



## **AGENDA**

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

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

**June 27, 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 Ryan Houssein of Calvary Chapel Sweet Hills in Banning*
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

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

- 2.1. Approve Agenda

### 3. PRESENTATION(S)

3.1. Proclamation – Parks and Recreation Month.....10

### 4. REPORT ON CLOSED SESSION

Serita Young, City Attorney

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

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

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

#### 5.2. CORRESPONDENCE

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

#### 5.3. APPOINTMENTS

5.3.1. City Council Committee Assignments

#### 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 June 13, 2023 City Council Meetings.....	11
6.2.	Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of May 31, 2023.....	12
6.3.	Receive and File Cash, Investments and Reserve Report for the Month of May 2023.....	14
6.4.	Receipts, Disbursements, & Fund Balances Reporting for May 2023 and Fiscal Year-to-Date 2022-23.....	16
6.5.	Receive and File Fire Protection Services Statistics for the Month of May 2023.....	18
6.6.	Receive and File Police Department Statistics for the Month of May 2023.....	19
6.7.	Public Works Capital Improvement Project Tracking List.....	20
6.8.	Receive and File Contracts Approved Under the City Manager's Signature Authority.....	21
6.9.	Receive and File Code Enforcement Statistics for the Month of May 2023.....	23
6.10.	Authorize the City Manager to Sign the Notice of Completion for Project No. WA22G1, "250 HP Variable Frequency Drive (VFD) and Enclosure for C-6" and Direct the City Clerk to Record the Notice of Completion.....	26
6.11.	Consideration of Resolution 2023-117, Extending the Current Pre-Approved Grant Writing Vendor List through Calendar Year 2023 and Approve the Preparation and Execution of a new Grant Services Request for Proposals (RFP) to Establish a Pre-Approved Grant Services Consultants List for Calendar Years 2024 through 2028.....	28
6.12.	Consideration of Resolution 2023-07 UA, Approving a Professional Services Agreement for Water and Wastewater Laboratory Analytical Testing Services with Babcock Laboratories, Inc. for Fiscal Year 2023/2024 with the Option to Renew for an Additional Four (4) Single Years in the Amount of \$75,000 per Year .....	31
6.13.	Consideration of Resolution 2023-119, Accepting a Grant from the Riverside County Department of the Office On Aging in the Amount of \$82,000 and Authorizing the City Manager or his Designee to Execute all Documents and Make All Necessary Budget Adjustments for Completion of the Project Scope.....	34
6.14.	Consideration of Resolution 2023-123, Approving a Standard Agreement with the State of California's Department of General Services - Office of Administrative Hearings (OAH) for Administrative Hearing Services.....	36
6.15.	Consideration of Resolution 2023-124, Approving Amendment No. 2 to the Professional Services Agreement (CC00658) with Romo Planning Group, Inc.....	39

- 6.16. Accept the Sunset Sewer Rehabilitation Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration..... **42**
- 6.17. Consideration of Resolution 2023-125, Approving an Amendment to the Zencity License Agreement to Add Community Surveys.....**44**
- 6.18. Consideration of Resolution 2023-127, Approving Agreement with CivicPlus for Webhosting, Support and Redesign Services in the Amount of \$31,263.13 for Fiscal Year 2024..... **46**
- 6.19. Consideration of Resolution 2023-129, Approving the Renewal of the GovInvest Contract and Approve Amendment No. 2 to add the Other Post-Employment Benefits (OPEB) Module.....**48**
- 6.20. Consideration of Resolution 2023-130, Approving a Three-Year SCADA Software License Support Plan with Survalent Technology Inc..... **50**

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

- 7.1. Public Hearing and Consideration of Resolution 2023-116 Approving a Report in Connection with the Proposed Collection on the 2023/2024 Riverside County Property Tax Roll of Delinquent Solid Waste Service Charges for Single-Family and Multi-Family Dwelling Accounts and Making a Determination of Exemption under CEQA..... **52**  
(*Staff Report: Art Vela, Director of Public Works*)

**Recommendation:** Staff Recommends that City Council: (1) Conduct the Public Hearing and accept public testimony regarding calendar year 2022 single-family and multi-family delinquent accounts to be applied to the Fiscal Year 2023/2024 County of Riverside property tax roll; (2) In absence of a majority protest, adopt Resolution No. 2023-116 approving the single-family and multi-family solid waste delinquency report from Waste Management of the Inland Empire (“Waste Management”) listing calendar year 2022 delinquencies for placement on the Fiscal Year 2023/2024 County of Riverside property tax roll (“County Tax Roll”); (3) Authorize the City Manager or designee to decrease the number of delinquent accounts and/or principal balances reported by Waste Management should delinquencies be resolved or reduced prior to final submittal of the delinquencies to the Riverside County Auditor-Controller for collection on the Fiscal Year 2023/2024 County Tax Roll; (4) Authorize the collection of calendar year 2022 single-family and multi-family delinquent solid waste charges on the Fiscal Year 2023/2024 County Tax Roll and direct the City Clerk to file a certified copy of the Resolution and the Solid Waste Delinquency Report with the County of Riverside Auditor-Controller; and, (5) Find that the proposed collection of delinquent charges on the County Tax Roll is exempt from CEQA.

- 7.2. Consideration of (1) A Notice of Exemption; (2) Resolution 2023-118 adopting General Plan Amendment (GPA 23-2501); and (3) Ordinance 1592 Adopting an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Land Use Designation and Zoning Classification for a 1.74-acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir..... **57**  
(*Staff Report: Adam Rush, Community Development Director*)

**Recommendation:** That the City Council: (1) Adopt Resolution 2023-118, A Resolution of the City Council of the City of Banning, California, Approving General Plan Amendment (GPA) 23-2501 proposing a change to the Land Use Designation of Assessor's Parcel Number (APN): 538-040-006 from Low Density Residential (LDR) (0-5 DU/AC) to Public Facilities-Government (PF-G); and Making Findings Pursuant to CEQA, Determinations that the Project is Exempt from CEQA under State CEQA Guidelines Section 15061(b)(1) and 15378; and, (2) Waive full reading and introduce, as read by title only, Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-acre parcel to accommodate a future above-ground potable water reservoir, owned and operated by the City of Banning, and Making Findings Pursuant To CEQA.

- 7.3. Consideration of a Notice of Exemption and the First Reading and Introduction of Ordinance 1593 Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation of Buildings and Structures..... **61**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** That the City Council waive full reading and introduce, as read by title only, Ordinance 1593, An Ordinance of the City of Banning, California, Adding Chapter 2.46 (Historic Preservation Commission) to Title 2 (Administration) and Chapter 17.58 (Historic Preservation), to Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code Establishing A Historic Preservation Commission, Adopting Reasonable Standards for Historic Preservation, And Making a Determination of Exemption from the California Environmental Quality Act ("CEQA").

- 7.4. Consideration of Resolution 2023-115, Considering a Recommendation by the Planning Commission to Make a Determination of Exemption Under Ceqa Guidelines Section 15270 (Projects Which Are Disapproved) and Deny Approval of Design Review 21-7016 (DR 21-7016) for the Proposed Development of a 93,435 Square Foot Two-story Warehouse, Totaling 186,700 Square Feet of Floor Area and Conditional Use Permit 21-8025 (CUP 21-8025) for the Operation of a 22,000 Square Foot Cannabis Cultivation and Distribution Facility on a 4.54-acre Parcel of Land Located Adjacent to, and Northerly of Charles Street, Adjacent to, and Southerly of, Westward Avenue, Westerly of South Hathaway Street, and Easterly of Hargrave Street (APN 543-090-019) Within the Industrial Zoning District..... **65**  
(Staff Report: Adam Rush, Community Development Director)

**Recommendation:** Adopt City Council Resolution 2023-115 affirming the recommendation by the Planning Commission to make a determination of exemption under CEQA Guidelines Section 15270 (Projects Which Are Disapproved) and deny approval of Design Review 21-7016 (DR 21-7016) for the proposed development of a 93,435 square foot two-story warehouse, totaling 186,700 square feet of floor area

and Conditional Use Permit 21-8025 (CUP 21-8025) for the operation of a 22,000 square foot cannabis cultivation and distribution facility on a 4.54-acre parcel of land located adjacent to, and northerly of Charles Street, adjacent to, and southerly of, Westward Avenue, westerly of South Hathaway, and easterly of Hargrave Street Street (APN 543-090-019) within the Industrial Zoning District. (the “Project”).

## 8. **REPORTS OF OFFICERS**

- 8.1. Second Reading and Adoption of Ordinance 1589, an Ordinance of the City of Banning An Ordinance Regarding Vacant and Distressed Properties.....**73**  
(*Staff Report: Adam Rush, Community Development Director*)

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

- 8.2. Consideration of Resolution 2023-131, Amending Policy No. B-30 (Procurement Policies & Procedures), and Introduction and First Reading of Ordinance 1591, Amending Chapter 3.24 (Purchasing System) of Title 3 (Revenue and Finance) of the Banning Municipal Code, Concerning the City Manager’s Aggregate Monetary Threshold Authorizations for Approval of Certain Contracts.....**75**  
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

**Recommendation:** Staff recommends City Council: (1) Adopt Resolution 2023-131, amending Policy No. B-30 (Procurement Policies & Procedures) to update the aggregate monetary threshold authorizations for the City Manager’s approval of certain contracts, without the City Council’s prior approval; and (2) Waive full reading and introduce, by title only, proposed Ordinance 1591, amending Sections 3.24.070, 3.24.090, and 3.24.130 of Chapter 3.24 of Title 3 of the Banning Municipal Code, concerning the City Manager’s authorized monetary thresholds to award and approve certain contracts for purchases of supplies, equipment, and services.

- 8.3. Fiscal Year 2023-24 Recommended Mid-Cycle Budget.....**77**  
(*Staff Report: Lincoln Bogard, Administrative Services Director*)

**Recommendation:** Staff recommend City Council approve the Citywide Recommended Mid-Cycle Budget for Fiscal Year 2023-24 and the City’s GANN Appropriations Limit through: (1) Adoption of City Council Resolutions 2023-120 and 2023-121; and, (2) Adoption of Successor Agency Resolution 2023-03 SA; and, (3) Adoption of Utility Authority Resolution 2023-08 UA.

- 8.4. Consideration of Resolution 2023-128, Agreement with Eide Bailly LLP to provide External Audit Services.....**80**  
(Staff Report: Lincoln Bogard, Administrative Services Director)

**Recommendation:** Adopt Resolution 2023-128 of the City Council of the City of Banning, California, approving a Professional Services Agreement (C00853) with Eide Bailly LLP to provide external auditing services for a term of three years with an option to extend two additional years.

- 8.5. City Attorney Annual Consumer Price Index (CPI) Adjustment.....**82**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

- 8.6. Consideration of Resolution 2023-122, Approving the Electric Utility Director to Negotiate the 220kV Substation Southern California Edison (SCE) Transmission Owner Tariff System Impact Study Agreement and Approval of \$75,000 Deposit for Said Study..... **83**  
(Staff Report: Tom Miller, Electric Utility Director)

**Recommendation:** Adopt Resolution 2023-122 directing the Electric Utility Director to negotiate final terms of the 220kV Substation SCE Transmission Owner Tariff System Impact Study Agreement and pay \$75,000 on deposit with SCE for the study.

- 8.7. Consideration of Resolution 2023-126, Authorizing the City Manager to Execute a Purchase and Sale Agreement for 33 S. San Gorgonio Avenue...**85**  
(Staff Report: Doug Schulze, City Manager)

**Recommendation:** A motion to adopt Resolution 2023-126, Authorizing the City Manager to Execute a Purchase and Sale Agreement for City-owned property located at 33 S. San Gorgonio Avenue.

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

None

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

- 10.1. New Items  
10.2. Pending Items:  
1. Grow Banning (Sanchez)  
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez)  
3. Committee for Seniors (Gonzales)  
4. Food Desert Zoning Overlay (Minjares)  
5. Beautification of San Gorgonio Overpass Funding (Gonzales)

6. ~~Revisit Municipal Code re: Condemnations/Code Enforcement (Flynn) See Agenda Item 8.1~~
7. Scope and Duties of the Budget and Finance Committee (Wallace)
8. Neighborhood Groups/Identities (Minjares)
9. ~~Research on Spending Thresholds (Specifically City Manager Authority) See Agenda Item 8.2~~
10. Update on Community Garden (Flynn)
11. Update on Street Sign Replacements (Flynn)
12. ARE Animal Rescue Contract (Flynn)

## **11. ADJOURNMENT**

***Next Regular Meeting – July 11, 2023 at 5:00 p.m.***

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

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

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

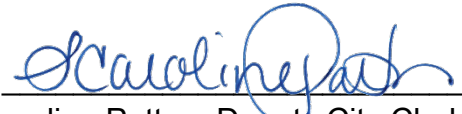
### **Estándares comunitarios de Zoom para Reuniones Públicas**

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

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

### **AFFIDAVIT • DECLARACIÓN JURADA**

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 22nd 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**

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

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

### **CONTACT • CONTACTO**

Office of the City Clerk • 951-922-3102 • [CityClerks@banningca.gov](mailto:CityClerks@banningca.gov)  
99 East Ramsey Street, Banning, California 92220



**CITY OF BANNING  
OFFICE OF THE MAYOR**



# **Proclamation**

***WHEREAS** parks and recreation programs are an integral part of communities throughout this country, including the City of Banning; and*

***WHEREAS** parks and recreation services are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and*

***WHEREAS** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and*

***WHEREAS** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*

***WHEREAS** parks and recreation areas are fundamental to the environmental well-being of our community and the City of Banning offers a variety of parks and recreation opportunities designed for all ages and interests, including popular special events, recreation, athletic programs, and Senior Services; and*

***WHEREAS** the City of Banning Parks and Recreation has planned activities in July such as a July 4<sup>th</sup> Celebration, Day Camps, Learn to Swim programs, Dive in Movies, Classes and much more; and*

***WHEREAS** the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

***WHEREAS** the City of Banning recognizes the benefits derived from parks and recreation resources.*

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

## ***Parks and Recreation Month July 2023***

*in the City of Banning and encourage the  
citizens of our community to join us in this  
special observance.*



***BE IT PROCLAIMED** this 27<sup>th</sup> day of June 2023.*

  
**Alberto Sanchez, Mayor**



**CITY OF BANNING  
STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Minutes of the June 13, 2023 City Council Meetings

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**RECOMMENDATION:**

Approve the minutes of the June 13, 2023 City Council Meetings.

