



AGENDA

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

July 11, 2023

5:00 p.m.

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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

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

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

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

**Meeting ID: 810 0728 0759
Password: 092220**

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

1. CALL TO ORDER

- 1.1. Invocation
- 1.2. Pledge of Allegiance
- 1.3. Roll Call

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

3.1. Proclamation – Celebrating the 100th Birthday of Resident Ben Middleton.....8

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 Reassignments

5.3.2. Designation of Voting Delegate and Alternate for the 2023 League of California Cities (Cal Cities) Annual Conference.....9

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 27, 2023 City Council Meetings.....	10
6.2.	Bulky Item Collection Event Update.....	11
6.3.	Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Accessor's Tract Map No. 37289-1, Lot 'Q' within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System.....	13
6.4.	Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Accessor's Tract Map No. 37389-5, PA 5A within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System.....	15
6.5.	Second Reading and Adoption of Ordinance 1589, an Ordinance of the City of Banning An Ordinance Regarding Vacant and Distressed Properties.....	17
6.6.	Consideration of Second Reading and Adoption of Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, and Making a Determination of Exemption from the California Environmental Quality Act...	19
6.7.	Second Reading and Adoption of Ordinance 1592, an Ordinance of the City of Banning Regarding an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Zoning Classification for a 1.74-Acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank.....	21
6.8.	Consideration of Resolution 2023-133, Authorizing Participation in the County of Riverside's Urban County Program for Fiscal Years 2024, 2025, and 2026.....	24
6.9.	Consideration of Resolution 2023-136, Authorizing the Use of the Existing Master Equity Lease Agreement with Enterprise Fleet Management for Five (5) Additional Years and Approving a Vehicle Replacement Schedule.....	26
6.10.	City Attorney Annual Consumer Price Index (CPI) Adjustment.....	30
6.11.	Butterfield Specific Plan ("Atwell") Annual Development Agreement Review (2023)	31

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

8.1.	Consideration of Resolution 2023-135, 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.....	35
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(Staff Report: Jim Steffens, Power Resources Manager)

Recommendation: Adopt Resolution 2023-135 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.

8.2. Consideration of Resolution 2023-134, Authorizing the City Manager to Execute a Purchase and Sale Agreement for 33 S. San Gorgonio Avenue...**37**
(Staff Report: Doug Schulze, City Manager)

Recommendation: A motion to adopt Resolution 2023-134, Authorizing the City Manager to Execute a Purchase and Sale Agreement for City-owned property located at 33 S. San Gorgonio Avenue.

8.3. Annual Review of the Military Equipment Use Policy Pursuant to Assembly Bill 481 (2022) and Government Code §7070 et seq.....**39**
(Staff Report: Jeff Horn, Police Captain/Acting Chief of Police)

Recommendation: This is an annual review, as required by AB481, of the Military Equipment Use Policy. Recommendation is to receive and file this report.

8.4. Introduction and First Reading of Ordinance 1594, An Ordinance of the City of Banning, California, Amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code Regarding the Regular Meeting Time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5).....**43**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Waive full reading and introduce, as read by title only, Ordinance 1594, an Ordinance of the City of Banning, California, amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code regarding the regular meeting time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5).

8.5. Consideration and Introduction of Ordinance 1595, Amending Section 8.16.020 of Chapter 8.16 of Title 8 of the Banning Municipal Code, Amending Sections 105.3.1 and 108.2 of Chapter 1 of the 2022 Edition of the California Fire Code, to Adopt Local Standards and Procedures for the Inspection, Permitting, and Annual Review of Buildings, Structures, and Business Thereon by the City Fire Code Official Pursuant to Health and Safety Code Section 13110.....**45**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1595, an Ordinance of the City of Banning Amending Chapter 8.16 of the Banning Municipal Code, and schedule a public hearing and second reading for August 22, 2023, per Gov. Code, § 50022.3.

8.6. Authorize Purchase of Historic Horse-Drawn Carriages.....**47**
(Staff Report: Doug Schulze, City Manager)

Recommendation: A motion authorizing the City Manager to purchase 3 horse-drawn historic carriages/wagons for an amount not to exceed \$20,000.

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. Scope and Duties of the Budget and Finance Committee (Wallace)
7. Neighborhood Groups/Identities (Minjares)
8. Update on Community Garden (Flynn)
9. Update on Street Sign Replacements (Flynn)
10. ARE Animal Rescue Contract (Flynn)

11. ADJOURNMENT

Next Regular Meeting – August 22, 2023 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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

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

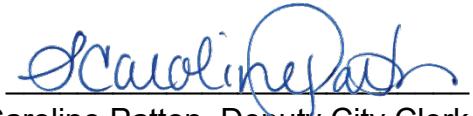
Estándares comunitarios de Zoom para Reuniones Públicas

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

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

AFFIDAVIT • DECLARACIÓN JURADA

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


Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

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

Public Comment

Agenda Items

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

Non-Agenda Items

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

Special Assistance/Accessibility Requests

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

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

CONTACT • CONTACTO

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



**CITY OF BANNING
OFFICE OF THE MAYOR**



proclamation

WHEREAS, longevity of life is a blessing for an individual and for a community which benefits from the knowledge, creativity, and experiences this individual brings to all; and

WHEREAS, the City of Banning recognizes with respect and admiration the contribution of senior citizens to our community; and

WHEREAS, Mr. Ben Middleton was born on July 26, 1923 in Beaufort, South Carolina, raised by his father until the age of 12 and then separated from his siblings; and

WHEREAS, Mr. Middleton enlisted in the Army at the onset of World War II and served in the 93rd Infantry Division; and

WHEREAS, Mr. Middleton had a career as a machinist where he worked on the Apollo Spacecraft, and later served as a Los Angeles Police Department reserve officer; and

WHEREAS, Mr. Middleton studied music and managed a band after his retirement in 2006; and

WHEREAS, Mr. Middleton is an honored citizen of the City of Banning about to celebrate his 100th birthday.

