



## AGENDA

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

**September 27, 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).***

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<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 – Pastor Dave Kieffer of Our Savior's Lutheran Church
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

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

- 2.1. Approve Agenda

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

- 3.1. Introduction of Captain Vernal, Commander at Larry D. Smith Correctional Facility by Police Chief Hamner
- 3.2. Recognition of City Attorney Kevin Ennis, In Appreciation of 5 Years of Service to the City of Banning
- 3.3. Downtown Revitalization Presentation by Deputy Director of Public Works Nate Smith

### **4. REPORT ON CLOSED SESSION**

- 4.1. City Attorney

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

#### **5.1. PUBLIC COMMENTS – Non-Agenda Items Only**

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.** ~ Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). **POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.***

#### **5.2. CORRESPONDENCE**

*Items received under this category may be received and filed or referred to staff for future research or a future agenda.*

#### **5.3. APPOINTMENTS**

- 5.3.1. Appointment of Serita R. Young as City Attorney and Consideration of Resolution 2022-134, Appointing Serita R. Young as City Attorney to the City.....**8**

#### **5.4. CITY COUNCIL COMMITTEE REPORTS**

#### **5.5. CITY MANAGER REPORT**

#### **5.6. CITY ATTORNEY REPORT**

#### **5.7. CITY TREASURER REPORT**

## **6. CONSENT ITEMS**

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.)*

### ***Mayor to Open Consent Items for Public Comments***

#### **Motion: Approve consent items 6.1 to 6.10.**

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

6.1.	Minutes of the August 23 and September 6, 2022 City Council Meetings.....	<b>10</b>
6.2.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of August 2022.....	<b>11</b>
6.3.	Receive and File Cash, Investments and Reserve Report for the Month of August 2022.....	<b>13</b>
6.4.	Receive and File Police Department Statistics for the Month of August 2022.....	<b>15</b>
6.5.	Receive and File Fire Department Statistics for the Month of August 2022.....	<b>16</b>
6.6.	Public Works Capital Improvement Project Tracking List.....	<b>17</b>
6.7.	Accept an Easement from Tri Pointe Homes for Public Utility Purposes for Tract Map Nos. 35967 within the Atwell Development.....	<b>18</b>
6.8.	Consideration of Resolution 2022-127, Approving Final Parcel Map 38206, Authorizing Staff to Sign, and Releasing the Map for Recordation.....	<b>20</b>
6.9.	Consideration of Resolution 2022-132 Approving Amendment No. 1 to the Agreement with Rincon Consultants, Inc. for additional staff support on the 6th Regional Housing Needs Analysis (RHNA) Cycle Housing Element.....	<b>22</b>
6.10.	Consideration of Resolution 2022-133, Approving the Use of Sourcewell Contract No. 091521-NAF for Banning Electric Utility's Purchase of a 2023 Ford Hybrid Explorer (K7H) Platinum RWD for the Public Benefits Staff in the Amount of \$57,162.30 Plus Licensing Fees.....	<b>24</b>

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

7.1.	Consideration of Resolution 2022-130, Recommending that the City Council make a Determination of Exemption under CEQA Guidelines Section 15301 and Approve Conditional Use Permit 22-8003, to Allow the Commercial Manufacturing of Cannabis (Type 6: Non-Volatile Solvent Manufacturing or Mechanical Extraction) within an Existing Industrial Building Located at 195 East Lincoln Street (APN: 541-220-022) in the Industrial (I) Zoning District... <b>26</b> <i>(Staff Report: Adam Rush, Community Development Director)</i>
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**Recommendation:** Staff recommends the City Council adopt Resolution 2022-130, make a determination that the Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and approve Conditional Use Permit 22-8003 to allow for commercial manufacturing of cannabis, using non-volatile methods, within an existing industrial building located at 195 East Lincoln Street (APN: 541-220-022) in the Industrial (I) zoning district, subject to the recommended conditions of approval.

7.2. Consideration of Resolution 2022-131, Making a Determination of Exemption under CEQA Guidelines Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures); Approving a Billboard Relocation Agreement that Authorizes the Relocation and Conversion of an Existing Static Billboard to Digital Display on Real Property Located at 3610 West Ramsey Street (APN 537-090-040, 042) in the General Commercial (GC) Zoning District..... **34**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Staff recommends the City Council adopt Resolution 2022-131, make a determination that the Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures) and approve a Billboard Relocation Agreement for Lamar Outdoor Advertising (Related Case No, CUP 22-8006) to allow for the relocation and conversion of an existing static billboard to digital display on real property located at 3610 West Ramsey Street, in the General Commercial (GC) General Plan Designation and GC zoning district, subject to the recommended conditions of approval.

7.3. Public Hearing on Appeal of Denial for Business License Certificate Application for Proposed Business located at 225 West Ramsey Street..... **40**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** Deny the appeal, sustain City staff's denial of the application for business license certificate filed by Faith in Action of the San Gorgonio Pass.

7.4. Public Hearing and Consideration of Resolution 2022-128, Adopting the Banning Electric Utility Wildfire Mitigation Plan Version 3.0..... **45**  
*(Staff Report: Brandon Robinson, Electrical Engineering Supervisor)*

**Recommendation:** Staff recommends that the Banning City Council approve Resolution 2022-128 adopting Banning Electric Utility's ("Utility") attached Wildfire Mitigation Plan ("WMP") Version 3.0.

## **8. REPORTS OF OFFICERS**

8.1. Presentation of the Preliminary FY 2021-22 Financial Results for Governmental Modified Accrual Activities Only (Subject to change)..... **47**  
*(Staff Report: Lincoln Bogard, Finance Director)*

**Recommendation:** Receive and file presentation of the preliminary Fiscal Year (FY) 2021-22 financial results for governmental funds on the modified accrual basis of accounting only. Results are not finalized at this time and are subject to change. Any material differences expected will be discussed. Presentation results are still changing as additional entries are being made and the attached report is dynamic and will update daily based on those changes.

8.2. Fiscal Year 2023 City Council Travel and Conference Expense Allocation... **50**  
*(Staff Report: Laurie Sampson, Assistant City Manager)*

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

8.3. Super Studios Exclusive Negotiated Agreement Discussions.....**52**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Staff recommends City Council authorize the City Manager to proceed with discussions regarding an Exclusive Negotiated Agreement between Super Studios and the City of Banning.

8.4. Consideration of Resolution 2022-129, Approving an Employment Agreement with Ralph Wright for the Position of Parks and Recreation Director.....**54**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Approve Resolution 2022-129, authorizing the City Manager to execute a new Employment Agreement with Ralph Wright, Parks and Recreation Director, effective through September 22, 2027, at a salary of \$157,937.32 annually.

## **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 – October 11, 2022 at 5:00 p.m.***

**Zoom Community Standards for Public Meetings**

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

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

**Estándares comunitarios de Zoom para Reuniones Públicas**

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

## **AFFIDAVIT • DECLARACIÓN JURADA**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 22nd day of September 2022.



Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

## **PUBLIC NOTICE • NOTICIA PÚBLICA**

### **Meeting Agendas and Notices**

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### **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](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney

**MEETING DATE:** September 27, 2022

**SUBJECT:** Appointment of Serita R. Young as City Attorney and  
Consideration of Resolution 2022-134, Appointing Serita R.  
Young as City Attorney to the City

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### **RECOMMENDATION:**

It is recommended that the City Council appoint Serita R. Young as City Attorney of the City of Banning by the adoption of Resolution No. 2022-134.

### **BACKGROUND:**

Serita Young is employed by the law firm of Richards, Watson & Gershon (the "Firm") and pursuant to the City's contract with the Firm, the City Council designates the person to serve as the appointed City Attorney.

Ms. Young has served as Assistant City Attorney for the City for over five years. In that capacity, she has served as the Planning Commission attorney and provided general services to all of the City's departments. Ms. Young has been attorney practicing in the area of municipal law for 15 years. In her capacity as a shareholder at the Firm, she also serves as Assistant City Attorney for the Cities of Westlake Village, Covina and Rancho Cucamonga.

Ms. Young will be replacing Kevin G. Ennis as City Attorney. Mr. Ennis has served as City Attorney for the City since November 2017. Over the last five years, he has provided a variety of services to our City Manager, multiple Councilmembers and a variety of staff. Mr. Ennis will be transitioning into a role as Senior Counsel to the City while still continuing to practice law with the Firm and will be available to the City for general and special services.

Ms. Young's appointment as City Attorney will also mean that she will automatically be the designated General Counsel for the Banning Utility Authority and other entities of the City.

September 27, 2022

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**JUSTIFICATION:**

Staff recommends that the City Council approve Resolution 2022-134, Appointing Serita Young as City Attorney to the City.

**ATTACHMENT:**

1. Resolution 2022-134

<https://banningca.gov/DocumentCenter/View/11466/Att-1-Resolution-2022-134-Appointing-Serita-Young-as-City-Attorney>

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 27, 2022

**SUBJECT:** Minutes of the August 23 and September 6, 2022 City Council Meetings

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### **RECOMMENDATION:**

Approve the minutes of the August 23, 2022 Regular City Council Meeting and the September 6, 2022 Special City Council Meeting.

### **ALTERNATIVES:**

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

### **ATTACHMENTS:**

1. Minutes of the August 23, 2022 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/11464/2022-08-23\\_Minutes-Regular-Meeting](https://banningca.gov/DocumentCenter/View/11464/2022-08-23_Minutes-Regular-Meeting)
2. Minutes of the September 6, 2022 Special City Council Meeting  
[https://banningca.gov/DocumentCenter/View/11465/2022-09-06\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/11465/2022-09-06_Minutes_Special-Meeting)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager  
Alejandro Geronimo, City Treasurer

**PREPARED BY:** Lincoln Bogard, Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** September 27, 2022

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of August 2022

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**RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **August 31, 2022**, per California Government Code Section 37208.

**WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	183470-183793	\$ 3,449,198.08	
Voided / Reissue Check		\$ 310.00	
<b>Check Total</b>			\$ 3,448,888.08
<b>Wires Total</b>			\$ 4,253,242.00
<b>ACH payments:</b>			
Payroll Direct Deposit	8/12/2022	\$ 448,957.67	
Payroll Direct Deposit	8/26/2022	\$ 461,132.96	
Other Payments		\$ 1,063,946.79	
<b>ACH Total</b>			\$ 1,974,037.42
<b>Payroll Checks:</b>			
Payroll - Regular	8/12/2022	\$ 11,773.57	
Payroll - Regular	8/26/2022	\$ 5,697.20	
<b>Payroll Check Total</b>			\$ 17,470.77
<b>Total Warrants Issued for August 2022</b>			\$ 9,693,638.27

September 27, 2022

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**ATTACHMENTS:**

1. Fund List  
<https://banningca.gov/DocumentCenter/View/11413/Att-1-Fund-List>
2. Warrant Report August 2022  
<https://banningca.gov/DocumentCenter/View/11414/Att-2-Warrant-Report-August-2022>
3. Warrant Report Detail August 2022  
<https://banningca.gov/DocumentCenter/View/11411/Att-3-Warrant-Report-Detail-August-2022>
4. Voided Check Log, Payroll Log & Registers – August 2022  
<https://banningca.gov/DocumentCenter/View/11412/Att-4-Voided-Check-Log-Payroll-Log-Payroll-Registers>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager  
Alejandro Geronimo, City Treasurer

**PREPARED BY:** Lincoln Bogard, Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** September 27, 2022

**SUBJECT:** Receive and File Cash, Investments and Reserve Report for the Month of August 2022

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**RECOMMENDATION:**

That City Council receive and file Cash, Investment and Reserve Report for **August 31, 2022** in accordance with California Government Code 53646.

