



## **AGENDA**

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

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

**May 23, 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 – *Pastor Dave Kieffer of Our Savior's Lutheran Church in Banning*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

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

- 2.1. Approve Agenda

### 3. PRESENTATION(S)

- 3.1. Proclamation – Public Works Week..... 9
- 3.2. Proclamation – Small Business Month.....10
- 3.3. Quarterly Small Business Recognition – Consuelo’s
- 3.4. Chuckwalla Monument Presentation by Moises Cisneros of Ignite Movements

### 4. REPORT ON CLOSED SESSION

Serita Young, City Attorney

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

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

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

#### 5.2. CORRESPONDENCE

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

#### 5.3. APPOINTMENTS

- 5.3.1. Appointment of Parks and Recreation Commissioner to Fill Vacancy in Position 1 .....11

#### 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.)*

- 6.1. Approval of Minutes of the May 9, 2023 City Council Meetings..... **13**
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of April 2023..... **14**
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of April 2023..... **16**
- 6.4. Receipts, Disbursements, & Fund Balances Reporting for April 2023 and Fiscal Year-to-Date 2022-23..... **18**
- 6.5. Receive and File Police Department Statistics for the Month of April 2023..... **20**
- 6.6. Receive and File Fire Protection Services Statistics for the Month of April 2023..... **21**
- 6.7. Receive and File Contracts Approved Under the City Manager's Signature Authority..... **22**
- 6.8. Public Works Capital Improvement Project Tracking List..... **24**
- 6.9. Approval of Amendment No. 1 to Purchase Order with Williams Scotsman for Office Trailers Located at Opportunity Village for \$5,952.55 for a Total Purchase Order Amount of \$63,688.08..... **25**
- 6.10. Consideration of Resolution 2023-90, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for Coordinated Transit Services..... **27**
- 6.11. Consideration of Resolution 2023-91, Approving the Zero-Emission Bus Rollout Plan and Authorizing the Submission of Said Plan to the California Air Resources Board (CARB) as Required by the Innovative Clean Transit Regulation..... **30**
- 6.12. Consideration of Resolution 2023-92, Awarding the Custodial Services Agreement to Executive Facilities Services, Inc. for Custodial Services at City Facilities in the amount of \$184,752.42 and Rejecting all Other Bids..... **32**
- 6.13. Consideration of Resolution 2023-93, Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials to Remove Policy A-7.. **35**
- 6.14. Consideration of Resolution 2023-94, Approving a Professional Services Contract with Engineering Resources of Southern California (ERSC) of Redlands, California in the Amount of \$100,000 for Staff Augmentation Services to Fill a Vacant Senior Civil Engineer Position in the Water/Wastewater Division..... **37**
- 6.15. Consideration of Resolution 2023-95, Approving Amendment No. 2 to the Professional Services Agreement with Mariposa Landscapes, Inc. in the Amount of \$139,794 in Fiscal Year 2023/2024 for Landscape Maintenance Services..... **40**
- 6.16. Consideration of Resolution 2023-97, Approving the Short Range Transit Plan for Fiscal Year 2023/2024 – 2025/2026 and Authorizing the Submittal of the FY 2023/2024 Funding Claims..... **43**

- 6.17. Approving the Temporary Right of Entry Agreement with Southern California Gas Company with Respect to Portions of Real Property Located Along East Westward Avenue, Banning, CA (APN 532-130-011), and Approving Certain Related Actions..... **46**
- 6.18. Accept an Easement from TriPointe Homes for Public Park Access Purposes within the Atwell Development's Tract Map No. 37389-2..... **49**
- 6.19. Accept an Easement from Atwell Master Maintenance Association for Electric Utility Purposes on Accessor's Tract Map No. 37389-1, PA23 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System..... **51**
- 6.20. Consideration of Resolution 2023-99, Approving the Second Amendment for Contract Services (C00698) for Landscape Maintenance Services for Park's Maintenance with Mariposa Landscapes, Inc. in the not to exceed amount of \$135,847.97 for FY 2023/2024..... **53**
- 6.21. Consideration of the Approval of Amendment No. 1 in the Amount of \$10,000 to the Purchase Order with Olin Corporation for the Purchase of Sodium Hypochlorite Utilized by the Department of Public Works - Water Division... **57**
- 6.22. Consideration of Resolution 2023-101, Approving the Fourth Amendment to the Street Sweeping Services Agreement with Sweeping Corp of America (SCA) Extending the Term through Fiscal Year 2023/2024 and Increasing the Total Agreement Amount by \$131,712 for the Extended Term..... **59**
- 6.23. Cannabis Ad-Hoc Committee Update..... **63**
- 6.24. Receive and File Code Enforcement Statistics for the Month of April 2023... **65**

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

- 7.1. Consideration of Resolution 2023-102, Considering a Recommendation By The Planning Commission For A Notice Of Intent (NOI) To Adopt a Mitigated Negative Declaration (MND), a Mitigation Monitoring and Reporting Program (MMRP) and Approving Design Review 22-7003 for the Proposed Development of a 108,786 Square Foot Warehouse, Including 10,000 Square Feet of Office Space on Two Floors for a Total of 118,786 Square Feet and Tentative Parcel Map 38437 that Combines Two Parcels of Land Totaling 6.23-Acres Located at The Northeast Corner of 4th and Lincoln Streets (Apns: 540-210-009 And 540-210-020) in The Industrial Zoning District..... **67**  
(*Staff Report: Adam Rush, Community Development Director*)

**Recommendation:** Adopt City Council Resolution 2023-102 approving the Planning Commission recommendation for the Notice of Intent to adopt a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program (MMRP) and approving Design Review 22-7003 for the proposed development of a 108,786 square foot warehouse, including 10,000 square feet of office space, on two floors for a total of 118,786 square feet and Tentative Parcel Map 38437 that combines two parcels of land totaling 6.23-acres located at the northeast corner of 4th and Lincoln Streets (APN's 540-210-009 and 540-210-020) in the Industrial Zoning District (the "Project").

## 8. REPORTS OF OFFICERS

- 8.1. Consideration of Resolution 2023-98, Approving the Agreement with Granicus for a New Agenda Management System (Software as a Service Subscription) and a Financial Disclosures E-Filing Program for the City Clerk's Office..... **74**  
(Staff Report: Caroline Patton, Deputy City Clerk)

**Recommendation:** Staff recommends the City Council adopt Resolution 2023-98: (1) Approving the Agreement with Granicus for \$80,151.34 over a three-year term. (2) Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Agreement; and, (3) Authorizing the City Manager to execute the Agreement and other ancillary documents as necessary for the execution of services as defined in this Staff Report.

- 8.2. Receive and File Report on Implementation of the Power Cost Adjustment Factor Due to Increased Costs in Wholesale Energy, Energy Hedging, Resource Adequacy Capacity Products, and Transmission Expenses..... **77**  
(Staff Report: Jim Steffens, Power Resources Manager)

**Recommendation:** Receive and file.

- 8.3. Consideration of Resolution 2023-96, Receiving a Report in connection with the Proposed Collection on the 2023-24 Riverside County Property Tax Roll of Delinquent Solid Waste Service Charges for Single-Family and Multi-Family Accounts for Calendar Year 2022, Setting a Public Hearing on the Report, and Making a Determination of Exemption Under CEQA..... **81**  
(Staff Report: Art Vela, Director of Public Works)

**Recommendation:** Staff recommends that City Council adopt 2023-96: (1) Receive a Report (i.e. Tax Roll) in connection with the proposed collection of qualifying delinquent solid waste service charges for single-family and multi-family accounts on the 2023-24 Riverside County property tax roll ("Tax Roll"). (2) Schedule a Public Hearing for June 27, 2023, on the Report and the proposed collection of the delinquent charges on the County Tax Roll. (3) Direct the City Clerk to cause notice of the Public Hearing to be mailed and published. (4) Find that the proposed collection of delinquent charges on the County Tax Roll is exempt from CEQA.

- 8.4. Consideration of Resolution 2023-100, Authorizing and Approving the Beautify Banning Parks Program..... **85**  
(Staff Report: Ralph Wright, Parks and Recreation Director)

**Recommendation:** Staff recommends that the City Council: (1) Approve the Beautify Banning Parks Program including the Park Sponsorship Program and the Adopt A Park program. (2) Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the program.

(3) Authorize the City Manager or designee to execute applicable Park Sponsorship Program agreements.

- 8.5. Consideration of the First Reading of Ordinance 1589, An Ordinance of the City of Banning, California, Regarding Vacant Properties and Amending Chapter 8.12 of the Banning Municipal Code Regarding the Same, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).....**88**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** Introduce Ordinance 1589. An Ordinance of the City of Banning, California, Regarding Vacant Properties and Amending Chapter 8.12 of the Banning Municipal Code Regarding the Same, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

## **9. DISCUSSION ITEM(S)**

None

## **10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items

10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)
3. Committee for Seniors (Gonzales)
4. Food Desert Zoning Overlay (Minjares)
5. Roadside Services (Minjares)
6. Beautification of San Gorgonio Overpass Funding (Gonzales)
7. Update to Elected Official Reimbursement Policy Section D (Wallace)
8. Revisit Municipal Code re: Condemnations/Code Enforcement (Flynn)
9. Scope and Duties of the Budget and Finance Committee (Wallace)
10. Neighborhood Groups/Identities (Minjares)
11. Research on Spending Thresholds (Specifically City Manager Authority)

## **11. ADJOURNMENT**

**Next Regular Meeting – June 13, 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.

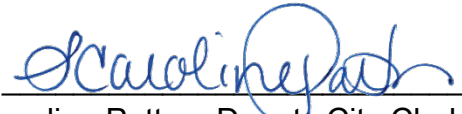
**Estándares comunitarios de Zoom para Reuniones Públicas**

*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](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 18th day of May 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](http://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](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220





**CITY OF BANNING  
OFFICE OF THE MAYOR**



# **Proclamation**

***WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of City of Banning; and,*

***WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

***WHEREAS**, it is in the public interest for the citizens, civic leaders and children in the City of Banning to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,*

***WHEREAS**, the year 2023 marks the 63<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.*

***NOW THEREFORE**, the City of Banning City Council do hereby proclaim:*

## ***Public Works Week May 21 - 27, 2023***



*in the City of Banning and urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.*

***BE IT PROCLAIMED*** this 23<sup>rd</sup> day of May 2023.

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***Alberto Sanchez, Mayor***



**CITY OF BANNING  
OFFICE OF THE MAYOR**



# **Proclamation**

***WHEREAS**, our community has begun a rapid economic rebound from the COVID-19 pandemic; and the City of Banning's vibrant local business community has re-emerged stronger than ever despite the odds; and*

***WHEREAS**, now, more than ever, supporting small businesses means we are also supporting the livelihoods and ongoing success of our neighbors; and*

***WHEREAS**, the City of Banning has designated the month of May as Banning's Small Business Month, and with our partners, will continue to promote training and networking opportunities for small businesses and entrepreneurs throughout the month; and*

***WHEREAS**, celebrate and encourage residents to support the diverse and emerging small business community that make our city a fantastic place to live; and*

***WHEREAS**, nationally more than half of Americans either own or work for a small business, and they create two out of every three new jobs in the U.S. each year. Small businesses are the backbone of our economy, and we must work to ensure that our city grows not only from the top down, but also from the bottom up and the middle out; and*

***WHEREAS**, locally in Banning, California, 95 percent of our businesses are small businesses with 50 or fewer employees, who provide jobs, services, and amenities to our community. The City of Banning offers assistance to small businesses through programs in the Economic Development Division, and also recognizes that small business assistance is a partnership with our affiliated organizations; and*

***WHEREAS**, Banning has been designated a "Small Business Month in the City" by the U.S. Small Business Administration, and we are committed to providing resources that allow entrepreneurs to identify and apply for all requirements to launch a business in our community; and*

***WHEREAS**, the City of Banning takes this opportunity to highlight the impact of outstanding entrepreneurs and small business owners, and recognizes that Support Small Business Month is a time for us to celebrate the successes of small business and to thank our small business owners and employees for their contributions to our City, our economy, and our nation.*

***NOW THEREFORE**, the City of Banning City Council do hereby proclaim:*

**May 2023**  
**Small Business Month**  
*in the City of Banning and encourage the  
citizens of our community to join us in this  
special observance.*




**BE IT PROCLAIMED** this 23<sup>rd</sup> day of May 2023.



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Appointment of Parks and Recreation Commissioner to Fill Vacancy in Position 1

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### **RECOMMENDATION:**

Staff recommend that City Council make a motion to appoint one of the candidates to the Parks and Recreation Commission to fill the current vacancy, with a term of office running through January 31, 2025.

### **BACKGROUND:**

Commissioner Diaz resigned her position on the Parks and Recreation Commission on March 14, 2023. The City Clerks' Office opened a recruitment on March 28, 2023 and publicly noticed the vacancy in the Record Gazette on March 31, 2023 (See Attachments 3 and 4). Information about the vacancy and application was also promoted on the City's website and Facebook pages.

After a 45-day application period, the City Clerk's Office has received one application from Keawepoo "Key" Fragas (See Attachment 1). The applicant is a registered voter in the City of Banning and is qualified to serve.

The applicant interview is scheduled to occur at a Special Meeting of the City Council beginning at 4:30 p.m. on May 23, 2023. During the regular meeting, City Council may choose to appoint the applicant to the Parks and Recreation Commission, delay their appointment decision, and/or reopen the recruitment.

### **ALTERNATIVES:**

Following the interview, City Council may move to appoint the applicant to fill the vacancy on the Parks and Recreation Commission. Alternately, City Council could delay their appointment decision until their next Regular Meeting on June 13, 2023, choose to reopen the recruitment, or provide staff other direction.

**ATTACHMENTS:**

1. Applications Memorandum  
<https://banningca.gov/DocumentCenter/View/12768/Att-1-PRC-Applications-Memo>
2. Interview Questions  
<https://banningca.gov/DocumentCenter/View/12765/Att-2-Interview-Questions>
3. Public Notice of Vacancies  
<https://banningca.gov/DocumentCenter/View/12766/Att-3-Parks-Notice>
4. Proof of Publication  
[https://banningca.gov/DocumentCenter/View/12767/Att-4-Parks-and-Rec-Vacancy-Notice\\_04-14-2023](https://banningca.gov/DocumentCenter/View/12767/Att-4-Parks-and-Rec-Vacancy-Notice_04-14-2023)

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", 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:** May 23, 2023

**SUBJECT:** Approval of Minutes of the May 9, 2023 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the May 9, 2023 City Council Meetings.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Minutes of the May 9, 2023 Regular City Council Meeting – Workshop  
[https://banningca.gov/DocumentCenter/View/12763/2023-05-09\\_Minutes\\_Special-Meeting---Workshop](https://banningca.gov/DocumentCenter/View/12763/2023-05-09_Minutes_Special-Meeting---Workshop)
2. Minutes of the May 9, 2023 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/12764/2023-05-09\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/12764/2023-05-09_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, Administrative Services Director  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** May 23, 2023

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of April 2023

### **RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **April 30, 2023**, per California Government Code Section 37208.