NOW THEREFORE, the City of Banning City Council do hereby honor Mr. Ben Middleton for his long life and prosperity, and wish him many more years!

BE IT PROCLAIMED this 11th day of July 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, 2022

SUBJECT: Designation of Voting Delegate and Alternate for the 2023 League of California Cities (Cal Cities) Annual Conference

RECOMMENDATION:

Staff respectfully recommend City Council designate a single voting delegate and alternate for the 2023 League of California Cities ("Cal Cities") Annual Conference.

BACKGROUND:

This year's LOCC annual conference and expo is scheduled for September 20-22, 2023 in Sacramento. At the conference, league members participate in an Annual Business Meeting where they consider and act on matters that establish LOCC policy. In order for the City to vote at the meeting, the City Council must designate a voting delegate and an alternate who are authorized to cast a vote for the City of Banning.

The voting delegate and alternate chosen must be registered to attend the conference on Friday, September 22nd. To cast their vote, the delegate must be present (in person) and in possession of the voting delegate card. If for some reason the delegate and alternate are unable to attend, the voting card cannot be transferred, and the City will not be able to vote.

ATTACHMENTS:

1. Voting Delegate Packet 2023
<https://banningca.gov/DocumentCenter/View/13061/Att-1-2023-Voting-Delegate-Packet>

Approved by:

A handwritten signature of Douglas Schulze.

Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: July 11, 2023

SUBJECT: Approval of the Minutes of the June 27, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the June 27, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the June 27, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/13115/2023-06-27_Minutes_Special-Meeting---Workshop
2. Minutes of the June 27, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/13114/2023-06-27_Minutes-Regular-Meeting

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
James Grunewald, Solid Waste Program Coordinator

MEETING DATE: July 11, 2023

SUBJECT: Bulky Item Collection Event Update

RECOMMENDATION:

This is informational only; receive and file report.

BACKGROUND:

The City of Banning has partnered with Waste Management as part of the solid waste franchise agreement to provide three free bulky item collection events for residential accounts per calendar year. The second of three bulky item collection events for this year was held on June 3, 2023, at Dysart Park offering residents the opportunity to dispose of unwanted items including, but not limited to, appliances, mattresses, green waste, e-waste and so forth. This event also offers residents paper shredding and the collection of household batteries.

The latest event, held on Saturday, June 3, 2023, welcomed 434 vehicles. An accumulation of 40.65 tons of municipal solid waste, 2.78 tons of green waste, 10.69 tons of white goods/metal, 3.80 tons of paper shredding, 3.04 tons of E-waste, and 0.47 tons of mattresses were collected over the duration of 5 hours. Waste Management collected a grand total of 61.43 tons of waste of which 20.78 tons were successfully diverted from the landfill. Furthermore, four barrels of household batteries were collected during the event.

In addition to the collection of bulky waste at Dysart Park, the City included a compost station, giving away free compost to the community. Any unused compost that was not given away was disbursed and utilized on City properties throughout the community. Incorporating the free compost giveaway supports the City's compliance goals in achieving targets identified by the State and SB 1383 requirements to purchase and utilize organic waste materials. In all, Waste Management provided 18 tons of compost for the giveaway.

The City's Bulky Item collection events continue to be a success and provide a great service to our community. The events also aid in keeping the community clean through

Staff Report: Bulky Item Collection Event Update

July 11, 2023

Page **2** of **2**

reducing the amount of waste that may otherwise be illegally dumped throughout the city and its rights-of-ways. The next event is scheduled for Saturday, October 14, 2023.

FISCAL IMPACT:

The event was staffed by the Public Works and the Finance Departments with staff time and material costs being funded by the Refuse fund.

ATTACHMENTS:

1. Event pictures

<https://banningca.gov/DocumentCenter/View/13095/Att-1-Event-Pictures>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: July 11, 2023

SUBJECT: Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map No. 37289-1, Lot 'Q' within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System

RECOMMENDATION:

Staff recommends that City Council accepts an easement from Tri Pointe Homes for electric utility purposes for Tract Map No. 37289-1, Lot 'Q' within the Atwell Development for the maintenance of the City-owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37289-1 within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2019-151 on December 10, 2019. Banning Electric Utility has constructed electrical improvements within these tracts that were required to serve the housing development. As part of the Conditions of Approval for the project, the owner is required to provide the City with necessary easements for the maintenance of the City owned electric distribution system.

This easement will cover electric facilities that were constructed within the open space area of Lot Q, which is included in Tract Map 37298-1. The facilities within the proposed easement consist of primary underground electric infrastructure required for utility service at a community park within the Atwell development.

JUSTIFICATION:

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

FISCAL IMPACT:

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

ALTERNATIVE:

Do not approve and provide alternative direction.

ATTACHMENT:

1. Easement – Tract 37289-1, Lot Q

https://banningca.gov/DocumentCenter/View/13090/Att-1_Easement---Tract-No-37298-1-Lot-Q

2. Certificate of Acceptance

https://banningca.gov/DocumentCenter/View/13093/Att-2_Certificate-of-Acceptance--Easement-for-37298-1-Lot-Q

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: July 11, 2023

SUBJECT: Accept an Easement from Tri Pointe Homes for Electric Utility Purposes on Assessor's Tract Map No. 37389-5, PA 5A within the Atwell Development for the Maintenance of the City-Owned Electric Distribution System

RECOMMENDATION:

Staff recommends that City Council accepts an easement from Tri Pointe Homes for electric utility purposes for Tract Map No. 37389-5, PA 5A within the Atwell Development for the maintenance of the City-owned electric distribution system.

BACKGROUND:

Final Tract Map No. 37389-5 within the Atwell Development Specific Plan was approved by City Council by Resolution No. 2020-94 on July 14, 2020. Banning Electric Utility has existing electric infrastructure within this tract that is required to serve existing residential parcels south of the boundary of Planning Area 5A. As part of the Conditions of Approval for the project, the owner is required to provide the City with necessary easements for the maintenance of the City owned electric distribution system.

