



AGENDA

REGULAR MEETING OF THE BANNING CITY COUNCIL

CITY OF BANNING, CALIFORNIA

September 26, 2023
5:00 p.m.

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

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

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

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

<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

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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 – *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)

None

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. Consideration of the Appointment of Two Council Members to the Community Development Block Grant (CDBG) Ad-Hoc Committee for FY 2024/2025.....7

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 the Meeting Minutes for the September 12, 2023 City Council Meetings..... **10**
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of August 31, 2023..... **11**
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of August 2023..... **13**
- 6.4. Receipts, Disbursements, & Fund Balances Reporting for August 2023 and Fiscal Year-to-Date 2022-23..... **16**
- 6.5. Receive and File Police Department Statistics for the Month of August 2023..... **18**
- 6.6. Receive and File Fire Protection Services Statistics for the Month of August 2023..... **19**
- 6.7. Receive and File Public Works Capital Improvement Project Tracking List... **20**
- 6.8. Receive and File Code Enforcement Statistics for the Month of August 2023..... **21**
- 6.9. Receive and File Contracts Approved Under the City Manager's Signature Authority..... **23**
- 6.10. Consideration of Adoption of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-family and High Density Residential Uses in the Downtown Commercial Zoning District..... **25**
- 6.11. Consideration of Resolution 2023-164, Initiating Proceedings for the Annexation of Tract Number 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1..... **29**
- 6.12. Consideration of Resolution 2023-165, Approving Amendment No. 2 to the Professional Services Agreement (CC00658) with Romo Planning Group, Inc..... **31**
- 6.13. Accept Various Improvements within the Atwell Specific Plan Development (TR37298 PA2) and Authorize a 90% Bond Reduction for Various Improvement Bonds..... **34**

7. PUBLIC HEARING(S)

None

8. REPORTS OF OFFICERS

- 8.1. Cannabis Ad-Hoc Committee Report..... **36**
(Staff Report: Adam Rush, Community Development Director)

Recommendation: Staff recommends City Council provide direction to staff and receive and file this report.

- 8.2. Update on Traffic Signal Sign Replacements within the City of Banning.....**38**
(Staff Report: Nate Smith, Deputy Director of Public Works/City Engineer)

Recommendation: Provide direction to Public Works staff on street name sign replacement preferences and funding strategy.

- 8.3. Consideration and Approval of WSPP Agreement/Confirmation between the City of Banning and the City of Pasadena, CA for the Sale of Project Energy Bundled with the Associated Renewable Energy Credits (RECs)
(Staff Report: Jim Steffens, Acting Electric Utility Director)

Recommendation: Staff recommends that the City Council approve the proposed WSPP Agreement/Confirmation between the City of Banning and the City of Pasadena, CA for the sale of project energy bundled with the Associated Renewable Energy Credits (RECs) and authorize the City Manager to execute the WSPP Agreement/Confirmation on behalf of the City Council.

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) –
Tentatively Scheduled for 10/10
3. Food Desert Zoning Overlay (Minjares)
4. Beautification of San Geronio Overpass Funding (Gonzales) –
Tentatively Scheduled for 10/24
5. Scope and Duties of the Budget and Finance Committee (Wallace) –
Tentatively Scheduled for 10/10
6. Neighborhood Groups/Identities (Minjares)
7. ~~Update on Community Garden (Flynn)~~ To be covered under City Manager's Report
8. ~~Update on Street Sign Replacements (Flynn)~~ Agenda Item 8.2
9. ARE Animal Rescue Contract (Flynn) – *Tentatively Scheduled for 10/24*
10. Policy to Ban Personal Phones on Dais (Flynn) – *Tentatively Scheduled for 10/10*
11. Public Notification Policy for Development Projects (Flynn) – *Tentatively Scheduled for 10/10*
12. Donation Policy (Flynn)
13. Zencity Contract (Flynn)

11. ADJOURNMENT

Next Regular Meeting – October 10, 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.

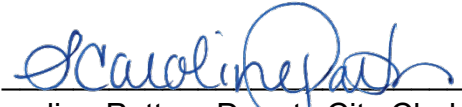
Estándares comunitarios de Zoom para Reuniones Públicas

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 21st day of September 2023.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

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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
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Assistant City Manager

MEETING DATE: September 26, 2023

SUBJECT: Consideration of the Appointment of Two Council Members to the Community Development Block Grant (CDBG) Ad-Hoc Committee for FY 2024/2025

RECOMMENDATION:

Staff recommends the City Council appoint a committee at the September 26, 2023, meeting, consisting of two members from the City Council and the Economic Development Manager, to review and recommend FY 2024/2025 Community Development Block Grant ("CDBG") program applications.