### **WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	186533-186870	\$ 2,250,892.58	
Voided / Reissue Check		\$ 1,740.50	
<b>Check Total</b>			<b>\$ 2,249,152.08</b>
<b>Wires Total</b>	1112-1114		<b>\$ 1,952,061.05</b>
<b>ACH payments:</b>	9007524-9007543		
Payroll Direct Deposit	4/7/2023	\$ 495,594.27	
Payroll Direct Deposit	4/21/2023	\$ 651,068.31	
Other Payments		\$ 698,087.82	
<b>ACH Total</b>			<b>\$ 1,844,750.40</b>
<b>Payroll Checks:</b>	12696-12994		
Payroll - Regular	4/7/2023	\$ 3,350.36	
Payroll - Regular	4/21/2023	\$ 3,265.63	
<b>Payroll Check Total</b>			<b>\$ 6,615.99</b>
<b>Total Warrants Issued for April 2023</b>			<b>\$ 6,052,579.52</b>

**ATTACHMENTS:**

1. Fund List  
<https://banningca.gov/DocumentCenter/View/12817/Att-1-Fund-List>
2. Warrant Report April 2023  
<https://banningca.gov/DocumentCenter/View/12818/Att-2-Warrant-Report-April-2023>
3. Warrant Report Detail April 2023  
<https://banningca.gov/DocumentCenter/View/12815/Att-3-Warrant-Report-Detail-April-2023>
4. Voided Check Log, Payroll Log & Registers – April 2023  
<https://banningca.gov/DocumentCenter/View/12816/Att-4-Void-Check-Log-Payroll-Log-and-Payroll-Registers>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", written over a horizontal line.

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, Administrative Services Director  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** May 23, 2023

**SUBJECT:** Receive and File Cash, Investments and Reserve Report for the Month of April 2023

### **RECOMMENDATION:**

That City Council receive and file Cash, Investment and Reserve Report through **April 30, 2023** in accordance with California Government Code 53646.

### **CASH AND INVESTMENT SUMMARY:**

Description		Current Month		Current Month	
Funds Under Control of the City					
Cash					
	Cash on Hand	\$	4,055.00	\$	4,055.00
	Checking and Savings Accounts	\$	5,192,597.41	\$	3,855,225.28
Investments					
	LAIF	\$	37,189,554.08	\$	37,455,064.94
	Brokerage	\$	18,089,842.67	\$	18,146,862.59
Total Funds Under Control of the City		\$	60,476,049.16	\$	59,461,207.81
Funds Under Control of Fiscal Agents					
US Bank					
	Restricted Bond Project Accounts	\$	11,816,008.59	\$	12,369,839.36
	Restricted Bond Accounts	\$	4,848,379.40	\$	4,848,380.31
Union Bank & SCPPA					
	Restricted Funds	\$	4,116,578.08	\$	3,971,865.88
Total Funds Under Control of Fiscal Agents		\$	20,780,966.07	\$	21,190,085.55
Total Funds		\$	81,257,015.23	\$	80,651,293.36



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

Description	Current Month	
<b>Total Funds</b>	<b>\$ 81,257,015.23</b>	<b>\$ 80,651,293.36</b>
Restricted Funds	\$ 39,070,403.78	\$ 39,630,162.73
Assigned Funds - Specific Purpose	\$ 4,221,707.01	\$ 4,087,199.91
Committed Funds - Specific Purpose	\$ 1,500,000.00	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,469,579.75	\$ 13,469,579.75
<b>Total Restricted, Assigned, Committed and Reserve</b>	<b>\$ 58,261,690.54</b>	<b>\$ 58,686,942.39</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$ 22,995,324.69</b>	<b>\$ 21,964,350.97</b>
Less Accounts held in Investments	\$ 18,089,842.67	\$ 18,146,862.59
Liquid Cash	\$ 4,905,482.02	\$ 3,817,488.38

**ATTACHMENTS:**

1. Cash, Investment and Reserve Report April 2023  
<https://banningca.gov/DocumentCenter/View/12821/Att-1-Cash-Investment-and-Reserves-April-2023>
2. Investment Report  
<https://banningca.gov/DocumentCenter/View/12822/Att-2-Investment-Report-April-2023>
3. LAIF Market Valuation Report  
<https://banningca.gov/DocumentCenter/View/12819/Att-3-LAIF-Market-Valution-April-2023>
4. LAIF Performance Report  
<https://banningca.gov/DocumentCenter/View/12820/Att-4-PMIA-LAIF-Performance-Report-April-2023>

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, Administrative Services Director  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** May 23, 2023

**SUBJECT:** Receipts, Disbursements, & Fund Balances Reporting for April 2023 and Fiscal Year-to-Date 2022-23

---

### **RECOMMENDATION:**

Receive and file Receipts, Disbursements, & Fund Balances Reporting for April 2023 and Fiscal Year-to-Date 2022-23.

### **BACKGROUND:**

Per Government Code Section 41004, Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body. This item shall be presented to City Council at the second Council meeting of each month for the prior month.

### **JUSTIFICATION:**

This reporting has not been performed previously. The Finance Department has historically submitted information on Investments and Disbursements monthly but did not have the ability to provide receipts and fund balance data in a timely fashion. Now that OpenGov Transparency is properly integrated with our financial Enterprise Resource Planning System, staff can provide these reports in a timely and monthly basis.

### **FISCAL IMPACT:**

None. This report only shows the results of operations. Also of note is that this reporting for Receipts and Disbursements only takes into consideration money actively received or disbursed externally from or to the City during the periods reported. It does not account for transactions that are internal to the City.

**ALTERNATIVES:**

1. Receive and file Receipts, Disbursements, & Fund Balances Reporting for April 2023 and Fiscal Year-to-Date 2022-23.

**ATTACHMENTS:**

1. Receipts, Disbursements, & Fund Balance Reporting  
<https://stories.opengov.com/banningca/published/RH7ofQQgL>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", with a stylized flourish at the end.

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jeff Horn, Police Captain/Acting Chief of Police  
Laurie Sampson, Assistant City Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Receive and File Police Department Statistics for the Month of April 2023

---

**RECOMMENDATION:**

Receive and file Police Department statistics for the month of April 2023.

**BACKGROUND:**

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

**ATTACHMENT:**

1. Police Statistics – April 2023  
<https://banningca.gov/DocumentCenter/View/12769/APRIL-STATS>

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  
Todd Hopkins, CALFIRE Division Chief

**MEETING DATE:** May 23, 2023

**SUBJECT:** Receive and File Fire Protection Services Statistics for the Month of April 2023

---

**RECOMMENDATION:**

Receive and file Fire Department statistics for the month of April 2023.

**BACKGROUND:**

CalFire's Riverside County Division, which provides fire protection services in the City of Banning, will provide specific reports to the public and City Council upon request.

**FISCAL IMPACT:**

None

**ATTACHMENT:**

1. Fire Statistics for April 2023  
<https://banningca.gov/DocumentCenter/View/12770/Banning-April-2023-Fire-Report>

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:** May 23, 2023

**SUBJECT:** Receive and File Contracts Approved Under the City Manager's Signature Authority

---

### **RECOMMENDATION:**

Receive and file contracts approved under the City Manager's signature authority of \$25,000 or less.

### **BACKGROUND:**

Per Purchasing Policy B-30, 3-105(5), written notification by the Purchasing Officer of all City Manager approved contracts will be provided quarterly to the City Council for review, and 16-107(3), The City Manager, or his designated representative, shall make a monthly written report to the City Council as to all Change Orders approved by the City Manager during the month, and of all possible future Change Orders that may appear probable prior to the next monthly report. At a minimum, the City Manager shall provide the Council with the name and nature of the contract, all Change Orders approved during that month, the reason for the Change Orders, the cumulative amount of the Change Orders for that contract, and any additional information the Council requests.

### **JUSTIFICATION:**

While the policy requires contracts signed under the City Manager's signature authority be submitted to City Council on a quarterly basis, it is staff's intent to submit these reports on a monthly basis to provide continuity with other monthly reports submitted to Council.

### **FISCAL IMPACT:**

None

**ATTACHMENT:**

1. Contracts Approved under City Manager's Signature Authority  
<https://banningca.gov/DocumentCenter/View/12790/2023-05-May-Council-meeting--April-Contract-Data>

Approved by:

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Public Works Capital Improvement Project Tracking List

---

**RECOMMENDATION:**

This monthly update is informational only; receive and file.

**BACKGROUND:**

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

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

1. CIP Project List  
<https://banningca.gov/DocumentCenter/View/12771/Att-1-CIP-Update-May-2023>

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:** May 23, 2023

**SUBJECT:** Approval of Amendment No. 1 to Purchase Order with Williams Scotsman for Office Trailers Located at Opportunity Village for \$5,952.55 for a Total Purchase Order Amount of \$63,688.08

---

### **RECOMMENDATION:**

Staff recommends Council approve the increase to the purchase order for Williams Scotsman in the amount of \$5,952.55 for a total purchase order amount of \$63,688.08.

### **BACKGROUND:**

On June 14, 2022, the Council approved the lease for office trailers to be used by the support staff at Opportunity Village. Williams Scotsman was chosen upon the recommendation of the purchasing staff based on cost and quality of services provided and following all adopted purchasing policies. The original purchase order amount approved is \$57,735.53.

### **JUSTIFICATION:**

The proposal submitted by Williams Scotsman did not include use tax, as defined by the California Department of Tax and Fee Administration, and therefore, was not included in the request for approval. The quote provided by Williams Scotsman also included language indicating the quote for delivery and installation of the trailers is subject to conditions of site upon arrival. Additional charges were levied upon delivery. Staff now requests Council approve the increase to the purchase order for Scotsman William for the lease through July 13, 2023, to cover use tax and delivery charges.

### **FISCAL IMPACT:**

The increase of \$5,952.55 to the purchase order will be funded by account 810-9700-490.90-59.

### **ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Williams Scotsman Quote  
<https://banningca.gov/DocumentCenter/View/12774/Att-1-Williams-Scotsman-Quote>
2. Williams Scotsman Audit  
<https://banningca.gov/DocumentCenter/View/12775/Att-2-Williams-Scotsman-Audit>
3. Williams Scotsman Invoices 36x10  
<https://banningca.gov/DocumentCenter/View/12772/Att-3-Williams-Scotsman-36x10-Invoices>
4. Williams Scotsman Invoices 24x10  
<https://banningca.gov/DocumentCenter/View/12773/Att-4-Williams-Scotsman-24x10-Invoices>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", 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  
Stephanie Sirls, Transit Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-90, Approving the Interagency Services Agreement between the City of Banning and the City of Beaumont for Coordinated Transit Services

---

### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2023-90, approving an Interagency Services Agreement between the City of Banning (“Banning”) and the City of Beaumont (“Beaumont”) for the purpose of providing coordinated transit services.

### **BACKGROUND:**

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

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

1. Cooperation in providing the public with specific bus transit information, advertising the operations of both agencies and promoting the general use of public transit.
2. Cooperation in the location, installation and maintenance of the following jointly used transfer bus stops:
  - a. Walmart Transfer Station – 1540 E. 2nd Street, Beaumont, CA 92223
  - b. San Geronio Memorial Hospital – 600 N. Highland Springs Avenue, Banning, CA 92220
3. Banning will be limited to no more than three buses per hour at the Walmart Transfer Station.
4. Beaumont will be limited to no more than three buses per hour at the San Geronio Memorial Hospital bus stop.

5. Each party agrees that neither party will board passengers at any other bus stop within the other party's jurisdiction, with the exception as those listed as transfer bus stops.
6. Each party shall retain all fares collected in the operation of their service.
7. Each agency agrees to accept a one-time transfer media (e.g. ticket) of the other agency valued at the base fare at the above-mentioned transfer stops. Passengers will not be required to "top-up" their bus fare to cover any shortfall between the agencies base fare.
8. The transfer ticket or media shall not be issued on a Dial-A-Ride or other curb-to-curb service.
9. Each party shall accept the other party's valid employee identification, on all fixed route and commuter services in lieu of payment of fare.
10. Each agency will accept the others Military Veteran Identification for purchase of each other's reduced Veterans fares.
11. Neither party may operate duplicative services in the other's jurisdiction without the written approval of the other party's elected city council.

#### **JUSTIFICATION:**

The ISA has resulted in increased ridership for the Banning transit operations as well as coordination efforts between both cities. The ISA described above, which was approved on June 25, 2019, and renewed in 2020, 2021, and 2022 will expire June 30, 2023.

For these reasons staff recommends that the City Council approve Resolution 2023-90 approving the ISA as attached and as previously approved in 2019 and renewed in 2020, 2021, and 2022. One change was made to the language in the agreement which allows for a triennial renewal of the ISA in lieu of renewing the ISA on an annual basis.

#### **FISCAL IMPACT:**

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

#### **ALTERNATIVES:**

1. Do not approve Resolution 2023-90 and provide alternative direction to staff.

#### **ATTACHMENTS:**

1. Resolution 2023-90  
<https://banningca.gov/DocumentCenter/View/12777/Att-1-Reso-2023---90-Transit-ISA>

2. Interagency Services Agreement

<https://banningca.gov/DocumentCenter/View/12776/Att-2-Banning-Interagency-Agreement-FY-24>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", with a stylized flourish at the end.

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Stephanie Sirls, Transit Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-91, Approving the Zero-Emission Bus Rollout Plan and Authorizing the Submission of Said Plan to the California Air Resources Board (CARB) as Required by the Innovative Clean Transit Regulation

---

### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2023-91, approving the Zero-Emission Bus (ZEB) Rollout Plan and authorizing the submission of the ZEB Rollout Plan to the California Air Resources Board (CARB) as required by the Innovative Clean Transit (ICT) Regulation.

### **BACKGROUND:**

Staff presented information on CARB's ICT regulation and ZEB Rollout and Implementation Plan to Council on February 28, 2023. Subsequently, staff held an ICT and ZEB Rollout and Implementation Plan workshop March 14, 2023. On March 28, 2023, City Council unanimously approved Battery Electric Buses (BEBs) as the zero-emission bus technology for inclusion into the City's ZEB Rollout Plan for submittal to CARB before July 1, 2023.

Based on Council actions, the Center for Transportation and Environment (CTE) developed a Rollout Plan (Attachment 1) which will guide the City's conversion to an all BEB fleet. Per the requirements of the ICT, the Rollout Plan includes required information from the following sections:

- Section A: Transit Agency Information
- Section B: Rollout Plan General Information
- Section C: Technology Portfolio
- Section D: Current Bus Fleet Composition and Future Bus Purchases
- Section E: Facilities and Infrastructure Modifications
- Section F: Providing Service in Disadvantaged Communities
- Section G: Workforce Training
- Section H: Potential Funding Sources

A Resolution (Attachment 2) approving the Rollout Plan is required and, if approved, will be submitted to CARB. The Rollout Plan is a living document that may be updated based on changes in vehicle technology, fleet size and operating requirements. Future changes to the Rollout Plan will be brought to Council for their consideration.