This easement will cover electric facilities that are existing along the southern boundary of PA 5A, and on various lots within Tract Map 37389-5. The facilities within the proposed easement consist of primary and secondary overhead infrastructure that provide service to the Highland Estates community (37389-3).

JUSTIFICATION:

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

FISCAL IMPACT:

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

ALTERNATIVE:

Do not approve and provide alternative direction.

ATTACHMENT:

1. Easement – Tract 37389-5

https://banningca.gov/DocumentCenter/View/13091/Att-1_Easement---Tract-No-37389-5-PA5A

2. Certificate of Acceptance

https://banningca.gov/DocumentCenter/View/13094/Att-2_Certificate-of-Acceptance--Easement-for-37389-5-PA5A

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Manager

MEETING DATE: July 11, 2023

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

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 solicited on the subject matter of the item. The Ordinance was scheduled for the June 27th City Council meeting; however, due to lateness of the hour the ordinance was continued to the July 11th meeting without discussion.

The purpose of this ordinance is intended to further regulate commercial and residential uses, in addition to residential which are currently covered under the Ordinance. The Ordinance affects vacant properties, which 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

July 11, 2023

Page 2 of 2

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/13089/01-Banning---Ordinance-Amending-BMC-Chapter-812-Vacant-Distressed-Buildings>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: July 11, 2023

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

RECOMMENDATION:

Staff recommends City Council adopt Ordinance 1590, An Ordinance of the City of Banning, California, Adding Chapter 2.42 (Banning Youth Council) to Title 2 (Administration and Personnel) of the Banning Municipal Code Establishing the Banning Youth Council, and Making Findings Pursuant to CEQA (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), that there is no possibility that the adoption of this Ordinance will have a significant effort on the environment. Adoption of this ordinance is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15051 (b)(3).

BACKGROUND:

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

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

July 11, 2023

Page **2** of **2**

The first reading of the Ordinance occurred at the June 13, 2023 meeting of the City Council.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Ordinance 1590
<https://banningca.gov/DocumentCenter/View/13085/Banning---Youth-Council-Ordinance>
2. Proof of Publication – Preadoption Notice
<https://banningca.gov/DocumentCenter/View/13118/Att-2-Proof-of-Publication>

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: July 11, 2023

SUBJECT: Second Reading and Adoption of Ordinance 1592, an Ordinance of the City of Banning Regarding an Amendment to the Official Zoning Map (ZC 23-3501) Purposing a Change to the Zoning Classification for a 1.74-Acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank

RECOMMENDATION:

Conduct Second Reading and Adopt Ordinance 1592: An Ordinance of the City of Banning, California, Regarding an Amendment to the Official Zoning Map (ZC 23-3501) Purposing Changing the Zoning Classification (ZC 23-3501), of APN: 538-040-006, from Low Density Residential (LDR) to Public Facilities-Government (PF-G) for a 1.74-Acre Property Located at 725 Sunrise Avenue to Accommodate a Future Water Reservoir/Tank, 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 Sections 15061(b)(3) and 15378.

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. At the June 27, 2023 City Council Meeting, the City Council adopted the General Plan Amendment and introduced the first reading of Ordinance 1592.

JUSTIFICATION:

The City owns and operates wells, reservoirs, tanks, and a Citywide 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 potable water supply. These wells are located in Banning Water Canyon, as well as in residential and commercial districts throughout the City. The City also owns six unimproved 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. 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. Table III-4, of the General Plan Land Use Element will be updated to reflect the total acreage of public facilities property within the City.

Land Use Designation	City Limits			Sphere of Influence			Acres
	Non-vacant (acres)	Vacant (acres)	Total (acres)	Non-vacant (acres)	Vacant (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 Zoning 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 Zone Change 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 the Zone Change will require CEQA review and will be analyzed at the appropriate time in accordance with CEQA. The Planning Division staff further determines that the Zone Change is 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

July 11, 2023

Page 3 of 3

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 Site Plan 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 7th Planning Commission and June 27th City Council meetings there were no speakers in support or opposition to the Project.

FISCAL IMPACT:

The City has acquired the property for a future reservoir/water tank location 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 of the purchase price and related closing costs (previously approved under City Council Resolution 2023-26, dated February 14, 2023).

ATTACHMENTS:

1. Ordinance 1592 – Zoning Text Amendment Ordinance
<https://banningca.gov/DocumentCenter/View/13104/01-Ordinance-Text-ZC-23-3501>
2. Exhibit A (ZC 23-3501) – Final Zoning Map
<https://banningca.gov/DocumentCenter/View/13105/02-Exhibit-A-ZC-23-3501>
3. Notice of Exemption (NOE)
<https://banningca.gov/DocumentCenter/View/13106/03-NOE>

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: July 11, 2023

SUBJECT: Consideration of Resolution 2023-133, Authorizing Participation in the County of Riverside's Urban County Program for Fiscal Years 2024, 2025, and 2026

RECOMMENDATION:

It is recommended that City Council adopt Resolution 2023-133:

1. Authorizing the City's participation in the County of Riverside's Urban County Program for Fiscal Years 2024, 2025, and 2026; and
2. Authorizing the Mayor to execute the agreement.

BACKGROUND:

The City has historically participated in the Riverside County Urban County Program as a source of funding for community and neighborhood programming and revitalization. Riverside County acts as a direct conduit administering CDBG funds directly to participating cities through the program.

Every year, the City notifies the public and past applicants of the upcoming funding availability, which also encourages applications for potential programs and physical improvements tied to funding requirements. Entitlement Funding for the County is determined by a formula based upon several criteria including housing inventory, population, and poverty levels. The County then utilizes a similar formula for cities participating in the Urban County Program.

