



AGENDA

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

March 14, 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).

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<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0yeGhOQk5Cek1kd3FJUmlsQT09>

**Meeting ID: 810 0728 0759
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Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

1. CALL TO ORDER

- 1.1. Invocation – *Pastor Nate Rodriguez of Infinite Center*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

None

4. REPORT ON CLOSED SESSION

4.1. City Attorney

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

5.1. PUBLIC COMMENTS – Non-Agenda Items Only

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

5.2. CORRESPONDENCE

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

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

5.5. CITY MANAGER REPORT

5.6. CITY ATTORNEY REPORT

5.7. CITY TREASURER REPORT

6. CONSENT ITEMS

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

Mayor to Open Consent Items for Public Comments

Motion: Approve consent items 6.1 to 6.7.

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

6.1.	Minutes of the February 28, 2023 City Council Meetings.....	7
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6.3.	Consideration of Resolution 2023-46, Awarding a Professional Services Agreement for the Design of Rectangular Rapid Flashing Beacon (RRFB) at the Intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street to STC Traffic, Inc. in the amount of \$64,780, Approving a 10% Contingency for a Total Project Budget of Not-to-Exceed Amount of \$71,258, and Rejecting all Other Proposals.....	10
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6.5.	Consideration of Resolution 2023-49, Approving the Reprogramming of Community Development Block Grant (CDBG) Funds for FY2023-2024 in the Amount of \$20,000 from ARE Animal Rescue, Inc. to Sylvan Park Improvements No. 3.....	16
6.6.	Consideration of Resolution 2023-06 UA, Approving the Purchase of a Closed-Circuit Television (CCTV) Sewer Inspection Camera in the Amount of \$52,042.40.....	18
6.7.	Senate Bill (SB) 602 Letter of Support.....	20

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1.	Request to Approve a Letter of Support for AB1035, the Mobile Home Affordability Act.....	21
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(Staff Report: Laurie Sampson, Assistant City Manager)

Recommendation: Staff recommends the Council approve the letter of support for AB1035, the Mobile Home Affordability Act.

8.2.	Opportunity Village Update.....	23
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(Staff Report: Doug Schulze, City Manager)

Recommendation: Receive and file.

8.3. Presentation of the Fiscal Year 2021-22 Annual Comprehensive Financial Report.....**25**
(Staff Report: Lincoln Bogard, Administrative Services Director)

Recommendation: Receive and file presentation of the final draft of the Fiscal Year 2021-22 Annual Comprehensive Financial Report.

8.4. Consideration of Resolution 2023-48, Approving the Master Agreement (C00823) with Oracle America, Inc. (“Oracle”) for a New Enterprise Resource Planning (“ERP”) System (Software as a Service Subscription) for the City’s Finance Program.....**27**
(Staff Report: Lincoln Bogard, Administrative Services Director)

Recommendation: Staff recommends the City Council adopt Resolution 2023-48: (1) Approving the Master Agreement with Oracle for cloud-based financial enterprise resource planning system (software as a service subscription) for a ten-year term, approving the first five years in the not to exceed amount of \$650,720 (including implementation costs); (2) Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Master Agreement; and, (3) Authorize the City Manager to execute the Master Agreement and other ancillary documents as necessary for the execution of services as defined in this Staff Report.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

1. Grow Banning (Sanchez)
2. ~~Rent Control (Sanchez)~~ See Agenda Item 8.1
3. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
4. Food Desert Zoning Overlay (Minjares)
5. Historic Site Preservation Board/Mills Act? (Minjares)
6. Roadside Services (Minjares)
7. Beautification of San Gorgonio Overpass Funding (Gonzales)
8. Update to Elected Official Reimbursement Policy Section D (Wallace)
9. Format of Meeting Minutes and Staff Reports (Flynn)

11. ADJOURNMENT

Next Regular Meeting – March 28, 2023 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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

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

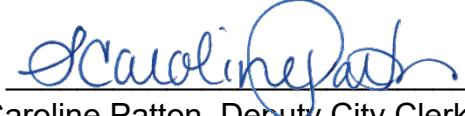
Estándares comunitarios de Zoom para Reuniones Públicas