BACKGROUND:

The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. Beginning in 1974, the CDBG program is one of the longest continuously run programs that is federally funded by the U.S. Department of Housing and Urban Development ("HUD"). The CDBG program provides annual grants on a formula basis to 1209 general units of local government and States.

The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the Nation.

Eligible Activities:

- Economic Development
- Job Development
- Youth Services
- Senior Programs
- Health Services
- Public Safety Programs

- Neighborhood Revitalization
- Municipal Services
- Code Enforcement
- Transportation Services
- Housing Assistance/First Time Buyers

CDBG-funded projects **must** satisfy one of three national program objectives:

- Provide a benefit to low- and moderate-income persons,
- Prevent or eliminate slums and blight, or
- Meet other urgent community development needs due to natural disasters or other emergencies.
- Community Centers
- Workforce Development Centers
- Child Care Centers
- Senior Centers
- Health Facilities
- Sheriff/Fire Stations
- Flood and Drainage Facilities
- Water/Sewer Improvements
- Demolition
- Street Improvements/Sidewalks
- Homeless Centers

Riverside County Housing and Workforce Solutions will make the final determination of a project's eligibility.

Below is a schedule of important dates that are necessary to ensure that the City meets Riverside County Housing and Workforce Solutions Agency's application deadline.

9/29/2023	Application Period Opens To The Public.
10/2/2023	Applications due at 4:00 PM (hard copy only)
NO LATER THAN 10/12/2023	Ad-Hoc meeting to review applications and make recommendation.
10/24/2023	City Council to approve applications for submission to Riverside County
12/15/2023	Approved Applications due to Riverside County

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation or City Council action.

ALTERNATIVES:

1. Appoint (2) Ad-Hoc Committee Members
2. Do not appoint committee members and provide alternative direction.

ATTACHMENTS:

None

Approved by:

A handwritten signature in black ink, appearing to read "Douglas Schulze", with a stylized, flowing script.

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: September 26, 2023

SUBJECT: Approval of the Meeting Minutes for the September 12, 2023 City Council Meetings

RECOMMENDATION:

Approve the minutes of the September 12, 2023 City Council Meetings.

ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the September 12, 2023 Special City Council Meeting – Closed Session
https://banningca.gov/DocumentCenter/View/13439/2023-09-12_Minutes_Special-Meeting---Closed-Session
2. Minutes of the September 12, 2023 Regular City Council Meeting – Workshop
https://banningca.gov/DocumentCenter/View/13440/2023-09-12_Minutes_Special-Meeting---Workshop
3. Minutes of the September 12, 2023 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/13441/2023-09-12_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
Cheryl Stafford, Finance Manager

MEETING DATE: September 26, 2023

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

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **August 31, 2023**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	188015-188429	\$ 6,879,122.80	
Voided / Reissue Check		\$ 1,268.08	
Check Total			\$ 6,877,854.72
Wires Total	1119-1121		\$ 4,394,650.98
ACH payments:	9007625-9007657		
Payroll Direct Deposit 8/11/2023		\$ 576,570.02	
Payroll Direct Deposit 8/25/2023		\$ 579,029.33	
Payroll Direct Deposit 8/31/2023		\$ 38,402.69	
Other Payments		\$ 1,229,535.25	
ACH Total			\$ 2,423,537.29
Payroll Checks:	13172-13225		
Payroll - Regular 8/11/2023		\$ 16,030.33	
Payroll - Regular 8/25/2023		\$ 9,214.32	
Payroll Check Total			\$ 25,244.65
Total Warrants Issued for August 2023			\$ 13,721,287.64

ATTACHMENTS:

1. Fund List
<https://banningca.gov/DocumentCenter/View/13449/Attachment-1---Fund-List>
2. Warrant Report August 2023
<https://banningca.gov/DocumentCenter/View/13450/Attachment-2-Warrant-Report-August-2023>
3. Warrant Report Detail August 2023
<https://banningca.gov/DocumentCenter/View/13447/Attachment-3-Warrant-Report-Detail-August-2023>
4. Voided Check Log, Payroll Log & Registers – August 2023
<https://banningca.gov/DocumentCenter/View/13448/Attachment-4-Void-Check-Log-Payroll-Log-and-Payroll-Registers>

Approved by:

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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: September 26, 2023

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

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for August 2023 on this day, **September 26, 2023**, in accordance with California Government Code 53646. The city's investment portfolio is compliant with its Investment Policy and Pooled Cash is expected to meet all disbursement requirements for the next six months.