JUSTIFICATION:

The County of Riverside, as part of its ongoing administration of the Urban County Program must certify cooperating city participation through an executed agreement and City Resolution, in three-year increments. By approving the Resolution and Cooperating Agreement, the City will remain eligible for Community Development Block Grant funding through the County of Riverside's Urban County Program for the next three fiscal years, through 2026.

FISCAL IMPACT:

By approving the Cooperating Agreement, the City can continue to receive an annual entitlement for the next three (3) fiscal years. Each year the entitlement amount varies but is approximately \$199,000 that can be used for community benefit and associated programs.

ALTERNATIVES:

Reject the Cooperating Agreement with the County of Riverside and provide staff with alternative direction.

ATTACHMENTS:

1. Resolution 2023-133
<https://banningca.gov/DocumentCenter/View/13130/Att-1-Reso-2023-133-CDBG-Urban-County-Program-Agreement>
2. Notice of Qualification
<https://banningca.gov/DocumentCenter/View/13138/Att-2-Notice-of-Qualification>
3. Draft Cooperation Agreement for the Community Development Block Grant, Home Investment Partnership Program, and Emergency Shelter Grant for Fiscal Years 2024, 2025, and 2026
<https://banningca.gov/DocumentCenter/View/13139/Att-3-City-of-Banning-Coop-Agr2024-2026>

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: July 11, 2023

SUBJECT: Consideration of Resolution 2023-136, Authorizing the Use of the Existing Master Equity Lease Agreement with Enterprise Fleet Management for Five (5) Additional Years and Approving a Vehicle Replacement Schedule

RECOMMENDATION:

Staff Recommends that City Council adopt Resolution 2023-136:

1. Authorizing the use of the existing Master Equity Lease Agreement with Enterprise Fleet Management ("Enterprise") for five (5) additional years (FY 2023/2024 to FY 2027/2028).
2. Approving a Vehicle Replacement Schedule.
3. Authorizing the City Manager or her designee to approve annual vehicle orders and to sign necessary documentation for the acquisition of new vehicles and to declare and remove various City-owned vehicles from the City's fleet and dispose of the surplus vehicle assets per City policy. The vehicle orders will include those on the replacement schedule as well as others based on need.
4. Authorizing the proceeds from the sale of the surplus vehicles to be applied towards the cost of the annual leasing program.
5. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Master Equity Lease Agreement.

BACKGROUND:

The Department of Public Works, Fleet Division, maintains the City owned and operated fleet used by City Departments. The City's fleet is made up of light, medium and heavy duty vehicles and equipment. The City owns 122 light and medium duty passenger vehicles (white fleet) and on average, the age of these vehicles is 7.4 years.

It is good practice to replace vehicles based on standard replacement schedules in order to avoid increases in the cost of ownership (e.g. maintenance, repairs and fuel costs) of vehicles. In addition to the increase in cost of ownership as vehicles move past their

replacement schedules: resale values are reduced, insurance premiums increase and the cost of acquisition of vehicles increase.

Prior to 2018, the City did not keep to a standard replacement scheduled and had an aging fleet. A review in early 2018 identified that the average age of the City's light and medium duty passenger vehicles was 12.7 years old; the standard replacement age for an average use passenger vehicle is 5 years ((see Attachment 4, Replacement Criteria). During this time the Fleet Maintenance staff often dedicated their time to larger repairs rather than preventative maintenance, which should be the focus of the City's fleet maintenance operations.

In order to avoid a large outlay of capital funds to replace the City's aging fleet, staff began researching leasing options. On September 25, 2018 City Council adopted Resolution 2018-118, "Approving a Vehicle Lease and Replacement Program and Awarding a Five (5) Year Master Equity Lease Agreement to Enterprise Fleet Management". Since 2018, the City has replaced 36 vehicles.

A lease-equity program allows the City to retain the equity at resale, which would then be used as a down payment on a replacement vehicle resulting in a lower monthly lease payment.

While the Master Lease Equity Agreement with Enterprise does not expire, City Council's authorization for the use of the Master Lease Equity Agreement ended on June 30, 2023. Staff is requesting that City Council authorize the use of the Master Lease Equity Agreement for an additional five (5), which would extend through fiscal year 2027/2028.

It should be noted that not all of the City's passenger vehicles (i.e. police vehicles) are a good fit for Enterprise replacement/lease program, although they could be considered at a later date.

JUSTIFICATION:

It is good practice for the City to maintain a safe and reliable fleet and in order to do so vehicles must be replaced according to standard replacement schedules. A lease-equity program for acquiring new/replacement vehicles is a good option for avoiding large outlays of capital funds.

City Council's previous authorization in 2018 to utilize a Master Lease Agreement with Enterprise ended on June 30, 2023. The continued use of the Master Lease Agreement will allow the City to replace leased vehicles as they reach the replacement criteria (i.e. 5 years) and existing City owned vehicles that are nearing or have exceeded the replacement criteria. Attachment 6 includes the recommended vehicle replacement schedule.

FISCAL IMPACT:

The City has identified the need to acquire 18 vehicles, of which 16 are replacements for vehicles that are currently 5 years or older, model years ranging from 2009 to 2019 (see Attachment 4). The estimated cost for leasing the identified vehicles for fiscal year 2023/2024 is \$179,568.48, which includes utilizing the current equity in the 16 vehicles.

The breakdown per department is as follows:

<u>Department</u>	<u>Amount</u>
Electric	\$34,332.36
Streets	\$36,957.12
Water	\$58,633.92
Engineering	\$10,691.52
Code Enforcement	\$5,543.88
Transit	\$15,718.80
Fleet	\$9,262.08

Attachment 6 includes a draft proposal included for the purpose of showing a breakdown of the costs associated with a lease payment.

At the end of the lease term the City will have the option to either purchase the vehicle at fair market value or have Enterprise sell the vehicle and apply the proceeds as a down payment on the replacement vehicles.

