



## **AGENDA**

### **REGULAR MEETING OF THE BANNING CITY COUNCIL**

### **CITY OF BANNING, CALIFORNIA**

**November 8, 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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*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 Doug Purcell from Banning United Methodist Church*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

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

- 2.1. Approve Agenda

### 3. PRESENTATION(S)

- 3.1. Banning Beautification Award for November 2022 – Holiday Inn Express.....**9**
- 3.2. Recycling All Stars Certificates presented by Doug Tani of Waste Management.....**10**
- 3.3. Lexipol Gold Award presented by Police Chief Hamner

### 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

None

- 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.)*

<b><i>Mayor to Open Consent Items for Public Comments</i></b>
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**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 October 25, 2022 City Council Meetings.....   | 12 |
| 6.2.  | Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of September 2022.....  | 13 |
| 6.3.  | Parks and Recreation Report of Monthly activities through the 1st Quarter of Fiscal Year 2022/2023 – September 2022.....   | 15 |
| 6.4.  | Consideration of Amendment No. 3 to the Professional Services Agreement with Blais and Associates, LLC for Grant Writing Services Increasing Compensation to a Not-to-Exceed Amount of \$53,840.00 and Extending the Term through December 03, 2023.....   | 17 |
| 6.5.  | Authorize City Staff to Execute and Record the Notice of Completion for Project No. 2016-11, “Ramsey Street and Hathaway Street Improvements”..  | 21 |
| 6.6.  | Authorize City Staff to Execute and Record the Notice of Completion for Project No. 2022-03, “Bryant Street Homeless Shelter” ..   | 23 |
| 6.7.  | Bulky Item Collection Event Update.....  | 25 |
| 6.8.  | Release of Tri-Pointe Homes Maintenance Bonds for Improvement Projects Completed on Highland Springs Avenue.....   | 28 |
| 6.9.  | Consideration of Resolution 2022-151, Approving an Agreement with Robert Half & Associates for \$150,000 for Fiscal Year 2023 for Temporary Staff Services.....  | 31 |
| 6.10. | Consideration of Resolution 2022-152, Approving Amendment No. 1 to the Agreement with Crosstown Electrical & Data, Inc. to Include the Traffic Signal at the Intersection of Ramsey and Hathaway Streets for Monthly Maintenance and Repairs.....  | 33 |
| 6.11. | Consideration of Resolution 2022-154, Approving a Purchase Order with 3L Executive Services in the Amount of \$26,135.97 which includes a 5% contingency, for the Engine Overhaul of Transit Bus Unit 224.....   | 35 |
| 6.12. | Consideration of Resolution 2022-155, Approving Amendment No. 2 to the Contract Agreement with CASC Engineering and Consulting, Inc. (“CASC”) for Consulting Services Associated with the Focused General Plan Update for Fiscal Year 2022/2023 in the Amount of \$58,574 for a Total Amount of \$245,308.....                             | 37 |
| 6.13. | Consideration of Resolution 2022-156 Approving Amendment No. 1 to the Professional Services Agreement with Michael Baker International, Inc. (“MBI”) for Consulting Services Associated with Planning and Environmental Support Services for Fiscal Years 2022/2023 and 2023/2024 in the amount of \$100,000 for a Total of \$150,000..... | 39 |
| 6.14. | Consideration of Resolution 2022-13UA, Awarding a Professional Services Agreement to Dudek for Design of Well M-12A Drilling and Equipping in the Amount of \$870,213 and Establishing a 5% Contingency for a Total Project Budget of \$913,724.....   | 41 |

## 7. PUBLIC HEARING(S)

- 7.1. Second Reading and Consideration of Ordinance 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code Adopting by Reference, with Amendments, the Entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code Concerning Pool Fencing and Enclosure Standards.....**44**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** Staff respectfully recommend City Council: (1) Adopt the Notice of Exemption (NOE) which determines that Ordinance No. 1585 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA); (2) Conduct a public hearing on Ordinance No. 1586 in accordance with Gov. Code, § 50022.3; and (3) Motion to conduct a second reading and adopt Ordinance No. 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by adopting by reference, with Amendments, the entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code concerning Pool Fencing and Enclosure Standards.

- 7.2. Public Hearing for the Proposed Water and Wastewater Rate Increases and Introduction of Ordinance No. 1587, Adopting the Proposed Water and Wastewater Rate Increases and Making a Determination of Exemption from CEQA in Connection Therewith.....**48**  
(Staff Report: Art Vela, Director of Public Works)

**Recommendation:** Staff recommends that City Council: (1) Conduct the Public Hearing as indicated in the Proposition 218 notices mailed on September 23, 2022 to customers and property owners for the proposed water and wastewater rate adjustments and at the end of the public hearing determine whether there is a majority protest against the proposed water rate increases or the proposed wastewater rate increases; and (2) If majority protests do not exist, waive first reading and introduce Ordinance No. 1587 adopting the proposed water and wastewater rate adjustments. If majority protests exist against both the proposed water and wastewater rate increases, do not waive first reading and introduce Ordinance No. 1587. If there is a majority protest against either the proposed water rate increases or the proposed wastewater rate increases, waive first reading and introduce a modified Ordinance No. 1587 that does not include rate increases for which there was a majority protest.

## 8. REPORTS OF OFFICERS

- 8.1. Consideration of Resolution 2022-146, Approving Fiscal Year 2023/2024 Community Development Block Grant Program Applications.....**55**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** Staff recommends the City Council adopt Resolution 2022-146, approving Funding Year 2023/2024 Community Development Block Grant Program Project, and authorize staff to submit application to the Riverside County Housing, Homelessness Prevention and Workforce Solutions (“HHPWS”).

- 8.2. Consideration of Three Resolutions in Connection with the City’s Classification and Compensation Plan: (1) Resolution 2022-148, Approving Updates to the City’s Classification and Compensation Plan; (2) Resolution 2022-149, Approving Updates to the City’s Classification and Compensation Plan for Public Safety; and (3) Resolution 2022-150, Updating the City’s Confidential Employee List..... **58**  
(Staff Report: Lincoln Bogard, Finance Director)

**Recommendation:** Staff recommends City Council: (1) Adopt Resolution No. 2022-148, approving reclassifications and additions to the City’s classification and compensation plan; (2) Adopt Resolution No. 2022-149, approving reclassifications to the classification and compensation plan for Public Safety; (3) Adopt Resolution 2022-150, amending the compensation and benefit plan for unrepresented confidential and unrepresented management employees; and, (4) Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers to implement the adopted resolutions.

- 8.3. Consideration of Resolution 2022-153, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers – Local 47, Representing Utility Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding..... **64**  
(Staff Report: Lincoln Bogard, Finance Director)

**Recommendation:** The City Council adopt Resolution 2022-153, approving the ratified tentative agreement with the International Brotherhood of Electrical Workers (IBEW) – Local 47, representing the Utility Unit bargaining unit employees, and authorizing the City Manager or designee to finalize and execute a successor Memorandum of Understanding (MOU).

- 8.4. Consideration of Amendment No. 3 to the City Manager Employment Agreement with Douglas Schulze, and Resolution No. 2022-147 Approving that Amendment ..... **66**  
(Staff Report: Serita Young, City Attorney)

**Recommendation:** It is recommended as follows: (1) The Mayor first give the following oral summary report of Amendment No. 3 to the City Manager’s Employment Agreement: “Consistent with Section 54953(c)(3) of the Government Code, I am required to orally report a summary of a recommendation for a final action on the compensation paid in the form of fringe benefits of a local agency executive, as defined in Section 3511.1(d) of the Government Code, during the open regular meeting in which the final action is to be taken and prior to the motion to approve the item. The City Manager is a local agency executive as defined in Section 3511.1(d) of the Government Code. Amendment No. 3 will change the Employment Agreement of the City Manager to increase his annual compensation

from \$215,930.22 to \$229,080.37.”; and (2) The City Council adopt Resolution No. 2022-147, approving Amendment No. 3 to the City Manager Employment Agreement between the City and Douglas Schulze.

**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)
5. Cannabis Microbusiness (Wallace)
6. Grow Banning (Sanchez)
7. Rent Control (Sanchez)
8. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
9. Desert Landscaping Implementation and Promotional Rebate Program (Happe)

**11. ADJOURNMENT**

***Next Regular Meeting – December 13, 2022 at 5:00 p.m.***

**Zoom Community Standards for Public Meetings**

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

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

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**Estándares comunitarios de Zoom para Reuniones Públicas**

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

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

### **AFFIDAVIT • DECLARACIÓN JURADA**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 3rd day of November 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**

# *Beautification Award*

PRESENTED TO

**HOLIDAY INN EXPRESS**



*This City of Banning Beautification Award recognizes  
**Holiday Inn Express in Banning** for exemplary property  
appearance. The City Council thanks you for your pride in  
ownership and commitment to the Banning community.*

*Presented on this 8th day of November 2022*

*Colleen Wallace*

*Colleen Wallace, Mayor*



# City of Banning

## CERTIFICATE OF RECOGNITION

PRESENTED TO

**SARA DIEMER**



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

RECYCLING  
ALL STARS

*Presented on this 8<sup>th</sup> day of November 2022*

*Colleen Wallace*

*Colleen Wallace, Mayor*





# City of Banning

## CERTIFICATE OF RECOGNITION

PRESENTED TO  
**TAPESTRY, INC.**  
OF BANNING, CALIFORNIA



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

RECYCLING  
ALL STARS

*Presented on this 8<sup>th</sup> day of November 2022*

*Colleen Wallace*


Colleen Wallace, Mayor



**CITY OF BANNING  
STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 8, 2022

**SUBJECT:** Minutes of the October 25, 2022 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the October 25, 2022 City Council Meetings.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Minutes of the October 25, 2022 Special City Council Meeting  
[https://banningca.gov/DocumentCenter/View/11721/2022-10-25\\_Minutes\\_Special-Meeting---Closed-Session](https://banningca.gov/DocumentCenter/View/11721/2022-10-25_Minutes_Special-Meeting---Closed-Session)
2. Minutes of the October 25, 2022 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/11722/2022-10-25\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/11722/2022-10-25_Minutes_Regular-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, Deputy Finance Director

**MEETING DATE:** November 8, 2022

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

### **RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **September 30, 2022**, per California Government Code Section 37208.


