



AGENDA

REGULAR MEETING OF THE BANNING CITY COUNCIL

CITY OF BANNING, CALIFORNIA

January 10, 2023 REVISED 1/6/2023
5:00 p.m.

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

Meeting ID: 810 0728 0759

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Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

1. CALL TO ORDER

1.1. Invocation

1.2. Pledge of Allegiance

1.3. Roll Call

1.4. Moment of Silence in Recognition of Fallen Riverside County Sheriff's Deputy
Isaiah Cordero

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. CERTIFICATION OF ELECTION RESULTS

- 3.1. Consideration of Resolution 2023-01, Reciting the Facts of the Special Recall Election Held in the City of Banning on December 13, 2022.....**9**

Recommendation: Staff respectfully recommends that the City Council adopt Resolution 2023-01, reciting the facts of the Special Recall Election held in the City of Banning on December 13, 2022.

4. PRESENTATION(S)

- 4.1. Swearing In of Council Member Sheri Flynn (District 3)
- 4.2. Banning Beautification Award for December 2022 – Rite Aid..... **11**

5. CLOSED SESSION

5.1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Doug Schulze, City Manager; Art Vela, Director of Public Works; Lincoln Bogard, Finance Director; Nicole Jews, Human Resources Manager; Shelline Bennett of Liebert Cassidy Whitmore (City Counsel)

Employee Organization: Teamsters

5.2. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Property: 33 S San Geronio Ave (APN: 540204009)

Agency negotiator: Doug Schulze, City Manager

Negotiating parties: Undetermined at this time

Under negotiation: Price and Terms of Payment

5.3. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Property: 150 E Ramsey Street (APNs 541-181-014, -023, -037, -039)

Agency negotiator: Doug Schulze, City Manager

Negotiating parties: SGP America Construction, Inc.

Under negotiation: Price and Terms of Payment

6. REPORT ON CLOSED SESSION

- 6.1. City Attorney

7. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT

7.1. 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.***

7.2. CORRESPONDENCE

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

7.3. APPOINTMENTS

7.3.1. City Council Committee Assignments for 2023.....**12**

7.3.2. Appointment of Three Parks and Recreation Commissioners to Fill
Three Impending Vacancies.....**13**

7.4. CITY COUNCIL COMMITTEE REPORTS

7.5. CITY MANAGER REPORT

7.6. CITY ATTORNEY REPORT

7.7. CITY TREASURER REPORT

8. CONSENT ITEMS

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

Mayor to Open Consent Items for Public Comments

Motion: Approve consent items 8.1 to 8.9.

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

8.1. Minutes of the December 13, 2022 City Council Meetings.....**15**

8.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in
the Month of November 2022.....**16**

- 8.3. Receive and File Cash, Investments and Reserve Report for the Month of November 2022.....**18**
- 8.4. Receive and File Police Department Statistics for the Month of November 2022.....**20**
- 8.5. Consideration of Resolution 2023-02, Awarding a Professional Services Agreement for the Design of San Geronio Avenue and Union Pacific Railroad At-Grade Crossing Safety Improvements to CASC Engineering and Consulting, Inc. in the amount of \$109,908.36 and Approving a 10% Contingency for a Total Not-to-Exceed Amount of \$120,899.20.....**21**
- 8.6. Consideration of Resolution 2023-03, Awarding a Professional Services Agreement for the Design of Barbour Street Water Main Replacement to TKE Engineering, Inc. in the Amount of \$103,500 and Approving a 10% Contingency for a Total Not-to-Exceed Amount of \$113,850.....**24**
- 8.7. Authorize the City Manager to Sign the Notice of Completion for Project No. 2022-02, “Street Rehabilitation at Various Locations” as Complete and Direct the City Clerk to Record the Notice of Completion.....**27**
- 8.8. Consideration of Resolution 2023-11, Authorizing the Submittal of a Grant Application to the California Department of Water Resources to Obtain a Proposition 1 Round 2 Integrated Regional Water Management Implementation Grant and Authorizing the City Manager to Execute a Grant Agreement and Related Sub-Grantee Agreements.....**29**
- 8.9. Consideration of Resolution 2023-12, Authorizing Participation in Phase Two of the California Arrearages Payment Program (CAPP) to Request Funding for Unpaid Electric Utility Services Incurred During the Covid-19 Pandemic..**33**

9. PUBLIC HEARING(S)

- 9.1. Consideration of Resolution 2023-04, Approving an Addendum to the previously prepared Environmental Impact Report (EIR) for the Butterfield Specific Plan and approve Tentative Tract Map 37388, which is a proposal to subdivide approximately 119.90 gross acres of vacant land for the purposes of creating 530 single-family residential lots, six park lots, 26 open space and lettered lots, private common driveways, and public streets all within the Butterfield Specific Plan (the “Atwell” Project).....**36**
(*Staff Report: Adam Rush, Community Development Director*)

Recommendation: Adopt City Council Resolution 2023-04, approving the recommendation by the Planning Commission to Approve an Addendum to the previously prepared Environmental Impact Report (EIR) for the Butterfield Specific Plan, and to Approve Tentative Tract Map 37388 to subdivide approximately 119.90 gross acres of land for 530 single family homes, six park lots, 26 open space and lettered lots, private common driveways, private and public streets, subject to the conditions of approval.

10. REPORTS OF OFFICERS

- 10.1. Consideration and Introduction of Ordinance 1588, An Ordinance of the City of Banning, California, Amending Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Banning Municipal Code to Remove References to the Assistant City Attorney Manager Position, Updating a Code Section Cross-Reference in Section 13.05.020 (Authority) of Chapter 13.05 (Banning Electric Utility) of Title 13 (Public Services) of the Banning Municipal Code, and Making a Determination of Exemption under CEQA Guidelines Section 15601(b)(3)..... **47**
(Staff Report: *Serita Young, City Attorney*)

Recommendation: Staff recommends that the City Council waive full reading and introduce Ordinance 1588.

- 10.2. Deployment of DropCountr CLEAR Customer Water Usage Software and Application..... **51**
(Staff Report: *Art Vela, Director of Public Works*)

Recommendation: Receive and file.

- 10.3. Consideration of Resolution 2023-13, Approving an Exclusive Negotiating Agreement for City-Owned Property Located at 150 E. Ramsey Street in Banning..... **53**
(Staff Report: *Doug Schulze, City Manager*)

Recommendation: Staff respectfully recommends City Council adopt Resolution 2023-13: (1) Approving the Exclusive Negotiating Agreement for 150 E. Ramsey Street between the City of Banning and Shanghai Construction Group of America; and (2) Authorizing the City Manager to execute said agreement.

- 10.4. Consideration of Resolution 2023-05, Authorizing a Concurrent Application for a City-Owned 220kV Substation Interconnection with Southern California Edison (SCE) and the California Independent System Operator (CAISO)..... **55**
(Staff Report: *Thomas Miller, Electric Utility Director*)

Recommendation: Adopt Resolution 2023-01, A Resolution of the City Council of the City of Banning, California, Authorizing the Banning Electric Utility to Submit an Application for a City-Owned 220kV Interconnection with Southern California Edison (SCE) and the California Independent System Operator (CAISO), Including All Application Fees and Expenses Associated with Making a Complete Application Such as Engineering Studies and Designs, Preliminary Equipment Specifications, Surveys, and/or Environmental, Biological, and Geotechnical Reports in Support of the Application.

- 10.5. Consideration of Resolutions 2023-06 through 2023-09, Implementing the Reevaluation and Revision to Positions without Recommendations from the

Comprehensive Classification and Compensation Plan performed by Public
Sector Personnel Services **58**
(Staff Report: Lincoln Bogard, Finance Director)

Recommendation: (1) Adopt Resolution 2023-06, A Resolution of the city Council of the City of Banning, California, Amending the Compensation and Classification Plan for the City of Banning; (2) Adopt Resolution 2023-07, A Resolution of the City Council of the City of Banning, California, Amending the Classification and Compensation Plan for the City of Banning for Executives; (3) Adopt Resolution 2023-08, A Resolution of the City Council of the City of Banning, California, Amending the Classification and Compensation Plan for the City of Banning for the Banning Electric Utility; (4) Adopt Resolution 2023-09, A Resolution of the City Council of the City of Banning, California, Amending the Compensation and Benefit Plan for Unrepresented Confidential Employees and Unrepresented Management Employees Who are not Covered by Employment Agreements; and (5) Direct and authorize the City Manager, or his designee, to make necessary budget adjustments, appropriations, and transfers.

- 10.6. Consideration of Resolution 2023-10, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers (IBEW) Local 47, Representing the General Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding..... **66**
(Staff Report: Lincoln Bogard, Finance Director)

Recommendation: Adopt Resolution 2023-10, A Resolution of the City Council of the City of Banning, California, Approving the Tentative Agreement for a Successor Memorandum of Understanding with the International Brotherhood of Electrical Workers (IBEW) Local 47 Representing the General Unit Employees, Effective July 1, 2022 through June 30, 2024, and Authorizing the City Manager to Finalize and Execute a Successor Agreement.

11. DISCUSSION ITEM(S)

- 11.1. City Council Policy Committees..... **64**
(Staff Report: Doug Schulze, City Manager)

Recommendation: Provide direction to the City Manager regarding Governing Policies and Procedures for City Council Policy Committees.

12. ITEMS FOR FUTURE AGENDAS

12.1. New Items

12.2. Pending Items:

1. Cannabis Microbusiness (Wallace)
2. Grow Banning (Sanchez)
3. Rent Control (Sanchez)

4. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
5. Committee for Seniors (Gonzales)
6. Food Desert Zoning Overlay (Minjares)

13. ADJOURNMENT

Next Regular Meeting – January 24, 2023 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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

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

The chat function will be disabled for all City Council meetings on Zoom.

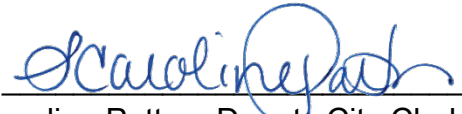
Estándares comunitarios de Zoom para Reuniones Públicas

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.
- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 6th day of January 2023.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/archive).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

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

CONTACT • CONTACTO


Office of the City Clerk • 951-922-3102 • CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk 

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-01, Reciting the Facts of the Special Recall Election Held in the City of Banning on December 13, 2022

RECOMMENDATION:

Staff respectfully recommends that the City Council adopt Resolution 2023-01, reciting the facts of the Special Recall Election held in the City of Banning on December 13, 2022.

BACKGROUND:

At the Regular City Council Meeting held on August 23, 2022, the City Council adopted Resolution 2022-115, calling and giving notice of a Special Recall Election to be held Tuesday, December 13, 2022. The position on the ballot for this election included City Council District 3.

JUSTIFICATION:

Elections Code Section 10263 requires that the City Council adopt a “resolution reciting the fact of the election” at the next regularly scheduled meeting following the final canvass of votes.

The County of Riverside Registrar of Voters conducted the election at the City’s request and has completed a canvass of the votes. The certification of that canvass is provided here as Exhibit A to the attached resolution.

ALTERNATIVES:

This action is required by California Elections Code in order to swear in new City Council members. There is no alternative course.