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Minutes of the June 13, 2023 Special City Council Meeting – Closed Session  
[https://banningca.gov/DocumentCenter/View/12936/2023-06-13\\_Minutes\\_Special-Meeting---Closed-Session](https://banningca.gov/DocumentCenter/View/12936/2023-06-13_Minutes_Special-Meeting---Closed-Session)
2. Minutes of the June 13, 2023 Regular City Council Meeting  
[https://banningca.gov/DocumentCenter/View/12937/2023-06-13\\_Minutes\\_Regular-Meeting](https://banningca.gov/DocumentCenter/View/12937/2023-06-13_Minutes_Regular-Meeting)

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

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

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of May 31, 2023

### **RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **June 27, 2023**, per California Government Code Section 37208.

### **WARRANT SUMMARY:**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	186871-187211	\$ 3,546,631.63	
Voided / Reissue Check		\$ 6,278.50	
<b>Check Total</b>			<b>\$ 3,540,353.13</b>
<b>Wires Total</b>	1115-1116		<b>\$ 3,469,654.02</b>
<b>ACH payments:</b>	9007544-9007569		
Payroll Direct Deposit	5/5/2023	\$ 590,403.43	
Payroll Direct Deposit	5/19/2023	\$ 605,283.08	
Other Payments		\$ 1,142,221.27	
<b>ACH Total</b>			<b>\$ 2,337,907.78</b>
<b>Payroll Checks:</b>	12995-13027		
Payroll - Regular	5/5/2023	\$ 3,477.74	
Payroll - Regular	5/19/2023	\$ 4,371.50	
<b>Payroll Check Total</b>			<b>\$ 7,849.24</b>
<b>Total Warrants Issued for May 2023</b>			<b>\$ 9,355,764.17</b>

**ATTACHMENTS:**

1. Fund List  
<https://banningca.gov/DocumentCenter/View/13015/Attachment-1---Fund-List>
2. Warrant Report May 2023  
<https://banningca.gov/DocumentCenter/View/13016/Attachment-2-Warrant-Report-May-2023>
3. Warrant Report Detail May 2023  
<https://banningca.gov/DocumentCenter/View/13013/Attachment-3-Warrant-Report-Detail-May-2023>
4. Voided Check Log, Payroll Log & Registers – May 2023  
<https://banningca.gov/DocumentCenter/View/13014/Attachment-4-Void-Check-Log-Payroll-Log-and-Payroll-Registers>

Approved by:

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

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

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

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

**MEETING DATE:** June 27, 2023

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

### **RECOMMENDATION:**

That City Council receive and file Cash, Investment and Reserve Report for **June 27, 2023** in accordance with California Government Code 53646.

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

Description		Current Month		Current Month	
Funds Under Control of the City					
Cash					
	Cash on Hand	\$	4,055.00	\$	4,055.00
	Checking and Savings Accounts	\$	3,855,225.28	\$	10,268,794.91
Investments					
	LAIF	\$	37,455,064.94	\$	31,455,064.94
	Brokerage	\$	18,146,862.59	\$	18,198,680.95
Total Funds Under Control of the City		\$	59,461,207.81	\$	59,926,595.80
Funds Under Control of Fiscal Agents					
US Bank					
	Restricted Bond Project Accounts	\$	12,369,839.36	\$	13,823,221.43
	Restricted Bond Accounts	\$	4,848,380.31	\$	4,848,381.19
Union Bank & SCPPA					
	Restricted Funds	\$	3,971,865.88	\$	4,311,348.69
Total Funds Under Control of Fiscal Agents		\$	21,190,085.55	\$	22,982,951.31
Total Funds		\$	80,651,293.36	\$	82,909,547.11

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

Description	Current Month	
<b>Total Funds</b>	<b>\$ 80,651,293.36</b>	<b>\$ 82,909,547.11</b>
Restricted Funds	\$ 39,630,162.73	\$ 41,467,526.76
Assigned Funds - Specific Purpose	\$ 4,087,199.91	\$ 4,087,199.91
Committed Funds - Specific Purpose	\$ 1,500,000.00	\$ 1,500,000.00
Fund Balance Reserves	\$ 13,469,579.75	\$ 13,469,579.75
<b>Total Restricted, Assigned, Committed and Reserve</b>	<b>\$ 58,686,942.39</b>	<b>\$ 60,524,306.42</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$ 21,964,350.97</b>	<b>\$ 22,385,240.69</b>
Less Accounts held in Investments	\$ 18,146,862.59	\$ 18,198,680.95
Liquid Cash	\$ 3,817,488.38	\$ 4,186,559.74

**ATTACHMENTS:**

1. Cash, Investment and Reserve Report May 2023  
<https://banningca.gov/DocumentCenter/View/13020/Attachment-1-Cash-Investment-and-Reserves-May-2023>
2. Investment Report  
<https://banningca.gov/DocumentCenter/View/13017/Attachment-2-Investment-Report-May-2023>
3. LAIF Market Valuation Report  
<https://banningca.gov/DocumentCenter/View/13018/Attachment-3-LAIF-Market-Valuation-May-2023>
4. LAIF Performance Report  
<https://banningca.gov/DocumentCenter/View/13019/Attachment-4-PMIA-LAIF-Performance-Report-May-2023>

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  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** June 27, 2023

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

---

### **RECOMMENDATION:**

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

### **BACKGROUND:**

Per Government Code Section 41004, Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. The city treasurer shall file a copy with the legislative body. This item shall be presented to City Council at the Council meeting following this presentation with any recommendation by the Committee to approve or deny.

### **JUSTIFICATION:**

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

### **FISCAL IMPACT:**

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

**ALTERNATIVES:**

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

**ATTACHMENTS:**

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

Approved by:

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

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Assistant City Manager  
Todd Hopkins, CALFIRE Division Chief

**MEETING DATE:** June 27, 2023

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

---

**RECOMMENDATION:**

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

**BACKGROUND:**

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

**FISCAL IMPACT:**

None

**ATTACHMENT:**

1. Fire Statistics for May 2023  
<https://banningca.gov/DocumentCenter/View/12938/Banning-May-2023-Fire-Report>

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

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

---

**RECOMMENDATION:**

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

**BACKGROUND:**

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

**ATTACHMENT:**

1. Police Statistics – May 2023  
<https://banningca.gov/DocumentCenter/View/12939/MAY-2023-STATS>

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

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

---

### **RECOMMENDATION:**

This monthly update is informational only; receive and file.

### **BACKGROUND:**

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

### **FISCAL IMPACT:**

None

### **ATTACHMENTS:**

1. CIP Project List  
<https://banningca.gov/DocumentCenter/View/12964/Att-1-CIP-Update-June-2023>

Approved by:

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

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

---

### **RECOMMENDATION:**

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

### **BACKGROUND:**

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

### **JUSTIFICATION:**

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

### **FISCAL IMPACT:**

None

### **ATTACHMENT:**

1. Contracts Approved under City Manager's Signature Authority  
<https://banningca.gov/DocumentCenter/View/13012/2023-06-June-Council-meeting--May-Contract-Data>

Approved by:

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

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

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

---

### **RECOMMENDATION:**

Receive and file Code Enforcement statistics for the month of May 2023:

Code Enforcement Statistics for May 2023				
Opened Cases	17		Closed Cases	37
Citations Issued	8		Citations Paid	\$225.00
Notices to Abate (Significant Hazard)	5			
Red Tagged Properties	2			
Apply or Release Lien/Pendency	7			
Civic Plus Inquiries	3			
Public Records Request	5			

### **BACKGROUND:**

The City's Code Enforcement Division ("Code") employs two full-time officers responsible for enforcement of the City's Municipal Code with cases that range from lack of a business license to unsafe buildings, to street vendors and much more. Within Code, the City employs a Code Enforcement Supervisor, who is responsible for managing and organizing nearly 400 open cases, and a Senior-level officer. The City is currently recruiting a third Code Officer and will begin the recruitment for an Office Specialist who will manage the clerical matters which demands significant resources due to the City's legal obligation to document code investigations. In addition to the typical code enforcement duties and responsibilities (e.g., unsafe buildings, unpermitted land use, no business license, construction without permit, and unregistered food vendors, just to name a few) Code is responsible for managing our Weed Abatement Program. This Program includes the patrol, noticing, enforcement, and remediation of potential fire

hazards, before the traditional fire season begins. These duties, while important, reduce the function of other code enforcement duties by half.

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

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

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

- Upgrading the Code Enforcement Reporting and Case Management System (e.g., Comcate.®)
- Upgrading the IT equipment for Code Enforcement to achieve greater efficiency and allow Code Officers to work complexly mobile.
- Recording Notices to Abate for the following properties: 1118, 1170, and 1979 W. Ramsey St. and 2735 and 775 Lincoln St.
- Executing agreements with Elio Palacios, Jr. and the Office of Administrative Hearings to provide on-call Administrative Hearing Services to the City.
- Conducting interviews for a third Code Enforcement Officer position, one that is authorized and funded.
- Beginning recruitment for a Code Enforcement Office Specialist.
- Continued enforcement of unpermitted food vendors; citation and disposal of unsafe food.

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

#### **ATTACHMENTS:**

1. Code Enforcement Statistics – May 2023  
<https://banningca.gov/DocumentCenter/View/12966/Att-1-Council-Staff-Report-Stats>
2. Street Vendor Compliance Walk (June 12, 2023)  
[https://banningca.gov/DocumentCenter/View/12965/Att-2-Code-E-Street-Vendor-Detail\\_June-12th](https://banningca.gov/DocumentCenter/View/12965/Att-2-Code-E-Street-Vendor-Detail_June-12th)

Approved by:

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

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Authorize the City Manager to Sign the Notice of Completion for Project No. WA22G1, “250 HP Variable Frequency Drive (VFD) and Enclosure for C-6” and Direct the City Clerk to Record the Notice of Completion

---

### **RECOMMENDATION:**

That the City Council accept Project No. WA22G1, “250 HP VFD and Enclosure for C-6” as complete, authorize the City Manager or his designee to sign the Notice of Completion and direct the City Clerk to record the Notice of Completion.

### **BACKGROUND:**

Staff solicited bids for the purchase and installation of one 250 HP VFD and received three (3) bids. On October 13, 2022 a Construction Agreement with Center Electric for Project No. WA22G1, “250 HP VFD and Enclosure for C-6” was approved in the amount of \$74,988.96.

The principal item of work includes the Purchase of Variable Frequency Drive (VFD) communally known as a Variable Speed Drive (VSD) and enclosure, installation, wiring from the main breaker to the VFD and wiring from the VFD to the well motor control.

### **JUSTIFICATION:**

The lowest qualified bidder, Center Electric was awarded a Construction Agreement and the required work was completed on May 31, 2023. Public Works staff verified through inspections that the workmanship, materials, and procedures were satisfactory, and that the contractor had met the required contract obligations.

### **FISCAL IMPACT:**

The original contract was awarded in the amount of \$74,988.96 and the final contract amount for this project is \$74,988.96. The contract was funded by a Bureau of Reclamation WaterSMART: Small Scale Water Efficiency grant.

**ALTERNATIVE:**

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

**ATTACHMENTS:**

1. Notice of Completion

<https://banningca.gov/DocumentCenter/View/12967/Att-1-NOC-Project-No-WA22G1>

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:** Jennifer Jackson, Grants Program Manager

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-117, Extending the Current Pre-Approved Grant Writing Vendor List through Calendar Year 2023 and Approve the Preparation and Execution of a new Grant Services Request for Proposals (RFP) to Establish a Pre-Approved Grant Services Consultants List for Calendar Years 2024 thru 2028

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### **RECOMMENDATION:**

Staff recommends City Council adopt Resolution 2023-117:

1. Extending the current Pre-Approved Grant Writing Services Vendor List through the end of Calendar Year 2023.
2. Approve the plan for Staff to prepare and execute a new Grant Services Request for Proposals (RFP) to establish a recommended Pre-Approved Grant Services Consultants List for Calendar Years 2024 thru 2028.

### **BACKGROUND:**

On October 9, 2018, Council adopted Resolution 2018-121 establishing the Pre-approved Grant Writing Services Vendor List (List). The List was the result of a formal Request for Proposals (RFP) solicitation and evaluation process conducted by the Public Works Department in August 2018. The List was set to expire at the end of Fiscal Year 2021 (June 30); at the June 8, 2021 Council Meeting, the Council adopted Resolution 2021-45 to extend the expiration date of the current List thru Fiscal Year 2023 (June 30):

CONSULTANT	SCORE
Blais & Associates <ul style="list-style-type: none"><li>• Water programs</li><li>• Transportation</li><li>• Transit</li><li>• Streets</li><li>• Sustainability Planning</li></ul>	426.67

Michael Baker International <ul style="list-style-type: none"><li>• Water</li><li>• Transportation</li><li>• Transit</li></ul>	410
TKE Engineering, Inc. <ul style="list-style-type: none"><li>• Water Resources</li><li>• Sewer</li><li>• Active Transportation</li><li>• Master Plans</li><li>• Parks</li></ul>	364.17
Engineering Solutions Services, Inc. <ul style="list-style-type: none"><li>• Water &amp; Water Treatment</li><li>• Meters/AMI</li><li>• Transit</li><li>• Street Improvements</li><li>• City Facilities</li><li>• Parks</li><li>• Master Plans</li></ul>	363.33
Carlson & Associates, LLC <ul style="list-style-type: none"><li>• Active Transportation</li><li>• Safe Routes to School</li><li>• Sustainability Planning</li></ul>	354.17

**JUSTIFICATION:**

Due to the upcoming expiration of the current list on June 30, 2023 and the desire to address the increased needs of the City's growing grants program, staff recommends the extension of the current List thru the end of Calendar Year 2023 to enable the preparation and execution of a new, more robust Grant Services RFP. Upon conclusion of the RFP advertisement and review/evaluation process, a new recommended Pre-Approved Grants Services Consultants List will be submitted to Council for approval. If approved, the new List will become effective as of that approval date and will expire December 31, 2028 (5 years).

