



## **AGENDA**

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

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

**June 13, 2023**

**5:00 p.m.**

**In Chambers and via Zoom**

Council Chambers  
99 E. Ramsey Street  
Banning, CA 92220

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

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

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*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)**

None

**4. REPORT ON CLOSED SESSION**

Kevin G. Ennis, City Attorney's Office

**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**

None

**5.4. CITY COUNCIL COMMITTEE REPORTS**

**5.5. CITY MANAGER REPORT**

**5.6. CITY ATTORNEY REPORT**

**5.7. CITY TREASURER REPORT**

## 6. **CONSENT ITEMS**

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

- 6.1. Approval of Minutes of the May 23, 2023 City Council Meetings..... **8**
- 6.2. Consideration of Resolution 2022-103, Approving a List of Projects to be Funded by Senate Bill 1 (“SB 1”), The Road Repair and Accountability Act of 2017, Road Maintenance and Rehabilitation Account Funds for Fiscal Year 2023/2024.....**9**
- 6.3. Consideration of Resolution 2023-104, in Support of the Establishment of the Proposed Chuckwalla National Monument and Expansion of Joshua Tree National Park.....**11**
- 6.4. Consideration of Resolution 2023-106, Approving a Service Agreement with Motorola Solutions for July 2023 to December 2028 in the Amount of \$154,507.95 for Software Updates in the Dispatch Center..... **15**
- 6.5. Consideration of Resolution 2023-108, Approving an Amended Statement of Investment Policy, Administrative Policy No. B-11..... **17**
- 6.6. Accept Easements from Atwell Community Association for Electric Utility Purposes on Accessor’s Tract Maps No. 37298-1, PA22 and 37390, PA24 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System..... **19**
- 6.7. Accept an Easement from TriPointe Homes for Public Landscape and Maintenance Purposes for Tract Map No. 37298-1 within the Atwell Development.....**21**
- 6.8. Consideration of Resolution 2023-110, Authorizing Staff to Utilize the Public Utilities Exceptions (Electric, Sewer, and Water) that Allows for Informal Procurements Without Formal Competitive Bidding as Provided for in Article 2, Section 3-105 (7) Notes and Exceptions, in the Purchasing Policy No. B-30, Approved by City Council Resolution 2018-156 on February 26, 2019 for the Purchase of Certain Supplies, Materials and Equipment for the City’s Public Utility Departments.....**23**
- 6.9. Consideration of Resolution 2023-112, Authorizing the City Manager to Execute License Agreements for the Delivery of Compost and/or Mulch in an effort to meet Procurement Targets Set forth by the California Department of Resources Recycling and Recovery.....**26**
- 6.10. Consideration of Resolution 2023-113, Designating an Authorized Representative or Designee to Execute an Agreement with the State of California Department of Water Resources for a Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant..... **29**
- 6.11. Create Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes.....**32**
- 6.12. Reallocation of Funds of the Treasury’s Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) Funded by the American Rescue Plan Act (ARPA).....**34**

- 6.13. Consideration of Resolution 2023-114, Approving the Purchase of one Vehicle from McCracken Automotive LLC doing business as the Brennan Motor Company for Use in the Participation in the Post-Release Accountability and Compliance Team (PACT).....**44**

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

- 7.1. Consideration of Resolution 2023-105, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2023/2024.....**46**  
(*Staff Report: Art Vela, Director of Public Works*)

**Recommendation:** Staff recommends that City Council adopt Resolution 2023-105: (1) Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2023/2024 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code; and (2) Authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office.

## **8. REPORTS OF OFFICERS**

- 8.1. Discussion of Utilizing Contractors for Roadside Maintenance and Transient Clean Up Services.....**49**  
(*Staff Report: Art Vela, Director of Public Works*)

**Recommendation:** Staff recommends City Council have a discussion regarding utilizing contract services for roadside maintenance and transient clean up services and to provide direction to City staff.

- 8.2. Fiscal Year 2023-24 Proposed Mid-Cycle Budget.....**51**  
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

**Recommendation:** Receive and file the Fiscal Year 2023-24 Proposed Mid-Cycle Budget report.

- 8.3. Consideration and approval of Sole Source Justification for Procurement of Services under Agreement with Acculine Consulting, LLC, Previously Approved by City Council Resolution 2023-67..... **54**  
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

**Recommendation:** Consideration and approval of Sole Source Justification for Procurement of Services under Agreement with Acculine Consulting, LLC, Previously Approved by City Council Resolution 2023-67.

- 8.4. Consideration of City Council Resolution 2023-107, Rescinding City Council Resolution 2023-51, Approving the Sole Source Procurement Justification, and Approving a Professional Services Agreement with Mostafa Jafarnia dba

MJ Consulting for Electric Engineering Consulting Services in the Amount of \$300,000.....**60**  
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

**Recommendation:** Adopt City Council Resolution 2023-107, Rescinding City Council Resolution 2023-51, Approving the Sole Source Procurement Justification, and Approving the Professional Services Agreement with Mostafa Jafarnia dba MJ Consulting for Electric Engineering Consulting Services in the Amount of \$300,000.

- 8.5. Consideration of the First Reading of Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, and Making a Determination of Exemption from the California Environmental Quality Act.....**66**  
(*Staff Report: Doug Schulze, City Manager*)

**Recommendation:** Introduce Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, 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 there is no possibility that the adoption of this Ordinance will have a significant effort on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15051 (b)(3).

- 8.6. Resolution 2023-109, Reaffirming Airport Closure Direction.....**68**  
(*Staff Report: Doug Schulze, City Manager*)

**Recommendation:** Staff recommends City Council adoption of Resolution 2023-109, re-affirming City Council direction to close Banning Municipal Airport.

- 8.7. Authorize Partnership with Banning Chamber of Commerce to Sponsor Banning Stagecoach Days 2023.....**69**  
(*Staff Report: Doug Schulze, City Manager*)

**Recommendation:** Staff recommends a motion to authorize a partnership with Banning Chamber of Commerce to sponsor Banning Stagecoach Days 2023.

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

- 9.1. Discuss Employee Work Schedules.....**71**  
(*Staff Report: Doug Schulze, City Manager*)

**Recommendation:** Discussion item only.

## **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. Revisit Municipal Code re: Condemnations/Code Enforcement (Flynn)
8. Scope and Duties of the Budget and Finance Committee (Wallace)
9. Neighborhood Groups/Identities (Minjares)
10. Research on Spending Thresholds (Specifically City Manager Authority)

## 11. ADJOURNMENT

***Next Regular Meeting – June 27, 2023 at 5:00 p.m.***

### **Zoom Community Standards for Public Meetings**

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

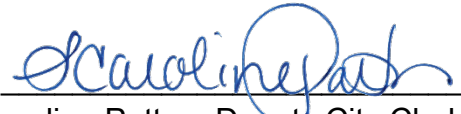
### **Estándares comunitarios de Zoom para Reuniones Públicas**

*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 8th day of June 2023.



Caroline Patton, Deputy City Clerk  
Secretario adjunto de la ciudad

### **PUBLIC NOTICE • NOTICIA PÚBLICA**

#### **Meeting Agendas and Notices**

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#### **Public Comment**

##### *Agenda Items*

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

##### *Non-Agenda Items*

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

#### **Special Assistance/Accessibility Requests**

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### **CONTACT • CONTACTO**

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99 East Ramsey Street, Banning, California 92220



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 13, 2023

**SUBJECT:** Minutes of the May 23, 2023 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the May 23, 2023 City Council Meetings.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Minutes of the May 23, 2023 Special City Council Meeting – Closed Session  
[https://banningca.gov/DocumentCenter/View/12852/2023-05-23\\_Minutes\\_Special-Meeting---Closed-Session](https://banningca.gov/DocumentCenter/View/12852/2023-05-23_Minutes_Special-Meeting---Closed-Session)
2. Minutes of the May 23, 2023 Regular City Council Meeting – Workshop  
[https://banningca.gov/DocumentCenter/View/12853/2023-05-23\\_Minutes\\_Special-Meeting---Workshop](https://banningca.gov/DocumentCenter/View/12853/2023-05-23_Minutes_Special-Meeting---Workshop)
3. Minutes of the May 23, 2023 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/12851/2023-05-23\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/12851/2023-05-23_Minutes_Regular-Meeting)

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  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2022-103, Approving a List of Projects to be Funded by Senate Bill 1 (“SB 1”), The Road Repair and Accountability Act of 2017, Road Maintenance and Rehabilitation Account Funds for Fiscal Year 2023/2024

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2023-103, approving a list of projects for to be funded by SB 1, The Road Repair and Accountability Act of 2017, Road Maintenance and Rehabilitation Account funds for fiscal year 2023/2024.

### **BACKGROUND:**

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation shortfalls statewide.

SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Banning are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year. The City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement.

The City will receive an estimated \$763,287 in RMRA funding in Fiscal Year 2023/2024 from SB 1. The City used a Pavement Management System to develop the SB 1 projects list to ensure revenues are being used in an efficient and cost-effective manner.

The preliminary cost estimate for these proposed projects is \$730,000 as listed below.

- Nicolet Street AC Overlay (from Hargrave Street to Alessandro Road) - \$230,000
- Wilson Street AC Overlay (from Alessandro Road to 8<sup>th</sup> Street) - \$350,000
- 8<sup>th</sup> Street AC Overlay (from Nicolet Street to Wilson Street) - \$150,000

**JUSTIFICATION:**

Local agencies are required to submit a list of projects to be funded by RMRA funds to the California Transportation Commission (CTC) by July 1, 2023 in order to receive funding for Fiscal Year 2023/2024.

**FISCAL IMPACT:**

The State Department of Finance estimates that the City of Banning will receive \$763,287 in RMRA funding in FY 2023/2024 from SB 1.

**ALTERNATIVES:**

The City Council may choose not to adopt Resolution 2023-103 at this time, which as a result the City will not be eligible to receive SB 1 funding for the Fiscal Year 2023/2024.

**ATTACHMENTS:**

1. Resolution No. 2023-103  
<https://banningca.gov/DocumentCenter/View/12884/Att-1-Resolution-2023-103-SB1-Projects>
2. Exhibit "A" - FY 2023/2024 SB 1 Proposed Projects List  
<https://banningca.gov/DocumentCenter/View/12883/Att-2-Exhibit-A---Proposed-Projects-List-for-SB-1-FY23-24>

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:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-104, in Support of the Establishment of the Proposed Chuckwalla National Monument and Expansion of Joshua Tree National Park

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### **RECOMMENDATION:**

Adopt Resolution 2023-104 supporting designation of the proposed Chuckwalla National Monument and expansion of Joshua Tree National Park via presidential use of the Antiquities Act or through legislation in the U.S. Congress.

### **BACKGROUND:**

A coalition of local non-profits and other organizations (The Protect California Deserts Campaign) is working to gain the support of U.S. Congressman Raul Ruiz, M.D., Senators Feinstein and Padilla, and the Biden Administration on a proposal to conserve federal public lands in Riverside and Imperial Counties for present and future generations to enjoy. The proposal would designate a new Chuckwalla National Monument that would border the southern edge of Joshua Tree National Park and permanently protect recreational access to popular places like the Mecca Hills and Orocopia Mountains. The proposed protections would honor and recognize the cultural histories of Indigenous peoples, enhance access to world-class nature for local residents and visitors, protect fragile desert wildlife by providing connectivity between existing protected lands, and help boost local economies.