**CASH AND INVESTMENT SUMMARY:**

Description	Prior Month	Current Month
<b>Funds Under Control of the City</b>		
Cash		
Cash on Hand	\$ 4,055.00	\$ 4,055.00
Checking and Savings Accounts	\$ 10,161,382.99	\$ 8,448,581.28
Investments		
LAIF	\$ 36,895,406.87	\$ 36,895,406.87
Brokerage	\$ 27,555,830.31	\$ 27,563,565.92
<b>Total Funds Under Control of the City</b>	<b>\$ 74,616,675.17</b>	<b>\$ 72,911,609.07</b>
<b>Funds Under Control of Fiscal Agents</b>		
US Bank		
Restricted Bond Project Accounts	\$ 11,897,972.87	\$ 11,899,330.81
Restricted Bond Accounts	\$ 4,820,096.05	\$ 6,611,596.90
Union Bank & SCPPA		
Restricted Funds	\$ 3,799,925.80	\$ 3,611,955.19
<b>Total Funds Under Control of Fiscal Agents</b>	<b>\$ 20,517,994.72</b>	<b>\$ 22,122,882.90</b>
<b>Total Funds</b>	<b>\$ 95,134,669.89</b>	<b>\$ 95,034,491.97</b>

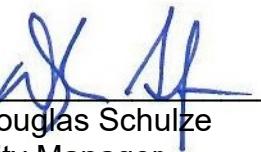
**RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:**

Description	Prior Month	Current Month
<b>Total Funds</b>	\$ 95,134,669.89	\$ 95,034,491.97
Restricted Funds	\$ 42,583,749.58	\$ 42,176,205.29
Assigned Funds - Specific Purpose	\$ 8,338,555.38	\$ 8,338,555.38
Committed Funds - Specific Purpose	\$ 1,500,000.00	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,471,043.56	\$ 13,471,043.56
<b>Total Restricted, Assigned, Committed and Reserves</b>	<b>\$ 65,893,348.52</b>	<b>\$ 65,485,804.23</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$ 29,241,321.37</b>	<b>\$ 29,548,687.74</b>
Less Accounts held in Investments	\$ 27,555,830.31	\$ 27,563,565.92
Liquid Cash	\$ 1,685,491.06	\$ 1,985,121.82

**ATTACHMENTS:**

1. Cash, Investment and Reserve Report August 2022  
<https://banningca.gov/DocumentCenter/View/11417/Att-1-Cash-Investment-and-Reserve-Report-August-2022>
2. Investment Report  
<https://banningca.gov/DocumentCenter/View/11418/Att-2-Investment-Report-August-2022>
3. City of Banning Broker Investment Report  
<https://banningca.gov/DocumentCenter/View/11419/Att-3-City-of-Banning-Broker-Report>
4. LAIF / PMIA Performance Report  
<https://banningca.gov/DocumentCenter/View/11415/Att-4-LAIF-Market-Valuation-August-2022>
5. LAIF Market Valuation Report  
<https://banningca.gov/DocumentCenter/View/11416/Att-5-PMIA-LAIF-Performance-Report-August-2022>

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 27, 2022

**SUBJECT:** Receive and File Police Department Statistics for the Month of August 2022

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### **RECOMMENDATION:**

Receive and file Police Department statistics for the month of August 2022

### **BACKGROUND:**

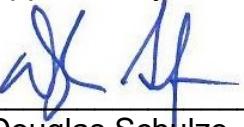
The Police Department provides statistics to the public and City Council upon request.

### **ATTACHMENT:**

1. Police Statistics for August 2022

<https://banningca.gov/DocumentCenter/View/11420/Police-Statistics-August-2022>

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 27, 2022

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

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### **RECOMMENDATION:**

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

### **BACKGROUND:**

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

### **FISCAL IMPACT:**

None

### **ATTACHMENT:**

1. Fire Statistics for August 2022  
<https://banningca.gov/DocumentCenter/View/11421/Fire-Statistics-August-2022>

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 27, 2022  
**SUBJECT:** Public Works Capital Improvement Project Tracking List

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### **RECOMMENDATION:**

This is informational only; receive and file report.

### **BACKGROUND:**

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

### **FISCAL IMPACT:**

None

### **ATTACHMENT:**

1. CIP Project List  
<https://banningca.gov/DocumentCenter/View/11422/CIP-Update-September-2022>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** September 27, 2022

**SUBJECT:** Accept an Easement from Tri Pointe Homes for Public Utility  
Purposes for Tract Map Nos. 35967 within the Atwell  
Development

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### **RECOMMENDATION:**

Staff recommends that City Council accepts an easement from Tri Pointe Homes for public utility purposes for Tract Map No. 35967 (PA 74) within the Atwell Development.

### **BACKGROUND:**

Final Tract Map No. 35967 within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2020-94 on July 14, 2020. Tract Map No. 35967 subdivided into 47 numbered lots and 21 lettered lots for street and public utility purposes and open space. This tract map covers the northerly portion of the Atwell Development (Butterfield Specific Plan) project area, excluding the substation site along the easterly edge of the site and the former annexation area at the northwest portion of the site.

The proposed public utility easement is within portion of Lots 24 & 47 of Tract Map No. 35967. This easement will cover public water and electric facilities to be located in proposed access road along the north side of the Southern California Edison Corridor that connects the City's electric substation to Highland Home Road. The main electric service for Atwell and the water transmission line to the Foothill West Zone Reservoir will be within the proposed easement.

### **JUSTIFICATION:**

It is necessary to obtain the easement in order for the City to have access to the City's electric and water facilities for operation and maintenance purposes.

### **FISCAL IMPACT:**

There is no fiscal impact associated with the acceptance of the easement.

September 27, 2022

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**ALTERNATIVE:**

Do not approve and provide alternative direction.

**ATTACHMENT:**

1. Easement – Public Utility Purposes

<https://banningca.gov/DocumentCenter/View/11423/Att-1-Public-Utility-Easement>

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  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** September 27, 2022

**SUBJECT:** Consideration of Resolution 2022-127, Approving Final Parcel Map 38206, Authorizing Staff to Sign, and Releasing the Map for Recordation

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### **RECOMMENDATION:**

That the City Council adopt Resolution 2022-127 approving Final Parcel Map 38206 and release the map for recordation.

### **BACKGROUND:**

Tentative Parcel Map 38206 was approved by Planning Commission on February 2, 2022 and by City Council on March 8, 2022 as Resolution 2022-24. The proposed map is to subdivide one (1) existing lot into two (2) lots for the purposes of creating individual parcels for each existing dwelling unit.

Final Parcel Map 38206 is consistent with the approved Tentative Parcel Map and Conditions of Approval. All public improvements of the parcels being subdivided have been completed.

### **JUSTIFICATION:**

Final Parcel Map 38206 was 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 have been met.

The City Engineer has verified that the final parcel map is in substantial conformance with the approved Tentative Parcel Map 38206.

### **FISCAL IMPACT:**

There is no direct fiscal impact on the approval of the Final Parcel Map.

September 27, 2022

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**ALTERNATIVES:**

Do not approve Final Parcel Map and provide staff with additional direction.

**ATTACHMENTS:**

1. Resolution 2022-127  
<https://banningca.gov/DocumentCenter/View/11461/Att-1-Resolution-2022-127-Final-Map-38206>
2. Final Parcel Map 38206 (Exhibit A)  
<https://banningca.gov/DocumentCenter/View/11462/Att-2-Exhibit-A---Final-Parcel-Map-38206>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** September 27, 2022

**SUBJECT:** Consideration of Resolution 2022-132 Approving Amendment No. 1 to the Agreement with Rincon Consultants, Inc. for additional staff support on the 6<sup>th</sup> Regional Housing Needs Analysis (RHNA) Cycle Housing Element

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### **RECOMMENDATION:**

Staff recommend City Council adopt Resolution 2022-132:

1. Approving the extension and amendment of the Professional Services Agreement for City parks with Rincon Consultants, Inc., for fiscal year 2022/2023 for a not-to-exceed amount of \$171,018.
2. Authorizing the City Manager or his designee to execute the Amendment No. 1 to the Professional Services Agreement (C00665) for Housing Element support with Rincon Consultants, Inc., for the renewal term of June 20, 2022 through January 31, 2023.
3. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the agreement for Professional Services Agreement with Rincon Consultants, Inc. for Housing Element support services.

### **BACKGROUND:**

The Community Development Department released a Request for Proposal (RFP) on July 22, 2020 where three firms downloaded the RFP and two submitted responsive and responsible proposals. An evaluation team, drawn from three separate city departments (including Community Development), reviewed all proposals. The resulting evaluations presented a wide variance in scoring between the two proposed firms; wherein Rincon Consultants, Inc. was determined to be the most qualified and responsive firm to propose the requested services. Therefore, City staff is requesting the Council approve a professional services agreement, with Rincon Consultants, Inc., for preparation of the Housing Element Update.

On October 13, 2020, The City Council awarded a contract agreement with Rincon Consultants, Inc., in the amount of \$146,018 to provide staff support for the preparation and completion of the City's 6<sup>th</sup> RHNA Housing Element.

September 27, 2022

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### **JUSTIFICATION:**

The original agreement allows for one, six-month extension, with approval by the Contract Officer, which was provided on or before June 19, 2022. However, the Department of Housing and Community Development (HCD) issued additional comments to the City after the Council adoption of the Element. These comments requested additional analysis and justification of the City's *objective design standards* (contained within Title 17 of the Banning Municipal Code) and provided comments pertaining to the Affirmatively Furthering Fair Housing (AFFH) Section of the Element. City staff requires additional support, from Rincon Consultants, Inc., in order to adequately respond to HCD.

For those reasons stated, it is staff's recommendation that the city authorize Amendment No. 1, to the Professional Services Agreement, with Rincon Consultants, Inc., for Fiscal Year 2022-23, for the term of June 20, 2022 through January 31, 2023.

### **FISCAL IMPACT:**

The total compensation is a Not to Exceed amount of \$171,018. The funding for additional services will be fully funded within the City's existing SB2 and L.E.A.P grants, which have been provided by HCD.