**FISCAL IMPACT:**

N/A

**ALTERNATIVES:**

1. Adopt Resolution 2023-117 as recommended.
2. Adopt Resolution 2023-117 with modifications.
3. Do not approve Resolution 2023-117 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-117  
<https://banningca.gov/DocumentCenter/View/13011/Att-1-Resolution-2023-117>

2. Resolution 2021-45

<https://banningca.gov/DocumentCenter/View/13009/Att-2-Resolution-2021-045>

3. Resolution 2018-121

<https://banningca.gov/DocumentCenter/View/13010/Att-3-Resolution-2018-121>

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:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-07 UA, Approving a Professional Services Agreement for Water and Wastewater Laboratory Analytical Testing Services with Babcock Laboratories, Inc. for Fiscal Year 2023/2024 with the Option to Renew for an Additional Four (4) Single Years in the Amount of \$75,000 per Year

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### **RECOMMENDATION:**

Staff Recommends that City Council adopt Resolution 2023-07 UA:

1. Approving the Agreement for Water and Wastewater Analytical Testing Services with Babcock Laboratories, Inc. of Riverside, CA in the amount of \$75,000 for Fiscal Year 2023/2024, with the option to renew for an additional four (4) single years upon staff review and approval of City Manager. Annual renewals will be in the amount of \$75,000 per year.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers on an annual basis for up to Five (5) years related to the Professional Services Agreement for laboratory analytical testing services.
3. Authorizing the City Manager to execute the Professional Services Agreement and future renewals with Babcock Laboratories, Inc. of Riverside, CA for laboratory analytical testing services.

### **BACKGROUND:**

The State Water Resources Control Board (SWRCB) is responsible for the enforcement of the Safe Drinking Water Act and the regulatory oversight of public water systems to assure the delivery of safe drinking water. The SWRCB prescribes regulations that limit the amount of certain contaminants in drinking water.

Furthermore, the California Regional Water Quality Control Board (CRWQCB) oversees the City of Banning Wastewater Treatment Plant (WWTP) Wastewater Discharge Requirements (WDR). The WDR has set specific groundwater monitoring requirements near the WWTP percolation ponds.

Consequently, the City of Banning Water and Wastewater Divisions obtain over 1,500 water samples annually from more than 33 sample points throughout the City and submits them for laboratory testing in order to confirm that the City is operating the water and wastewater systems within their respective permit requirements.

In order to obtain laboratory services, Public Works staff advertised a Request for Proposals (RFP) on May 30, 2023 in the Press Enterprise and on the City's procurement web site. In response to these efforts, the Public Works Department received one (1) proposal from the following company:

<b><u>Company</u></b>	<b><u>Score</u></b>
Babcock Laboratories, Inc.	885

The proposal was evaluated based on specific criteria including how long the company has been in business, qualifications and experience in implementing an analytical testing program, costs for performing the required analytical testing, quality of services, references, proximity and overall responsiveness to the RFP.

This agreement would include an option to be renewed for an additional four (4) single years upon annual review by staff and approval by the City Manager.

#### **JUSTIFICATION:**

Laboratory analytical testing services are necessary in order to meet permit requirements of the SWRCB and the CRWQCB related to the operations of the Water and Wastewater Divisions.

Babcock Laboratories, Inc. of Riverside, California has provided the required laboratory analytical services to the City in the past at a satisfactory level. Staff recommends the approval of the contract for Fiscal Year 2023/2024 in the amount of \$75,000.

Approval of Resolution 2023-07 UA will also authorize the City Manager to approve subsequent annual renewals for four (4) additional single years in the amount of \$75,000 per year.

#### **FISCAL IMPACT:**

The Professional Services Agreement for Laboratory Analytical Testing Services will be funded by the Water Fund, Account No. 660-6300-471.23-32 (Contractual Services/Laboratory Services) in the amount of \$65,000 and by the Wastewater Fund, Account No. 680-8000-454.23-32 in the amount of \$10,000 for a total annual amount of \$75,000.

#### **ALTERNATIVES:**

1. Adopt Resolution 2023-07 UA as recommended.
2. Adopt Resolution 2023-07 UA with modifications.

3. Do not approve Resolution 2023-07 UA and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-07 UA  
[https://banningca.gov/DocumentCenter/View/12973/Att-1\\_Resolution-2023-07UA-Agreement-with-Babcock-Laboratories](https://banningca.gov/DocumentCenter/View/12973/Att-1_Resolution-2023-07UA-Agreement-with-Babcock-Laboratories)
2. Request for Proposal  
[https://banningca.gov/DocumentCenter/View/12970/Att-2\\_RFP-Laboratory-Services-2023](https://banningca.gov/DocumentCenter/View/12970/Att-2_RFP-Laboratory-Services-2023)
3. Babcock Proposal  
[https://banningca.gov/DocumentCenter/View/12971/Att-3\\_Babcock-Proposal](https://banningca.gov/DocumentCenter/View/12971/Att-3_Babcock-Proposal)
4. Draft Agreement  
[https://banningca.gov/DocumentCenter/View/12972/Att-4\\_C00852-Babcock----On-call-Laboratory-Services-FY24-Draft](https://banningca.gov/DocumentCenter/View/12972/Att-4_C00852-Babcock----On-call-Laboratory-Services-FY24-Draft)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-119, Accepting a Grant from the Riverside County Department of the Office On Aging in the Amount of \$82,000 and Authorizing the City Manager or his Designee to Execute all Documents and Make All Necessary Budget Adjustments for Completion of the Project Scope

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### **RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2023-119, approving the following:

1. Accepting the award of \$82,000 for Senior Nutrition Improvements from the Riverside County Department of the Office on Aging.
2. Authorizing the City Manager or his designee to execute the Contract with Riverside County Office on Aging and sign all documents, including, but not limited to agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope.
3. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the purchase of equipment and completion of the scope of the grant.

### **BACKGROUND:**

Riverside County has been awarded the Home and Community Based Services Senior Nutrition Infrastructure Grant from the California Department of Aging. This grant provides infrastructure improvements to facilities operated by agencies providing senior nutrition programs within Riverside County.

The Banning Senior Center offers a daily senior nutrition program with meals prepared and delivered by Family Service Association. Some of the equipment used for this program is older and not efficient. Through discussions with the Family Service Association and the County Office on Aging, the opportunity to apply for the infrastructure grant became available. The City of Banning applied for equipment replacement or improvements for the kitchen in the Banning Senior Center including a new refrigerator, range hood, food counter and sink disposal and well as a van to help with the Senior meal and Fill the cupboard program and a new drinking fountain/ water bottle filling station.

The City has been granted up to \$82,000 for purchase of new and replacement equipment to help in the operations of the Senior Center. The grant is a reimbursable funds grant whereby the City will make authorized purchases and the County will reimburse the expenditures. The grant performance period will be through June 30, 2024 giving the City of Banning one year make the purchases for the Senior Center.

The County of Riverside is scheduled to review and approve the issuance of contracts with eligible subrecipients of the grant funding on Wednesday June 28<sup>th</sup> at their regularly scheduled Board meeting. The attached Resolution authorizes the acceptance of the grant and the designation of the City Manager as the delegated authority to execute and sign necessary documents for receipt of the grant and reimbursement.

**JUSTIFICATION:**

The acceptance of the grant allows for the purchase of new equipment and replacement of aged equipment that will significantly enhance the operations of the Senior Center and the Senior Nutrition program.

**FISCAL IMPACT:**

The acceptance of this grant does not require any matching funds, provides enhancement of the Senior Center, and will reduce future requests from the General Fund for replacement and potential purchase of the items purchased under the scope of the grant.

**ALTERNATIVES:**

1. Adopt Resolution 2023-119 as recommended.
2. Adopt Resolution 2023-119 with modifications.
3. Do not approve Resolution 2023-119 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-119  
<https://banningca.gov/DocumentCenter/View/12975/Att-1-Resolution-2023-119>
2. Draft Recipient Contract from Riverside County Department of the Office on Aging  
<https://banningca.gov/DocumentCenter/View/12974/Att-2-Draft-Subrecipient-Contract-from-Riverside-County-Department-of-the-Office-on-Aging>
3. Banning Senior Nutrition Infrastructure Approved Expenditure List  
<https://banningca.gov/DocumentCenter/View/12976/Att-3-Banning-Senior-Nutrition-Infrastructure-Approved-Expenditure-List>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-123, Approving a Standard Agreement with the State of California's Department of General Services - Office of Administrative Hearings (OAH) for Administrative Hearing Services

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### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2023-124:

1. Authorizing the City Manager or designee to execute the OAH Standard Agreement with the State of California Department of General Services—Office of Administrative Hearings (OAH) to conduct Administrative Citation and Nuisance Abatement Hearings.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Standard Agreement with OAH for a term of five (5) years (2028), in an amount not to exceed \$48,000 over the Contract Term.

### **BACKGROUND:**

The Office of Administrative Hearings (OAH) agrees to furnish the services of Administrative Law Judges (ALJs) and case management staff to Local Agencies (i.e., City of Banning), for the purpose of managing cases and conducting hearings under Government Code section 27727. The assignment of Administrative Law Judges for hearings will be at the discretion of the Director and/or Presiding Administrative Law Judges, who may elect to hear the matter themselves.

The City has utilized the Office of Administrative Hearings on one occasion to conduct the Appeal Hearing of Mr. Algea prior to the Retail Cannabis Lottery. The Hearing was conducted in an impartial and professional manner and the written decision, provided by the ALJ, was comprehensive, detailed, and survived a subsequent appeal, in the Appellate Court, by Mr. Algea.

The current agreement is valid until March of 2024; however, the budget cannot exceed \$25,000 and the aforementioned hearing has already been deducted from this amount. An extension to the term, and increase in the budget, are a necessary element of establishing the City's framework to effectively manage future code enforcement activities. The Council has directed City staff to focus on Building and Code enforcement compliance efforts within the Downtown Corridor. This naturally requires the services of an impartial and experienced Hearing Officer to conduct both Administrative Citation and Abatement Hearings, when requested by the property owner or deemed necessary by staff.

### **JUSTIFICATION:**

The City's increased code enforcement compliance efforts require the services of an available, competent, and impartial Hearing Officer. The OAH has previously provided services to the City in a detailed, fair, and efficient manner. Therefore, an increase to the budget and term will serve as a retainer for future hearings where the costs are recoverable and reimbursable through the Code Enforcement process.

### **FISCAL IMPACT:**

The City will only incur costs when a hearing is requested by the property owner and City staff assigns this request to an Administrative Law Judge. The City can recover our costs for materials and labor through several options: Litigation, Property Tax Lien, a Pendency or Lien against the Property Title.

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2023/2024	\$9,600.00
2024/2025	\$9,600.00
2025/2026	\$9,600.00
2026/2027	\$9,600.00
2027/2028	\$9,600.00

### **ALTERNATIVES:**

1. Adopt Resolution 2023-123 as recommended.
2. Adopt Resolution 2023-123 with modifications.
3. Do not approve Resolution 2023-123 and provide alternative direction to staff.

### **ATTACHMENTS:**

1. Resolution 2023-123  
<https://banningca.gov/DocumentCenter/View/12978/Att-1-Resolution-2023-123-OAH-Contract>
2. Draft OAH Standard Agreement  
<https://banningca.gov/DocumentCenter/View/12979/Att-2-Exhibit-A-State-of-California-Department-of-General-Services-Office-of-Administrative-Hearings-OAH>

Approved by:

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

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-124, Approving Amendment No. 2 to the Professional Services Agreement (CC00658) with Romo Planning Group, Inc.

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### **RECOMMENDATION:**

Staff recommends the approval of Resolution 2023-124:

1. That the City Council rescinds Resolution 2023-041, as the incorrect budget amount was referenced as \$511,200 rather than the correct budget amount of \$522,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to Amendment No. 2 to the Agreement (CC00658) with Romo Planning Group Inc.
3. Authorizing the City Manager or designee to execute Amendment No. 2 (CC00658), to the Professional Services Agreement with Romo Planning Group Inc. (RPG), extending the service agreement to August 25, 2024 and in an amount not to exceed \$522,000.

### **BACKGROUND:**

On January 14, 2014, the City Council approved a Professional Services Agreement with Romo Planning Group, Inc. to provide project management services. On November 13, 2014, the City Council approved Amendment No. 1 to include additional compensation for additional Planning Services; and on March 24, 2015 the City Council approved Amendment No. 2 to include additional compensation for Contract Services; and on June 23, 2015 the City Council approved Amendment No. 3 to include additional compensation for Planning Services; and on June 24, 2016 the City Council approved Amendment No. 4 to include additional compensation for Planning Services; and on October 25, 2016, the City Council approved Amendment No. 5 to include additional compensation for Planning Services; and on February 14, 2017, the City Council approved Amendment No. 6 to include additional compensation for Planning services; and on June 13, 2017, the City Council approved Amendment No. 7 to include additional compensation for Temporary Planning Services; and on May 22, 2018, the City Council approved Amendment No. 8

to add additional compensation for Planning Services; and on August 27, 2020, the City Council approved Amendment No. 9, to extend the term of the Agreement until June 30, 2020. Amendment No. 9 included an authorization to increase the compensation in an amount not-to-exceed Two Hundred and Forty-Nine Thousand and Six Hundred Dollars (\$249,600.00). The City administratively extended the Service Agreement until August 31, 2020.

On May 26, 2020, the City issued a Request for Proposal (RFP) where six firms submitted responsive and responsible proposals that were due on July 12, 2020. The City evaluated all proposals and selected three firms to invite for “in-person” interviews which were conducted on July 14, 2020. The based upon the proposal evaluations and “in-person” interviews of the top three firms and the City’s evaluation team unanimously chose Romo Planning Group as the most responsive and responsible firm. On August 25, 2020, the City of Banning approved a new agreement (Resolution 2020-106), with Romo Planning Group, Inc., in the amount of \$510,000 for a period of five (5) years.

