



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

**MINUTES
CITY COUNCIL**

**9/12/2023
REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member Reuben Gonzales
Council Member Rick Minjares
Mayor Pro Tem Colleen Wallace

COUNCIL MEMBERS ABSENT: Mayor Alberto Sanchez

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager
Marie Calderon, City Clerk
Art Vela, Director of Public Works
Adam Rush, Community Development Director
Lincoln Bogard, Administrative Services Director
Jim Steffens, Acting Electric Utility Director
Brandon Robinson, Electrical Engineering Supervisor
Barbara Mason, Purchasing Manager

1. CALL TO ORDER

Mayor Pro Tem Wallace called the regular meeting to order at 5:11 p.m.

1.1. Invocation – Pastor Nate Rodriguez of Infinite Center led the invocation.

1.2. Pledge of Allegiance – Council Member Gonzales led the Pledge of Allegiance.

1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	X	
Gonzales, Reuben	X	
Minjares, Rick	X	
Sanchez, Alberto		X
Wallace, Colleen	X	

2. **AGENDA APPROVAL**

2.1. Approve Agenda

Motion to approve the agenda.

Motion by Council Member Flynn

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Gonzales, Reuben	✕				
Minjares, Rick		✕			
Sanchez, Alberto					✕
Wallace, Colleen		✕			

Motion failed by a vote of 2-2, with 1 absence.

Motion to approve the agenda removing 8.10.

Motion by Council Member Minjares

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Gonzales, Reuben	✕				
Minjares, Rick	✕				
Sanchez, Alberto					✕
Wallace, Colleen	✕				

Motion approved by a vote of 3-1, with 1 absence.

3. **PRESENTATIONS**

3.1. Proclamation – Hispanic Heritage Month

Ralph Wright accepted the proclamation on behalf of the City's Parks and Recreation Department and invited City Council to the second annual Hispanic Heritage Celebration the evening of Saturday, September 23rd at Repplier Park.

3.2. GHJ Advisors Auditor Presentation – Peter Brown

4. **REPORT ON CLOSED SESSION**

Serita Young, City Attorney, reported on the closed session beginning at 3:30 p.m. For items 3.1 through 3.3, direction was provided to Counsel and no final or reportable actions were taken.

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

5.1. PUBLIC COMMENTS

The following individuals addressed City Council during Public Comment:

- Frank Burgess
- Kathy Aranda
- Kathleen Dale
- Jon Hagen
- Diego Rose
- Oleg Ivaschuk
- Richard Royce
- Donald Bradshaw

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Council Member Minjares said he would be representing the City at the upcoming CalCities conference.

Council Member Flynn reported on a Riverside County Transportation Commission (RCTC) meeting and Stagecoach Days. She said the entire Council would be attending the CalCities conference next week.

Mayor Pro Tem Wallace reported on a meeting with the Southern California Association of Governments (SCAG) and traveling to Atlanta for the Community Action Committee.

5.5. CITY MANAGER REPORT

City Manager Schulze responded to several public comments.

5.6. CITY ATTORNEY REPORT

City Attorney Young had no report.

5.7. CITY TREASURER REPORT

Treasurer Geronimo reported on the Budget and Finance Committee and the City's budget.

6. CONSENT AGENDA

- 6.1. Approval of Minutes of the August 15 and August 22, 2023 City Council Meetings
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of July 31, 2023
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of July 2023
- 6.4. Consideration of Resolution 2023-156, Accepting a Department of Alcoholic Beverage Control (ABC) 2023/2024 Alcohol Policing Partnership (APP) Grant Award of \$60,000
- 6.5. Authorize the City Manager to Sign the Notice of Completion for Project No. 2022-09W, "Altitude Valves at the San Gorgonio Reservoirs" as Complete and Direct the City Clerk to Record the Notice of Completion
- 6.6. Consideration of Resolution 2023-09 UA, Approving the Sixth Amendment to the Maintenance and Operations Agreement with Veolia Water Contract Operations USA, Inc. to Extend the Term of the Agreement for Three Additional Years
- 6.7. Second Reading and Adoption 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)
- 6.8. Consideration of Resolution 2023-163, Approving the Amended Agreement for Participation in the County of Riverside's Urban County Program for Fiscal Years 2024-2025, 2025-2026, and 2026-2027

Public Comment

- Frank Burgess

Motion to adopt consent agenda items 6.3 through 6.8.