National monuments can be established in two ways: through federal legislation or, more commonly, through presidential use of the Antiquities Act. Given current gridlock in Congress, the coalition is pursuing the latter option and seeks to work closely with Congressman Ruiz and California senators to advocate with the Biden Administration. Staff is recommending that the City Council approve a resolution supporting the designation of the proposed Chuckwalla National Monument and expansion of Joshua Tree National Park, and directing staff to forward the resolution to President Biden, Representative Ruiz, Senator Feinstein, and Senator Padilla.

The proposal would protect special deserts, mountains, and woodlands spanning from the eastern Coachella Valley almost to the Colorado River (see attached map). The new monument would safeguard World War II historical sites, the Bradshaw Trail and other designated routes used for human recreational purposes, cultural landscapes, and vital habitats for a diverse array of species, including chuckwalla, desert bighorn sheep, and desert tortoise. The proposal also includes an expansion to Joshua Tree National Park. To highlight key elements, the proposal would:

- Establish a Chuckwalla National Monument stretching from the Mecca Hills in the west to approximately 10 miles west of the Arizona border in Riverside and Imperial Counties; this would include protection for a wide array of cultural, historic and natural resources
- Expand Joshua Tree National Park in the Eagle Mountain area;
- Require an inter-agency study of recreation needs on public lands in the region; especially under-resourced but popular day-use sites;
- Honor the homelands of the Cahuilla, Chemehuevi, Mojave, Quechan, and Serrano peoples;

The proposed Chuckwalla National Monument and other protections would only apply to federal public lands. Such a designation would not affect existing lawful use of private property. Rights of way, utility corridors and infrastructure would not be impacted. The proposed Joshua Tree National Park expansion includes only those lands identified in a 2016 assessment by the National Park Service for inclusion in the Park. The expansion would cover only Bureau of Land Management (BLM) lands in the area, not privately owned lands. It also would not affect a proposed pump storage project and other existing or proposed activities on private lands.

The proposed protection of public lands is compatible with and complimentary to both the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Desert Renewable Energy Conservation Plan (DRECP).

The proposal was also crafted to be complimentary to the goals of the DRECP. All areas prioritized for renewable energy development were purposefully excluded from the proposed national monument boundaries.

National Monuments generally permit existing recreational uses to continue and in fact provide a better experience for users with increased signage for improved access and interpretation. OHV use is permissible within national monuments on legal routes and within designated areas.

The draft proposal will benefit Riverside and Imperial Counties in several ways, including:

- Protecting crucial plant and wildlife habitat and migration corridors.
- Safeguarding indigenous sites, landscapes of importance, and other cultural resources.
- Protecting important historic sites and landscapes.
- Enhancing equitable and sustainable recreation access to federal public lands.
- Boosting local economies by attracting visitors (see attachment on economic benefits)
- Promoting tourism and recreation which are an essential part of the desert region's economy.

The National Monument designation would preserve and enhance the extensive recreational and environmental education opportunities in this spectacular landscape. Monument designation would attract outdoor recreation enthusiasts, translating into dollars for the local economies of the Coachella Valley, Palo Verde Valley and surrounding communities.

All the lands within this proposal are within the new 25th Congressional District, which is represented by Congressman Ruiz. The coalition of organizations supporting the Protect California Deserts proposal is currently reaching out to local elected officials, community leaders, and stakeholders to solicit their input and support. Local supporters include CactusToCloud Institute, California Audubon, Council of Mexican Federations in North America (COFEM), Friends of the Desert Mountains, Mojave Desert Land Trust, National Parks Conservation Association, Native American Land Conservancy, Sierra Club, and The Wildlands Conservancy, among several others.

Staff recommends the City Council support the Protect California Deserts proposal and the designation of the Chuckwalla National Monument. In addition, staff can provide a sample letter of support for individual council members who may also want to consider support for the protection of this important region.

**FISCAL IMPACT:**

None

**ALTERNATIVES:**

1. Adopt Resolution 2023-104 as recommended.
2. Adopt Resolution 2023-104 with modifications.
3. Do not approve Resolution 2023-104 and provide alternative direction to staff.

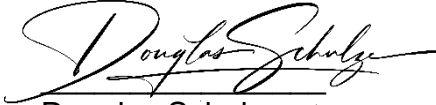
**ATTACHMENTS:**

1. Resolution 2023-104  
<https://banningca.gov/DocumentCenter/View/12858/Att-1-Resolution-2023-104-Support-for-Chuckwalla-National-Monument>
2. Map of Proposed Chuckwalla National Monument and Joshua Tree National Park Expansion  
<https://banningca.gov/DocumentCenter/View/12860/Att-2Map-of-Proposed-Chuckwalla-National-Monument>
3. Summary of the Protect California Deserts Proposal  
[https://banningca.gov/DocumentCenter/View/12859/Att-3-English-PCD-Outreach-Handout\\_Updated-March-2023](https://banningca.gov/DocumentCenter/View/12859/Att-3-English-PCD-Outreach-Handout_Updated-March-2023)
4. Proposal Fact Sheet  
<https://banningca.gov/DocumentCenter/View/12856/Att-4-EconBenefitsSummaries>

5. National Monument FAQ

<https://banningca.gov/DocumentCenter/View/12857/Att-5-PCD-FAQ-Handout-1>

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:** Jeff Horn, Captain/Acting Chief

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-106, Approving a Service Agreement with Motorola Solutions for July 2023 to December 2028 in the Amount of \$154,507.95 for Software Updates in the Dispatch Center

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### **RECOMMENDATION:**

Recommend the council approve the service agreement with Motorola for Motorola's Radio System Software upgrades that is used in our Dispatch Center (PSAP-Public Safety Answering Point). This service agreement coincides with the agreement with the Riverside County Sheriff's Department which allows the Banning Police Department the ability to use the radio system in all Riverside County. The County maintains the entire network that the City of Banning operates on. Motorola is the sole source provider of these services.

### **BACKGROUND:**

In 2017 the Banning Police Department/City of Banning entered into an agreement that would include some of the agencies in Riverside County. PSEC-Public Safety Enterprise Communication System is maintained by the Riverside County Sheriff's Department and allows the department to operate on the county wide radio system. This allows the Banning Police Department the ability to communicate with agencies throughout Riverside County. While Banning was an early adopter in the past 3 years more agencies in Riverside County have decided to join with PSEC.

### **JUSTIFICATION:**

This Service Agreement with Motorola has been in existence since joining PSEC. As Motorola is a sole source provider this contract is required to receive the software upgrades over the cycle of the contract. Motorola will also provide hardware that is required during the agreement.

**FISCAL IMPACT:**

The contract will be broken down over the life of the contract as stated below. This amount is already budgeted for the biannual budget. In 2022, Banning paid \$20,393.33 for this service. There is a large drop for the first year of the contract from the previous year.

<u>Year</u>	<u>Amount</u>
2023	\$10,706.50
2024	\$23,554.30
2025	\$25,909.72
2026	\$28,500.71
2027	\$31,350.80
2028	\$34,485.92

**ALTERNATIVES:**

1. Adopt Resolution 2023-106
2. Reject Resolution 2023-106 and provide direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-106  
<https://banningca.gov/DocumentCenter/View/12885/Att-1-Resolution-2023-106-Contract-with-Motorola-Solutions>
2. Contract with Motorola  
<https://banningca.gov/DocumentCenter/View/12886/Att-2-Banning-SUA-Contract-Motorola>

Approved by:



Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard, Administrative Services Director

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-108, Approving an Amended Statement of Investment Policy, Administrative Policy No. B-11

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### **RECOMMENDATION:**

Adopt Resolution 2023-108 amending the Investment Policy governing the investment of the City's funds and delegating the investment authority to the Administrative Services Director.

### **BACKGROUND:**

This Statement of Investment Policy pertains to those funds under the control of the City Council, designated for the ongoing operations of the City, the Banning Finance Authority, the Banning Utility Authority, and the Successor Agency to the City of Banning Redevelopment Agency. The Statement of Investment Policy concerns the deposit, maintenance, and safekeeping of all such funds, and the investments made with these funds. This Policy does not apply to pension funds, deferred compensation funds, bond funds (the investment of which is governed by the bond documents), trustee, and certain other non-operating funds.

The Statement of Investment Policy addresses the key areas that should be included in an investment policy as indicated in the Local Agency Investment Guidelines published by the California Debt and Investment Advisory Commission (CDIAC) including a list of securities in which the City may invest and conflict of interest prohibitions.

### **JUSTIFICATION:**

The investment policy serves as the foundation of a local agency's investment goals and priorities. The investment policy should be reviewed regularly to ensure that it continues to meet the agency's goals/priorities for its portfolio, it can help protect the assets of the organization. The existence of an approved investment policy demonstrates that the governing body is performing its fiduciary responsibilities, thereby inspiring trust and confidence among the public that it serves.

Although not mandated, Section 53646(a)(2) states that the chief fiscal officer of a local agency may annually request reapproval by the legislative body at a public meeting. While not required by statute, it is recommended that the investment policy be presented to and discussed with the agency's legislative body, and then have the policy approved by a vote of the legislative body. A public vote signifies that the legislative body shares fiduciary responsibility with the treasurer, increases the authority and legitimacy of the investment policy, and provides transparency and disclosure.

The proposed Statement of Investment Policy has been prepared in consideration of the primary investment objectives of safety of principal, liquidity that ensures the City can meet all of its cash flow needs while earning a fair market rate of return on available funds.

**FISCAL IMPACT:**

No fiscal impact.

**ALTERNATIVES:**

1. Adopt Resolution 2023-108 as recommended.
2. Adopt Resolution 2023-108 with modifications.

**ATTACHMENTS:**

1. Resolution 2023-108  
<https://banningca.gov/DocumentCenter/View/12887/Att-1-Resolution-2023-108>
2. Statement of Investment Policy, Administrative Policy No. B-11  
[https://banningca.gov/DocumentCenter/View/12888/Att-2-Exhibit-A-Admin-Policy-B-11-Statement-of-Investment-Policy\\_Redlined\\_Clean](https://banningca.gov/DocumentCenter/View/12888/Att-2-Exhibit-A-Admin-Policy-B-11-Statement-of-Investment-Policy_Redlined_Clean)

Approved by:



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:** June 13, 2023

**SUBJECT:** Accept Easements from Atwell Community Association for Electric Utility Purposes on Accessor's Tract Maps No. 37298-1, PA22 and 37390, PA24 within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System

---

### **RECOMMENDATION:**

Staff recommends that City Council accepts easements from Atwell Community Association for electric utility purposes for Tract Maps No. 37298-1, PA22 and 37390, PA24 within the Atwell Development for the maintenance of the City-owned electric distribution system.

### **BACKGROUND:**

Final Tract Maps No. 37298-1 and 37390 (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 Areas 22 and 24, which are included in Tract Maps 37298-1 and 37390 respectively. The facilities within the proposed easements consist of primary and secondary underground electric service for two community parks 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 37298-1, PA22, APN 408-120-086  
[https://banningca.gov/DocumentCenter/View/12862/Att-1\\_Easement---Tract-No-37298-1-PA22\\_5-11-23](https://banningca.gov/DocumentCenter/View/12862/Att-1_Easement---Tract-No-37298-1-PA22_5-11-23)
2. Certificate of Acceptance  
[https://banningca.gov/DocumentCenter/View/12863/Att-2\\_Certificate-of-Acceptance--Easement-for-37298-1-PA22](https://banningca.gov/DocumentCenter/View/12863/Att-2_Certificate-of-Acceptance--Easement-for-37298-1-PA22)
3. Easement – Tract 37390, PA24, APNs 408-642-001 & 002  
[https://banningca.gov/DocumentCenter/View/12861/Att-3\\_Easement---Tract-No-37390-PA24\\_5-10-23](https://banningca.gov/DocumentCenter/View/12861/Att-3_Easement---Tract-No-37390-PA24_5-10-23)
4. Certificate of Acceptance  
[https://banningca.gov/DocumentCenter/View/12864/Att-4\\_Certificate-of-Acceptance--Easement-for-37390-PA24](https://banningca.gov/DocumentCenter/View/12864/Att-4_Certificate-of-Acceptance--Easement-for-37390-PA24)

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  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** June 13, 2023

**SUBJECT:** Accept an Easement from TriPointe Homes for Public Landscape and Maintenance Purposes for Tract Map No. 37298-1 within the Atwell Development

---

### **RECOMMENDATION:**

Staff recommends that City Council accept an easement from Tri Pointe Homes for public landscape and maintenance purposes for Tract Map No. 37298-1 within the Atwell Development.