ALTERNATIVES:

1. Adopt Resolution 2023-136 as recommended.
2. Adopt Resolution 2023-136 with modifications.
3. Do not approve Resolution 2023-136 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-136
<https://banningca.gov/DocumentCenter/View/13113/Att-1-Reso-2023-136-Enterprise-Lease-Agrmt>
2. Resolution 2018-118
<https://banningca.gov/DocumentCenter/View/13107/Att-2-SR-and-Reso-2018-118>
3. Enterprise Lease Agreement and Addendum
<https://banningca.gov/DocumentCenter/View/13108/Att-3-Enterprise-FM-Lease-Agreement>
4. Vehicle Replacement Criteria
<https://banningca.gov/DocumentCenter/View/13109/Att-4-Vehicle-Replacement-Criteria>

July 11, 2023

Page **4** of **4**

5. 2024 Replacement Proposal

<https://banningca.gov/DocumentCenter/View/13110/Att-5-Banning---2024-Replacment-Proposal-0752023>

6. Vehicle Replacement Schedule

<https://banningca.gov/DocumentCenter/View/13111/Att-6-Vehicle-Replacement-Schedule>

7. 2024 Chevy Silverado Quote (for purposes of showing associated costs)

<https://banningca.gov/DocumentCenter/View/13112/Att-7-Reference-Quote-Q7243160---City-of-Banning---2024-Chevy-Silverado-1500>

Approved by:



Douglas Schulze

City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
MEETING DATE: July 11, 2023
SUBJECT: City Attorney Annual Consumer Price Index (CPI) Adjustment

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/13086/Letter-re-Annual-CPI-Adjustment-in-City-Attorney-Contract-Rates-Effective-July-1-2023-that-requires-City-Council-Approval>

Approved by:

A handwritten signature of Douglas Schulze in black ink.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Doug Schulze, City Manager

PREPARED BY: Adam Rush, AICP, Community Development Director

MEETING DATE: July 11, 2023

SUBJECT: Butterfield Specific Plan (“Atwell”) Annual Development Agreement Review (2023)

RECOMMENDATION:

Receive and File the enclosed Annual Review for the Butterfield Specific Plan being developed by Pardee Homes as the *Atwell Master Planned Community* and that the developer is proceeding in Good Faith in accordance with Section 12.1 of the Development Agreement and Government Code 65865.1.

BACKGROUND:

In accordance with Section 12, page 34, of the Development Agreement between the City of Banning (“City”) and Pardee Homes (“Developer”), which was entered into on March 27, 2012, with a subsequent revised effective date of February 9, 2015, the City is conducting an annual review following the commencement of construction, to review the performance of the agreement on or about each anniversary of the effective date of said agreement. The Developer has delivered the necessary information, reasonably requested by the City, regarding the Developer’s performance under the agreement. Staff has reviewed the information requested, performed a series of site inspections, conducted several meetings with the Developer, and determined that the Developer has, and continues to, demonstrate compliance with the Agreement. Based on the review, staff has also determined that the Developer is implementing the Agreement in good faith, and continues to comply with the provisions and regulations of the Adopted Specific Plan, the Certified Environmental Impact Report, and the existing land use regulations set forth by the City, through the Banning Municipal Code and the Butterfield Specific Plan.

JUSTIFICATION:

A summary of the project activities, over the past year, is detailed in the **Table 1** below:

TABLE 1: Atwell Development Activities:

Development Agreement Section/Provisions	Status
Section 1 - Definitions	Conforming/No Update
Section 2 – Exhibits	Conforming/No Update
Section 3 – Term	Conforming/No Update
Section 4 – Development of the Developer’s Property	(4.7) A Development Impact Fee Update was completed in September 10, 2019.
Section 5 – Financing and the City’s Obligations	Formation of the first, second and third Financing Districts have been completed with the bonds for the first and second series successfully sold. It is anticipated that the third series of bonds will be going to sale in the late third/early fourth quarter 2023. A Development Impact Fee Agreement has been approved.
Section 6 – Time for Construction and Completion of Project	(6.1) The development is proceeding at an acceptable pace given current market conditions. (6.2) Permits: All residential permits have been pulled in Phase 1A and Phase 1B while 83 permits have been pulled in Phase 2A. Closings: There have been approximately 460 closings in Phase 1A and approximately 290 closings within Phase 1B. Homes in all current phases are in various stages of construction. Sales continue to be strong but rising interest rates; material costs and material lead times are becoming problematic. (6.2.3.) Infrastructure related plans are being developed, have been submitted or approved for the various development phases. (6.2.4.) Developer has undergone a good faith effort to market the commercial retail planning area. All surrounding infrastructure is in place to accommodate construction should a commercial developer show interest in starting. All other provisions of Section 6 are proceeding in good faith.

Section 7 – Development Impact Fees	(7.2.2) Development Impact Fee Studies are complete. Adjustments will be made at the 10-year review. (7.3.5.) Fee Impact Studies associated with reclaimed water facilities are complete. (7.5.1 – 7.5.3.) A TUMF Credit Agreement was executed by the City Council at the May 14, 2019 meeting, and work has been completed on Highland Springs Avenue between 8 th Street/Wilson Street and Oak Valley Parkway/Meadowline Way.
Section 8 – Dedications and Conveyances of Property Interests	(8.1.1.) Plans have been submitted and are continuing to be submitted for review. Plans are actively processed by the City for infrastructure improvements.
Section 9 – Processing of Requests and Applications: Other Government Permits	(9.2) A Deposit Reimbursement Agreement is executed between the Developer and City. (9.3) City is generally complying with the two-week turnaround timeframes.
Section 10 – Amendment and Modification of Development Agreement	Conforming/ Settlement Agreement Passed updating Fee Waivers provisions.
Section 11 – Reservations of Authority	Conforming/No Update
Section 12 – Annual Review	Conforming
Section 13 – Default, Remedies & Termination	Conforming/No Update
Section 14 – Assignment	Conforming/No Update
Section 15 – Releases and Indemnities	Conforming/No Update
Section 16 – Effect of Agreement on Title	Conforming/No Update
Section 17 – City Officers and Employees: Non-Discrimination	Conforming/No Update
Section 18 – Mortgage Protection	Conforming/No Update
Section 19 – Miscellaneous	Conforming/No Update