ATTACHMENTS:

1. Resolution 2023-01
<https://banningca.gov/DocumentCenter/View/11968/Att-1-Resolution-2023-001-Certifying-Election-Results>

2. Certification of Election Results

<https://banningca.gov/DocumentCenter/View/11966/Att-2-Exhibit-A---Canvass-Certificate>

3. Resolution 2022-115, Calling for Special Recall Election

<https://banningca.gov/DocumentCenter/View/11967/Att-3-Resolution-No-2022-115>

Approved by:

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Douglas Schulze
City Manager



CITY OF BANNING

Beautification Award

PRESENTED TO

RITE AID



*This City of Banning Beautification Award recognizes
Rite Aid 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 10th day of January 2023

Alberto Sanchez, Mayor



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk

MEETING DATE: January 10, 2023

SUBJECT: City Council Committee Assignments for 2023

RECOMMENDATION:

Discuss and assign Council Members to serve on various committees to represent the City of Banning in 2023.

ATTACHMENT:

1. Blank Committee Assignment Roster
https://banningca.gov/DocumentCenter/View/11924/Att-1-Council-Assignments_2023_BLANK
2. 2022 Committee Assignments
https://banningca.gov/DocumentCenter/View/11923/Att-2-Council-Assignments_2022

Approved by:


Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk 

MEETING DATE: January 10, 2023

SUBJECT: Appointment of Three Parks and Recreation Commissioners to Fill Three Impending Vacancies

RECOMMENDATION:

Staff recommend that City Council make a motion to appoint three Parks and Recreation Commission applicants to fill three impending vacancies, with terms of office running from February 2023 through January 31, 2027.

BACKGROUND:

In anticipation of three Commissioner term's expiring on January 31, 2023, the City Clerks' Office publicly noticed the impending vacancies in the Record Gazette. The notice was published in the November 4, 2022 edition (See Attachment 3). Information about the vacancies and application information was also promoted on the City's website and Facebook page.

After a 66-day application period, the City Clerk's Office has received four applications. All four applicants are registered voters in the City of Banning and are qualified to serve.

Applicant interviews are scheduled to occur at a Special Meeting of the City Council beginning at 4:30 p.m. on January 10, 2023. During the regular meeting, City Council may choose to appoint one or two applicants to one or both vacancies on the Parks and Recreation Commission.

ALTERNATIVES:

Following these interviews, City Council may move to appoint one or more applicants to fill the impending vacancies on the Parks and Recreation Commission. Alternately, Council could delay their appointment decision until their next Regular Meeting on January 24, 2023, choose to reopen the recruitment, or provide staff other direction.

ATTACHMENTS:

1. Applications Memorandum
<https://banningca.gov/DocumentCenter/View/11961/Att-1-PRC-Applications-Memo>
2. Interview Questions
<https://banningca.gov/DocumentCenter/View/11960/Att-2-Interview-Questions>
3. Public Notice of Vacancies
<https://banningca.gov/DocumentCenter/View/11962/Att-3-Parks-Notice>

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: Caroline Patton, Deputy City Clerk *CP*
MEETING DATE: January 10, 2023
SUBJECT: Minutes of the December 13, 2022 City Council Meetings

RECOMMENDATION:

Approve the minutes of the December 13, 2022 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENT:

1. Minutes of the December 13, 2022 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/11917/2022-12-13_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: January 10, 2023

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

RECOMMENDATION:

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

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	184611-184884	\$ 1,523,087.26	
Voided / Reissue Check		\$ 1,270.30	
Check Total			\$ 1,521,816.96
Wires Total	1098-1099		\$ 2,471,347.43
ACH payments:	9007410-9007408		
Payroll Direct Deposit	11/4/2022	\$ 484,689.61	
Payroll Direct Deposit	11/18/2022	\$ 574,644.98	
Other Payments		\$ 886,951.74	
ACH Total			\$ 1,946,286.33
Payroll Checks:	12817-12843		
Payroll - Regular	11/3/2022	\$ 3,888.38	
Payroll - Regular	11/17/2022	\$ 3,368.64	
Payroll Check Total			\$ 7,257.02
Total Warrants Issued for November 2022			\$ 5,946,707.74

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/11927/Att-1-Fund-List>
2. Warrant Report November 2022
<https://banningca.gov/DocumentCenter/View/11928/Att-2-Warrant-Report-November-2022>
3. Warrant Report Detail November 2022
<https://banningca.gov/DocumentCenter/View/11925/Att-3-Warrant-Report-Detail-November-2022>
4. Voided Check Log, Payroll Log & Registers – November 2022
<https://banningca.gov/DocumentCenter/View/11926/Att-4-Voided-Check-Log-Payroll-Log-Payroll-Registers>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

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

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

MEETING DATE: January 10, 2023

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

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **November 30, 2022** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description		Prior Month	Current Month
Funds Under Control of the City			
Cash			
Cash on Hand	\$	4,055.00	\$ 4,055.00
Checking and Savings Accounts	\$	6,892,605.58	\$ 6,137,320.81
Investments			
LAIF	\$	32,020,022.02	\$ 32,020,022.02
Brokerage	\$	27,743,610.48	\$ 27,763,410.09
Total Funds Under Control of the City	\$	66,660,293.08	\$ 65,924,807.92
Funds Under Control of Fiscal Agents			
US Bank			
Restricted Bond Project Accounts	\$	12,051,108.20	\$ 12,342,028.83
Restricted Bond Accounts	\$	4,820,098.61	\$ 4,820,099.40
Union Bank & SCPA			
Restricted Funds	\$	3,462,671.27	\$ 4,273,369.70
Total Funds Under Control of Fiscal Agents	\$	20,333,878.08	\$ 21,435,497.93
Total Funds	\$	86,994,171.16	\$ 87,360,305.85

RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 86,994,171.16	\$ 87,360,305.85
Restricted Funds	\$ 38,532,422.16	\$ 39,530,357.15
Assigned Funds - Specific Purpose	\$ 5,227,058.65	\$ 4,751,497.77
Committed Funds - Specific Purpose	\$ 1,500,000.00	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,469,579.75	\$ 13,469,579.75
Total Restricted, Assigned, Committed and Reserve	\$ 58,729,060.56	\$ 59,251,434.67
Operating Cash - Unrestricted Reserves	\$ 28,265,110.60	\$ 28,108,871.18
Less Accounts held in Investments	\$ 27,743,610.48	\$ 27,763,410.09
Liquid Cash	\$ 521,500.12	\$ 345,461.09

ATTACHMENTS:

1. Cash, Investment and Reserve Report November 2022
<https://banningca.gov/DocumentCenter/View/11932/Att-1-Cash-Investment-and-Reserves-November-2022>
2. Investment Report
<https://banningca.gov/DocumentCenter/View/11933/Att-2-Investment-Report-November-2022>
3. City of Banning Broker Investment Report
<https://banningca.gov/DocumentCenter/View/11929/Att-3-City-of-Banning-Broker-Report>
4. LAIF / PMIA Performance Report
<https://banningca.gov/DocumentCenter/View/11930/Att-4-LAIF-Market-Valution-November-2022>
5. LAIF Market Valuation Report
<https://banningca.gov/DocumentCenter/View/11931/Att-5-PMIA-LAIF-Prformance-Report-November-2022>

Approved by:



Douglas Schulze
 City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant City Manager
Maria Vargas, Police Assistant II

MEETING DATE: January 10, 2023

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

RECOMMENDATION:

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

BACKGROUND:

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

ATTACHMENT:

1. Police Statistics for November 2022
<https://banningca.gov/DocumentCenter/View/11934/NOVEMBER-STATS>

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: January 10, 2023

SUBJECT: Consideration of Resolution 2023-02, Awarding a Professional Services Agreement for the Design of San Gorgonio Avenue and Union Pacific Railroad At-Grade Crossing Safety Improvements to CASC Engineering and Consulting, Inc. in the amount of \$109,908.36 and Approving a 10% Contingency for a Total Not-to-Exceed Amount of \$120,899.20

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2023-02:

1. Awarding a Professional Services Agreement for the Design of San Gorgonio Avenue and Union Pacific Railroad At-Grade Crossing Safety Improvements, to CASC Engineering and Consulting, Inc. in the amount of \$109,908.36 and approving a 10% contingency for a total project budget of "not-to-exceed" \$120,899.20
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, transfers, and approving change orders within the approved contingency related to the Professional Services Agreement for the design of San Gorgonio Avenue and Union Pacific Railroad At-Grade Crossing Safety Improvements.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with CASC Engineering and Consulting, Inc. of Colton, California.

BACKGROUND:

A diagnostic team lead by the California Public Utilities Commission (CPUC) and Engineering Branch staff identified the existing at-grade crossing at San Gorgonio Avenue and Union Pacific Railroad as needing safety improvements. The team analyzed vehicular safety, bicycle travel, pedestrian pathways and rail traffic and determined that safety improvements were warranted for the safety of pedestrians crossing the railroad tracks.

On March 23, 2021 City Council approved Resolution 2021-14 approving the execution of a service contract with the California Department of Transportation (Caltrans) for the Preliminary Design (PE) of safety improvements at the at-grade crossing of San Gorgonio Avenue and the Union Pacific Railroad in the amount of \$80,000.

On September 7, 2022 staff released a Request for Proposals (RFP) for the Design of San Gorgonio Avenue and Union Pacific Railroad At-Grade Crossing Safety Improvements to four (4) consultants on the pre-qualified Engineering list approved by City Council on July 12, 2022 under Resolution 2022-99. The proposals were due on October 4, 2022. In response to the RFP, one (1) proposal was received from the following consultants:

<u>Companies</u>	<u>Bid Amount</u>
1) CASC Engineering, Inc., of Colton, CA	\$109,908.36
2) Rick Engineering, Co., of Riverside, CA	-
3) TKE Engineering, Inc., of Riverside CA	-
4) Transtech Engineers, Inc., of Chino, CA	-

Since CASC Engineering and Consulting, Inc. proposal cost of \$109,908.36 far exceeded the approved PE cost of \$80,000, on October 12, 2022, City staff requested additional funds in the amount of \$40,889.20 to fully cover the PE phase. On December 9, 2022, Caltrans approved additional funds in the amount of \$50,000 for a total of \$130,000.

The scope of work will include the design of 1,600 square-feet of ADA compliant sidewalks, 400 linear feet of curb and gutter, two (2) pedestrian curb ramps and signage and striping.

JUSTIFICATION:

The Project will improve pedestrian safety at the at-grade crossing of San Gorgonio Ave and the Union Pacific railroad. The project will also install access ramps on Bryant Street.

One proposal was submitted by an engineering firm currently identified in the City's approved vendor list. Staff evaluated the proposal based on qualifications, cost, experience with the requested scope of services and response to the request for proposals. As a result, staff recommends the award of a professional services agreement to CASC Engineering, Inc. in the amount of \$109,908.36.

CASC Engineering and Consulting, Inc. is a reputable qualified firm that has successfully provided services to the City of Banning in the past.

FISCAL IMPACT:

Staff recommends awarding an agreement to CASC Engineering and Consulting, Inc. in the amount of \$109,908.36 and approving a 10% contingency in the amount of \$10,990.84 for a total "not-to-exceed" project budget of \$120,889.20.

The City's cost for the PE phase will be fully reimbursed up to \$130,000 by Caltrans under the Railroad-Highway Grade Crossing Program (RHGCP), Section 130.