### **WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	183794-184235	\$ 3,883,073.19	
Voided / Reissue Check		\$ 27,018.63	
<b>Check Total</b>			<b>\$ 3,856,054.56</b>
<b>Wires Total</b>	1090-1093		<b>\$ 3,598,333.91</b>
<b>ACH payments:</b>	9007369-9007389		
Payroll Direct Deposit	9/9/2022	\$ 476,454.57	
Payroll Direct Deposit	9/23/2022	\$ 493,712.90	
Other Payments		\$ 1,273,783.09	
<b>ACH Total</b>			<b>\$ 2,243,950.56</b>
<b>Payroll Checks:</b>	12762-12788		
Payroll - Regular	9/8/2022	\$ 3,150.69	
Payroll - Regular	9/23/2022	\$ 3,622.12	
<b>Payroll Check Total</b>			<b>\$ 6,772.81</b>
<b>Total Warrants Issued for September 2022</b>			<b>\$ 9,705,111.84</b>

**ATTACHMENTS:**

1. Fund List  
<https://banningca.gov/DocumentCenter/View/11675/Attachment-1-Fund-List>
2. Warrant Report September 2022  
<https://banningca.gov/DocumentCenter/View/11676/Attachment-2-Warrant-Report-September-2022>
3. Warrant Report Detail September 2022  
<https://banningca.gov/DocumentCenter/View/11673/Attachment-3-Warrant-Report-Detail-September-2022>
4. Voided Check Log, Payroll Log & Registers – September 2022  
<https://banningca.gov/DocumentCenter/View/11674/Attachment-4-Voided-Check-Log-Payroll-Log-Payroll-Registers>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Ralph Wright, Parks and Recreation Director

**MEETING DATE:** November 8, 2022

**SUBJECT:** Parks and Recreation Report of Monthly Activities through the 1<sup>st</sup> Quarter of Fiscal Year 2022/2023 – September 2022

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### **RECOMMENDATION:**

That the City Council receive and file the monthly activities report.

### **BACKGROUND:**

To better track the participation levels of parks and recreation program offerings and the facilities usage for parks and recreation programs and services, staff developed a monthly report that is used to compile and present our numbers, help tell our story and allow for easy year over year comparison.

The nine-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming and special events. The report is aligned with the fiscal year, July through June of each year and compiled each month.

Staff brings the report to the Council after each quarter of the Fiscal Year. Attached in this item, is the September 2022 report that contains participation information through the end of the 1<sup>st</sup> quarter of FY 2022-23 and include participation data for the months of July, August, and September.

The 1<sup>st</sup> quarter report shows a significant year over year increase as much of our programming for the 1<sup>st</sup> quarter last year was still restricted due to the pandemic. Overall, our regular ongoing programs continue to be at capacity or near capacity. Examples of these programs are instructor classes such as Karate, Kung Fu, Zumba, Yoga, etc. This quarter saw the start of several new classes including Hip Hop, Guitar, and Ballet variations. Additionally, sports programs such as our Smart Start program continue to flourish. This Fall we added an additional smart start session because the initial session filled up as did the new session. Lastly, the youth flag football league filled the

Kindergarten Division to capacity and had four teams in each of the grade divisions: 1<sup>st</sup> and 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> and 5<sup>th</sup> and 6<sup>th</sup>.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**ATTACHMENTS:**

1. Parks and Recreation Monthly Report of Activities for September 2022  
<https://banningca.gov/DocumentCenter/View/11677/Sep-2022>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

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:** November 8, 2022

**SUBJECT:** Consideration of Amendment No. 3 to the Professional Services Agreement with Blais and Associates, LLC for Grant Writing Services Increasing Compensation to a Not-to-Exceed Amount of \$53,840.00 and Extending the Term through December 03, 2023

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### **RECOMMENDATION:**

Staff recommend City Council:

1. Approve Amendment No. 3 to the Professional Services Agreement ("Agreement") with Blais and Associates, LLC for Year 4 Grant Research and Grant Activity Reporting Services in a Not-to-Exceed Amount of \$53,840.00 and extending the term of the agreement to December 03, 2023.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 3 to the Professional Services Agreement with Blais and Associates, LLC.
3. Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Blais and Associates, LLC.

### **BACKGROUND:**

The City entered into a Professional Services Agreement (PSA) with Blais and Associates, Inc. for Grant Writing services in the amount of \$16,380 on December 4, 2019. The term of the agreement is one (1) year, with a maximum term not to exceed five (5) years.

On December 8, 2020, the City Council approved a Change Order for Year 1 and Amendment No. 1 for Year 2 Grant Writing services to extend the Agreement term to December 03, 2021 and increase the compensation on an amount not to exceed \$23,880.00.

On January 25, 2022, City Council approved Amendment No. 2 to the Professional Services Agreement with Blais and Associates, LLC authorizing year 3 of this Agreement

ending on December 03, 2022, and an increase in compensation in an amount not to exceed \$53,840.00.

### **JUSTIFICATION:**

Since Agreement execution in December 2019, Blais and Associates has identified several key grant opportunities for the City which have ultimately led to the following **grant awards**:

<b><i>Name</i></b>	<b><i>Department</i></b>	<b><i>Amount</i></b>
Department of Water Resources - Urban and Multibenefit Drought Relief - Banning Critical Well Relocation (M12A)	Public Works	\$2,475,000
California State Parks: Outdoor Equity Education Program, nature-themed field trips & programming	Parks & Rec	\$700,000
SCAG Sustainable Communities Planning Grant - Active Transportation and Safe Routes To Schools	City Manager	\$250,000
Caltrans Sustainable Communities Transportation Planning - Downtown Revitalization and Complete Streets	Public Works	\$297,461
Congressional Earmark Request - Community Project Funding - STAG funding - EQ Basin	Public Works	\$1,250,000
County of Riverside ESG-CVII - Temporary Emergency Shelter	City Manager	\$175,000
County of Riverside ESG-CVI - Temporary Emergency Shelter	City Manager	\$125,000
U.S. Department of Justice; Bureau of Justice Assistance: Coronavirus Emergency Supplemental Funding Program- Coronavirus Emergency Response Reimbursement	Police	\$34,733
U.S. Dept of Interior- Bureau of Reclamation - Drought Resiliency - AMI project	Public Works - Water	\$300,000
U.S. Dept of Interior - Bureau of Reclamation - Small Scale Efficiency - Pressure Zone Separation & Water Loss Reduction Project	Public Works	\$75,000
Caltrans Highway Safety Improvement Program - Pedestrian Improvements	Public Works - Streets	\$250,000
Caltrans Highway Safety Improvement Program - Ramsey & Omar Improvements	Public Works - Streets	\$376,650
CA HCD Local Early Action Planning (LEAP) Grant	Community Dev	\$150,000
<b>TOTAL</b>		<b>\$6,458,844</b>

The following applications have been prepared and submitted on behalf of the City and are **awaiting award announcements**:

<b>Name</b>	<b>Department</b>	<b>Amount</b>
FEMA Hazard Mitigation Grant Program, Utilities Hardening and Fire Prevention	Electric	\$2,189,140
Department of Water Resources, IRWM Prop. 1 Round 2, LMD No. 1 Turf Removal/Xeriscaping	Public Works	\$794,969
Department of Water Resources, IRWM Prop. 1 Round 2, Lions Park Recycled Water Retrofits	Public Works	\$499,256
Department of Water Resources, IRWM Prop. 1 Round 2, City sites turf removal, Xeriscaping	Public Works	\$368,124
U.S. Department of Transportation - Federal Railway Administration: Railroad Crossing Elimination-Hargrave Grade Separation Planning	Public Works	\$2,800,000
<b>TOTAL</b>		<b>\$6,651,489</b>

The following grant applications are currently **under development**:

<b>Name</b>	<b>Department</b>	<b>Amount</b>
Clean Water State Revolving Fund and DWR Drought Relief, Wastewater Treatment Facility Expansion/Recycled Water Upgrades	Public Works	TBD
Continuum of Care and Emergency Services Grants for operational support for Opportunity Village	City Manager	TBD
Bureau of Reclamation WaterSMART and CA Department of Water Resources Urban/Drought Relief for Turf Removal Rebates and City Hall Demonstration Project	Public Works	TBD
Economic Development Administration, Planning/Design for Airport Industrial and Studio Area Planning and Design for Smith Creek Park and Foothills Amphitheater	City Manager	TBD

In addition to these efforts, Blais and Associates, LLC provides assistance with the management of the City's COVID-19 funding portfolio, ensuring compliance with all federal, state and local funding requirements.

**FISCAL IMPACT:**

Amendment No. 3 to the Agreement with Blais and Associates, LLC for Year 4 in the amount of \$53,840.00 will be funded by the following accounts:

GL Account Code	Line Item Description	Amount
100-4900-431.33-11	STREETS/PROFESSIONAL SERVICES	\$ 8,217.00
660-6300-471.33-11	WATER/PROFESSIONAL SERVICES	\$18,079.00
680-8000-454.33-11	WASTEWATER/PROFESSIONAL SERVICES	\$19,328.00
690-9600-453.33-11	SOLID WASTE/PROFESSIONAL SERVICES	<u>\$ 8,217.00</u>
	<b>TOTAL</b>	\$53,840.00

**ALTERNATIVES:**

1. Approve Amendment No. 3 to the professional services agreement with Blais and Associates, LLC.
2. Do not approve staff executing Amendment 3 and provide further direction to staff.