On February 28, 2023, the City adopted Resolution 2023-041, approving Amendment No. 1 to the Service Agreement with Romo Planning Group, Inc. This resolution incorrectly stated the total contract amount as \$511,200 where the correct contract amount is \$522,000. The City and Service Provider now desire to rescind Amendment No. 1, in the amount of \$511,200 and approve Amendment No. 2, in the amount of \$522,000. Additionally, the City and Service Provider, pursuant to Section 3.4 of the Agreement, now desire to exercise one, of the two one-year renewal options, extending the service contract to August 25, 2024. The agreed upon scope of services is further specified in “Exhibit A”, which is attached herein. All other provisions of the Agreement shall remain unchanged and in full force and effect except as modified by this Amendment No. 2.

#### **JUSTIFICATION:**

The City Council is required to amend the agreement to correct the previous error.

#### **FISCAL IMPACT:**

The Community Development operational budget will fund the planning consulting services from Account No. 001-2800-33-41 (Planning Services).

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2022/2023	\$104,400
2023/2024	\$104,400

#### **ALTERNATIVES:**

1. Adopt Resolution 2023-124 as recommended.
2. Adopt Resolution 2023-124 with modifications.
3. Do not approve Resolution 2023-124 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-124  
<https://banningca.gov/DocumentCenter/View/12983/Att-1-Resolution-2023-124-Romo-Planning-Group-Amendment-No-2>
2. Draft Professional Services Agreement  
<https://banningca.gov/DocumentCenter/View/12980/Att-2-Draft-Professional-Services-Agreement>
3. Exhibit A (Scope of Services to Draft PSA with RPG)  
<https://banningca.gov/DocumentCenter/View/12981/Att-3-Exhibit-A---Scope-of-Services-to-Draft-PSA-RPG>
4. Exhibit B (City Council Resolution 2023-041, February 28, 2023)  
<https://banningca.gov/DocumentCenter/View/12982/Att-4-Exhibit-B---CC-Resolution-2023-041>

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 27, 2023

**SUBJECT:** Accept the Sunset Sewer Rehabilitation Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration

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### **RECOMMENDATION:**

City Council accept the Sunset sewer rehab improvements related to the Atwell Specific Plan Development and authorize the 90% bond exoneration.

### **BACKGROUND:**

On December 10, 2019 City Council adopted Resolution 2019-155 and Resolution 2019-154 approving Final Tract Maps 37365 and 37474, releasing the maps for recordation; authorizing staff to sign the Subdivision Improvement Agreement and Final Tract Map; and accepting the Performance and Labor and Material Bonds for public improvements.

As a condition of the development Atwell was required to sign a Subdivision Improvement Agreement and submit a performance bond to assure the City that the required public improvements are constructed according to City standards and specifications.

### **JUSTIFICATION:**

Staff has verified that the sewer improvements related to the bond were completed per City standards and specifications and recommends that City Council accept the improvements and authorize the 90% bond exoneration for the following bond:

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS0345697	\$225,973.45	Sunset Sewer Rehab

10% of the bond amounts will remain for a period of 12 months (maintenance period) at which point the 10% balance will be released and the improvements will become City owned and maintained improvements.

**FISCAL IMPACT:**

Not applicable

**ALTERNATIVES:**

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

**ATTACHMENTS:**

1. Bond # CMS0345697  
<https://banningca.gov/DocumentCenter/View/12969/Att-1-Atwell-Sunset-Sewer-Rehab-Bond-CMS0345697>
2. Sunset Sewer Rehabilitation Improvement Plan  
<https://banningca.gov/DocumentCenter/View/12968/Att-2-Atwell-Sunset-Sewer-Rehab-Imp-Plans DELTA-2 1-30-23>

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 27, 2023

**SUBJECT:** Consideration of Resolution 2023-125, Approving an Amendment to the Zencity License Agreement to Add Community Surveys

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### **RECOMMENDATION:**

Adopt Resolution 2023-125 approving an amendment to the Zencity Technologies US, Inc. license agreement to add Community Surveys platform.

### **BACKGROUND:**

City Council has previously approved agreements with Zencity Technologies US, Inc. for their Engagement Report (Zencity Organic) platform and Community Engagement Report (Zencity Engage). Zencity Organic is a Software as a Service (SaaS) platform that gathers and processes feedback from citizens that post about our City online and in social media. The result is that City Council and City Management can identify areas of community concern and to address those areas for the overall benefit of the City. Zencity Engage is an interface that is used to share essential project information and to invite community input and collaboration, which is a recurring online community satisfaction tool that allows residents to score interactions with the City in a realtime environment. Results are available to the City as a live dashboard and are aggregated into a report on a semi-annual basis.

This item is to consider Zencity Experience Surveys, which provides short questionnaires designed to immediately collect feedback on services provided by the City.

### **JUSTIFICATION:**

Zencity Experience Surveys will allow City Council and Management to obtain community feedback from interactions with the City. This could be based on customer service interactions such as paying utility bills or parks and recreation activities. It could also include cleanliness of city facilities and parks. There are numerous ways to achieve the feedback. Citizens could go to the City website to fill out a survey or QR codes could be placed throughout the City for residents to complete the surveys at the time of the point

of contact. An automated survey could also be initiated automatically upon the conclusion of online interactions.

This product aims to ensure quality engagement between residents and the City. The City's goal is to be as beneficial to the community as possible.

**FISCAL IMPACT:**

This amendment for Zencity Experience Surveys is \$12,000 per year (40% discount). The term is for 17 months, for a total amendment cost of \$17,000. The previously approved agreements total \$84,000 for the term of December 6, 2022 through December 6, 2024. The amended not-to-exceed amount is now \$101,000. This item is included in the recommended mid-cycle budget that is also being presented to Council tonight.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$24,500
2023/2024	\$54,000
2024/2025	\$22,500

**ALTERNATIVES:**

1. Adopt Resolution 2023-125 as recommended.
2. Adopt Resolution 2023-125 with modifications.
3. Do not approve Resolution 2023-125 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-125  
<https://banningca.gov/DocumentCenter/View/13021/Att-1-Resolution-2023-125-ZenCity-License-Amendment>
2. Agreement Amendment to add Zencity Experience Surveys  
<https://banningca.gov/DocumentCenter/View/13022/Att-2-Exhibit-A-Banning-CA-Addednum-for-experience-surveys>

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 27, 2023

**SUBJECT:** Consideration of Resolution 2023-127, Approving Agreement with CivicPlus for Webhosting, Support and Redesign Services in the Amount of \$31,263.13 for Fiscal Year 2024

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### **RECOMMENDATION:**

Staff recommends Council approve Resolution 2023-127, to:

1. Approve the agreements with CivicPlus for Webhosting, Support and Redesign Services in the amount of \$31,263.13 for Fiscal Year 2024, with an option to renew every year for the next four years for a total of five years.
2. Authorize the City Manager to execute the agreements with CivicPlus.
3. Authorize the City Manager or his designee to complete appropriations and or budget transfers as necessary to complete this agreement.
4. Directs the City Clerk to certify the adoption of this resolution and cause a certified resolution to be filed in the book of original resolutions.

### **BACKGROUND:**

CivicPlus has been hosting the City of Banning website since 2007. The services provided by CivicPlus have met or exceeded the City's expectations for the past 16 years.

### **JUSTIFICATION:**

In the past a complete redesign of the website could be costly and take some time. With the advent of new technology, it has become easier and more affordable to complete a project of this size. CivicPlus now offers a program to collect funds at a cost of \$ 3,069.00 every year and on the fourth year a redesign would occur. In order for the City to begin a redesign in fiscal year 2024 the cost is \$10,317.00. This redesign would be completed in approximately 8 months. The cost for the annual hosting and support for fiscal year 2024 is \$20,946.13.

### **FISCAL IMPACT:**

The cost of webhosting, support and redesign for Fiscal Year 2024 is \$31,263.13 and has been accounted for in the 2024 budget cycle.

**ALTERNATIVES:**

1. Adopt Resolution 2023-127 as recommended.
2. Adopt Resolution 2023-127 with modifications.
3. Do not approve Resolution 2023-127 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-127  
<https://banningca.gov/DocumentCenter/View/13049/Att-1-Resolution-2023-127-CivicPlus>
2. Quote for Annual Webhosting and Support  
<https://banningca.gov/DocumentCenter/View/13046/Att-2-Annual-Quote>
3. Quote for Website Redesign for FY2024  
[https://banningca.gov/DocumentCenter/View/13047/Att-3-Banning\\_OneTimePremium\\_Redesign](https://banningca.gov/DocumentCenter/View/13047/Att-3-Banning_OneTimePremium_Redesign)
4. Quote for 48 Month Redesign Services  
[https://banningca.gov/DocumentCenter/View/13048/Att-4-Banning\\_48moPremium\\_Redesign](https://banningca.gov/DocumentCenter/View/13048/Att-4-Banning_48moPremium_Redesign)

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Lincoln Bogard

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-129, Approving the Renewal of the GovInvest Contract and Approve Amendment No. 2 to add the Other Post-Employment Benefits (OPEB) Module

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### **RECOMMENDATION:**

Approve Resolution 2023-129 to authorize the City Manager to execute a renewal of the GovInvest Inc. Contract (C00656) and execute Amendment No.2 to add the OPEB module to the Financial Forecasting software for a total not to exceed amount of \$32,444.

### **BACKGROUND:**

The City entered into a contract with GovInvest Inc. on May 20, 2020, for three years to obtain its Pension Module of the Total Liability Calculator Software Program with a not-to-exceed amount of \$24,000, including implementation costs. On that same day, the City entered a three-year contract with Adastragov Inc. to obtain its Labor Costing Software Module with a not-to-exceed amount of \$23,000, including implementation costs. Since that time, GovInvest Inc. has purchased Adastragov Inc. and upon renewal, these contract extensions will be requested together with those proposed with this contract amendment. The current maintenance costs are \$25,244 per module per year.

### **JUSTIFICATION:**

As a part of the biennial budget process and mid-cycle, mid-year updates, financial forecasting is of the utmost importance. Since compensation is such a large part of any government's budgeted expenditures, adding these modules will help the Fiscal Services Department better project results and potential deviations from those projections.

### **FISCAL IMPACT:**

The full maintenance fee per year is \$32,444 per year.

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$32,444

**ALTERNATIVES:**

1. Adopt Resolution 2023-129 as recommended.
2. Adopt Resolution 2023-129 with modifications.
3. Do not approve Resolution 2023-129 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-129  
<https://banningca.gov/DocumentCenter/View/13040/Att-1-Resolution-23-129-GovInvest-Amendment-no2>
2. GovInvest Contract (C00656)  
<https://banningca.gov/DocumentCenter/View/13041/Att-2-GovInvest-Amendment-OPEB-Banning-CA---5-3-23>

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  
Brandon Robinson, Electrical Engineering Supervisor

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-130, Approving a Three-Year SCADA Software License Support Plan and License Upgrade with Survalent Technology Inc.

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### **RECOMMENDATION:**

That the City Council approve Resolution 2023-130, Approving the Three-Year SCADA Software License Support Agreement and License Upgrade with Survalent Technology Inc. in the amount of \$84,479 and authorizes the City Manager to execute the related agreement.

### **BACKGROUND:**

The City of Banning Electric Utility uses and intends to continue using Survalent SmartVU products as its standard software configuration on its SCADA Servers and desktop computer viewing and monitoring environment. The three-year platinum support plan will include many benefits such as:

- Access to the latest software releases and free upgrades on all software covered by agreement.
- 24x7 priority access to emergency support
- Training and conference vouchers for Utility support staff
- 25 hours per year of Remote Services
- Access to a Survalent System Engineer on-site for 2 days to provide technical assistance.
- Lower annual rate for licensing and support costs by choosing a three-year plan.

### **JUSTIFICATION:**

The Electric Utility executed a three-year licensing agreement with Survalent Technology Inc. that expired on May 8, 2023. Among other benefits, the agreement will keep the Utility in compliance with all current licensing requirements. Additionally, the Utility will require a

total of five concurrent licenses to allow technical staff to utilize and control functions within the SCADA software.

**FISCAL IMPACT:**

The Survalent SCADA Support Plan is a three-year agreement totaling \$78,419.00 and the additional concurrent SCADA licenses come at a cost of \$6,060. The total cost will be \$84,479. Funds are currently available in the Electric Fund budget to pay for the support plan. No additional appropriation is necessary. Full payment will be distributed in FY 2023/2024 and accrued across the remaining years as described herein.