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

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminen por cada violación de estos estándares de la comunidad.
- 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 9th day of March 2023.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

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Public Comment

Agenda Items

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

Non-Agenda Items

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

Special Assistance/Accessibility Requests

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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 *CP*

MEETING DATE: March 14, 2023

SUBJECT: Minutes of the February 28, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the February 28, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the February 28, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/12391/2023-02-28_Minutes_Special-Meeting---Closed-Session
2. Minutes of the February 28, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/12392/2023-02-28_Minutes_Special-Meeting---Workshop
3. Minutes of the February 28, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/12390/2023-02-28_Minutes-Regular-Meeting

Approved by:

A handwritten signature of Douglas Schulze in black ink.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: March 15, 2023

SUBJECT: Bank of America Signature Card

RECOMMENDATION:

Receive and file updated Bank of America Banking Resolution and Certificate of Incumbency and Amendment to Signature Card.

BACKGROUND:

The City currently maintains a banking relationship with Bank of America for multiple accounts, including CNG Station, Airport Fuel and Parking Citations. The balance of these accounts is listed monthly on the Investment Report that comes before Council. The signature card and Banking Resolution will require an update periodically as Staff or Elected Officials may change.

JUSTIFICATION:

The Finance Department will review the signature card on file with banking institutions on an annual basis to determine if Staff/Officials need to be removed as a contact. The attachments will display the individuals that are to be removed and added for transparency.

FISCAL IMPACT:

No Fiscal Impact.

ALTERNATIVES:

1. Receive and file updates to the Signature Card and Bank Resolution.

ATTACHMENTS:

1. Banking Resolution and Certificate of Incumbency-Bank of America
<https://banningca.gov/DocumentCenter/View/12413/Att-1-Banking-Resolution-and-Certificate-of-Incumbency>

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2. Amendment to Signature Card-Bank of America

<https://banningca.gov/DocumentCenter/View/12412/Att-2-Amendment-to-Signature-Card>

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: March 14, 2023

SUBJECT: Consideration of Resolution 2023-46, Awarding a Professional Services Agreement for the Design of Rectangular Rapid Flashing Beacon (RRFB) at the Intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street to STC Traffic, Inc. in the amount of \$64,780, Approving a 10% Contingency for a Total Project Budget of Not-to-Exceed Amount of \$71,258, and Rejecting all Other Proposals

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2023-46:

1. Awarding a Professional Services Agreement for the Design of Rectangular Rapid Flashing Beacon (RRFB) at the Intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street, to STC Traffic, Inc. in the amount of \$64,780 and approving a 10% contingency for a total project budget of "not-to-exceed" \$71,258.
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 Rectangular Rapid Flashing Beacon (RRFB) at the Intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with STC Traffic, Inc. of Carlsbad, California.
4. Rejecting all other proposals received on December 13, 2022 for the Design of Rectangular Rapid Flashing Beacon (RRFB) at the Intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street.

BACKGROUND:

Based on collision data obtained from the UC Berkeley Transportation Injury Mapping System (TIMS) and existing site conditions, City staff determined that there are pedestrian safety concerns at the unsignalized intersections of Ramsey Street and 2nd Street, 6th

Street, 16th Street and Martin Street. The data indicated a total of 34 pedestrian or bicycle collisions in a 3-year period. The intersection of Ramsey Street and 16th Street is part of a segment of Ramsey Street that includes four traffic lanes of divided roadway with painted median and a speed limit of 40 miles per hour. The intersections of Ramsey Street and 6th Street, 2nd Street and Martin Street are part of a segment of Ramsey Street that includes two traffic lanes and a speed limit of 25 miles per hour.

On October 12, 2021, under Resolution 2021-91, the City Council approved Master Agreement 08-5214S21 and a corresponding Program Supplement Agreement No. HSIPL-5214(014). The agreements authorize the City of Banning to start the Preliminary Engineering (PE) phase.