**ATTACHMENTS:**

1. Draft Amendment No. 3 to the Professional Services Agreement with Blais and Associates, LLC  
<https://banningca.gov/DocumentCenter/View/11668/Att-1-Draft-Amendment-No-3>
2. Original Blais and Associates, LLC Agreement  
[https://banningca.gov/DocumentCenter/View/11669/Att-2-C00630 -  
Blais Associates PSA](https://banningca.gov/DocumentCenter/View/11669/Att-2-C00630_-_Blais_Associates_PSA)
3. Resolution 2018-121 Authorizing Original Agreement  
<https://banningca.gov/DocumentCenter/View/11665/Att-3--CC-Resolution-No-2018-121>
4. Amendment No. 1 to Blais and Associates, LLC Agreement  
[https://banningca.gov/DocumentCenter/View/11666/Att-4-C00630 Blais and Associates LLC - Amendment No 1doc](https://banningca.gov/DocumentCenter/View/11666/Att-4-C00630_Blais_and_Associates_LLC_-_Amendment_No_1doc)
5. Amendment No. 2 to Blais and Associates, LLC Agreement  
[https://banningca.gov/DocumentCenter/View/11667/Att-5-C00630 Blais and Associates LLC - Amendment No 2](https://banningca.gov/DocumentCenter/View/11667/Att-5-C00630_Blais_and_Associates_LLC_-_Amendment_No_2)

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  
Patrick Safari, Associate Engineer

**MEETING DATE:** November 8, 2022

**SUBJECT:** Authorize City Staff to Execute and Record the Notice of Completion for Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements"

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### **RECOMMENDATION:**

That the City Council accept Project No. 2016-11, "Ramsey Street and Hathaway Street Improvements" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

On April 27, 2021 City Council adopted Resolution 2021-29, awarding a Construction Agreement to All American Asphalt for Project No. 2016-11 "Bryant Street Homeless Shelter". The project was approved in the amount of \$4,067,318.75 including 10% contingency.

The scope of work under this project included improvements of the intersection of Ramsey Street and Hathaway Street, which consisted of construction and placement of new asphaltic concrete pavement; grinding and overlay of existing asphaltic concrete pavement; construction of concrete sidewalk, ramps, gutters, spandrels, curbs, and driveway approaches; installation of storm drain facilities; installation of striping and signage, installation of new traffic control devices; installation of a new 12" Ductile Iron water main, hydrants, air vacs, etc. on Ramsey Street from Hathaway Street to the I-10 Freeway ramps; installation of electric utility improvements; installation of City of Banning monument sign and accompanying landscaping.

One project change order was processed in the amount of \$307,027.48 for extra work which included the extension of the 12" Ductile Iron water main; the installation of steel casing for water main crossing under existing storm drain concrete box; extension of 8'x4' reinforced concrete box; installation of additional electrical manholes vaults, handholes and conduits; removal of old 8-inch road under existing asphalt road; installation of sewer

and water services for private properties; and installation of a safety fence and gate around storm drain concrete box opening.

**JUSTIFICATION:**

The lowest qualified bidder, All American Asphalt was awarded the contract and work was completed on July 22, 2022. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory, and that the contract had met the required contract obligations.

**FISCAL IMPACT:**

The project was awarded in the amount of \$3,697,562.50 with a 10% contingency for a total budget of \$4,067,318.75. The final contract amount was \$4,004,589.98.

**ALTERNATIVES:**

The City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

**ATTACHMENTS:**

1. Notice of Completion  
<https://banningca.gov/DocumentCenter/View/11679/Attachment-1---NOC-Ramsey-Hathaway>
2. Approved Resolution 2021-29  
<https://banningca.gov/DocumentCenter/View/11678/Attachment-2---Resolution-2021-29>

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  
Patrick Safari, Associate Engineer

**MEETING DATE:** November 8, 2022

**SUBJECT:** Authorize City Staff to Execute and Record the Notice of Completion for Project No. 2022-03, "Bryant Street Homeless Shelter"

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### **RECOMMENDATION:**

That the City Council accept Project No. 2022-03, "Bryant Street Homeless Shelter" as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

On April 26, 2022, City Council adopted Resolution 2022-48, awarding a Construction Agreement to CS Legacy Construction, Inc. for Project No. 2022-03 "Bryant Street Homeless Shelter". The project was approved in the amount of \$276,270.

The scope of work included the installation of 800 feet of chain link fence, two (2) 32-foot vehicular swing gates, three (3) pedestrian gates, 2,166 feet of privacy screen, 130 feet of guardrail, water and sewer services and two (2) drinking fountains.

One project change order in the amount of \$4,253.80 was processed for extra work which included the installation of eighty (80) tie down rods to make sure that the shelters are properly anchored in the ground. Another project change order in the amount of \$8,000 was processed for extra work which included the installation of self-closing hinges and alarm system on all pedestrian gates.

### **JUSTIFICATION:**

The lowest qualified bidder, CS Legacy Construction, Inc. was awarded the contract and work was completed on July 1, 2022. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory, and that the contract had met the required contract obligations.

**FISCAL IMPACT:**

The project was awarded in the amount of \$276,270 with a 10% contingency for a total budget of \$303,897. The final contract amount was \$288,523.80.

**ALTERNATIVES:**

The City Council may elect to not accept the project as complete which would keep the project open and prevent the release of retention funds to the contractor.

**ATTACHMENTS:**

1. Notice of Completion  
<https://banningca.gov/DocumentCenter/View/11680/Attachment-1---NOC-Homeless-Shelter>
2. Approved Resolution 2022-48  
<https://banningca.gov/DocumentCenter/View/11681/Attachment-2---Resolution-No-2022-048>

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

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  
James Grunewald, Solid Waste Program Coordinator

**MEETING DATE:** November 8, 2022

**SUBJECT:** Bulky Item Collection Event Update

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### **RECOMMENDATION:**

This is informational only; receive and file report.

### **BACKGROUND:**

The City of Banning has partnered with Waste Management as part of the solid waste franchise agreement to provide three free bulky item collection events for residential accounts per calendar year. The third bulky item collection event for this year was held on October 8, 2022, at Dysart Park offering residents the opportunity to dispose of unwanted items including, but not limited to, appliances, mattresses, green waste, e-waste and so forth. This event also offers residents paper shredding and the collection of household batteries.

The latest event, held on Saturday, October 8, 2022, welcomed 138 vehicles. An accumulation of 22.95 tons of municipal solid waste, 4.82 tons of green waste, 1.32 tons of white goods/metal, 0.88 tons of e-waste, 1.00 tons of paper shredding, and 2.59 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 33.56 tons of waste of which 10.61 tons were successfully diverted from the landfill. Furthermore, one partial barrel of household batteries was collected during the event.

In addition to the collection of bulky waste at Dysart Park, the city included a compost station, giving away free compost to the community. Any unused compost that was not given away was disbursed and utilized on City properties throughout the community. Incorporating the free compost giveaway supports the City's compliance goals in achieving targets identified by the State and SB 1383 requirements to purchase and utilize organic waste materials. In all, Waste Management provided 15 tons of compost for the giveaway.

The City's Bulky Item collection events continue to be a success and provide a great service to our community. The events also aid in keeping the community clean through

reducing the amount of waste that may otherwise be illegally dumped throughout our City and its rights-of-ways. The next event will be held on Saturday January 21, 2023, and will kick off the first of three events for 2023

### **FISCAL IMPACT:**

The event was staffed by the Public Works Department, Street Division, Community Development and the Finance Department. Staff time and material costs were funded by the Refuse fund.

### **EVENT PHOTOS**







**ALTERNATIVES:**

N/A: No City Council action requested.

**ATTACHMENTS:**

None

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:** November 8, 2022

**SUBJECT:** Release of Tri-Pointe Homes Maintenance Bonds for Improvement Projects Completed on Highland Springs Avenue

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### **RECOMMENDATION:**

Staff recommend that the City Council release all seven (7) maintenance bonds held by Tri-Pointe Homes for various improvement projects located on Highland Springs Avenue.

### **BACKGROUND:**

On December 10, 2019 City Council adopted Resolution 2019-151 approving Final Tract Map No. 37298-1, 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 March 23, 2021, City Council accepted various public improvements constructed within the Atwell Specific Plan development along Highland Springs Avenue (i.e. street improvements, storm drain improvements, water improvements, traffic signals) and along Apex Street (i.e. street improvements and water improvements) and authorized the 90% Bond Exoneration for various improvement bonds.

The remaining 10% of the bonds is held for a 1-year maintenance period. Tri-Pointe Homes has maintained and repaired the facilities subject to these bonds for the required time period.

### **JUSTIFICATION:**

Staff has verified that the improvements related to the bonds were maintained as necessary over the 1-year maintenance period and recommends that the City Council authorize the exoneration of the remaining 10% of the following bonds. This action will transfer the improvements to the City for future and ongoing maintenance.

<b><u>Bond #</u></b>	<b><u>Remaining Bond Amount</u></b>	<b><u>Improvements</u></b>	<b><u>Location</u></b>
<a href="#"><u>CMS331799</u></a>	\$ 6,197.35	Highland Springs Storm Drain	Various
<a href="#"><u>CMS331800</u></a>	\$ 311,378.91	Highland Springs Street	Various
<a href="#"><u>CMS331801</u></a>	\$ 70,100.55	Highland Springs Water	Various
<a href="#"><u>CMS331851</u></a>	\$ 8,770.00	Highland Springs Traffic Signal	Highland Springs at Sundance
<a href="#"><u>CMS331852</u></a>	\$ 10,880.20	Highland Springs Traffic Signal	Highland Springs at Oak Valley
<a href="#"><u>CMS331853</u></a>	\$ 20,864.40	Highland Springs Traffic Signal	Highland Springs at Starlight
<a href="#"><u>CMS331854</u></a>	\$ 10,083.90	Highland Springs Traffic Signal	Highland Springs at Wilson

**FISCAL IMPACT:**

Not applicable

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Subdivision Improvement Agreement TM 37298-1  
<https://banningca.gov/DocumentCenter/View/11688/Attachment-1--SIA-37298-1>
2. Bond No. CMS331799  
<https://banningca.gov/DocumentCenter/View/11689/CMS331799>
3. Bond No. CMS331800  
<https://banningca.gov/DocumentCenter/View/11690/CMS331800>
4. Bond No. CMS331801  
<https://banningca.gov/DocumentCenter/View/11691/CMS331801>
5. Bond No. CMS331851  
<https://banningca.gov/DocumentCenter/View/11692/CMS331851>
6. Bond No. CMS331852  
<https://banningca.gov/DocumentCenter/View/11685/CMS331852>
7. Bond No. CMS331853  
<https://banningca.gov/DocumentCenter/View/11686/CMS331853>
8. Bond No. CMS331854  
<https://banningca.gov/DocumentCenter/View/11687/CMS331854>

Approved by:



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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard, Finance Director  
Nicole Jews, Human Resources Manager

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-151, Approving an Agreement with Robert Half & Associates for \$150,000 for Fiscal Year 2023 for Temporary Staff Services

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2022-151:

1. Approving an Agreement with Robert Half & Associates for Temporary Staff Services for Fiscal Year 2023, not to exceed \$150,000.00; and
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfer related to these agreements.