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2023/2024	\$31,199.67
2024/2025	\$26,139.67
2025/2026	\$26,139.66

**ALTERNATIVES:**

1. Adopt Resolution 2023-130 as recommended.
2. Adopt Resolution 2023-130 with modifications.
3. Do not approve Resolution 2023-130 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-130  
[https://banningca.gov/DocumentCenter/View/13042/Att-1-Resolution-2023-130\\_Survalent-SCADA-License-Renewal](https://banningca.gov/DocumentCenter/View/13042/Att-1-Resolution-2023-130_Survalent-SCADA-License-Renewal)
2. SurvalentONE SCADA License Quote Technology Inc. Three-Year Renewal Quote  
[https://banningca.gov/DocumentCenter/View/13043/Att-2-2023-111\\_SmartVU\\_Licensing\\_Quote](https://banningca.gov/DocumentCenter/View/13043/Att-2-2023-111_SmartVU_Licensing_Quote)
3. Survalent Technology Inc. Support Plan Three-Year Renewal Quote  
[https://banningca.gov/DocumentCenter/View/13055/Att-3-STC\\_City\\_of\\_Banning\\_Electric\\_Utility\\_M23\\_2\\_68714\\_Final\\_ADMS\\_Platinum\\_Support\\_Renewal\\_2023\\_05\\_Quote](https://banningca.gov/DocumentCenter/View/13055/Att-3-STC_City_of_Banning_Electric_Utility_M23_2_68714_Final_ADMS_Platinum_Support_Renewal_2023_05_Quote)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Public Hearing and Consideration of Resolution 2023-116  
Approving a Report in Connection with the Proposed Collection  
on the 2023/2024 Riverside County Property Tax Roll of  
Delinquent Solid Waste Service Charges for Single-Family and  
Multi-Family Dwelling Accounts and Making a Determination of  
Exemption under CEQA

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### **RECOMMENDATION:**

Staff Recommends that City Council:

1. Conduct the Public Hearing and accept public testimony regarding calendar year 2022 single-family and multi-family delinquent accounts to be applied to the Fiscal Year 2023/2024 County of Riverside property tax roll.
2. In absence of a majority protest, adopt Resolution No. 2023-116 approving the single-family and multi-family solid waste delinquency report from Waste Management of the Inland Empire ("Waste Management") listing calendar year 2022 delinquencies for placement on the Fiscal Year 2023/2024 County of Riverside property tax roll ("County Tax Roll").
3. Authorize the City Manager or designee to decrease the number of delinquent accounts and/or principal balances reported by Waste Management should delinquencies be resolved or reduced prior to final submittal of the delinquencies to the Riverside County Auditor-Controller for collection on the Fiscal Year 2023/2024 County Tax Roll.
4. Authorize the collection of calendar year 2022 single-family and multi-family delinquent solid waste charges on the Fiscal Year 2023/2024 County Tax Roll and direct the City Clerk to file a certified copy of the Resolution and the Solid Waste Delinquency Report with the County of Riverside Auditor-Controller.
5. Find that the proposed collection of delinquent charges on the County Tax Roll is exempt from CEQA.

**BACKGROUND:**

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

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

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

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

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

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

On May 4, 2023, Waste Management submitted a formal letter to the City requesting that qualifying SFD and MFD delinquent solid waste service charges for calendar year 2022 be placed on the Fiscal Year 2023/2024 County Tax Roll, together with a report which includes a description of each parcel within the City for which there is a qualifying delinquent charge ("Identified Parcel") and the delinquent amount for each Identified Parcel (the "Report"). The Report is on file in the office of the City Clerk. Amounts listed in the Report include past due charges for service and late fees (2.5% or \$5 minimum on balances over \$15). Additionally, County Tax Roll Fees amount to 10% of unpaid balances per occurrence.

For the calendar year 2022 period, Waste Management's request amounts to 1,006 delinquent residential accounts for a total principal balance of \$360,695.20. The principal balance for each parcel includes unpaid charges for solid waste collection services (including extra services) for all or a portion of the period of January 1, 2022 through December 31, 2022, and monthly late fees. The principal balance includes multiple account billings for some parcels. Multiple accounts billings usually occur when the parcel has multiple units on one parcel. In addition to the principal balance, the amounts to be placed on the Fiscal Year 2023/2024 County Tax Roll also include a 10% Tax Roll fee.

#### **JUSTIFICATION:**

The action before the City Council is to conduct a Public Hearing to place calendar year 2022 residential delinquent accounts on the Fiscal Year 2023/2024 County Tax Roll.

At the Public Hearing, the City Council shall hear and consider all oral and written objections or protests, if any, to the Report and the collection of the delinquent accounts on the Fiscal Year 2023/2024 County Tax Roll. If the City Council finds at the conclusion of the Public Hearing that the protest is made by the owners of a majority of the separate Identified Parcels, then the Report shall not be adopted and the delinquent charges shall not be collected on the County Tax Roll. In the absence of a majority protest, the City Council may adopt this resolution for inclusion of residential delinquent accounts to be added to the Fiscal Year 2023/2024 County Tax Roll.

Notices of this public hearing were published in the Record Gazette on June 9, 2023 and June 16, 2023. On June 12, 2023, the notice of Public Hearing was also mailed to the owner of each Identified Parcel at the address shown on the last equalized assessment roll available on the date the Report was prepared or as known to the City Clerk, and to the address to which the invoices are customarily mailed, if different than the owner's address. The mailed notices describe the Council's intent to place delinquent solid waste charges on the Fiscal Year 2023/2024 County Tax Roll, public hearing and protests process and deadline to resolve delinquent balances prior to submittal of the delinquencies to the County.

The following outlines the process for collecting delinquent solid waste charges:

1. Waste Management prepares an annual written Solid Waste Delinquency Report and submits a copy to the City. The delinquency report contains a description of each SFD and MFD parcel receiving solid waste services and the amount of the

delinquency for each parcel that remain outstanding, which include service charges, late fees and a tax roll fee.

2. City staff evaluates delinquent residential accounts reported and continuously meets and works with Waste Management to identify and resolve any inconsistencies. This process is pursued from the time the initial report is submitted by Waste Management through its final submittal to the County of Riverside.
3. At the public hearing, in absence of a majority protest, City Council approves the Solid Waste Delinquency Report and adopts a resolution authorizing the collection of delinquent solid waste charges to be placed on the annual County tax roll. City staff is authorized to decrease the number of residential delinquent accounts and/or principal balances reported to the County, if necessary. Property owners that resolve their outstanding calendar year 2022 solid waste charges with Waste Management, or make partial payment to Waste Management prior to July 14, 2023, will be removed from the accounts submitted to the County of Riverside Auditor-Controller by the City for collection on the County Tax Roll or the amounts submitted will be reduced accordingly.
4. Following the final determination of the delinquent solid waste charges, the City shall file with the County of Riverside Auditor-Controller any remaining delinquent balances, including applicable late fees and tax roll fee, to be included on the respective property owner's Fiscal Year 2023/24 property tax bill.

Property owners have two options to resolve delinquent solid waste charges:

1. Resolve unpaid solid waste delinquencies with Waste Management before the July 14, 2023 deadline; or
2. Resolve unpaid solid waste delinquencies with the County of Riverside once delinquent charges are included on the Fiscal Year 2023/2024 property tax bill. Delinquent charges collected on the County Tax Roll will be collected in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City.

### **CEQA**

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

**FISCAL IMPACT:**

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

**ALTERNATIVES:**

1. In the absence of a majority protest, adopt Resolution 2023-116, as recommended.
2. In the absence of a majority protest, adopt Resolution 2023-116 with modifications.
3. Reject Resolution 2023-116 and provide alternative direction to staff. If rejected, delinquent charges will not be collected on the Fiscal Year 2023/2024 County Tax Roll, and pursuant to the Franchise Agreement, Waste Management shall have the right to dispute the denial action by pursuing measures outlined in the Franchise Agreement.

**ATTACHMENTS:**

1. Resolution 2023-116  
<https://banningca.gov/DocumentCenter/View/12985/Att-1-Resolution-2023-116>
2. Waste Management letter dated May 4, 2023  
<https://banningca.gov/DocumentCenter/View/12986/Att-2-Banning-Tax-Roll-Letter>
3. Publication of the Notice of Public Hearing  
<https://banningca.gov/DocumentCenter/View/12987/Att-3-Publication-Notice>
4. Sample letter mailed to residential delinquent accounts  
[https://banningca.gov/DocumentCenter/View/12984/Att-4-WM-Delinquent-Letter Public-Hearing-Notice](https://banningca.gov/DocumentCenter/View/12984/Att-4-WM-Delinquent-Letter-Public-Hearing-Notice)

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of (1) A Notice of Exemption; (2) Resolution 2023-118 adopting General Plan Amendment (GPA 23-2501); and (3) Ordinance 1592 Adopting an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Land Use Designation and Zoning Classification for a 1.74-acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir

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### **RECOMMENDATION:**

That the City Council:

1. Adopt Resolution 2023-118, A Resolution of the City Council of the City of Banning, California, Approving General Plan Amendment (GPA) 23-2501 proposing a change to the Land Use Designation of Assessor's Parcel Number (APN): 538-040-006 from Low Density Residential (LDR) (0-5 DU/AC) to Public Facilities-Government (PF-G); and Making Findings Pursuant to CEQA, Determinations that the Project is Exempt from CEQA under State CEQA Guidelines Section 15061(b)(1) and 15378;
2. Waive full reading and introduce, as read by title only, Ordinance 1592, An Ordinance of the City of Banning, California, Approving an Amendment to the City of Banning Official Zoning Map Changing the Zone (ZC 23-3501) of APN: 538-040-006 from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-acre parcel to accommodate a future above-ground potable water reservoir, owned and operated by the City of Banning, and Making Findings Pursuant To CEQA.

### **BACKGROUND:**

On February 14, 2022, the City Council approved a purchase and sale agreement with Mr. Eulogio Garcia, for the purchase of real property located at 725 Sunrise Avenue (APN: 538-040-006) in the amount of \$250,000.

### **JUSTIFICATION:**

The City owns and operates wells, reservoirs, and a distribution system as the purveyor of domestic water to City customers. The City of Banning owns and operates 22

groundwater wells from which the City obtains its water supply. These are located in Banning Water Canyon, as well as in residential and commercial districts throughout the City. The City also owns six unequipped groundwater wells, three of which are reserved as a future water source. The City also operates another water storage reservoir site located on San Gorgonio Avenue.

The City's General Plan, "Policy 8, requires the City to assure the provision of adequate utilities, infrastructure, and other capital facilities" (General Plan, Page III-44). In addition, Program 4.B "requires the City make regular assessments of infrastructure capacity and evaluate the necessary expansion and improvements needed to carry out responsible growth management" (General Plan, Page VI-19).

**Analysis:**

Land uses for public facilities include such governmental functions as City offices and facilities and fire stations, and the airport. Others include schools, the San Gorgonio Memorial hospital, and the Banning Library. The land use plan identifies public facilities if they are currently owned by any bona fide public entity (not just the City), or proposed for dedication to a public entity in a Specific Plan. In the future, as additional facilities are acquired, the General Plan land use map may be amended to reflect these acquisitions. The General Plan establishes goals and policies to ensure the "sufficient and appropriate location of public facilities to serve the needs of the City's residents, businesses, and visitors." (General Plan, Page III-22). The Project implements the General Plan goals for the provision of infrastructure throughout the City. The General Plan Amendment will update the total acreage of public facilities property available in the City.

<b>Table III-4</b>							
Public Facilities Buildout Statistical Summary							
<b>Land Use Designation</b>	<b>City Limits</b>			<b>Sphere of Influence</b>			<b>Acres</b>
	Non-vacant (acres)	Vacant (acres)	Total (acres)	Non-vacant (acres)	Vacant (acres)	Total (acres)	Total (acres)
Public Facilities - Airport	72.3	72.1	144.4	0.0	0.0	0.0	144.4
Public Facilities - Cemetery	12.9	2.5	15.4	0.0	0.0	0.0	15.4
Public Facilities – Fire Station	3.6	0.0	3.6	0.0	2.9	2.9	6.4
Public Facilities - Government	23.46	39.7 (41.44)	63.16 (64.90)	0.0	0.0	0.0	63.16 (64.90)
Public Facilities - Library	0.84	0.0	0.84	0.0	0.0	0.0	0.84
Public Facilities – Hospital	10.6	0.3	10.8	0.0	0.0	0.0	10.8
Public Facilities – Railroad/Interstate	419.4	48.9	468.3	0.0	0.0	0.0	468.3
Public Facilities - School	137.9	95.7	233.6	0.0	0.0	0.0	233.6 (235.34)
	681.0	259.2	940.2	0.0	2.9	2.9	943.1 (944.84)

**Environmental Determination:**

Planning Division staff determined that the proposed General Plan Amendment and Zone Map Change are not subject to the California Environmental Quality Act (CEQA) pursuant

to State CEQA Guidelines Section 15060(c)(3), because the proposed Amendments are not a project as defined by CEQA Guidelines Section 15378. Adoption of the land use and zoning changes does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to General Plan Amendment 23-2501 and Zone Change 23-3501 will require CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

The Planning Division staff further determines that the Amendments are exempt from review under CEQA and State CEQA Guidelines Section 15061(b)(1) which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in the construction and operation of a public facility. Pursuant to that exemption, Title 17 of the Banning Municipal Code provides that a Design Review application for a new potable water reservoir facility will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, Design Review applications for a proposed potable water reservoir are subject to discretionary review by the Planning Commission.

*Multiple Species Habitat Conservation Plan (MSHCP) :*

This Project does not directly authorize construction of any physical improvements and is not subject to the MSHCP. The City is responsible for the payment of MSHCP related fees upon completion of public improvements, that are equal to or greater than 10% of the total construction costs.

*Public Communication:*

The Project was advertised in the Record Gazette newspaper, June 16, 2023. During the June 7<sup>th</sup> Planning Commission meeting there were no speakers in support or opposition to the Project. As of the date of this report, staff has received one written comment, from Mr. Eulogio Garcia, which is attached herein for reference. In addition, property owner notification labels were mailed to property owners within 300-feet of the proposed Project.

**FISCAL IMPACT:**

Staff anticipated that efforts would be put into acquiring property for a future reservoir site and included approximately \$200,000 in the Capital Improvement Plan for fiscal year 2023/2024. The purchase will be funded by Fund 661 – Water Capital Facilities Fund, which is projected to have a fund balance of approximately \$6,900,000 at the end of fiscal year 2022/2023. An appropriation in the amount of \$55,000 from Fund 661 is needed to cover a portion the purchase price and related closing costs (previously approved under City Council Resolution 2023-26, dated February 14, 2023).