### **ALTERNATIVES:**

The City Council may choose to reject this action which would result in the City's Housing Element from being certified by HCD. Most state-related grants for housing, land use, and transportation require a certified Housing Element. As such, the lack of certified Housing Element would result in the loss of significant grant funding.

### **ATTACHMENTS:**

1. Resolution 2022-132  
<https://banningca.gov/DocumentCenter/View/11425/Att-1-Resolution-2020-132>
2. Draft Amendment No. 1 to Agreement  
<https://banningca.gov/DocumentCenter/View/11426/Att-2-Amendment-1-to-Rincon-Housing-Element-Agreement>
3. Rincon Consultants, Inc., Original Agreement  
[https://banningca.gov/DocumentCenter/View/11424/Att-3-C00665\\_RINCON\\_CONSULTANTS\\_INC](https://banningca.gov/DocumentCenter/View/11424/Att-3-C00665_RINCON_CONSULTANTS_INC)

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  
Carla Young, Business Support Manager

**MEETING DATE:** September 27, 2022

**SUBJECT:** Consideration of Resolution 2022-133, Approving the Use of Sourcewell Contract No. 091521-NAF for Banning Electric Utility's Purchase of a 2023 Ford Hybrid Explorer (K7H) Platinum RWD for the Public Benefits Staff in the Amount of \$57,162.30 Plus Licensing Fees

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### **RECOMMENDATION:**

Staff recommend City Council adopt Resolution 2022-133 for the purchase of a 2023 Ford Hybrid Explorer (K7H) Platinum RWD for the Public Benefits division of the Electric Utility.

### **BACKGROUND:**

The City of Banning Electric Utility (BEU) is one of 11 members of the Southern California Public Power Authority. California's publicly owned utilities (POUs) have collaborated since 2006 on developing energy efficiency programs and reporting annual results to their customers and the California Energy Commission (CEC) in a consistent and comprehensive manner.

Along with the other members, BEU's CORE (Public Benefits) division offers many energy efficiency programs. These programs work collectively to improve our operational efficiency for our customers and reduce the load on the electric grid. By promoting energy efficiency and providing different programs, we can effectively reduce operating costs and improve the comfort and safety of our customers. These programs can serve to maintain or lower electric rates - and benefit the community we serve.

In March 2020 City Council authorized the lease of two electric vehicles, an electric Hyundai Kona and an electric Chevrolet Bolt, both of which are coming to the end of their lease agreements. Both leases will expire in April of 2023. BEU has recognized the need for a vehicle capable of towing as the CORE division is now a consistent part of community events which require use of the CORE trailer as well as various other trailers for transport of equipment for these events.

In addition to the need for a vehicle that has towing capability, BEU has also made the determination that a hybrid vehicle will better suit the utility's needs as well as be more consistent with the current State requirements for alternative fuel vehicles. During the three years BEU has used an electric vehicle, many situations arose in which it was concluded that an electric vehicle is not always the best choice for the needs of the utility or the events in which it was needed for. Furthermore, the current electric vehicles being used by the Electric Utility have significant recall notices that cannot be reconciled due to inability to procure the parts necessary. Some of these recalls have caused continued concern to the utility's daily operations for the CORE Division.

**JUSTIFICATION:**

The Purchasing Department assisted the Electric Utility with the procurement of bids for the purchase of a Ford Hybrid Explorer with towing package including camera capability. The Purchasing Department solicited bids through the Sourcewell Contract and National Auto Fleet Group, a national joint contract group used by government entities to secure fair and discounted pricing nationwide. Purchasing then notified the Electric Utility of the lowest responsive responsible bid. While the vehicle is well equipped (premium package), it is the lowest bid for a hybrid vehicle with towing capabilities.

**FISCAL IMPACT:**

The City of Banning Electric Utility's budget was approved for FY 2022-2023 and included the replacement of vehicles that were determined to be fully depreciated and no longer efficient or whose contract agreements were coming to an end.

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2022/2023	\$65,000

**ALTERNATIVES:**

1. Adopt Resolution 2022-133 as recommended.
2. Adopt Resolution 2022-133 with modifications.
3. Do not approve Resolution 2022-133 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-133  
<https://banningca.gov/DocumentCenter/View/11427/Att-1-Resolution-2022-133-Public-Benefits-New-Car>
2. Quote  
<https://banningca.gov/DocumentCenter/View/11428/Att-2-Quote---Ford-Explorer>

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 27, 2022

**SUBJECT:** Consideration of Resolution 2022-130, Recommending that the City Council make a Determination of Exemption under CEQA Guidelines Section 15301 and Approve Conditional Use Permit 22-8003, to Allow the Commercial Manufacturing of Cannabis (Type 6: Non-Volatile Solvent Manufacturing or Mechanical Extraction) within an Existing Industrial Building Located at 195 East Lincoln Street (APN: 541-220-022) in the Industrial (I) Zoning District

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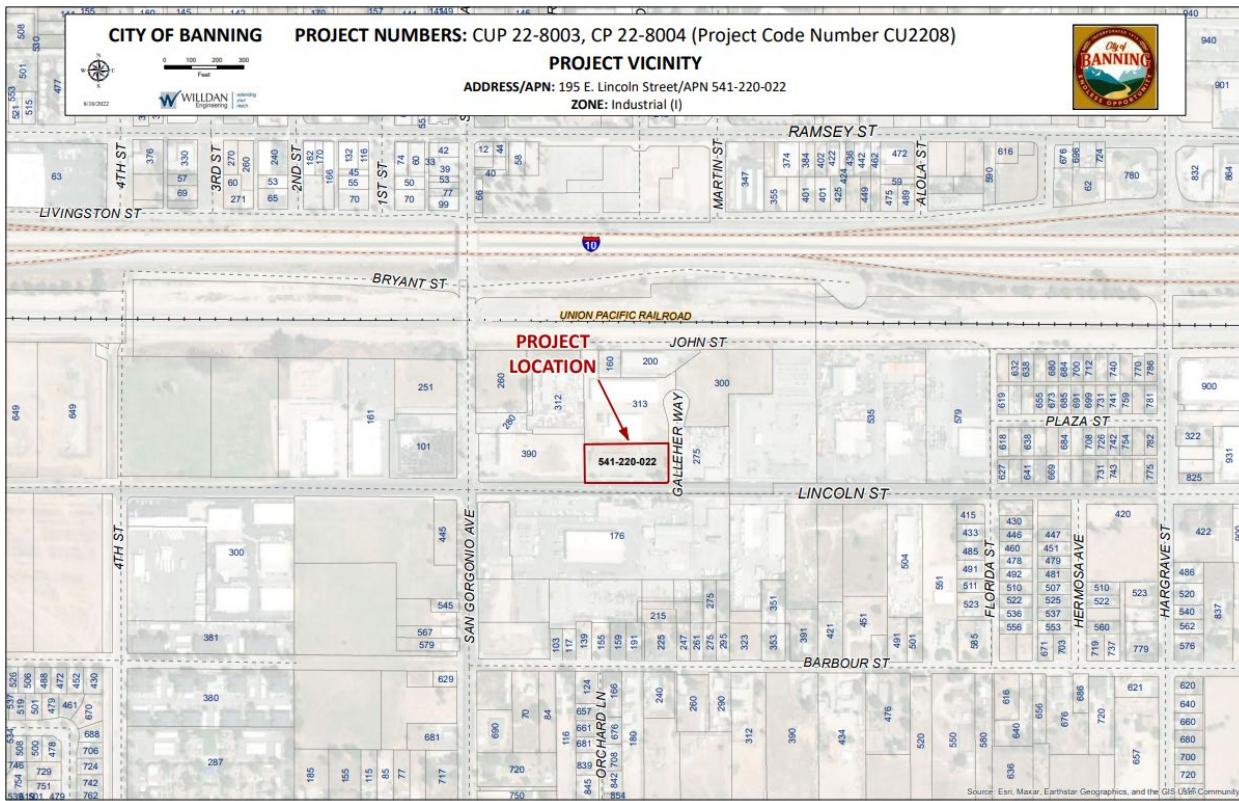
### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2022-130, make a determination that the Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and approve Conditional Use Permit 22-8003 to allow for commercial manufacturing of cannabis, using non-volatile methods, within an existing industrial building located at 195 East Lincoln Street (APN: 541-220-022) in the Industrial (I) zoning district, subject to the recommended conditions of approval.

### **BACKGROUND:**

The operation of a commercial cannabis manufacturing facility using non-volatile extraction methods under a Type 6 license issued by the Department of Cannabis Control.

**FIGURE 1. Project Vicinity**



**DESCRIPTION:**

The applicant proposes to improve the interior of an existing industrial building that is currently vacant for the operation of a commercial cannabis manufacturing business. The State of California Department of Cannabis Control's regulations provide that the proposed use will manufacture three main products (1) live resin (2) cannabis oil (3) distillate. The activity will include the extraction of oil from raw cannabis flower using a low pressure, closed-loop, non-volatile solvent-based extraction machine.

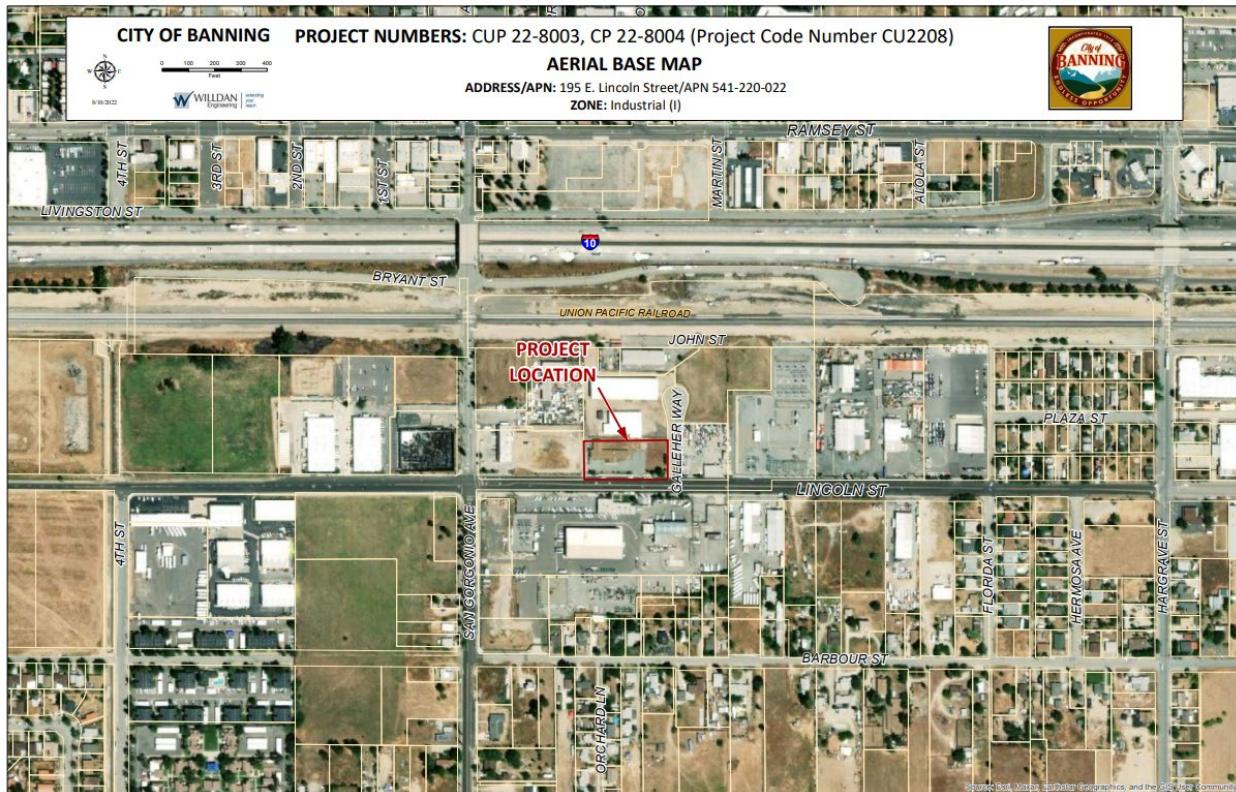
This industrial building is approximately 6,310 square feet in floor area. The applicant proposes to operate in two phases by utilizing 3,374 square feet for phase 1 and eventually moving into phase 2 whereby an additional 1,649 square feet of floor area will be used for a total of 5,023 square feet. The remaining 1,287 square feet of floor area will remain as storage area for the owner and will be separated from the manufacturing business by walls and locked doors. The area used for the manufacturing business will contain a lobby, office, storage room, security room, break room, extraction equipment room, decarb oven room, waste storage room and rest room.