### **BACKGROUND:**

In July of 2022, the City contracted with Robert Half & Associates to assist the Human Resources and Fiscal Services Departments by providing support staff. Currently, the temporary staff are assisting in two vacant positions in the Human Resources Department and one vacant position in the Fiscal Services Department.

### **JUSTIFICATION:**

During this time there was a departure of the City's Human Resources Manager and the Human Resources Department required continued support to fulfill the needs of the various city departments to continue day-to-day business.

To date, the total expended is approaching \$25,000. We don't anticipate reaching the not-to-exceed amount for this contract; however, if the City hires any of the temporary staff as permanent full-time employees, the cost to buyout the staffing agreement can be up to 35% of the base salary for the hired position. This is normally on a sliding scale based on the length of the temporary assignment. We do expect to be full staffed in the next few months whether any temporary staff are hired or not.

**FISCAL IMPACT:**

Anticipated Fiscal Impact not to exceed \$150,000.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$150,000.00

**ALTERNATIVES:**

1. Adopt Resolution 2022-151 as recommended.
2. Adopt Resolution 2022-151 with modifications.
3. Do not approve Resolution 2022-151 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-151  
<https://banningca.gov/DocumentCenter/View/11682/Attachment-1--Resolution-2022-151-Robert-Half--Associates>

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:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-152, Approving Amendment No. 1 to the Agreement with Crosstown Electrical & Data, Inc. to Include the Traffic Signal at the Intersection of Ramsey and Hathaway Streets for Monthly Maintenance and Repairs

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### **RECOMMENDATION:**

Staff recommend City Council:

1. Approve Resolution 2022-152, amending the Contract Services Agreement with Crosstown Electrical & Data, Inc, to include maintenance and repairs to the new traffic signal at the intersection of Ramsey and Hathaway Streets.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 1 to the Contract Services Agreement with Crosstown Electrical & Data, Inc.
3. Authorize the City Manager to execute Amendment No. 1 to the Contract Services Agreement with Crosstown Electrical & Data, Inc.

### **BACKGROUND:**

On (date) the City entered into an agreement with Crosstown Electrical & Data Inc to maintain and repair seven (7) traffic signals located at various intersections in the City. The City of Beaumont contracts with Crosstown Electric and as Banning shares several signals with the City of Beaumont this agreement streamlines the maintenance and repair of these signals.

### **JUSTIFICATION:**

On (date) the traffic signal at the intersection of Ramsey and Hathaway Streets was placed into service. Staff would like to add this 8th traffic signal to the existing agreement with Crosstown Electrical & Data, Inc.

**FISCAL IMPACT:**

The annual cost of adding this traffic signal is \$708.00, bringing the total Agreement to \$5,664.00 and will be paid out of account 100-4900-431.30-09.

**ALTERNATIVES:**

1. Approve Amendment No. 1.
2. Do not approve Amendment No. 1 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-152  
<https://banningca.gov/DocumentCenter/View/11695/Att-1-Resolution-2022-152-Crosstown-Electrical-Amendment-No-1>
2. Draft Amendment No. 1  
<https://banningca.gov/DocumentCenter/View/11693/Att-2-Draft-C00770-CROSSTOWN-ELECTRICAL-AMENDMENT-1>
3. Original Agreement with Crosstown Electrical & Data, Inc.  
[https://banningca.gov/DocumentCenter/View/11694/Att-3-C00770\\_CROSSTOWN\\_ELECTRICAL-Original-Agreement](https://banningca.gov/DocumentCenter/View/11694/Att-3-C00770_CROSSTOWN_ELECTRICAL-Original-Agreement)

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  
Stephanie Sirls, Transit Manager

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-154, Approving a Purchase Order with 3L Executive Services in the Amount of \$26,135.97 which includes a 5% contingency, for the Engine Overhaul of Transit Bus Unit 224

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### **RECOMMENDATION:**

Staff recommends that City Council adopt 2022-154:

1. Approving a purchase order with 3L Executive Services in the amount of \$26,135.97, which includes a 5% contingency for the engine overhaul of transit bus Unit 224.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this purchase.

### **BACKGROUND:**

The City of Banning, under the Public Works Department, owns and operates the Banning Connect Transit System which includes the operation of fixed-route bus services that serve between Banning and Cabazon. Additionally, the Dial-A-Ride division offers curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning.

Unit 224, a 2010 El Dorado XHF-3 transit bus is having major motor issues and if left unattended, could lead to motor failure and damage that would be more expensive than just overhauling the existing engine. As a result, staff obtained four quotes from qualified vendors to overhaul the existing engine with 3L Executive Services providing the lowest bid in the amount of \$24,891.40. The highest quote came in at \$33,392.74.

### **JUSTIFICATION:**

The repairs to Unit 224 are required in order to prevent further damage to the unit and to continue to provide safe and reliable transportation service to the City's residents. The Transit Division has limited fixed route buses and while two new buses were procured last year, a firm delivery date has not yet been provided due to supply chain challenges and manufacturer constraints. Therefore, it is necessary to get Unit 224 repaired in an

effort to extend the useful life of the vehicle so that the City can continue to provide essential transportation services to the City's residents.

**FISCAL IMPACT:**

An appropriation in the amount of \$26,135.97 to Account 702-3800-480-30-05 (Fleet - Repair/Maintenance) is necessary to fund the repairs to Unit 224. The 5% contingency will only be used if additional diagnostics and repairs are needed.

**ALTERNATIVES:**

1. Approve Resolution 2022-154 as presented.
2. Approve with modifications.
3. Do not approve Resolution 2022-154 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-154  
<https://banningca.gov/DocumentCenter/View/11696/Att-1-Resolution-2022-154>
2. 3L Executive Services – A17863  
[https://banningca.gov/DocumentCenter/View/11697/Att-2-A17863 from 3L Executive Services 8652](https://banningca.gov/DocumentCenter/View/11697/Att-2-A17863%20from%203L%20Executive%20Services%208652)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-155, Approving Amendment No. 2 to the Contract Agreement with CASC Engineering and Consulting, Inc. ("CASC") for Consulting Services Associated with the Focused General Plan Update for Fiscal Year 2022/2023 in the Amount of \$58,574 for a Total Amount of \$245,308

---

### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2022-155:

1. Amendment No. 2 to the Contract Agreement with CASC Engineering and Consulting, Inc. to increase the contract by \$58,574 for additional consulting services associated with the Focused General Plan Update.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Contract Agreement Amendment No. 2 with CASC Engineering and Consulting, Inc.
3. Authorizing the City Manager or his designee to execute Amendment No. 2 to the Contract Agreement with CASC, Inc. for Fiscal Year 22/23, not to exceed \$245,308.

### **BACKGROUND:**

City staff requested an augment to the existing contract so that additional environmental analysis can be performed (services which were unforeseen during the original RFP) and subsequent contract award. More specifically, these services include conducting a General Plan Building Traffic Projections to 2050 and additional analysis associated with Transit Service, Intersection, and Roadway Analysis, as well as add time associated with future meetings and coordination, required for the Project.

### **JUSTIFICATION:**

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

**FISCAL IMPACT:**

<u>Account Number</u>	<u>Year</u>	<u>Estimated Amount</u>
001-2800-33-42	2022/2023	\$129,826.00

**ALTERNATIVES:**

1. Adopt Resolution 2022-155 as recommended.
2. Adopt Resolution 2022-155 with modifications.
3. Do not approve Resolution 2022-155 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-155  
<https://banningca.gov/DocumentCenter/View/11700/Att-1-Resolution-2022-155-CASC-Engineering-Inc>
2. CASC Amendment No. 2  
<https://banningca.gov/DocumentCenter/View/11698/Att-2-Amended-Agreement-CASC-v2>
3. CASC Addendum No. 2  
<https://banningca.gov/DocumentCenter/View/11699/Att-3-1345-000402>

Approved by:

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



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-156 Approving Amendment No. 1 to the Professional Services Agreement with Michael Baker International, Inc. ("MBI") for Consulting Services Associated with Planning and Environmental Support Services for Fiscal Years 2022/2023 and 2023/2024 in the amount of \$100,000 for a Total of \$150,000

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### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2022-156:

1. Adopt Resolution 2022-156, Approving Amendment No. 1 to the Professional Services Agreement to increase the contract amount by \$100,000 with Michael Baker International, Inc. ("MBI"), to provide services agreement with MBI, Inc. to provide planning, environmental, and peer-review services as an augment to Planning Division staff.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Contract Agreement Amendment No. 1 with MBI, Inc.
3. Authorizing the City Manager or his designee to execute Amendment No. 1 to the Contract Agreement with MBI, Inc. for Fiscal Year 22/23 and 23/24, not to exceed \$150,000.

### **BACKGROUND:**

On February 9, 2021, the City Council adopted Resolution 2021-5, entering into a professional services agreement with MBI, Inc. to provide planning, environmental, and peer-review services as an augment to Planning Division staff. The existing contract amount has been expended, and due to the volume of projects, additional funding authorization is necessary for the consultant to continue supporting City staff.

### **JUSTIFICATION:**

Increasing the contract amount will continue the staff augmentation and support. The consultant will continue providing planning, environmental, and peer-review services as

an augment to Planning Division staff. Funding for the consultant will be provided by the Project applicant through a deposit held by the City and charged against for services rendered.