### **BACKGROUND:**

Final Tract Map No. 37298-1 within the Atwell Development Specific Plan was approved by City Council via Resolution No. 2019-151 on December 10, 2019. Tract Map No. 37298-1 subdivided into 6 numbered lots, 3 remainder lots and 29 lettered lots for open space, and public street and utility purposes. This tract map covers the southwest portion of the Atwell Development (Butterfield Specific Plan) project area.

The easement for public landscape and maintenance is within Lot 5 (School Site in Planning Area 20) of Tract Map No. 37298-1.

### **JUSTIFICATION:**

It is necessary to obtain an easement adjacent to Lot 5, within Tract Map No. 37298-1 to have public landscaping and maintenance access within the easement area.

### **FISCAL IMPACT:**

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

### **ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Easement – Public Landscape and Maintenance Purposes  
<https://banningca.gov/DocumentCenter/View/12889/Att-1-PA-20-Public-Landscape-and-Maint-Easement>
2. Certificate of Acceptance  
<https://banningca.gov/DocumentCenter/View/12890/Att-2-Certificate-of-Acceptance>

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:** Tom Miller, Electric Utility Director  
Carla Young, Business Support Manager

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-110, Authorizing Staff to Utilize the Public Utilities Exceptions (Electric, Sewer, and Water) that Allows for Informal Procurements Without Formal Competitive Bidding as Provided for in Article 2, Section 3-105 (7) Notes and Exceptions, in the Purchasing Policy No. B-30, Approved by City Council Resolution 2018-156 on February 26, 2019 for the Purchase of Certain Supplies, Materials and Equipment for the City's Public Utility Departments

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### **RECOMMENDATION:**

Staff recommends discussion and possible authorization for use by the City's Electric, Water and Wastewater Utilities of the Public Utilities exceptions (electric, sewer, and water) to formal competitive bidding for informal procurements as allowed by Article 2, Section 3-105 (7) Notes and Exceptions in the Purchasing Policy No. B-30, approved by City Council Resolution 2018-156 on February 26, 2019.

If Council chooses to approve, staff recommend a motion to approve Resolution 2023-110, authorizing use of the Public Utilities exceptions for informal procurement of specified items of equipment, materials and supplies for the fiscal year 2024.

### **BACKGROUND:**

In February of 2019, the City Council adopted Resolution 2018-156, approving the Purchasing Officer's recommended amendments to the City's Purchasing Policy No. B-30. Within this updated Policy, Article 2, Section 3-105, Note (7) provides exceptions from regular purchasing procedures for the City's utilities (electric, sewer, and water) for certain types of materials, equipment and supplies listed in that Note. The list of items that may, with City Council approval, and with the review and approval by the Purchasing Officer, be purchased without formal competitive bids are provided in Attachment 2, Purchasing Policy, to this staff report. This list is sometimes referred to as the exceptions list.

The City's utilities, as a matter of routine business, regularly consume specific commodities, materials, inventory, and services which are included in the exceptions list, and that are typical to the operations, maintenance, planned replacement, and capital improvements of their respective enterprise services. In order to provide good customer service in a safe, timely, uninterrupted, and efficient manner, it is necessary for the utilities to routinely and at times, quickly, purchase these specifically excepted items without the delay that would result from compliance with the formal bidding procedures.

City staff understands that by invoking this exception, the staff in the Utility Departments would not be required to procure the items on the exceptions list through a formal competitive process. However, to address this issue and avoid an overuse of this exception, the approved Purchasing Policy incorporates two checks and balances applicable to purchases using these exceptions. In addition to the Council's authorization of these exceptions, the Purchasing Officer reviews these exceptions to formal procurement requirements through the requisition process. The Purchasing Officer is aware that there are items that often pose a peculiar and unique purchasing circumstance in which it can be difficult to acquire suitable and appropriate items that meet the distinct, specific needs of the utilities and are necessary to allow them to maintain adequate service levels for utility customers. Due to the nature of the public utilities industry, the specific and aged utilities' assets, and limited availability of qualified vendors, authorizing the exceptions within the Purchasing Policy will allow the utilities to meet the goals and needs set forth by Council to better serve the City's utility customers.

As standard practice and whenever possible, the public utilities departments will acquire more than one quote for a product, to ensure wise use of funds. When this is not possible or a situation is presented where it would be detrimental to reliability and service, the sole source function within the Purchasing Policy may be utilized, subject to the approval and recommendation of the Purchasing Officer. The public utilities of the City of Banning strive to provide continuity of service and improve work flow while purchasing the item for the best price and maintaining appropriate purchasing standards and practices.

#### **JUSTIFICATION:**

The City's utilities maintain capital improvement plans that have been reviewed and approved by the City Council. Further, the capital improvement plans and annual operations and maintenance programs are included in annual budgets and are authorized by the City Council on a regular basis. Requiring City Council review of routine purchases that are already approved through the capital improvement planning and regular budgeting updates can be redundant and inefficient. In addition, the routine practice of obtaining competitive proposals, bids or quotes from material vendors often will not result in cost-efficiencies because the items are unique, or the items have been found to be purchased for the best price from a particular vendor. The primary purpose of the City's utilities is to provide continued reliable, and uninterrupted utility services. In order to ensure that the City's utility services remain consistently reliable, it is necessary for the City's utilities to have the means to quickly and efficiently acquire specific goods, equipment and services as identified and approved in advance by the City Council, and



set forth as exceptions in the City's Purchasing Policy. The adoption of the Resolutions herein will serve to further ensure the continued, reliable provision of utility services to the City while at the same time providing authority to the Purchasing Officer to review and approve of the use of the exception for those purchases

**FISCAL IMPACT:**

Expedited processing of purchase requisitions for items on the Purchasing Policy exceptions list will improve the timeliness, efficiency, and effectiveness of staff, and result in greater efficiency in the provision of utility services, thereby saving money.

**ALTERNATIVES:**

1. Adopt Resolution 2023-110 as recommended.
2. Adopt Resolution 2023-110 with modifications.
3. Do not approve Resolution 2023-110 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-110  
<https://banningca.gov/DocumentCenter/View/12891/Att-1-Resolution-2023-110-Purchasing-Exceptions-for-Electric>
2. Purchasing Policy B-30  
<https://banningca.gov/DocumentCenter/View/12892/Att-2-B-30-Procurement-Pages-16-and-17>

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  
James Grunewald, Solid Waste Program Coordinator

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-112, Authorizing the City Manager to Execute License Agreements for the Delivery of Compost and/or Mulch in an effort to meet Procurement Targets Set forth by the California Department of Resources Recycling and Recovery

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### **RECOMMENDATION:**

Staff Recommends that City Council adopt Resolution 2023-112 authorizing the City Manager or designee to execute License Agreements for the delivery of compost and/or mulch in an effort to meet procurement targets set forth by the California Department of Resources Recycling and Recovery ("CalRecycle").

### **BACKGROUND:**

In September 2016, Governor Edmund Brown Jr. set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets and Statewide mandates for recovery efforts set out to:

- Reduce organic waste disposal 50% by 2020 and 75% by 2025
- Not less than 20% of edible food that is currently disposed of is recovered for human consumption by 2025
- Create a market for recovered organic waste materials

Landfills are the third largest source of methane in California, and organic waste material makes up half of the refuse in California landfills. SB 1383 utilization of compost is intended to divert organic material out of the landfills. Compost utilization within the jurisdictions will help the state meet the goals of a 50% reduction of organic waste disposal.

The CalRecycle Short-lived Climate Pollutant (SLCP): Organic Waste Reduction Regulation states that "a jurisdiction shall annually procure a quantity of recovered

organic waste products that meets or exceeds its current annual recovered organic waste product procurement target”.

Each jurisdiction is assigned a recovered organic waste procurement target by the State, which is the tonnage of organic waste to be diverted from landfills and recycled into new products. The City’s current procurement target calculated by the State is 2,579 tons. Organic waste derived products that can be procured to meet the procurement target include compost, mulch, biofuel, heating derived from renewable gas and electricity derived from renewable gas or biomass conversion.

On April 27, 2021, the City Council approved a solid waste franchise agreement (“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 (“Solid Waste Services”), effective July 1, 2021. The Franchise Agreement establishes many Solid Waste Services provided to the community and helps ensure that the City complies with State solid waste regulations.

Pursuant to the Franchise Agreement Waste Management is to provide, at no cost to the City, mulch and/or compost in an effort to comply with the City’s organic waste procurement target.

### **JUSTIFICATION:**

Pursuant to CalRecycle regulations, the City is required to meet an organic waste procurement target. Compost and mulch have been identified as organic recycled products which can be applied throughout the City (e.g. parks, green belts, medians, etc.) and privately owned properties to meet the procurement target.

The License Agreement, attached hereto as Attachment 2, will be used as an agreement between property owners (“Licensor”) and the City. The License Agreement will grant the City and its contractor (i.e. Waste Management and Waste Management affiliates and agents) permission to access the Licensor’s property for the sole purpose of delivering compost and/or mulch. It is likely that the Licensee Agreement will be used for delivery to large bulk users such as developers (i.e. landscape uses) and for agricultural uses.

### **FISCAL IMPACT:**

There is no fiscal impact to the City, although not meeting CalRecycle’s organic waste procurement targets for the City could potentially result in non-compliance penalties.

### **ALTERNATIVES:**

1. Adopt Resolution 2023-112 as recommended.
2. Adopt Resolution 2023-112 with modifications.
3. Do not approve Resolution 2023-112 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-112  
<https://banningca.gov/DocumentCenter/View/12896/Att-1-RESOLUTION-2023-112-License-Agreement>
2. License Agreement  
[https://banningca.gov/DocumentCenter/View/12895/Att-2-Exhibit-A-License\\_Agreement](https://banningca.gov/DocumentCenter/View/12895/Att-2-Exhibit-A-License_Agreement)

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:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-113, Designating an Authorized Representative or Designee to Execute an Agreement with the State of California Department of Water Resources for a Proposition 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant

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### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2023-113, designating the City Manager or designee as the Authorized Representative to execute an agreement, or any amendments, with the State of California, Department of Water Resources (DWR) for a Proposition (Prop) 1 Round 2 Integrated Regional Water Management (IRWM) Implementation Grant.

### **BACKGROUND:**

On January 10, 2023 City Council adopted Resolution 2023-11 (see Attachment 2) authorizing the following:

1. Authorizing the submittal of a grant application to DWR to obtain a Prop 1 Round 2 IRWM Implementation Grant.
2. Authorizing the City Manager to execute a Grant Agreement with DWR to receive grant funding from the Prop 1 Round 2 IRWM Implementation Grant Solicitation and to execute Sub-Grantee Agreements with Cabazon Water District and High Valleys Water District.