In accordance with Banning Municipal Code (BMC), the applicant proposes a security plan with cameras, guards, and surveillance equipment. There will be adequate security lighting and protocols to minimize potential security threats.

### Surrounding Land Use

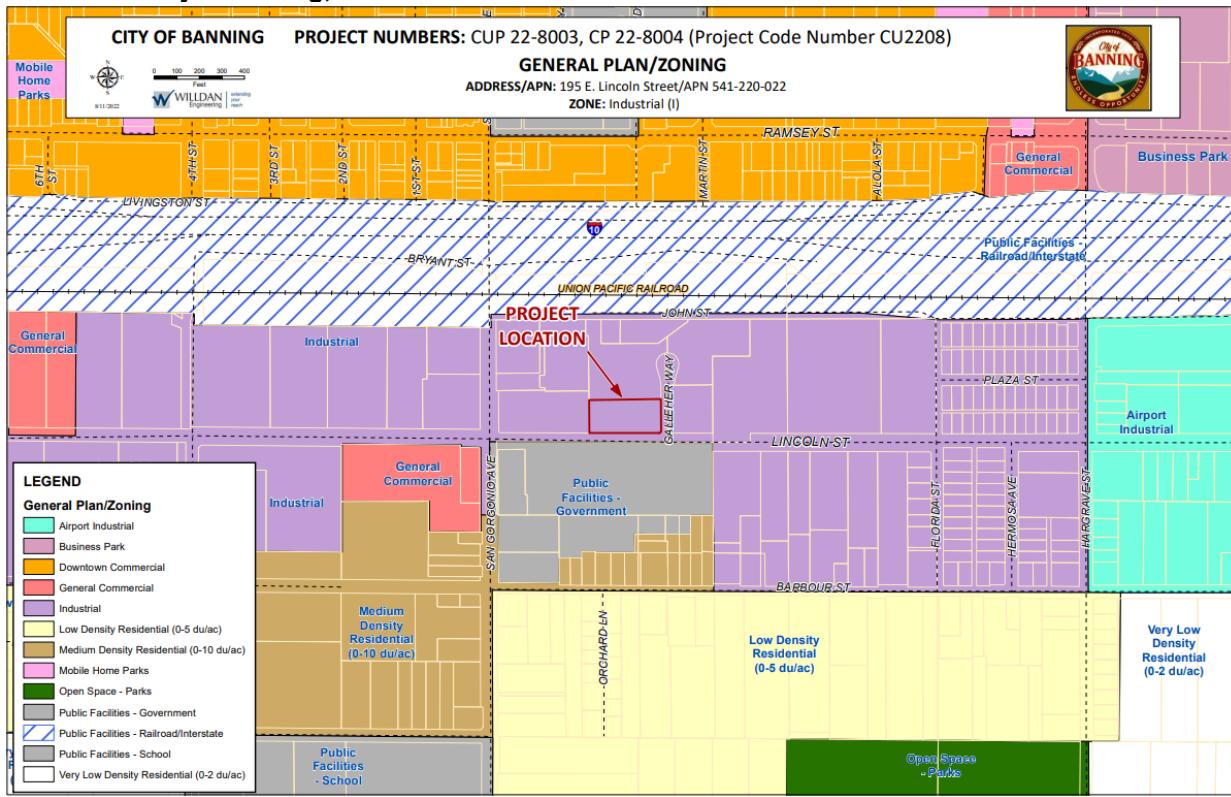
The site consists of one 6,310 square foot industrial building with parking and a trash enclosure. The property is surrounded by developed industrial uses and structures. The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for the Planning Commission's consideration in Figures 2 and 3 and Table 1, detailed below:

**FIGURE 2. Vicinity Map:**



**TABLE 1. Land Use Summary Table:**

	Existing Land Use	Zoning Classification	General Plan Designation
<b>Subject Site</b>	Developed Industrial	(I)	(I)
<b>North</b>	Developed Industrial	(I)	(I)
<b>South</b>	Developed Public Facility-Government (PF-G)	(PF-G)	(PF-G)
<b>East</b>	Developed Industrial	(I)	(I)
<b>West</b>	Developed Industrial	(I)	(I)

**FIGURE 3. Project Zoning,**

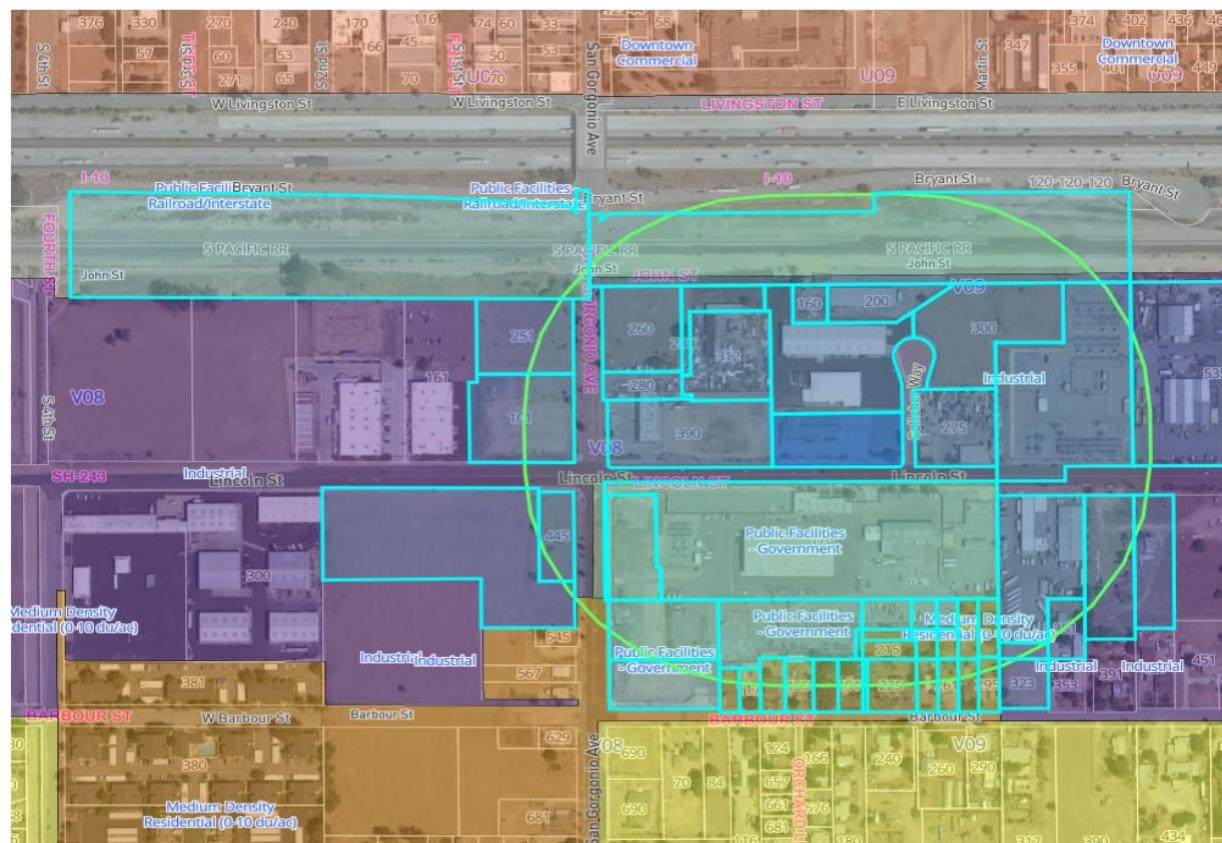
## **JUSTIFICATION:**

### Zoning

Table 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses) of Section 17.12.020 of Chapter 17.12 of Title 17 of the BMC provides that Cannabis Manufacturing Level 1 is permitted in the Industrial (I) zoning district, subject to approval of a Cannabis CUP by the City Council, after recommendation by the Planning Commission, and subject to the requirements of BMC Chapter 17.53.

Additional requirements identified in BMC Chapter 17.53 state the cannabis manufacturer must be at least 600-feet from any day care center, youth center, public or private school providing instruction in kindergarten or any of grades 1-12, or park. (See BMC § 17.53.080.B.) The proposed location of the commercial cannabis manufacturing facility is compliant with the above-mentioned requirements. For a radius map demonstrating the 600-foot buffer, see Figure 4 below.

**FIGURE 4. CUP 600-Foot Radius Map:**



### Conditional Use Permit

In accordance with BMC Section 17.52.010, the purpose of a Conditional Use Permit is:

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.
- B. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients or patients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

BMC Sections 17.52.050 (Findings) and 17.53.060.A.1. collectively provide:

After a public hearing, the Planning Commission shall make a recommendation on a Cannabis CUP to the City Council identifying the findings upon which such recommendation is based. The Planning Commission may recommend approval or modification of a Cannabis CUP application in whole or in part, with or without conditions, only if all the following findings are made:

- A. The proposed use is consistent with the General Plan;
- B. The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of Title 17 of the Banning Municipal Code;
- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- D. The subject site is physically suitable for the type and intensity of land use being proposed;
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- F. There is no significant effect upon environmental quality; natural resources; or neighborhood characteristics; and
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

Findings have been made and can be found in Planning Commission Resolution 2022-12 (Attachment 1).