ALTERNATIVES:

Do not approve Resolution 2023-02 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-02
<https://banningca.gov/DocumentCenter/View/11945/Att-1-Resolution-2023-02-Caltrans-Amendment>
2. Resolution 2022-99
<https://banningca.gov/DocumentCenter/View/11946/Att-2-CC-Resolution-No-2022-099>
3. Resolution 2021-14
<https://banningca.gov/DocumentCenter/View/11943/Att-3-CC-Resolution-No-2021-014>
4. Caltrans Contract Amendment #1
<https://banningca.gov/DocumentCenter/View/11947/Att-4-Caltrans-Contract-Amendment-No-1>
5. CASC Proposal
<https://banningca.gov/DocumentCenter/View/11944/Att-5-CASC-Proposal>

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: January 10, 2023

SUBJECT: Consideration of Resolution 2023-03, Awarding a Professional Services Agreement for the Design of Barbour Street Water Main Replacement to TKE Engineering, Inc. in the Amount of \$103,500 and Approving a 10% Contingency for a Total Not-to-Exceed Amount of \$113,850

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-03:

1. Awarding a Professional Services Agreement for the Design of Barbour Street Water Main Replacement, to TKE Engineering, Inc. in the amount of \$103,500 and approving a 10% contingency for a total project budget of “not-to-exceed” \$113,850.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, transfers, and approving change orders within the approved contingency related to the Professional Services Agreement for the design of Barbour Street Water Main Replacement.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with TKE Engineering, Inc. of Riverside, California.

BACKGROUND:

The City of Banning owns, operates, and maintains water distribution and transmission pipelines that distribute water to residents and businesses. To provide its customers with a reliable supply of water, it is important for the city to continue replacing aging and undersized water distribution infrastructure.

The 2018 City of Banning Integrated Master Plan identified the existing 4-inch and 6-inch water main on Barbour Street from San Geronio Avenue to Juarez Street as a deficient system due to its age (installed in 1935) and conveyance capacity.

On April 12, 2022 City Council approved Resolution 2022-35 authorizing the use of American Rescue Plan Act (ARPA) funds on certain eligible projects including making the necessary investments in water infrastructure. The approved ARPA project list included the replacement of waterlines along Barbour Street.

On October 26, 2022 staff released a Request for Proposals (RFP) for the Design of Barbour Street Water Main Replacement to four (4) consultants on the on-call Professional Engineering Services list approved by City Council on July 12, 2022 under Resolution 2022-99. The proposals were due on November 25, 2022. In response to the RFP, three (3) proposals were received from the following consultants:

<u>Companies</u>	<u>Bid Amount</u>
1) TKE Engineering, Inc., of Riverside CA	\$103,500.00
2) Michael Baker Int'l, of Temecula, CA	\$147,155.00
3) Rick Engineering, Inc., of Riverside, CA	\$288,142.50
4) Transtech Engineers, Inc., of Chino, CA	-

The scope of work will include the design of 3,550 linear feet of a new 8-inch Ductile Iron Pipe (DIP) water main including reconnection of water services, new fire hydrants connections and abandonment of the existing 4-inch and 6-inch steel water main from San Gorgonio Avenue to Juarez Street.

JUSTIFICATION:

Three (3) proposals were submitted by engineering firms currently identified in the City's approved vendor list. Staff evaluated the proposals based on qualifications, cost and experience. As a result, staff recommends the award of a professional services agreement to TKE Engineering, Inc., in the amount of \$103,500.

TKE Engineering, Inc. is a reputable qualified firm that has successfully provided services to the City in the past.

FISCAL IMPACT:

Staff recommends awarding an agreement to TKE Engineering, Inc. in the amount of \$103,500 and approving a 10% contingency in the amount of \$10,350 for a total "not-to-exceed" project budget of \$113,850.

The agreement with TKE Engineering, Inc. will be funded by ARPA funding.

ALTERNATIVES:

Do not approve Resolution 2023-03 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-03
<https://banningca.gov/DocumentCenter/View/11948/Att-1-Resolution-2023-03-TKE-Engineering-for-Barbour-Water-Main>
2. Resolution 2022-99
<https://banningca.gov/DocumentCenter/View/11949/Att-2-Resolution-No-2022-099>
3. Resolution 2022-35
<https://banningca.gov/DocumentCenter/View/11950/Att-3-2022-35-ARPA-Fund-Approval>
4. TKE Engineering, Inc. Proposal
<https://banningca.gov/DocumentCenter/View/11951/Att-4-Proposal---TKE-Engineering-Inc>

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
Kevin Sin, Senior Civil Engineer

MEETING DATE: January 10, 2023

SUBJECT: Authorize the City Manager to Sign the Notice of Completion for Project No. 2022-02, "Street Rehabilitation at Various Locations" as Complete and Direct the City Clerk to Record the Notice of Completion

RECOMMENDATION:

That the City Council accept Project No. 2022-02, "Street Rehabilitation at Various Locations" 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 May 24, 2022, City Council adopted Resolution 2022-57 awarding a Construction Agreement to Match Corporation for Project No. 2022-02, "Street Rehabilitation at Various Locations". The project was approved in the amount of \$848,796.00 with a 10% contingency for a total project budget of \$933,675.60.

The principal items of work included the grinding of existing asphalt concrete (AC) pavement; installation of new AC; crack sealing of existing AC pavement; remove and replace broken sidewalks, curb and gutters; remove and replace access ramps to comply with the Americans with Disabilities Act (ADA) requirements; and remove and replace all affected pavement markings and striping. The work was performed at various locations throughout the City of Banning as shown in Attachment 2.

There is one (1) change order on this project that was initiated by City staff for additional sidewalk replacement including roots removal in the amount of \$43,215.00. The actual final amount including the change order paid to the contractor is \$843,644.32 which is \$5,151.68 under the awarded contract amount.

JUSTIFICATION:

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

FISCAL IMPACT:

The original contract was awarded in the amount of \$848,796.00 and the final contract amount for this project is \$843,644.32 which is under the allocated project budget approved under Resolution 2022-57. The project was funded by Measure A and SB 1 funds.

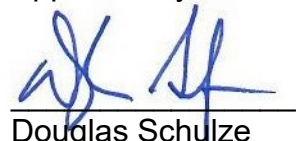
ALTERNATIVE:

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/11953/Att-1-NOC-Project-No-2022-02>
2. Project Locations
<https://banningca.gov/DocumentCenter/View/11952/Att-2-Project-Locations>

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: January 10, 2023

SUBJECT: Consideration of Resolution 2023-11, Authorizing the Submittal of a Grant Application to the California Department of Water Resources to Obtain a Proposition 1 Round 2 Integrated Regional Water Management Implementation Grant and Authorizing the City Manager to Execute a Grant Agreement and Related Sub-Grantee Agreements

RECOMMENDATION:

Staff recommends the adoption of Resolution 2023-11:

1. Authorizing the submittal of a grant application to the California Department of Water Resources to obtain a Proposition (Prop) 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant.
2. Authorizing the City Manager to execute a Grant Agreement with the California Department of Water Resources to receive grant funding from the Prop 1 Round 2 IRWM Implementation Grant Solicitation and to execute Sub-Grantee Agreements with Cabazon Water District and High Valleys Water District.
3. The City Council authorizes the City Manager or his designee to accept and receive grant funding and to make necessary budget adjustments and appropriations related to this resolution.

BACKGROUND:

Proposition 1

The 2014 Proposition 1 Water Quality, Supply, and Infrastructure Improvement Act authorized \$510 million in Integrated Regional Water Management (IRWM) funding. Proposition 1 provides funding for projects that help meet the long-term water needs of the state that include: assist water infrastructure systems adapt to climate change, provide incentives to regional water resources and water infrastructure, and reduce reliance on the Sacramento-San Joaquin Delta.

SG IRWM

In 2016, the San Gorgonio Integrated Regional Water Management Region (“Region”) received a Proposition 1 Planning Grant to develop its first Integrated Regional Water Management (IRWM) plan. The San Gorgonio IRWM Regional Water Management Group (RWMG) was formed and tasked with, but not limited to, developing an IRWM plan that would meet the requirements for participation in the Statewide IRWM program, which provides funding opportunities that would otherwise not be available to the Region.

The City of Banning along with Banning Heights Water District, High Valleys Water District, Cabazon Water District, Riverside County Flood Control and Water Conservation District and San Gorgonio Pass Water Agency make up the San Gorgonio RWMG. The RWMG group collaborated with key stakeholders and members of the community to develop the IRWM Plan which identifies the water needs, goals, objectives, strategies and projects that are unique to the Region.

Prop 1 Round 2

In May 2022, the Department of Water Resources (DWR) released Prop 1 - Round 2 IRWM Implementation Grant Proposal Solicitation Package and Guidelines. This solicitation made available approximately \$193 million to be awarded for IRWM Implementation projects, of which \$25 million would be allocated to projects that directly benefit Disadvantaged Communities (DAC).

The Colorado River Basin Funding Area (“Funding Area”) was notified that the Prop 1 Round 2 funding was available and that \$8,538,265 would be made available to the Funding Area. The three IRWM Regions that make up the Funding Area agreed on a funding split based on population, resulting in an allocation of \$1,912,755 to the Region.

The City of Banning has taken a lead role in the Region and initiated a Call for Projects inviting all identified stakeholders in the Region to participate and as a result, received five projects to be scored and nominated.

A scoring committee of members (not submitting projects) was assembled to objectively score the five projects. The IRWM scoring committee identified three of the five projects as being ready for implementation – one from the High Valleys Water District, one from the Cabazon Water District, and one from the City of Banning. The City of Banning submitted 3 projects for consideration.

1. Cabazon Water District – Waterline Replacement in Jensen Area

This project consists of replacing Cabazon Water District’s 4” deteriorating steel pipe (that has reached the end of its useful life span) with the district’s minimum 8” diameter PVC water pipe in the Jensen area. This project is a segment of Cabazon’s long-term plan to replace the dilapidated distribution system in the Jensen area that without replacement, would be prone to leaks and failures. Requested funding: \$350,000. Recommended funding: \$343,700.

2. High Valleys Water District – 2” Pipeline to 8” Pipeline

High Valleys Water District’s project would replace the current 2” line with an 8” line in the rural area of Twin Pines, Ca. Currently, it cannot adequately supply water to its 12 customers in the rural area. The line replacement will improve the water supply and provide more adequate fire flow protection bringing the area up to state fire marshal code for its existing and new incoming customers. Requested funding: \$982,000. Recommended award: \$964,324.

3. City of Banning - Lion’s Park Recycled Water Conversion

The City of Banning seeks to conserve potable water by converting the Lion’s Park irrigation system from potable to recycled water and connecting it to a new recycled water meter located on Charles Street. Requested funding \$499,256. Recommended funding: \$490,269.

In August 2022, the City Council adopted Resolutions 2022-110, approving a Professional Services Agreement with Woodard and Curran grant application preparation services for Prop 1 Round 2 IRWM Implementation Grant program in an effort to secure funding. Woodard and Curran will prepare and submit the grant application on behalf of the three agencies selected to receive funding. The grant submittal deadline is February 1, 2023.