UNRESTRICTED CASH AND INVESTMENTS:

Cash & Investments	July 2023	August 2023
Institution/Investment Type	Balance	Balance
UNRESTRICTED CASH AND INVESTMENTS		
Funds Under Control of the City:		
Petty Cash / Cash on Hand	\$ 4,055.00	\$ 4,055.00
	\$ 4,055.00	\$ 4,055.00
Checking and Savings:		
Wells Fargo - General Account - XXXX5798	\$ 3,933,327.93	\$ 6,728,006.67
Bank of America - Parking Citations - XXXXXXXX 8776	\$ 139,782.24	\$ 140,031.43
Bank of America - Airport Visa - XXXXXXXX 7548	\$ 516,609.81	\$ 522,468.42
Bank of America - CNG Charge Acct XXXXXXXX 5594	\$ 80,022.50	\$ 79,901.70
	\$ 4,669,742.48	\$ 7,470,408.22
See Investment Report for Details of the following Investments:		
State of California, Local Agency Investment Fund	\$ 27,722,955.50	\$ 27,722,955.50
% of Investments in LAIF	58%	58%
US Bank		
City of Banning Custody Account XXXX6000	\$ 20,345,253.73	\$ 20,346,920.47
Total Unrestricted Cash and Investments	\$ 52,742,006.71	\$ 55,544,339.19

RESTRICTED CASH AND INVESTMENTS:

Cash & Investments	July 2023	August 2023
RESTRICTED CASH AND INVESTMENTS		
Cash with Fiscal Agents		
US Bank		
2015 Water Revenue Bonds-BUA Water Projects - 258228005	\$ 828,856.43	\$ 832,100.23
2019 Wastewater Revenue Bond - 254226002	\$ 230,028.35	\$ 230,030.30
2019 Wastewater Revenue Bonds 254226000	\$ 1.69	\$ 1.69
2019 Wastewater Revenue Bonds - BUA Water Projects - Previous Balance less amount required for Refunding - 254226006	\$ 2,502,743.89	\$ 2,502,765.15
2015 Water Revenue Bonds-BUA Water Projects - 258228000	\$ 2,505.18	\$ 2,505.18
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685003	\$ 703,825.29	\$ 706,579.77
2015 Electric Revenue Bond-Acquisition & Construction Fund - 262685000	\$ 4,690.14	\$ 4,708.50
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Unexpended Proceeds Fund - 277166005	\$ 7,687,026.85	\$ 7,687,059.50
2015 Electric Revenue Bond-Reserve Fund - 262685002 - Market Value	\$ 2,428,543.76	\$ 2,428,543.76
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Principal Acct-789582001	\$ 28,277.97	\$ 28,278.09
Improvement Dist No 2004-1 (Fair Oaks Ranch Estates) Limited Obligation Improvement Bonds Series 2005A Reserve Fund-789582003	\$ 186,054.47	\$ 186,055.26
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Reserve Fund- 277166004 Market Value	\$ 2,205,497.50	\$ 2,205,497.50
Successor Agency of the Dissolved Redevelopment Agency of the City of Banning Tax Allocation Bonds Series 2016 (Taxable) Revenue Fund - 277166000	\$ -	\$ -
CAISO - City of Banning XXXXX6994	\$ 120,474.38	\$ 121,007.89
City of Banning - XXXXX5920 - RPU	\$ 784,516.10	\$ 813,173.61
Cash with Fiscal Agents - US Bank	\$ 17,713,042.00	\$ 17,748,306.43
Restricted Investment in SCPPA Project Stabilization Fund		
Project Stabilization Fund (added to report as of January 2020)	\$ 3,080,144.52	\$ 2,982,703.60
Total Restricted Cash and Investments	\$ 20,793,186.52	\$ 20,731,010.03
Grand Total Cash and Investments	\$ 73,535,193.23	\$ 76,275,349.22

In the classification of “Restricted Funds” above, staff have listed all cash citywide that meets the definition of Restricted Cash and Investments per Generally Accepted Accounting Principles in the United States (GAAP). Restricted and Unrestricted Cash and Investments are the only two classifications for cash according to Government Accounting Standard (GASB) 34 - Basic Financial Statements—and Management’s Discussion and Analysis—for State and Local Governments.