**FISCAL IMPACT:**

Staff anticipate the following fiscal impact over the next two fiscal years:

<b><u>Account Number</u></b>	<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
001-2800-33-41	2022/2023	\$75,000.00
001-2800-33-41	2023/2024	\$75,000.00

**ALTERNATIVES:**

1. Adopt Resolution 2022-156 as recommended.
2. Adopt Resolution 2022-156 with modifications.
3. Do not approve Resolution 2022-156 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-156  
<https://banningca.gov/DocumentCenter/View/11703/Att-1-Resolution-2022-156-MBI-Inc>
2. Amendment No. 1 to the MBI, Inc.  
<https://banningca.gov/DocumentCenter/View/11701/Att-2-Amended-Agreement-MBI>
3. Agreement with MBI, Inc. (C00688)  
<https://banningca.gov/DocumentCenter/View/11702/Att-3-C00688-MICHAEL-BAKER-INTERNATIONAL-INC>

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:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-13UA, Awarding a Professional Services Agreement to Dudek for Design of Well M-12A Drilling and Equipping in the Amount of \$870,213 and Establishing a 5% Contingency for a Total Project Budget of \$913,724

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2022-13UA:

1. Awarding a Professional Services Agreement for Design of Well M-12A Drilling and Equipping to Dudek of Encinitas, California in the amount of \$870,213.
2. Authorizing the City Manager or his designee to execute the Professional Services Agreement with Dudek.
3. Establish a 5% contingency and authorizing the City Manager to execute amendments to the agreement within the contingency amount (\$43,511).

### **BACKGROUND:**

Well M-12 is located on Westward Avenue, between Highland Home Road and Sunset Avenue and is one of many wells that the City has relied on to meet the City's water demands. Typical production capacity for Well M-12 was approximately 900 gallons per minute (gpm).

In February 2020, the City discovered that the original M-12 well was not producing any water. Through various repair attempts, a skilled contractor found the pump column and well casing were stuck together and could not be extracted. The well had begun caving in and proper abandonment of the well was necessary. The State's Division of Drinking Water authorized abandonment and redrilling of a new well on the same site. The City has determined that well M-12 will be replaced with a potable well (M-12A), necessary to meet the City's increasing demands for potable water. This project will improve availability and affordability of potable water for customers in Banning. The quantifiable benefits of the project are 1,000 gpm yield of safe drinking water and 1.4 million gallons per day maximum safe yield which equates to 1,568 acre feet per year.

Staff prepared a request for proposals (RFP) for design services for Well M-12A for drilling and equipping of the new well and advertised the RFP on OpenGov on August 23, 2022 with a due date for the submission of proposals on September 13, 2022. As a result the City received two proposals. An evaluation committee reviewed and ranked the two proposals as follows:

Proposer	Total Score (Max: 100)	Rank
Dudek	89.33	1
Geoscience Support Services, Inc.	87.67	2

The scope of services include: project management; data and literature review; preliminary well design; environmental and permitting support; technical plans, specifications and estimates for drilling; bidding assistance; drilling construction management; drilling inspection, hydrogeological services and water quality testing; well head facility plans, specifications and estimates; well head facility construction and post construction support services.

Dudek's fee proposal is in the amount of \$870,213.

#### Urban and Multibenefit Drought Relief Grant

In October 2021, pursuant to the State Legislature's passage of the Budget Act of 2021 and Trailer Bill AB 148, the California Department of Water Resources (DWR) announced the Urban and Multibenefit Drought Relief Grant Program for Fiscal Year 2022.

The Department of Public Works submitted a grant requesting an amount of \$2,475,000 and was successfully awarded the full amount. \$200,000 of the awarded amount will be allocated to the planning, design, engineering and environmental phase of the project and the balance allocated to the construction phase.

#### **JUSTIFICATION:**

With expected population growth, and the associated increase in water demands, the City needs to supplement its existing production facilities to offer reliable service to all customers. Consultant services are necessary due to the highly technical and specialized nature of well design.

Dudek is the highest ranked firm with the appropriate technical knowledge and experience to successfully complete this project.

#### **FISCAL IMPACT:**

The Design of Well M-12A Drilling and Equipping project is included in the City's approved Capital Improvement Plan and funding was included in the FY 2022/2023 budget (Account No. 660-6300-471.95-08).

The City will be reimbursed \$200,000 by DWR from the City's Urban and Multibenefit Drought Relief Grant funds.

**ALTERNATIVES:**

1. Adopt Resolution 2022-13UA as recommended.
2. Adopt Resolution 2022-13UA with modifications.
3. Do not approve Resolution 2022-13UA and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-13UA  
<https://banningca.gov/DocumentCenter/View/11738/Att-1-Resolution-2022-13-UA>
2. Request for Proposals  
<https://banningca.gov/DocumentCenter/View/11739/Att-2--RFP22-021>
3. RFP Addendum 1  
<https://banningca.gov/DocumentCenter/View/11740/Att-3-RFP-22-021-Addendum-1>
4. Dudek Proposal and Fee Proposal  
<https://banningca.gov/DocumentCenter/View/11741/Att-4-Proposal>
5. Well M-12A Site Map  
<https://banningca.gov/DocumentCenter/View/11735/Att-5-Site-Map>
6. DWR Grant Agreement  
<https://banningca.gov/DocumentCenter/View/11736/Att-6-Grant-4600014457-Agreement>
7. Draft Professional Services Agreement  
<https://banningca.gov/DocumentCenter/View/11737/Att-7-Draft-Agreement-Dudek>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 8, 2022

**SUBJECT:** Second Reading and Consideration of Ordinance 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code Adopting by Reference, with Amendments, the Entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code Concerning Pool Fencing and Enclosure Standards

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### **RECOMMENDATION:**

Staff respectfully recommend City Council:

1. Adopt the Notice of Exemption (NOE) which determines that Ordinance No. 1585 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA); and
2. Conduct a public hearing on Ordinance No. 1586 in accordance with Gov. Code, § 50022.3.
3. Motion to conduct a second reading and adopt Ordinance No. 1586, Amending Chapters 15.08 and 8.16 of the Banning Municipal Code by adopting by reference, with Amendments, the entirety of the 2022 Edition of the Building Standards Code, the 2021 Edition of the International Property Maintenance Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, and Amending Section 15.40.030 of the Banning Municipal Code concerning Pool Fencing and Enclosure Standards.

### **BACKGROUND:**

Every three years the City goes through the California Building Standards Code ("CBSC") adoption process. On July 1, 2022, the California Building Standards Commission published the 2022 edition of the CBSC.

The California Health and Safety Code requires the City of Banning to adopt specified codes contained in the CBSC by reference (e.g., building, residential, electrical,

mechanical, plumbing, fire, etc.) by Jan 1, 2023, for any local modifications to be effective when the new codes go into effect. If the City of Banning does not adopt and amend the codes comprising the CBSC, the City will be subject to all building standards (but not administrative provisions) contained in the 2022 CBSC, unless and until such codes with amendments are adopted by the City.

Revisions to building standards are permitted in order to make any such standard stricter, and only where findings adopted by a local agency support that such revisions are necessary based on local topographic, climatic, or geological conditions. Each amendment must be separately identified and supported by the appropriate finding. Modifications to administrative provisions do not, however, require such findings. The City's Building Official and Fire Marshall has reviewed the 2022 editions of the CBSC and is recommending an amendments to the Building Code, Fire Code, Residential Code, and Energy Code.

In regard to the 2022 Residential Code, the City again will make amendments to the fencing and enclosures for Swimming Pools, referenced in Section 15.40.030, which states, “

“15.40.030 - Fencing and enclosure—Doors, gates, and other openings.

All gates or doors opening through the enclosure required by this chapter shall be equipped with a self-closing and self-latching device, consistent with the requirements of Subsection B of section 15.08.020, not less than fifty-four inches high, designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use. The door of any dwelling house or accessory building and forming any part of the enclosure need not be so equipped.”

In regard to the 2022 Fire Code, the City of Banning contracts with the Riverside County Office of the Fire Marshall for code compliance and fire prevention services, plan check review, business inspection, and customer service. If adopted, Ordinance 1586 would amend Title 8 and 15 by repealing references to the prior 2019 editions of the CBSC and prior edition of the International Property Maintenance Code. The list below identifies the model codes upon which the 2022 edition of Title 24 is based.

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

- 2022 California Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code

- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

The City's Building Official and Fire Marshall are recommending certain changes and amendments to the 2022 California Building, Residential, Energy, and Fire Codes, respectfully; which have been itemized and are detailed in Sections 2 and 3 of Ordinance 1586 and Exhibit A to Ordinance 1586. If the proposed amendments are approved by the City Council, the amendments must be filed with the California Building Standards Commission before they will become effective.

**JUSTIFICATION:**

If not adopted, the City must implement the 2022 edition of the CBSC without amendments specifically tailored to the City's unique topography, geography and/or climate.

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:

- 2022 California Administrative Code
- 2022 California Building Code
- 2022 California Residential Code
- 2022 California Electrical Code
- 2022 California Mechanical Code
- 2022 California Plumbing Code
- 2022 California Energy Code
- 2022 California Fire Code
- 2022 California Existing Building Code
- 2022 California Green Building Standards Code
- 2021 International Property Maintenance Code
- 1997 Uniform Code for the Abatement of Dangerous Buildings

The adoption of the 2022 updated building codes will start with the October 11<sup>th</sup> Council meeting and will incorporate and carry forward changes proposed herein. At this time, staff has not identified future conflicts with the 2022 Building Standards 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. Choose not to waive full reading and introduce proposed Ordinance 1586.
2. Continue the item and request clarification from or provide direction to staff.