**ATTACHMENTS:**

1. Resolution 2023-118  
<https://banningca.gov/DocumentCenter/View/12994/Att-1-Resolution-2023-118-GPA-23-2501-Sunrise-Reservoir>
2. Ordinance 1592  
<https://banningca.gov/DocumentCenter/View/12988/Att-2-Ordinance-No-1592>
3. PC Resolution 2023-07  
[https://banningca.gov/DocumentCenter/View/12989/Att-3-PC-Resolution-2023-07\\_672023](https://banningca.gov/DocumentCenter/View/12989/Att-3-PC-Resolution-2023-07_672023)
4. Purchase and Sale Agreement w/ Eulogio Garcia  
[https://banningca.gov/DocumentCenter/View/12990/Att-4-Purchase-and-Sale-w\\_Eulogio-Garcia](https://banningca.gov/DocumentCenter/View/12990/Att-4-Purchase-and-Sale-w_Eulogio-Garcia)
5. February 14, 2023 City Council Report  
<https://banningca.gov/DocumentCenter/View/12991/Att-5-February-14-2022-City-Council-Report>
6. Project Exhibits  
<https://banningca.gov/DocumentCenter/View/12992/Att-6-Project-Exhibits>
7. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/12993/Att-7-NOE>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of a Notice of Exemption and the First Reading and Introduction of Ordinance 1593 Establishing a Historic Preservation Commission and Adopting Reasonable Standards for Historic Preservation of Buildings and Structures

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### **RECOMMENDATION:**

That the City Council waive full reading and introduce, as read by title only, Ordinance 1593, An Ordinance of the City of Banning, California, Adding Chapter 2.46 (Historic Preservation Commission) to Title 2 (Administration) and Chapter 17.58 (Historic Preservation), to Division IV (Administration) of Title 17 (Zoning) of the Banning Municipal Code Establishing A Historic Preservation Commission, Adopting Reasonable Standards for Historic Preservation, And Making a Determination of Exemption from the California Environmental Quality Act ("CEQA").

### **BACKGROUND:**

Members of the current City Council have expressed interest in preserving properties in the City that by virtue of their age, architectural style, aesthetic appeal or association with local history are of great historical significance and value. The purpose of the Draft Ordinance is to provide a mechanism to document and preserve distinctive properties, structures, and other aesthetic qualities that enhance the City's value as an attractive and historic community. To that end, the Draft Ordinance would establish a Historic Preservation Commission and adopt reasonable standards for historic preservation.

During the April 25, 2023 meeting, the City Council initiated the Ordinance and directed staff to present the item to the Planning Commission for review, consideration, and discussion. If established, the proposed Historic Preservation Commission would be an Advisory Body to the City Council. Membership on the Commission will consist of Banning Citizens and not an employee of the City of Banning. The Council will solicit applications, conduct interviews, and appoint a maximum of five individuals to the Commission. The proposed Historic Preservation Commission would identify historic resources; maintain both a registry of historic resources and an inventory of identified resources; provide recommendations to City Council on historic resource designations and permissions to

allow for work on identified historic resources; or, upon a showing of substantial hardship, make a recommendation to the City Council concerning the demolition, removal, or substantial alteration of historic resources. The Commission would consist of five members serving staggered four-year terms. Commissioners must have demonstrative interest in historic preservation, be residents of the City, and not be a member of another City commission.

The addition of a new "Historic Preservation" Chapter to the City's Zoning Code would establish substantive standards for historic preservation. This new chapter would set forth the criteria for a property (e.g., building, structure or place) to be designated as a "historic resource" including:

- The resource is the first, last, only, or most significant historical or scenic property of its type in the City.
- The resource is associated with an individual person or group having significant influence on the history or development of the City.
- The resource is an example or contains an example of a period, style, architectural movement, or construction of historical, aesthetic, or architectural interest.
- The resource is a part of, or contributes aesthetically to, the historical or scenic heritage of the City.

A property may be identified for potential designation upon completion and submittal of an application by a property owner, City resident, or by motion of the Commission. A property owner's consent would be required for a property to be designated as a historic resource. Historic resources would be included on the City's Register of Historic Resources (not to be confused with the State or Federal Historic Registers). Properties that are identified, but not actually designated as a historic resource, will remain within an inventory of identified resources. Properties may not actually be designated as historic resource because they do not meet the substantive criteria or because property owner consent was not obtained.

The Historic Preservation standards will require a building permit (at minimum) for work applicable to historic resources, buildings, and structures. Conversely, these new regulations will require demonstration of a substantial hardship to *demolish, remove, or substantially alter a historic resource*.

#### **JUSTIFICATION:**

In addition to instilling pride within a community, historic preservation regulations are helpful in spurring tourism, generating new investment in otherwise forgotten areas, and increasing local tax revenue and property values. While the degree of protection may vary from place to place, most ordinances establish a historic preservation commission and a process for consideration of proposals to alter or demolish historic properties. Local governments with preservation ordinances may also become eligible for federal funds. Under the National Historic Preservation Act, up to 10% of a state's allocation under the Historic Preservation Fund may be transferred to "certified local governments."

Properties, buildings, and structures included as a historic resource are referred to by a variety of names, such as “historic landmark” or “historic-cultural monument,” depending on the jurisdiction. A preservation ordinance outlines the criteria the community has established for designating such landmarks. These criteria are often based on those used by both the National Register of Historic Places and the California Register of Historical Places. Furthermore, Cities with strong local historic preservation ordinances require that requests for building permits for designated structures be reviewed by city staff or a special local commission to ensure that proposed alterations conform to preservation standards.

**Environmental Determination:**

Planning Division staff has determined that the Project is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (the “Guidelines”) (14 Cal. Code Regs. § 15000 et seq.). The Project qualifies under the Statutory exemption set forth in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Further projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

**Multiple Species Habitat Conservation Plan (MSHCP) :**

This Project does not directly authorize construction of any physical improvements and is not subject to the MSHCP. The City is responsible for the payment of MSHCP related fees upon completion of public improvements, that are equal to or greater than 10% of the total construction costs.

**Public Communication:**

The Project was advertised in the Record Gazette newspaper, June 16, 2023. During the June 7<sup>th</sup> Planning Commission meeting there were no speakers in support or opposition to the Project. As of the date of this report, staff has not received any written comments in favor or opposition.

**FISCAL IMPACT:**

The costs associated with preparing the List of Designated Historic Resources is undetermined at this time, but can range between \$30,000 and \$50,000, or more depending on the depth and scope of work. The City would issue a Request for Proposals (RFP) where a consultant would be selected and a contract approved by the City Council. No funding is currently budgeted for such a task.

**ATTACHMENTS:**

1. Ordinance 1593  
<https://banningca.gov/DocumentCenter/View/12996/01-Ordinance-1593>

2. Notice of Exemption (NOE)

<https://banningca.gov/DocumentCenter/View/12997/02-Notice-of-Exemption-NOE>

3. Public Hearing Notice (PHN)

<https://banningca.gov/DocumentCenter/View/12995/03-Public-Hearing-Notice-PHN>

Approved by:

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

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-115, Considering a Recommendation by the Planning Commission to Make a Determination of Exemption Under Ceqa Guidelines Section 15270 (Projects Which Are Disapproved) and Deny Approval of Design Review 21-7016 (DR 21-7016) for the Proposed Development of a 93,435 Square Foot Two-story Warehouse, Totaling 186,700 Square Feet of Floor Area and Conditional Use Permit 21-8025 (CUP 21-8025) for the Operation of a 22,000 Square Foot Cannabis Cultivation and Distribution Facility on a 4.54-acre Parcel of Land Located Adjacent to, and Northerly of Charles Street, Adjacent to, and Southerly of, Westward Avenue, Westerly of South Hathaway Street, and Easterly of Hargrave Street (APN 543-090-019) Within the Industrial Zoning District

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### **RECOMMENDATION:**

Adopt City Council Resolution 2023-115 affirming the recommendation by the Planning Commission to make a determination of exemption under CEQA Guidelines Section 15270 (Projects Which Are Disapproved) and deny approval of Design Review 21-7016 (DR 21-7016) for the proposed development of a 93,435 square foot two-story warehouse, totaling 186,700 square feet of floor area and Conditional Use Permit 21-8025 (CUP 21-8025) for the operation of a 22,000 square foot cannabis cultivation and distribution facility on a 4.54-acre parcel of land located adjacent to, and northerly of Charles Street, adjacent to, and southerly of, Westward Avenue, westerly of South Hathaway, and easterly of Hargrave Street (APN 543-090-019) within the Industrial Zoning District. (the "Project").

### **BACKGROUND:**

The applicant, Premium Land Development, is requesting approval of Design Review (DR) 21-7016 to allow for the construction of a 93,435 square foot two-story warehouse totaling 186,700 square feet of floor area and Conditional Use Permit 21-8025 for the operation of a 22,000 square foot commercial cannabis cultivation and distribution facility.

The Planning Commission held a public hearing on the project on November 2, 2022, and continued public hearings on December 7, 2022, April 5, 2023, and May 3, 2023, during which all persons present wishing to address or present evidence to the Planning Commission concerning the project were permitted to do so. After closing the public hearing and considering all the testimony and evidence presented, the Planning Commission voted to direct the staff and City Attorney to prepare a resolution with findings in support of denying the project for their consideration at their next meeting.

At the meeting of June 7, 2023, the Planning Commission recommended City Council denial of the project by Planning Commission Resolution 2023-10.

Further background information can be found in the May 3, 2023, staff report on the project and the staff reports from the above referenced public hearings.