ATTACHMENTS:

1. Cash, Investment and Reserve Report August 2023
<https://banningca.gov/DocumentCenter/View/13438/Attachment-1-Cash-Investment-and-Reserves-August-2023>
2. Investment Report
<https://banningca.gov/DocumentCenter/View/13434/Attachment-2-Investment-Report-August-2023>

3. Broker Report

<https://banningca.gov/DocumentCenter/View/13435/Attachment-3-City-of-Banning-Broker-Report-August-2023>

4. LAIF Market Valuation Report

<https://banningca.gov/DocumentCenter/View/13436/Attachment-4-LAIF-Market-Valuation-August-2023>

5. PMIA-LAIF Performance Report

<https://banningca.gov/DocumentCenter/View/13437/Attachment-5-PMIA-LAIF-Performance-Report-August-2023>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 26, 2023

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

RECOMMENDATION:

Receive and file Receipts, Disbursements, & Fund Balances Reporting for August 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 began providing these reports on a monthly basis in May 2023.

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 August 2023 and Fiscal Year-to-Date 2022-23.

ATTACHMENTS:

1. Receipts, Disbursements, & Fund Balance Reporting – August 2023
<https://stories.opengov.com/banningca/published/9msSyjnMY>

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: Derek Thesier, Police Lieutenant/Acting Chief of Police
Laurie Sampson, Assistant City Manager

MEETING DATE: September 26, 2023

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

RECOMMENDATION:

Receive and file Police Department statistics for the months of August 2023.

BACKGROUND:

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

ATTACHMENT:

1. Police Statistics for August 2023
<https://banningca.gov/DocumentCenter/View/13419/Att-1-STATS-AUGUST>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: September 26, 2023

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

RECOMMENDATION:

Receive and file Fire Department statistics for the month of August 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 August 2023
<https://banningca.gov/DocumentCenter/View/13420/Att-1-Banning-August-2023-Fire-Report>

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: September 26, 2023

SUBJECT: Receive and File 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/13433/Attach-1-CIP-Tracking-Update-91423>

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
Art Chacon, Code Enforcement Supervisor

MEETING DATE: September 26, 2023

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

RECOMMENDATION:

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

BACKGROUND:

Code Enforcement Statistics for August 2023		
	MONTH	YTD
Cases Investigated	—	805
Cases Closed	0	234
All Open Cases	6	112
Citations Paid	\$0	—
Notices to Abate	3	6
Red Tagged Properties	6	6
Apply or Release Lien/Pendency	27	37
Civic Plus Inquiries	72	312
Public Records Request	0	8

Accomplishments:

- The Code Enforcement Department will welcome two new Code Officers in the month of September. This is a net increase of one additional Officer due to the resignation of an Officer in early September.
- The City has submitted reimbursement request for expenses incurred on the OYO HOTEL Code Compliance.
- A Code Compliance Agreement was issued to potential buyer of 2735. If agreement is executed, compliance must be achieved by October 30th.

- A Formal Notice & Order to Abate was posted for 1118 West Ramsey Street (former “Chase bank building”).
- Receivership lawsuits are being drafted for the following properties: 775 E. Lincoln St. and 1979 W. Ramsey St.
- Pending interviews to recruit a Management Analyst to support the Department.

JUSTIFICATION:

The City’s Code Enforcement Division (“Code”) will soon employ three full-time officers that are 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 over 800 open cases, and a Senior-level officer. 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, reduces 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.

Within the previous six 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.
- 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.

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: September 26, 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

ATTACHMENTS:

1. Contracts Approved under City Manager's Signature Authority August 2023
<https://banningca.gov/DocumentCenter/View/13452/2023-09-September-Council-meeting---August-Contract-Data>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam B. Rush, Community Development Manager

MEETING DATE: September 26, 2023

SUBJECT: Consideration of Adoption of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-family and High Density Residential Uses in the Downtown Commercial Zoning District

RECOMMENDATION:

Staff recommends that the City Council conduct second reading, and adopt Ordinance 1596, as read by title only.