Additionally, the City's ZEB Rollout Plan is specific to transit and is separate from CARB's Advanced Clean Fleets (ACF) regulation. ACF regulation would require State and local government fleets, drayage trucks, high priority fleets, and federal fleets to phase in medium- and heavy-duty zero emission vehicles over time.

**FISCAL IMPACT:**

There is no fiscal impact from approving the Rollout Plan. A funding plan for implementation will be developed and included in future budgets for Council consideration.

**ALTERNATIVES:**

1. Do not approve Resolution 2023-91 and provide alternative direction to staff.

**ATTACHMENTS:**

1. City of Banning Zero Emissions Bus Rollout Plan  
<https://banningca.gov/DocumentCenter/View/12779/Att-1-Reso-2023-91-Zero-Emission-Bus-ZEB-Rollout-Plan>
2. Resolution 2023-91  
[https://banningca.gov/DocumentCenter/View/12778/Att-2-ICT-Rollout-Plan\\_City-of-Banning\\_5\\_11\\_23](https://banningca.gov/DocumentCenter/View/12778/Att-2-ICT-Rollout-Plan_City-of-Banning_5_11_23)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-92, Awarding the Custodial Services Agreement to Executive Facilities Services, Inc. for Custodial Services at City Facilities in the amount of \$184,752.42 and Rejecting all Other Bids

---

### **RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve an award of a Custodial Services Agreement to Executive Facilities Services, Inc. for custodial services at City Facilities in the amount of \$184,752.42 for Fiscal Year 2023/2024 with the option to review for four (4) additional single year periods and reject all other bids.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Agreement with Executive Facilities Services, Inc. related to custodial services.
3. Authorize the City Manager or designee to execute the Agreement with Executive Facilities Services, Inc. for Fiscal Year 2023/2024 with the option to renew for four (4) additional single year periods.

### **BACKGROUND:**

The current custodial services contractor has provided janitorial maintenance of municipal facilities since July of 2020. In following the City's Purchasing Policy and in order to determine if the City is receiving the most economical and best available services, the Public Works Department prepared a Request for Proposals (RFP) for custodial services.

The scope of work includes five (5) days per week facility maintenance of the Civic Center, City Yard and Banning Police Department. The Banning Water Shop and park restrooms will require three (3) days of service per week and the Community/Senior Centers shall be limited to quarterly floor and window cleanings as shown in the detailed specifications attached hereto.



On March 8, 2023, an RFP for custodial services was released through the ProcureNow purchasing system used by the City and published in the local newspaper. In response, two (2) proposals were received and ranked per the following:

<u>Companies</u>	<u>Score</u>
1) Executive Facilities Services, Inc.	89%
2) Ultimate Maintenance Services, Inc .	76.7%

A committee consisting of three (3) members was assembled to evaluate the proposals based on qualifications, pricing, experience, professional references, approach and methodology resulting in Executive Facilities Services, Inc. being ranked the highest. As a result of these evaluations, staff recommends an award to Executive Facilities Services, Inc. in the total “not-to-exceed” amount of \$184,752.42, which includes a cost of \$182,252.42 to cover monthly service costs and \$2,500 for additional services as needed. With the approval of the agreement, there will be an option to renew and extend the term of the agreement for four (4) additional single year periods.

If awarded, staff anticipates that services will commence beginning July 1, 2023 for a one-year period with the option to renew upon satisfactory review of provided services.

#### **JUSTIFICATION:**

Custodial services are needed to provide regular scheduled custodial services to effectively, efficiently and safely maintain a high level of cleanliness for City facilities. Executive Facilities Services, Inc. is the highest ranked and most qualified company to provide complete custodial services for municipal facilities.

#### **FISCAL IMPACT:**

The total agreement is for a “not-to-exceed” amount of \$184,752.42 and will be funded by the operational budget of Building and Maintenance, Account 001-3200-412.33-18 (Custodian Services)

#### **ALTERNATIVES:**

1. Adopt Resolution 2023-92 as recommended.
2. Adopt Resolution 2023-92 with modifications.
3. Do not approve Resolution 2023-92. The City Council may choose to take no action on this matter which would result in an interruption in janitorial services. The City does not have staff resources to perform these tasks.

#### **ATTACHMENTS:**

1. Resolution 2023-92  
<https://banningca.gov/DocumentCenter/View/12825/Att-1-Resolution-2023-92>
2. Request for Proposals  
[https://banningca.gov/DocumentCenter/View/12823/Att-2-RFP\\_Specifications - City-Wide Custodial Services 23-023](https://banningca.gov/DocumentCenter/View/12823/Att-2-RFP_Specifications_-_City-Wide_Custodial_Services_23-023)

3. Draft Agreement

<https://banningca.gov/DocumentCenter/View/12824/Att-3-PSA-for-Custodial-Services>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", written over a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Assistant City Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-93, Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials to Remove Policy A-7

---

### **RECOMMENDATION:**

The City Council adopt Resolution 2023-93, amending the Policy entitled "Reimbursement Policy of Elected and Appointed Officials."

### **BACKGROUND:**

California Assembly Bill (AB) 1234, a law applicable to cities, counties and special districts went into effect on January 1, 2006. This law requires, among other things, that local agencies adopt an expense reimbursement policy specific to its elected and appointed officials. The Council adopted a Policy on May 30, 2006. On March 24, 2009, this Policy was updated to include more specific language regarding reimbursements. On January 24, 2023, the Council approved Resolution 2023-15 to delete Section D: Annual Allocation of Funding for Reimbursement Expenses. Under Item 10. Items for Future Agendas, it was requested this item return to Council to discuss Policy A-7 "Attending Seminars designed to improve officials' skill and information levels. A newly elected Councilmember, that has not previously attended, should attend the annual League of California Cities New Mayors and Councilmembers Academy. All other Councilmembers that wish to attend may, at their own expense". This item has been misidentified on the past agenda's future items; 10.2 Pending Items as: Update to Elected Official Reimbursement Policy Section D.

### **JUSTIFICATION:**

As the annual League of California Cities New Mayors and Councilmembers Academy covers new and updated information it is appropriate that all Councilmembers could attend each year if desired. Staff is recommending the removal of Policy A-7.

**FISCAL IMPACT:**

All five Councilmembers attending the annual League of California Cities New Mayors and Councilmembers Conference will result in an increase to the annual Council Travel and Conference Budget of approximately \$10,750.00.

**ALTERNATIVES:**

1. Adopt Resolution 2023-93 as recommended.
2. Adopt Resolution 2023-93 with modifications.
3. Do not approve Resolution 2023-93 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-93, Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials  
<https://banningca.gov/DocumentCenter/View/12801/Att-1Resolution-2023-93-Amending-the-Reimbursement-Policy>
2. Resolution 2023-15, Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials  
<https://banningca.gov/DocumentCenter/View/12802/Att-2-CC-Resolution-No-2023-015>
3. Resolution 2009-24 Amending the Reimbursement Policy for the Expenses of Elected and Appointed Officials  
<https://banningca.gov/DocumentCenter/View/12803/Att-3-CC-Resolution-No-2009-024>
4. Resolution 2006-55 Establishing the Reimbursement Policy for the Expenses of Elected and Appointed Officials  
<https://banningca.gov/DocumentCenter/View/12804/Att-4-CC-Resolution-No-2006-055>

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  
Nate Smith, Deputy Director of Public Works/City Engineer

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-94, Approving a Professional Services Contract with Engineering Resources of Southern California (ERSC) of Redlands, California in the Amount of \$100,000 for Staff Augmentation Services to Fill a Vacant Senior Civil Engineer Position in the Water/Wastewater Division

---

### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2023-94:

1. Approving a Professional Services Agreement with Engineering Resources of Southern California (ERSC) of Redlands, California in the amount of \$100,000 for staff augmentation services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement with ERSC for staff augmentation services.

### **BACKGROUND:**

The Water and Wastewater Division of the Public Works Department have had a vacancy for the Senior Engineer position since July of 2022 when the previous staff member left the City. Since that time, the responsibilities of that position have been divided amongst other Public Works Department staff to ensure continuity of services.

Recruitment for the permanent Senior Civil Engineer position has not produced candidates that are qualified for the required role. The recruitment has been extended to an "Open Until Filled" status and recruitment advertising has been purchased with the American Waterworks Association (AWWA) and the American Public Works Association (APWA).

To fill the role on a temporary basis, the Public Works Department reached out to ERSC to inquire if they had a staff member who could assist on a part-time basis. ERSC was solicited as they had been conducting plan check services for the City for the last several

years for Atwell and other projects to a high degree of satisfaction of the Public Works Department, and was knowledgeable of our local standards, requirements, and staff. ERSC is on the City's approved vendor list for Civil Engineering and Specialized Water/Wastewater Services (Resolution 2022-99 approved 7/12/22) of which assigned tasks are anticipated.

Due to the challenges in recruitment for the Senior Engineer position, the Public Works Department is requesting approval of a Professional Services Agreement with ERSC for staff augmentation services until the vacant water/wastewater position is filled. The continued efforts would be on a part-time basis, not to exceed 832 hours per year (average 16 hours per week/52 weeks per year) or \$100,000. Funding would be split 70% from the Water Fund (Fund 660) and 30% from the Wastewater Fund (Fund 680) in accordance with the approved funding split for the Senior Civil Engineer position.

**JUSTIFICATION:**

The request would provide for a continuity of services related to engineering activities in the Water and Wastewater Division of the Public Works Department until the vacant position is filled. Duties related to the Senior Civil Engineer position includes reviewing engineering plans for building permit cases, entitlement projects, master planning for the water and wastewater systems, water system modeling, and implementation of capital improvement projects. In the absence of staff augmentation services until the position is permanently filled, counter services, capital projects and other activities would be impacted.

**FISCAL IMPACT:**

The recommended Professional Service Agreement with ERSC for staff augmentation services would be funded by utilizing salary savings from the funded and vacant Senior Civil Engineer position in the Water and Wastewater Divisions; there would be no negative fiscal impact to the City's Water and Wastewater Funds.

**ALTERNATIVES:**

1. Adopt Resolution 2023-94 as presented.
2. Adopt Resolution 2023-94 with modifications.
3. Do not approve the resolution and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-94  
<https://banningca.gov/DocumentCenter/View/12793/Att-1-Resolution-2023-94-ERSC-Staff-Augmentation>
2. Resolution 2022-99  
<https://banningca.gov/DocumentCenter/View/12791/Att-2-Resolution-2022-99-Engineering-On-Call-Vendor-List>

3. Draft Professional Services Agreement

<https://banningca.gov/DocumentCenter/View/12792/Att-3-C00836-PSA-ERSC-Staff-Augmentation>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-95, Approving Amendment No. 2 to the Professional Services Agreement with Mariposa Landscapes, Inc. in the Amount of \$139,794 in Fiscal Year 2023/2024 for Landscape Maintenance Services

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### **RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve Amendment No. 2 to the Professional Services Agreement ("Agreement") with Mariposa Landscape, Inc., ("Mariposa") extending the term through Fiscal Year 2023/2024 and increase compensation in an amount "not to exceed" \$139,794 for the extended term.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 2 to the Agreement with Mariposa Landscapes, Inc., for landscape maintenance services at City Properties.
3. Authorize the City Manager or designee to execute Amendment No. 2 to the Agreement with Mariposa Landscapes for Fiscal Year 2023/2024 with the option to renew for three (3) additional single year periods.

### **BACKGROUND:**

On June 28, 2022, Resolution 2022-86 was approved awarding a Landscape Maintenance Agreement with Mariposa to provide landscape maintenance to various City properties for an annual amount of \$140,807.

On February 14, 2023, the First Amendment to the agreement was approved adding service locations to the agreement including Fire Station 89 located at 172 N. Murray Street and the Fire Administration Building located at 3900 W. Wilson Street. The First Amendment increased the annual agreement amount by \$7,248 for a total agreement amount of \$148,055.



The scope of work for landscape maintenance services includes turf management; shrub bed maintenance; tree care and pruning; fertilization; environmental weed and pest control program; irrigation equipment and operations for the City properties listed below:

- Ramsey Street Medians from Highland Springs Avenue to Highland Home Road.
- Banning City Hall (99 East Ramsey Street) landscaping around building and parking lot.
- Banning Police Station (125 East Ramsey Street).
- Banning Police Station Northeast Parking Lot (125 E. Ramsey Street)
- Fire Station Building (5261 W. Wilson Street)
- ~~Community Center & Senior Center (769 & 789 N. San Geronio Avenue)~~
- ~~Aquatic Center (749 N. San Geronio Avenue)~~
- Former Armory National Guard Property (2041 W. Nicolet Street)
- Brinton Reservoir (1700 N. Mountain Avenue)
- Sunset Reservoir (1202 N. Sunset Avenue)
- San Geronio Parking Lot
- Fire Station 89 (172 N. Murray Street)
- Fire Administration Building (3900 W. Wilson Street)
- West Ramsey Street Medians (West and East of N. Hathaway Street)

Please note, Community Services, Park Division will be assuming full maintenance and oversight of all property within Repplier Park including the Community Center, Senior Center and Aquatic Center. Consequently, the full landscape service fees for this location have been removed from this agreement that is managed by the Public Works Department and will be added to a separate Community Services landscape maintenance agreement with Mariposa.

Beginning July 1, 2023 at the start of the amended term, all labor, material and equipment necessary to perform landscape maintenance services at West Ramsey Street Medians (West and East of N. Hathaway Street) will be added to the Public Works maintenance agreement.

Overall, the service fees increased by 7.5% and applies to all locations excluding Fire Station 89 and the Fire Administration Building and West Ramsey Street Medians since these locations were recently added to the contract in March of 2023; therefore, they are not eligible for an increase. The CPI change from Calendar Year 2021 to 2022 is 8.7%

#### **JUSTIFICATION:**

The Public Works Department does not have the required field staff needed to maintain the identified landscape areas, therefore; it is necessary to retain a landscape maintenance contractor to provide these services. Upon evaluating the existing services provided by Mariposa, staff recommends the of Amendment No. 2. If approved, three (3) additional single year renewals remain.

#### **FISCAL IMPACT:**

Amendment No. 2 for landscape maintenance of city properties with Mariposa increases compensation for FY 2023/2024 in the amount of \$132,282. Amendment No. 2 will be funded by the operational budgets of the Building and Maintenance Division (\$27,985.62),

Police Department (\$29,257.56), Street Division (\$30,409.20), Water Division (\$22,897.32) and Fire Department (\$21,744) with an additional \$7,500 being allocated by the departments at the time additional plant replacement or irrigation repair services are deemed necessary.

The agreement will be funded by the following operational budgets:

ITEM	ACCOUNT NO.	DESCRIPTION	AMOUNT
1.	001-2200-421.23-29	Contractual Services/Landscape Maintenance; Police	\$29,257.56
2.	001-3200-412.23-29	Contractual Services/Landscape Maintenance; Building Maintenance	\$27,985.62
3.	100-4900-431.23-29	Contractual Services/Landscape Maintenance; Street	\$30,409.20
4.	660-6300-471.45-07	Reservoir Expenses; Water	\$22,897.32
5.	001-2400-422-30-01	Contract Services Repair/Maint/Grounds/Fields; Fire	\$21,744.00
6.	TBD	Additional Services as Needed	\$7,500
<b>TOTAL</b>			<b>\$139,793.70</b>

Amendment No. 2 amends the total contract sum to a “not-to-exceed” amount of \$287,848.64.