JUSTIFICATION:

Approval of Resolution 2023-11 is required to submit the Prop 1 Round 2 IRWM Implementation grant application.

The City of Banning continues to act in a lead capacity for the Region and will execute the grant agreement with the California Department of Water Resources. The City will also execute Sub-Grantee Agreements, as approved by the City Attorney’s office, with Cabazon Water District and High Valleys Water District similar to those executed during the implementation of Prop 1 Round 1 funding.

FISCAL IMPACT:

City Council approval of Resolution 2023-11 could secure up to \$490,269 in IRWM program funding for the City of Banning water conversion project. It is likely that the City will be granted a Disadvantaged Community (DAC) waiver which would not require a local match. If a DAC waiver is not granted the city would be responsible for funding the local match. The precise dollar amount of a required local match, if any, is not known at this time because grant awards can be for a portion of the requested amount, and waivers for the local share could be granted based on the community’s financial hardship. Staff is hopeful that a waiver will be granted because the City of Banning is considered a disadvantaged community based on median household income.

As identified in Resolution 2022-110, the cost for the preparation of the Prop 1 Round 2 IRWM grant application is budgeted at \$74,136. This cost will be shared equally (\$24,712/each) amongst the three grant awardees. Additionally, 6% of the available grant

funding, or \$114,462, will be set aside to fund an amendment to the Professional Services Agreement with Woodard and Curran for grant administration services.

ALTERNATIVES:

Reject Resolution 2023-11. If rejected, the Region's grant application will be deemed incomplete and not considered for funding through the Prop 1 Round 2 IRWM Implementation Grant funding opportunity.

ATTACHMENTS:

1. Resolution 2023-11
<https://banningca.gov/DocumentCenter/View/11959/Att-1-Resolution-2023-11-IRWM-Planning-Grant>
2. Colorado Funding Area Funding Split MOU
<https://banningca.gov/DocumentCenter/View/11957/Att-2-CRFA-P1R2-MOU-executed>
3. Resolution 2022-110 Grant Application Preparation Services
<https://banningca.gov/DocumentCenter/View/11958/Att-3-CC-Resolution-No-2022-110>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director
Jim Steffens, Power Resources Manager

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-12, Authorizing Participation in Phase Two of the California Arrearages Payment Program (CAPP) to Request Funding for Unpaid Electric Utility Services Incurred During the Covid-19 Pandemic

RECOMMENDATION:

The City Council adopt Resolution 2023-12:

1. Authorizing the City of Banning Electric Utility ("Utility") to participate in phase two of the California Arrearages Payment Program ("CAPP") to request State funding for certain eligible customer accounts with past due electric bills incurred during the COVID-19 pandemic.
2. Authorize the Electric Utility Director and the Utility Billing Customer Service Manager, or their designees, to execute program participation on behalf of the City of Banning ("City") and the Utility.

BACKGROUND:

The COVID-19 pandemic resulted in economic stress for many Californians, resulting in many people being unable to pay their electric utility bills. To address this issue, on July 16, 2021, Governor Newsom signed AB 135, which created the 2021 CAPP to administer funding for electric utility customer arrearages. The City participated in 2021 CAPP, providing approximately \$665,000 in bill arrearages relief to 912 of our electric utility customers.

Subsequently, the California Department of Community Services & Development ("CSD") surveyed Energy Utilities after 2021 CAPP bill credits were applied to customer accounts. From this survey it became evident many Californians still held delinquent balances originating from the COVID-19 pandemic bill relief period as well as the period between June 16, 2021 and December 31, 2021. To address the ongoing financial impacts of the COVID-19 pandemic on Californians, the State Budget Act of 2022 appropriated \$1.2 billion in state General Fund dollars to support the adoption of phase two of the CAPP

program (“2022 CAPP”). This new round of CAPP funding is intended to address the ongoing needs of residential utility customers who continue to carry COVID-19-related utility debt.

2022 CAPP is very similar to 2021 CAPP. One of the main differences is that 2022 CAPP includes only residential customers, whereas the 2021 CAPP included both residential and commercial customers. Another difference is that for 2022 CAPP the pandemic relief period was extended to December 31, 2021. The City has calculated that the Utility has approximately 360 residential customers with \$215,000 in arrearages that qualify for relief under 2022 CAPP.

The 2022 CAPP stipulates that the City shall not disconnect 2022 CAPP benefit recipients for 90 days after the bill credit is applied. If a customer account has a remaining balance after the bill credit is applied, the City shall notify the customer of the option to enter an extended payment plan with late fees and penalties waived.

JUSTIFICATION:

The COVID-19 pandemic has resulted in negative economic consequences for many of the City’s residents, with many residents falling behind in the payment of their electric utility bills. Like the 2021 CAPP, the 2022 CAPP will provide much-needed financial assistance to certain eligible customers in the form of bill credits, reducing the amount of past due sums that they owe on their electric utility bills. As a side benefit, the Utility’s account receivables will be reduced.

FISCAL IMPACT:

There is no anticipated direct fiscal impact to participate in the CAPP, other than staff time required to complete the required applications and account adjustments to participate in the programs. All funding received from the 2022 CAPP will be applied as bill credits to customer accounts after receipt of the funds from the program.

However, to the extent that an account would have been sent to collections or written off as bad debt if not for the funding provided by the 2022 CAPP, the Utility’s collections costs and bad debt expenses will be reduced.

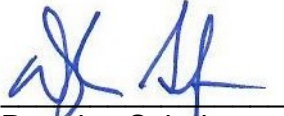
ALTERNATIVES:

1. Adopt Resolution 2023-12 as recommended, authorizing the Utility to participate in 2022 CAPP.
2. Adopt Resolution 2023-12 with modifications.
3. Do not approve Resolution 2023-12 and provide alternative direction to staff.

ATTACHMENT:

1. Resolution 2023-12
<https://banningca.gov/DocumentCenter/View/11942/Att-1-Resolution-2023-012-CAPP-Award>

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: Adam B. Rush, Community Development Director

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-04, Approving an Addendum to the previously prepared Environmental Impact Report (EIR) for the Butterfield Specific Plan and approve Tentative Tract Map 37388, which is a proposal to subdivide approximately 119.90 gross acres of vacant land for the purposes of creating 530 single-family residential lots, six park lots, 26 open space and lettered lots, private common driveways, and public streets all within the Butterfield Specific Plan (the “Atwell” Project)

RECOMMENDATION:

Adopt City Council Resolution 2023-04, approving the recommendation by the Planning Commission to Approve an Addendum to the previously prepared Environmental Impact Report (EIR) for the Butterfield Specific Plan, and to Approve Tentative Tract Map 37388 to subdivide approximately 119.90 gross acres of land for 530 single family homes, six park lots, 26 open space and lettered lots, private common driveways, private and public streets, subject to the conditions of approval.

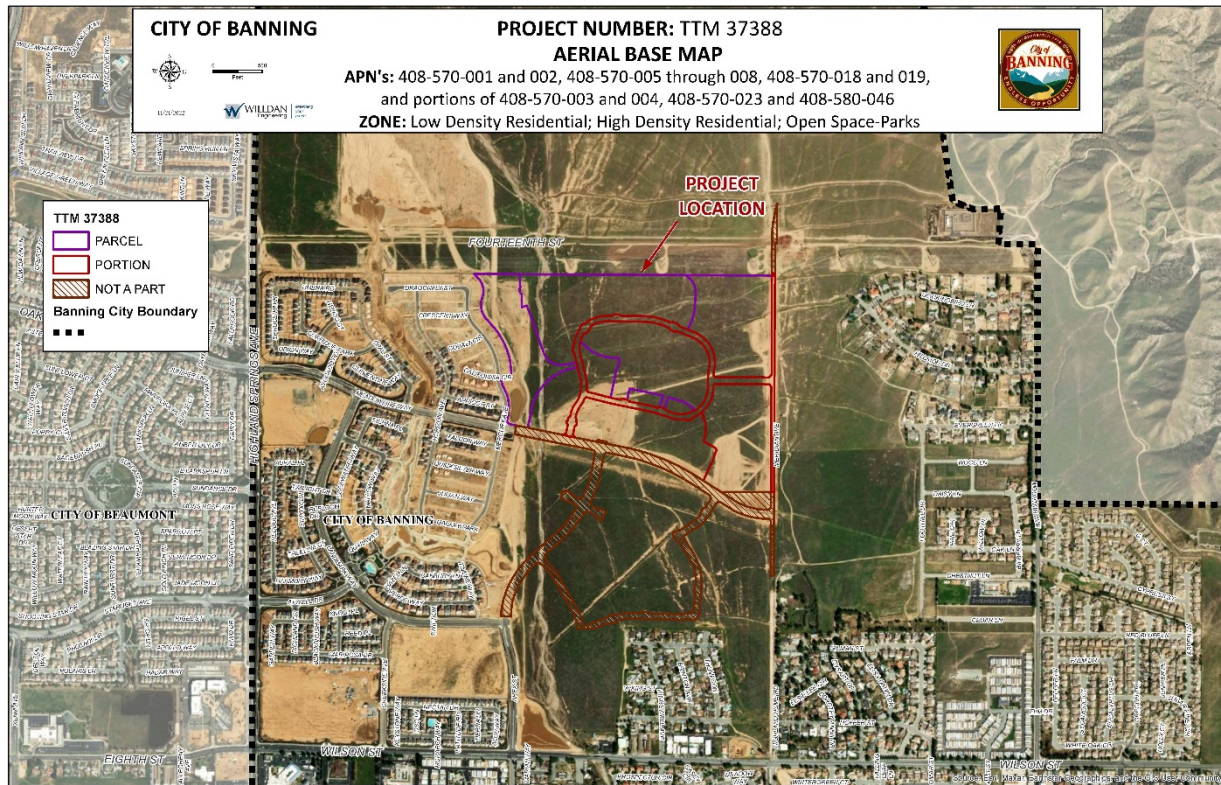
BACKGROUND:

Tentative Tract Map 37388 would subdivide approximately 119.90 gross acres of vacant land into 530 single-family lots, 6 park lots, 26 open space lots, common driveways, and public streets. The Project site is located north of Meadowline Way, east of Highland Springs Avenue, and west of Highland Home Road (currently known as Meridian Avenue along the easterly frontage of the subdivision). Figures 1, 2, and 3 below further detail the Project location. For the overall Butterfield Specific Plan area, and a colored site plan of Tentative Tract Map 37388; the proposed Tentative Tract Map is attached to this report.

Figure 1: Butterfield Specific Plan



Figure 3: Project Aerial Exhibit



The Butterfield Specific Plan, General Plan and Zoning Map Amendments, Development Agreement, and accompanying Environmental Impact Report were originally approved by the City Council in March of 2012. Subsequent litigation and a settlement agreement resulted in a request by the applicant for approval of a General Plan Amendment related to Highland Home Road as well as certain minor modifications to the Specific Plan. These applications were reviewed by the Planning Commission in January 2017 and were reviewed and approved by the City Council in February 2017. In May of 2017, the Planning Commission reviewed and recommended approval of Tentative Maps for the Butterfield project for financing and conveyance purposes. The City Council subsequently approved these maps at their June 27, 2017, meeting.