On May 18, 2023, the Department of Public Works received notification (see Attachment 3) from DWR that the Prop 1 Round 2 grant application submitted by the City of Banning on behalf of the San Geronio IRWM Region was awarded the requested amount of \$1,912,755. As part of the notification, DWR has requested an updated authorizing resolution that includes the Authorized Agent authorized to assign a designee to sign in

place of the Authorized Representative, which would occur if the Authorized Representative is not available to sign.

It is noted that the DWR's award notification requires that, amongst other things, a new resolution be submitted to DWR within 14 days of the date of the award letter (i.e. June 1, 2023). Staff informed DWR it would not be able to meet this deadline and that the new resolution would be presented to City Council for consideration on June 13, 2023. DWR acknowledged the scheduling constraint and accepted that the new resolution would be submitted following the June 13, 2023 meeting, if approved by City Council. All other requested items (acceptance of grant award and consent for DocuSign) were submitted prior to the deadline.

#### **JUSTIFICATION:**

DWR requested, in its May 18, 2023 award notification, that the City provide a resolution designating an Authorized Representative and authority for said Authorized Representative to assign a designee to sign in place of the Authorized Representative.

Finalization and execution of the grant agreement is contingent on the adoption of Resolution 2023-113.

#### **FISCAL IMPACT:**

Adoption of Resolution 2023-113 will result in the San Gorgonio IRWM Region receiving \$1,912,755 in grant funding of which \$490,269 will be received by the City of Banning to fund the Lions Park Recycled Water Conversion Project (see Attachment 4).

#### **ALTERNATIVES:**

1. Adopt Resolution 2023-113 as recommended.
2. Adopt Resolution 2023-113 with modifications.
3. Do not approve Resolution 2023-113 and provide alternative direction to staff.

#### **ATTACHMENTS:**

1. Resolution 2023-113  
<https://banningca.gov/DocumentCenter/View/12900/Att-1-Resolution-2023-113>
2. Resolution 2023-11  
<https://banningca.gov/DocumentCenter/View/12899/Att-2-SR-Resolution-2023-11-IRWM-Implementation-Grant>
3. DWR Award Notification  
<https://banningca.gov/DocumentCenter/View/12897/Att-3-San-Gorgonio-Prop-1-Round-2-Award-Notification-Letter>
4. Colorado River Funding Recommendations  
<https://banningca.gov/DocumentCenter/View/12898/Att-4-Final-Funding-Recommendations---Colorado-River-MH-1>

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:** Lincoln Bogard, Administrative Services Director

**MEETING DATE:** Month Day, Year

**SUBJECT:** Create Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes

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### **RECOMMENDATION:**

Approve the creation of Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes.

### **BACKGROUND:**

Internal Service Funds (ISFs) are generally used for government-wide services provided primarily or only to internal customers. These funds can be used in the calculation of an Indirect Cost Rate Proposal supported by a 2 CFR 200 Cost Allocation Plan. By including all business type activities primarily internal in nature, the City can maximize the reimbursement of the total cost of grants received, which will benefit the City in the future.

Fiduciary Funds should not be guaranteed or benefit the City. The City should not have managerial oversight of the funds and cannot direct the usage of funds. The City maintains several Fiduciary Funds that are Custodial in nature that are primarily for Community Facilities Districts and Landscape Assessment Districts, which are paid through property tax assessments and not an obligation of the City.

### **JUSTIFICATION:**

The City currently classifies Risk Management, Fleet Maintenance, Information Systems, and Utility Billing as ISFs. Staff has identified two other areas that are generally considered ISFs that the City currently accounts for in the General Fund. Those are Building Maintenance and Support Services, commonly referred to as General Services.

Upon performing analysis of existing funds Staff also recommends closing two Fiduciary Funds. The Area Police Computer fund actually belong to the Police Department and should be classified as a part of the General Fund in the Police Department. Cameo



Homes relates to Developer Deposits dating back many years. The project is complete and qualifies for revenue recognition for the General Fund. Therefore, this fund is no longer needed.

**FISCAL IMPACT:**

None. These changes only impact where transactions occur not if they will occur.

**ALTERNATIVES:**

1. Approve the creation of Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes as recommended.
2. Approve the creation of Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes with modifications.
3. Do not approve the creation of Internal Service Funds 704 – Building Maintenance and 705 – Support Services and Closeout Fiduciary Funds 370 – Area Police Computer and 376 – Cameo Homes and provide alternative direction to staff.

**ATTACHMENTS:**

None

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

**MEETING DATE:** June 13, 2023

**SUBJECT:** Reallocation of Funds of the Treasury's Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) Funded by the American Rescue Plan Act (ARPA)

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### **RECOMMENDATION:**

Staff recommends Council to review, obligate and reallocate a portion of unspent Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) funded by the American Rescue Plan Act (ARPA) for projects presented by staff.

### **BACKGROUND:**

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add Section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and Section 603, which establishes the Coronavirus Local Fiscal Recovery Fund. The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

Through the Fiscal Recovery Funds, Congress provided State, local, and Tribal governments with significant resources to respond to the COVID-19 public health emergency and on January 6, 2022, the Treasury issued the Final Rule clarifying prior guidance and enumerated additional allowable expenditures for economic impacts through four categories of eligible uses which are:

- A. Public Health and Negative Economic Impacts: To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality.
  - a. COVID-19 Mitigation and prevention
  - b. Medical Expenses

- c. Behavioral healthcare, such as mental health treatment, substance use treatment, and other behavioral health services
- d. Preventing and responding to violence (Public Safety)
- e. Referrals to trauma recovery services for victims of crime
- f. Community violence intervention program
- g. Law enforcement officers focused on advancing community policing
- h. Enforcement efforts to reduce gun violence, including prosecution
- i. Technology & equipment to support law enforcement response
- j. Assistance to Households
  - i. Impacted Households/Communities
  - ii. Disproportionately Impacted Households/Communities
- k. Assistance to Small Businesses
  - i. Definition: no more than 500 employees and are a small business concern as defined in section 3 of the Small Business Act (independently owned and operated and not dominant in field of operation)
  - ii. Impacted Small Businesses and Disproportionately Impacted Small Businesses
    - 1. Impacted Small Businesses Examples of projects: Loans or grants to mitigate financial hardship; or technical assistance or other business planning services
    - 2. Disproportionately Impacted Small Businesses Examples of projects: Rehab of commercial property, storefront improvements, and façade improvements
    - 3. Technical assistance, business incubators & grants for startup or expansion
    - 4. Support for microbusinesses
- l. Assistance to Nonprofits
  - i. Examples of projects: Loans or grants to mitigate financial hardship; Technical or in-kind assistance to mitigate negative economic impacts of pandemic
- m. Aid to Impacted Industries
  - i. Designate an impacted industry
    - 1. Travel, tourism, or hospitality sector
    - 2. OR: at least 8% employment loss from pre-pandemic levels or industry experience comparable or worse economic impacts as the national travel/tourism/hospitality sectors
  - ii. Provide eligible aid to impacted industry
    - 1. Aid to mitigate financial hardship
    - 2. Technical assistance, counseling, or business planning services
    - 3. COVID-19 mitigations and infection prevention measures
- n. Public Sector Rehiring and Employment Uses
  - i. Public Safety, Public Health and Human Services Staff
    - 1. Identify eligible employees

2. Determine time spent on COVID-19 response and use funds for payroll and covered benefits for eligible COVID-19 time
  - ii. Government employment and rehiring public sector staff
    1. Pre-pandemic employment
    2. Supporting and retaining government workers (including worker retention incentives)
    3. Cover admin costs for administering hiring, support and retention programs
  - iii. Effective service delivery
    1. Program evaluation, data and outreach and administrative needs
- B. Premium Pay: To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
  1. ARPA funds may be used to provide premium pay to eligible workers performing essential work during the pandemic, who maintain the continuity of operations of essential critical infrastructure sectors. Premium pay may be awarded to eligible workers up to \$13 per hour. Premium pay must be in addition to wages or compensation the eligible worker otherwise receives.
    - a. Premium pay may not exceed \$25,000 for any single worker during the program
  2. Premium pay may be awarded in installments or lump sums and may be awarded to hourly, part-time, or salaried or non-hourly workers
  3. Premium pay may be paid retrospectively.
  4. ARPA funds cannot be used to reimburse itself for premium pay or hazard pay already received by the workers
    - a. Premium pay may not be paid to volunteers
- C. Public Sector Revenue Loss: For the provision of government services to the extent of the reduction in revenue due to COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.
  1. MAJOR Revenue loss change: The Final Rule allows recipients to elect a standard allowance of \$10 million revenue loss instead of using the calculation
    - a. Allowance covers entire period of performance
    - b. Allowance is not dependent on the “size” of the entitlement
  2. These expenditures do not have to qualify under one of the other ARPA categories but do have the same time frame for when the costs must be obligated or expended.
  3. Provided for streamlined reporting, however, must still report on projects and use of funds in general.
  4. Used for spending on Government Services with the following restrictions:
  5. Cannot be used to offset a reduction in net tax revenue

6. Cannot be deposited into pension funds
7. Cannot be used for debt service and replenishing reserves, settlements, and judgements

Government services include, but are not limited to:

8. Maintenance or pay-go funded building of infrastructure, including roads.
9. Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure.
10. Health services.
11. Environmental remediation.
12. School or educational services.
13. And the provision of police, fire, and other public safety services
14. Construction of schools and hospitals
15. Road building and maintenance, and other infrastructure
16. General government administration, staff, and administrative facilities
17. Provision of public safety services includes purchase of fire trucks and police vehicles

D. Water, Sewer and Broadband Infrastructure: To make necessary investments in water, sewer, or broadband infrastructure.

1. Clean Water State Revolving Fund Project
2. Drinking Water State Revolving Fund Projects
3. Other “Necessary” projects
  - a. Responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
  - b. A cost-effective means for meeting that need, considering available alternatives, and
  - c. For investments in infrastructure that supply drinking water to meet projected population growth, projected to be sustainable over its estimate useful life.
4. Eligible area
  - a. Encouraged to prioritize locations without access to 100/20 Mbps
  - b. Lack of access to reliable high-speed broadband connection
  - c. Lack of affordable broadband
  - d. Lack of reliable service
5. Meet high-speed technical standards
  - a. 100 Mbps download and upload speeds unless not practicable
  - b. 100/20 Mbps minimum scalable to 100 Mbps download and upload speeds
6. Low-income subsidy program
  - a. Requires the service provider to either participate in the FCC’s Affordable Connectivity Programs (ACP) or provides access to low-income program commensurate to ACP
7. Cybersecurity

- a. Eligible use for cybersecurity for existing and new broadband infrastructure
- b. Includes modernization of hardware and software

The City of Banning has been allocated \$7,468,726 in CSLFRF to be disbursed in two equal installments. The first installment was received in July 2021, \$3,734,363 and the second installment was received in July 2022. A separate fund and project code was created to track the funds.

### **JUSTIFICATION:**

On February 22, 2022 the Council approved a project list for use of ARPA funds. However, with supply shortages, projects delays and other factors that may delay the intended projects; staff has reevaluated the project list while taking into consideration the deadlines imposed by The Department of the Treasury to create a project list that can be obligated by December 31, 2024 and expended by December 31, 2026 outlined below.