#### **ALTERNATIVES:**

1. Adopt Resolution 2023-95 as recommended.
2. Adopt Resolution 2023-95 with modifications.
3. Do not approve Resolution 2023-95 and provide alternative direction to staff. The City Council may choose to reject this action which would result in an interruption of services in landscape maintenance of City properties. The City does not have staff resources to perform the landscape maintenance tasks.

#### **ATTACHMENTS:**

1. Resolution 2023-95  
<https://banningca.gov/DocumentCenter/View/12794/Att-1-Resolution-2023-95-Landscaping-City-Properties>
2. Location Cost Breakdown  
<https://banningca.gov/DocumentCenter/View/12795/Att-2-Cost-Breakdown>
3. Draft Amendment No. 2  
<https://banningca.gov/DocumentCenter/View/12796/Att-3-Mariposa-Amend-No2-Contract-763>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Stephanie Sirls, Transit Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-97, Approving the Short Range Transit Plan for Fiscal Year 2023/2024 – 2025/2026 and Authorizing the Submittal of the FY 2023/2024 Funding Claims

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### **RECOMMENDATION:**

Staff recommends approval of Resolution 2023-97:

1. Approving the Short Range Transit Plan (SRTP) for Fiscal Year 2023/2024 – 2025/2026.
2. Authorizing the City Manager or designee to execute the Fiscal Year 2023/2024 funding claims and standard assurances.

### **BACKGROUND:**

The Riverside County Transportation Commission (RCTC) is responsible by statute for developing and approving a SRTP for Riverside County (PUC 130303). The SRTP is intended to serve three purposes:

- Identify the transit operation services and capital improvements required to meet the transit needs of Riverside County over a three-year period and the proposed sources of funding to carry out the plan.
- Serve as a management tool for the operators to guide their activities over the next year.
- Provide justification for operating and capital assistance funds.

RCTC is tasked with allocating two primary funding sources to transit agencies: Local Transportation Fund (LTF) and State Transit Assistance (STA). RCTC also allocates State of Good Repair (SGR) and Low Carbon Transit Operations Program (LCTOP) funds.

#### **Local Transportation Fund (LTF)**

LTF is derived from a quarter-cent of the statewide general sales tax and is returned to the source from which it was generated. The three areas of apportionment within Riverside County are the Western County, Coachella Valley, and Palo Verde Valley. LTF revenues

received from the California Department of Tax and Fee Administration are allocated by RCTC for program administration, regional and local transportation planning, bicycle and pedestrian facilities projects, and transit services. LTF provides a dependable revenue stream for Riverside County public transportation operations.

#### State Transit Assistance (STA)

STA is derived from the statewide sales tax on diesel fuel. STA is allocated by the state to Riverside County based on population and as a percentage of transit fare revenue. STA revenues received from the State Controller are allocated by RCTC for capital projects related to Riverside County's public transit operators.

#### State of Good Repair (SGR)

The Road Repair and Accountability Act of 2017, Senate Bill (SB) 1 (Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, includes a program that will provide additional revenues for transit infrastructure repair and service improvements. This investment in public transit will be referred to as the SGR Program. This program receives funding of approximately \$105 million annually. SGR funds are to be made available for eligible transit maintenance, rehabilitation and capital projects.

#### Low Carbon Transit Operations Program (LCTOP)

LCTOP is one of several programs that are part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 by Senate Bill 862. The LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emission and improve mobility, with a priority on serving disadvantaged communities. Approved projects in LCTOP are intended to support new or expanded bus or rail services, expand intermodal transit facilities, and may include equipment acquisition, fueling, maintenance and other costs to operate those services or facilities, with each project reducing greenhouse gas emissions.

Every year the City of Banning is required to prepare a SRTP and submit it to RCTC to receive LTF and STA funds. The City's SRTP identifies its operational and capital funding needs to continue to provide transit service to the community.

#### **JUSTIFICATION:**

The City's transit operations depend on LTF, STA and SGR funds to cover its operational and capital expenses. In order to receive these funds the City must submit its formally approved SRTP. The 2023/2024 – 2025/2026 SRTP has been developed by Public Works Department, Transit Division and reviewed by RCTC staff, who has deemed the SRTP ready for approval.

**FISCAL IMPACT:**

As proposed in the SRTP, the City will request the following funds:

Operations  
LTF: \$1,839,071  
STA: \$40,000  
LCTOP: \$50,000  
SGR: \$50,000  
Total: \$1,979,071

Capital  
STA: \$2,800,000

Table 4 and the Capital Justification Tables, attached to this staff report, provide additional details of the funding breakdown.

As an obligation of receiving the LTF funds, the City is obligated to provide a 10% farebox recovery match. Based on FY 2022/2023 projections, staff estimates that FY 2023/2024 farebox revenue will be approximately \$74,230, less than the expected 10% of LTF (\$183,907). Additional measures are being taken in an effort to meet the 10% farebox recovery requirement include applying for LCTOP funds as well as the implementation of the City's first Transit Advertising Program which was unanimously approved by City Council March 28, 2023.

**ATTACHMENTS:**

1. Resolution 2023-97  
<https://banningca.gov/DocumentCenter/View/12800/Att-1-Resolution-2023-97-SRTP>
2. Short Range Transit Plan  
<https://banningca.gov/DocumentCenter/View/12797/Att-2-Banning-SRTP-FY24-05082023-Final>
3. Table 4 – Funding Breakdown  
<https://banningca.gov/DocumentCenter/View/12798/Att-3-Table40-SummaryofFundingRequests>
4. Capital Justification Tables  
<https://banningca.gov/DocumentCenter/View/12799/Att-4-Table40A-CapitalProjectJustification>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Marisol Lopez, Economic Development Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Approving the Temporary Right of Entry Agreement with Southern California Gas Company with Respect to Portions of Real Property Located Along East Westward Avenue, Banning, CA (APN 532-130-011), and Approving Certain Related Actions

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### **RECOMMENDATION:**

Staff recommends that the City Council approve the attached resolution approving the Amendment to Grant of Exclusive Easement and approving a Temporary Right of Entry Agreement with Southern California Gas Company with respect to portions of real property located along East Westward Avenue, Banning, California (APN 532-130-011), and approving certain related actions.

### **BACKGROUND:**

The City of Banning (the “City”) is the owner of that certain approximately 39.1-acre parcel of real property located along East Westward Avenue, Banning, California known as APN 532-130-011, described as follows: *“The Southeast Quarter of the Southeast Quarter of Section 11, Township 3 South, Range 1 East, San Bernardino Meridian, in the City of Banning, County of Riverside, State of California, according to the Official Map thereof.”* (the “Property”). The Property is zoned for Industrial uses and is adjacent to the Banning Municipal Airport.

The Southern California Gas Company (the “SoCalGas”) is the holder of that certain Grant of Exclusive Easement located in the northeast corner of the Property consisting of 1,668.5 square feet, as more particularly described as: Grant of Exclusive Easement dated April 4, 2016 and recorded on April 25, 2016 as Document No. 2016-0162857, Official Records, County of Riverside, California (the “April 4, 2016 Grant of Exclusive Easement”). The April 4, 2016 Grant of Exclusive Easement enabled SoCalGas to install and maintain certain above and below ground natural gas utility distribution-related improvements as more particularly described within the April 4, 2016 Grant of Exclusive Easement (the “SoCalGas Facilities”). The SoCalGas Facilities have been installed and are in operation.

To enhance and improve the distribution of natural gas to its Banning customers, SoCal Gas has:

- i) Identified a need to expand the area described and depicted within the April 4, 2016 Grant of Exclusive Easement by approximately 4,138 square feet (the “Additional Easement Area”), resulting in an amended total easement area of approximately 5,806.5 square feet, as more particularly described within the Amendment to Grant of Exclusive Easement, which is included as Exhibit “A” to the attached Resolution; and
- ii) Requested the City’s approval of the Amendment to Grant of Exclusive Easement.

To be able to efficiently construct the improvements needed for the Additional Easement Area, SoCalGas has requested the City’s approval of a temporary right of entry within an area consisting of 91,693.5 square feet, as more particularly described within the attached Temporary Right of Entry Agreement, which is included as Exhibit “B” to the attached Resolution (the “Temporary Right of Entry Area”). Line 2001 ILI 2023 Exhibit “C” Temporary Workspace Exhibit SoCalGas has offered to acquire the Additional Easement Area and to rent the Temporary Right of Entry Area from the City for fair, reasonable and market-rate values.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Pursuant to § 15060 (c) of the California Environmental Quality Act (the “CEQA”) Guidelines (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387), approval of this Resolution is exempt from CEQA because the actions described herein will not result in a direct or reasonable foreseeable indirect physical change in the environment and the actions described herein are not a “Project”, as defined within § 15378 of the CEQA Guidelines.

**FISCAL IMPACT:**

SoCalGas shall pay Owner a total of \$21,000.00 (TWENTY-ONE THOUSAND DOLLARS AND ZERO CENTS) for the Basic Term of the Agreement, which payment shall be sent by SoCalGas’ accounting department. SoCalGas (including its subcontractors) shall have access to and use of the Temporary Workspace for approximately seven (7) months, tentatively arranged to start on or about June 12, 2023, or earlier in the event FAA clearance is obtained, to on or about January 13, 2024 (“Basic Term”). SoCalGas may postpone the start date of the Basic Term in which case SoCalGas will notify the Owner in advance. In the unlikely event SoCalGas needs extra time on the Temporary Workspace, Owner agrees that SoCalGas may have additional monthly periods for the sum of \$3,000.00 (THREE-THOUSAND DOLLARS AND ZERO CENTS) per month (or portion thereof), not to exceed six months.

In addition, although the Property is held in fee by the City, it is a former asset of the dissolved Community Redevelopment Agency of the City of Banning. In that regard, the Property is identified as Site No. 4 within the Long-Range Property Management Plan of the Successor Agency to the Community Redevelopment Agency of the City of Banning. Consequently, the payments received from SoCalGas will become assets of the

Successor Agency and, therefore, must be held in trust to be used for Successor Agency financial obligations authorized by a Recognized Obligation Payment Schedule that has been approved by the Riverside Countywide Oversight Board and the California Department of Finance.

**ATTACHMENT:**

1. Temporary Right of Entry Agreement

<https://banningca.gov/DocumentCenter/View/12780/Att-1-City-of-Banning-TRE-2023-rev>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", 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:** May 23, 2023

**SUBJECT:** Accept an Easement from TriPointe Homes for Public Park Access Purposes within the Atwell Development's Tract Map No. 37389-2

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### **RECOMMENDATION:**

Staff recommends that City Council accept the easement from Tri Pointe Homes for Public Park Access purposes within the Atwell Development's Tract Map No. 37389-2.

### **BACKGROUND:**

Final Tract Map No. 37389-2 within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2022-122 on September 13, 2022. Tract Map No. 37389-2 subdivided into 174 numbered lots and 44 lettered lots for park, open space, and public street and utility purposes. This tract map covers the south easterly portion of the Atwell Development (Butterfield Specific Plan) project area.

The easement for public park access is within Lot RR (Planning Area 30) of Tract Map No. 37389-2. The ownership and responsibility to maintain the park property will remain under the ownership of Tri Pointe Homes.

### **JUSTIFICATION:**

It is necessary to accept the easement in order for the general public to access the park.

### **FISCAL IMPACT:**

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

### **ALTERNATIVES:**

1. Accept easement.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Easement – Public Park Access Purposes  
<https://banningca.gov/DocumentCenter/View/12781/Att-1-Public-Park-Easement-Atwell>
2. Certificate of Acceptance  
<https://banningca.gov/DocumentCenter/View/12782/Att-2-Certificate-of-Acceptance>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Accept an Easement from Atwell Master Maintenance Association for Electric Utility Purposes on Accessor's Tract Map No. 37389-1, PA23 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System

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### **RECOMMENDATION:**

Staff recommends that City Council accepts easements from Atwell Master Maintenance Association for electric utility purposes for Tract Map No. 37389-1, PA23 within the Atwell Development for the maintenance of the City-owned electric distribution system.

### **BACKGROUND:**

Final Tract Map No. 37389-1 (Phase 1) within the Atwell Development Specific Plan were approved by City Council by Resolution No. 2019-151 on December 10, 2019. Banning Electric Utility has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City the necessary easements for the maintenance of the City owned electric distribution system.

This easement will cover electric facilities that were recently constructed within the open space area of Planning Area 23, which is included in Tract Map 37389-1. The facilities within the proposed easement consist of primary and secondary underground electric service for a recirculating stream at a community park within the Atwell development.

### **JUSTIFICATION:**

It is necessary to obtain the easements for the City to access and provide maintenance for the City owned electric distribution equipment which may include utility poles, conduit with conductors, transformers, switchgear, equipment pads and meters.

### **FISCAL IMPACT:**

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

**ALTERNATIVE:**

Do not approve and provide alternative direction.

**ATTACHMENT:**

1. Easement – Tract 37389-1, PA23, APN 408-120-059  
<https://banningca.gov/DocumentCenter/View/12784/Att-1-Easement---Tract-No-37389-1-PA23>
2. Certificate of Acceptance  
<https://banningca.gov/DocumentCenter/View/12783/Att-2-Certificate-of-Acceptance--Easement-for-37389-1-PA23>

Approved by:

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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-99, Approving the Second Amendment for Contract Services (C00698) for Landscape Maintenance Services for Park's Maintenance with Mariposa Landscapes, Inc. in the not to exceed amount of \$135,847.97 for FY 2023/2024

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### **RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve the Second Amendment to the Park's Landscape Maintenance Services Agreement (with Mariposa Landscape, Inc., extending the term through Fiscal Year 2023/2024 and increase compensation in an amount "not to exceed" \$135,847.97 for the extended term.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Second Amendment to the Agreement with Mariposa Landscapes, Inc., related Landscape Maintenance of Park Properties.
3. Authorize the City Manager or designee to execute the Second Amendment to the Agreement with Mariposa Landscapes for Fiscal Year 2023/2024.

### **BACKGROUND:**

On February 23, 2021, The City Council of the City of Banning awarded a fifteen-month agreement (C00698) with Mariposa Landscapes, Inc., for the landscape maintenance of the five of the City of Banning's parks through June 20, 2022. The original fifteen-month agreement was in the amount of \$96,684.00 to cover monthly service costs, with a 10% contingency to allow for additional work and irrigation repair services as needed, for a total not to exceed \$106,352.

On May 10, 2022, The City Council adopted Resolution 2022-56 approving the first amendment to the original agreement extending the term for an additional twelve months. The compensation for twelve month extension included a CPI adjustment of 8.6% based on the U.S. Department of Labor Consumer Price Index(CPI) Riverside – San Bernardino – Ontario Area and was for a not to exceed amount of \$101,638.80

The original agreement allowed for four (4) one-year extensions if the services are provided to the expected level within the scope of work. Mariposa Landscapes has performed at or above expectations with regard to their service over the last 24 plus months, has proven themselves responsive to questions, interacts well with staff and continues to provide and offer ideas for improvements for our Park's system.