On November 14, 2022, staff released a Request for Proposals (RFP) for the Design of Rectangular Rapid Flashing Beacon at the Intersection of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street to six (6) consultants on the on-call engineering list approved by City Council on July 12, 2022 under Resolution 2022-99. The proposals were due on December 13, 2022. In response to the RFP, five (5) proposals were received from the following consultants:

<u>Companies</u>	<u>Bid Amount</u>
1) TKE Engineering, Inc., of Riverside, CA	\$28,000
2) STC Traffic, Inc., of Carlsbad, CA	\$64,780
3) Albert Webb Associates, Inc., of Riverside, CA	\$82,184
4) Rick Engineering, Inc. of Riverside, CA	\$114,265
5) Michael Baker International of Ontario, CA	\$138,230

The lowest proposal was deemed non-responsive by Engineering Staff because the cost was not adequate to accomplish all the tasks as outlined in the RFP.

JUSTIFICATION:

The Project will improve safety of the unsignalized intersections of Ramsey Street and 2nd Street, 6th Street, 16th Street and Martin Street by installing RRFB devices which will enhance pedestrian visibility and driver awareness. The RRFB is applicable to many types of pedestrian crossings, but it is particularly effective at multilane roadway crossings such as Ramsey Street with speed limits equal or less than 40 miles per hour. The project will also include the design of ADA compliant pedestrian curb ramps, streetlights, signage and pedestrian crosswalk striping at each intersection.

Five proposals were submitted by engineering firms currently identified in the City's approved vendor list. Staff evaluated the proposals 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 STC Traffic, Inc., in the amount of \$64,780.

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FISCAL IMPACT:

Staff recommends awarding an agreement to STC Traffic, Inc. in the amount of \$64,780 and approving a 10% contingency in the amount of \$6,478 for a total “not-to-exceed” project budget of \$71,258.

The project will be funded from Measure A Funds, Account 101-4900-431.93-16.

The project costs are eligible and will be reimbursed by the State of California Department of Transportation Cycle 10 Highway Safety Improvement Program (HSIP). The City of Banning will receive monthly reimbursements from the State of California.

ALTERNATIVES:

Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2023-46
<https://banningca.gov/DocumentCenter/View/12404/Att-1-Resolution-2023-46-Ramsey-Pedestrian>
2. Resolution 2021-91
<https://banningca.gov/DocumentCenter/View/12399/Att-2-Resolution-2021-091>
3. Resolution 2022-99
<https://banningca.gov/DocumentCenter/View/12400/Att-3-Resolution-No-2022-099>
4. Approved Master Agreement No.08-5214S21
<https://banningca.gov/DocumentCenter/View/12401/Att-4-Approved-Master-Agreement-08-5214S21>
5. Approved Supplement Agreement No. HSIPL-5214(014)
<https://banningca.gov/DocumentCenter/View/12402/Att-5-Approved-Supplement-Agreement-NoHSIPSL-5214>
6. STC Traffic, Inc. Proposal
<https://banningca.gov/DocumentCenter/View/12403/Att-6-STC-Proposal>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director

MEETING DATE: March 14, 2023

SUBJECT: Consideration of Resolution 2023-47, Approving the Master Agreement (C00796) with Hinderliter de Llamas & Associates (HDL) for Software Services Related to Data Management and Online Services for Business Licenses and Transient Occupancy Tax (TOT)

RECOMMENDATION:

Staff recommend City Council:

1. Adopt Resolution No. 2023-47, approving the Master Agreement between the City of Banning (City) and HDL for Software services for implementation of a new software platform for Audit and Online payment services related for Business Licenses and Transient Occupancy Tax for a period of five years. Approve the compensation for services for that term not to exceed Forty-Five Thousand Dollars (\$45,000.00) annually plus an one-time implementation fee of Five Thousand Dollar (\$5,000.00) implementation fee, less projected offset collections of \$45,000, for a total contract term not to exceed One Hundred Eighty-Five Thousand Dollars (\$185,000.00).
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Master Agreement.
3. Authorize the City Manager to execute the Master Agreement.