**Figure 1, Vicinity Map**

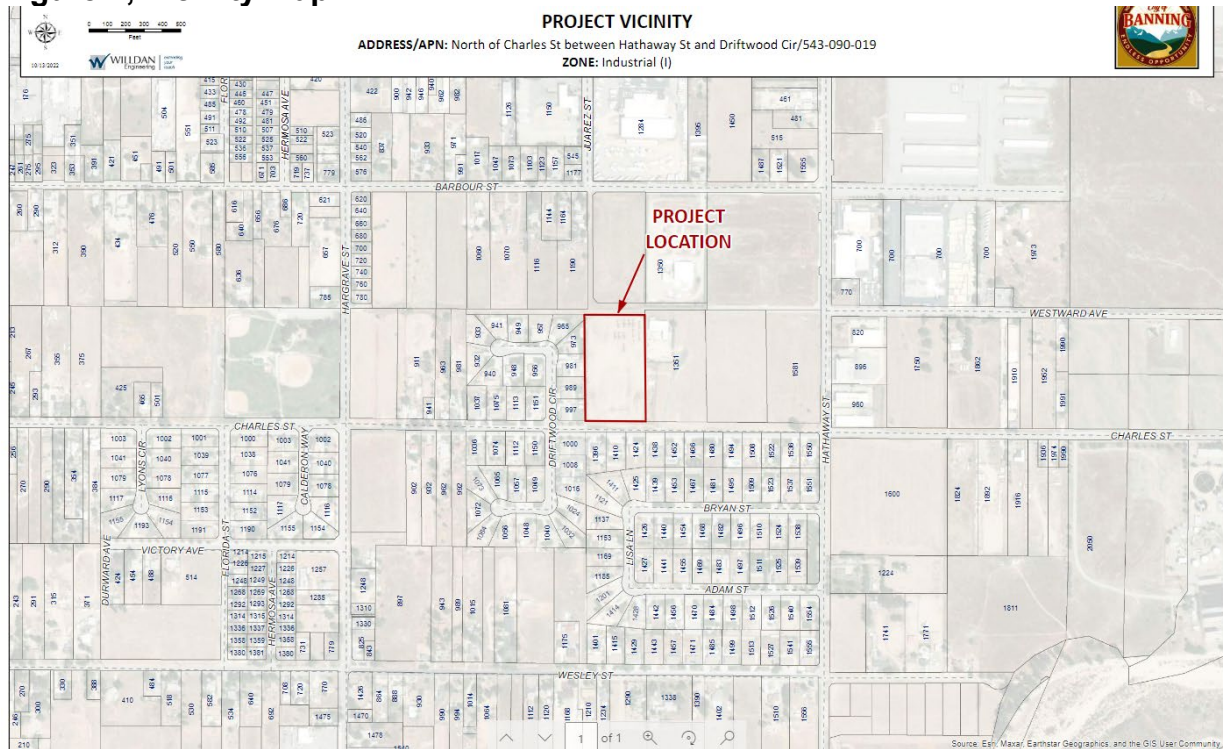


Figure 2, Zoning Map

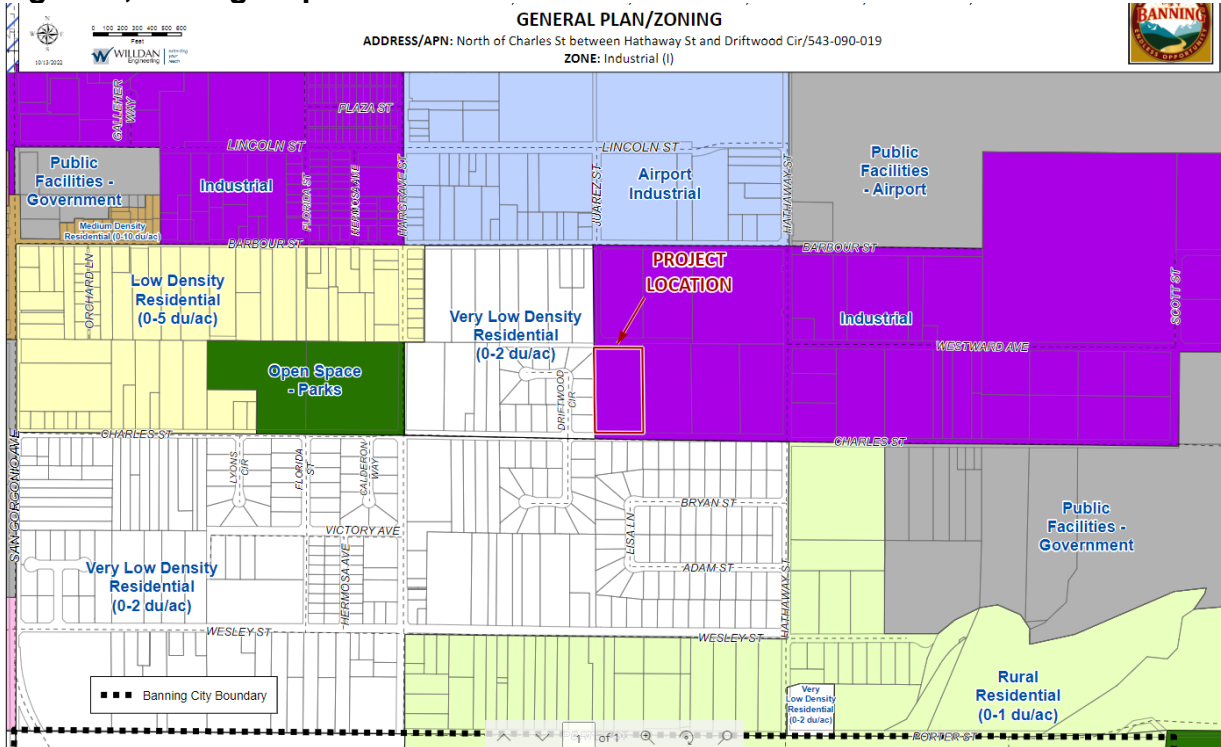


Figure 3, Aerial Map



Figure 4, Site Plan

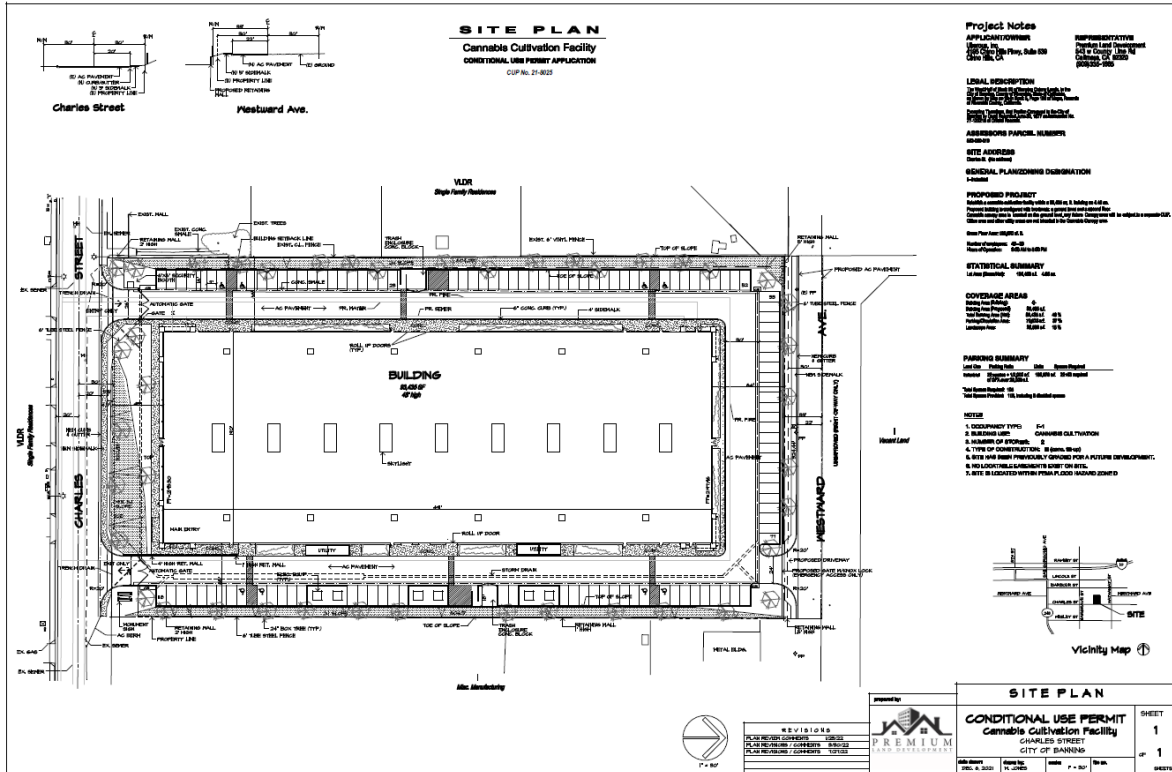
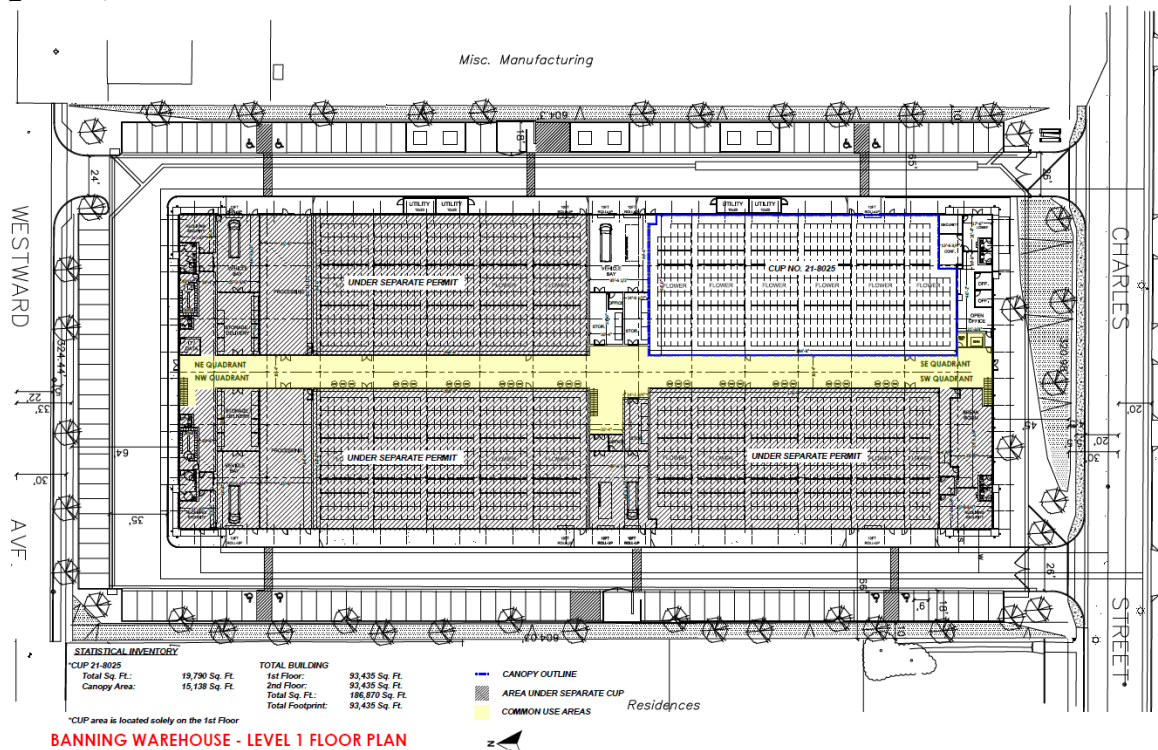


Figure 5, First Floor Plan



**JUSTIFICATION:**

Tentative Tract Map 36710

Pursuant to Title 17 of the Banning Municipal Code, regarding Commercial Cannabis Cultivation Permits, the Planning Commission is the Advisory Agency to the City Council. Therefore, the attached Resolution 2023-115 is a recommendation of denial for the City Council. Additionally, Findings for the denial of the Design Review and Conditional Use Permit can be found within the attached resolution.

Zoning

Table 17.12.020 ("*Permitted, Conditional and Prohibited Commercial and Industrial Uses*") of Section 17.12.020, of Chapter 17.12 of Title 17 of the Banning Municipal Code provides that Cannabis Cultivators and Distributors are permitted in the Industrial (I) Zoning District, subject to approval of a Cannabis CUP by the City Council, and recommendation by the Planning Commission, and subject to the requirements of Chapters 17.52 and 17.53 of the Zoning Code.

Conditional Use Permit

In accordance with Section 17.52.010, the purpose of a Conditional Use Permit is:

- A. Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines.
- B. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use, against any negative or undesirable impacts which it may cause. Limits which the Planning Commission might want to impose, could include restrictions on the hours of business operation; restrictions on the number of clients or patients which the business may service at any one time; increased visual and sound barriers; improved technologies or equipment which lessen any noise, light or odor emitted by the business or other use; as well as any other conditions which could help make the use more compatible with the neighborhood in which it is proposed to be located.

Section 17.52.050 – Findings states:

After a public hearing, the Planning Commission shall record the decision in writing, identifying the findings upon which such decision is based. The Planning Commission may approve or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all the following findings are made:

- A. The proposed use is consistent with the General Plan.
- B. The proposed use is conditionally permitted within the subject land use district and complies with all the applicable provisions of this Ordinance.

- C. The proposed use would not impair the integrity and character of the land use district in which it is to be located.
- D. The subject site is physically suitable for the type and intensity of land use being proposed.
- E. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
- F. There will not be significant harmful effects upon environmental quality, natural resources, or neighborhood characteristics.
- G. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

**Staff has determined that above-referenced findings cannot be made. The support for the findings can be found in City Council Resolution 2023-115 (attachment 1).**

Section 17.53.060, Procedures, and findings for approval of cannabis conditional use permits states:

- A. A cannabis conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.52, Conditional Use Permits, with the following exceptions:
  - 1. Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the cannabis conditional use permit and that the approval of such permit shall be made by the City Council.
  - 2. Sections 17.52.020 (Application procedures) and 17.52.080 (Modifications) shall not apply.
  - 3. Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.
- B. An applicant for a cannabis conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No cannabis conditional use permit shall be granted until the requisite CEQA review has been conducted.

#### Design Review

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

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

- E. Maintain the public health, safety and general welfare and property throughout the City.

Section 17.56.050-Findings states:

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

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

**Staff has determined that above-referenced findings cannot be made. Support for the findings can be found in City Council Resolution 2023-115 (attachment 1).**

**ENVIRONMENTAL DETERMINATION:**

Planning Division staff has determined that the Project is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 *et seq.*) and the State CEQA Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*). The Project qualifies under the Statutory exemption set forth in CEQA Guidelines Section 15270 because: (a) CEQA does not apply to projects which a public agency rejects or disapproves.

**PUBLIC COMMUNICATION:**

Proposed DR 21-7016 and CUP 21-8025 were advertised in the Record Gazette newspaper, June 16, 2023. As of the date of this report, staff have not received any written comments for or against the Project.

**FISCAL IMPACT:**

There will be no fiscal impact as all Project processing costs have been paid by the applicant.

**ALTERNATIVES:**

- 1. Adopt Resolution 2023-115 as recommended.
- 2. Adopt Resolution 2023-115 with modifications.
- 3. Do not approve Resolution 2023-115 and provide alternative direction to staff.

**ATTACHMENTS:**

1. City Council Resolution 2023-115  
<https://banningca.gov/DocumentCenter/View/13000/01-City-Council-Resolution-2023-115>
2. Planning Commission Resolution 2023-10  
<https://banningca.gov/DocumentCenter/View/13002/02-PC-Resolution-2023-10>
3. Planning Commission Staff Report 6/7/23  
[https://banningca.gov/DocumentCenter/View/13001/03-Planning-Commission-Staff-Report\\_06-07-23](https://banningca.gov/DocumentCenter/View/13001/03-Planning-Commission-Staff-Report_06-07-23)
4. Project Plans  
<https://banningca.gov/DocumentCenter/View/12998/04-Project-Plans>
5. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/13003/05-CC-PHN-DR-21-7016-CUP-21-8025-Final>
6. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/12999/06-Notice-of-Exemption-NOE>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** June 27, 2023

**SUBJECT:** Second Reading and Adoption of Ordinance 1589, an Ordinance of the City of Banning An Ordinance Regarding Vacant and Distressed Properties

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### **RECOMMENDATION:**

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

### **BACKGROUND:**

The City Council conducted a meeting on May 23, 2023 where Ordinance 1589 was introduced, public testimony accepted, and the first reading was accepted. Furthermore, vacant properties are a major cause and source of blight in both residential and commercial neighborhoods, especially when the owners of such properties fail to actively maintain and manage them. The City desires to establish the registration of residential, commercial, industrial, and mixed-use properties that are vacant, abandoned, distressed, in disrepair, or in a state of foreclosure or default. The purpose being to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned or vacant properties, including residential and commercial properties in foreclosure. Vacant properties discourage economic development, retard appreciation of property values, are potential fire hazards, and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance, among other things. The City's goal is to establish uniform and reasonable regulations to prevent the immediate risks and detrimental effects associated with vacant properties.

**JUSTIFICATION:**

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

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

1. Ordinance 1589  
<https://banningca.gov/DocumentCenter/View/13008/01-Banning---Ordinance-Amending-BMC-Chapter-812-Vacant-Distressed-Buildings>
2. Notice of Exemption (NOE)  
<https://banningca.gov/DocumentCenter/View/13006/02-Notice-of-Exemption-NOE>
3. Public Hearing Notice (PHN)  
<https://banningca.gov/DocumentCenter/View/13007/03-Public-Hearing-Notice-PHN>

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 27, 2023

**SUBJECT:** Consideration of Resolution 2023-131, Amending Policy No. B-30 (Procurement Policies & Procedures), and Introduction and First Reading of Ordinance 1591, Amending Chapter 3.24 (Purchasing System) of Title 3 (Revenue and Finance) of the Banning Municipal Code, Concerning the City Manager's Aggregate Monetary Threshold Authorizations for Approval of Certain Contracts

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### **RECOMMENDATION:**

Staff recommends City Council:

1. Adopt Resolution 2023-131, amending Policy No. B-30 (Procurement Policies & Procedures) to update the aggregate monetary threshold authorizations for the City Manager's approval of certain contracts, without the City Council's prior approval.
2. Waive full reading and introduce, by title only, proposed Ordinance 1591, amending Sections 3.24.070, 3.24.090, and 3.24.130 of Chapter 3.24 of Title 3 of the Banning Municipal Code, concerning the City Manager's authorized monetary thresholds to award and approve certain contracts for purchases of supplies, equipment, and services.

### **BACKGROUND:**

Certain provisions within Banning Municipal Code Chapter 3.24 (Purchasing System) governs the City Manager's authority to award and sign contracts without the City Council's prior approval. Those provisions effectively limit the City Manager's award authority to contracts valued at \$25,000 or less. Contracts for the purchase of supplies, equipment, and services, and contracts for professional services, that exceed \$25,000 in the aggregate value must be approved by the City Council.

Staff is proposing the increase the City Manager's contract award and approval authority to the proposed thresholds set forth in Attachment 4.