JUSTIFICATION:

The overall Butterfield Specific Plan project site is approximately 1,528 acres and is in the northwestern corner of the City of Banning (see Figure 1). Tentative Tract Map 37388 is located generally within the mid-easterly area of the Specific Plan.

The proposed Tentative Tract Map includes multiple Planning Areas within the Butterfield Specific Plan. The tentative tract map will create 530 single-family residential lots totaling 68.46-acres; 28 local streets totaling 25.60-acres; 26 Open Space lots totaling 17.45-acres; six parks totaling 5.15-acres; Highland Home Road totaling 1.78 acres; Public

Streets totaling 25.60 acres; and private common drives totaling 1.46-acres. See the Land Use Summary, Tentative Tract Map Chart, and Planning Area Summary below.

LAND USE SUMMARY			
<u>LOTS</u>	<u>LAND USE</u>	<u>ACREAGE</u>	<u>PERCENT (%)</u>
1-530	SINGLE-FAMILY RESIDENTIAL	68.46 AC	57.10%
'AA'-'FF'	PARKS	5.15 AC	4.30%
'A' - 'Z'	OPEN SPACE	17.45 AC	14.55%
	HIGHLAND HOME ROAD	1.78 AC	1.48%
	STREETS 'A' - 'BB'	25.60 AC	21.35%
	COMMON DRIVES A - Q	1.46 AC	1.22%
	<u>GROSS ACREAGE</u>	<u>119.90 AC</u>	<u>100%</u>
TENTATIVE TRACT NO. 37388			
NUMBER OF LOTS: TOTAL	591		
SINGLE FAMILY RESIDENTIAL	530		
PARKS	6		
OPEN SPACE	26		
LOCAL STREETS	28		
MODIFIED MAJOR HIGHWAY	1		
GROSS ACREAGE: 119.90 AC			
CONTROL INTERVAL: 1 FOOT			
DATE: JULY 14, 2022			

PLANNING AREA SUMMARY

PROPOSED TENTATIVE TRACT 37388											
PLANNING AREA (No.)	LAND USE (TYPE)	GROSS AREA (ACRE)	NUMBER LOTS (DU)	GROSS DENSITY (DU/AC)	RESIDENTIAL AREA (ACRE)	STREETS (ACRE)	LOT SIZE (MIN)	PAD SIZE (MIN)	LOT AREA MIN (SQ. FT.)	LOT AREA MAX (SQ. FT.)	LOT AREA AVG (SQ. FT.)
14	MDR	25.67	165	6.4	18.67	7.00	47' x 75'	47' x 75'	3,525	9,882	4,929
15A	MDR	15.03	117	7.8	10.77	★ ★ 4.21	40' x 64'	40' x 64'	2,560	9,053	4,010
15B	LDR	16.29	78	4.8	12.15	3.88	50' x 100'	50' x 100'	5,000	15,549	6,785
16A	MDR	12.89	68	5.3	9.36	3.36	45' x 100'	45' x 100'	4,500	10,719	5,996
16B	LDR	16.55	72	4.4	13.06	3.49	55' x 100'	55' x 100'	5,500	14,729	7,898
48B	MDR	7.44	30	4.1	4.43	2.74	45' x 100'	45' x 100'	4,500	10,544	6,432
21(A/B)	PARK	4.07									
32	PARK	0.57									
33	PARK	0.51									
35B ★	OS	13.88									

Adjustment of residential planning boundaries of 20% or less can be approved by the Community Development Director as substantially conforming to the Specific Plan, and revisions to the number of dwelling units within a PA can be approved as substantially conforming to the Specific Plan as long as the total number of units for the Specific Plan area does not exceed the maximum number of approved Specific Plan units nor the maximum density allowed in a Planning Area.

Grading:

Pad elevations provided for some residential lots indicate that there may be elevation differentials between residential lots of approximately two to three feet. The applicant has noted that the lot lines will be at top of slope where this condition occurs, that the elevation difference will be addressed via a 2:1 slope bank in the rear yard of the lower lot, and that the slope bank will occur outside of required rear yard setbacks to ensure usable yard area for the residence.

Future City Approvals:

Grading permits may be issued by the City's Engineering Department after approval of the Tentative Tract Map. Planning Department approval of Design Review applications for building architecture and related site improvements (e.g., landscaping, walls) will be required, if different from the currently approved architecture, prior to construction of structures and/or other improvements associated with the residential development.

Parks and Open Space Lettered Lots

Lots "AA – FF" totaling 5.15-acres provides for six parks. Open Space lots "A – Z" totaling 17.45-acres provides a landscape buffer along Meadowline Way, major entry's and entry streets. PA 35 B, which includes Open Space Lot "A" provides open space and drainage improvements for Smith Creek.

Future City Approvals

Permits for grading may be issued after approval of the Tentative Tract Map. Parks and Recreation Commission approval of Design Review applications for the design of open space improvements (e.g. structures, planting/landscaping, and any other proposed improvements) will be required prior to development of the open space areas.

Streets/Circulation System

Proposed public streets within the subdivision are consistent with sections provided in the Butterfield Specific Plan. Residential streets proposed will be 36' wide from curb to curb, consistent with the approved Specific Plan and allowing for on-street parking. Proposed entry streets to residential neighborhoods will include medians. Cluster Home development (PA 15) will provide private common driveways that are maintained by the Homeowners Association.

Utilities

Electrical service will be provided by the City of Banning; Electric Utility and has provided conditions of approval that have been incorporated into the draft project conditions. Permanent City of Banning electrical utilities will be underground except for temporary overhead electrical lines and pad-mount equipment such as transformers and switchgear. Water and wastewater services will be provided by the City of Banning.

ENVIRONMENTAL DETERMINATION:

The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000, *et seq.*) and the State CEQA Guidelines (14 C.C.R. § 15000, *et seq.*).

The EIR prepared for the Butterfield Specific Plan analyzed the potential development of residential, potential golf course, parks, open space, school sites, and commercial uses. The total acreage proposed within the Specific Plan is 1,543 acres. A maximum of 5,387 dwelling units resulting average overall gross residential density of the Project is 5.7 dwelling units per acre. The Project proposes a total of 937.4 acres (60.8 percent) of the Specific Plan area for residential development in Planning Areas which vary in density from 3 du/ac to 18 du/ac. The residential planning areas propose a mix of conventional single-family detached homes on lots anticipated to range in size from a minimum size of 2,000 square feet for medium-density residential to a minimum average of 10,000 square feet (SF) for some low-density residential areas. In addition, multifamily housing is proposed, and clustering of housing is permitted.

The EIR analyzed the potential environmental impacts from this type of development in the areas of: aesthetics: light and glare, agricultural resources, air quality, biological resources, climate change, cultural resources, geology: spoils and seismicity, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, traffic circulation, water supply, and public services and utilities. The EIR concluded that the minor modification to the Butterfield Specific Plan (approved on February 14, 2017) had the potential for significant and unavoidable Project-related and/or cumulative impacts would occur if the Butterfield Specific Plan Project is implemented as currently proposed. The result of the Project upon Aesthetics, Light and Glare; Air Quality; Climate Change/Greenhouse Gases; Noise; and Traffic and Transportation would be significant and unavoidable even after the imposition of mitigation and regulatory compliance. The City Council determined that the benefits of the Butterfield Specific Plan outweighed the Project's environmental impacts and adopted a Statement of Overriding Considerations on December 8, 2020. The EIR was certified on December 8, 2020 and was never challenged. It is now final, beyond challenge, and conclusive in all respects.

The minor modification, to the Butterfield Specific Plan, was adopted on February 14, 2017, by way of City Council Resolution No. 2017-007. General Plan Amendment No. 16-2501 reflected the removal of the proposed extension of Highland Home Road to Brookside Avenue and Cherry Valley Boulevard. That EIR was certified on February 14, 2017 and became effective immediately. It was never challenged and is now final, beyond challenge, and in effect for all purposes.

The Project proposes development consistent with that analyzed in the EIR. The Project proposes to subdivide approximately 119.90 gross acres of vacant land for the purposes of creating 530 single-family residential lots, 6 park lots, 26 open space lettered lots, private common driveways, and public streets, all within the Butterfield Specific Plan.

The mitigation measures imposed as part of the prior EIR remain valid and applicable to the Project and are incorporated into the Project Conditions of Approval No. 2. The same benefits described in the Statement of Overriding Considerations for to the Specific Plan remain applicable to the Project.

The prior EIR has been reviewed to determine if the Project is within the scope of what was analyzed in the EIR. Based on this review and analysis, an addendum has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). CEQA Guidelines Section 15164(a) provides that the lead agency “shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” CEQA Guidelines Section 15164(c) further provides that an “addendum need not be circulated for public review but can be included in or attached to the final EIR” and CEQA Guidelines Section 15164(e) provides that a “brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included” in the addendum, the agency’s findings, or elsewhere in the administrative record.

The Addendum evaluated the Project’s potential environmental effects in light of those effects previously disclosed in the prior EIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred.

All environmental impacts of Butterfield Specific Plan (including those impacts related to the subdivision, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the EIR (SCH# 2007091149) that was certified on February 14, 2017; this conclusion is supported by the detailed Addendum. Therefore, any potential environmental impacts resulting from the types of land development proposed by the Project already have been analyzed and disclosed in the certified EIR that is now final in all respects and is beyond challenge. Furthermore, a subsequent EIR is not required as discussed below.

Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 provide that no subsequent EIR shall be prepared for a project unless, on the basis of substantial evidence in the light of the whole record, “major revisions” of the EIR are needed to reflect (i) substantial changes to the project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes to the circumstances under which the project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, showing that the project will have one or more significant effects not discussed in the previous EIR, or significant effects previously examined will be substantially more severe than shown in the previous EIR, or mitigation measures or alternatives previously found not to be

feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. At this point in the process, “in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process.” (*Bowman v. City of Petaluma* (2008) 185 Cal.App.3d 1065, 1073-1074.) As a result, any issues with the earlier Subsequent EIR that were raised or could have been raised are barred from further consideration. (*Comm. for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 50.)

No information has been presented to the City demonstrating that any of the criteria set forth in Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, are present.

(1) No information has been presented to the City to demonstrate *that any substantial changes have occurred with respect to the* Project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Rather, the Project proposes the same type of land uses analyzed in the EIR and approved as part of Butterfield Specific Plan. The Project therefore serves to implement the vision for the area described in Butterfield Specific Plan and is consistent the land use envisioned in the Specific Plan and its Subsequent EIR. Furthermore, the Addendum comprehensively analyzed the Project in comparison to the EIR in each environmental impact area and concluded that there are no new or substantially greater impacts than those previously disclosed, analyzed, and mitigated (to the extent feasible) in the EIR. City Staff finds that the Addendum, including its supporting technical reports, constitutes substantial evidence in support of this conclusion.

(2) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the circumstances under which the Project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project remains consistent with the Project described in the prior EIR for Butterfield Specific Plan. There have been no changes to the Specific Plan area that would alter the ability of the Project to remain consistent with the Specific Plan and the environmental impacts analyzed in the prior EIR.

(3) No information has been presented to the City to demonstrate that there is any new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete showing that the Project will have any significant or more severe effects than those discussed in the prior EIR, or that additional mitigation measures or alternatives would substantially reduce any significant effects on the environment

disclosed in the prior EIR. No information, let alone substantial evidence, has been presented to suggest that the current Project has environmental impacts beyond those previously analyzed, disclosed, and mitigated as set forth in the SEIR. No information regarding any purported greater environmental impacts, or the need for additional mitigation or alternatives, has been presented.

