: VHDR & HDR-20/AHO Parcel List
<https://banningca.gov/DocumentCenter/View/11375/Att-7-APPENDIX-B-3-Pg-73-Table-38-of-HE>
8. Maps and Legals for 537-110-014, 537-120-034 & 532-080-007 6th RHNA Cycle Housing Element (Adopted)
<https://banningca.gov/DocumentCenter/View/11383/Att-8-Maps-and-Legals-for-537-110-014-537-120-034-532-080-007>
9. Ordinance No. 1466
<https://banningca.gov/DocumentCenter/View/11376/Att-9-Ordinance-No-1466>
10. Ordinance No. 1482
<https://banningca.gov/DocumentCenter/View/11377/Att-10-Ordinance-No-1482>
11. Housing Element Negative Declaration (adopted 11-9-21)
<https://banningca.gov/DocumentCenter/View/11378/Att-11-Housing-Element-Negative-Declaration-adopted-11-9-21>
12. Public Hearing Notice
https://banningca.gov/DocumentCenter/View/11386/Att-12-Public-Hearing-Notice_Receipt-Proof-from-RG-Legals
13. Pre-Adoption Notice
https://banningca.gov/DocumentCenter/View/11384/Att-13-Pre-Adoption-Notice_Receipt-from-RG-Legals
14. Property Owner Labels
<https://banningca.gov/DocumentCenter/View/11385/Att-14-Property-Owner-Labels>

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: September 13, 2022

SUBJECT: Consideration of Ordinance 1585, Adopting Local Standards and Procedures for the Design, Site Development, and Operation of Homeless Shelters

RECOMMENDATION:

That the City Council introduce Ordinance 1585 and schedule a public hearing for October 11, 2022 per Gov. Code, § 50022.3.

BACKGROUND:

As demonstrated by the point-in-time counts performed in 2019 and 2020, the number of sheltered and unsheltered homeless adults and children has been increasing in Riverside County and in the City of Banning. The County was not able to perform the annual point-in-time count in January 2021 due to the ongoing COVID-19 pandemic, but COVID-driven loss of employment and income has led to increases in the number of people experiencing housing insecurity or homelessness across the nation and within the State of California.

Banning currently has several illegal homeless encampments that are creating public health and safety concerns for community members as well as those occupying the encampments. The number of homeless individuals in Banning has grown in the past several months and impacts on residents and businesses are significant.

Individuals who are living without shelter are at increased risk of exacerbating existing health conditions and developing new health conditions, due to increased exposure to communicable diseases such as COVID-19, violence, and temperature extremes or other adverse weather conditions; heightened stress; the difficulty of maintaining a healthy diet; and inadequate access to sanitation facilities, healthcare, and other services.

JUSTIFICATION:

If adopted, Ordinance 1585 will add a new Chapter 15.80 to Title 15 of the Banning Municipal Code (BMC) and amend Appendix "O" of the California Building Code (CBC) and Appendix "X" of the California Residential Code (CRC) to adopt local standards and

procedures for the design, site development, and operation of homeless shelters and facilities.

The need to develop city-wide specific standards is due to the products available in the market at a cost the City can afford due to the limited federal, state, and local grant funding that is highly competitive.

The Construction Codes proposed for adoption by reference include the following:

- 2019 California Building Code
- 2019 California Residential Code

The City is also required to adopt the new 3-year cycle of Building Code Amendments, e.g., the 2022 ICC-based codes, which is a tri-annual requirement for all jurisdictions in California. This effort is anticipated to start in October and will incorporate and carry forward changes proposed herein. At this time, staff has not identified future conflicts with the 2022 Building Code updates compare to this effort.

FISCAL IMPACT:

Staff time dedicated to the review and update by ordinance is nominal.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$3,500
2023/2024	\$0

ALTERNATIVES:

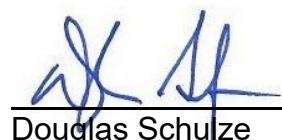
1. Continue the introduction of Ordinance 1585.
2. Request additional information from staff
3. Reject staff's recommendation and provide direction

ATTACHMENTS:

1. Draft Ordinance 1585

https://banningca.gov/DocumentCenter/View/11387/Att-1-Draft-Ordinance-1585_Adopting-Homeless-Shelter-Standards

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **BOARD OF UTILITY AUTHORITY**

FROM: **Douglas Schulze, City Manager**

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

MEETING DATE: **September 13, 2022**

SUBJECT: **Approval of the Water and Wastewater Rate Study and Authorization of Staff to Proceed with Proposition 218 Noticing in Connection with Proposed Water and Wastewater Rate Adjustments**

RECOMMENDATION:

Approve the Water and Wastewater Rate Study ("2022 Rate Study") as prepared by Black and Veatch and authorize staff to send out Proposition 218 notices to customers and property owners and schedule a Public Hearing to consider adoption of the proposed water and wastewater rates on November 8, 2022 at 5:00 pm.