BACKGROUND:

Downtown Banning has limited multifamily housing options. The City has not developed new multifamily rental properties in over twenty years, and currently has only **471 market-rate multifamily rental units**. According to the National Association of Realtors®, *The U.S. rental vacancy rate edged slightly higher to 7.1 percent in 2018 Q3, but this is still below the 7.5 percent vacancy rate in 2017 Q3. The U.S. rental vacancy rate averaged 9.6 percent from 2000 Q1 through 2011 Q4, so rental vacancy rates are still trending below historical levels. Low vacancy rates indicate that the multi-family real estate market still has a growth potential in several metros in 2019.*¹ Since 2020, there has been a surge of over a 1,000 single-family homes permits issued in the City. In contrast, the City has not issued a new construction permit, for multi-family dwellings, in over five years. In order to satisfy the requirements under the City's Housing Element, a greater diversity of housing stock is necessary.

Creating and Preserving Destinations:

Existing destinations are those uses which currently attract a significant number of people, such as City Hall, Central Elementary School, and Banning Village Market are examples of destinations of necessity, while the Fox Theater and Station Tap House Bar

¹ Multi-family Rental Market Still Strong in Many Metros in 2019., National Association of Realtors. March 5, 2019.

and Grill are examples of leisure destinations where people come for a particular experience. Several of the uses which attract the largest number of people are destinations which contain uses or structures not compatible with a downtown urban design setting. These “pass-through assets” are more likely to be visited for a short period of time, with on-site parking leading to a “grab and go” type of experience which provides less opportunities to capture greater amounts of visitor time and expenditure. Examples are Jack in the Box and Parts Authority, an auto parts store which is one of the highest sales tax generator in the Downtown District.



① Fox Cineplex is D'Place



② The Station Taphouse Bar and Grill



③ Jitterz Coffee at The Haven

Good Quality Buildings:

The City of Banning was incorporated in 1913, and much of the building fabric of Downtown dates from the years prior to World War II, when development in the American Main Street tradition was at its peak. This town-building tradition, which incorporated various architectural styles, prioritized one and two-story storefront buildings which open onto sidewalks and engage the street with transparent windows, creating a human scale and pedestrian orientation which enriched their downtowns as districts. The Jitterz Coffee® building, is a large two-story brick building with a clock tower at the corner of Ramsey Street and San Gorgonio Avenue. This building is the most prominent example of this town-building tradition; however, other structures throughout the District are visible. Example of this include, the block of San Gorgonio Avenue between Hays and Williams Streets, which also includes newer structures built in the main street tradition.

Commuting Statistics:

The majority of Banning residents work outside of the City, many commuting greater than 25 miles to get to work. Employment centers for Banning residents are mainly in San Bernardino, Riverside, and Palm Springs. Only 1,440 people both live and work in Banning. Nearly 75% of employees in the city commute into Banning. The largest employers in Banning are the Banning Unified School District, the San Gorgonio Memorial Hospital, the Smith Correctional Facility and the Banning Justice Center.²

² City of Banning; Riverside County; Census on the Map; ESRI; RCLCO

Transit:

The City of Banning's Short Range Transit Plan (2021) outlines Banning's Transit service including Banning Connect services. Transit routes 1, 5, and 6 travel through Downtown Banning connecting to services and retail. The plan mentions there are nine bus shelters with intent to add shelters to the bus locations that do not have one. There are 10 stops within the study area, four of which have shelters and benches, while the remaining six stops only have benches, leaving transit riders to be exposed to the sun.

JUSTIFICATION:

The Downtown Banning is formally defined as easterly of 8th Street, northerly of Livingston St./Interstate 10 Freeway, southerly of Williams St., and westerly of Hargrave St. (with certain boundary exceptions). The layout of the Downtown area provides multiple opportunities for high-density/multi-family housing, by offering parcels of land, outside the public right-of-way, which have the opportunity to be developed. Vacant, and underutilized parcels typically include access to infrastructure (e.g., water, sewer, electric, gas, telecom, etc.) which removes the barriers to entry that can add time and cost to residential projects.

Vacant Lots:

Vacant lots are located throughout the Downtown on almost every block, contributing to the sense of economic stagnation and reducing walkability in the area.

City-Owned Opportunity Sites:

The City controls many sites whose development it can incentivize through land write downs or other means, for catalytic development with potential public benefit elements (e.g. open space, affordable housing, public parking).