**JUSTIFICATION:**

It is imperative to periodically revisit the contract award and signing authority of the City Manager to accommodate and improve efficiencies in the procurement process. The last update to the Municipal Code regarding the City Manager's contract award and approval threshold was dated 1965. To explicitly delineate these responsibilities, the proposed Resolution and Ordinance 1591 are being offered to clearly set forth when the City Manager may award and sign certain contracts on behalf of the City, without the City Council's prior approval. In today's dollars, \$25,000 in 1965 dollars is \$241,370. The existing thresholds are extremely low when compared to 1965 values and regional municipalities.

**FISCAL IMPACT:**

No fiscal Impact

**ALTERNATIVES:**

1. Adopt Resolution 2023-131, and Waive Full Reading and Introduce Ordinance 1591, as recommended.
2. Adopt Resolution 2023-131, and Waive Full Reading and Introduce Ordinance 1591, with modifications.
3. Do not adopt Resolution 2023-131 or Introduce Ordinance 1591 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Ordinance 1591  
<https://banningca.gov/DocumentCenter/View/13031/Att-1-Ordinance-No-1591>
2. Resolution 2023-131  
<https://banningca.gov/DocumentCenter/View/13059/Att-2-Resolution-23-131-City-Manager-Signing-Authority>
3. Proposed Amended Policy B-30  
<https://banningca.gov/DocumentCenter/View/13065/Att-3-Procurement-Administrative-Policies-003>
4. Proposed City Manager Authorization (with comparison analysis)  
<https://banningca.gov/DocumentCenter/View/13060/Att-4-Approval-limits-for-other-local-California-Cities>

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  
A'ja Wallace, Deputy Finance Director

**MEETING DATE:** June 27, 2023

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

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### **RECOMMENDATION:**

Staff recommend City Council approve the Citywide Recommended Mid-Cycle Budget for Fiscal Year 2023-24 and the City's GANN Appropriations Limit through:

1. Adoption of City Council Resolutions 2023-120 and 2023-121; and,
2. Adoption of Successor Agency Resolution 2023-03 SA; and,
3. Adoption of Utility Authority Resolution 2023-08 UA

### **BACKGROUND:**

Fiscal staff has tentatively finalized the process of preparing the FY 2023-24 Mid-Cycle Budget. This is the final iteration that will be presented to the Budget & Finance Committee (BFC) as well as to the City Council. The first budget presented was a Preliminary General Fund Budget. The second was the Citywide Proposed Budget. This third budget is the Recommended Citywide Budget. As stated previously, staff endeavored to hone the budget throughout the process to minimize losses.

Staff have identified approximately \$2.0 million for the General Fund to close the Adopted Budget Net Loss of about \$2.4 million for FY 2023-24 that was approved in June of 2022. We looked for additional revenue opportunities and expenditure cuts to help close the General Fund Adopted Budget shortfall of \$2.5 million but were unable to completely cover the shortfall.

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 revenues are also anticipated to come in significantly higher than the Adopted Budget.

Currently, the General Fund Net Loss has been reduced to approximately \$320,000. Special Revenue Funds are currently expected to result in a Net Income overall of \$2.21 million. Staff looked to determine if any additional projects were eligible for use of these restricted funds and whether staff has the capacity to undertake those projects in the coming year. We did find some expenditures for FY 2023-24 since the last BFC meeting. The remainder of the net income will help offset losses in the past two years. 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 this Budget & Finance Committee (to be provided at the meeting) and to the Council at the following meeting.

The Water Enterprise overall is expecting a Net Income of \$1.00 million before capital items and the Wastewater Enterprise is expecting an overall operating Net Income of \$1.93 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 \$6.53 million operating Net Loss. However, after the Capital Improvement Plan items, the department historically comes in significantly better than budgeted and may even end FY 2023-24 with a slightly positive net income for the financial statements. 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 for future projects. To achieve the department goals, a rate increase may be required in the next year or two.

The non-major Enterprise Funds are currently budgeted for a Net Income of \$1.81 million. After capital items and other full accrual differences from an operating budget, staff expects these funds to end the year with a significant net income for Transit and closer to breakeven for Refuse and the Airport in next year's financial statements.

Internal Service Funds are still expecting a large Net Loss overall of \$4.33 million. Staff are working with MGT on the updated Cost Allocation Plan to bring all of these funds to a fund balance 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 were approved by Council on June 13, 2023. The Support Services and the Building Maintenance Budgets are included in this Internal Service Fund category.

### **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. Adopt Resolutions 2023-120, 2023-121, 2023-03 SA, and 2023-08 UA as presented.
2. Do not adopt Resolutions 2023-120, 2023-121, 2023-03 SA, and 2023-08 UA.
3. Do not adopt Resolutions 2023-120, 2023-121, 2023-03 SA, and 2023-08 UA and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-120 Mid-Cycle Budget FY23-24  
<https://banningca.gov/DocumentCenter/View/13034/Att-1-Resolution-2023-120-Mid-Cycle-Budget-FY2023-24>
2. Resolution 2023-121 GANN Appropriations FY23-24  
<https://banningca.gov/DocumentCenter/View/13035/Att-2-Resolution-2023-121-GANN-Appropriations-FY2023-24>
3. Resolution 2023-03 SA Successor Agency Budget FY23-24  
<https://banningca.gov/DocumentCenter/View/13036/Att-3-SA-Resolution-2023-03-SA>
4. Resolution 2023-08 UA Utility Authority Budget FY23-24  
<https://banningca.gov/DocumentCenter/View/13037/Att-4-UA-Resolution-2023-08-UA>
5. FY 2023-24 Recommended Budget Detail & Summary Reports  
<https://banningca.gov/DocumentCenter/View/13033/Att-5-FY-2023-24-Recommended-Mid-Cycle-Budget-Reports>
6. [OpenGov Citywide Proposed FY 2023-24 Mid-Cycle Budget Report](https://banningca.opengov.com/transparency)  
<https://banningca.opengov.com/transparency>

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 27, 2023

**SUBJECT:** Consideration of Resolution 2023-128, Agreement with Eide Bailly LLP to provide External Audit Services

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### **RECOMMENDATION:**

Adopt Resolution 2023-128 of the City Council of the City of Banning, California, approving a Professional Services Agreement (C00853) with Eide Bailly LLP to provide external auditing services for a term of three years with an option to extend two additional years.

### **BACKGROUND:**

The City has had external auditing services provided by CliftonLarsonAllen LLP (CLA) for the past two fiscal years (FY 2020-21 and FY 2021-22). CLA has a good reputation as an external audit firm. During the Fiscal Year 2021-22 audit, the audit team assigned to the City became severely short-staffed and resulted in several delays in the issuance of the City's Annual Comprehensive Financial Report (ACFR).

The City put this contract out for public bid through the Request for Proposal (RFP) process. The initial RFP only received one bid, so the City chose to exercise its option to repost the RFP to obtain additional bids as provided for in Policy. The second RFP received four technical proposals and Eide Bailly LLP was selected as the firm to issue an intent to award based on several criteria, including price.

### **JUSTIFICATION:**

Based on the delays in producing last year's financial statements, timeliness of work products for City review, publishing the wrong year's Transmittal Letter and Management's Discussion & Analysis (MD&A), which was caught by the City and necessitated reissuance of statements, the City has decided to cancel that contract and opt not to renew for the addition three year term beyond the two year term of the original contract. The contract was silent on dates, but only contained budget for two year's work, so City staff also notified CLA that were providing the required 30-notice to cancel the contract.

**FISCAL IMPACT:**

The first three years of the agreement have a total not-to-exceed amount of \$391,873. The cost per fiscal year is noted below. The impact of the additional two years, if approved by the City, will be included in the budgets for those years. Staff is requesting approval for all five years now, but has the option not to renew if performance does not meet City expectations.

<u>Year</u>	<u>Estimated Amount</u>
2023/2024	\$121,300
2024/2025	\$130,396
2025/2026	\$140,177

**ALTERNATIVES:**

1. Adopt Resolution 2023-128 as recommended.
2. Adopt Resolution 2023-128 with modifications.
3. Do not approve Resolution 2023-128 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-128  
<https://banningca.gov/DocumentCenter/View/13029/Att-1-Resolution-2023-128>
2. Exhibit A – Professional Services Agreement (C00853) with Eide Bailly LLP  
<https://banningca.gov/DocumentCenter/View/13027/Att-2-Exhibit-A-C00853---EIDE-BAILLY---PSA-FOR-AUDITING-SERVICES>
3. Eide Bailly LLP Technical Proposal  
[https://banningca.gov/DocumentCenter/View/13028/Att-3-2023\\_Eide\\_Bailly\\_Technical\\_Proposal\\_City\\_of\\_Banning](https://banningca.gov/DocumentCenter/View/13028/Att-3-2023_Eide_Bailly_Technical_Proposal_City_of_Banning)

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** June 27, 2023

**SUBJECT:** City Attorney Annual Consumer Price Index (CPI) Adjustment

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### **RECOMMENDATION:**

A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

### **BACKGROUND:**

The Legal Services Agreement between the City of Banning and Richards, Watson & Gershon dated October 10, 2017 provides for annual rate increases beginning July 1, 2019 based on the percentage change in the Consumer Price Index. Attached letter from City Attorney Serita Young provides details regarding the Legal Services Agreement.

### **FISCAL IMPACT:**

Agreement requires City Council approval for increases in excess of 3%. CPI for the Riverside-San Bernardino-Ontario region from March 2022 to March 2023 was 4.57%. The fiscal impact of this rate increase will depend on the actual hours billed for legal services during the period of July 1, 2023 – June 30, 2024.

### **ATTACHMENTS:**

1. Letter from Richards, Watson & Gershon regarding Rate Increase  
<https://banningca.gov/DocumentCenter/View/13030/Letter-re-Annual-CPI-Adjustment-in-City-Attorney-Contract-Rates-Effective-July-1-2023-that-requires-City-Council-Approval>

Approved by:

Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Tom Miller, Electric Utility Director

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-122, Approving the Electric Utility Director to Negotiate the 220kV Substation Southern California Edison (SCE) Transmission Owner Tariff System Impact Study Agreement and Approval of \$75,000 Deposit for Said Study

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### **RECOMMENDATION:**

Adopt Resolution 2023-122 directing the Electric Utility Director to negotiate final terms of the 220kV Substation SCE Transmission Owner Tariff System Impact Study Agreement and pay \$75,000 on deposit with SCE for the study.

### **BACKGROUND:**

City Council has taken several measures in pursuit of owning and operating a 220kV Substation located on the Southern California Edison transmission system but operated by the California Independent System Operator.

- Resolution 2022-064 Professional Services Agreement with Auriga Corporation
- Resolution 2023-005 220kV Substation Application with SCE
- Resolution 2021-119, 2023-051, and 2023-107 Professional Services Agreement with MJ Consulting

On March 15, 2023, SCE deemed the City's 220kV application complete indicated that SCE would follow-up at the end of April with a proposed System Impact Study Agreement and requested City comment at the by the end of May. This is the next step in the process of proceeding with the 220kV project.

### **JUSTIFICATION:**

The proposed Resolution directs the Electric Utility to continue in the process of studying the system impact for SCE and CAISO. The study will dictate the system improvements needed to complete the interconnection of the 220kV substation.

**FISCAL IMPACT:**

Utilize Capital Improvement Funds and charge to account 673-7000-473-96-47.

**ALTERNATIVES:**

1. Do not approve Resolution 2023-122 and provide alternative direction to staff.

**ATTACHMENTS:**

1. Resolution 2023-122  
<https://banningca.gov/DocumentCenter/View/13038/Att-1-Resolution-2023-122-SCE-SISA-AND-DEPOSIT>
2. Draft SCE Transmission Owner Tariff System Impact Study Agreement with City's Comments  
<https://banningca.gov/DocumentCenter/View/13039/Att-2-SCE-SISA--City-Comments>

Approved by:



Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** June 27, 2023

**SUBJECT:** Consideration of Resolution 2023-126, Authorizing the City Manager to Execute a Purchase and Sale Agreement for 33 S. San Gorgonio Avenue

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### **RECOMMENDATION:**

A motion to adopt Resolution 2023-126, Authorizing the City Manager to Execute a Purchase and Sale Agreement for City-owned property located at 33 S. San Gorgonio Avenue.

### **BACKGROUND:**

Two rounds of Requests for Proposals were completed for City-owned property located at 33 S. San Gorgonio Avenue. All proposals were rejected from the first round, which was extended to allow for a high bidder to submit additional information to clarify the bidder's proposal. The bidder was not responsive to requests for additional information and the City Council provided direction to reject all proposals and re-advertise using commercial real estate brokers.

Only one proposal was received during the second round of Requests for Proposals. The proposal was submitted by Jeffrey Platt, Robert Ybarra and Alex Torres (attached). The proposal includes a purchase price of \$125,000 and the proposed use is to create a commercial kitchen that will be combined with The Haven building to establish a full-service restaurant at the location. The restaurant is anticipated to create 8 – 12 full time and part time jobs as well as a regional occupation program at no cost to students or their families, for individuals interested in culinary arts.

The purchase price is \$60,000 below the appraised value, which triggers prevailing wages for any improvements made to the property. The purchasing party understands this requirement.

Requirements of the Surplus Lands Act were met prior to solicitation of Requests for Proposals.

**FISCAL IMPACT:**

Sale of the property will generate a one-time revenue of \$125,000 for the General Fund. Additional revenues generated will be sales tax, which will be based on taxable sales from the full-service restaurant. Property tax will also be generated since 33 S. San Gorgonio has been exempt from property tax under City ownership.

**ATTACHMENTS:**

1. Resolution 2023-126  
<https://banningca.gov/DocumentCenter/View/13026/Att-1-Resolution-No-2023-126>
2. Purchase and Sale Agreement  
<https://banningca.gov/DocumentCenter/View/13023/Att-2-Banning---Purchase-and-Sale-Agreement-33-San-Gorgonio-Avenue>
3. Request for Proposals (RFP) for 33 S. San Gorgonio Ave  
<https://banningca.gov/DocumentCenter/View/13024/Att-3-33-S-San-Gorgonio-RFP>
4. Proposal to Purchase 33 S. San Gorgonio Ave  
<https://banningca.gov/DocumentCenter/View/13025/Att-4-33-S-San-Gorgonio-Purchase-Proposal>

Approved by:



Douglas Schulze  
City Manager