BACKGROUND:

2017 Rate Study

On August 22, 2017, Willdan, who was hired by the City of Banning ("City") to develop a Water and Wastewater Rate Study ("2017 Rate Study"), presented to City Council the results of the 2017 Rate Study including recommended rate increases based on operating costs and the City's capital improvement needs. Willdan, based on their analysis, recommended water rate increases of **19%, 18%, 18%, 5% and 3%** over five years. Willdan also recommended wastewater rate increases of **26%, 26% and 5%** over a three-year period.

At that time City Council directed staff to decrease the proposed adjustments to 3% increases annually over a five-year period for both water and wastewater rates. As a result, approximately 92% of water related capital improvement projects and approximately 98% of wastewater related capital improvements projects were defunded. The annual 3% rate increases were approved in June 2018.

2022 Rate Study

The 2018 approved rate increases resulted in the deferral of most of the City's water and wastewater infrastructure maintenance and replacement projects. The need for the projects still exists and it is evident from the cost of construction (i.e., labor and material) that the longer the projects are deferred the more expensive they become. Additionally,

aging infrastructure is inefficient, unreliable and requires more resources (i.e., staffing and funding) to maintain.

On March 18, 2021, the Department of Public Works advertised a Request for Proposals for the preparation of a new water and wastewater rate study. As a result, on June 22, 2021 the Banning Utility Authority approved Resolution 2021-06UA approving a professional services agreement with Black & Veatch Consulting, LLC ("Black & Veatch").

The scope of work included a thorough review of the City's fiscal policies to ensure that current policies are maintained along with: development of financial plans for the water and wastewater enterprises to ensure financial sufficiency; meet operations and maintenance costs; ensure sufficient funding of City financial reserves, and funding to support capital repair and replacement programs; analysis of future annual non-capital costs associated with the operation, maintenance and administration of the utility systems and development of a fire line rate.

Staff worked closely with Black & Veatch over the course of the project. Presentations were provided to the Budget and Finance Committee on April 19, 2020 and June 21, 2021. The Budget and Finance Committee made recommendations that were incorporated into the draft 2022 Rate Study. Recommendations included:

- Increasing operating reserves from 45 days to 90 days of operating expenses to be consistent with industry standards.
- Incorporating drought surcharges that only apply should the City experience drought related cutbacks.
- Separating residential and commercial customer rates for wastewater due to the difference in the quality of wastewater.

On August 23, 2022, the City Council received a written and oral presentation of the draft 2022 Rate Study during which staff provided answers to various questions received. As a result, no changes were made to the draft 2022 Rate Study and staff now considers it in final form as attached hereto.

2022 Rate Study Overview

The key elements of the 2022 Rate Study include:

- Development of a financial plan over a five-year planning period beginning July 1, 2022 and ending June 30, 2027 to provide sufficient revenues to meet all operation and maintenance expenses, water purchases, wastewater treatment, debt service requirements, capital improvements funded from current revenues, and other expenditures.
- Performance of a cost-of-service analysis which calculates the cost to serve each customer class.
- Recommendation of changes to the City's current water and wastewater rate structures, including revisions to the City's three-tiered rate structure for water use; development of a private fire service rate; and creation of two independent wastewater rates for residential and commercial customers.

- Development of water and wastewater rates for FY 2022/2023 to FY 2026/2027 in a manner that is fair, equitable and in proportion to the cost of providing service to the City's customers.

Based on the financial plans, Black and Veatch concluded that revenue adjustments as shown in the following table are required:

Fiscal Year	Effective Month	Water Utility	Wastewater Utility
FY 2022-2023	January	10.75%	40.00%
FY 2023-2024	July	0.00%	25.00%
FY 2023-2024	January	10.75%	25.00%
FY 2024-2025	January	10.75%	3.00%
FY 2025-2026	January	10.75%	3.00%
FY 2026-2027	January	10.75%	3.00%

It should be noted that the table above reflects the revenue increases needed to meet the revenue requirements for FY 2022-2023 through FY 2026-2027 and does not represent proposed rate increases to customers. The table also reflects that there will be two adjustments during FY 2024 to wastewater rates in order to incrementally increase the needed revenues rather than making a larger adjustment all at once.