Environmental Determination:

City staff has reviewed the previously certified Environmental Impact Report prepared for the Butterfield Specific Plan project (SCH No. 2007091149) as modified by the Addendum approved by the City Council on February 14, 2017, including the impacts and mitigation measures identified therein, which documents are on file in the Community Development Department. Based on that review, the City of Banning Planning Division has determined that the proposed Project and the circumstances under which the proposed Project is undertaken do not involve substantial changes which will result in new significant

environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior EIR. All potential environmental impacts associated with the Butterfield Specific Plan project and the proposed Tentative Tract Maps are adequately addressed by the prior EIR, and the mitigation measures contained in the prior EIR will reduce those impacts to a level that is less than significant. Therefore, in accordance with CEQA Guidelines Section 15162 ("Subsequent EIRs and Negative Declarations"), a subsequent environmental document is not required.

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 Annual Review of the Development Agreement is a Receive & File item and does not require a public hearing or public notice. At the time of this writing, no public comments have been received.

ATTACHMENTS:

1. Annual Review Matrix
<https://banningca.gov/DocumentCenter/View/13133/Att-1-Annual-Review-Matrix---2022>
2. Specific Plan Land Use Plan
<https://banningca.gov/DocumentCenter/View/13134/Att-2-Specific-Plan-Land-Use-Plan>
3. Development Agreement
<https://banningca.gov/DocumentCenter/View/13135/Att-3-Dev-AgreePardee-7-17-12>

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: July 11, 2023

SUBJECT: Consideration of Resolution 2023-135, 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

RECOMMENDATION:

Adopt Resolution 2023-135 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 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 2023-135 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-135
<https://banningca.gov/DocumentCenter/View/13083/Att-1-Resolution-2023-135-SCE-SISA-AND-DEPOSIT>
2. Draft SCE Transmission Owner Tariff System Impact Study Agreement with City's Comments
<https://banningca.gov/DocumentCenter/View/13084/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: July 11, 2023

SUBJECT: Consideration of Resolution 2023-134, Authorizing the City Manager to Execute a Purchase and Sale Agreement for 33 S. San Gorgonio Avenue

RECOMMENDATION:

A motion to adopt Resolution 2023-134, 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 on April 19, 2023, by Chris Campbell of Re/Max Advantage on behalf of Robert Ybarra, Alex Torres, and Jeffrey Platt ("the purchasers").

In June 2023, the City received an updated proposal from Mr. Campbell submitted on behalf of Robert Ybarra and Jeffrey Platt. The updated proposal includes the same purchase terms as presented in the April 2023 proposal. However, the proposal is signed by Mr. Ybarra, rather than Mr. Platt. Mr. Campbell has indicated that Mr. Platt, while one of three purchasers, is not the representative of the purchasers and communications with the City on this matter are being handled solely by Mr. Campbell and Mr. Ybarra. The new proposal offers 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 – 10 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. Mr. Campbell has explained this requirement to the purchasers and has indicated to City staff that the purchasers intend to comply with all applicable prevailing wage law requirements.

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 2023-134
<https://banningca.gov/DocumentCenter/View/13102/Att-1-Resolution-No-2023-134>
2. Purchase and Sale Agreement
<https://banningca.gov/DocumentCenter/View/13099/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/13100/Att-3-33-S-San-Gorgonio-RFP>
4. Proposal to Purchase 33 S. San Gorgonio Ave
<https://banningca.gov/DocumentCenter/View/13101/Att-4-33-S-SAN-GORGONIO-AVE-PROPOSAL-TO-PURCHASE-2023>

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

MEETING DATE: July 11, 2023

SUBJECT: Annual Review of the Military Equipment Use Policy Pursuant to Assembly Bill 481 (2022) and Government Code §7070 et seq.

RECOMMENDATION:

This is an annual review, as required by AB481, of the Military Equipment Use Policy. Recommendation is to receive and file this report.

BACKGROUND:

On September 30, 2021, California Governor Gavin Newsom signed Assembly Bill 481 (AB481), which became effective January 1, 2022. The law requires the Police Department to create a Military Equipment Use Policy which required adoption by the City Council by May 01, 2022. Due to recent events in our nation, the public has asked state and local leaders to enact law enforcement reforms and set statewide standards for safe de-escalation techniques.

AB481 identifies certain law enforcement equipment as 'military equipment' whether or not any branch of the military uses any of the law enforcement equipment listed. The legislation requires oversight from a governing body for purchase and usage of what the bill has deemed military equipment. For the Banning Police Department, the governing body is the Banning City Council.

Ordinance 1582 was introduced in 2022 to the Banning City Council in accordance with the law Assembly Bill 481. The Use Policies were uploaded to the Banning Police Department internet website on March 11, 2022 for public review and can also be found here: <http://www.banning.ca.us/614/Department-Policy-Procedures>

The purpose of this ordinance was to seek approval and support from the City Council for the continued use and deployment of specialized law enforcement equipment consistent with the Use Policies of the Banning Police Department. The City Council will find the Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties. The Use Policy included in the Ordinance establishes an on-going standard and policy for safe de-

escalation and an annual military equipment report will be submitted to the City Council for annual review.

The list of identified 'military equipment' is currently deployed by law enforcement and agencies in Riverside County as well as in San Bernadino, San Diego, and Orange Counties, and throughout the State of California, as well as law enforcement organizations across the nation. AB481 lists equipment that is recognized and more appropriately identified by local, state, and federal law enforcement entities as specialized police equipment. Locally, the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) have endorsed the list of specialized equipment which is already in use across the country.