BMC Section 17.53.060 (Procedures, and Findings for Approval of Cannabis Conditional Use Permit) states:

- A. A cannabis conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:
  1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis conditional use permit and that the approval of such permit shall be made by the City Council.
  2. Sections 17.52.020 (Application Procedures) and 17.52.080 (Modifications) shall not apply.
  3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.
- B. An applicant for a cannabis conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis conditional use permit shall be granted until the requisite CEQA review has been conducted.

Staff believes that approval of the CUP will serve the community by providing a location for the manufacture of cannabis and providing for jobs and tax revenue.

**ENVIRONMENTAL DETERMINATION:**

Planning Division staff has determined that this Project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 (Existing Facilities - Class 1 Categorical Exemption) because the Project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure, involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

**Multiple Species Habitat Conservation Plan (MSHCP):**

The Project is not subject to MSHCP as the Project is an existing facility with no expansion of the current structural footprint.

**PUBLIC COMMUNICATION:**

Proposed Conditional Use Permit 22-8003 was advertised in the Record Gazette newspaper on August 26, 2022 (Attachment 3). As of the date of this report, staff has not received any written comments on the Project.

**FISCAL IMPACT:**

The fiscal impact of the Project is a positive. If approved, the applicant anticipates generating approximately \$25,000 in cannabis cultivation tax revenue for the first operating year, \$250,000 for the second year and each operating year thereafter:

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2022/2023	\$25,000
2023/2024	\$250,000
2024/2025	\$250,000
2025/2026	\$250,000
2026/2027	\$250,000

**ALTERNATIVES:**

1. The Council can refer the Project back to the Planning Commission; or
2. The Council can direct staff, and the applicant, to return with a revised Project.

**ATTACHMENTS:**

1. City Council Resolution 2022-130  
<https://banningca.gov/DocumentCenter/View/11463/Att-1-Resolution-2022-130-Approving-CUP-22-8003>
2. Planning Commission Resolution 2021-12  
<https://banningca.gov/DocumentCenter/View/11460/Att-2-PC-Resolution-2021-12>
3. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/11458/Att-3-Public-Hearing-Notice>
4. Notice of Exemption  
<https://banningca.gov/DocumentCenter/View/11459/Att-4-Notice-of-Exemption>

September 27, 2022

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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 27, 2022

**SUBJECT:** Consideration of Resolution 2022-131, Recommending that the City Council Make a Determination of Exemption under CEQA Guidelines Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures) and Approve a Billboard Relocation Agreement Authorizing the Relocation and Conversion of an Existing Static Billboard to Digital Display on Real Property located at 3610 West Ramsey Street (APN 537-090-040 and 537-090-042), in the General Commercial (GC) Zoning District

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### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2022-131, make a determination that the Project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures) and approve a Billboard Relocation Agreement for Lamar Outdoor Advertising (Related Case No, CUP 22-8006) to allow for the relocation and conversion of an existing static billboard to digital display on real property located at 3610 West Ramsey Street, in the General Commercial (GC) General Plan Designation and GC zoning district, subject to the recommended conditions of approval.

### **BACKGROUND:**

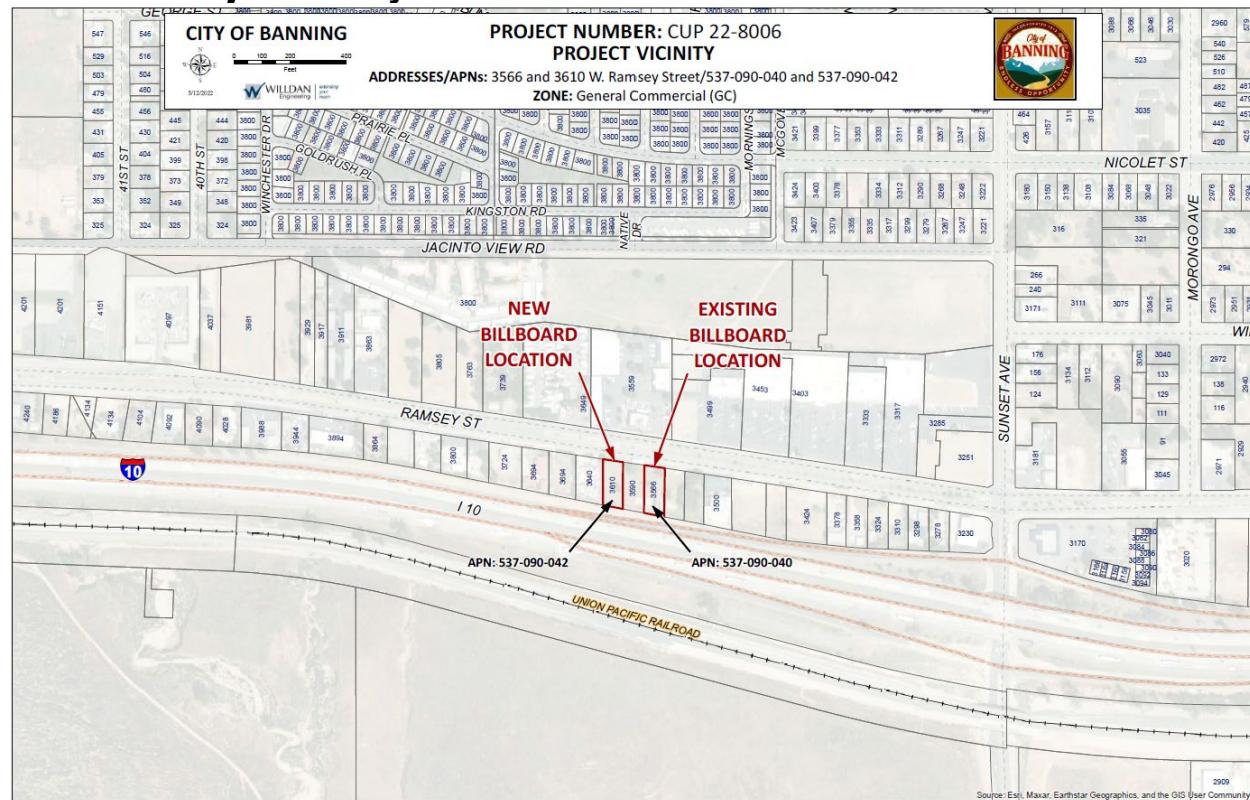
Relocate and convert an existing single-face static billboard to a dual-face digital display billboard on real property located at 3610 West Ramsey Street, in the General Commercial (GC) zoning district. The Banning Municipal Code (BMC) Section 17.36 defines a *Relocated Billboard* as follows, “An existing billboard that is located in the City that is relocated through a City Council approved relocation agreement, including the replacement of a static billboard face with an electronic message center. The relocated billboard is not considered a new outdoor advertising sign.”

A Conditional Use Permit for this project was conditionally approved by the Planning Commission on September 7, 2022, subject to approval of the Relocation Agreement by the City Council.

September 27, 2022

Page 2 of 6

## FIGURE 1. Project Vicinity:



**DESCRIPTION:**

An existing single-face, static billboard owned and operated by Lamar Outdoor Advertising, is located on one of four parcels slated for a future hotel project (DR 22-7002) on a 1.6-acre site located at 3610 W. Ramsey Street. The existing billboard is located on parcel number 537-090-040 (Figure 1) and is proposed to be relocated to parcel number 537-090-042 to facilitate development of the future hotel. In addition to relocating the existing billboard, Applicant proposes to convert the sign face from a single-face static display to a dual-face digital display. The initial project submittal included a static billboard on the reverse side of the new digital billboard sign face. Pursuant to Banning Municipal Code requirements for relocation and conversion of billboards, Applicant agreed to erect a new dual face digital display billboard on parcel number 537-090-042.

The billboard being considered for this relocation project includes new construction of a 50-foot tall, dual-face, free-standing, freeway-oriented, digital billboard sign at the southwest corner of the property, which is adjacent to Interstate 10 West. Each digital display sign face will measure 48 feet wide by 14 feet high.

The property is bounded by Ramsey Street to the north, Interstate 10 to the south and commercial properties to the east and west (Figure 2). The project site is located within the General Commercial (GC) zone (Figure 3), wherein freeway-oriented billboard signs are permitted upon approval of a Conditional Use Permit, and subject to a Relocation Agreement to be approved by the City Council. The CUP was approved by the Planning Commission on September 7, 2022.

September 27, 2022

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## Surrounding Land Use

The site consists of vacant, undeveloped, parcels located on the south side of West Ramsey Street, at 3610 West Ramsey Street. There is an existing Billboard located on parcel 537-090-040, to be relocated to parcel 537-090-042. To the north, east, and west there are developed General Commercial zoned properties. South of the site is Interstate 10 and the Union Pacific Railroad.

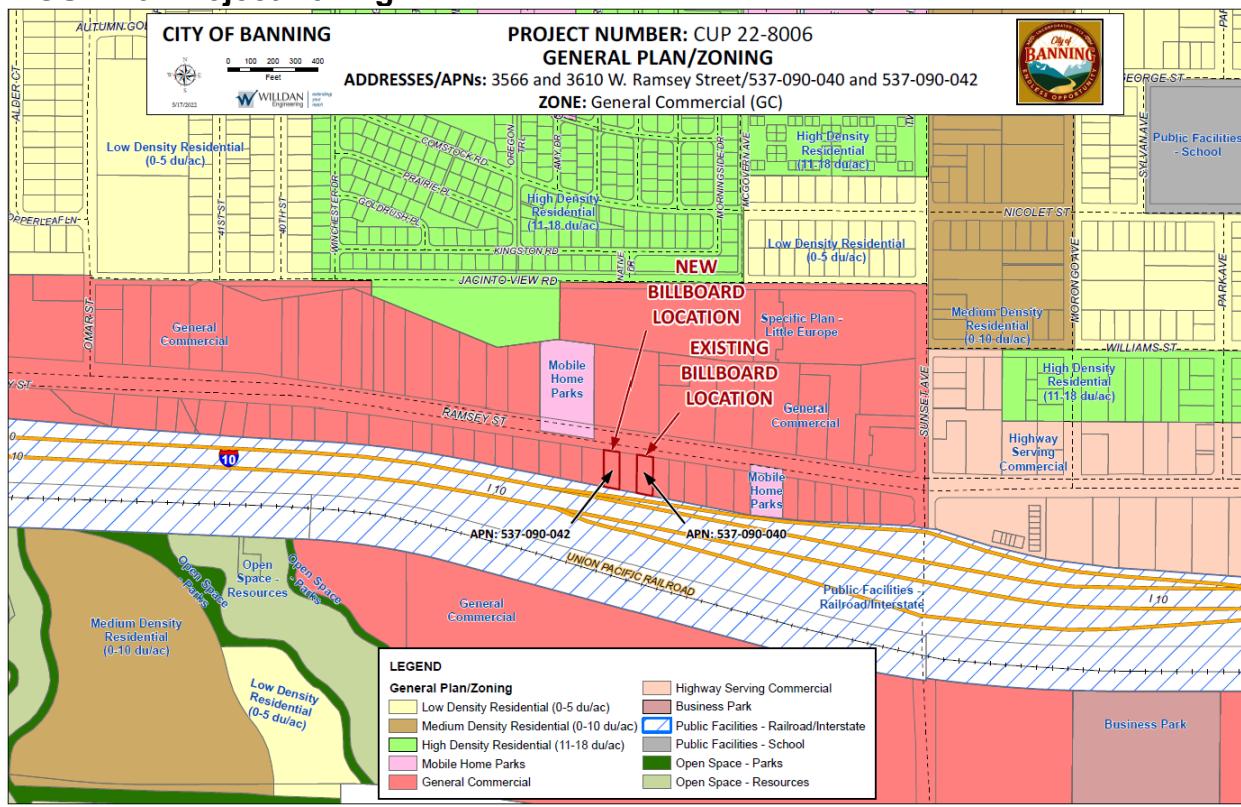
The nature of the surrounding uses, zoning classifications, and General Plan land use designations are delineated for City Council consideration in the following table and Figures 2 and 3 as detailed below:

**FIGURE 2. Aerial Base Map:**



**TABLE 1. Land Use Summary Table:**

	Existing Land Use	Zoning Classification	General Plan Designation
<b>Subject Site</b>	Vacant	General Commercial (GC)	GC
<b>North</b>	Developed	GC	GC
<b>South</b>	Developed	Public Facilities, Railroad/Interstate (PF-R/I)	PF-RI
<b>East</b>	Developed	GC	GC
<b>West</b>	Developed	GC	GC

**FIGURE 3. Project Zoning:****JUSTIFICATION:**

The site is located within the General Commercial (GC) Zoning District; wherein the relocation of existing, free-standing freeway-oriented billboard signs are authorized, subject to the approval of a Conditional Use Permit (CUP) by the Planning Commission, pursuant to Section 17.52 of the Banning Municipal Code BMC), and subject to approval of a Relocation Agreement by the City Council pursuant to Section 17.36.110 BMC. The Conditional Use Permit was approved by the Planning Commission on September 7, 2022. The Relocation Agreement is currently under review by the City Council. The underlying use for the site is a future hotel being considered by the Planning Commission approval of CUP 22-8005, which was approved on September 7, 2022.

**Conditional Use Permit**

Banning Municipal Code Section 17.52.010 discusses the purpose of Conditional Use Permits and why they are issued: Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.

Review by the Planning Commission on September 7, 2022 has determined that all of the following required findings could be made, pursuant to Planning Commission Resolution No. 2022-14:

- A. The proposed use is consistent with the General Plan;
- B. The proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Ordinance;
- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located;
- D. The subject site is physically suitable for the type and intensity of land use being proposed;
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
- F. There will not be significant harmful effects upon environmental quality; natural resources; or neighborhood characteristics.
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

In addition to the above findings for the Conditional Use Permit, the Planning Commission, pursuant to Section 17.36.110.g of the Banning Municipal Code, also made all of the following supplemental findings in its approval of the project:

- i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, as it is minimum necessary to function.
- ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter, or other unsightliness in the general location.
- iii. The use identified, as well as its type, size, and intensity, justifies the size, design and location of the sign requested.
- iv. The needs of the traveling public for identification and directional information justifies the sign requested.

No appeal of the Planning Commission's approval of Conditional Use Permit 2022-06 has been filed and, therefore, the Planning Commission approval of CUP 2022-06 is final.

#### ENVIRONMENTAL DETERMINATION:

In accordance with §15302 (Replacement or Reconstruction) a Class 2 Categorical Exemption and §15303 (New Construction or Conversion of Small Structures) a Class 3 Categorical Exemption of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from environmental review. A Class 2 Categorical Exemption consists of replacement or reconstruction of existing structures having the same purpose and capacity as the structure replaced, and a Class 3 Categorical Exemption consists of construction and location of limited numbers of new, small facilities or structures.

Findings for the project are made and can be found in the attached Resolution.

**Multiple Species Habitat Conservation Plan (MSHCP).**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

**PUBLIC COMMUNICATION:**

The Proposed Billboard Relocation Agreement (Related Case is Conditional Use Permit 22-8006) was advertised in the Record Gazette newspaper on September 16, 2022 (Attachment 3). As of the date of this report, staff has not received any written comments on the Project.

**FISCAL IMPACT:**

The proposed Billboard Relocation project will allow for the development of a new hotel project (CUP 22-8005, approved by Planning Commission on September 7, 2022), which will generate Transient Occupancy Tax (TOT) upon completion.

**ALTERNATIVES:**

1. The Council can Deny the Project.
2. The Council can refer the Project back to the Planning Commission; or
3. The Council can direct staff, and the applicant, to return with a revised Project.

**ATTACHMENTS:**

1. Resolution 2022-131 (Includes Draft Relocation Agreement)  
<https://banningca.gov/DocumentCenter/View/11457/Att-1-Resolution-2022-131-Lamar-Billboard-CUP-22-8006>
2. Planning Commission Resolution 2021-14 (Includes Project Plans and COAs)  
<https://banningca.gov/DocumentCenter/View/11454/Att-2-PC-Resolution-No-2022-14>
3. Public Hearing Notice  
[https://banningca.gov/DocumentCenter/View/11455/Att-3-CUP-22-8006\\_PHN\\_Final](https://banningca.gov/DocumentCenter/View/11455/Att-3-CUP-22-8006_PHN_Final)
4. Notice of Exemption  
<https://banningca.gov/DocumentCenter/View/11456/Att-4-Notice-of-Exemption-CUP-22-8006>

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 27, 2022

**SUBJECT:** Denial of Appeal for Business License Certificate Application for Proposed Business located at 225 West Ramsey Street

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### **RECOMMENDATION:**

Deny the appeal, sustain City staff's denial of the application for business license certificate filed by Faith in Action of the San Gorgonio Pass.

### **BACKGROUND:**

On August 23, 2022, the appellant, Carol Allbaugh (on behalf of Faith in Action of the San Gorgonio Pass), applied for a business license certificate for a proposed second hand/thrift store to be located in a 1,650 square foot commercial tenant space at 225 W. Ramsey Street (APN: 540-166-001) in the City of Banning (Attachment A). Faith in Action of the San Gorgonio Pass is a California non-profit public benefit corporation.

City staff accepted and reviewed the business license certificate application pursuant to the Banning Municipal Code (BMC) Section 5.04.110 (Attachment B).

BMC Section 5.04.170 provides that “[a]ny person aggrieved by any decision of the license collector or of any other officer of the city made pursuant to the provisions of this chapter may appeal therefrom to the council within fifteen days after notice thereof by filing with the city clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the city clerk shall cause the matter to be set for hearing before the council within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the council at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the city clerk shall give notice thereof to the appellant.” (Attachment C.)

The applicant filed a timely appeal with the Deputy City Clerk on September 8, 2022 (Attachment D). The proposed business intends to sell antiques, vintage items, and collectable items.

Pursuant to BMC Section 5.04.170, this appeal has been set before the City Council within 30 days of receipt of the appeal. Additionally, City staff provided the appellant with

written notice of the time and place of the hearing on September 9, 2022, via first class mail and email (Attachment E).

**JUSTIFICATION:**

BMC Section 5.04.110.B. provides that “[n]o license certificate shall be issued on any application if the location of the business, trade, profession, or occupation is not located in the proper zone as set forth in the zoning ordinance. The proposed location of the business is located in a mixed-use building in the Downtown Commercial (DC) zoning district. Pursuant to BMC Table 17.12.020, “second hand/thrift store” uses are not permitted within the DC zoning district (Attachment F). Consequently, on August 26, 2022, City staff denied the business license certificate application in accordance with BMC Section 5.04.110.B. (See Attachment G).

The appellant states in the written appeal that she misrepresented the proposed business as a second hand/thrift store in the application, and that the proposed business is an “antique store, vintage and collectible items.” The appellant states that the proposed business will sell furniture, decorative items, dishes, glassware, jewelry, etc. that are at least 20 years old and donated to the business from the residents of the Sun Lakes Community. Further, according to the appellant, the business plan states that the store will feature “upscale items at bargain prices.” The appellant believes that the proposed business is not a “second hand/thrift store” due to “the quality of the merchandise, the customer base that will be attracted to the store, and the economic impact that it will bring to the Downtown Commercial zone.” BMC Table 17.12.020 principally permits “antique store” uses in the DC zoning district.

Historically, Planning staff has defined “second hand/thrift store” uses to be clothing, books or other literary material, furniture, jewelry, and other household items either donated or gifted by individuals and business after the item has met or exceeded its useful life cycle. Additionally, Planning staff has defined “antique store” uses to be retail locations selling furniture, or other similar items, that have a special value because of its age, especially a work of art or handicraft that is over 100 years old<sup>1</sup>. It is the opinion of City staff that the proposed business is a second hand/thrift store use and not an antique store.

**TABLE 1, Land Use Summary Table:**

	Existing Land Use	Zoning Classification	General Plan Designation
<b>Subject Site</b>	Commercial	Downtown Commercial	DC
<b>North</b>	High Density Residential	Downtown Commercial	DC
<b>South</b>	Boys & Girls Club of San Gorgonio Pass Area	Downtown Commercial	DC
<b>East</b>	Commercial Office	Downtown Commercial	DC
<b>West</b>	7 Days Market & Deli	Downtown Commercial	DC

<sup>1</sup> Section 19008.2 of the Business and Professions Code (Div. 8. [18400 – 22949.80]. Chapter 3. [19000 – 19022] ([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=BPC&sectionNum=19008.2.&article=1.&highlight=true&keyword=antique](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC&sectionNum=19008.2.&article=1.&highlight=true&keyword=antique)))