Proposed Water Rate Adjustments

The following table shows the current rates and proposed water rates over the five year period:

BASE WATER METER RATE

Customer Class	Current*	FY22-23	FY 23-24	FY 24-25	FY 26-26	FY 26-27
Effective Date	1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027	
Service Charge (\$/Month)						
5/8"	\$24.28	\$25.74	\$27.75	\$30.92	\$33.64	\$35.66
3/4"	\$24.28	\$25.74	\$27.75	\$30.92	\$33.64	\$35.66
1"	\$36.81	\$38.36	\$41.08	\$44.84	\$48.97	\$51.91
1-1/2"	\$68.10	\$69.90	\$74.39	\$79.63	\$87.31	\$92.53
2"	\$105.66	\$107.75	\$114.37	\$121.38	\$133.31	\$141.27
3"	\$193.33	\$208.68	\$220.97	\$232.72	\$255.98	\$271.25
4"	\$318.60	\$322.23	\$340.91	\$357.97	\$393.98	\$417.48
6"	\$631.56	\$637.64	\$674.05	\$705.90	\$777.33	\$823.68
8"	\$1,007.21	\$1,016.14	\$1,073.82	\$1,123.41	\$1,237.34	\$1,311.11

* In the current rates the City does not pay a base water meter fee and would begin to pay the base water meter fee in the new rate structure.

WATER USAGE RATES

Customer Class	Current*	FY22-23	FY 23-24	FY 24-25	FY 26-26	FY 26-27
Effective Date		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Commodity Charges (\$/HCF)						
All Customers						
Tier 1 (0-12 HCF)*	\$2.13					
Tier 2 (13-25 HCF)*	\$2.71					
Tier 3 (26+ HCF)*	\$3.06					
Tier 1 (0-7 HCF)	N/A	\$2.42	\$2.76	\$3.10	\$3.48	\$3.96
Tier 2 (8-15 HCF)	N/A	\$2.62	\$2.97	\$3.31	\$3.72	\$4.23
Tier 3 (16+ HCF)	N/A	\$3.15	\$3.52	\$3.88	\$4.31	\$4.83

* Note the proposed revisions to the current three-tiered structure. Also in the proposed structure City accounts would pay the new rate rather than a rate of \$.67/HCF.

FIRE SERVICE LINE FEE

Customer Class	Current*	FY22-23	FY 23-24	FY 24-25	FY 26-26	FY 26-27
Effective Date		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Fire Service (\$/Month)						
Fire Service (\$/Month)						
2"	N/A	\$24.25	\$25.45	\$25.56	\$28.78	\$30.69
4"	N/A	\$38.79	\$40.72	\$40.89	\$46.05	\$49.10
6"	N/A	\$77.59	\$81.43	\$81.78	\$92.09	\$98.21
8"	N/A	\$121.23	\$127.24	\$127.79	\$143.89	\$153.45
10"	N/A	\$242.46	\$254.48	\$255.57	\$287.79	\$306.90
12"	N/A	\$387.94	\$407.16	\$408.91	\$460.46	\$491.04

*A private fire service line fee currently does not exist.

The following table shows the drought surcharges that would be applied during drought conditions:

Description	Additional Conservation Compared to Baseline					
	10%	20%	30%	40%	50%	Greater than 50%*
FY 2023	\$0.18	\$0.42	\$0.71	\$1.11	\$1.66	\$2.49
FY 2024	\$0.22	\$0.49	\$0.84	\$1.30	\$1.95	\$2.93
FY 2025	\$0.25	\$0.57	\$0.98	\$1.52	\$2.28	\$3.43
FY 2026	\$0.30	\$0.66	\$1.14	\$1.77	\$2.65	\$3.98
FY 2027	\$0.34	\$0.77	\$1.32	\$2.05	\$3.07	\$4.61