Motion by Council Member Flynn

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

6.1. Approval of Minutes of the August 15 and August 22, 2023 City Council Meetings

Motion to adopt the minutes for the August 15, 2023 meeting of the City Council as amended.

Motion by Council Member Flynn
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick			X		
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 3-0, with 1 absence and 1 abstention.

Public Comment
None

6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of July 31, 2023

Public Comment

- Kathleen Dale
- Diego Rose

Motion to approve and ratify the accounts payable and payroll warrants issued in the month of July 31, 2023.

Motion by Council Member Flynn
Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

7. PUBLIC HEARING(S)

7.1. Consideration of the Second Reading and Adoption of Ordinance 1595, Amending Chapters 8.16 of the Banning Municipal Code by Adopting by

Reference, with Amendments to Chapter 1, Section 105.3.1 and 108.2 of the 2022 Edition of the California Fire Code, to Incorporate Annual Inspections of Existing and Future Businesses and Their Operations, located in the City of Banning

Adam Rush, Community Development Director, presented the staff report.

Public Comment

- Diego Rose
- Paul Lindley
- Frank Burgess

Motion to adopt Ordinance 1595.

Motion by Council Member Gonzales
Seconded by Council Member Minjares

City Clerk Calderon read the Ordinance by title only.

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

Mayor Pro Tem Wallace announced a recess at 6:40 p.m. The meeting was reconvened at 6:56 p.m.

- 7.2. Consideration of Introduction and First Reading of Ordinance 1596, Establishing Amended Uses and Adding Development Standards for Multi-family and High-Density Residential Uses in the Downtown Commercial Zoning District

Adam Rush, Community Development Director, presented the staff report.

Public Comment

- John Hagen
- Diego Rose
- Laura Leindecker
- Bud Lamers

Motion to introduce, conduct first reading, and waive further reading of Ordinance 1596.

Motion by Council Member Minjares
Seconded by Council Member Flynn

City Clerk Calderon read the Ordinance by title only.

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

8. REPORTS OF OFFICERS

- 8.1. Consideration of Resolution 2023-153, Approving Amendment 1 to the Professional Services Agreement with Albert A. Webb Associates, Inc. for an Additional Amount of \$20,000 for the Design of the Ramsey Street and Omar Street Intersection Improvements and Extending the Term of Agreement to July 5, 2025

Art Vela, Director of Public Works, presented the staff report.

Public Comment

- Diego Rose
- Bud Lamers

Motion to adopt Resolution 2023-153.

Motion by Council Member Gonzales
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

Mayor Pro Tem Wallace announced a recess at 8:24 p.m. The meeting was reconvened at 8:39 p.m.

8.2. Discussion and Consideration of Resolution 2023-154, Approving the Electric Utility Power Source Disclosure Annual Report and Power Content Label for Calendar Year 2022

Jim Steffens, Acting Electric Utility Director, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-154.

Motion by Council Member Minjares

Seconded by Council Member Gonales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 absence.

8.3. Consideration of Resolution 2023-155, Awarding a Design-Build Agreement to EFS West for the Compressed Natural Gas Fueling Station in the Amount of \$3,543,013 and Approving a 10% Contingency for a Total Project Budget of \$3,897,314 and Approving Amendment 3 with STV Incorporated for Support Services in the Amount of \$109,000

Art Vela, Director of Public Works, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-155.

Motion by Council Member Minjares

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 absence.

- 8.4. Consideration of Resolution 2023-157, Approval of the Emergency Purchase of Two (2) 34.5kV Potential Transformers from City of Pasadena Water & Power of Pasadena, CA and Substation Testing Services from Electric Power Systems International, Inc. of Santa Ana, CA in the Amount of \$26,986.60

Brandon Robinson, Electrical Engineering Supervisor, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-157.