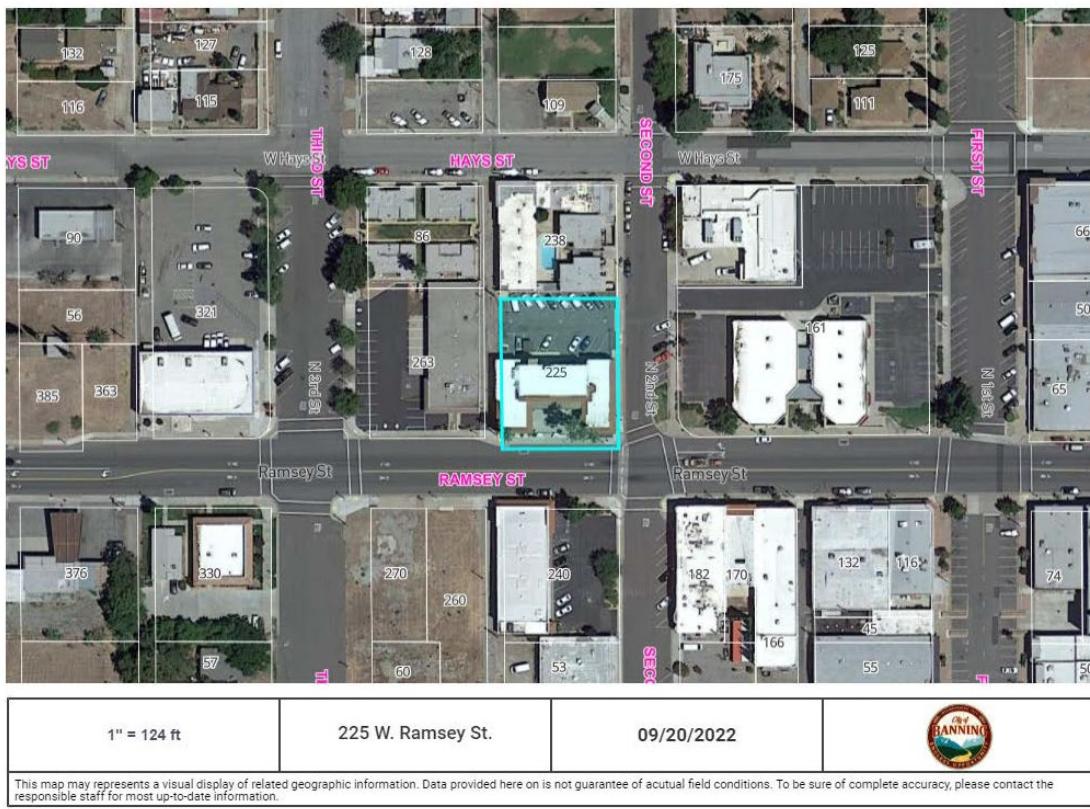
September 27, 2022

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**FIGURE 1, Project Vicinity:**

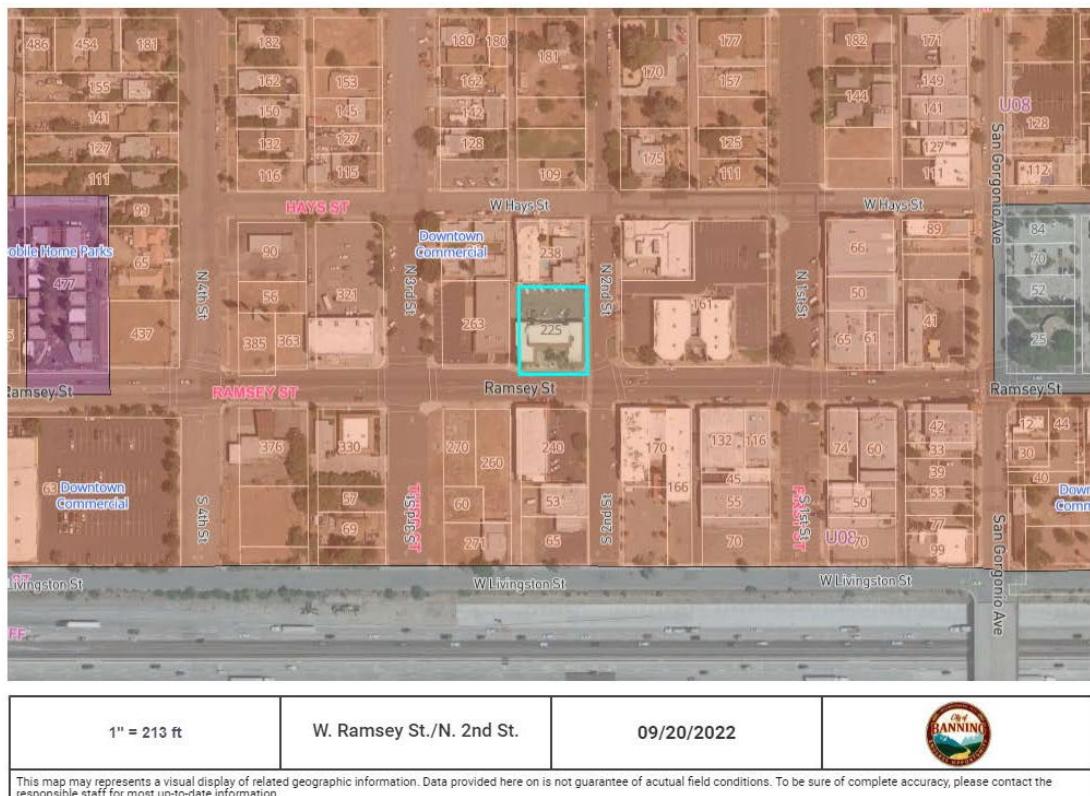


**FIGURE 2, Aerial Base:**



**FIGURE 3, Project Zoning:**

Zoning: Downtown Commercial (DC) District



**Findings and Conclusions Supporting Denial of Business License:**

- A. The proposed use is not consistent with Policy 2 of the Community Development Chapter of the General Plan ("General Plan").
- B. Policy 2 states, "The City shall take a proactive role in the retention of existing businesses and the recruitment of new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues."<sup>2</sup>
- C. The operation of second-hand or thrift stores do not generate either substantial employment opportunities or sales tax revenues as the items sold are sold at a significant discount as they are donated and not sold or consigned.
- D. The proposed use is not consistent with Program 2.B of the General Plan.
- E. A proposed second-hand or thrift store does not reduce the leakage of retail sales, which have been identified as a lack of sit-down and fast casual restaurants, hospitality, and retail clothing (e.g., Kohl's, Target, Ross, TJ Maxx, etc.)
- F. The proposed use is inconsistent with Policy 4 of the General Plan which states, "Attract a greater number of commercial retail businesses to the Downtown Core area to develop a safe, vital and consumer-friendly downtown shopping area."
- G. The proposed location, size, design, and operating characteristics of the proposed use are inconsistent with the intent and vision of the Downtown Commercial zoning district.

<sup>2</sup> City of Banning General Plan – Community Development Chapter. Pg. III-41

H. The Downtown Commercial zoning district shall accommodate, "Small scale commercial retail and office uses, services, restaurants, entertainment retail are the primary uses in this designation."<sup>3</sup>

**FISCAL IMPACT:**

The City earns one percent (1%) of every dollar paid in sales tax revenue. The proposed second-hand/thrift store will generate sales tax revenue through its operation; however, the utilization of this retail space with a business that is consistent with the Downtown zoning district will generate significantly more sales tax revenue than the proposed second-hand/thrift store. The City's downtown vision is to promote a vibrant destination for residents, businesses, and travelling patrons by promoting new restaurants, bars, clubs, fast casual food options such as Starbucks, Chipotle, Panera, etc.

**ALTERNATIVES:**

1. Approve the appeal, reverse City staff's denial of the application, approve the application for the business license certificate.
2. Continue the appeal and provide specific direction to City staff.

**ATTACHMENTS:**

1. Business License Application  
<https://banningca.gov/DocumentCenter/View/11446/Att-1-Biz-License-Application>
2. BMC Section 5.04.110  
<https://banningca.gov/DocumentCenter/View/11447/Att-2-BMC-Section-504110>
3. BMC Section 5.04.170  
<https://banningca.gov/DocumentCenter/View/11448/Att-3-BMC-Section-504170>
4. Applicant's Appeal dated September 8, 2022  
<https://banningca.gov/DocumentCenter/View/11449/Att-4-Applicant-Appeal-9-8-22>
5. Written Notice of Appeal  
<https://banningca.gov/DocumentCenter/View/11443/Att-5-Written-Notice-of-Appeal>
6. BMC Section 17.12.020  
<https://banningca.gov/DocumentCenter/View/11444/Att-6-BMC-Section-1712020>
7. Notice of Denial  
<https://banningca.gov/DocumentCenter/View/11445/Att-7-Notice-of-Denial---BMC-Section-504110B>

Approved by:



Douglas Schulze  
City Manager

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<sup>3</sup> General Plan, Pg. III-7



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** September 27, 2022

**SUBJECT:** Public Hearing and Consideration of Resolution 2022-128,  
Adopting the Banning Electric Utility Wildfire Mitigation Plan  
Version 3.0

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**RECOMMENDATION:**

Staff recommends that the Banning City Council approve Resolution 2022-128 adopting Banning Electric Utility's ("Utility") attached Wildfire Mitigation Plan ("WMP") Version 3.0.

**BACKGROUND:**

In 2018, the California Public Utilities Commission (CPUC) completed the development of the statewide Fire Threat Map that designates areas of the state at an elevated risk of electric line-ignited wildfires. This updated map incorporated historical fire data, fire-behavior modeling, and assessments of fuel, weather modeling, and a host of other factors. The map development and approval process involved detailed review by the relevant utility staff and local fire officials, a peer review process, and ultimate approval by a team of technical experts led by CAL Fire.

The CPUC's Fire Threat Map includes three Tiers/Levels of fire threat risk. Tier 1 consists of areas that have the lowest hazards and risks. Tier 2 consists of areas where there is an *elevated risk* for destructive electric line-ignited wildfires. Finally, Tier 3 consists of areas where there is an *extreme risk* for destructive electric line-ignited wildfires.

In 2018, Governor Brown signed SB 901 (stats. 2018), which addressed a wide range of issues relating to wildfire prevention, response, and recovery. SB 901 substantially revised the Public Utilities Code Section 8387, eliminating the prior process established by SB 1028 and instead mandated all POUs (regardless of size or wildfire risk) develop a wildfire mitigation plan. SB 901 requires that POUs present their WMP at an appropriately noticed public meeting and receive public comment every year. The POU must also verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards.

Another Senate Bill, SB 1054, requires that all POUs must submit their wildfire prevention and mitigation plans updates to the California Wildfire Safety Advisory Board (WSAB) in each year. WSAB will then review the POU plans and will provide comments and advisory opinions on the content and sufficiency of the plan. The members of the board must be selected from industry experts, academics, and people with labor and workforce safety experience. At least three members must be experienced in the safe operation, design, and engineering of electrical infrastructure.

### **JUSTIFICATION:**

Included in WASB's drafted the document known as the "Guidance Advisory Opinion for the 2022 Wildfire Mitigation Plans of Electric Publicly Owned Utilities ("POU") and Rural Electrical Cooperatives ("Co-op")", the board requested for the Utility to provide information on the adoption and public comment process that was followed for WMP approval:

*"The Board encourages Banning to provide a short paragraph in future WMPs that describes the adoption and public comment processes Banning followed for the WMP being submitted, including resolutions if applicable, along with information about budget processes for any potential or expected mitigation expenses."*

For most municipalities, this process is usually carried out through a Public Hearing at a City Council general meeting. Therefore, the Utility will complete this process for the 2022 update (Version 3.0) of the Utility's WMP, with a Public Hearing scheduled for September 27, 2022. The Utility has also opted to provide a third-party Independent Evaluation with the 2022 WMP prior to submittal to WSAB.