The City Staff finds, in the exercise of its independent judgment and based on substantial evidence in the whole of the record, that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163 because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the EIR; (ii) all applicable mitigation measures in the EIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum. The Addendum and its supporting technical reports and memoranda constitute substantial evidence in support of the City Council's conclusion and findings. The City Council hereby adopts the Addendum.

SUBDIVISION MAP ACT FINDINGS

An application for a Tentative Tract Map requires that it meet specific findings in accordance with Title 16 (Subdivisions) of the Banning Municipal Code and Government Code Sections 66473.1, 66473.5 and 66474. A tentative map must adequately meet the provisions of Title 16 and the Subdivision Map Act: Findings for approval have been made and can be found in attached Resolution 2022-20.

PUBLIC COMMUNICATION

Tentative Tract Map 37388 was advertised in the Record Gazette newspaper on November 25, 2022 (Attachment 4). Additionally, the notice was mailed to all property owners within 300 feet of the Project. As of the date of this report, staff has not received any verbal or written comments for or against the proposal.

FISCAL IMPACT:

The fiscal impact of the Project is positive. If approved, the project will generate permit fees, additional property tax revenue, and increase the population of Banning thereby increasing the business traffic and sales tax revenue. The fees, taxes, and revenues will vary year-to-year and quarter-by-quarter; as such, determining an estimated amount is speculative, at best.

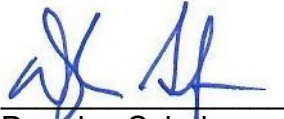
ALTERNATIVES:

1. Adopt Resolution 2023-04 as recommended.
2. Adopt Resolution 2023-04 with modifications.
3. Do not approve Resolution 2023-04 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-04
<https://banningca.gov/DocumentCenter/View/11989/Att-1-CC-Resolution-2023-04-TTM-37388>
2. Planning Commission Resolution 2020-20
<https://banningca.gov/DocumentCenter/View/11990/Att-2-Planning-Commission-Resolution-2020-20>
3. Conditions of Approval
<https://banningca.gov/DocumentCenter/View/11993/Att-3-TTM-37388-CC-COAs>
4. GIS Exhibits
<https://banningca.gov/DocumentCenter/View/11991/Att-4-GIS-Exhibits>
5. Site Plans
https://banningca.gov/DocumentCenter/View/11992/Att-5-Site-Plans_Sm
6. Public Hearing Notice
<https://banningca.gov/DocumentCenter/View/11987/Att-6-Public-Hearing-Notice>
7. Notice of Determination
<https://banningca.gov/DocumentCenter/View/11988/Att-7-Notice-of-Determination>

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: Serita R. Young, City Attorney
Douglas Schulze, City Manager

MEETING DATE: January 10, 2023

SUBJECT: Consideration and Introduction of Ordinance 1588, An Ordinance of the City of Banning, California, Amending Chapter 2.08 (City Manager) of Title 2 (Administration and Personnel) of the Banning Municipal Code to Remove References to the Assistant City Attorney Manager Position, Updating a Code Section Cross-Reference in Section 13.05.020 (Authority) of Chapter 13.05 (Banning Electric Utility) of Title 13 (Public Services) of the Banning Municipal Code, and Making a Determination of Exemption under CEQA Guidelines Section 15601(b)(3)

RECOMMENDATION:

Staff recommends that the City Council waive full reading and introduce Ordinance 1588.

BACKGROUND:

Chapter 2.08 of the Banning Municipal Code ("BMC") (Attachment 2) concerns the office of the City Manager for the City. The provisions of Chapter 2.08 have been established by the City Council since at least 1965.

Section 2.08.060 of Chapter 2.08 contains provisions related to the appointed employee position of the Assistant City Manager. Specifically, BMC Section 2.08.060 currently provides that:

- The City Manager may designate all Department Heads, except for the City Clerk, as Assistant City Managers pursuant to the powers conferred on the City Manager by Government Code Section 34856 *et seq.* (Attachment 3).
- The City Manager must appoint one of the City's Department Heads to serve as the City Manager Pro-Tem during any temporary absence or disability of the City Manager.
- The Assistant City Manager only serves as the City Manager Pro-Tem during any temporary absence or disability of the City Manager.

- In the absence or disability of the City Manager, or the City Manager's failure to appoint one of the Department Heads as City Manager Pro-Tem, the City Council may designate one of the Department Heads, or some other duly qualified person, to perform the City Manager's duties during the period of absence or disability. The City Manager Pro-Tem must be subject to the same qualifications, terms, and conditions of the City Manager, and would have the same powers and duties of the City Manager during the City Manager's absence or disability.
- If the office of the City Manager becomes vacant, and the previous City Manager failed to appoint one of the Department Heads as Assistant City Manager, the City Council may appoint one of the Department Heads to serve as Assistant City Manager for such term and upon such conditions as the City Council deems appropriate.

Staff has determined that the provisions of BMC Section 2.08.060 summarized above, although perhaps relevant in or prior to 1965, are not consistent with current City employment practices as they relate to the Assistant City Manager position.

Government Code Section 34856 (Attachment 3) authorizes a city manager of a city manager form of government to appoint and dismiss subordinate appointive officers and employees. In addition to State law, BMC Sections 2.08.060(A) and (B) further authorizes the Banning City Manager to appoint one or more of the City's Department Heads as an "Assistant City Manager" and mandates that the Banning City Manager appoint one of the City's Department Heads as the "City Manager Pro-Tem." The only identified duty of the City Manager Pro-Tem in Section 2.08.060(C) is for the City Manager Pro-Tem to serve during any temporary absence or disability of the City Manager. Additionally, Section 2.08.060 does not describe the functions and duties of an Assistant City Manager, but does state that this position can serve as the City Manager Pro-Tem only during any temporary absence or disability of the City Manager.

The City's current Department Head positions include the: Chief of Police, Electric Utility Director, Community Development Director, Public Works Director, Finance Director, Parks and Recreation Director, Economic Development Manager, Purchasing Manager, and Human Resources Manager. None of the job descriptions for these employee positions include the full functions and duties traditionally associated with an Assistant City Manager position for general law cities or a City Manager Pro-Tem position. Additionally, the City's adopted Classification and Compensation Plan does not identify a City Manager Pro-Tem position and, prior to June 28, 2022, did not identify an Assistant City Manager position.

During the June 14, 2022 and June 28, 2022 regular City Council meetings, the City Manager engaged the City Council in discussions regarding the establishment of, and benefits related to, an Assistant City Manager position in Banning. On June 28, 2022, at staff's and the City Manager's recommendation, the City Council adopted Resolution No. 2022-78, amending the Classification and Compensation Plan to, among other things, add an Assistant City Manager position by reclassifying and un-funding a prior Executive

Assistant position. The current job description for the Assistant City Manager position is attached as Attachment 4. Staff believe that the recently adopted job description is a more accurate reflection of the duties of an Assistant City Manager rather than the limited duties listed in BMC Section 2.08.060. Additionally, staff recommends that the City follow its current hiring practices for the Assistant City Manager position, rather than the appointment practices outlined in Section 2.08.060.

BMC Section 2.08.060(D) also states that in the absence or disability of the City Manager, or the City Manager's failure to appoint one of the Department Heads as City Manager Pro-Tem, the City Council may designate one of the Department Heads, or some other duly qualified person, to perform the City Manager's duties during the period of absence or disability. Staff does not believe that the ability of a city council to appoint subordinate employees is consistent with either current employment hiring best practices or the authorities granted to a city manager under State law. If the City Manager is absent for an extended period of time, it is the City Manager's obligation to assign the duties of the office to one or more employees during his temporary absence.

Finally, BMC Section 2.08.060(E) states that should the office of the City Manager become vacant and the City Manager has not appointed a Department Head to serve as an Assistant City Manager, the City Council may appoint one of the Department Heads to serve as an Assistant City Manager. Again, staff does not believe that the ability of a city council to appoint subordinate employees is consistent with current employment hiring best practices. Should either the City Manager or the City Council terminate the City Manager's employment consistent with the terms of the City Manager's employment agreement, then the City Council has the ability to hire and appoint an Interim City Manager (rather than an Assistant City Manager) to oversee City operations until such time as the Council is able to hire the next permanent City Manager. The provisions in Section 2.08.060(E) are therefore inconsistent with current hiring practices.

JUSTIFICATION:

As discussed above, the provisions of BMC Section 2.08.060 concerning the Assistant City Manager and City Manager Pro-Tem employee positions are no longer consistent with current City employment practices and State law. Proposed Ordinance 1588, if adopted by the City Council, will:

1. Amend BMC Chapter 2.08 to delete Section 2.08.060, which is no longer relevant;
2. Renumber the remaining sections in Chapter 2.08 as a result of the deletion of Section 2.08.060; and
3. Update an existing cross-reference to BMC Section "2.08.080" (found in BMC Section 13.05.020 - Attachment 5) to Section "2.08.070" due to the renumbering of sections in Chapter 2.08.

CEQA:

Staff has determined that the proposed Ordinance 1588 is exempt from the California Environmental Quality Act (Cal. Pub. Resources Code, § 21000 *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regs., § 15000 *et seq.*, the "CEQA

Guidelines”) pursuant to CEQA Guidelines Sections 15061(b)(3) because it can be seen with certainty that the proposed Municipal Code Amendment, as provided for in proposed Ordinance 1588, will not have a significant effect on the environment. The proposed Municipal Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

There is no fiscal impact associated with the City Council's adoption of the Municipal Code Amendment proposed in Ordinance 1588.

ALTERNATIVES:

1. Waive full reading and introduce, as read by title only, Ordinance 1588 as recommended.
2. Waive full reading and introduce, as read by title only, Ordinance 1588 with modifications.
3. Do not introduce Ordinance 1588 and provide alternative direction to staff.

ATTACHMENTS:

1. Ordinance 1588
<https://banningca.gov/DocumentCenter/View/11954/Att-1-Ordinance-1588>
2. BMC Chapter 2.08
<https://banningca.gov/DocumentCenter/View/11975/Att-2-BMC-208-City-Manager>
3. Government Code Sections 34856
https://banningca.gov/DocumentCenter/View/11983/Att-3-GOV_34856
4. Government Code Section 34857
https://banningca.gov/DocumentCenter/View/11984/Att-4-GOV_34857
5. Assistant City Manager Job Description
<https://banningca.gov/DocumentCenter/View/11981/Att-5-Assistant-City-Manager-Job-Description>
6. BMC Section 13.05.020
<https://banningca.gov/DocumentCenter/View/11982/Att-6-BMC-1305020>

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: January 10, 2023

SUBJECT: Deployment of DropCountr CLEAR Customer Water Usage Software and Application

RECOMMENDATION:

Receive and file.

BACKGROUND:

To help customers become actively aware of their water consumption, provide a higher level of customer service, ensure consistent and accurate meter readings, and create water use transparency, the city of Banning in 2019 launched its city-wide AMI (Advanced Metering Infrastructure) smart meter conversion project. With all meters projected to be installed and operational by December 31, 2022, the newly installed smart meters will provide detailed information on consumption patterns and anomalies that help alert both customers and utilities of potential issues as soon as they arise through the DropCountr portal.