**ATTACHMENTS:**

1. Ordinance 1586  
[https://banningca.gov/DocumentCenter/View/11706/Att-1-Ordinance-1586\\_Final-for-Adoption](https://banningca.gov/DocumentCenter/View/11706/Att-1-Ordinance-1586_Final-for-Adoption)
2. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/11707/Att-2-NOE>
3. Proof of Publication of Public Hearing Notice Published in Record Gazette September 23, 2022 – **October 11, 2022 Hearing**  
[https://banningca.gov/DocumentCenter/View/11704/Att-3-Proof-of-Publication\\_1586-PHN-for-10-11-2022](https://banningca.gov/DocumentCenter/View/11704/Att-3-Proof-of-Publication_1586-PHN-for-10-11-2022)
4. Public Hearing Notice Published in Record Gazette October 21 and 28, 2022 – **November 8, 2022 Hearing**  
[https://banningca.gov/DocumentCenter/View/11705/Att-4-RG-Proof\\_CityBanningLGL\\_Ord1586\\_1021B-00192279](https://banningca.gov/DocumentCenter/View/11705/Att-4-RG-Proof_CityBanningLGL_Ord1586_1021B-00192279)

Approved by:

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



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY OF BANNING

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 8, 2022

**SUBJECT:** Public Hearing for the Proposed Water and Wastewater Rate Increases and Introduction of Ordinance No. 1587, Adopting the Proposed Water and Wastewater Rate Increases and Making a Determination of Exemption from CEQA in Connection Therewith

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### **RECOMMENDATION:**

Staff recommends that City Council:

1. Conduct the Public Hearing as indicated in the Proposition 218 notices mailed on September 23, 2022 to customers and property owners for the proposed water and wastewater rate adjustments and at the end of the public hearing determine whether there is a majority protest against the proposed water rate increases or the proposed wastewater rate increases.
2. If majority protests do not exist, waive first reading and introduce Ordinance No. 1587 adopting the proposed water and wastewater rate adjustments. If majority protests exist against both the proposed water and wastewater rate increases, do not waive first reading and introduce Ordinance No. 1587. If there is a majority protest against either the proposed water rate increases or the proposed wastewater rate increases, waive first reading and introduce a modified Ordinance No. 1587 that does not include rate increases for which there was a majority protest.

### **BACKGROUND:**

#### **2017 Water and Wastewater Rate Study**

On August 22, 2017, Willdan Financial Services, 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 with no increases the last two years.



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 Water and Wastewater Rate Study

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 ("2022 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"). On September 13, 2022, the Banning Utility Authority approved the 2022 Rate Study.

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 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:

<b>Fiscal Year</b>	<b>Effective Month</b>	<b>Water Utility</b>	<b>Wastewater Utility</b>
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 to 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
<b>Effective Date</b>		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
<b>Service Charge (\$/Month)</b>						
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
<b>Effective Date</b>		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
<b>Commodity Charges (\$/HCF)</b>						
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
<b>Effective Date</b>		1/1/2023	1/1/2024	1/1/2025	1/1/2026	1/1/2027
<b>Fire Service (\$/Month)</b>						
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

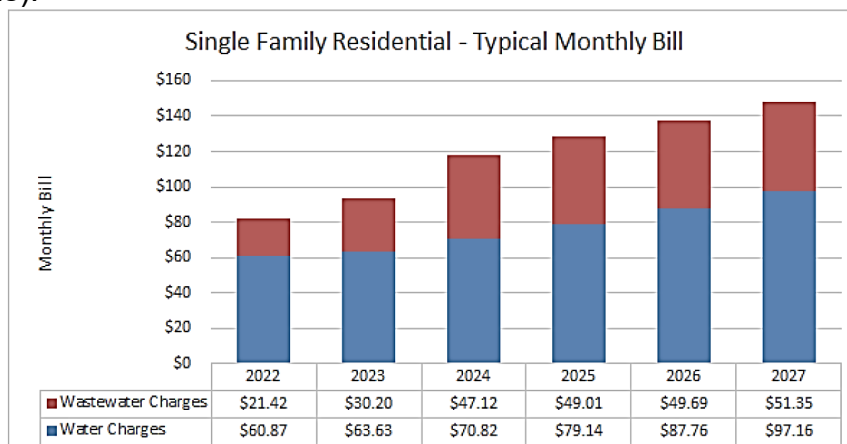
\* "Greater than 50%" represents surcharge up to 60%. Anything larger will need to be calculated.

### 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
<b>Fixed Charge (\$/Month/EDU)</b>							
<b>Effective Date</b>		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):



On August 23, 2022 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. On September 13, 2022 the Banning Utility Authority approved the final draft of the 2022 Rate Study and directed staff to move forward with public noticing of the proposed rate adjustment in compliance with Proposition 218.

The following tables shows the past and current milestones throughout the rate study development process:

<b>Dates</b>	<b>Actions</b>
<i>April 19, 2021</i>	<ul style="list-style-type: none"><li>• Budget and Finance Committee Rate Study Presentation</li></ul>
<i>June 21, 2021</i>	<ul style="list-style-type: none"><li>• Budget and Finance Committee Rate Study Presentation</li></ul>
<i>August 23, 2022</i>	<ul style="list-style-type: none"><li>• City Council draft 2022 Rate Study Presentation and Workshop</li></ul>
<i>September 13, 2022</i>	<ul style="list-style-type: none"><li>• Banning Utility Authority approval of 2022 Rate Study</li><li>• Authorization to proceed with Proposition 218 noticing</li></ul>
<i>September 23, 2022</i>	<ul style="list-style-type: none"><li>• Mail notices and protest forms at least 45 days prior to the Public Hearing</li></ul>
<i>November 8, 2022</i>	<ul style="list-style-type: none"><li>• Public Hearing and introduction of Ordinance No. 1587. adopting water and wastewater rate adjustments</li></ul>
<i>December 13, 2022</i>	<ul style="list-style-type: none"><li>• Adoption of Ordinance No. 1587, adopting water and wastewater rate adjustments</li></ul>
<i>January 12, 2023</i>	<ul style="list-style-type: none"><li>• Ordinance No. 1587 becomes effective</li><li>• First rate adjustment implemented</li></ul>

### Proposition 218

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, at least 45 days in advance, to all property owners and tenants responsible for the payment of water and/or wastewater service to the City of Banning (each a “customer”).

Approximately 16,200 notices were mailed out on September 23, 2022. The notices provided an explanation of the reason for the proposed increases to the water and wastewater service rates; a link to the 2022 Water and Wastewater Rate Study; tables reflecting the proposed water and wastewater rates; information regarding the public hearing; and instructions on how to submit a protest against the water and wastewater rates increases along with a protest form. The notice also had a note in Spanish regarding the importance of the notice.

A majority protest against the water rate increases will exist if at the end of the public hearing there are written protests submitted by a majority of the water customers subject to the proposed water rate increases. A majority protest against the wastewater rate

increases will exist if at the end of the public hearing there are written protests submitted by a majority of the sewer customers subject to the projected wastewater rate increases. The City Council cannot adopt the proposed increases to the water rates, the wastewater rates, or both, if a majority protest exists for those rate increases.

**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.

Proposition 218 requires California water and wastewater utilities to follow certain procedural requirements when setting new water and/or wastewater rates. To comply with Proposition 218 the City must hold a public hearing to consider the proposed rate adjustments and must provide written notice, at least 45 days in advance, to all property owners and customers responsible for the payment of water and/or wastewater service to the City of Banning.

The City Council may not adopt the proposed rate increases if there is a majority protest against the rate increases .

The Banning Municipal Code requires that water and wastewater rates be adopted by ordinance. If, at the conclusion of the public hearing, majority protests are not received, City Council may consider the adoption of Ordinance No. 1587. If majority protests exist against both the proposed water and wastewater rate increases, City Council may not adopt Ordinance No. 1587. If there is a majority protest against either the proposed water rate increases or the proposed wastewater increases, City Council may consider the adoption of a modified Ordinance No. 1587 that does not include rate increases for which there was a majority protest.

**CEQA REVIEW:**

City Staff recommends that the City Council find that the approval of the proposed water and wastewater rate adjustments as described herein are exempt from review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15273 on the basis that the rates are imposed for the operation of water and wastewater utility services provided by the City to the public and on the basis that the imposition of rates does have the possibility of causing a significant impact on the environment.

**FISCAL IMPACT:**

The cost to print and mail the notices was \$14,018.84 and was shared equally by the Water Fund (660) and the Wastewater Fund (680).

**ALTERNATIVES:**

1. Introduce Ordinance No. 1587, as recommended.
2. Introduce Ordinance No. 1587 with modifications and direction to staff.
3. Do not introduce Ordinance No. 1587 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Draft Ordinance No. 1587  
<https://banningca.gov/DocumentCenter/View/11729/Att-1-Ordinance-1587-Water-Wastewater-Rates>
2. Water and Wastewater Rate Study  
[https://banningca.gov/DocumentCenter/View/11730/Att-2-2022-Rate-Study-Report\\_FINAL](https://banningca.gov/DocumentCenter/View/11730/Att-2-2022-Rate-Study-Report_FINAL)
3. Prop 218 Notice and Protest Form  
<https://banningca.gov/DocumentCenter/View/11727/Att-3-Prop-218-Notice-September-23-2022>
4. 8/23/22 Presentation Slide Deck  
<https://banningca.gov/DocumentCenter/View/11728/Att-4-Aug-23-Workshop-Slide-Deck>

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: November 8, 2022**

**SUBJECT: Consideration of Resolution 2022-146, Approving Fiscal Year 2023/2024 Community Development Block Grant Program Applications**

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### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2022-146, approving Funding Year 2023/2024 Community Development Block Grant Program Project, and authorize staff to submit application to the Riverside County Housing, Homelessness Prevention and Workforce Solutions ("HHPWS").

### **COMMITTEE RECOMMENDATION:**

On October 11, 2022, the City Council appointed an Ad-hoc Committee comprised of two Council members and the Economic Development Manager to review and recommend approval of Community Development Block Grant ("CDBG") Funding Cycle 2023/2024.

On October 25, 2022, at the request of Council Member Sanchez, he was replaced by Mayor Colleen Wallace to the Ad-Hoc Committee.

The committee met on November 2, 2022 and recommended the City's CDBG entitlement be allocated to Faith in Action (Navigation Center) \$50,000; Voices for Children (Court Appointed Special Advocate) \$10,000; ARE Animal Rescue (Banning Animal Shelter Kennel Expansion) \$20,000; City of Banning, Parks & Recreation (Sylvan Park Restroom Improvements) \$119,000.

### **BACKGROUND:**

The City of Banning, through the Riverside County Housing, Homelessness Prevention and Workforce Solutions, has submitted various projects annually for funding under the CDBG program. Notifications of the application period in English and Spanish were published on the City's website and press releases were transmitted to the Record Gazette, Facebook, Instagram, and Twitter. Applications were due to the city for consideration on or before October 31, 2022.