BACKGROUND:

On December 15, 1997, the City entered an agreement with HDL to provide software for processing new and renewed business licenses as well as the Transient Occupancy Tax (TOT). The City continues to use this software to date. After 25 years, this software is no longer supported by HDL and is not platform based. The degradation of the software is imminent and needs to be replaced.

JUSTIFICATION:

In order for the City to maintain the business licensing and TOT records and collections, it is necessary to engage in a Master Agreement with HDL to implement an up to date

software program platform. The replacement of the current software will include the scope of services outlined in Schedule "D" of the attached Master Agreement. These services include the upgrade and further automation of the City's data management and compliance services for both business licenses and TOT. The service will include an audit of current database to identify potential under-reporting and misclassified businesses looking back for up to three years. The upgrade will include online payment services for the business licenses and/or TOT as a further convenience to the City's business customers. As part of the provided services, HDL will process the online audit of the past three years and recoup cost for a potential offset of \$45,000 over a two year period.

FISCAL IMPACT:

The projected cost of \$25,000 of the balance of FY2023 and is covered by the current FY23 budget in fiscal services department account number 001-1900-412.33-11 Professional Services.

The projected annual fiscal cost of \$45,000 less potential offset and is covered by the FY24 budget in fiscal services department account number 001-1900-412.33-11 Professional Services.

<u>Year</u>	<u>Estimated Amount</u>
2022-2023	\$25,000
2023-2024	\$22,500 less potential offset
2024-2025	\$22,500 less potential offset
2025-2026	\$45,000
2026-2027	\$45,000
2027-2028	\$25,000

ALTERNATIVES:

1. Adopt Resolution 2023-47 as recommended.
2. Adopt Resolution 2023-47 with modifications.
3. Do not approve Resolution 2023-47 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-47
<https://banningca.gov/DocumentCenter/View/12415/Att-1-Resolution-2023-47-HdL-Business-License-and-TOT-Services>
2. Draft Master Agreement with HDL
<https://banningca.gov/DocumentCenter/View/12414/Att-2-HdL-Master-Agmt-for-TOT-and-License---FINAL>

Staff Report: Resolution 2023-47, Approving Agreement with HDL for Services Related to Business Licenses and
Transient Occupancy Tax
March 14, 2023
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Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant City Manager

MEETING DATE: March 14, 2023

SUBJECT: Consideration of Resolution 2023-49, Approving the Reprogramming of Community Development Block Grant (CDBG) Funds for FY2023-2024 in the Amount of \$20,000 from ARE Animal Rescue, Inc. to Sylvan Park Improvements No. 3

RECOMMENDATION:

Staff recommends adoption of Resolution 2023-49, approving the reprogramming of CDBG funds for FY 2023-2024 in the amount of \$20,000 from ARE Animal Rescue, Inc. to Sylvan Park Improvements No. 3.

BACKGROUND:

On November 8, 2022, Council approved Resolution 2022-146 authorizing the submission of CDBG FY 2023-2024 applications to the County of Riverside Housing, Homelessness Prevention and Workforce Solutions (HHPWS) to be submitted for approval by the Riverside County Board of Supervisors. These applications included an application provided by ARE Animal Rescue, Inc. for the expansion of kennels at the City of Banning Animal Shelter in the amount of \$20,000.

JUSTIFICATION:

On February 8, 2023, the City of Banning was informed by HHPWS that the application submitted by ARE Animal Rescue did not meet the criteria for CDBG Funds and will not be approved by the Board of Supervisors. Staff is therefore requesting Council authorize these funds be reprogrammed to Sylvan Park Improvements No. 33.