Motion by Council Member Gonzales

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

- 8.5. Consideration of Resolution 2023-158, Ratifying Previous Task Orders and Approving The Continued Use Of Professional Service Agreements For Energy Efficiency Programs Through The Southern California Public Power Authority (SCPPA)

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comment

- Bud Lamers

Motion to adopt Resolution 2023-158.

Motion by Council Member Gonzales

Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

8.6. Consideration of Resolution 2023-159, Approving a Revision to Classification and Compensation Plan

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-159.

Motion by Council Member Minjares

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		X			
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 3-1, with 1 absence.

8.7. Consideration of Resolution 2023-160, Approving a Budget Allocation and Approval to Update the City Computer Network Infrastructure

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comment

- Tracy Mahoney
- Virginia Cervantes

Motion to table this item and approve a one-year extension to the current cybersecurity agreement.

Motion by Mayor Pro Tem Wallace

No second. Motion failed.

Motion to adopt Resolution 2023-160 with a modification of approving a two-year term for a total not-to-exceed amount of \$210,000.

Motion by Council Member Flynn

Seconded by Council Member Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				

Gonzales, Reuben	X	
Minjares, Rick	X	
Sanchez, Alberto		X
Wallace, Colleen	X	

Motion approved by a vote of 4-0, with 1 absence.

Motion to continue the meeting past 10:00 p.m.

Motion by Council Member Minjares
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

Mayor Pro Tem Wallace announced a recess at 10:12 p.m. The meeting was reconvened at 10:20 p.m.

- 8.8. Consideration of Resolution 2023-161, Approving Amendment No. 6 to the Professional Services Agreement with Engineering Resources of Southern California (ERSC) to Increase the Total Compensation by \$128,052.19 for Plan Check, Inspections and Related Administrative Services

Art Vela, Director of Public Works, presented the staff report.

Public Comment

None

Motion to adopt Resolution 2023-161.

Motion by Council Member Minjares
Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

8.9. Consideration of Resolution 2023-162, Consolidated Approval of Software-as-a-Service Products Utilized Citywide

Lincoln Bogard, Administrative Services Director, and Barabara Mason, Purchasing Manager, presented the staff report.

Public Comment

- Alejandro Geronimo

Motion to adopt Resolution 2023-162.

Motion by Mayor Pro Tem Wallace

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✗				
Gonzales, Reuben	✗				
Minjares, Rick	✗				
Sanchez, Alberto					✗
Wallace, Colleen	✗				

Motion approved by a vote of 4-0, with 1 absence.

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

Pulled from the agenda under agenda item 2.1.

8.11. Phase 2 of Forensic Investigation into the Electric Enterprise

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comment

- Jason Smith

Motion to approve Phase 2 of the Forensic Investigation into the Electric Enterprise and authorize RFP/RFQ for citywide investigation.

Motion by Council Member Flynn

Seconded by Council Member Gonzales

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	X				
Gonzales, Reuben	X				
Minjares, Rick	X				
Sanchez, Alberto					X
Wallace, Colleen	X				

Motion approved by a vote of 4-0, with 1 absence.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

1. Zencity Contract (Flynn)


10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Potential Grants to Fund Playhouse Bowl Improvements (Sanchez) – Tentatively Scheduled for 9/26
3. Food Desert Zoning Overlay (Minjares)
4. Beautification of San Gorgonio 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) – Tentatively Scheduled for 9/26
8. Update on Street Sign Replacements (Flynn) – Tentatively Scheduled for 9/26
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 9/26
12. Donation Policy (Flynn)

11. ADJOURNMENT

The meeting was adjourned at 10:53 p.m.

Minutes Prepared by:


 Caroline Patton, Deputy City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting may be viewed here:

<https://banninglive.viebit.com/index.php?folder=City+Council+Meetings>

All documents related to this meeting are available here:

<http://banning.ca.us/ArchiveCenter/ViewFile/Item/2894>

ATTACHMENTS:

Exhibit A – Public Comment Received (after Public Comment period)