For additional context, the Banning Police Department, over a span of many years has acquired these tools with previous Councils approval either during the annual budget process, or as individual board agenda items purchases. Specialized police equipment is used only by highly trained and experienced law enforcement professionals. The list of itemized equipment is listed below as required by AB481. The inventory list ranges from modernized tools, aerial drones, to a retired armored bank vehicle whose primary purpose is the preservation of human life when utilized in responding to critical incidents, which often involve high-risk apprehension, search and rescue, fast responses to catastrophic events, reduce liability of physical injury to public and department personnel, and allow for de-escalation tactics during high-risk encounters with armed violent suspects. The tools, equipment, and resources can function as a force-multiplier in some cases to reduce manpower hours and is ultimately a cost savings to the City.

The Banning Police Department is responsible for ensuring the highest standard of public safety, protecting, and serving members of the community, and apprehending criminal offenders. To help achieve and maintain the highest standard of public safety, law enforcement receives support from our local elected officials who are committed to funding operational needs, which includes the approval to purchase and finance necessary tools, protective gear, and specialized equipment for the purpose of helping protect and save lives and property. With the City County's partnership and approval, law enforcement can operate with the most advanced technology, equipment, and resources available with the goal to protect and serve the community with increased effectiveness, be prepared for the unexpected, and ultimately save lives with a uniform response standard by all law enforcement agencies in the County.

Although most tools, equipment, and resources listed as military equipment in AB481 are found in a military environment and may be similar in nature, the application in which the equipment is used is significantly different for public safety and law enforcement. Below you will find lists of the specialized equipment inventory and a variety of their uses.

Banning Police Department Specialized Equipment Inventory:

Unmanned, remotely piloted powered aerial or ground vehicles

- Search and locate reported missing children or at-risk adults

- Search and Rescue Operations to locate lost or injured hikers
- A law enforcement specific application involving Aerial DRONES are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects
- barricaded inside a residence or commercial structure.
- Unmanned robotics have numerous applications. Robotics are used instead of personnel in high-risk environments to increase safety for law enforcement

Assault Weapons defined under PC 30510 & PC 30515

- Inventory includes AR style rifles that function at full and semi-automatic capability (fully automatic rifles are not assigned and kept in the armory)
- Increased accuracy and precision at long range distances
- Currently used by most law enforcement agencies across the nation

Tear Gas

- Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as pepper ball.

40mm projectile launchers

- Less lethal 40mm launchers and rubber projectile munitions- Munitions are configured for high and low energy impact.
- 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public

Bean Bag Launchers

- Less lethal bean bag is utilized through a marked/orange colored easily identifiable less lethal shotgun.
- The bean bag round is a small led pellet filled munition made of high-density cloth.
- Bean bag is the predecessor to 40mm less lethal having similar benefits as other less lethal platforms

The Banning Police Department and members of the Association of Riverside County Chiefs of Police and Sheriff (ARCCOPS) have committed to working cooperatively across jurisdictional boundaries to ensure that all catastrophic events, response to critical incidents, search and rescue operations and many other multi-jurisdictional events that arise from neighboring counties are supported safely and justifiably. Any which require the use of any of the above listed specialized equipment are conducted in a fair, transparent and professional manner. Prior to a public hearing, and as required by AB481 these Use Policy has been made available on the Banning Police Department Website. Following the adoption of Ordinance 1582 the Banning Police Department will report to the City Council annually. Upon the completion of the hearing and Council approval, a copy of the policies will be sent to the Governor's Office. The full text to AB481 can be found here:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

JUSTIFICATION:

This specialized law enforcement equipment, which is already in use by law enforcement agencies throughout the county, helps limit high-risk encounters with armed violent suspects. This specialized equipment is needed to stop escalating violent situations from becoming a threat to the safety of responding law enforcement personnel, the public, and the involved suspect(s). The Banning Police Department routinely relies on assistance from outside agencies through cooperative mutual-aid agreements between multi-jurisdictional boundaries.

FISCAL IMPACT:

No increased fiscal impact.

ALTERNATIVES:

The City Council may choose to reject staff's recommendation and provide alternative direction.

ATTACHMENTS:

1. Banning Police Department Policy 708 Military Equipment
<https://banningca.gov/DocumentCenter/View/13098/Att-1-708-Military-Equipment-Policy>
2. AB481 Report 2023
<https://banningca.gov/DocumentCenter/View/13096/Att-2-AB481-Report-2023>
3. Military Equipment Ordinance 1582
<https://banningca.gov/DocumentCenter/View/13097/Att-3-Ordinance-1582-AB481-Military-Equipment>

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: July 11, 2023

SUBJECT: Introduction and First Reading of Ordinance 1594, An Ordinance of the City of Banning, California, Amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code Regarding the Regular Meeting Time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5)

RECOMMENDATION:

Waive full reading and introduce, as read by title only, Ordinance 1594, an Ordinance of the City of Banning, California, amending Section 2.28.080 of Chapter 2.28 of Title 2 of the Banning Municipal Code regarding the regular meeting time of the Banning Planning Commission, and Making a Determination of Exemption under CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5).

BACKGROUND:

On September 14, 2010, the City Council adopted Ordinance 1427, changing the Banning Planning Commission's regular meeting day to the first Wednesday of each month (while maintaining the current meeting start time of 6:30 p.m.). During the June 7, 2023 regular Planning Commission meeting, the Planning Commission and the Community Development Director determined that the Commission would be better served by a regular meeting start time of 5:30 p.m. rather than 6:30 p.m., pending the City Council's approval. The Planning Commission and staff are not recommending a change to the Commission's regular meeting day (e.g., first Wednesday of each month).