For the reasons stated, it is staff's recommendation that the City authorize Amendment # 2 to the Park's Landscape Maintenance agreement with Mariposa Landscapes, Inc. for Fiscal Year 2023-24.

The scope of work for landscape maintenance services includes turf management; shrub bed maintenance; tree care and pruning; fertilization; environmental weed and pest control program; irrigation equipment and operations for the Park properties listed below:

- 1) Dysart Equestrian Park – 2101 Victory Ave.
- 2) Lion's Park – 955 S. Hargrave Street
- 3) Repplier Park – 201 W. George Street
- 4) Roosevelt Williams Park – 1101 E. George Street
- 5) Sylvan Park – 2798 W. George Street
- 6) ADDED SITE Community Center and Senior Center – 769 & 789 N. San Geronio Ave
- 7) ADDED SITE Repplier Park Aquatic Center – 749 N. San Geronio Ave
- 8) ADDED SITE Repplier Park and Community Center Parkway – 749, 769 & 789 N. San Geronio Ave

Amendment # 2 includes three recommended changes to the original agreement:

- 1) Changes in the term – The extended term will be from July 1, 2023, through June 30, 2024.
- 2) Addition of park landscape sites to the contract: As part of Amendment # 2, turf and landscape sites around the Community Center and Aquatic Center were originally managed as part of the Public Works Median and City property landscape contract but these sites have been moved over to the park's landscape agreement scope to more easily coordinate and manage the contract.
- 3) Compensation adjustments: Pursuant to Section 2.1 of the original agreement, the total compensation can be adjusted to reflect the annual changes in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) Riverside – San Bernardino – Ontario Area. For the period from March 2022 to March 2023, the CPI was at 7.5%. Reflecting the CPI rate of 7.5%, the monthly service rate will increase from \$9,573.50 to \$10,291.51.

### **JUSTIFICATION:**

The Parks and Recreation Department does not have the required staff needed to perform the scope of work included in the Scope of Services and maintain the current service levels of our parks, therefore; it is necessary to retain a landscape maintenance contractor to provide these services. Mariposa Landscapes, Inc. came to the city as a

highly respected vendor and has performed above expectations. The annual compensation pursuant to the agreement is within the normal parameters for park's landscape maintenance projects in the area.

**FISCAL IMPACT:**

The Second Amendment for Landscape Maintenance of park properties with Mariposa Landscapes, Inc. increases compensation for FY 2023/24 in the amount of \$135,847.97 which includes the monthly compensation amount of \$10,291.51 plus a 10% amount for additional work that might include replanting of plants and trees and irrigation repairs. The second Amendment to the agreement will be funded by the following operational budgets of the Parks and Recreation Department as follows:

- 1) Park Division – 001-3600-461.23-29 (\$111,000)
- 2) Community Center – 001-4000-461.23-29 (\$9,100)
- 3) Aquatic Center– 001-4010-461.23-29 (\$9,800)
- 4) Senior Center – 001-4050-461.23-29 (\$6,000)

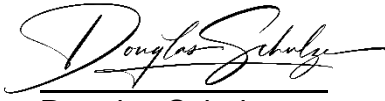
**ALTERNATIVES:**

1. Adopt Resolution 2023-99 as recommended.
2. Adopt Resolution 2023-99 with modifications.
3. Do not approve Resolution 2023-99 and provide alternative direction to staff. The City Council may choose to reject this action which would result in a significant reduction in Parks landscape maintenance. The City does not have staff resources to perform the landscape maintenance included in the scope of work.

**ATTACHMENTS:**

1. Resolution 2023-99  
<https://banningca.gov/DocumentCenter/View/12828/Att-1-Resolution-2023-99--Mariposa-Landscapes-Parks-Landscape-Contract-Amendment-No-2>
2. Amendment No. 2 to Agreement  
<https://banningca.gov/DocumentCenter/View/12829/Att-2-Amendment-No-2-C00698-Mariposa-Landscapes-Inc>
3. Exhibit A – Scope of Work  
<https://banningca.gov/DocumentCenter/View/12830/Att-3-EXHIBIT-A--RFP-20-035-Scope-of-Work>
4. Park Site and Cost Breakdown for FY 2023/24  
<https://banningca.gov/DocumentCenter/View/12831/Att-4--Parks-Landscape-Maintenance--Cost-Breakdown>
5. Agreement C00698  
[https://banningca.gov/DocumentCenter/View/12826/Att-5-C00698\\_MARIPOSA\\_LANDSCAPES\\_INC](https://banningca.gov/DocumentCenter/View/12826/Att-5-C00698_MARIPOSA_LANDSCAPES_INC)
6. Amendment No. 1  
<https://banningca.gov/DocumentCenter/View/12827/Att-6-C00698---Amendment-No-1>

Approved by:

A handwritten signature in black ink, reading "Douglas Schulze", 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  
Perry Gerdes, Water / Wastewater Superintendent

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of the Approval of Amendment No. 1 in the Amount of \$10,000 to the Purchase Order with Olin Corporation for the Purchase of Sodium Hypochlorite Utilized by the Department of Public Works - Water Division

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### **RECOMMENDATION:**

Staff recommends that City Council:

1. Approve Amendment No. 1 in the amount of \$10,000 to the purchase order with Olin Corporation for the purchase of sodium hypochlorite utilized by the Department of Public Works – Water Division.
2. Authorize the City Manager to execute Amendment No. 1 to the purchase order with Olin Corporation.

### **BACKGROUND:**

The City of Banning, Department of Public Works – Water Division relies on the use of sodium hypochlorite as a disinfectant during the City's water production and distribution operations.

On December 5, 2017 the City of Banning issued a Request for Quote (RFQ) through Planet Bids resulting in three quotes being submitted. Olin Corporation submitted the quote with the best unit costs. The current fiscal year's purchase order of \$25,000 has been exhausted due to the increase demand for sodium hypochlorite.

Staff will issue a new RFQ for the purchase of sodium hypochlorite next fiscal year.

### **JUSTIFICATION:**

The current fiscal year's purchase order with Olin Corporation in the amount of \$25,000 has been exhausted. Amendment No. 1 will amend the purchase order by adding an additional \$10,000 in order to continue the City's mandatory disinfection practices.

**FISCAL IMPACT:**

Account 660-6300-471.45-06 to fund Amendment No. 1 in the amount of \$10,000. If approved, Amendment No. 1 will increase the total purchase order amount to “not-to-exceed” \$35,000 for the remainder of the fiscal year.

**ALTERNATIVES:**

Reject staff’s recommendation, which may delay the purchase of additional sodium hypochlorite which may risk the City’s potable water disinfection operations.

**ATTACHMENTS:**

None

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", written in a cursive style.

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-101, Approving the Fourth Amendment to the Street Sweeping Services Agreement with Sweeping Corp of America (SCA) Extending the Term through Fiscal Year 2023/2024 and Increasing the Total Agreement Amount by \$131,712 for the Extended Term

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### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2023-101:

1. Approving the Fourth Amendment to the Street Sweeping Services Agreement with Sweeping Corp of America (SCA), extending the term through Fiscal Year 2023/2024 and increasing the compensation in the amount “not to exceed” \$131,712 for the extended term and a total contract amount of \$432,285.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Fourth Amendment with SCA related to street sweeping services.
3. Authorizing the City Manager or designee to execute the Fourth Amendment with SCA for Fiscal Year 2023/2024 street sweeping services.

### **BACKGROUND:**

On June 9, 2020, City Council approved an award for street sweeping services in the amount of \$91,177 for Fiscal Year 2020/2021 for one year with the option to renew the services agreement for four (4) additional single years. The initial contract was awarded to Cannon Pacific Services, dba Pacific Sweeping.

On June 8, 2021, City Council approved the First Amendment to the agreement extending the term of the agreement and increasing annual compensation for FY 2021/2022. During this period, the curb miles serviced were reduced from 400 to 300 resulting in an annual contract amount the of \$86,680 which included annual services as needed in the amount of \$10,000.

On April 22, 2022, the Second Amendment to the agreement was processed changing the Contractor name from Cannon Pacific Services, dba Pacific Sweeping, to SCA.

On June 14, 2022, City Council approved the Third Amendment for 2022/2023 in the amount of \$122,716. Prior to the award, it was identified by the Contractor that the company was experiencing severe price increases related to items such as equipment, insurance, tires, brooms and fuel. Additionally, in order for the Contractor to remain competitive and retain employees, labor cost increased. Consequently, staff negotiated with the contractor and determined SCA was awarded Sourcewell Contract 062421-SWP which is valid through August of 2025. As a result, under the Sourcewell Contract, the cost per curb mile increased from \$21.30 to \$31.31. Staff felt that the increased rate was still competitive considering that the second lowest bidder in 2020 proposed a per mile cost of \$36.13.

At this time, street sweeping services provided by SCA have been evaluated and determined satisfactory. SCA identified that pricing for Fiscal Year 2023/2024 will increase 7.31% which is in line with the percentage change in the Consumer Price Index (CPI). As a result, staff recommends the renewal of street sweeping monthly services in the amount of \$120,960 (\$33.60 per curb mile) for a 12-month period. Additionally, the services renewal will once again include as needed services in the amount not to exceed \$11,712 for a total increase in the amount of \$131,712 for Fiscal Year 2023/2024 for the extended term. If the Fourth Amendment is approved, one (1) additional single-year contract extension will remain.

The scope of work for these services will include 300 curb miles of monthly street sweeping services. Residential areas will be serviced once per month and commercial areas will be serviced four (4) times per month. Services shall include all labor, tools, materials and equipment necessary to perform citywide street sweeping services. In addition to beautifying the City, street sweeping services eliminate roadside debris and trash, pollutants and sediments that might otherwise enter the storm drain assisting the City in complying with the requirements of its National Pollutant Discharge Elimination System (NPDES) permit. This permit requires the Permittees to implement litter and debris control measure, such as street sweeping, to reduce and/or eliminate the discharge of pollutants, including trash and debris, from the storm sewer system to Receiving Waters. In addition to standard monthly needs, the scope requires the Contractor to respond to special requests should there be hazards posing threat to public safety, such as debris creating traffic issues. Street sweeping services may also be scheduled for special events. Routes, service days and curb miles are summarized as follows:

ROUTE	ROUTE TYPE	FREQUENCY	SERVICE DAYS	ROUTE CURB MILES	MONTHLY CURB MILES	ANNUAL CURB MILES
1	Commercial	4 X/Month	Thursdays	31	124	or
2	Residential	Monthly	1 <sup>st</sup> Wednesday	14	14	168
3	Residential	Monthly	1 <sup>st</sup> Thursday	28	28	336
4	Residential	Monthly	1 <sup>st</sup> Friday	27	27	324
5	Residential	Monthly	2 <sup>nd</sup> Wednesday	20	20	240
6	Residential	Monthly	2 <sup>nd</sup> Thursday	15	15	180
7	Residential	Monthly	2 <sup>nd</sup> Friday	31	31	372
8	Residential	Monthly	3 <sup>rd</sup> Wednesday	22	22	264
9	Residential	Monthly	3 <sup>rd</sup> Thursday	19	19	228
As Needed	TBD	TBD	TBD	TBD	TBD	TBD
Total					300	3,600

### **JUSTIFICATION:**

The Public Works Department does not have the required staff or equipment needed to maintain regularly scheduled street sweeping services; therefore, it is necessary to retain a contractor. Upon review, staff determined that SCA has continued to provide satisfactory citywide street sweeping services and can continue to do so under Sourcewell Contract #062421-SWP.

### **FISCAL IMPACT:**

Street sweeping services in the amount of \$131,712 will be funded by Gas Tax Funds, Account 100-4900-431.33-11 (Professional Services).

### **ALTERNATIVES:**

1. Adopt Resolution 2023-101 as recommended.
2. Adopt Resolution 2023-101 with modifications.
3. Reject Resolution 2023-101 and discontinue services. If directed, staff could proceed with a new RFP to obtain required services. This alternative would result in an interruption in citywide street sweeping services as the City does not have staff resources and equipment to perform these services in-house.

### **ATTACHMENTS:**

1. Resolution 2023-101  
<https://banningca.gov/DocumentCenter/View/12833/Att-1-Resolution-2023-101>
2. Route Map  
[https://banningca.gov/DocumentCenter/View/12834/Att-2-PS\\_Overview-Street-Sweeping-Map\\_Cropped](https://banningca.gov/DocumentCenter/View/12834/Att-2-PS_Overview-Street-Sweeping-Map_Cropped)
3. Draft Fourth Amendment  
<https://banningca.gov/DocumentCenter/View/12832/Att-3-C00644-SCA-of-CA-LLC-A4-RWG-Version>

Approved by:

A handwritten signature in black ink, reading "Douglas Schulze", 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 Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Cannabis Ad-Hoc Committee Update

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### **RECOMMENDATION:**

That the Council review and discuss the ad-hoc committee report and provide direction to staff.

### **BACKGROUND:**

The Ad-Hoc Committee was formed to review the City's Cannabis Program and provide recommended amendments, updates, and changes based upon the existing project approvals, anticipated development applications, and the evolution of the Cannabis industry since the last program amendment in 2021.

The Ad-Hoc Committee membership includes Mayor Sanchez, Council Member Minjares, Planning Staff, and the City Attorney's Office. The Committee last met on April 18<sup>th</sup> and discussed the following topics:

- Lifting or increasing "the CAP" on Retail Dispensaries within the Highway – Serving Commercial (H-SC) Zoning District only
- Expand Retail Dispensaries into the General Commercial (GC) Zoning District
- Expand Micro-business uses into either H-SC or GC Zoning Districts, or both
- Update the Design Guidelines and Standards for Cultivation Operations, specifically to reduce cannabis odor
- Modify the collection of Cannabis Tax Revenue from annually to quarterly
- Reconcile new/updated state laws and regulations with Ordinance Text

### **JUSTIFICATION:**

The goal of the Ad-Hoc Committee is to evaluate the most current methods and analyze the best practices of the Cannabis Industry, making recommendations to the Council on possible changes to the Municipal Code Chapters that regulate retail and commercial cannabis uses.

As a result of the Committee meetings on April 18<sup>th</sup> and May 16<sup>th</sup>, the members suggested the following amendments for Council discussion:

- To increase the ratio of Retail Cannabis Dispensaries from one (1) per 10,000 in population to within the H-SC Zoning District.
- Discuss the pros and cons of expanding Retail Cannabis businesses into the General Commercial Zoning District.
- Research the Design Standards of adjacent Cities (and the County) and bring back potential best practices to reduce odor from cultivation facilities.
- Discuss the potential of reinstating the 600-foot setback between Commercial Cannabis Cultivation facilities from both residentially zoned parcels **and** existing residential units.
- The Committee had no opposition to updating the collection of Cannabis Sales and Use Tax, from annual to quarterly and also no opinion on updating the Municipal Code to reflect recent changes in both the state laws and regulations concerning legalized California Cannabis (e.g., increases in packaging for child safety, reporting requirements, “seed-to-sale” trace program, etc.).