Exhibit B – Agenda Item 7.1: Staff Presentation

Exhibit C – Agenda Item 7.2: Staff Presentation

Exhibit D – Agenda Item 8.2: Staff Presentation

Exhibit E – Agenda Item 8.5: Staff Presentation

Exhibit F – Agenda Item 8.6: Staff Presentation

Exhibit G – Agenda Item 8.7: Staff Presentation

Exhibit H – Agenda Item 8.9: Staff Presentation

Exhibit I – Agenda Item 8.11: Staff Presentation

EXHIBIT A

Sunset Wilson Project (CUP 23-8005/DR 23-7002) 9/6/23 Planning Commission Non-agenda Comments Submitted by Kathleen Dale

The Planning Commission approved Conditional Use Permit (CUP) 23-8005 and Design Review (DR) 23-7002 on July 12, 2023, for a 186-unit multiple-family residential development located north east of West Wilson Street and Sunset Avenue. The approval also included density bonus and affordable housing aspects for which case number references were not disclosed. Residents of the adjoining neighborhood opposed this project at the July 12th hearing. They also spoke at the August 22, 2023 City Council meeting, asking for reconsideration of the approvals based on allegations that efforts to appeal were thwarted.

The project record shows many errors, inconsistencies, and misrepresentations regarding this project. **The facts show that under applicable provisions of the Banning Municipal Code (BMC), the CUP approval is null and void¹.** Supporting facts include:

1. The number of units approved under the CUP is in violation of the Municipal Code. It is improper to use the 34.6-acre overall area of Tract 36939 to determine the maximum number of units. Three lots within the tract were deeded to the City of Banning in 2019. These lots were accepted for open space (4.63 acres for fault setback) and water quality basins (0.75 and 0.52 acres) that have no residential development potential. Using the area of the 98 residential lots and associated internal streets (28.7 acres), a maximum of 143 units is allowed under the Municipal Code. If the internal streets must also be removed from the calculation, the maximum number of units would be approximately 25% lower (about 108 units). Also see page 4.

2. Are the applications in conformance with the Municipal Code? BMC Section 17.48.020 requires that the property owner sign or authorize all applications. The notices and reports variously identify the property owner as Banning Wilson 97, LLC or WJK Development. Riverside County Recorder records indicate the property consisting of the 98 residential lots was sold on August 1, 2023, transferring from Banning Wilson 97, LLC to RSI Homes, LLC. If the project applications were not signed or authorized by Banning Wilson 97, LLC, the application was in violation of BMC Section 17.48.020. If the applications are considered to include parcels owned by the City, Flood Control and/or Loma Linda University, then signatures or authorizations from these entities would also be required. A public records request (23-309) for the CUP and DR applications was submitted on 8/25/23 and is unanswered as of 9/6/23.

3. The California Environmental Quality Act findings are inconsistent with the project record and are not in compliance with California Public Resources Code. The notices, agendas and reports identify the proposed CEQA compliance documentation as either a Notice of Exemption or an addendum to the previously-adopted Mitigated Negative Declaration (MND) for Tract 36939. However, the staff report (see 7/12/23 staff report, Attachment 4, page 10) identifies a new potentially significant effect and new mitigation measures to reduce vehicle miles travelled and to

¹ Banning Municipal Code (BMC) Section 17.04.090B provides that an application approved in violation of the Zoning Ordinance is null and void. Further, BMC Section 17.52.100 grants the Commission authority to revoke or modify CUPs. Three of the five specified circumstances for revocation/modification appear to apply in this case, namely 1) circumstances have changed such that required findings cannot be made; 2) the CUP was obtained by misrepresentation, misinformation, or fraud; or 3) the use is in violation of any statute, ordinance, law, or regulation. The cited BMC sections are reproduced on page 3.

Sunset Wilson Project (CUP 23-8005/DR 23-7002)
9/6/23 Planning Commission Non-agenda Comments
Submitted by Kathleen Dale

reduce greenhouse gas emissions. In these circumstances, a subsequent MND or a new MND, and a new or revised Mitigation Monitoring and Reporting Program (MMRP) are required.

Commissioners should be aware that when you approve an addendum, you must consider the adopted MND and MMRP in conjunction with the proposed addendum (State GEQA Guidelines Section 15164). As the prior documents were not in the agenda packet, it seems this was not so.