FISCAL IMPACT:

None

ALTERNATIVES:

1. Adopt Resolution 2023-49 as recommended.
2. Adopt Resolution 2023-49 with modifications.

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3. Do not approve Resolution 2023-49 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-49
<https://banningca.gov/DocumentCenter/View/12395/Att-1-Resolution-2023-49-ARE-to-Sylvan>
2. Resolution 2022-146
<https://banningca.gov/DocumentCenter/View/12393/Att-2-CC-Resolution-No-2022-146>
3. Reallocation of Funds Letter to HHPWS
<https://banningca.gov/DocumentCenter/View/12394/Att-3-Reallocation-Request-3-14-2023>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: **UTILITY AUTHORITY**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Art Vela, Director of Public Works**
Perry Gerdes, Water/Wastewater Superintendent

MEETING DATE: **March 14, 2023**

SUBJECT: **Consideration of Resolution 2023-06 UA, Approving the Purchase of a Closed-Circuit Television (CCTV) Sewer Inspection Camera in the Amount of \$52,042.40**

RECOMMENDATION:

Adopt Resolution 2023-06UA:

1. Approving the purchase of a CCTV Sewer Inspection Crawler, including camera elevator lift, RX auxiliary light with rear camera and QCD rubber wheel, with associated peripherals and software in a not-to-exceed amount of \$52,042.40.
2. Authorizing the City Manager or his designee to execute the Contract with Haaker Equipment Company of La Verne, CA.

BACKGROUND:

The City of Banning's sewer collection system consists of approximately 125 miles of collection sewer mains. The Wastewater Division of the Department of Public Works relies on a CCTV camera to visually inspect the collection system on a regular basis, as required by the City's adopted Sewer System Management Plan. In addition to regular inspections, the City's CCTV camera is also utilized for inspecting newly constructed sewer pipes to ensure there are no defects caused by improper installation which could result in expensive repairs for the City in the future and to investigate the cause of Sanitary Sewer Overflows (SSOs) when they occur.

JUSTIFICATION:

The City purchased a camera van in 2017 along with a camera that can video from 4" to 10" sewer mains. With an existing sewer collection system consisting of 12 miles of pipe, ranging from 12" to 30", city crews are not able to visually verify the integrity of these larger pipes. By purchasing the larger crawler and lift camera, sewer crews can inspect and have the ability to perform emergency inspections on short notice if an emergency was to arise.

FISCAL IMPACT:

The sell price of the RX130 crawler, camera elevator lift, RX auxiliary light with rear camera, QCD and QCD XXL rubber wheels is \$48,160.00. After shipping and state taxes the total purchase price is \$52,042.40 and will be funded using Account 680-8000-454-90.56. An appropriation in the full purchase price is required from Fund 680 to fund the purchase.

ALTERNATIVES:

1. Adopt Resolution 2023-06 UA as recommended.
2. Adopt Resolution 2023-06 UA with modifications.
3. Do not approve Resolution 2023-06 UA which would result in not having larger sewer mains videoed and inspected.

ATTACHMENTS:

1. Resolution 2023-06 UA
<https://banningca.gov/DocumentCenter/View/12409/Att-1-Resolution-2023-06UA-Purchase-of-Crawler>
2. Haaker RX130 Crawler Quote
<https://banningca.gov/DocumentCenter/View/12407/Att-2-Haaker-Crawler-Quote>
3. Sole Source Letter
<https://banningca.gov/DocumentCenter/View/12408/Att-3-Envioright-Sole-Source>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: March 14, 2023
SUBJECT: Senate Bill (SB) 602 Letter of Support

RECOMMENDATION:

Approve Senate Bill (SB) 602 Letter of Support and authorize signature by all members of the City Council.

BACKGROUND:

Letters of Agency and trespass authorization letters are effective tools used by the City to mitigate public nuisance and graffiti, including encampments on private property. However, the timeframes for the effectiveness of these tools is currently limited by state law so, they frequently become outdated. SB 602 would extend the timeframe for these tools, making it easier for property owners and law enforcement to handle nuisance and graffiti issues. The attached fact sheet provides more detailed information.

JUSTIFICATION:

SB 602 would provide support for the City Council established goal to clean up the Ramsey Street corridor and illegal homeless encampments.

FISCAL IMPACT:

Not applicable.

ATTACHMENTS:

1. SB 602 Fact Sheet
<https://banningca.gov/DocumentCenter/View/12425/Att-1-SB-602-Fact-Sheet-Graffiti-and-Public-Nuisance-Current-Version>
2. Draft Letter of Support
<https://banningca.gov/DocumentCenter/View/12426/Att-2-Letter-of-Support-SB602-DRAFT>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze".