**FISCAL IMPACT:**

The costs associated with staff support of the Ad-Hoc Committee and preparation of the Ordinance Amendment(s) are minimum. Any increases in Cannabis Sales and Use Taxes are contingent upon development trends and the cannabis market.

**ATTACHMENTS:**

1. Ad-Hoc Committee Agendas  
[https://banningca.gov/DocumentCenter/View/12806/Att-1-AD-HOC-COMMITTEE-AGENDA\\_20230418](https://banningca.gov/DocumentCenter/View/12806/Att-1-AD-HOC-COMMITTEE-AGENDA_20230418)
2. Ad-Hoc Committee Meeting Minutes  
<https://banningca.gov/DocumentCenter/View/12807/Att-2-Cannabis-Ad-Hoc-Committee-Meeting-Minutes-4182023>

Approved by:



Douglas Schulze  
City Manager





## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam Rush, Community Development Director  
Diana Serrano, Code Enforcement Officer

**MEETING DATE:** May 23, 2023

**SUBJECT:** Receive and File Code Enforcement Statistics for the Month of April 2023

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### **RECOMMENDATION:**

Receive and file Code Enforcement statistics for the month of April 2023.

### **BACKGROUND:**

The City's Code Enforcement Division ("Division") employs two full-time officers responsible for enforcement of the City's Municipal Code with cases that range from lack of a business license, to unsafe buildings, to street vendors and much more. Within the Division, the City employs a Code Enforcement Supervisor, who is responsible for managing and organizing nearly 400 open cases, including all of the associated clerical matters. In addition to traditional enforcement, the Division is responsible for managing our Weed Abatement Program, this include patrol, noticing, enforcement, and remediation of potential fire hazards, before the traditional fire season begins. These duties, while important, reduces regular code enforcement duties by 50%.

Code Enforcement activities typically do not recoup the cost associated with labor, nuisance abatement, and legal fees to name a few, through the collection of administrative citations and penalties. Revenue from code cases can be delayed months or years given the manner in which fines penalties are assessed and ultimately collected. Further, the City is missing out on a potential revenue source associated with abandoned vehicles. The Division lacks the staffing to manage this program.

Nevertheless, there is an intrinsic "good" associated with the broad enforcement of City codes. For example, when burned out buildings are raised, businesses are properly permitted and licensed, abandoned vehicles are removed, and vacant fields are mowed, the City becomes even more attractive to economic development through increasing our aesthetic appeal.

Within the previous three months, the Division has implemented the following updates, upgrades, and improvements with the primary goal of increasing the number of closed cases through voluntary compliance, and if necessary, through legal action:

- Upgrading the Code Enforcement Reporting and Case Management System (e.g., Comcate®)
- Transferring high-profile public nuisance cases to a separate legal counsel, specializing in code enforcement compliance, only representing municipal governments
- Executing agreements with Elio Palacios, Jr. and the Office of Administrative Hearings to provide on-call Administrative Hearing Services to the City.
- Initiated the recruitment of a third Code Enforcement Officer position, one that is authorized and funded.

Lastly, the City of Banning Code Enforcement Division provides statistics to the public and City Council upon request.

**ATTACHMENTS:**

1. Code Enforcement Statistics – April 2023

<https://banningca.gov/DocumentCenter/View/12808/Att-1-Council-Staff-Report-Stats>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", 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 Rush, Community Development Director  
Mark DeManincor, Senior Contract Planner

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-102, Considering a Recommendation By The Planning Commission For A Notice Of Intent (NOI) To Adopt a Mitigated Negative Declaration (MND), a Mitigation Monitoring and Reporting Program (MMRP) and Approving Design Review 22-7003 for the Proposed Development of a 108,786 Square Foot Warehouse, Including 10,000 Square Feet of Office Space on Two Floors for a Total of 118,786 Square Feet and Tentative Parcel Map 38437 that Combines Two Parcels of Land Totaling 6.23–Acres Located at The Northeast Corner of 4<sup>th</sup> and Lincoln Streets (APNs: 540-210-009 And 540-210-020) in The Industrial Zoning District

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**RECOMMENDATION:**

Adopt City Council Resolution 2023-102 approving the Planning Commission recommendation for the Notice of Intent to adopt a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program (MMRP) and approving Design Review 22-7003 for the proposed development of a 108,786 square foot warehouse, including 10,000 square feet of office space, on two floors for a total of 118,786 square feet and Tentative Parcel Map 38437 that combines two parcels of land totaling 6.23-acres located at the northeast corner of 4th and Lincoln Streets (APN's 540-210-009 and 540-210-020) in the Industrial Zoning District (the "Project").

**BACKGROUND:**

The applicant is requesting, and the Planning Commission has recommended approval of Design Review 22-7003 to authorize the construction of the Project. Figures 1 and 2 below provide details on the project location, zoning, and relationship to the surrounding environment.

Currently the Project has not identified an “end-user” for the proposed building; hence, the building is being constructed on a speculative basis. The entitlement anticipates marketing to the current industrial development demands in the area.

The north-facing side of the building includes 25 dock doors and 2 grade level doors. The south, east, and west-facing sides of the building are designed with articulation and enhanced architecture with accent colors and expanses of glass. The material and color changes occur along the expanse of the south, east, and west building façades to add visual interest to the architecture. The building height is designed at the zone maximum of 50-feet.

The site is currently vacant and undeveloped, consisting primarily of ruderal grasses and weeds which are periodically disked for weed abatement purposes. The property is located within the planned industrial core area of the City. The site gently slopes downward to the southeast with an average elevation of 2,317-feet. A Tentative Parcel Map application has been filed that combines both parcels to accommodate one project on one parcel.

To access the site, one 40-foot-wide driveway entrance within a 49-foot-wide driveway entrance along the frontage intersecting with Lincoln Street, to serve as access driveways for passenger vehicles and trucks. Manual rolling access gates are positioned inside the site to allow for sufficient queuing space in front of each gate interior to the site. The truck court is designed to be enclosed by an 8-foot-tall tubular steel fence and based on the building orientation the truck court would not be visible from Charles Street other than obscured views through the gates.

#### Surrounding Land Use

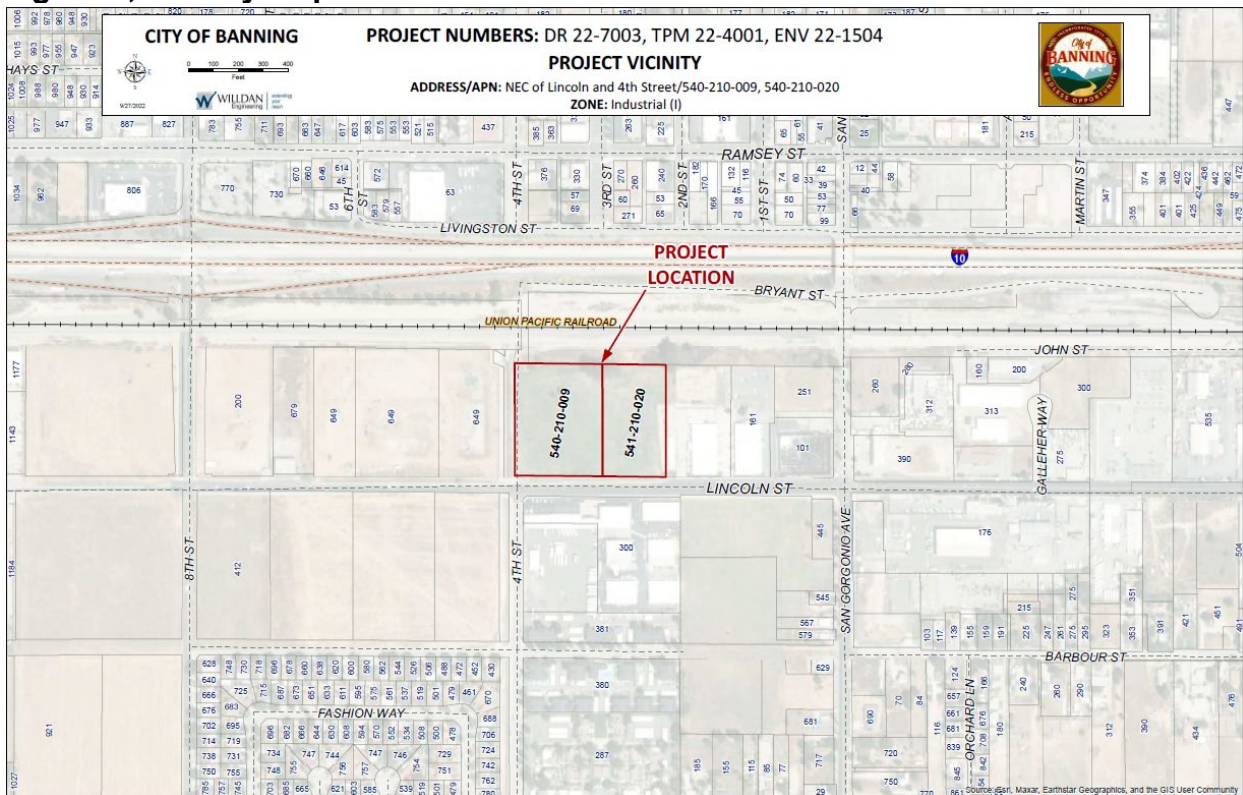
The development is in the Industrial Zoning District and is located adjacent to Lincoln Street, on the northerly side. Industrial buildings are located to the south, vacant land to the west, railroad and interstate to the north and developed industrial to the east. (See Figure 3). The nature of the surrounding uses, zoning classifications, and General Plan land use designations are outlined in the following table:

Public Facilities, Railroad/Interstate  
(PF-RR/I)

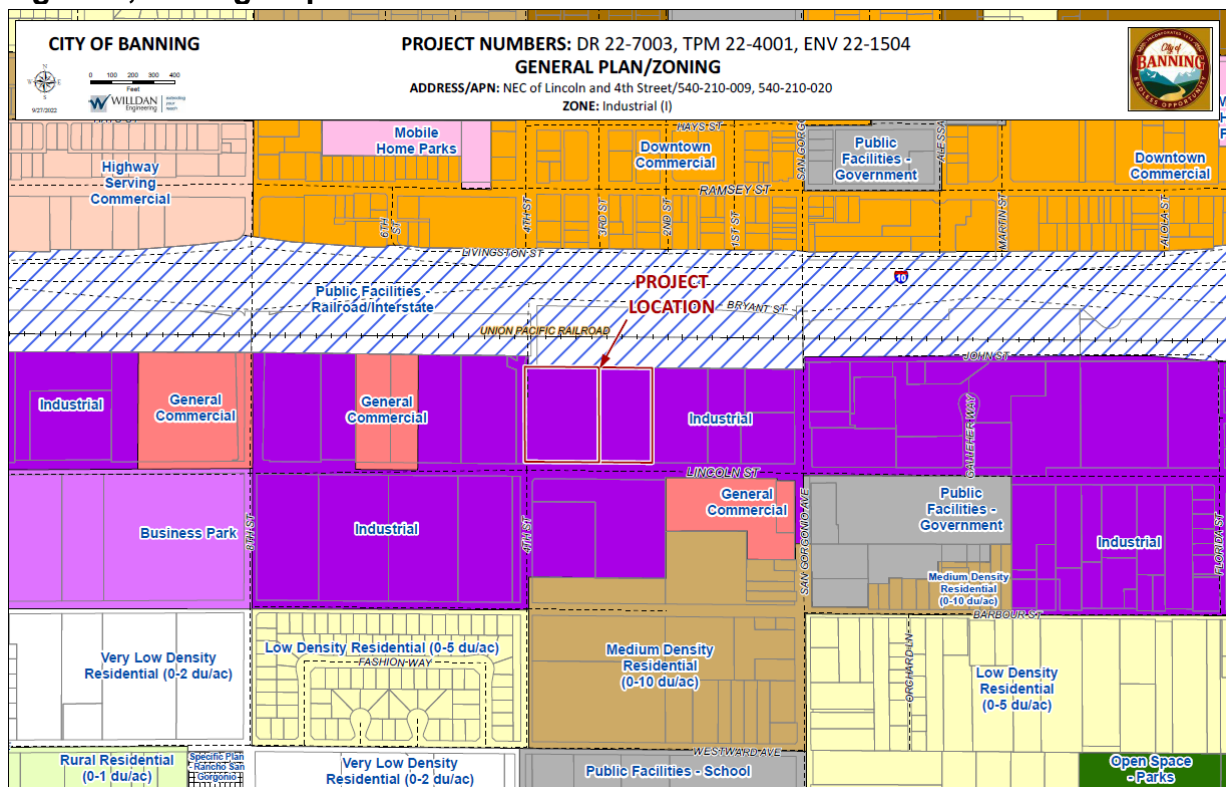
**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning Classification</b>	<b>General Plan Designation</b>
<b>Project Site</b>	Vacant	Industrial	Industrial
<b>North</b>	Railroad/Interstate	Public Facilities (PF)	Public Facilities (PF)
<b>South</b>	Developed	Industrial	Industrial
<b>East</b>	Developed	Industrial	Industrial
<b>West</b>	Vacant	Industrial	Industrial

**Figure 1, Vicinity Map**



**Figure 2, Zoning Map**





**CITY OF BANNING**

**PROJECT NUMBERS: DR 22-7003, TPM 22-4001, ENV 22-1504**

**AERIAL BASE MAP**

**ADDRESS/APN: NEC of Lincoln and 4th Street/540-210-009, 540-210-020**

**ZONE: Industrial (I)**

**PROJECT LOCATION**

UNION PACIFIC RAILROAD

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The Project includes 142 passenger vehicle parking spaces, including 116 standard spaces and a minimum of 6 accessible spaces. The California Green Building Code requires that a minimum of 25 EV spaces be constructed as “EV capable spaces” and a minimum of 6 EVCS spaces be constructed as “EV capable spaces provided with EVSE”. The Banning Municipal Code (BMC) requires two spaces plus one space for every 1,000 square feet of floor area up to 20,000 square feet, then one space for every 2,000 square feet thereafter for a total of 116 warehouse parking spaces. Parking for trucks and trailers would be available at the 25 proposed dock doors, and 2 grade level doors. BMC requires one tractor trailer space for every four high dock doors for a total of 7 tractor trailer parking spaces. The Project meets or exceeds all BMC parking requirements.

Landscaping will be provided around the perimeter of the of the Project site, adjacent to the building, around and within the parking areas. Landscaping would include a variety of drought-tolerant trees and shrubs. The Project meets or exceeds all BMC landscaping requirements.

## Zoning

71

(BMC) provides that “Warehousing” and “Distribution” are permitted uses in the Industrial (I) Zoning District.