4. The CUP approval is in violation of BMC Section 17.08.140 (Multi-family housing standards). The Planning Commission materials are silent to the requirement of BMC Section 17.08.140I, which requires review and approval of security and management plans. The project may also be in violation of provisions related to required open space area (BMC Section 17.08.140A; 30% of site to be useable open space) and number of recreational amenities (BMC Section 17.08.140C; four recreational amenities required for 101 to 200 units).

5. Is a lot merger required? If the larger common open space configuration west of Eclipse Drive is the approved plan (encompasses six underlying lots), the approval is in violation of the Subdivision Map Act and BMC Sections 16.32.010 and 16.32.040 (requirements for lot merger).

6. The density bonus approval appears to be in violation of BMC Section 15.60.120. The Municipal Code requires that a density bonus be considered with the first approval of a residential development, which in this case was the tentative subdivision map approval in January 2016 ("First approval" is defined in BMC Section 15.60.020).

Additional questions and observations:

A. Does the Commission or the public know which project layout was approved? Multiple layouts for the common open spaces were presented in the agenda materials (see page 5). It is not clear which of these areas or combination of these areas is the approved plan.

B. Will the project receive financial assistance from the City? The July 12, 2023 staff report (page 4) indicates the applicant requested no financial assistance; while the Affordable Housing Plan and Density Bonus Application (Attachment 3) includes a request for waiver of impact, plan check and inspection fees for the affordable units.

C. Is there a recorded Environmental Constraints Sheet for Tract 36939? The conditions for Tract 36939 (CDD COA 23) required recordation of an Environmental Constraints Sheet concurrent with the final map. In searching County online records, it appears this may not have happened.

D. Have fuel modification requirements of Tract 36939 been considered? The conditions of approval for the subdivision include requirements for fuel modification due to fire hazards (CDD COA 14C). The current project record does not address the applicable area or affected lots.

E. Did the City Council receive notice of the Planning Commission action? BMC Section 17.68.060 requires that all Planning Commission decisions, with conditions of approval, are to be sent to the Mayor and City Council. Based upon input from a Council member, it does

Sunset Wilson Project (CUP 23-8005/DR 23-7002)
9/6/23 Planning Commission Non-agenda Comments
Submitted by Kathleen Dale

not appear that this requirement was met. This requirement presumably relates to the provisions of BMC Section 17.52.130, which allow any City official to appeal CUP decisions.

F. Did the Commission consider the mitigation measures adopted with the prior MND and have they been carried forward for this project? The adopted MMRP includes several mitigation measures that remain relevant, including burrowing owl pre-construction surveys, native plant recovery, grading monitoring (for archaeological, paleontological and cultural resources, earthquake fault setback, fuel modification, and hazard analysis).

G. Project phasing. This question came up during the Commissioner's questions in the July 12, 2023 hearing. The project representative indicated this has not been determined yet. The Commission should be aware that phasing of CUPs is vested with the Planning Commission (BMC Section 17.52.070).

17.04.090 - General requirements.

- A. Application. All land or structures shall be used and constructed in accordance with the regulations and requirements of this Zoning Ordinance, including obtaining applicable permits prior to use initiation.
- B. Conflicting Permits And Licenses To Be Voided. All permits or licenses shall be issued in conformance with the provisions of this Zoning Ordinance. Any permit or license subsequently issued and in conflict with this Zoning Ordinance shall be null and void.

17.52.100 - Revocation.

- A. The Commission shall hold a public hearing to revoke or modify a Conditional Use Permit granted pursuant to the provisions of this chapter, or extended by the Community Development Director. At least ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.
- B. A Conditional Use Permit may be revoked or modified by the Commission if any one (1) of the following findings can be made:
 - 1. Circumstances have changed so that one or more of the findings contained in Section 17.52.050 can no longer be made;
 - 2. The Conditional Use Permit was obtained by misinformation, misrepresentation or fraud;
 - 3. The use for which Conditional Use Permit was granted has ceased or was suspended for six (6) or more consecutive calendar months.
 - 4. One or more of the conditions of the Conditional Use Permit have not been met;
 - 5. The use is in violation of any statute, ordinance, law, or regulations.

(Zoning Ord. dated 1/31/06, § 9113.010.)