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant Manager

MEETING DATE: March 14, 2023

SUBJECT: Request to Approve a Letter of Support for AB1035, the Mobile Home Affordability Act

RECOMMENDATION:

Staff recommends the Council approve the letter of support for AB1035, the Mobile Home Affordability Act.

BACKGROUND:

Low-income individuals or families, including seniors on a fixed income, make up a majority of the mobile home residents. If rent on the land becomes too high, mobile home residents risk losing their mobile home altogether, which is often their only remaining asset. According to the Homeless Data Integration System, California's overall senior population grew by 7% but the number of people 55 and over who sought homelessness services increased by 84% between 2017 and 2021. This is more than any other age group.

In 2021, AB978 was enacted to protect mobile homeowners in parks located within and governed by the jurisdiction of 2 or more incorporated cities. This prevented space rent from being increased more than 3% plus inflation or up to a maximum cap of 5% annually.

Several members of the community have approached the Council requesting staff investigate enacting a rent control ordinance for the city's mobile home parks. The process for creating rent control is lengthy, complex, and expensive. During the research phase the City was advised a bill had been introduced to expand the benefits of AB978 for mobile home parks not already governed by a local rent control ordinance. AB1035 will prevent mobile home space rent from increasing more than 3% plus the percentage of change in cost of living, or 5% annually, whichever is lower, and by including similar in-transfer protections. This bill will be presented for its first reading on March 18, 2023.

JUSTIFICATION:

Rent control rules and regulations have traditionally been drafted by the cities, creating the need for each city to draft ordinances, create rent control boards, and administer the program. Several requirements for operating a Rent Control District are onerous and expensive, including but not limited to registration of each mobile home lot, ownership, rent agreement terms, current rent, payment from park owners and homeowners to help subsidize the cost of the program. Cities are also required to have separate attorneys on retainers to represent the City and the rent control board. Some cities have paid out large settlements for lawsuits filed either by the park owners or homeowners based on erroneous decisions made by the board. This bill will not affect the cities that currently have rent control, nor preclude cities from drafting their own rent control ordinances.

FISCAL IMPACT:

None

ALTERNATIVES:

1. Approve the letter of support for AB 1035
2. Do not approve the letter of support for AB 1035
3. Provide alternative direction to staff.

ATTACHMENTS:

1. AB 1035
<https://banningca.gov/DocumentCenter/View/12422/Att-1-Muratsuchi-AB-1035---Rent-Control>
2. Draft Letter of Support
https://banningca.gov/DocumentCenter/View/12421/Att-2-Letter-of-Support_Draft

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: March 14, 2023
SUBJECT: Opportunity Village Update

RECOMMENDATION:

Receive and file.

BACKGROUND:

Opportunity Village opened in April 2022 as a Temporary Emergency Homeless Shelter. The shelter village is comprised of 20 units with double occupancy, 2 hygiene trailers, a portable administrative office and a portable security office. Within the first two weeks after opening, all units were fully occupied and a waiting list was established.

The goal of Opportunity Village is to provide temporary shelter for homeless individuals and assist with wrap-around services, employment, and eventually transitional or permanent housing. As of January 31, 2023, minimal progress had been made toward achieving the established goals. In February, significant changes were made, including a contract with Faith in Action and hiring of a new Shelter Coordinator.

On Sunday, February 19, 2023, a fire started in Unit 15 and spread to Units 14 and 13. All three units were completely destroyed in the fire and unit 12 was damaged to the point that it is not habitable. The cause of the fire has not been determined and likely will never be known, but the amount of combustible materials (clothing and trash) in the units contributed to the fire. All remaining units were inspected and found to contain large amounts of clothing and trash as well as numerous extension cords, small appliances, and other unauthorized items. Participants were notified of these violations and given 72 hours to remove all material from the units, except the authorized clothing and personal hygiene items. As of Tuesday, February 28, 2023, all units were completely cleaned out and all participants signed new intake agreements, which included a no tolerance policy.