### **FISCAL IMPACT:**

There are no fiscal impacts to updating and resubmitting the Utility's Wildfire Mitigation Plan. The costs of implementation are unknown and dependent upon the degree of fire mitigation efforts needed to protect residents and property throughout the service territory.

### **ATTACHMENTS:**

1. Resolution 2022-128  
<https://banningca.gov/DocumentCenter/View/11467/Att-1-Resolution-2022-128---BEU-WMP-30-2022>
2. Banning Electric Utility Wildfire Mitigation Plan Version 3.0  
<https://banningca.gov/DocumentCenter/View/11468/Att-2-BEU-Wildfire-Mitigation-Plan-Draft-Version-30>

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  
A'ja Wallace, Budget & Finance Analyst

**MEETING DATE:** September 27, 2022

**SUBJECT:** Presentation of the Preliminary FY 2021-22 Financial Results for Governmental Modified Accrual Activities Only (Subject to change)

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### **RECOMMENDATION:**

Receive and file presentation of the preliminary Fiscal Year (FY) 2021-22 financial results for governmental funds on the modified accrual basis of accounting only. Results are not finalized at this time and are subject to change. Any material differences expected will be discussed. Presentation results are still changing as additional entries are being made and the attached report is dynamic and will update daily based on those changes.

### **BACKGROUND:**

Each year the City must submit an Annual Comprehensive Financial Report (ACFR) to Council within 180 days of fiscal year end, which is December 31, 2022, for FY 2021-22. We have undergone the Interim Audit already, but CliftonLarsonAllen (CLA) will be conducting Final Audit of City activities and results in late September through October.

The government-wide financial statements and the proprietary and fiduciary fund financial statements report financial information on a full accrual basis. The governmental fund financial statements, however, report what is commonly referred to as current financial resources on a modified accrual basis. Whereas full accrual contains all inflows and outflows of economic resources, short- and long-lived assets, and short- and long-term liabilities, the governmental fund financial statements generally have a short-run perspective. Governmental fund assets generally are expected to be used or liquidated within a year and governmental fund liabilities are normally expected to be repaid or satisfied with current resources. Governmental fund revenues are those collected within the year or soon enough thereafter that they can be used to finance current-year expenditures. Expenditures represent the use or expected use of current financial resources.

The governmental funds balance sheet presents first a government's assets, resources it controls that enable it to provide services. (See Figure 1.) Given the basis of accounting, these assets are generally current in nature—cash, short-term investments, and short-term receivables. Most notably absent are capital assets. However, some assets that are not current or not financial may still creep in. For instance, the governmental funds may contain long-term receivables related to loans made from one fund to another. They also often contain inventory. How do these items make their way into statements reporting current financial resources? The answer lies in the meaning of modified accrual. Although the accounting standards have been modified to remove capital assets and long-term debts from the governmental funds, there are no specific modifications related to long-term receivables or inventory.

The "balance" in the balance sheet is between assets on the one hand and liabilities and fund balances on the other. Liabilities are amounts owed (more precisely, virtually unavoidable obligations to sacrifice resources). The liabilities generally are expected to be satisfied within a year. You will often find deferred revenue here as well. Under accrual accounting, deferred revenues typically represent resources a government has received that are attributable to a future period. For instance, a government may receive a payment in the current year that is for the following year's property tax bills. That amount would be reported as deferred revenue until the next year. However, under modified accrual, revenues may be deferred because the resources are not available—they have not been received during the year or soon enough thereafter to be used to finance current-period expenditures. If a given year's tax payments were not received by the government in time to be considered available, then the revenue would be deferred until the payments were received.

### **JUSTIFICATION:**

Currently, entries for FY 2021-22 are still being entered. We have a 60-day lookback for modified accrual receipts and disbursements, so payments made or received within that window (July 1<sup>st</sup> through August 31<sup>st</sup>) must be recorded as revenues or expenditures for the prior fiscal year. All other known receipts must then be accrued as an accounts receivable and unavailable revenue. All material accounts payable invoices received up until financial statement issuance must still be recorded for the period in which goods or services are received. For these reasons, even the modified basis of accrual results for governmental funds remain in flux until at least mid-September each year.

Full accrual basis of accounting entries continue even longer than those under modified accrual. This results in an inability to fully report on Proprietary Funds (Enterprise Funds and Internal Service Funds) as well as discussing the impacts of the Governmentwide Conversion to bring in Long-Term Assets and Liabilities and convert related revenues and expenses relating to those for Governmental Funds.

This update is to provide preliminary operational results for the City's governmental funds to provide transparency regarding the tentative results of operations as known at this

point. Any identified material changes expected to occur will be shared with the committee.

**FISCAL IMPACT:**

This item discusses the results of operations for the previous fiscal year.

**ALTERNATIVES:**

1. Receive and file presentation as recommended.

**ATTACHMENTS:**

1. [Presentation of the Preliminary FY 2021-22 Financial Results for Governmental Modified Accrual Activities Only \(Subject to change\)](#)

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 27, 2022

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

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### **RECOMMENDATION:**

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

### **BACKGROUND:**

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

On July 12, 2022, the Council directed staff to allocate the Travel and Conference budget equally among the five council members. With the annual budget being set at \$9,500 an allocation of \$1,900 each council member was approved.

### **JUSTIFICATION:**

As of September 12, 2022, the Travel and Conference Expenses for each council member are:

#### FY 2023 CITY COUNCIL TRAVEL AND CONFERENCE BUDGET

NAME		ALLOCATION	SPENT YTD	BALANCE
COLLEEN	WALLACE	\$ 1,900.00	\$ 2,488.32	\$ (588.32)
DAVID	HAPPE	\$ 1,900.00	\$ -	\$ 1,900.00
KYLE	PINGREE	\$ 1,900.00	\$ 95.77	\$ 1,804.23
ALBERTO	SANCHEZ	\$ 1,900.00	\$ 2,147.93	\$ (247.93)
MARY	HAMLIN	\$ 1,900.00	\$ -	\$ 1,900.00
RICK	MINJARES			
	<b>TOTAL</b>	<b>\$ 9,500.00</b>	<b>\$ 4,527.75</b>	<b>\$ 4,972.25</b>

Colleen Wallace and Alberto Sanchez were selected to attend the League of California Cities Annual Meeting being held on September 7-9, 2022, which created a budget overdraft for those council members. On September 6, 2022, Rick Minjares was appointed to represent District 2 upon Kyle Pingree's resignation and must be considered in the reallocation. Mr. Minjares will also have an opportunity to attend the League of California Cities New Mayor and Council Member's Boot Camp, February 1-3, 2023, in Universal City. The registration cost for this event is \$500.00.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Individual Council Expenses  
<https://banningca.gov/DocumentCenter/View/11451/Att-1-Individual-Council-Expenses>
2. Resolution 2009-24  
<https://banningca.gov/DocumentCenter/View/11450/Att-2-CC-Resolution-No-2009-024>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**MEETING DATE:** September 27, 2022  
**SUBJECT:** Super Studios Exclusive Negotiated Agreement Discussions

---

### **RECOMMENDATION:**

Staff recommends City Council authorize the City Manager to proceed with discussions regarding an Exclusive Negotiated Agreement between Super Studios and the City of Banning.

### **BACKGROUND:**

Super Studios is a movie production studio proposed to be located south of Banning Municipal Airport between Westward and Charles Street. Super Studios is proposed to be a high-end film and television studio complex catering to the most demanding and fastest-growing sector of TV series productions for big streaming companies such as Netflix, Amazon, Apple, Hulu, YouTube, HBO, Disney and their growing collections of competitors. While the project is a conceptual design, at this point, Creative Tank Ink is working to refine the project to fit the 30-acre site on Charles Street.

When agreement is reached on the Exclusive Negotiated Agreement, formal action will be required by the City Council to authorize the City Manager to enter into the Agreement with Super Studios. Upon execution of the ENA, City staff will begin negotiating a Disposition and Development Agreement (DDA) and the developer will begin the CEQA process.

### **JUSTIFICATION:**

Proposed Super Studios project will create 2,000 – 3,000 full-time jobs and generate substantial property tax and sales tax revenue. In addition, new hospitality and support businesses will be created.

### **FISCAL IMPACT:**

Continued discussion with Super Studios will not require additional expense, except for City staff time.

### **ATTACHMENTS:**

1. Draft Site Layout

[https://banningca.gov/DocumentCenter/View/11452/Att-1-SStudio\\_Bann\\_Layout](https://banningca.gov/DocumentCenter/View/11452/Att-1-SStudio_Bann_Layout)

September 27, 2022

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2. Studio Development Investment Prospectus

[https://banningca.gov/DocumentCenter/View/11453/Att-2-SStudio\\_Bann\\_Deck](https://banningca.gov/DocumentCenter/View/11453/Att-2-SStudio_Bann_Deck)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** September 27, 2022

**SUBJECT:** Consideration of Resolution 2022-129, Approving an Employment Agreement with Ralph Wright for the Position of Parks and Recreation Director

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### **RECOMMENDATION:**

Staff recommend City Council approve Resolution 2022-129, authorizing the City Manager to execute a new Employment Agreement with Ralph Wright, Parks and Recreation Director, effective through September 22, 2027, at a salary of \$157,937.32 annually.

### **BACKGROUND:**

Ralph Wright was appointed to the position of Parks and Recreation Director effective September 23, 2019, and an Employment Agreement was approved by the City Council with a term of three years. The Employment Agreement expired as of September 22, 2022. Mr. Wright has expressed a desire to continue employment with the City of Banning.

Requested changes to the Employment Agreement include:

1. Term of five (5) years;
2. Increase salary to \$157,937.32 and,
3. Increase annual vacation leave from 160 hours to 200 hours.

Mr. Wright is at the upper step of the current pay scale for the Parks and Recreation Director position, but based on the recent Classification and Compensation Study, the position should be moved from D92 to D001 so the salary adjustment would move Mr. Wright to Step 4 of Range D001, which provides for the equivalent of a two-step increase, consistent with City policy for satisfactory or higher performance.

### **JUSTIFICATION:**

Mr. Wright has performed above expectations during his employment with the City of Banning and it is in the best interest of the organization to continue employment.

September 27, 2022

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**FISCAL IMPACT:**

Annual salary increase is \$26,096.63. There is no additional cost associated with the increased vacation time since the maximum accrual amount does not increase.

**ALTERNATIVES:**

1. Approve as recommended.
2. Approve with changes.
3. Do not approve.

**ATTACHMENTS:**

1. Resolution 2022-129  
<https://banningca.gov/DocumentCenter/View/11472/Att-1-Resolution-2022-129>
2. Draft Employment Agreement  
<https://banningca.gov/DocumentCenter/View/11470/Att-2-Exhibit-A-Ralph-Wright---Parks-and-Recreation-Director-Employment-Agreement>
3. Resolution 2019-119  
<https://banningca.gov/DocumentCenter/View/11471/Att-3-Resolution-No-2019-115>

Approved by:



Douglas Schulze  
City Manager