#### Design Review

In accordance with BMC Section 17.56.010, the purpose of a Design Review is to:

- A. Establish design review procedures for development proposals.
- B. Assure that proposed projects conform to development standards and design guidelines.
- C. Focus on community design principles which result in creative, imaginative solutions which establish quality design for the City.
- D. Promote the orderly and harmonious appearance of structures, landscaping, parking areas, etc.
- E. Maintain public health, safety and general welfare and property throughout the City.

#### BMC Section 17.56.050-Findings states:

Prior to making a determination, the review authority shall determine that the project adequately meets adopted City performance standards and design guidelines, based upon the following findings:

- A. The proposed project is consistent with the General Plan.
- B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.
- C. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.
- D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

Staff has determined that the above-referenced findings can be made. Support for the findings can be found in Planning Commission Resolution 2022-18 (Attachment 1).

#### Tentative Parcel Map 38437

Pursuant to Title 16 of the Banning Municipal Code, regarding Tentative Parcel Maps, the Planning Commission is the Advisory Agency to the City Council. Therefore, the attached Resolution 2023-09 is a recommendation for approval to the City Council. Additionally, Findings for the approval of the Tentative Tract Map Extension of Time can be found within the attached resolution.

#### ENVIRONMENTAL DETERMINATION:

The proposed Design Review 22-7003 and Tentative Parcel Map 38437 are considered a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 *et seq.*). An Initial Study (EA 22-1504) was prepared and made available for public review beginning on March 10, 2023, and closing on April 9, 2023.

Based upon analysis contained in the Initial Study, staff determined that any potentially significant effects on the environment would be reduced to less than significant levels by mitigation measures incorporated in the Initial Study. Therefore, the adoption of a



Mitigated Negative Declaration (MND) is appropriate. All mitigation measures are carried forward into project Conditions of Approval. A Mitigation Monitoring and Reporting Program (MMRP) was prepared.

**PUBLIC COMMUNICATION:**

The Initial Study and Project was published, for public review, in the Record Gazette newspaper, March 10, 2023. As of the date of this report, staff has not received any comments on the Project.  
the Project.

**FISCAL IMPACT:**

The fiscal impact of the Project is positive. If approved, the project will generate permit fees, additional property tax revenue, and increase job opportunities for residence of Banning. 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. Approve as recommended
2. Approve with modifications.
3. Do not approve Resolution 2023-102 and provide alternative direction to staff.

**ATTACHMENTS:**

1. City Council Resolution 2023-102  
<https://banningca.gov/DocumentCenter/View/12840/Att-1-DR-22-7003-CC-Reso-2023-102>
2. Conditions of Approval  
<https://banningca.gov/DocumentCenter/View/12841/Att-2-DR-22-7003-COA>
3. Planning Commission Resolution 2023-09  
<https://banningca.gov/DocumentCenter/View/12842/Att-3-DR-22-7003-PC-Resolution-2023-09>
4. Project Plans  
<https://banningca.gov/DocumentCenter/View/12837/Att-4-DR-22-7003-Project-Plans>
5. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/12838/Att-5-DR-22-7003-TPM-38437-Pub-Hrg>
6. Environmental Documents  
<https://banningca.gov/DocumentCenter/View/12839/Att-6-Environmental-Documents>

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:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-98, Approving the Agreement with Granicus for a New Agenda Management System (Software as a Service Subscription) and a Financial Disclosures E-Filing Program for the City Clerk's Office

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### **RECOMMENDATION:**

Staff recommends the City Council adopt Resolution 2023-98:

1. Approving the Agreement with Granicus for \$80,151.34 over a three-year term.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Agreement.
3. Authorizing the City Manager to execute the Agreement and other ancillary documents as necessary for the execution of services as defined in this Staff Report.

### **BACKGROUND:**

#### *Agenda Management System*

The City's current agenda processes for City Council, Commissions and Committees are entirely manual. Staff prepare reports in Microsoft Word which are then manually compiled using Adobe software. Agenda documents are also manually assembled. This is an extremely time-consuming process. For City Council, the agenda process starts at least 2 weeks in advance of the next meeting.

Peak Agenda is a tool that will allow staff to easily manage the entire legislative and agenda creation process. The solution will reduce staff workloads, automate approvals and create a more efficient method for managing decisions related to agenda creation, while providing a more transparent process and more accountability to the public. The system is completely customizable so the City Clerk's Office can establish and manage unique workflows for each departmental structure.

Meeting video will be available immediately to the public and will be cross-indexed with new digital meeting minutes. This program allow staff to timestamp each topic on the agenda within the meeting minutes themselves, so that the viewer is sees the meeting minutes for the exact section of the meeting being played on video, side-by-side. Bringing

on Granicus will also allow the City to end its current contract with Leightronix video hosting services, as all video hosting is included in the price quote.

#### *Electronic Economic Disclosures Filing System*

The City of Banning maintains a Conflict of Interest code pursuant to Government Code Section 81000 *et seq.* The code contains 13 “external” filers and 53 “internal” filers. Currently the City processes all internal economic disclosures manually. Staff included on the list of positions provided in the code fill out a paper form or a PDF, sign, and return the form to the City Clerk’s Office. External filers (covered under Government Code 87200) may file in hardcopy with the City Clerk’s Office or electronically file (“efile”) through the FPPC’s website.

Staff have reviewed available systems and are recommending City Council contract with Granicus for the eFiling platform called eDisclosures. This platform is the same software employed by the FPPC. Therefore anyone who has had to file with the FPPC previously will have a seamless transition. It’s a very user friendly and straight-forward interface for both the user and the administrator.

One major benefit is the system’s customization for California-specific forms and requirements. The program will check a user’s form as they enter each item and alert them to any errors or omissions they’re required to complete. The system will also automate annual filing requests and follow-up reminders for the end-user, while including full-time customer support provided through Granicus.

Staff also researched comparable software and in evaluation of functionality and compatibility, determined that using Granicus software as a service would be in the best interest of the City. Staff identified the availability of a comparable purchasing options to obtain software direct from Granicus and through Sourcewell (a cooperative that provides purchasing options specific to Government entities resulting in discounted pricing for goods and services). After evaluation of both pricing received, the lowest bid was received directly through Granicus. After careful consideration, Staff recommends a single source award to Granicus.

#### **JUSTIFICATION:**

This software suite will help the City Clerk’s office save time and reduce errors in the meeting materials, including staff reports, resolutions, and meeting minutes. The added functionality will increase public access to the City’s public meetings and provide greater transparency. For example, videos will be instantly available immediately following the meeting and minutes will be time-stamped to coincide with the time in the meeting recording where each agenda item is discussed.

The eFiling functionality will allow the City Clerk’s office to manage internal COI filers more efficiently, as well as managing complex campaign financial disclosure forms. As with agenda management, immediate public access to these redacted records is one benefit of the new system.

**FISCAL IMPACT:**

The agreement is for a 3-year term beginning in FY 2022-23 with one-time implementation costs and then continuing for three subscription years: FYs 2023-24, 2024-25, and 2025-26. The Granicus agenda management and eDisclosures solutions is a monthly subscription type service; therefore, there is no cost for software or hardware purchase.

The cost of the implementation will be covered by American Rescue Plan Act (ARPA) funding previously allocated by the City Council and ongoing subscription costs will be paid out of Central Services, with costs recouped through the annual Cost Allocation Plan. After careful consideration, Staff recommends a single source award to Granicus.

Line Item	Granicus Direct	Carahsoft OMNIA Cooperative	Price Difference	% Diff.
One-Time Start Costs FY 2022-23	\$ 6,500.00	\$ 7,855.24	\$ 1,355.24	17%
1st Year Subscription FY 2023-24	\$ 22,909.37	\$ 23,618.60	\$ 709.23	3%
2nd Year FY 2024-25	\$ 24,513.02			
3rd Year FY 2025-26	\$ 26,228.95			
<b>Total Contract Value</b>	<b>\$ 80,151.34</b>			

**ALTERNATIVES:**

1. Adopt Resolution 2023-98 as recommended.
2. Adopt Resolution 2023-98 with modifications.
3. Do not approve Resolution 2023-98 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-98  
<https://banningca.gov/DocumentCenter/View/12789/Att-1-Resolution-2023-98-Granicus>
2. Draft Agreement with Granicus  
[https://banningca.gov/DocumentCenter/View/12788/Att-2-CA\\_Banning-CA\\_Q-273442\\_2023APR5-1](https://banningca.gov/DocumentCenter/View/12788/Att-2-CA_Banning-CA_Q-273442_2023APR5-1)
3. Sole Source Justification  
[https://banningca.gov/DocumentCenter/View/12836/Att-3-SS\\_C00844\\_Granicus\\_SaaS\\_for\\_Agenda\\_Mgmt\\_and](https://banningca.gov/DocumentCenter/View/12836/Att-3-SS_C00844_Granicus_SaaS_for_Agenda_Mgmt_and)

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:** May 23, 2023

**SUBJECT:** Receive and File Report on Implementation of the Power Cost Adjustment Factor Due to Increased Costs in Wholesale Energy, Energy Hedging, Resource Adequacy Capacity Products, and Transmission Expenses

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### **RECOMMENDATION:**

Receive and file.

### **BACKGROUND:**

Consistent with most electric utilities, the Banning Electric Utility (“Utility”) has a Power Cost Adjustment Factor (“PCAF”) tariff as part of its rate structure. PCAFs are strongly encouraged by credit rating agencies, and the existence of one is reflected in the overall credit rating. The purpose of a PCAF is to provide the Utility with a temporary tool to recover costs when there is a spike in energy and/or transmission costs (collectively referred to as “power costs”). If these elevated power costs persist and the Utility is implementing the PCAF for an extended time, that is a good indication that it is time for a rate increase. However, if these price increases are only temporary, then the PCAF serves its purpose by allowing the Utility to recover upwardly volatile power costs without the need for a permanent rate increase. A copy of the PCAF tariff is attached. The tariff explains the mechanics of how the PCAF works.

### **JUSTIFICATION:**

There are four main reasons why power costs have increased over the past 12 months:

1. The western power grid has lost a significant amount of capacity due to the retirement of coal plants, nuclear power plants, and natural gas generation facilities. Much of this loss of capacity is due to California legislative policy and regulatory overreach.
2. The pandemic, and the resulting supply chain issues, have slowed down the process of replacing the generation that has been lost. Intermittent renewable energy plus battery storage was already very questionable as to how quickly it

could help replace all the baseload (around the clock) and peaking capacity that has been retired. However, with the pandemic and the corresponding supply chain issues slowing down the development and interconnection of new capacity, the California grid is now facing a capacity crisis. The crisis is most prevalent during the evening peak hours, after all the solar energy goes offline. Wholesale energy prices have increased in general, but prices have increased significantly during the evening peak hours because solar energy is not available during that time, and the deployment of energy storage has been less than anticipated partially due to the delays caused by the pandemic. Even though the pandemic is primarily over, project delays persist because the California Independent System Operator (“CAISO”) approval and interconnection process is extremely backed up. Inflation issues have also slowed the deployment of projects as higher costs have made many projects less certain and/or less economically viable.

3. The war in Ukraine has brought much volatility to the global natural gas markets, as Russia is a major producer of natural gas. California is already susceptible to natural gas issues due to its reliance on natural gas imported from out of state, with Southern California importing much of its natural gas from Texas. Natural gas pipeline constraints and issues, along with political uncertainty over the Aliso Canyon natural gas storage facility, have historically made the California natural gas markets volatile. The Ukraine war only added to this price uncertainty and has added significant upward volatility to California natural gas prices. A recent issue with the El Paso pipeline has also increased prices. Since much of the energy used during the evening peak hours is produced by natural gas peaker plants, these higher natural gas prices have exacerbated the higher evening peak wholesale electricity prices.
4. Transmission costs have been going up every year. There are two main transmission costs that the Utility pays. The first is the CAISO transmission access charge (“TAC”) that the Utility pays the CAISO for the use of the California power grid. This charge is recalculated every January, and in January 2023 the TAC went up 16%. The second transmission charge that the Utility pays is the WDAT that the Utility pays to Southern California Edison to get energy from the CAISO grid to our distribution system. (The WDAT is the charge the Utility will avoid once the new 220 kV substation is built.) The WDAT charge increases every September until 2026.

These factors have negatively affected the following power markets:

#### Resource Adequacy Capacity

After the California energy crisis, the CAISO developed market modifications to ensure that all electric utilities have acquired sufficient electricity / capacity (“Resource Adequacy” or “RA”) to serve their peak demand. The CAISO determined that each utility must maintain RA reserves of at least 15% above its projected monthly peak demand. If a utility cannot meet its RA requirements through its own energy portfolio, the utility must purchase additional RA in the secondary markets. Failure to meet RA requirements may result in financial penalties from CAISO. The Utility has sufficient RA from its own energy portfolio and a long-term Local RA contract to meet its RA requirements for all but five

months of the year – June through October. Therefore, the Utility must attempt to procure RA in the secondary markets for the months of June through October.

It would not be hyperbole to say that the California secondary RA markets are currently broken. Due to the reasons discussed above, plus the fact that the CAISO assigns very minimal RA value to solar projects, there is not enough RA capacity available for all utilities to meet their RA requirements during the summer months. If you can find someone willing to sell summer RA, the prices are usually exorbitant. For example, the Utility was fortunate enough to find a seller at the last minute to cover the Utility's June 2023 RA requirement, but the price was \$10 per kW-month. To put that price in perspective, as recently as 2020 the Utility was able to purchase June RA for \$3.54 per kW-month. Even more drastic, the current market price for August and September RA is greater than \$30 per kW-month. As recently as 2018, the Utility was paying \$2.50 per kW-month for August and September RA.

The CAISO, the governor's office, the California Energy Commission, the California Public Utilities Commission, and the legislature are all scrambling to find solutions to the RA crisis. But how soon the RA markets will normalize is anyone's guess at this point.

#### Wholesale Energy Prices

As already discussed throughout this report, CAISO wholesale energy prices have been increasing over the last few years. The largest increases have been in the evening peak hours of 4-9 PM, once the solar resources go offline. These price increases are even more pronounced during the summer months, especially during heat waves.

One of the State's proposed long-term solutions to these expensive peak hour prices is to implement abundant energy storage resources onto the grid. These energy storage resources store energy at midday when there is excess energy, and then discharge this energy in the evening once the solar goes offline. However, the implementation of these energy storage facilities has been slower than anticipated, so it is difficult to predict when the expensive peak hour prices will moderate. (As an aside, a battery would have reduced value to the Utility because it would not provide RA.)

#### Energy Hedging Costs

The Utility is sufficiently resourced to cover its load for most hours during the non-summer months, except for occasional hours during the evening peak. However, the Utility is short energy during the summer months and must purchase energy in the CAISO wholesale market to meet its higher summer loads. To protect the Utility from volatility in the CAISO wholesale markets, the Utility enters into forward energy hedges to lock in our summer energy costs. These hedges shield the Utility from potential catastrophic losses in case there were a significant event that affected the grid or otherwise caused CAISO wholesale prices to surge.

As the CAISO wholesale energy prices have increased over the last few years, the price of summer hedges has also increased. The war in Ukraine further accelerated the price increases of summer hedges. The Utility partially mitigates these price increases by

hedging further out into the future whenever prices are favorable. However, the cost of hedging in general has increased substantially over the last few years. It is difficult to ascertain when or if these elevated hedging prices will come down.