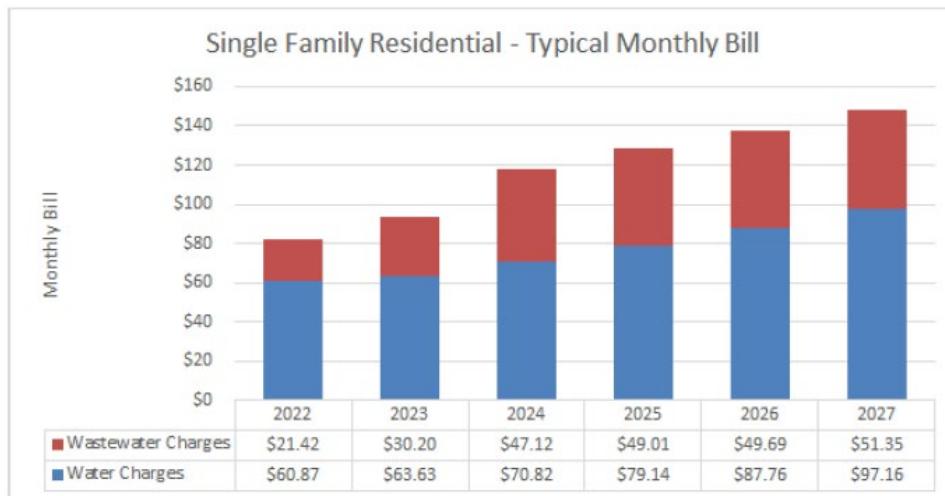
* "Greater than 50%" represents surcharge up to 60%. Anything larger will need to be calculated.

Proposed Wastewater Rate Adjustments

The following table shows the current and proposed wastewater rate schedule over the following five year period:

Customer Class	Current	FY22-23	FY23-24	FY24-25	FY26-26	FY26-27	FY22-23
Fixed Charge (\$/Month/EDU)							
Effective Date		1/1/2023	7/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
Residential	\$21.42	\$30.20	\$37.75	\$47.12	\$49.01	\$49.69	\$51.35
Commercial	\$21.42	\$32.81	\$41.01	\$51.57	\$51.03	\$56.06	\$56.98
Tertiary Surcharge	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32

The following graph shows the average monthly bill for a single-family residential customer over the proposed five year schedule of adjustments (average use 15 HCF = 11,200 gallons):



Staff is recommending the approval of the 2022 Rate Study and requesting authority to move forward with the issuance of public noticing in compliance with Proposition 218. If approved, the implementation schedule would be as follows:

Dates	Actions
April 19, 2021	Budget and Finance Committee Rate Study Presentation
June 21, 2021	Budget and Finance Committee Rate Study Presentation
August 23, 2022	City Council draft 2022 Rate Study Presentation and Workshop
September 13, 2022	City Council approval of 2022 Rate Study Authorization to proceed with Prop 218 noticing
End of September 2022	Mail notices and protest ballots at least 45 days prior to the Public Hearing
November 8, 2022	Public Hearing
January 1, 2023	First rate adjustment implemented

JUSTIFICATION:

The revenue analysis included as part of the 2022 Rate Study concluded that revenue projections from the water and wastewater utilities, based on existing rates, are

insufficient to meet revenue requirements for FY 2022/2023 through FY 2026/2027 and will not be able to keep pace with increasing operating costs, capital improvement costs, debt service obligations and reserve balances.

In California, public water and wastewater utilities must meet Proposition 218 procedural requirements for adoption of new or increased rates for property related fees. To comply with Proposition 218 the City must hold a public hearing to consider the proposed rate adjustments and must provide written notice to all customers at least 45 days in advance of said hearing. The notice to be provided will explain the process for submitting a written protest against the proposed rate adjustments. Any property owner or tenant who is directly liable for the payment of the rates may submit a written protest against the rate adjustments prior to the close of the public hearing. No more than one written protest per parcel will be counted in calculating the existence of a majority protest. The City Council may not adopt the proposed rate adjustments if written protests on behalf of more than 50% of the properties subject to the rate adjustments are received.

FISCAL IMPACT:

The cost to mail the Proposition 218 notices will be approximately \$10,000 and will be equally shared by the Water Fund (660) and the Wastewater Fund (680). Said expense is part of the approved FY 2022/2023 budget.

ALTERNATIVES:

1. Approve staff to begin work on Proposition 218 noticing to effect water/wastewater rate increases.
2. Do not approve staff's recommendation and provide alternative direction.

ATTACHMENTS:

1. Water and Wastewater Rate Study
https://banningca.gov/DocumentCenter/View/11389/Att-1-2022-Rate-Study-Report_DRAFT_FINAL
2. Draft Prop 218 Notice and Protest Ballot
<https://banningca.gov/DocumentCenter/View/11390/Att-2--DRAFT-Prop-218-Rate-Notice>
3. 8/23/22 Presentation Slide Deck
<https://banningca.gov/DocumentCenter/View/11388/Att-3-Aug-23-Workshop-Slide-Deck>

Approved by:



Douglas Schulze
City Manager