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

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

### **JUSTIFICATION:**

In response to the 2023/2024 grant cycle, two applications for a service-related projects were submitted by non-profit organizations, one facility improvement project was submitted by a non-profit organization and one application from the City were received. As set forth in the guidelines for utilization of the CDBG funding, the City Council may designate up to 14% of the City's allocation, to service oriented non-profit agencies for public services projects, but is not required.

The applications are summarized below.

<b>Applications Received</b>	<b>Requested Funding</b>	<b>Ad-Hoc Recommended</b>
Community Projects		
Faith in Action	\$61,645	\$50,000
Voices for Children	\$10,000	\$10,000
ARE Animal Rescue	\$23,000	\$20,000
<b>City of Banning Projects</b>		
Sylvan Park Improvements #3	\$279,000	\$119,000
<b>Total</b>	<b>\$373,645</b>	<b>\$199,000</b>

The City 2023/2024 applications represent requests to fund an outreach program for low income and homeless, Court Appointed Special Advocacy, physical improvements to Banning Animal Shelter, and physical improvements to Sylvan Park. For the projects involving physical improvements, CDBG funding will be utilized for the design, engineering and construction phase of the project.

### **FISCAL IMPACT:**

The estimated funding under the CDBG Fiscal Year 2023/2024 program is approximately \$199,000. Upon approval of the City Council, the City approved projects will be submitted to the HHPWS for review and consideration. It is anticipated that final funding approval will be provided to the City by October of 2023.

### **ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Resolution 2022-146

[https://banningca.gov/DocumentCenter/View/11670/Att-1-Resolution-2022-146\\_CDBG](https://banningca.gov/DocumentCenter/View/11670/Att-1-Resolution-2022-146_CDBG)

Approved by:

A handwritten signature in blue ink, appearing to read 'D. Schulze', is written over a horizontal line.

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, Deputy Finance Director

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Three Resolutions in Connection with the City's Classification and Compensation Plan: (1) Resolution 2022-148, Approving Updates to the City's Classification and Compensation Plan; (2) Resolution 2022-149, Approving Updates to the City's Classification and Compensation Plan for Public Safety; and (3) Resolution 2022-150, Updating the City's Confidential Employee List

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### **RECOMMENDATION:**

Staff recommends City Council:

1. Adopt Resolution No. 2022-148, approving reclassifications and additions to the City's classification and compensation plan.
2. Adopt Resolution No. 2022-149, approving reclassifications to the classification and compensation plan for Public Safety.
3. Adopt Resolution 2022-150, amending the compensation and benefit plan for unrepresented confidential and unrepresented management employees.
4. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers to implement the adopted resolutions.

### **BACKGROUND:**

It is necessary to amend the City's classification and compensation plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs.

Past City Resolutions have identified the necessity to maintain a current classification and compensation Plan which reflects the nature of work and organizational structure, that the plan is updated to reflect both market changes and appropriate compensation for work performed. City of Banning's bargaining units have been supportive of updated compensation and classification Plans to obtain objective salary information and job comparisons.

## **JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

### **Planning:**

Position/Fund/Range	Fiscal Impact		
	Proposed Salary Range	Current Salary Range	Proposed Salary Difference
Building Permit Specialist	\$ 103,679		\$ 103,679
Identified Contract Savings*	\$ (121,242)		\$ (121,242)
<b>Total Fiscal Impact (Annually)</b>			<b>\$ (17,563)</b>

\*Contract Savings Identified in the amount of \$121,242

Add a Building Permit Specialist to act as liaison to customers and City departments involved in the development process. Knowledge of applicable City, County, State and Federal statutes, rules, regulations, ordinances, codes, administrative orders and other operational guidelines and directives are needed to maintain increased operations. Additionally, there will be a contract savings in the amount of \$121,242.00 (annual) that was paid in FY21 for a contracted employee performing similar duties.

➤ ***Addition of a Building Permit Specialist (Job Code 3240) Range G55***

### **Public Works:**

Position/Fund/Range	Base Wage Fiscal Impact		
	Proposed Salary Range	Current Salary Range	Proposed Salary Difference
Transit Manager/610/T83	\$ 97,803	\$ 95,843	\$ 1,960
Fleet Manager /702/T83	\$ 113,758	\$ 111,259	\$ 2,499
Public Works Program			
Manager/001,100,660,680 & 690/T83	\$ 105,479	\$ 103,162	\$ 2,317
<b>Total Base Wage Fiscal Impact (Annually)</b>			<b>\$ 6,777</b>

Update the Manager positions to market wage:

- ***Transit Manager (Job Code 3335) From Range T73 to Range T83***
- ***Fleet Manager (Job Code 4410) From Range T77 to Range T83***
- ***Public Works Program Manager (Job Code 4462) From Range T77 to Range T83***

### **Fiscal Services:**

Position/Fund/Range	Base Wage Fiscal Impact		
	Proposed Salary Range	Current Salary Range	Proposed Salary Difference
Accountant II/001/G64	\$ 73,383		\$ 73,383
Identified Savings*	\$ (82,476)		\$ (82,476)
Customer Service Supervisor/761/T79	\$ 88,605	\$ 82,279	\$ 6,327
Finance Manager/001/T83	\$ 113,758	\$ 111,313	\$ 2,445
Accounting Specialist/001/G53	\$ 51,858	\$ 50,717	\$ 1,141
<b>Total Base Wage Fiscal Impact (Annually)</b>			<b>\$ 818</b>

\*Accountant II will have savings from overtime in the amount of \$73,156 (annually) and Temporary Staff in the amount of \$9,320 (Annually)

Add the Accountant II position that was unfunded at the adopted biennial budget. The position is needed in the Finance division to address increased grant management, accounting transactions, software implementation and a technical accounting need. Additionally, base wage overtime in the amount of \$73,156.16 and contract staffing in the amount of \$9,319.98 will reduce within the Finance Department with adequate staffing.

#### ➤ **Addition of an Accountant II (Job Code 1125) Range G64**

Reclass the Utility Financial Analyst to Customer Service Supervisor to address the supervisory needs within the department. Additionally, with the increase of new homes, new businesses, new policies and a new software implementation, a technical position is needed to maintain the operational demand of the department.

#### ➤ **Utility Financial Analyst (Job Code 1315) Range T76 to Customer Service Supervisor (Job Code 1312 ) Range T79**

Reclass the Budget and Financial Analyst to Finance Manager to address the increases of economic growth within the organization and the need for a position with analytical and management skills to oversee the finance team, budgetary process, ERP implementation and communicate effectively with a wide range of audiences.

#### ➤ **Budget and Financial Analyst (Job Code 1145) Range T76 to Finance Manager (Job Code 1120) Range T83**

Reclass the Financial Services Specialist (Accounts Payable) to an Accounting Specialist. Similar jurisdictions have this position with similar workload and deadlines at this pay range.

#### ➤ **Financial Services Specialist (Job Code 1130) Range G47 to Accounting Specialist (Job Code 1136) Range G53**

**Police Services:**

Position/Fund/Range	Base Wage Fiscal Impact		
	Proposed Salary Range	Current Salary Range	Proposed Salary Difference
Property & Evidence Specialist/001/G63	\$ 68,076	\$ 49,529	\$ 18,547
Police Lieutenant/001/P87	\$ 153,939	\$ 130,079	\$ 23,859
Executive Assistant/Support Services Manager/001/P70	\$ 82,523	\$ 68,278	\$ 14,245
<b>Total Base Wage Fiscal Impact (Annually)</b>			<b>\$ 56,651</b>

Reclass the Police Assistant I to Property and Evidence Specialist. An employee of the police department that deals specifically with property and evidence is required to classify, package, store, and retrieve all items used in a crime, found property, and property for safe keeping. This level of complexity requires a specialist. While this person can be cross trained in the records section, the Evidence Specialist is required to produce the property and handle all the incoming items while also making sure the items that are no longer needed are dispositioned out or there won't be enough room to store everything.

➤ ***Police Assistant 1 (Job Code 2152) Range G44 to Property and Evidence Specialist (Job Code 2120) Range G63***

Reclass Police Sergeant to Police Lieutenant. The department is currently authorized six (6) sergeant positions. The department is requesting one of the sergeant positions be reclassified as a police lieutenant. Having three (3) police lieutenants will increase the overall supervision of the department. The Banning Police Department previously had a Deputy Chief and three Lieutenant positions that had been reduced to a Captain and two Lieutenants in recent years.

➤ ***Police Sergeant (Job Code 2030A) Range P78 to Police Lieutenant (Job Code 2025) Range P87***

Reclass the Police Chief's Executive Assistant. The level of pay is not commensurate with the duties performed or the rate of pay with the same position in neighboring cities.

For comparison, Desert Hot Springs current salary range for the Chief's Executive Assistant is between \$75,000 and \$99,000, from the Transparent California website for 2019, the following executive assistant total pay:

Beaumont Police Department	\$94,556
Palm Springs Police Department	\$95,113
Indio Police Department	\$89,922
Cathedral City Police Department	\$104,117

➤ **Police Executive Assistant (Job Code 1605) Range G57 to Executive Assistant/Support Services Manager (Job Code 2041) Range P70**

**FISCAL IMPACT:**

The fiscal impact considers all the recommendations (salary/grade increases) provided by the Classification and Compensation study performed by Public Sector Personnel Consultants. In addition to the base wage increases, there will be an estimated benefits package increase by a percentage of 15% (To accommodate for increased maximum cash outs and other cafeteria items contained within the City offered benefits package).