JUSTIFICATION:

The City of Banning is experiencing tremendous growth across all sectors of land use (i.e., residential, commercial, and industrial). Furthermore, Planning staff is also processing an update to both the General Plan Land Use and Circulation Elements as well as several Zoning Code amendments, all of which requires review, consideration, oversight, and action by the Commission.

A recent Planning Commission regular meeting concluded at approximately 1:30 a.m. Because of this recent late meeting, the Community Development Director recommended that the Commission change the regular meeting start time from 6:30 p.m. to 5:00 p.m. or 5:30 p.m. After discussion and deliberation, the Commission determined that starting the Commission's regular meetings at 5:30 p.m. would better serve the Commission.

Analysis:

In order to effectuate the proposed change in the Planning Commission's regular meeting time, the Council must introduce and adopt an Ordinance amending Section 2.28.080 of the Banning Municipal Code. The attached proposed Ordinance 1594, if adopted, would amend Section 2.28.080 as follows:

“2.28.080 – Meeting times and places.

- A. The planning commission shall meet on the first Wednesday of each month at ~~6:30 p.m.~~ 5:30 p.m. at the city council chambers located at 99 E. Ramsey Street, or at such time and place as the commission may designate by resolution.
- B. Commissioners will attend special meetings as they arise.”

FISCAL IMPACT:

Staff anticipates the change to Commission's regular meeting start time will result in a cost savings as the Commission's regular meetings may potentially conclude earlier, reducing the amount of staff overtime that is accrued.

ATTACHMENTS:

1. Ordinance 1594
<https://banningca.gov/DocumentCenter/View/13131/Att-1-Ordinance-1594-PC-Meeting-Date-and-Time>
2. Notice of Exemption (NOE)
<https://banningca.gov/DocumentCenter/View/13132/Att-2-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: July 11, 2023

SUBJECT: Consideration and Introduction of Ordinance 1595, Amending Section 8.16.020 of Chapter 8.16 of Title 8 of the Banning Municipal Code, Amending Sections 105.3.1 and 108.2 of Chapter 1 of the 2022 Edition of the California Fire Code, to Adopt Local Standards and Procedures for the Inspection, Permitting, and Annual Review of Buildings, Structures, and Business Thereon by the City Fire Code Official Pursuant to Health and Safety Code Section 13110

RECOMMENDATION:

Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1595, an Ordinance of the City of Banning Amending Chapter 8.16 of the Banning Municipal Code, and schedule a public hearing and second reading for August 22, 2023, per Gov. Code, § 50022.3.

BACKGROUND:

The City of Banning contracts with Riverside County for both Fire Suppression and Protection Services. As part of this contract, Riverside County provides qualified and experienced staff to provide fire protection and prevention services through the review of codes, examination of plans, issuance of permits, and scheduling of inspections for a wide variety of land uses.

The City contracts for one full-time equivalent (FTE) *Fire Safety Specialist*, which is currently a vacant position but is being back-filled by an *Assistant Fire Marshal* while a recruitment is underway. This single staff member is responsible for all fire safety related matters in the City and essentially serves as the "Banning Fire Marshal". As the City grows, the need for additional staffing becomes evermore critical. An increase in fire prevention staff will provide the opportunity for the City to fulfill inspection-related services, to businesses on an annual basis, that is not being conducted at this time.

Each year, the Banning Fire Marshal conducts "state-mandated" fire safety inspections on select business, as specified by law. These land uses include "Residential Care

Facilities" (e.g., Congregate and Residential Care Facilities, Transitional Living Facilities, Nursing Homes), "Schools", "Hospitals", and "Apartment Buildings", to name a few. The majority of City businesses do not receive an annual inspection, although it is a prudent measure and has only been deferred due to limited staffing resources.

Recently the City decided to initiate an amendment to the County Fire Services Contract which will add one (1) full-time Assistant Fire Marshal to the existing Fire Safety Specialist position. By utilizing two (2) FTEs, the City is able to conduct annual inspections of all qualified businesses within the City, a measure that will aide in code compliance and support the reduction of vacant and distressed buildings and businesses within the City.

JUSTIFICATION:

The Fire Code Amendments will allow the regular and routine inspection of qualified businesses and business operations within the City. Creating the annual inspection program will positively contribute to the protection of life and property within the City.

FISCAL IMPACT:

Staff time dedicated to the review and update by ordinance is nominal.

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$3,500
2023/2024	\$0

ALTERNATIVES:

1. Choose not to waive full reading and introduce proposed Ordinance 1595.
2. Continue the item and request clarification from or provide direction to staff.
3. Take the agenda item off calendar and provide direction to staff.

ATTACHMENTS:

1. Ordinance 1595
<https://banningca.gov/DocumentCenter/View/13142/1-Banning---2022-Building-Standards-Code-Adoption-Ordinance-Fire-Code>
2. Notice of Exemption (NOE)
<https://banningca.gov/DocumentCenter/View/13143/2-NOE>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: July 11, 2023

SUBJECT: Authorize Purchase of Historic Horse-Drawn Carriages

RECOMMENDATION:

A motion authorizing the City Manager to purchase 3 horse-drawn historic carriages/wagons for an amount not to exceed \$20,000.

BACKGROUND:

An advertisement was recently published on Facebook offering a horse-drawn wagon and 2 carriages for sale. The covered wagon was built in 1900, a 4-seater carriage was built in 1903 and a 6-seater carriage built in 1893 by Joubert & Smith. All three are advertised to be in excellent condition and parade ready.

The seller is located in Murrieta, California. Prior to making an offer to purchase, an in-person inspection will be conducted.

FISCAL IMPACT:

A budget amendment will be needed in an amount up to \$20,000 for all three items, if the in-person inspection determines they are in good condition.

ATTACHMENTS:

1. Photographs of Wagon and Carriages

<https://banningca.gov/DocumentCenter/View/13155/Wagon-and-Carriages>

Approved by:

A handwritten signature of Douglas Schulze in black ink.

Douglas Schulze
City Manager