Repurpose Potential (Good Quality Buildings):

Some good-quality structures are partially or fully unoccupied and present opportunities to be leased for uses that bring economic activity to the Downtown. Examples include the commercial space in the historic 199 W Ramsey St mixed-use building, which fronts on an entry plaza and could be used for a restaurant or other public-facing use, and the vacant, recently renovated office building at 66 N 1st St.



① Repurpose Potential (Banning Hotel today and historically, when it advertised a cafe)



② Vacant lot next to Boys and Girls Club



③ Redeveloped but unoccupied

ENVIRONMENTAL DETERMINATION:

Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State 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.

FISCAL IMPACT:

The costs associated with preparing the Ordinance Amendment is minimal. Future residential or mixed-use development will be paid for through the submittal of developer fees.

ALTERNATIVES:

1. Adopt the Ordinance as recommended.
2. Provide alternative direction to staff.

ATTACHMENTS:

1. Ordinance 1596 – Establishing a Downtown District Ordinance Amendment
<https://banningca.gov/DocumentCenter/View/13423/Att-1-Ordinance-1596-Downtown-Zoning-Overlay>
2. Notice of Exemption
<https://banningca.gov/DocumentCenter/View/13421/Att-2-NOE>
3. Proof of Publication
<https://banningca.gov/DocumentCenter/View/13422/Att-3-Proof-of-Publication>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: September 26, 2023

SUBJECT: Consideration of Resolution 2023-164, Initiating Proceedings for the Annexation of Tract Number 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District No. 1

RECOMMENDATION:

Adopt Resolution 2023-164, Initiating Proceedings for the Annexation of Tract Number 32370 (Annexation No. 2) to the City of Banning's Landscape Maintenance District (LMD) No. 1 in order to levy and collect assessments of the area pursuant to the "Landscaping and Lighting Act of 1972."

BACKGROUND:

In accordance with the "Landscaping and Lighting Act of 1972" ("1972 Act") of the Streets and Highways Code, the City Council adopted a resolution on August 14, 1990 ordering the formation of Landscape Maintenance District (LMD) No. 1, ("the District") the boundaries of which are shown in Attachment "2." An additional five tracts and three tentative tracts were annexed (Annexation No. 1) into LMD No. 1 when the City Council approved Resolution No. 2005-36 on May 10, 2005. The District, by special benefit assessments, provides funding for the servicing and maintenance of certain landscape areas within the City of Banning, all of which are located in the public right-of-way. The 1972 Act requires that assessments are to be levied according to benefit rather than according to assessed value.

Resolution No. 2023-164 will initiate the proceedings to annex Tract Number (TM) 32370 (19 lots), known as Canterbury, to LMD No. 1. The boundaries of TM 32370, Annexation No. 2, are also shown in Attachment "2." A tentative schedule for annexing Tract Number 32370 to the District as required by the "1972 Act" is included as Attachment "3."

JUSTIFICATION:

The City Council approved the formation of the District by adopting Resolution No. 1990-59 on August 14, 1990. The adoption of Resolution No. 2023-164 will enable the consultant, Webb Municipal Finance, LLC, to prepare and file the Engineer's Report in conjunction with the City Engineer and meet the legal requirements of annexing property to LMD No. 1.

The Conditions of Approval for Tract No. 32370 included a requirement to participate in LMD No.1 (see attachment 4).

FISCAL IMPACT:

The LMD No. 1 Annexation fee has been paid by the developer of Canterbury, Crestwood Communities, to pay for the consultant and Public Works Dept. staff time costs to complete the annexation process. A cost analysis will be performed by the consultant, Webb Municipal Finance, LLC, to determine the annual Assessment Unit cost for each of the nineteen (19) homes in the tract.

ALTERNATIVES:

1. Adopt Resolution 2023-164 as recommended.
2. Adopt Resolution 2023-164 with modifications.
3. Do not approve Resolution 2023-164 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-164
<https://banningca.gov/DocumentCenter/View/13432/Attach-1-Reso-2023-164-LMD-Annexation-of-Tract-32370>
2. LMD No. 1 Map, Annexation No. 2 Boundary and LMD Area Maps
<https://banningca.gov/DocumentCenter/View/13430/Attach-2-Maps>
3. Tentative Schedule for Annexation No. 2 Proceedings
<https://banningca.gov/DocumentCenter/View/13431/Attach-3-Tentative-Schedule-for-Annexation-No-2-to-LMD-No-1>
4. Resolution 2005-074
<https://banningca.gov/DocumentCenter/View/13429/Attach-4-CC-Resolution-No-2005-074>

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: September 26, 2023

SUBJECT: Consideration of Resolution 2023-165, Approving Amendment No. 2 to the Professional Services Agreement (CC00658) with Romo Planning Group, Inc.