FY2022-23				Base Wage Fiscal Impact Allocation												
Position	Qty	Amount Per Employee	Total Amount	Finance 001-1900	Engin. 001-3000	Building Maint. 001-3200	Police 001-2200	Planning 001-2800	Street 100-4900	Fixed-Route 610-5800	Dial-A-Ride 610-5850	Water 660-8000	Wastewater 680-8000	Refuse 690-9600	Fleet 702-3800	Utility Billing 761-3100
Fleet Manager Range T83	1	\$ 113,758	\$ 113,758												\$ 113,758	
Fleet Manager Range T75	(1)	\$ 111,259	\$ (111,259)												\$ (111,259)	
Public Works Program Manager T	1	\$ 105,479	\$ 105,479		\$ 5,274	\$ 7,911			\$ 2,637			\$ 21,096	\$ 15,822	\$ 52,740		
Public Works Program Manager T	(1)	\$ 103,162	\$ (103,162)		\$ (5,158)	\$ (7,737)			\$ (2,579)			\$ (20,632)	\$ (15,474)	\$ (51,581)		
Transit Manager Range T83	1	\$ 97,803	\$ 97,803							\$ 88,023	\$ 9,780					
Transit Manager Range T73	(1)	\$ 95,843	\$ (95,843)							\$ (86,258)	\$ (9,584)					
Finance Manager Range T83	1	\$ 113,758	\$ 113,758	\$ 113,758												
Budget & Financial Analyst Range	(1)	\$ 111,313	\$ (111,313)	\$ (111,313)												
Customer Service Supervisor Range	1	\$ 88,605	\$ 88,605													\$ 88,605
Utility Financial Analyst Range T6	(1)	\$ 82,279	\$ (82,279)													\$ (82,279)
Building Permit Specialist G55	1	\$ 103,679	\$ 103,679					\$ 103,679								
Identified Savings**	(1)	\$ 121,242	\$ (121,242)					\$ (121,242)								
Accountant II G64	1	\$ 73,383	\$ 73,383	\$ 73,383												
Identified Savings*	(1)	\$ 82,476	\$ (82,476)	\$ (82,476)												
Accounting Specialist G53	1	\$ 51,858	\$ 51,858	\$ 51,858												
Financial Services Specialist G47	(1)	\$ 50,717	\$ (50,717)	\$ (50,717)												
Property Evidence Specialist	1	\$ 68,076	\$ 68,076				\$ 68,076									
Police Assistant 1	(1)	\$ 49,529	\$ (49,529)				\$ (49,529)									
Executive Assistant/Police																
Support Services Manager	1	\$ 82,523	\$ 82,523				\$ 82,523									
Executive Assistant	(1)	\$ 68,278	\$ (68,278)				\$ (68,278)									
Police Lieutenant	1	\$ 153,939	\$ 153,939				\$ 153,939									
Police Sergeant	(1)	\$ 130,079	\$ (130,079)				\$ (130,079)									
				\$ -											\$ -	
				\$ 46,683	\$ (5,508)	\$ 116	\$ 174	\$ 56,651	\$ (17,563)	\$ 58	\$ 1,764	\$ 196	\$ 463	\$ 348	\$ 1,159	\$ 2,499 \$ 6,327

\*Accountant II will have savings from overtime in the amount of \$73,156 (annually) and Temporary Staff in the amount of \$9,320 (Annually)

\*\* Building Permit Specialist is offset by Contract savings in the amount of \$121,242 (Annually)

**ALTERNATIVES:**

1. Adopt all three resolutions implementing changes to the City's classification and compensation plan and confidential employees list.
2. Adopt one or more resolutions and provide alternate direction to staff.
3. Do not adopt resolutions and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2022-148  
<https://banningca.gov/DocumentCenter/View/11718/Att-1-Resolution-2022-148-Updating-Class-and-Comp-Plan>



2. Resolution 2022-149 Reclassifications and Additions  
<https://banningca.gov/DocumentCenter/View/11716/Att-2-Resolution-2022-149-Class-and-Comp-Public-Safety>
3. Resolution 2022-150 Amendment to Unrepresented Confidential Employees  
<https://banningca.gov/DocumentCenter/View/11717/Att-3-Resolution-2022-150-Confidential-Employees-List>

Approved by:



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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard, Finance Director  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Resolution 2022-153, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers – Local 47, Representing Utility Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding

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### **RECOMMENDATION:**

The City Council adopt Resolution 2022-153, approving the ratified tentative agreement with the International Brotherhood of Electrical Workers (IBEW) – Local 47, representing the Utility Unit bargaining unit employees, and authorizing the City Manager or designee to finalize and execute a successor Memorandum of Understanding (MOU).

### **BACKGROUND:**

The City recognizes IBEW-Local 47 as the exclusive recognized employee organization representing full-time, permanent employees in the Utility Unit, relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500. - 3510 of the California Government Code, otherwise known as the Meyers-Milias-Brown Act (MMBA). The prior MOU between the City and IBEW – Utility Unit employees expired on June 30, 2022.

Except as otherwise provided, the expired MOU between the City and IBEW shall extend and not be terminated until such time as a successor MOU is approved by City Council or City Council unilaterally implements its last, best and final offer after impasse procedures have been followed, whichever occurs first.

### **JUSTIFICATION:**

At the instruction of City Council, representatives of the City of Banning have negotiated in good faith regarding wages, hours, and other terms and conditions of employment with authorized representatives of IBEW. The MMBA provides that the governing body shall

vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting.

On October 26, 2022, the City and IBEW signed a tentative agreement on certain deal points, which was subsequently ratified by IBEW membership on October 27, 2022.

The tentative agreement includes a base wage increase (also known as Cost of Living Adjustment – COLA) of 3%, effective the first full pay period after Council approval. It is customary for agencies to consider an annual base wage increase to keep salaries at a marketable and fair rate.

Present/Future base wage (COLA) increases for this unit:

July 1, 2022	3%
July 1, 2023	3%

**FISCAL IMPACT:**

Fiscal Services staff have estimated that the 3% base wage increase (COLA) will result in a fiscal impact totaling \$ as follows for the next 2 years:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$193,901
2023/2024	\$199,718


**ALTERNATIVES:**

1. Adopt Resolution 2022-153 as recommended.
2. Adopt Resolution 2022-153 with modifications.
3. Do not approve Resolution 2022-153 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2202-153  
<https://banningca.gov/DocumentCenter/View/11719/Att-1-Resolution-2022-153-IBEW-Utility>
2. Tentative Agreement between the City of Banning and IBEW Utility Unit  
<https://banningca.gov/DocumentCenter/View/11720/Att-2-IBEW-Utility-Tentative-Agreement>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Serita Young, City Attorney

**PREPARED BY:** Serita Young, City Attorney

**MEETING DATE:** November 8, 2022

**SUBJECT:** Consideration of Amendment No. 3 to the City Manager Employment Agreement with Douglas Schulze, and Resolution No. 2022-147 Approving that Amendment

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On October 8, 2018, the City Council entered into an Employment Agreement with Doug Schulze to serve in the position of City Manager, which position is prescribed by state law and the City's Municipal Code. That Agreement was amended in 2020 by way of Amendment No. 1, in 2021 by way of Amendment No. 2, and is now proposed to be amended again pursuant to Amendment No. 3 adjusting the City Manager's annual compensation from \$215,930.22 to \$229,080.37 (Grade D13, Step 7).

### **RECOMMENDATION:**

It is recommended as follows:

- 1) The Mayor first give the following oral summary report of Amendment No. 3 to the City Manager's Employment Agreement:  
"Consistent with Section 54953(c)(3) of the Government Code, I am required to orally report a summary of a recommendation for a final action on the compensation paid in the form of fringe benefits of a local agency executive, as defined in Section 3511.1(d) of the Government Code, during the open regular meeting in which the final action is to be taken and prior to the motion to approve the item. The City Manager is a local agency executive as defined in Section 3511.1(d) of the Government Code. Amendment No. 3 will change the Employment Agreement of the City Manager to increase his annual compensation from \$215,930.22 to \$229,080.37."; and
- 2) The City Council adopt Resolution No. 2022-147, approving Amendment No. 3 to the City Manager Employment Agreement between the City and Douglas Schulze.

### **BACKGROUND:**

Doug Schulze has served as City Manager since October 8, 2018. Commencing on the fourth-year anniversary of Mr. Schulze's employment with the City, and pursuant to Sections 2.1, 2.2, and 5.2 of Agreement, the City Council conducted an annual performance review and evaluation of the City Manager on September 27, October 11,

and October 25, 2022. On October 25, 2022, the parties commenced negotiations of salary amendments to Mr. Schulze's Employment Agreement and completed those negotiations on October 25, 2022, by which the City would, pursuant to the proposed Amendment No. 3 to the Agreement, increase Mr. Schulze's annual compensation from \$215,930.22 to \$229,080.37.

Amendment No. 3 to the City Manager Employment Agreement has now been prepared to effectuate the change to the City Manager's employment agreement consistent with the completed negotiations. The City Manager has reviewed the change and has found it to be acceptable.

Except as amended in this respect, all other provisions of his Employment Agreement remain the same.

### **GOVERNMENT CODE SECTION 54953(c)(3) ANNOUNCEMENT**

Consistent with Section 54953(c)(3) of the Government Code, the Mayor shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in Section 3511.1(d) of the Government Code, during the open regular meeting in which the final action is to be taken and prior to the motion to approve. The City Manager is a local agency executive as defined in Section 3511.1(d) of the Government Code, and the oral report is required prior to approval of the attached Resolution approving Amendment No. 3 to the City Manager Employment Agreement. The required oral report is included in the Recommendation section of this report.

### **FISCAL IMPACT**

The fiscal impact related to the proposed Employment Agreement with respect to the compensation and benefits for the City Manager will require an amendment to the current Fiscal Year 2021-2022 Budget for the City Manager's compensation. The increased compensation will not occur until November 14, 2022 (PP24) and the remainder of Fiscal Year 2021-2022. The dollar amount of that compensation change is \$7,671 for FY 2021-2022 and \$13,150 each year thereafter.

### **ATTACHMENTS:**

1. Resolution 2022-147, Approving Amendment No. 3 to the City Manager Employment Agreement  
<https://banningca.gov/DocumentCenter/View/11672/Att-1-Resolution-2022-147-Am-No-3-to-City-Manager-Employment-Agreement>
2. Amendment No. 3 to the City Manager Employment Agreement  
<https://banningca.gov/DocumentCenter/View/11671/Att-2-Amend-No-3-to-CM-Employ-Agree---Doug-Schulze-v-1>