### **Public Health and Negative Economic Impacts**

1. **Public Safety**-To help keep the community safe, hire additional police officers (5), increase salary to retain and recruit officers and pay for additional overtime (Council approved May 11, 2021)- **Allocated amount \$1,317,350 (Paid FY21 and FY22)**
2. **Zen City**- Community engagement platform to help reach more of the community through information sharing and dialogue. Includes collaboration with the Civil Space platform, which provides the ability to engage in ongoing dialogue. (Council approved November 9, 2021)- **Allocated amount \$66,000 (Paid FY22 and FY23)**
3. **Business grants/Façade Improvements**- Provide grants of \$10,000 (13) for active small businesses and allocate funds to help with façade improvements. Grants of \$10,000 to businesses based in Banning with an active Business License that can meet the following criteria and demonstrate the following: 1.) Have no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and 2.) Are a small business concern as defined in section 3 of the Small Business Act (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).
  - a. Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:
    - i. Decreased revenue or gross receipts
    - ii. Financial insecurity
    - iii. Increased costs
    - iv. Capacity to weather financial hardship
    - v. Challenges covering payroll, rent or mortgage, and other operating costs

- b. Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:
  - i. Grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
  - ii. Technical assistance, counseling, or other services to support business planning- **Allocated amount for grants \$130,000 (paid FY23)**

**Total Public Health and Negative Economic Impact project allocations: \$1,513,350**

#### Premium Pay

Provide premium pay for essential workers for the continuity of operations during the COVID-19 public health emergency. (Council approved January 25, 2022, Resolution 2022-07) - **Allocated amount \$1,291,056 (Paid FY22)**

**Total Premium Pay Allocations: \$1,291,056**

#### Water, Sewer and Broadband Infrastructure

##### Broadband Projects:

1. **Public Safety Police Department-** the Banning Police Department building was completed in 2010. The infrastructure was completed with 2010 technology and has not been updated since. If you were to look at cell phone technology alone about every 12 months there are upgrades making the newest phone almost obsolete after it is purchased. Our computer infrastructure and camera systems at the Banning Police department are failing under the weight of the old technology. The Police Department is working off 12-year-old technology when training and attempting to utilize online meetings. The request for funding is to upgrade the entire department of the infrastructure.

Part of the overall funding regarding the infrastructure is the camera systems. The camera systems are also working off 12-year-old technology that requires storage of data at the department instead of cloud based. Cloud based allows for the storage of data that can easily be retrieved from anywhere as opposed to only at the police department and on department servers. In 2021, a person damaged one of the large panes of glass at the police building. The suspect was not captured on a camera based on the location and poor quality of the system. An upgraded camera system will assist not only with the protection of the police department but will assist with the prosecution of crimes. The camera system upgrade also applies to the interview rooms located in the police department. The older technology hampers the ability of the department to

provide the district attorney's office with high quality video on interviews. This is a needed upgrade for the protection of the residents of Banning.

The Department has done several pilot programs with body cameras and has vehicles with in-car cameras. The in-car camera system is at least 12-years old and failing. The body camera pilot program has provided the department with evidence and the ability to review encounters with residents. Studies have shown that body cameras protect both the residents and the officers from false claims. Cameras provide a layer of transparency for the residents and visitors of Banning. Having both an in-car system and an individual body camera enhances the ability of the department to capture video evidence that is needed for prosecution and transparency. One system alone, we have found through the pilot programs, does not provide the same level of clarity. The point of view from the vehicle and from the personal body camera has shown perspectives that can't always be seen from only one of the views.

Projects to upgrade the police departments infrastructure:

- a. PD Interview Room Solution includes car video, black box recording, interview room microphone, with cloud plan installation services for three (3) years- **Allocated amount \$9,281**
  - b. PD upgrades to technology in briefing room, conference room and community room/EOC- **Allocated amount \$117,000**
  - c. Banning PD in car cameras and body worn cameras (Quantity 30)- **Allocated amount \$397,672**
  - d. Cameras at the police station- **Allocated amount \$138,384**
2. **Network Upgrade-Citywide-** Network and server upgrades to all city facilities; including Blade Center, Nimble, VMware, UPS, switches installation and labor- **Allocated amount \$552,520**
3. **New Enterprise Resource Planning (ERP) System-** An ERP system is business process management software that manages, automates, and integrates an agency's (company) financials, supply chain, operations, reporting, manufacturing, and human resources activities. It helps link information from the different city departments together and helps eliminate costly duplicate and incompatible technology. The city's current ERP is truly antiquated with 1990's technology and needs to be upgraded to current technology that provides a more efficient system and protection for cybersecurity. This should have been done at least 15 years ago - **Allocated amount towards new ERP/Software systems \$855,482**
- c. Milsoft-Electric/CIS, IVR and OMS- **Allocated amount \$225,906 (Paid FY22)**
  - d. Oracle NetSuite Citywide Financial Software- **Allocated amount \$299,750 (Paid FY23)**
  - e. NeoGov- HR/Payroll Software- **Allocated amount \$133,200 (Paid FY23)**
  - f. Granicus- Agenda management for City Council and Commissions within the City-**Proposed allocated amount \$6,500**



- g. Software (Economic Development)-**Proposed allocated amount \$40,000**
- h. Brightly/SmartGov Kiosk-**Proposed allocated amount \$20,000**

- 4. **Electronic Messaging Board**-To help communicate City services to the community as an additional outlet for information- **Allocated amount \$17,964 (Paid FY23, reallocate balance of project)**
- 5. **Computer Workstations**-Investment in new/replacement mobile workstations for staff- **Allocated amount \$25,000**

**Total Broadband Infrastructure project allocations: \$2,113,303**

#### Water and Sewer Projects

- 1. **Ramsey Street Water Line**- A water line currently does not exist along Ramsey Street from Sunset Avenue to Highland Home Road, which will prevent the commercial zoned properties fronting Ramsey Street from being developed without a condition of approval to construct the waterline. Said condition can be economically infeasible for some developments. This issue is at the forefront with the proposed Wyndham Hotel Phase 1- **Allocated amount \$1,000,000**
- 2. **Replace 4" Waterline on Barbour**- An existing 4" waterline on Barbour Street from Hargrave to Juarez must be replaced in order to provide needed fire flow for the development of industrial zoned properties on the south side of town, west of Hargrave Street- **Allocated amount \$550,000**
- 3. **Equalization Basin**- The project will provide for an equalization basin that will normalize peak flows resulting in an increase in the WWTP's efficiency. Additionally, the project will modify and improve one of the WWTP's existing percolation ponds, enabling the storage of excess flows such as those during intense rain events- **Proposed allocation amount \$700,000.**

**Total Water and Sewer Infrastructure project allocations: \$2,250,000**

**Total Water, Sewer and Broadband Infrastructure project allocations  
\$4,363,303**

#### Public Sector Revenue Loss

- 1. **General Government Administration**-Staff and administrative facilities (including City Hall renovation)-**Proposed allocation amount \$220,000**
- 2. **Recognize as Revenue Loss**-Grant the City Manager or designee the authority to designate any unspent or unused project funds as revenue loss per the final rule which allows recipients to elect a standard allowance of \$10 million revenue loss, not to exceed their total award allocation. In advance of making this election, a recipient may begin to use up to \$10 million of SLFRF funds for government services. The City has chosen to outline projects for use of the CSLFRF funds

with the understanding that funds are allowable to be recognized as general fund revenue to offset Public Safety costs- **Estimate of balance after projects budgeted \$81,017**

**Total Public Sector Revenue Loss allocations: \$301,017**

**FISCAL IMPACT:**

<b>CSLFRF Total Allocation to City of Banning</b>	<b>\$7,468,726</b>
<b>Premium Pay</b>	<b>\$1,291,056</b>
<b>Public Health and Negative Economic Impacts</b>	<b>\$1,513,350</b>
<b>Water, Sewer and Broadband Infrastructure</b>	<b>\$4,363,303</b>
<b>Public Sector Revenue Loss</b>	<b><u>\$301,017</u></b>
<b>Total Use of Funds</b>	<b>\$7,468,726</b>
<b>Balance of Funds Available</b>	<b>\$0</b>

**ALTERNATIVES:**

1. Approve reallocation recommendations.
2. Do not approve reallocation recommendation and provide alternative direction to staff.

**ATTACHMENTS:**

1. SLFRF Project and Expenditure Report

<https://banningca.gov/DocumentCenter/View/12901/Att-1-ARPA-Project-and-Expenditure-Report>

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:** Jeff Horn, Captain/Acting Chief

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-114, Approving the Purchase of one Vehicle from McCracken Automotive LLC doing business as the Brennan Motor Company for Use in the Participation in the Post-Release Accountability and Compliance Team (PACT)

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### **RECOMMENDATION:**

Staff recommend the City Council approve Resolution 2023-114:

1. Authorizing the purchase of one vehicle from the McCracken Automotive LLC for the specified use of the Officer assigned to the Post-Release Accountability and Compliance Team (PACT).
2. Authorize the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this Purchase.
3. Authorize the City Manager to execute the purchasing documents and other ancillary documents as necessary for the execution of services as defined in this Staff Report.

### **BACKGROUND:**

The Department has an agreement with PACT and the funding to purchase a vehicle for the officer assigned to the team. The PACT has allocated funding for the new vehicle purchase of up to \$50,000. There is an allocated funding for the laptop and ancillary computer equipment of up to \$6,000.

Due to continuing supply chain issues, it has been difficult to acquire vehicles from California dealers which created the need to search for vendors outside of the State. Last year, the vehicle supply chain was in a dire situation and the Banning Police Department identified McCracken Automotive LLC as a provider of vehicles. McCracken Automotive LLC currently does business with Cathedral City, City of Beaumont and several other cities in the Inland Empire. After verifying local resources, McCracken Automotive LLC was determined to be the best value in terms of pricing and availability and has been sole sourced for this purchase. The Department would like to purchase one (1) vehicle for the Banning representative for PACT.

**JUSTIFICATION:**

This vehicle will be purchased for the use of our PACT Officer. The PACT funding has authorized the expenditure of up to \$50,000 for the purchase of the vehicle plus additional funding up to \$6,000.00 for the computer and ancillary equipment of the vehicle. This vehicle will be utilized by the PACT Officer while working cases in Banning and other Inland Empire Cities (as per the PACT agreement). The PACT Officer currently uses a 2009 Ford Crown Victoria as his assigned vehicle.

**FISCAL IMPACT:**

The PACT funding has authorized the purchase price of up to \$50,000. The total price of the vehicle is \$48,000 including the delivery fee of \$1800. The Department will pay the sales tax when the plates are purchased for the vehicles. The cost to the City will be less than \$5,000 for taxes for a total vehicle purchase price of not to exceed \$53,000.

The department would pay for the majority of the upfitting of the vehicle through existing grant funds. PACT will authorize up to \$6,000 for the computer and computer equipment from the current year PACT funding. The extra cost will come from the grant funded 148 account in the amount not to exceed \$30,000.

**ALTERNATIVES:**

1. Adopt Resolution 23-113 as recommended.
2. Adopt Resolution 23-113 with modifications.
3. Do not approve Resolution 23-113 and provide alternative direction to Staff.