DropCountr has developed a useful portal that helps water utility companies apply and present cloud based-data analytics to its customers clearly and concisely. The portal translates data generated by AMI smart water meters into applicable information for customers and water staff. The DropCountr portal has mobile device accessibility allowing customers to match water use directly to their water bills in real time and perform self-service tasks such as sending questions and concerns directly to utility companies.

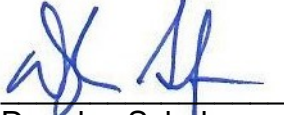
According to City of Folsom California Case Study, "The Effect of Social Consumption Analytics on Residential Water Demand", "Interest in social norms-based conservation programs like Dropcountr guide household decisions by providing the end user with information like household water usage, comparisons to peer usage, pricing information, rebates and conservation tips. Many view non-price water conservation programs like Dropcountr as an appealing tool for guiding water efficient behavior and an alternative to [additional] price increases."

Banning Water Department will utilize DropCountr to distribute education based on customized customer consumption, alerting customers of potential leaks or other issues and identify water use trends. Its functions will aid in the Department of Water Resources (DWR) data review and reporting requirements; calculating water use efficiency (per the state standards) across the residential service area and at a customer/parcel level; and provide additional GIS tools complementary with existing water monitoring software.

ATTACHMENTS:

None

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-13, Approving an Exclusive Negotiating Agreement for City-Owned Property Located at 150 E. Ramsey Street in Banning

RECOMMENDATION:

Staff respectfully recommends City Council adopt Resolution 2023-13:

1. Approving the Exclusive Negotiating Agreement for 150 E. Ramsey Street between the City of Banning and Shanghai Construction Group of America; and
2. Authorizing the City Manager to execute said agreement.

BACKGROUND:

Shanghai Construction Group (SCG) of America has expressed interest in developing the City-owned property at 150 E. Ramsey Street, former San Geronio Inn location. In the past five years there have been four serious proposals for development of this property, but all have failed to move forward because of financing and project costs. SCG of America has submitted a proposal that includes a 120-room hotel with restaurant, retail, meeting space and other amenities and a 120-unit residential apartment/condo building with amenities.

SCG of America has a proven track record of developing this type of project in Los Angeles, New York and Washington D.C. The SCG of America projects in Garden Grove, California have been visited by City staff and are very high quality developments. The proposed development would provide direct benefits to the City through sales taxes, property taxes and transient occupancy taxes. In addition, development of the site would serve as a catalyst to bring new businesses and other development into the downtown area.

City staff have also reached out to City staff in Garden Grove to discuss the SCG of America projects and working relationship between City staff and SCG. City of Garden Grove staff reported great satisfaction with all aspects of their relationship with SCG.

JUSTIFICATION:

The Exclusive Negotiating Agreement is used to provide a potential developer with assurances that during a due diligence period the City will not negotiate with another party. This protects the investment of the developer, but does not commit the City to agree to sale of the property until such time that an acceptable project is entitled and Disposition and Development Agreement (DDA) is executed.

FISCAL IMPACT:

Costs associated with deliverables identified in the ENA are estimated to be less than \$10,000, except legal fees associated with negotiation of the DDA. Legal fees related to negotiating the DDA will depend on the time required. The potential revenue generated by the proposed project far exceeds the costs associated with the ENA.

ALTERNATIVES:

1. Adopt Resolution 2023-13 as recommended.
2. Adopt Resolution 2023-13 with modifications.
3. Do not approve Resolution 2023-13 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-13
<https://banningca.gov/DocumentCenter/View/11965/Att-1-Resolution-2023-13-Exclusive-Negotiating-Agreement-for-150-E-Ramsey-Street>
2. Draft Exclusive Negotiating Agreement
<https://banningca.gov/DocumentCenter/View/11963/Att-2-DRAFT-Exclusive-Negotiated-Agreement---150-E-Ramsey-Street>
3. Development Proposal Examples
<https://banningca.gov/DocumentCenter/View/11964/Att-3-Banning-Proposed-Development---City-Presentation>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Tom Miller, Electric Utility Director

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-05, Authorizing a Concurrent Application for a City-Owned 220kV Substation Interconnection with Southern California Edison (SCE) and the California Independent System Operator (CAISO)

RECOMMENDATION:

Adopt Resolution 2023-01, A Resolution of the City Council of the City of Banning, California, Authorizing the Banning Electric Utility to Submit an Application for a City-Owned 220kV Interconnection with Southern California Edison (SCE) and the California Independent System Operator (CAISO), Including All Application Fees and Expenses Associated with Making a Complete Application Such as Engineering Studies and Designs, Preliminary Equipment Specifications, Surveys, and/or Environmental, Biological, and Geotechnical Reports in Support of the Application-

BACKGROUND:

For any electrical energy consumer, the service provider needs to offer service characteristics that match the load or amount of power to be used. The City's load continues to change and grow so our service characteristics may need to change too. Monitoring load growth and anticipating plant investments is key to reliable and resilient service.

In 2005, the City Council adopted a 10-year (Electric) System Plan that included the construction of a City owned 115kV to 69kV stepdown power substation expecting the City's load to grow to 75 MWs of peak demand by 2015. In 2008, the City Council authorized a bond issuance that included the construction of a 115kV substation. The project that ensued was a \$15 million double 34.5kV circuit line extension from SCE Banning Substation to BEU-San Gorgonio, BEU-22nd Street, BEU-Midway, and looped at the new BEU-Sunset Substations. This new loop was designed for 34.5/69 kV sub-transmission. So, the concept was BEU having 115kV service from SCE. BEU's sub-transmission was 69kV and the distribution system voltage would be 12.47kV. In 2015,

the bonds were refinanced with the funds allocated for the 115kV substation being reassigned to rebuilding Alola and Airport substations and constructing a new warehouse.

The revised concept is BEU having 220kV service from CAISO with 34.5kV sub-transmission and distribution system voltage of 12.47kV. This concept encourages community growth, energy opportunities, and supports business operations by modifying our plan to better position the City for future sustainability, reliability, and resiliency.

JUSTIFICATION:

BEU's primary power resource goals are two-fold: (1) having a City-owned presence on the CAISO bulk power system for the purpose of direct participation in the CAISO electricity markets for wholesale power and ancillary service transactions, and (2) creating opportunities for power generation development in our community in support of sustainable, renewable, reliable, and resilient electrical energy.

In September 2017, SCE and the City entered a 10-year agreement for 33kV service which includes three circuits out of the SCE Banning Substation. The agreement is end-loaded growing to an annual rent payment of \$3.8 million annually. This level of service is governed by a Federal Energy Regulatory Commission (FERC) approved Wholesale Distribution Access Tariff (WDAT). The agreement provides for transmission services from SCE El Casco to SCE Banning which is approximately 7 miles of 115 kV wheeling service. SCE El Casco is a CAISO operating asset, but SCE Banning is not. The City owning its own 220kV substation eliminates the annual rent payment but is replaced with new debt service. The latest review concluded that the City broke-even building and owning a 220kV substation.

In the recent past, two generation developers have tried to partner with the City. Unfortunately, SCE stands in the way since the City currently is connected to their transmission system and not the CAISO bulk power system. There are lost opportunity costs in the form of economic development, jobs, property taxes, and economic diversity having the SCE gatekeeper.

At some point, the City will need to own and operate its own generation source. This will be a significant endeavor for the City. To afford this type of asset, the City will need to rely on wholesale energy sales to the market from our City-owned generation source to help repay the corresponding debt. Having the 220kV substation on the bulk power system makes wholesale transactions possible and attractive. Essentially, owning the 220kV substation controls the City's destiny as a power utility.

Staff recommends approval of moving forward with an application for a 220kV interconnection to support load and economic growth, access, participation, and potential generation source for a sustainable, renewable, reliable, and resilient electric utility.

FISCAL IMPACT:

The estimated cost of application for 220kV service may be as high as \$250,000 to be funded from reserves (Fund 673). Please note: all accumulated costs for this project are subject to FERC rate recovery in the CAISO.

ALTERNATIVES:

1. Take no action, which strengthens SCE's WDAT contract position as we approach the end of the agreement.
2. Consider other interconnections at different voltages.
3. Consider joint ownership of the project.
4. Postpone potential action to a later date.

ATTACHMENTS:

1. Resolution 2023-05
<https://banningca.gov/DocumentCenter/View/11956/Att-1-Resolution-2023-005-App-Interconnect-220kV>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolutions 2023-06 through 2023-09, Implementing the Reevaluation and Revision to Positions without Recommendations from the Comprehensive Classification and Compensation Plan performed by Public Sector Personnel Services

RECOMMENDATION:

1. Adopt Resolution 2023-06, A Resolution of the city Council of the City of Banning, California, Amending the Compensation and Classification Plan for the City of Banning;
2. Adopt Resolution 2023-07, A Resolution of the City Council of the City of Banning, California, Amending the Classification and Compensation Plan for the City of Banning for Executives;
3. Adopt Resolution 2023-08, A Resolution of the City Council of the City of Banning, California, Amending the Classification and Compensation Plan for the City of Banning for the Banning Electric Utility;
4. Adopt Resolution 2023-09, A Resolution of the City Council of the City of Banning, California, Amending the Compensation and Benefit Plan for Unrepresented Confidential Employees and Unrepresented Management Employees Who are not Covered by Employment Agreements; and
5. Direct and authorize the City Manager, or his designee, to make necessary budget adjustments, appropriations, and transfers.

BACKGROUND:

On June 22, 2021, City Council approved \$175,000 for a Total Classification & Compensation Plan (C&C Plan). Four proposals were received and an evaluation committee of ten persons, including union representation, scored each proposal. The committee has selected Public Sector Personnel Services (PSPC).

Past City Resolutions have identified the necessity to maintain a current C&C 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 C&C Plans to obtain objective salary information and job comparisons.

The City of Banning Employee Handbook speaks to the necessity of utilizing current compensation data to update the salary schedules.

Section 5, Salary Plan & Administration (Pg 26):

A. SALARY SCHEDULE EXPLANATION

(2) The personnel director shall have the responsibility for recommending changes in the salary schedule to keep the same currently in a condition to meet the needs of the City and its departments. From time to time, he may, and upon order of the City Council shall, initiate salary schedule studies of the various positions and position specifications, and related matters, and make appropriate recommendations to the City Council for amendments of the salary schedule, this Resolution, orders, and regulations made pursuant thereto.

The City's last salary survey was conducted in 2016 by the same consultant firm chosen by the committee. That 2016 survey was limited in scope, is not up-to-date, and did not include all departments.

JUSTIFICATION:

On October 25, 2022, the City Council approved Resolution No. 2022-142 to implement the recommendations of the Comprehensive Classification and Compensation Plan however, there were some positions not included within the recommendations. Council requested that staff conduct a subsequent analysis and evaluation to determine if the positions were deemed at "market rate" or required an adjustment. Approved subsequent resolutions 2022-143 (approved at the November 8, 2022 Council meeting) and 2022-164 (approved at the December 13, 2022 Council meeting) addressed some of the positions that didn't receive recommendation. Below outlines the continued findings of the evaluation by Department/Division throughout the City.