#### Transmission Costs

As discussed above, both the CAISO TAC and the Edison WDAT have been increasing every year. Whereas it is difficult to predict future market movements of the other costs discussed above, it is safe to say that these increased transmission costs are permanent cost increases, especially the CAISO TAC.

#### **FISCAL IMPACT:**

The PCAF has been calculated through February 2023, and it calls for a \$0.0093 per kWh adjustment to our customers' bills. The average monthly retail sales are 12,000,000 kWh, so implementing the PCAF will increase the Utility's monthly revenues by approximately \$111,000.

The average residential usage is 540 kWh per month, so the average monthly increase for residential customers would be \$5.02 (540 x \$0.0093).

#### **ATTACHMENTS:**

1. Resolution 2021-102, approving the PCAF  
<https://banningca.gov/DocumentCenter/View/12786/Att-1-PCA>
2. Electric Tariff Rider PCA-1, Power Cost Adjustment Factor  
<https://banningca.gov/DocumentCenter/View/12785/Att-2-PCA>

Approved by:



Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-96, Receiving a Report in connection with the Proposed Collection on the 2023-24 Riverside County Property Tax Roll of Delinquent Solid Waste Service Charges for Single-Family and Multi-Family Accounts for Calendar Year 2022, Setting a Public Hearing on the Report, and Making a Determination of Exemption Under CEQA

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### **RECOMMENDATION:**

Staff recommends that City Council adopt 2023-96:

1. Receive a Report (i.e. Tax Roll) in connection with the proposed collection of qualifying delinquent solid waste service charges for single-family and multi-family accounts on the 2023-24 Riverside County property tax roll ("Tax Roll").
2. Schedule a Public Hearing for June 27, 2023, on the Report and the proposed collection of the delinquent charges on the County Tax Roll.
3. Direct the City Clerk to cause notice of the Public Hearing to be mailed and published.
4. Find that the proposed collection of delinquent charges on the County Tax Roll is exempt from CEQA.

### **BACKGROUND:**

On April 27, 2021, the City Council approved a new solid waste franchise agreement with Waste Management of the Inland Empire (Waste Management) for Residential and Commercial Garbage, Recyclable Materials and Organics Waste Collection, Transportation, Recycling and Disposal Services (Franchise Agreement), effective July 1, 2021.

Pursuant to the new Franchise Agreement, the City Council agreed to adopt an ordinance authorizing the City to collect delinquent solid waste service charges for single-family and multi-family accounts on the County Tax Roll in consideration of Waste Management's agreement not to discontinue collection services for single-family and multi-family customers with delinquent accounts.

In accordance with the new Franchise Agreement, on October 12, 2021, the City Council adopted Ordinance No. 1576, amending and restating Chapter 8.28, "Garbage Collection and Disposal," of Title 8, "Health and Safety," of the Banning Municipal Code. In addition to implementing many aspects of the new Franchise Agreement, the ordinance allows the collection of delinquent residential service charges on the County Tax Roll in accordance with the Franchise Agreement and Article 4 of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code, commencing with Section 5470 ("Article 4"). The operative date of the amendments to the Municipal Code was January 1, 2022.

Pursuant to Article 4, delinquent charges collected on the County Tax Roll will be collected in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City.

The Franchise Agreement provides that Waste Management shall provide solid waste collection services to residential accounts, which includes both single-family dwellings (SFD) and multi-family dwellings (MFD). Pursuant to the Franchise Agreement, services provided to residential accounts that become delinquent are not able to be discontinued. In consideration of Waste Management not being able to discontinue residential services, the City committed to working with Waste Management in placing qualifying residential delinquencies on the County Tax Roll. To initiate the process, the Franchise Agreement requires Waste Management, on May 1st of each year or such other agreed upon date, to notify the City in writing that it seeks to have the City place qualifying delinquencies on the County Tax Roll. At no cost to the City, Waste Management is responsible for timely preparing required information, reports, notices, and materials. This is the first year that Waste Management has provided such notice to the City. Waste Management has requested that qualifying delinquent charges for the calendar year 2022 be collected on the County Tax Roll.

Pursuant to the Franchise Agreement, a qualifying delinquent charge is a SFD or MFD charge that is at least 90 days in arrears and for which Waste Management has provided at least one written notice of the delinquency by mail to the service recipient and to the property owner, as listed on the last equalized assessment roll.

#### **JUSTIFICATION:**

In accordance with Article 4, and as permitted by the Franchise Agreement, on May 4, 2023, Waste Management submitted a formal letter to the City requesting that qualifying delinquent solid waste service charges for calendar year 2022 be placed on the 2023-24 County Tax Roll, including a description of each parcel within the City for which there is a qualifying delinquent charge ("Identified Parcel") and the delinquent amount for each Identified Parcel (the "Report"). The Report is on file in the office of the City Clerk. Amounts listed in the Report include past due charges for service and delinquent fees (2.5% or \$5 minimum on balances over \$15). Additionally, County Tax Roll Fees amount to 10% of unpaid balances per occurrence.

For the 2022 calendar year period, Waste Management's request amounts to 1,309 delinquent residential accounts for a total principal balance of \$451,398.60. The principal balance includes all invoices within the dates of January 1, 2022 through December 31, 2022, and include service fees, monthly late fees, extra services and may include multiple account billings for some parcels. Multiple accounts billings usually occur when the parcel has multiple units on one parcel.

The City Council must hold a Public Hearing on the Report and cause notice of the Public Hearing to be published and mailed. Resolution No. 2023-96 acknowledges the City's receipt of the Report, sets a public hearing on the Report on June 27, 2023, and directs the City Clerk to cause notice of the public hearing to be mailed and published. Notice must be published at least 14 days prior to the date of the Public Hearing and again at least five days after the first publication. The notice must be mailed at least 14 days prior to the Public Hearing to the owner of each Identified Parcel at the address shown on the last equalized assessment roll available on the date the Report was prepared or as known to the City Clerk, and to the address to which the invoices are customarily mailed, if different than the owner's address.

The notice will identify that delinquent account holders or parcel owners have until July 14, 2023, to resolve any outstanding balances directly with Waste Management and be removed from placement on the County Tax Roll. At the time of the Public Hearing, staff will provide an updated Report, although not the final Report, including an updated number of delinquent residential accounts to be placed on the County Tax Roll and the revised principal balance.

At the Public Hearing, the City Council shall hear and consider all objections or protests, if any, to the Report. The City Council may continue the Public Hearing from time to time. If the City Council finds at the conclusion of the Public Hearing that the protest is made by the owners of a majority of the separate Identified Parcels, then the Report shall not be adopted and the delinquent charges shall not be collected on the County Tax Roll. In the absence of a majority protest, the City Council may adopt or reduce any delinquent charge or overrule any or all objections.

Resolution 2023-96 authorizes the City Manager or his designee, prior to the submission of the delinquent charges to the County Auditor Controller for collection on the 2023-24 County Tax Roll, to remove from the Report any Identified Parcel for which the delinquent charge has been paid in full, or to reduce the delinquent amount set forth in the Report for any Identified Parcel for which there has been a partial payment of the delinquent amount.

By approving Resolution 2023-96, the City Council will be authorizing the scheduling of a Public Hearing on June 27, 2023 and directing staff to initiate the County Tax Roll collection process.

**CEQA**

City staff has evaluated the proposed collection of the delinquent charges on the County Tax Roll for purposes of compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. City staff has determined that the proposed collection of delinquent charges on the tax roll is an activity covered by the common sense exemption in that it can be seen with certainty that there is no possibility that such collection may have a significant effect on the environment because the collection only addresses the cost of an existing service provided to the public and not the commencement of a new service or program. Accordingly, the process for the collection of the delinquent charges on the County Tax Roll is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

**FISCAL IMPACT:**

At no cost to the City, Waste Management shall be responsible, without limitation, for all costs associated with preparing required information, including but not limited to, reports, notices, and materials, publication costs, and Riverside County fees. The Franchise Agreement provides that the City will pay Waste Management moneys collected from the payment of the delinquent charges placed on the County Tax Roll, less the franchise fee equal to twelve and one-half percent (12.5%).

**ALTERNATIVES:**

1. Adopt Resolution 2023-96, as recommended.
2. Adopt Resolution 2023-96 with modifications.
3. Reject Resolution 2023-96 and provide alternative direction to staff. If rejected, pursuant to the Franchise Agreement, Waste Management shall have the right to dispute the denial action by pursuing measures outlined in the Franchise Agreement.

**ATTACHMENTS:**

1. Resolution 2023-96  
<https://banningca.gov/DocumentCenter/View/12787/Att-1-Resolution-2023-96-Solid-Waste-Delinquencies-Tax-Roll>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Doug Schulze, City Manager

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

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of Resolution 2023-100, Authorizing and Approving the Beautify Banning Parks Program

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### **RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve the Beautify Banning Parks Program including the Park Sponsorship Program and the Adopt A Park program.
2. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the program.
3. Authorize the City Manager or designee to execute applicable Park Sponsorship Program agreements.

### **BACKGROUND:**

The Parks and Recreation Commission has created task driven subcommittees to tackle planning and policy creation, review and implementation on numerous Parks and Recreation areas of need. The subcommittees consist of two Parks and Recreation Commissioners and staff. One of these subcommittees is the Park's Beautification Subcommittee.

The Banning Park's system consistently deals with graffiti and vandalism issues and although staff makes every attempt to mitigate these issues, they often fall behind and our parks suffer. The Park's Beautification subcommittee was established to develop policies and programs to improve the aesthetic look of the parks and recommend improvement ideas. The subcommittee has been working on several tasks with the goal of creating community buy-in and perceived ownership of our parks and creating opportunities for the community to participate in improvements. Some of these tasks include the following:

- 1) The development of An Adopt-A-Park program.
- 2) A park beautification poster that can be used within the parks and as part of social media and direct communication.
- 3) The development of walking path plans for each park including signage.
- 4) A park amenity plan to define consistent amenities for the entire park system.

- 5) A Park and park amenity sponsorship plan.
- 6) Potential Art in the Parks program.

At this time, staff will present the Beautify Banning Park's program that consists of a Park Beautification poster, a Park Sponsorship Program and an Adopt a Park program.

The Parks and Recreation Commission reviewed and approved the entire Beautify Banning Parks program including the poster, sponsorship program and Adopt A Park program at the regularly scheduled Parks Recreation Commission meetings on January 18 and February 15, 2023.

BEAUTIFY BANNING PARKS PROGRAM includes:

ADOPT-A-PARK – The Adopt a Park program will allow non-profit groups, businesses and or families to adopt a particular Banning Park and perform a minimum of four park clean ups per year. The draft Adopt-A-Parks program includes an application and program rules for potential adopters to follow.

PARK BEAUTIFICATION POSTER - The draft Park Beautification poster will be used in media such as flyers, social media and outreach programs to help create community buy in to our parks system and help to improve the treatment of our parks. Additionally, the poster may be used as signage throughout the parks as well.

BEAUTIFY BANNING PARK SPONSORSHIP PROGRAM – A Banning Park sponsorship campaign flyer and sponsorship proposal form with tiered sponsorship options

#### **JUSTIFICATION:**

The Banning Park's system consistently feels the effects of graffiti and vandalism and limited staffing. We are in the process of hiring an additional Park Maintenance Worker, installing a pilot camera program in Repplier Park and our Police Department regularly patrols the parks. However, there are times when the department is unable to keep up and our parks suffer. The Beautify Banning Park's Program provides opportunities for the community to participate in the improvement of our park's system through monetary or voluntary measures.

#### **FISCAL IMPACT:**

There is no fiscal impact associated with the initial approval of this item. However, there will be staff time and some minimal costs to implementation of signage and other outreach items for the poster and for the Adopt A Park program. These costs will be absorbed within the current Ground's Maintenance Budget and after the program is operational, if applicable, additional costs will be allocated and requested as part of the annual budget process. The Beautify Banning Park Sponsorship program may also have some implementation costs. However, the sponsorships will generate more revenue than any applicable expenditures.

**ALTERNATIVES:**

1. Adopt Resolution 2023-100 as recommended.
2. Adopt Resolution 2023-100 with modifications.
3. Do not approve Resolution 2023-100 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-100  
<https://banningca.gov/DocumentCenter/View/12811/Att-1-Resolution-2023-100---Beautify-Banning-Parks-Program>
2. Beautify Banning Parks Program  
<https://banningca.gov/DocumentCenter/View/12809/Att-2-Beautify-Banning-Parks-Program>
3. Park's Beautification Poster  
<https://banningca.gov/DocumentCenter/View/12810/Att-3---Parks-Beautification-Poster>

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", 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 Rush, Community Development Manager

**MEETING DATE:** May 23, 2023

**SUBJECT:** Consideration of the First Reading of Ordinance 1589, An Ordinance of the City of Banning, California, Regarding Vacant Properties and Amending Chapter 8.12 of the Banning Municipal Code Regarding the Same, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.)

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### **RECOMMENDATION:**

Introduce Ordinance 1589. An Ordinance of the City of Banning, California, Regarding Vacant Properties and Amending Chapter 8.12 of the Banning Municipal Code Regarding the Same, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

### **BACKGROUND:**

Vacant properties are a major cause and source of blight in both residential and commercial neighborhoods, especially when the owners of such properties fail to actively maintain and manage them. The City desires to establish the registration of residential, commercial, industrial, and mixed-use properties that are vacant, abandoned, distressed, in disrepair, or in a state of foreclosure or default. The purpose being to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned or vacant properties, including residential and commercial properties in foreclosure. Vacant properties discourage economic development, retard appreciation of property values, are potential fire hazards, and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance, among other things. The City's goal is to establish uniform and reasonable regulations to prevent the immediate risks and detrimental effects associated with vacant properties.



**JUSTIFICATION:**

The City has observed an increase in the number of vacant and unmaintained properties and our existing enforcement efforts have been ineffective. Absentee property owners and irresponsible tenants continue to perpetuate vacant and distressed commercial and residential buildings. Continuing the status quo will impede the City's efforts to revitalize the downtown and enhance residential neighborhoods across the City. As such, the application and enforcement of more effective, and reasonable, regulations is necessary to achieve the City's economic development goals.

**FISCAL IMPACT:**

Upon adoption of this ordinance amendment the City will prepare an updated schedule of fines and penalties for the Council to consider and adopt. The goal of this program is to remain revenue neutral, with fines and penalties covering the cost of enforcement.

**ATTACHMENTS:**

1. Ordinance 1589  
<https://banningca.gov/DocumentCenter/View/12814/Att-1-Ordinance-1589-Amending-BMC-Chapter-812>
2. Chapter 8.12 (Redline)  
<https://banningca.gov/DocumentCenter/View/12813/Att-2-Redline-Banning---Ordinance-Amending-BMC-Chapter-812>
3. Example Photos  
<https://banningca.gov/DocumentCenter/View/12812/Att-3-Example-Photos>

Approved by:



Douglas Schulze  
City Manager