**ATTACHMENTS:**

1. Resolution 2023-114  
<https://banningca.gov/DocumentCenter/View/12916/Att-1-Resolution-2023-114-Police-Vehicle-for-PACT>
2. Quote from McCracken Automotive LLC  
<https://banningca.gov/DocumentCenter/View/12917/Att-2-banning-cali-street-app-tahoe-deal-5-23-2023>
3. Sole Source for McCracken Automotive LLC  
<https://banningca.gov/DocumentCenter/View/12918/Att-3-Sole-Source-Justification>

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:** June 13, 2023

**SUBJECT:** Consideration of Resolution 2023-105, Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District No. 1 for Fiscal Year 2023/2024

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### **RECOMMENDATION:**

Staff recommends that City Council adopt Resolution 2023-105:

1. Confirming the Levy and Collection of Assessments within the City of Banning's Landscape Maintenance District (LMD) No. 1 for Fiscal Year 2023/2024 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
2. Authorizing and directing the City Clerk to file the diagram and assessment with the Riverside County Assessor/County Clerk-Recorder's Office.

### **BACKGROUND:**

In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of LMD No. 1, ("the District"). An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution 2005-36 on May 10, 2005. A map displaying the District and its' Zones is shown as Attachment 2. On February 14, 2023 the City Council approved Resolution 2023-27, initiating proceedings for the fiscal year update of LMD No. 1 and ordering the City Engineer to prepare and to file a report in accordance with the 1972 Act. The District, by special benefit assessments, provides funding for the operation and maintenance of certain landscape areas within the City of Banning, all of which were constructed as part of private development projects and all of which are located in the public right-of-way. The 1972 Act requires that assessments be levied according to benefit rather than according to assessed value.

Subsequently, on April 11, 2023, the City Council adopted Resolution 2023-62, approving the Engineer's Report. Resolution 2023-105, if approved, will confirm the assessments for the Fiscal Year 2023/2024. The schedule updating LMD No. 1 is shown as Attachment 3, and the Notice of Public Hearing is shown on Attachment 4.

For Fiscal Year 2023/2024, the Engineer's Report does reflect a Consumer Price Index (CPI) percentage increase of 5.00% on the assessments over the last fiscal year applied only to those tracts annexed into the District in 2005: Tracts 28252, 30793, 31833, 31834, 31835 and 30906, zones six through ten. The Annual Engineer's Report approved as part of Resolution 2023-62 lists the Assessment Unit (AU) rates and costs to be levied to the property owners within LMD No. 1 for FY 2023/2024 and a summary is shown as Attachment 5.

### **JUSTIFICATION:**

The City Council approved the formation of Landscape Maintenance District (LMD) No. 1 by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of this Resolution will enable the City of Banning to assess the property owners located within LMD No. 1 to provide for the funding required to maintain landscape areas located within the public right-of-way directly benefiting said property owners.

### **FISCAL IMPACT:**

Based on the proposed assessments in the Engineer's Report, the estimated revenues for Fiscal Year 2023/24 for LMD No. 1 will be approximately \$149,543.82, with the 5.00% CPI increase applied to the existing tracts annexed into the District in 2005: Tracts 28252, 30793, 31833, 31834, 31835 and 30906, zones six through ten. If approved, the annual assessment for a single-family dwelling in these zones would increase from the current rate of \$240.60 to \$252.63.

The estimated expenses for Fiscal year 2023/24 are \$170,886.45. A revenue shortfall of approximately \$21,342.63 exists for LMD No. 1 as a whole. It should be noted that each zone within the District has its own fund balance separate from other zones. Attachment 6 identifies funding reserve balances in each zone. Many of the zones (Zones 1,3,4,5,8 and 9) do not have sufficient reserves to cover the projected expenses; therefore, a reduction in maintenance services is imminent to reduce costs.

### **ALTERNATIVES:**

1. Adopt Resolution 2023-105 as recommended.
2. Adopt Resolution 2023-105 with modifications.
3. Do not approve Resolution 2023-105 and provide alternative direction to staff.

### **ATTACHMENTS:**

1. Resolution No. 2023-105  
<https://banningca.gov/DocumentCenter/View/12908/Att-1-Resolution-Confirming-the-levy-and-Public-Hearing>

2. LMD No. 1 Map/Zones for FY 2023/24  
<https://banningca.gov/DocumentCenter/View/12903/Att-2-LMD-No1-Map-and-Zones>
3. Schedule for Updating LMD No. 1  
<https://banningca.gov/DocumentCenter/View/12904/Att-3-Schedule-for-Updating-LMD-No-1>
4. LMD No. 1 Levy/Public Hearing Publication  
<https://banningca.gov/DocumentCenter/View/12905/Att-4--Advertisement-for-May-26-2023>
5. LMD No. 1 Assessments  
<https://banningca.gov/DocumentCenter/View/12906/Att-5-LMD-No-1-Tracts-Zones-and-Assessments-for-Fiscal-Year-2023-2024>
6. Zone Funding  
<https://banningca.gov/DocumentCenter/View/12907/Att-6-Zone-Funding>
7. Resolution 2023-62  
<https://banningca.gov/DocumentCenter/View/12902/Att-7-Signed-Resolution-No-2023-62>

Approved by:



Douglas Schulze  
City Manager





## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 13, 2023

**SUBJECT:** Discussion of Utilizing Contractors for Roadside Maintenance and Transient Clean Up Services

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### **RECOMMENDATION:**

Staff recommends City Council have a discussion regarding utilizing contract services for roadside maintenance and transient clean up services and to provide direction to City staff.

### **BACKGROUND:**

The City's Department of Public Works, Street Division consists of a field staff of five including a Senior Maintenance Worker, three Maintenance Workers and one Work Release Crew Leader. The Street Division is responsible for maintenance street related right-of-way assets and general maintenance with the right-of-way. Right-of-way assets include traffic signals, traffic signs, street markers, sidewalk, curbs and gutter, handicap ramps, storm drain system and street pavement. General maintenance with the right-of-way includes, but not limited to, weed abatement, clean up of debris (e.g. trash, palm fronds, tree branches, traffic collisions, etc.), clean up of illegal dumping, dirt road, landscape/irrigation maintenance, pickup of shopping carts and transient encampment clean up. Frequently, Street Division staff also assist the City's one Building Maintenance Specialist with building maintenance related work orders.

Contracted roadside maintenance services may include: litter pickup, illegal dumping cleanups, removal of debris from City streets, outside of City streets and within right-of-way and storm drains.

Contracted transient clean up services may include: clean up and removal of transient encampments and retrieval of abandoned shopping carts.

**JUSTIFICATION:**

The topic of utilizing contract services for roadside maintenance and transient encampment clean up services is one that was added to “Items for Future Agenda” by Councilmember Minjares.

Benefits of roadside maintenance and transient clean up services could be useful in freeing up staff resources that are dedicated to these activities.

**FISCAL IMPACT:**

If City Council directs staff to solicit bids for roadside maintenance and transient encampment clean up services, the fiscal impact would depend on the budget set by City Council. It is likely that the contract would be funded by the General Fund.

**ALTERNATIVES:**

1. Provide direction to City staff to solicit bids for roadside maintenance and transient clean up services.
2. Provide direction to City staff to not solicit bids at this time for roadside maintenance and transient clean up services.

**ATTACHMENTS:**

None

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:** Lincoln Bogard, Administrative Services Director

**MEETING DATE:** June 13, 2023

**SUBJECT:** Fiscal Year 2023-24 Proposed Mid-Cycle Budget

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### **RECOMMENDATION:**

Receive and file the Fiscal Year 2023-24 Proposed Mid-Cycle Budget report.

### **BACKGROUND:**

Fiscal staff has continued the process of preparing the FY 2023-24 Mid-Cycle Budget. This is the second of three iterations that will be presented to the City Council. The first budget presented was a Preliminary General Fund Budget. This budget is the Citywide Proposed Budget. The third budget will be the Recommended Citywide Budget. As stated previously, staff will endeavor to hone the budget throughout the process. Our goal is to provide updates at the Budget & Finance Committee meeting in June and to Council for both Council Meetings in June.

Staff have identified over \$3.3 million in additional revenues for the General Fund for FY 2023-24 compared to the Adopted Biennial Budget that was approved in June of 2022. This is offset by approximately \$1.25 million in additional expenditures. Currently, the General Fund Net Loss has been reduced to approximately \$275,000. We continue to look for additional revenue opportunities and expenditure cuts to help close the original General Fund Adopted Budget shortfall of \$2.5 million.

The City Manager expected \$2.0 million in Exclusive Negotiating Agreement revenues in FY 2022-23; however, it is now looking like we will be able to recognize \$500,000 in this fiscal year, and \$500,000 in FY 2023-24. That will increase our General Fund Net Loss in this fiscal year but reduce it for next year.

Property Tax and various other general discretionary revenues are also anticipated to come in significantly higher than the Adopted Budget.

Special Revenue Funds are currently expected to result in a Net Income overall of \$2.2 million. Staff are currently looking to determine if any additional projects are eligible for

use of these restricted funds and whether staff has the capacity to undertake those projects in the coming year. Notably, Special Revenue Fund revenues and expenditures often do not occur in the same fiscal year, so large Net Income/Loss fluctuations are to be expected in these funds.

Capital Projects funds are primarily driven by capital expenditures, which are not included in this operating budget. Staff will bring an update of planned Capital Improvement Projects to the Budget & Finance Committee in June and to the Council at the following meeting.

The Water Enterprise overall is expecting a Net Income of \$1.5 million before capital items and the Wastewater Enterprise is expecting an overall operating Net Income of \$1.9 million. This includes debt service, but not any adjustments to the allowance for bad debt and related expenses. It also does not include any Capital Improvement Projects.

Electric Enterprise is currently expecting a \$6.3 million operating Net Loss. However, after the multi-year Capital Improvement Plan items that have previously been budgeted, the department will likely achieve breakeven or better overall for the financial statements at fiscal year-end. With that said, Electric has utilized most of its reserves that were dedicated to capital projects and will likely need to obtain bond financing again in the next year or two for future projects. To achieve the department goals, a rate increase may also be required in the next year or two.

The non-major Enterprise Funds are currently budgeted for a Net Income of \$1.9 million. After capital items and other full accrual differences from an operating budget, staff expects these funds to end the year near breakeven again in next year's financial statements except for the Refuse fund, which is expecting a positive net income around \$2 million.

Internal Service Funds are still expecting a large Net Loss overall of \$4.3 million. Staff is working with MGT on the updated Cost Allocation Plan to bring all of these funds to breakeven over the next five years. Finance has also identified two other General Fund divisions that are traditionally included in Internal Service Funds. Those are Support Services and Building Maintenance. Those funds will be new for Fiscal Year 2023-24 and are on the Council Agenda for tonight. The Support Services Budget and Building Maintenance funds are already included in the Internal Service Fund category for this reported budget.

The results presented will continue to change as we endeavor to bring this Mid-Cycle Budget to breakeven prior to requesting Council approval on June 27, 2023.

#### **JUSTIFICATION:**

The City budgets for a two-year period and FY 2023-24 is the second year of the Adopted Biennial Budget for FY 2022-23 and FY 2023-24. This mid-cycle budget helps to account

for economic factors that have occurred since adoption. One final update will be done in or around January 2024 to adjust for mid-year needs.

**FISCAL IMPACT:**

There is no direct fiscal impact, but the budget sets expectations for receipts of revenues and appropriates spending authority for those funds throughout the year.

**ALTERNATIVES:**

1. Receive and file the FY 2023-24 Preliminary General Fund Mid-Cycle Budget report.
2. Provide feedback to staff.

**ATTACHMENTS:**

[OpenGov Citywide Proposed FY 2023-24 Mid-Cycle Budget Report](#)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard, Administrative Services Director  
Thomas Miller, Electric Utility Director

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration and approval of Sole Source Justification for Procurement of Services under Agreement with Acculine Consulting, LLC, Previously Approved by City Council Resolution 2023-67

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### **RECOMMENDATION:**

Consideration and approval of Sole Source Justification for Procurement of Services under Agreement with Acculine Consulting, LLC, Previously Approved by City Council Resolution 2023-67.