RECOMMENDATION:

Staff recommends the approval of Resolution 2023-165:

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 \$692,000.
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 24, 2024 and in an amount not to exceed \$692,000.

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 \$692,000. 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 24, 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).

<u>Year</u>	<u>Estimated Amount</u>
2022/2023	\$82,000
2023/2024	\$98,800

ALTERNATIVES:

1. Adopt Resolution 2023-165 as recommended.
2. Adopt Resolution 2023-165 with modifications.
3. Do not approve Resolution 2023-165 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2023-124
<https://banningca.gov/DocumentCenter/View/13424/Att-1-Resolution-2023-165-Romo-Planning-Group>
2. Draft Professional Services Agreement
<https://banningca.gov/DocumentCenter/View/13425/Att-2-Draft-Professional-Services-Agreement>

Approved by:

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

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: September 26, 2023

SUBJECT: Accept Various Improvements within the Atwell Specific Plan Development (TR37298 PA2) and Authorize a 90% Bond Reduction for Various Improvement Bonds

RECOMMENDATION:

City Council accept various public improvements constructed within the Atwell Specific Plan development and authorize a 90% bond reduction for said improvements.

BACKGROUND:

On December 10, 2019, City Council adopted Resolution 2019-150 approving Final Tract Map No. 37298, releasing the map 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.

A condition of the development, Tri-Pointe Homes was required to sign a Subdivision Improvement Agreement and submit bonds to assure the City that the required public improvements including street, sewer, water, non-potable water and storm drain improvements are constructed according to City standards and specifications.

JUSTIFICATION:

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

<u>Bond #</u>	<u>Bond Amount</u>	<u>Improvements</u>
CMS331824	\$515,188.50	PA2 Sewer
CMS331825	\$44,183.00	PA2 Storm Drain
CMS331826	\$487,818.50	PA2 Water
CMS331827	\$833,952.98	PA2 Street

FISCAL IMPACT:

Not applicable

ALTERNATIVES:

1. Do not accept staff's recommendation and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2019-150
<https://banningca.gov/DocumentCenter/View/13427/Att-1-CC-Resolution-No-2019-150>
2. Subdivision Improvement Agreement TM 37298
<https://banningca.gov/DocumentCenter/View/13428/Att-2---SIA-37298>

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: September 26, 2023

SUBJECT: Cannabis Ad-Hoc Committee Report

RECOMMENDATION:

Staff recommends City Council provide direction to staff and receive and file this report.

BACKGROUND:

The City Council appointed an Ad-Hoc Committee consisting of Mayor Sanchez and Council Member Minjares. The purpose being to review potential changes, updates, and new regulations associated with the City's Cannabis Program.

JUSTIFICATION:

The City Council has the authority to appoint an Ad-Hoc Committee when policy matters require deliberative research by City staff and substantial contributions of time and resources are not possible in the context of a regular Council meeting.

The Ad-Hoc Committee is required to make regular updates to the City Council as efforts progress on the subject matter of the Committee.

Analysis:

The Ad-Hoc Committee last met on August 15, 2023 where Mayor Sanchez and Council Member Minjares were both in attendance. The meeting was also attended by Adam Rush, Community Development Director; Mary Yaryan, Associate Planner; and Maricela Marroquin and Steven Flower, both from the City Attorney's Office.

The Committee Meeting Agenda consisted of the following topics:

1. "Lift" or increase the CAP on Retail Dispensaries
2. Expand Retail Dispensaries into the General Retail (GC) Zoning District
3. Expand Micro-businesses into either the H-SC and/or GC Zoning Districts

4. Update Design Guidelines/Standards for Cultivation Operations – Odor Reduction
5. Modify the collection of Cannabis Tax Revenue from annually to quarterly.
6. Reconcile new/updated state laws and regulations with Ordinance Text.

The Committee directed staff to create a series of maps identifying the boundaries of a “Retail Cannabis Overlay” within the General Commercial Zoning District (Highland Springs Ave. to Sunset Ave.). This “Overlay” would potentially exclude properties that are within 600-feet of sensitive uses, such as: Schools (K-12); Playgrounds, Day Care/Pre-schools, Churches, and Senior facilities. The existing 200-foot setback from residential could possibly be increased to match.