During the past two weeks, the following activity has occurred:

- 3 Participants have been removed under the no tolerance policy;
- 2 Participants have been scheduled for detox;
- 2 Participants have received Section 8 approval;
- 8 Participants have been interviewed by mental health services;

- 7 Participants have had ASAM evaluations;
- 2 Participants have become employed and are starting work.

Between April 2022 and January 31, 2023, a total of 6 participants received permanent housing. Approximately 20 participants were either removed or voluntarily left Opportunity Village. Wrap around service providers have reported that several attempts were made to access Opportunity Village during the past 10 months, but were not given approval from the previous Shelter Coordinator. These providers are now actively involved with participants of Opportunity Village and, as reported above, good progress has been made in just two weeks.

Due to the lack of support and accountability provided previously, participants who are complying with Village rules and making progress toward stabilization will be provided ongoing shelter. Others will be removed from Opportunity Village and new participants provided with an opportunity to exit homelessness.

JUSTIFICATION:

The Ninth Circuit Court of Appeals has ruled in *Martin v. Boise* that cities cannot enforce anti-homeless ordinances without first offering a shelter bed to homeless individuals.

FISCAL IMPACT:

Not applicable.

ATTACHMENTS:

1. Opportunity Village Intake Form
<https://banningca.gov/DocumentCenter/View/12418/Att-1-Opportunity-Village>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director

MEETING DATE: March 14, 2023

SUBJECT: Presentation of the Fiscal Year 2021-22 Annual Comprehensive Financial Report

RECOMMENDATION:

Receive and file presentation of the final draft of the Fiscal Year 2021-22 Annual Comprehensive Financial Report.

BACKGROUND:

After the conclusion of each fiscal year, an independent auditor (currently CliftonLarsonAllen LLP) reviews the reporting of the City's financial statements in accordance with industry accounting standards. The result is an "Annual Comprehensive Financial Report (ACFR)". It includes financial statements for the City of Banning, the Banning Utility Authority, and the Banning Successor Agency of the Former RDA. It also contains the independent auditor's report, which describes the scope of the audit as well as the auditor's opinion on the financial statements. For this past Fiscal Year 2021-22 ACFR, the City received an "unmodified" opinion. An "unmodified" opinion is only issued when there are no significant reporting issues, the financial statements are free of material misstatements, and information is presented in accordance with Generally Accepted Accounting Principles (GAAP). This opinion indicates that the City's financial condition, position, and operations are fairly presented in the financial statements. This is important to financial statement users and provides comfort to the City's creditors, while enabling the City to obtain better interest rates on any new debt issuances.

City management assumes full responsibility for the completeness and reliability of all the information presented in the ACFR. The City is continuing to establish a comprehensive internal control framework designed to protect the City's assets from loss, theft, or misuse and provide sufficient reliable information that the City of Banning's financial statements are in conformity with GAAP. The cost of internal controls should not outweigh the resulting benefits and internal controls are designed to provide reasonable assurance, not absolute assurance, that the financial statements will be free from material misstatements. City management asserts that, to the best of our knowledge and belief, the financial data provided to the auditor is complete and reliable in all material respects.

JUSTIFICATION:

The City received the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association for its Fiscal Year 2020-21 ACFR and Fiscal Year 2021-22 ACFR.

During the audit, staff provided all requested information to the auditors and the final quality control review of the ACFR is underway. We expect the final audit opinion by Tuesday, March 14th, 2023. The ACFR will be posted below at Attachment 1 link below immediately upon receipt. The Final Draft of the ACFR was presented to the Budget & Finance Committee on February 21 and that agenda is posted below at Attachment 2.

Staff also identified that the City should have been reporting an Other Post-Employment Benefit liability in prior years. We hired a consultant to prepare the necessary actuarial data to identify whether that liability is material. It did turn out to be material and the results are included in the final ACFR draft currently undergoing quality control review.

Staff successfully implemented new reporting requirements for GASB 87 – Leases, but that was the only GASB requirement due for implementation by the city this year. The “Management Letter” from last year’s ACFR noted three matters for consideration that staff has fully corrected for this fiscal year’s issuance.