### **BACKGROUND:**

On April 11, 2023, staff brought Council a staff report asking for consideration to approve Resolution 2023-67. After extensive discussion, the resolution authorizing the City Manager to enter into the contract was approved. Prior to contract execution, Purchasing staff determined that additional approvals must be obtained from Council prior to contract signing. Staff has consulted with the City's Legal Counsel and has confirmed the requirement for additional Council approval to execute this contract amendment.

The additional approval needed relates to disclosure to Council that this contract was not bid competitively and is therefore a Sole Source contract. According to City Administrative Policy Number B-30, adopted by Council June 27, 2017 and as amended by Council on October 18, 2019, the following rules applicable to this additional disclosure and authorization are as follows:

### **SECTION 11 – SOLE SOURCE; PROPRIETARY REQUESTS; INNOVATION**

#### **11-100 Policy**

- (1) It is the policy of the City of Banning to solicit competitive bids and proposals for its procurement requirements. Sole Source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the City's requirements.

**11-101 Sole Source Justification**

- (1) Formal justification for Sole Source procurement is required when competitive bid guidelines require pricing from competing proposers. A Sole Source justification form will be prepared by the department and approved by Department Head or designee. The City Purchasing Officer shall retain a copy of this justification as part of the contract file. As part of the Sole Source justification, the requestor shall clearly provide:
  - a. A detailed description of the type of contract to be established;
  - b. A detailed description of services and/or commodities to be provided by the vendor;
  - c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;
  - d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City's requirements;
  - e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
  - f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
- (2) Valid Sole Source justification requires strong technological or strong programmatic justifications. Sole Source justifications are not required for purchases where no competitive solicitation is required.
- (3) If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.
- (4) Instances when sole source purchasing may be applicable include the following:
  - a. Property or services can be obtained only from a specific vendor (i.e., materials or equipment; one of a kind items, etc.).
  - b. Competitive sourcing is precluded because of the existence of patents, copyrights, and special processes, control of raw materials by vendors or similar circumstances.
  - c. Procurement of water, power or other utility services where it would not be practical or feasible to allow other vendors to provide such services.
  - d. Procurement of support services in connection with the assembly, installation or servicing of equipment or software of a highly technical or specialized nature.
  - e. Procurement of parts or components to be used as replacements in support of equipment manufactured by a particular supplier.

- f. Procurement involving construction where a contractor is already at work on the site and it would not be practical to engage another contractor.
- g. Procurement where only a single supplier in a market is licensed or authorized to service or sell a specific product line.
- h. Procurement of compatible additions to existing equipment where a different manufacturer's equipment would be impractical for the specific need.
- i. The supplier or products are specified and required by the funding agency of a grant or Federal/State contract.

**11-105 Service Contracts (includes A&E) – Sole Source Requests**

(1) Approval by City Council is required for the following:

- a. Sole Source service contracts that exceed the total annual amount of \$25,000,
- b. Sole Source service contracts that exceed a two (2) year consecutive term, regardless of dollar amount. Contracts may not be intentionally split to avoid this Policy,
- c. Renewal of Sole Source service contracts where the annual costs exceeds \$25,000.

**11-106 City Council Agenda Report**

- (1) Prior to the submittal of a City Council Agenda Report, all Sole Source justifications requiring City Council approval shall first be reviewed and approved by the Department Head, City Purchasing Officer and City Manager.
- (2) City Council Agenda Reports shall clearly state that the procurement is a Sole Source purchase; and
  - a. A signed copy of the Sole Source justification, as described above, shall also be attached to the City Council Agenda Report.

**11-107 Negotiation**

- (1) With approvals as required, a contract shall be negotiated with the designated sole source to achieve a contract that is advantageous to the City of Banning.

**JUSTIFICATION:**

Staff has determined that this contract properly fits the requirements of 11-101(3):

If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.



Departmental justification for 11-101(1) a-f is as follows:

As part of the Sole Source justification, the requestor shall clearly provide:

- a. A detailed description of the type of contract to be established;
  - i. Professional Services Agreement using proprietary software and related equipment to inventory electrical distribution assets in-service, develop assembly units using the RUS standard construction units, retrieve the geospatial coordinates of assets, transfer field inventory into Milsoft WindMil software, and replicate connectivity model in the Reavis Code Map Engine and related software modules.
- b. A detailed description of services and/or commodities to be provided by the vendor;
  - i. Intellectual knowledge of gathering geospatial coordinates in a format the meets FERC accounting and continuing property records (fixed asset management) requirements.
  - ii. Intellectual knowledge of Milsoft WindMil electrical distribution engineering, connectivity modelling, and database management.
  - iii. Intellectual knowledge of Reavis Code Map Engine software, related modules, and database management.
  - iv. Proprietary software used to integrate the field inventory data into both Milsoft and Reavis Code software database.
- c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;
  - i. Acculine LLC owns proprietary software used to gather geospatial coordinates of standard construction assemblies used in FERC work order accounting and fixed asset management.
  - ii. Acculine LLC has a preferred and proven customer relationship with Reavis Code software.
  - iii. Reavis Code has a preferred and proven customer relationship with Milsoft WindMil software used to maintain the system of record electrical distribution connectivity model.
  - iv. Acculine LLC has proven results of building the data bases necessary to validate both the Map Engine and WindMil software models.
- d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City's requirements;
  - i. Acculine LLC has proprietary software that integrates with both Reavis Code and Milsoft software.
  - ii. Acculine LLC successfully completed a pilot project demonstrating that the software integrations performed to expectations.
  - iii. Acculine LLC and the City mutually agreed to a multi-year inventory process and build-out of the Reavis Code and Milsoft models.

- e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
  - i. In 2019, Acculine LLC provided a per data point cost and maintained that charge throughout the field inventory process. The inventory was completed from early 2020 to April of 2023.
- f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
  - i. The City would have to hire an engineer who specializes in specific knowledge of gathering geospatial coordinates in a format the meets FERC accounting and continuing property records (fixed asset management) requirements.
  - ii. The City would have to hire a 3rd party software integrator to export/import the physical inventory data into Milsoft Software and pay Milsoft for an API.
  - iii. The City would have to hire a 3rd party software integrator to export/import the connectivity model into the Reavis Code software model and pay Milsoft and Reavis Code for custom APIs.

**FISCAL IMPACT:**

No change from prior contract approval.

**ALTERNATIVES:**

- 1. Provide additional approval for sole source contract as recommended.
- 2. Provide modified approval for sole source contract.
- 3. Do not provide additional approval for sole source contract and provide alternative direction to staff.

**ATTACHMENTS:**

- 1. Draft Agreement with Acculine Consulting, LLC  
<https://banningca.gov/DocumentCenter/View/12915/Att-1-Banning---Amendment-No-4-C00518-to-PSA-for-GPS-Field-Inventory-Pilot-Program-Acculine-LLC-RWG-002>
- 2. Resolution 2023-67  
<https://banningca.gov/DocumentCenter/View/12913/Att-2-CC-Resolution-No-2023-067>
- 3. April 11, 2023 Staff Report for Consideration of Resolution 2023-67  
<https://banningca.gov/DocumentCenter/View/12914/Att-3-CC-April-11-2023-Staff-Report-for-consideration-of-Reslution-2023-67>
- 4. Sole Source Justification  
<https://banningca.gov/DocumentCenter/View/12919/Att-4-SoleSource-Acculine-LLC>

Approved by:

A handwritten signature in cursive script, reading "Douglas Schulze", written in black ink. The signature is positioned above a horizontal line.

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard, Administrative Services Director  
Thomas Miller, Electric Utility Director

**MEETING DATE:** June 13, 2023

**SUBJECT:** Consideration of City Council Resolution 2023-107, Rescinding City Council Resolution 2023-51, Approving the Sole Source Procurement Justification, and Approving a Professional Services Agreement with Mostafa Jafarnia dba MJ Consulting for Electric Engineering Consulting Services in the Amount of \$300,000

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### **RECOMMENDATION:**

Adopt City Council Resolution 2023-107, Rescinding City Council Resolution 2023-51, Approving the Sole Source Procurement Justification, and Approving the Professional Services Agreement with Mostafa Jafarnia dba MJ Consulting for Electric Engineering Consulting Services in the Amount of \$300,000.

### **BACKGROUND:**

On March 28, 2023, staff brought Council a staff report asking for consideration to approve Resolution 2023-51. After extensive discussion, the resolution authorizing the City Manager to enter into the contract was approved. Prior to contract execution, Purchasing staff determined that additional approvals must be obtained from Council prior to contract signing. Staff has consulted with the City's Legal Counsel and has confirmed the requirement for additional Council approval to execute this contract amendment.

The additional approval needed relates to disclosure to Council that this contract was not bid competitively and is therefore a Sole Source contract and services performed and invoiced included dates not covered under the original contract terms. According to City Administrative Policy Number B-30, adopted by Council June 27, 2017 and as amended by Council on October 18, 2019, the following rules applicable to this additional disclosure and authorization are as follows:

## **SECTION 11 – SOLE SOURCE; PROPRIETARY REQUESTS; INNOVATION**

### **11-100 Policy**

- (1) It is the policy of the City of Banning to solicit competitive bids and proposals for its procurement requirements. Sole Source procurement shall not be used unless there is clear and convincing evidence that only one source exists to fulfill the City's requirements.

### **11-101 Sole Source Justification**

- (1) Formal justification for Sole Source procurement is required when competitive bid guidelines require pricing from competing proposers. A Sole Source justification form will be prepared by the department and approved by the Department Head or designee. The City Purchasing Officer shall retain a copy of this justification as part of the contract file. As part of the Sole Source justification, the requestor shall clearly provide:
  - a. A detailed description of the type of contract to be established;
  - b. A detailed description of services and/or commodities to be provided by the vendor;
  - c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;
  - d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City's requirements;
  - e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
  - f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
- (2) Valid Sole Source justification requires strong technological or strong programmatic justifications. Sole Source justifications are not required for purchases where no competitive solicitation is required.
- (3) If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.
- (4) Instances when sole source purchasing may be applicable include the following:
  - a. Property or services can be obtained only from a specific vendor (i.e., materials or equipment; one of a kind items, etc.).
  - b. Competitive sourcing is precluded because of the existence of patents, copyrights, and special processes, control of raw materials by vendors or similar circumstances.

- c. Procurement of water, power or other utility services where it would not be practical or feasible to allow other vendors to provide such services.
- d. Procurement of support services in connection with the assembly, installation or servicing of equipment or software of a highly technical or specialized nature.
- e. Procurement of parts or components to be used as replacements in support of equipment manufactured by a particular supplier.
- f. Procurement involving construction where a contractor is already at work on the site and it would not be practical to engage another contractor.
- g. Procurement where only a single supplier in a market is licensed or authorized to service or sell a specific product line.
- h. Procurement of compatible additions to existing equipment where a different manufacturer's equipment would be impractical for the specific need.
- i. The supplier or products are specified and required by the funding agency of a grant or Federal/State contract.

11-105 Service Contracts (includes A&E) – Sole Source Requests

(1) Approval by City Council is required for the following:

- a. Sole Source service contracts that exceed the total annual amount of \$25,000,
- b. Sole Source service contracts that exceed a two (2) year consecutive term, regardless of dollar amount. Contracts may not be intentionally split to avoid this Policy,
- c. Renewal of Sole Source service contracts where the annual costs exceeds \$25,000.