Administrative Services:

Proposed Increase-Administrative Services						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Finance Director/001/D02	\$183,912					
Proposed Administrative Services Director/001/D06		\$187,923	\$4,011			

- Reclass the Finance Director to Administrative Services Director:
Finance Director (Job Code 1110) Range D02 to Administrative Services Director (Job Code 1105) Range D06

A reorganization to reinstate the Administrative Services division will also move Information Technology and Human Resources to report directly to the Administrative Services Director.

Electric:

Proposed Increase-Electric						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Electric Engineering Manager/670/T90	\$142,209					
Proposed Electric Engineering Manager/670/T97		\$145,836	\$3,627			
Electric Operations Manager/670/T90	\$142,209					
Proposed Electric Operations Manager/670/T97		\$145,836	\$3,627			
Power Resource & Revenue Administrator/670/T90	\$142,209					
Proposed Resource & Revenue Administrator/670/T97		\$145,836	\$3,627			

Increasing the Electric positions would require extending the Teamsters salary range to T100 (displayed in attachment "A" for a visual)

Parks and Recreation:

Proposed Increase-Parks and Recreation						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Building Maintenance Specialist/001/G53	\$45,722					
Proposed Maintenance Worker/001/G49		\$45,813	\$91			
<small>*Position approved at 12.13.22 meeting; Maintenance Worker aligned with duties.</small>						

- Reclass the Building Maintenance Specialist to Maintenance Worker:
Building Maintenance Specialist (Job Code 4430) Range G53 to Maintenance Worker (Job Code 4250) Range G49

City Manager:

Proposed Increase-City Manager						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Multi-Media Specialist/001/G60	\$66,480					
Proposed Multi-Media Specialist/001/G70		\$69,571	\$3,091			

- Update the Multimedia Specialist:
Multimedia Specialist (Job Code 1415) Range G60 to Range G70

A reorganization will move the Multimedia Specialist under the City Manager Division.

Public Works:

Proposed Increase-Public Works						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Solid Waste Coordinator/690/G58	\$53,049					
Proposed Solid Waste Coordinator/690/G61		\$55,707	\$2,658			

- Update the Solid Waste Coordinator:
Solid Waste Coordinator (Job Code 4261) Range G58 to Range G61

Police Services:

Proposed Increase-Police Services						
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Public Safety Dispatcher I/001/G59	\$63,246					
Proposed addition Public Safety Dispatcher II/001/G62		\$64,767	\$1,521			
Public Safety Dispatcher Supervisor/001/G63	\$69,812					
Proposed Public Safety Dispatcher Supervisor/001/G66		\$71,486	\$1,674			
Animal Services Officer/001/G48	\$54,671					
Proposed Animal Services Officer/001/G56		\$55,845	\$1,174			

- Add the Public Safety Dispatcher II:
Public Safety Dispatcher II (Job Code 2110) Range G62
****Criteria to qualify for the level II in the series outlined in the Job Description***
- Update the Public Safety Dispatch Supervisor:
Public Safety Dispatch Supervisor (Job Code 2143) Range G63 to G66
****Move the range to accommodate the newly proposed level II to the series***
- Update the Animal Services Officer:
Animal Services Officer (Job Code 2160) Range G48 to Range G56

FISCAL IMPACT:

The fiscal impact considers the base wage differences (salary/grade increases) similar to the 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).

***By Funding Source**

001 General Fund	11,562.00
690 Refuse	2,658.00
670 Electric	10,881.00

Proposed Base Wage Increase					
Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference		
Multi-Media Specialist/001/G60	\$66,480				
Proposed Multi-Media Specialist/001/G70		\$69,571	\$3,091		
Solid Waste Coordinator/690/G58	\$53,049				
Proposed Solid Waste Coordinator/690/G61		\$55,707	\$2,658		
Building Maintenance Specialist/001/G53	\$45,722				
Proposed Maintenance Worker/001/G49		\$45,813	\$91		
Public Safety Dispatcher I/001/G59	\$63,246				
Proposed addition Public Safety Dispatcher II/001/G62		\$64,767	\$1,521		
Public Safety Dispatcher Supervisor/001/G63	\$69,812				
Proposed Public Safety Dispatcher Supervisor/001/G66		\$71,486	\$1,674		
Animal Services Officer/001/G48	\$54,671				
Proposed Animal Services Officer/001/G56		\$55,845	\$1,174		
Finance Director/001/D02	\$183,912				
Proposed Administrative Services Director/001/D06		\$187,923	\$4,011		
Electric Engineering Manager/670/T90	\$142,209				
Proposed Electric Engineering Manager/670/T97		\$145,836	\$3,627		
Electric Operations Manager/670/T90	\$142,209				
Proposed Electric Operations Manager/670/T97		\$145,836	\$3,627		
Power Resource & Revenue Administrator/670/T90	\$142,209				
Proposed Resource & Revenue Administrator/670/T97		\$145,836	\$3,627		
Total Base Wage Difference			\$25,101		

ALTERNATIVES:

1. Adopt Resolution No. 2023-06, 2023-07, 2023-08 and 2022-09 Amending the City's to the Compensation and Classification Plans.
2. Adopt Resolution No. 2023-06, 2023-07, 2023-08 and 2022-09 with modifications.
3. Do not approve and adopt resolutions and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-06 Amending Classification and Compensation Plan
<https://banningca.gov/DocumentCenter/View/11938/Att-1-Resolution-2023-06-Amendment-to-Classification-and-Compensation-Plan>
2. Resolution 2023-07 Amending Classification and Compensation Plan for Executives
<https://banningca.gov/DocumentCenter/View/11939/Att-2-Resolution-2023-07-Amendment-to-Classification-and-Compensation-Plan-for-Executives>
3. Resolution 2023-08 Amending Classification and Compensation Plan for Electric
<https://banningca.gov/DocumentCenter/View/11940/Att-3-Resolution-2023-08-Amendment-to-the-Classification-and-Compensation-for-Electric>

4. Resolution 2023-09 Amendment to the Compensation and Benefit Plan for Unrepresented Confidential Employees
<https://banningca.gov/DocumentCenter/View/11941/Att-4-Resolution-2023-09-ClassComp-Unrepresented-Confidential-Employees>

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: Lincoln Bogard, Finance Director
A'ja Wallace, Deputy Finance Director

MEETING DATE: January 10, 2023

SUBJECT: Consideration of Resolution 2023-10, Approving the Ratified Tentative Agreement with the International Brotherhood of Electrical Workers (IBEW) Local 47, Representing the General Unit Bargaining Unit, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding

RECOMMENDATION:

Adopt Resolution No. 2023-10, A Resolution of the City Council of the City of Banning, California, Approving the Tentative Agreement for a Successor Memorandum of Understanding with the International Brotherhood of Electrical Workers (IBEW) Local 47 Representing the General Unit Employees, Effective July 1, 2022 through June 30, 2024, and Authorizing the City Manager to Finalize and Execute a Successor Agreement.

BACKGROUND:

The City recognizes IBEW-Local 47 as the exclusive recognized employee organization representing full-time, permanent employees in the General 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 December 15, 2022, the City and IBEW signed a tentative agreement on certain deal points, which was subsequently ratified by IBEW membership on December 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, retroactive to July 1, 2022. 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%

The tentative agreement also includes several other deal points:

- Increased shift differential and expanded hours for the differential for Public Safety Dispatchers, from \$1.50 for 11:00 pm – 5:00 am to \$2.00 for 5:00 pm – 5:00 am
- Longevity Pay of 1.00% of base salary upon ten consecutive years of service, increasing to 1.50% at 15 years, and 2.00% at 20 years of consecutive service
- Targeted equity adjustments from implementation of Classification & Compensation Study to increase salaries with grade changes of 10.00% - 19.99% by two steps (approximately 5%) and grade changes of 20.00% or more by four steps (approximately 10%)
- Additional clean-up items to ensure compliance with laws and regulations

FISCAL IMPACT:

Fiscal Services staff have estimated that the 3% base wage increase (COLA) will result in a fiscal impact totaling \$205,185 as follows for the next 2 years:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$105,615
2023/2024	\$ 99,570

Longevity Pay estimated fiscal impact:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$18,509
2023/2024	\$18,509

Targeted equity adjustments estimated fiscal impact:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$92,099

2023/2024 \$0 (One time)

Estimated fiscal costs for increased benefits at 15% of base wage fiscal impact total:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$47,369
2023/2024	\$47,369

Total estimated fiscal impact:

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$263,591
2023/2024	\$165,448

ALTERNATIVES:

1. Adopt Resolution 2023-10 as recommended.
2. Adopt Resolution 2023-10 with modifications.
3. Do not approve Resolution 2023-10 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-10
<https://banningca.gov/DocumentCenter/View/11972/Att-1-Resolution-2023-010>
2. Tentative Agreement between the City of Banning and IBEW General Unit
<https://banningca.gov/DocumentCenter/View/11971/Att-2-Tentative-Agreement-IBEW-General>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: January 10, 2023

SUBJECT: City Council Policy Committees

RECOMMENDATION:

Provide direction to the City Manager regarding Governing Policies and Procedures for City Council Policy Committees.

BACKGROUND:

City Councils use different structures for public policy development and workflow. Structures can range from a very structured use of policy committees to no use of committees. The City of Banning has not traditionally used policy committees very extensively. However, the City Council has established six policy committees, of which, two are ad hoc, three are standing, and one hasn't met for several years. These committees are:

- Government Access Channel Committee
- Economic Development Committee
- Healthy Living City Committee
- Downtown Ad Hoc Committee
- Electric Cost of Service Ad Hoc Committee
- Budget and Finance Committee

Two members of the City Council serve on each committee. The City Treasurer serves on the Budget and Finance Committee and served on the Electric Cost of Service Ad Hoc Committee. Four of the above named committees do not meet due to lack of agenda topics and, in the case of the Electric Cost of Service Ad Hoc Committee, the work has been completed.

Some City Councils do not use committees because members of the Council wish to be equally informed on all issues and committee meetings require a substantial amount of additional Councilmember and staff time. In these situations, workshop meetings are conducted as "committee of the whole" meetings. The purpose of this type of meeting is to study issues before they are placed on a regular meeting agenda for action. Since the Brown Act requires standing committee meetings to be conducted similar to committee of the whole or regular business meetings, the driving issue regarding organizational

structure is availability of councilmembers to meet more frequently as a committee of the whole. Consideration should also be given to the amount of staff time required to support regularly scheduled committee meetings. This structure could very likely trigger a need for additional City staff. It is not uncommon for city councils to meet on a weekly basis, conducting workshops during weeks opposite regular business meetings. If the workload of committee assignments is shared equally, members of the council are attending weekly meetings either way.

JUSTIFICATION:

There are currently no policies or procedures for policy committees of the City Council. As such, no guidance is available regarding meeting schedules, purpose/scope of each committee, workload, staff support, etc. Adopted policies and procedures will provide needed guidance for staff and committee members.

FISCAL IMPACT:

Not applicable.

ATTACHMENTS:

1. Draft Policies and Procedures

<https://banningca.gov/DocumentCenter/View/11936/Att-1-City-Council-Standing-Policy-Committees>

Approved by:



Douglas Schulze
City Manager