FISCAL IMPACT:

The cost of the audit was consistent with the approved contract amount will have no impact on the City's Budget.

Implied in all City Council Goals, Objectives, and Work Programs is the fundamental principle that the City will follow the City Council's adopted Fiscal Policy and will exercise the utmost financial discipline and accountability. In accordance with, and pursuant to, Section 37208 of the Government Code, the City Manager is responsible for preparing an audited Comprehensive Financial Report each year.

ALTERNATIVES:

Receive and file presentation of the FY 2021-22 Annual Comprehensive Financial Report.

ATTACHMENTS:

1. Fiscal Year 2021-22 Annual Comprehensive Report
<http://www.ci.banning.ca.us/Archive.aspx?AMID=65&Type=&ADID=>
2. February 21, 2023, Budget & Finance Committee Agenda
<http://www.ci.banning.ca.us/ArchiveCenter/ViewFile/Item/2776>

Approved by:


Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
Barbara Mason, Purchasing Manager

MEETING DATE: March 14, 2023

SUBJECT: Consideration of Resolution 2023-48, Approving the Master Agreement (C00823) with Oracle America, Inc. ("Oracle") for a New Enterprise Resource Planning ("ERP") System (Software as a Service Subscription) for the City's Finance Program

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2023-48:

1. Approving the Master Agreement with Oracle for cloud-based financial enterprise resource planning system (software as a service subscription) for a ten-year term, approving the first five years in the not to exceed amount of \$650,720 (including implementation costs).
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Master Agreement.
3. Authorize the City Manager to execute the Master Agreement and other ancillary documents as necessary for the execution of services as defined in this Staff Report.

BACKGROUND:

The City of Banning has been using NaviLine as its enterprise resource planning system (ERP) software since 2003. A more modern cloud-based solution is greatly needed for financial operations and reporting purposes. To ensure that the City has the best software and pricing, numerous cloud-based ERP financial systems were evaluated to include: OpenGov, Tyler Munis, Central Square, Springbrook, Caselle, etc. Of these platforms, Oracle NetSuite for Governments was deemed the best value. NetSuite is a comprehensive, yet highly scalable ERP platform, designed to cater to expanding organizations such as the City. The tools and features provided ease in processing billing, inventory, review, and financial management along with other administrative office tasks. The software allows departments to have a clear view of their key performance indicators (KPI) along with the organization wide KPI's. NetSuite platform also provides analytics and reporting through real time visibility and business intelligence. Overall, business productivity can be improved, as the system can integrate different departments to work

closely together inside a single platform. After several weeks of review and comparison, Staff have evaluated and recommend Oracle's NetSuite for Governments software as the best overall value to the City.

JUSTIFICATION:

This is a top five strategic goal of the City Council, adopted March 2017, is to use technology to assist employees and promote transparency. City Council appropriated American Rescue Plan Act (ARPA) funding for the implementation of required ERP solutions.

FISCAL IMPACT:

The agreement is for Oracle's NetSuite ERP software subscription for a ten-year term, approving the first five years with an annual cost of \$70,194, which will be paid in lieu of our existing NaviLine ERP subscription. In addition, an initial implementation cost has been estimated in the amount of \$299,750, which will be paid with ARPA funding as previously appropriated by Council. The five-year total not to exceed amount is \$650,720.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$299,750 (Implementation)
2023/2024	\$70,194 (Annual Subscription)
2024/2025	\$70,194
2025/2026	\$70,194
2026/2027	\$70,194
2027/2028	\$70,194

ALTERNATIVES:

1. Adopt Resolution 2023-48 as recommended.
2. Adopt Resolution 2023-48 with modifications.
3. Do not approve Resolution 2023-48 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-48
<https://banningca.gov/DocumentCenter/View/12417/Att-1-Resolution-2023-48-Oracle>
2. Draft Master Agreement with Oracle
<https://banningca.gov/DocumentCenter/View/12416/Att-2-Oracle-NetSuite-for-Governments-Contract>

Approved by:



Douglas Schulze
City Manager