11-106 City Council Agenda Report

- (1) Prior to the submittal of a City Council Agenda Report, all Sole Source justifications requiring City Council approval shall first be reviewed and approved by the Department Head, City Purchasing Officer and City Manager.
- (2) City Council Agenda Reports shall clearly state that the procurement is a Sole Source purchase; and
  - a. A signed copy of the Sole Source justification, as described above, shall also be attached to the City Council Agenda Report.

11-107 Negotiation

- (1) With approvals as required, a contract shall be negotiated with the designated sole source to achieve a contract that is advantageous to the City of Banning.

**JUSTIFICATION:**

Staff has determined that this contract properly fits the requirements of 11-101(3):

If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project.

Departmental justification for 11-101(1) a-f is as follows:

As part of the Sole Source justification, the requestor shall clearly provide:

- a. A detailed description of the type of contract to be established;
  - i. Professional Services Agreement to assist Banning Electric Utility procure transformers of various sizes and design utilizing the City's procurement policies, procedures, and processes.
- b. A detailed description of services and/or commodities to be provided by the vendor; **ON A PROJECT BASIS**, tasks including but not limited to:
  - i. Determine primary function of power transformer and general characteristics.
  - ii. Develop detailed transformer specifications and prepare specifications for Request for Proposal (RFP) solicitation.
  - iii. Discuss and answer vendor questions related to the RFP and specifications.
  - iv. Evaluate the bids, make recommendations, and negotiate the final specifications, cost of manufacturing, delivery, and in-service procedures of each project.
  - v. Review the major milestones of manufacturing of each project and take corrective action if necessary.
  - vi. Monitor, verify, and validate all milestone testing requirements of each project to achieve performance and life cycle cost requirements.
  - vii. Upon final approval of manufacturing, approve release of each project for delivery to BEU Corporation Yard, Banning California.
  - viii. Upon delivery of each project, inspect for damage and test for undamaged arrival.
  - ix. Monitor final onsite assembly of each project for safe storage until put in-service.
  - x. Any other tasks necessary to ensure the delivery of a quality-built transformer.
- c. An explanation of why the recommended vendor is the only one capable of providing the required services and/or commodities and include back-up information to support the justification;

- i. MJ Consulting is a national subject matter expert in the design of power transformers.
  - ii. MJ Consulting has a relationship with most major transformer manufacturers.
  - iii. MJ Consulting has a professional relationship with Auriga Corporation who is also under contract with BEU for the 220 kV substation and they are working in tandem on this project.
  - iv. MJ Consulting demonstrated an outstanding value proposition.
  - v. MJ Consulting has a working knowledge of BEU distribution system.
- d. The identity of other sources that have been contacted and explain in detail why they cannot fulfill the City's requirements;
  - i. At the inception of the original PO with this vendor there were no other vendors with equal expertise in this field coupled with a high value proposition.
  - ii. MJ Consulting was immediately available for service.
- e. An explanation of how the recommended vendor's prices or fees compare to the general market and attach quotes for comparable services and supplies, if available (limited competition);
  - i. Below industry cost standards commensurate with expertise and experience. Electric staff have performed rate comparisons with several vendors.
- f. An explanation of how the City would accomplish this particular task if the recommended vendor could not provide the product or service.
  - i. The City would have to hire an engineer who specializes in specific knowledge of power transformers relating our current utility plant and the overall future system design and distribution.

Staff is asking Council to rescind approval of the original contract (C00818) and to approve the revised contract containing proper terms regarding contract dates so that all services performed and invoiced are included.

**FISCAL IMPACT:**

No change from prior contract approval.

**ALTERNATIVES:**

1. Adopt Resolution 2023-107 as recommended.
2. Adopt Resolution 2023-107 with modifications.
3. Do not approve Resolution 2023-107 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-107  
<https://banningca.gov/DocumentCenter/View/12927/Att-1-Resolution-2023-107-MJ-Consulting>



2. Professional Services Agreement (C00818) with Mostafa Jafarmia dba MJ Consulting, for Substation and Electrical Equipment Consulting  
<https://banningca.gov/DocumentCenter/View/12928/Att-2-Exhibit-A-2023-107 - MJ DRAFT Professional-Services-Agreement>
3. March 28<sup>th</sup> Staff Report for Consideration of Resolution 2023-51, Awarding the Professional Services Agreement (C00818) to Mostafa Jafarmia dba MJ Consulting, for Substation and Electrical Equipment Consulting  
<https://banningca.gov/DocumentCenter/View/12929/Att-3-CC-March-28-2023-Staff-Report-for-consideration-of-Resolutin-2023-51>
4. Resolution 2023-51  
<https://banningca.gov/DocumentCenter/View/12925/Att-4-CC-Resolution-No-2023-051>
5. Sole Source Justification  
<https://banningca.gov/DocumentCenter/View/12926/Att-5-Sole-Source-Justification>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO: CITY COUNCIL**

**FROM: Douglas Schulze, City Manager**

**MEETING DATE: June 13, 2023**

**SUBJECT: Consideration of the First Reading of Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, and Making a Determination of Exemption from the California Environmental Quality Act**

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### **RECOMMENDATION:**

Introduce Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, 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 there is no possibility that the adoption of this Ordinance will have a significant effort on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15051 (b)(3).

### **BACKGROUND:**

At the April 11, 2023 meeting of the City Council, direction was given to move forward with an ordinance establishing a City of Banning Youth Council. A draft ordinance was reviewed at that time and modifications have been made. Ordinance 1590 establishes a 9-member youth council to be appointed by the City Council. The youth council will serve as an advisory board to the City Council. Members of the Youth Council will be appointed to a two-year term, which may be extended by a following term of one year for a maximum of three years. Members of the youth council, like members of other advisory boards, will not be compensated.

The City Manager's Office and Parks and Recreation Department will support the youth council. In addition, Directors from each City Department will provide presentations and talk with the youth council about projects and issues. It is also anticipated that local non-profit and civic organizations will be involved and interact with the youth council as appropriate.

**FISCAL IMPACT:**

City staff time will primarily involve salaried employees. An annual budget of \$5,000 would help to cover expenses for activities, training, and small projects the youth council may wish to undertake.

**ATTACHMENTS:**

1. Ordinance 1950

<https://banningca.gov/DocumentCenter/View/12911/Banning---Youth-Council-Ordinance>

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

**MEETING DATE:** June 13, 2023

**SUBJECT:** Resolution 2023-109, Reaffirming Airport Closure Direction

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### **RECOMMENDATION:**

Staff recommends City Council adoption of Resolution 2023-109, re-affirming City Council direction to close Banning Municipal Airport.

### **BACKGROUND:**

Resolution 2017-44 directed the City Manager to pursue closure of Banning Municipal Airport. In 2022, the City Council was asked to consider rescinding Resolution 2017-44, but no motion was offered. Discussions with legislators and legislative staff regarding closure frequently includes reference to Resolution 2017-44. Recently, legislators have asked if the current City Council supports airport closure.

City Council, City staff and lobbyists will engage FAA and members of Congress during the upcoming year. During those discussions, a current resolution providing direction to close Banning Municipal Airport will be beneficial and consistent with recent Council direction to pursue redevelopment of the airport through agreement with First Industrial and Grandave.

### **FISCAL IMPACT:**

Not applicable

### **ATTACHMENTS:**

1. Resolution 2023-109  
<https://banningca.gov/DocumentCenter/View/12910/Resolution-2023-109-Directing-Continued-Efforts-to-Close-Banning-Municipal-Airport>

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** June 13, 2023

**SUBJECT:** Authorize Partnership with Banning Chamber of Commerce to Sponsor Banning Stagecoach Days 2023

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### **RECOMMENDATION:**

Staff recommends a motion to authorize a partnership with Banning Chamber of Commerce to sponsor Banning Stagecoach Days 2023.

### **BACKGROUND:**

The Stagecoach Days Association Committee recently announced it has voted not to conduct Stagecoach Days in 2023. Following the announcement, I reached out to the President and Executive Director of the Chamber of Commerce to initiate a discussion about a City/Chamber partnership to ensure that the community celebration occurs in 2023. The Chamber leadership indicated support and interest in sponsoring the annual celebration in partnership with the City.

Coordination meetings have been conducted during the past month and authorization from the City Council is requested. The 2023 Banning Stagecoach Days celebration (September 8 – 10) is proposed to include:

- PRCA Rodeo (Friday, Saturday & Sunday)
- Carnival (Friday, Saturday & Sunday)
- Food & Merchandise Vendors
- Beer Garden
- Banning Stagecoach Days Parade (Saturday)
- Gilman Ranch DOORS OPEN Family Friendly Event (Saturday)
- Saturday Concert following rodeo

### **FISCAL IMPACT:**

Each year, the City has contributed to Stagecoach Days with a financial donation of \$12,500, bleacher rental, event insurance and in-kind staff support. Stagecoach Days is designated as a City Signature Event along with the Playhouse Bowl Summer Concerts. Total financial impact is approximately \$40,000 annually. The annual budget for all

Stagecoach Days events exceeds \$400,000, which is primarily supported through gate fees, beer garden sales, sponsorships, and vendor fees.

**ATTACHMENTS:**

None

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

**MEETING DATE:** June 13, 2023

**SUBJECT:** Discuss Employee Work Schedules

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### **RECOMMENDATION:**

Discussion item only.

### **BACKGROUND:**

In response to the financial impacts of the Great Recession, the City of Banning implemented numerous changes, including layoffs and closure of City Hall on Fridays. When City Hall was re-opened on Fridays, bargaining units negotiated premium pay if the City required employees to return to a 5/8 schedule. Currently, employees have the option of working a traditional 5/8 schedule or flexible schedules of 4/10s or 9/80. The flexible schedules cause adverse impacts on the organization because staffing coverage is limited on Mondays and Fridays when many employees are off. This places a burden on employees working a traditional Monday-Friday schedule and reduces the level of service provided to members of the public on those days.

The Executive Team believes the flexible schedules provide an incentive that improves recruitment and retention of employees. Furthermore, the Executive Team believes a higher level of service can be provided to members of the public if all employees are required to work the same schedule.

Currently, the Electric Utility, Water Division, Street Division and Wastewater Division are closed on Fridays, so all employees work a M – Th schedule. Changing to a 4/10, Monday through Thursday schedule for all employees would require closure of City Hall on Friday, but hours would be extended Monday through Thursday so City Hall would be open from 7:00 a.m. to 6:00 p.m. rather than 8:00 a.m. to 5:00 p.m. The extended hours typically allow members of the public to conduct business at City Hall before or after work.

City Managers from Riverside County cities were polled about City Halls hours and the results are:

Staff Report: Employee Work Schedules

June 13, 2023

Page 2 of 2

City	Closed Fridays
Beaumont	Afternoon
Blythe	No
Calimesa	Yes
Cathedral City	No
Canyon Lake	Yes
Coachella	Yes
Corona	Yes
Desert Hot Springs	Yes
Eastvale	Yes
Hemet	No
Indian Wells	No
Indio	No
Jurupa Valley	No
La Quinta	No
Lake Elsinore	No
Menifee	No
Moreno Valley	No
Murrieta	Every other Friday, but No as of 7/1/23
Norco	Yes
Palm Desert	No
Palm Springs	Yes
Perris	No
Rancho Mirage	No
Riverside	No
San Jacinto	Yes
Temecula	No, but 9/80 schedule so ½ staff on Friday
Wildomar	Yes

**FISCAL IMPACT:**

Not applicable

**ATTACHMENTS:**

None

Approved by:



Douglas Schulze  
City Manager