Pending the results of this land use exercise, the Committee could then recommend and increase to the Retail Cannabis “CAP” by at least two (2) additional dispensary licenses.

With respect to Commercial Cannabis Cultivation, the Committee instructed staff to prepare a series of maps identifying both a 600-foot and 1,000-foot setback from existing, planned, or zoned residential dwellings.

Lastly, the Committee rejected any additional expansion of Cannabis Microbusinesses into the Commercial Zoning Districts.

Items IV through VI, as referenced above, were previously discussed and agreed to.

FISCAL IMPACT:

The cost of supporting the Ad-Hoc Committee is minimal. However, the preparation of an ordinance amendment will require an allocation of funding, of which the amount is undetermined at this time (cost is contingent upon the size and scope of the Ordinance Amendment).

ATTACHMENTS:

1. Zoning Map
<https://banningca.gov/DocumentCenter/View/13426/Att-1-GC-HSC-Parcels---Occupied-Parcels>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works
Nate Smith, Deputy Director of Public Works/City Engineer

MEETING DATE: September 26, 2023

SUBJECT: Update on Traffic Signal Sign Replacements within the City of Banning

RECOMMENDATION:

Provide direction to Public Works staff on street name sign replacement preferences and funding strategy.

BACKGROUND:

On April 11, 2023, the Public Works Department presented to Council about ongoing street sign updates citywide. Council commented a desire to see street name signs on traffic signals to be updated to encourage investment and replace faded and weathered street name signs.

In the intervening months, the Public Works Department switched traffic signal service providers. After this change, the department has continued to solicit input and bids for vendors. The following information presents questions requesting direction from City Council.

Traffic Signals on Ramsey Street show various states of wear, different signage types, and different attachment to the traffic signal poles. Descriptions of these various types are described below:



STREETS NAMES SIGNS

1. Unlit Street Name Sign Board: This is the simplest type of signage and cheapest signage. Replacing these signs with lit board would require updates to the traffic signal to add power and controls for the signage that does not exist today.
2. "A" Body Internally Illuminated Street Name Sign: This type is most commonly used in the City. The lighting element is within the box, slightly angled down towards the roadway, and has placards inserted within the box for street name information. Placards can be replaced as necessary at relatively small cost.



3. Edge Lit or Slim LED Internally Illuminated Street Name Sign: This type is specified for new traffic signal installations, and is seen around the Atwell community (for Banning streets). Costs are higher than "A" Body IISNS. These can replace "A" Body signs on existing signals.

STREET NAME SIGN MOUNTING

1. Mounted to Mast Arm: This connection type is prevalent for signals on Ramsey Street and east of the Highland Springs Corridor.
2. Davit Arm Sign: This connection type is more prevalent on the Highland Springs Corridor, and are exemplified by the new signals adjacent to the Atwell Community



CURRENT PROPOSED UPGRADES

The City of Banning was awarded a Highway Safety Improvement Program Cycle 11 grant from Caltrans to upgrade traffic signal hardware throughout the City. This grant includes installation of yellow reflective backplates at signal heads, installation of pedestrian countdown heads, and accessible pedestrian signals that will add a chirp for

visually impaired citizens. If updates to signage are requested, it would be advisable to make those changes with the other traffic signal upgrades. The Public Works department anticipates a grant agreement letter by the end of this calendar year. An RFP would be issued shortly after receiving the funding agreement letter to bring back to council for award of design. Upon design completion, an RFP for construction could be issued.

JUSTIFICATION:

Traffic Sign Street Name signage throughout the City is in various states of wear and do require attention. Many signs do not reflect the current City Logo, but are in acceptable condition. Establishment of goals from Council will assist the Public Works Department in creating appropriate project design scope.

FISCAL IMPACT:

Maintenance of traffic signals is from the Streets Division budget, generally funded by gas-tax receipts from the State. If additional funds to implement a design goal are necessary, Measure A funds, which are generally utilized for annual street repaving projects, can be utilized to fund a deficiency.

There is no direct fiscal impact at the time of this report. Any appropriations or funding requests would be brought back to council prior to the award of contract.

ALTERNATIVES:

None

ATTACHMENTS:

None

Approved by:

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

Douglas Schulze
City Manager