Project Limits Confusion

The image below is consistently included in notices and reports to define the project boundary. This boundary includes several parcels owned by the City (basins, streets, and earthquake setback), Riverside County Flood Control (Montgomery Channel), and Loma Linda University (area south of Montgomery Channel). The City and Flood Control parcels have no development potential (due to recorded, restricted uses) and the Loma Linda parcels are not under the applicant's control. This exhibit is misleading and use of the 34.6 gross acreage of the recorded tract substantially overstates the permissible number of units under the CUP.

In the most lenient interpretation, the acreage for the CUP and calculation of the maximum allowable number of units should be the cumulative area of the 98 recorded residential lots and the area of the internal streets adjoining those lots. This area can be readily calculated at 28.7 acres (subtract 4.63 acres for linear lot north of Dawn Lane and 0.75 and 0.52 acres for the two water basin lots from the 34.6 gross acres within Tract 36939). With this approach, up to 144 units would be allowed (based on the maximum density of 5 units per acre in the Low Density Residential District).

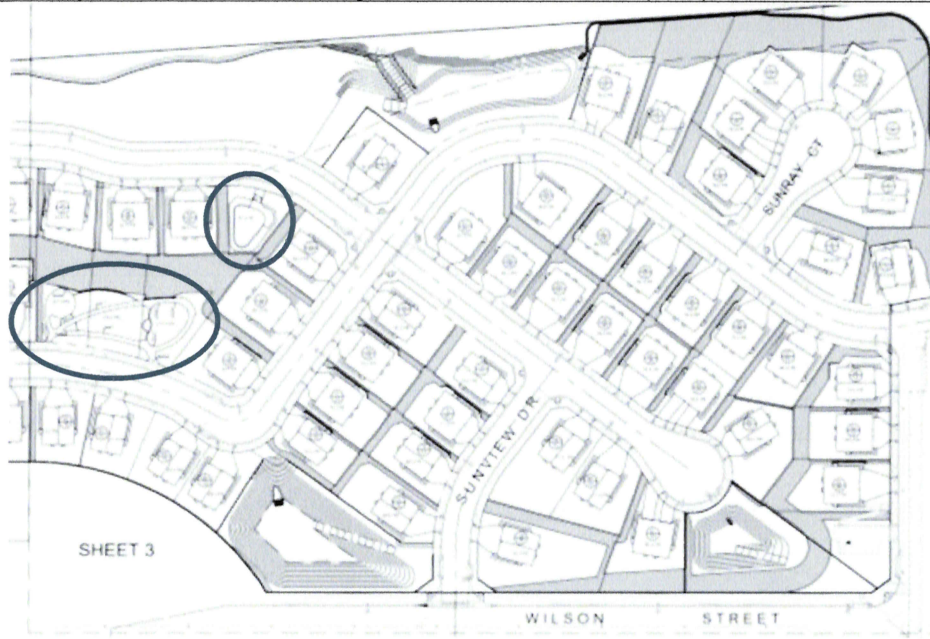
In the most restrictive interpretation, the CUP acreage would be further reduced by the area of the internal streets. This calculation is more complex, but for example, if the streets make up 25% of the 28.7 acres, the acreage basis for the calculation of maximum allowable uses would be 21.5 acres, which would allow up to 108 units.



Project Layout Variations (from 7/12/23 staff report, main report and Attachment 2)



This layout shows 11 of the existing residential lots devoted to open space uses.



This layout shows four of the existing residential lots devoted to open space uses. The larger open space area on the left side of the image is smaller and reconfigured. The dog park and the area on Sunrise Avenue at the east site boundary are shown with houses and parking, rather than open space.



CITY COUNCIL PUBLIC HEARING ITEM 7.1 SEPTEMBER 23, 2023

Adoption of Ordinance 1595, Amending Chapters 8.16 of the Banning Municipal Code by Adopting by Reference, with Amendments to Chapter 1, Section 105.3.1 and 108.2 of the 2022 Edition of the California Fire Code, to Incorporate Annual Inspections of Existing and Future Businesses and Their Operations, located in the City of Banning.



BANNING 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.



BANNING IN THE FIELD:



BANNING IN THE FIELD:



IN THE FIELD:



BACKGROUND:

- Each year, the Banning Fire Marshal conducts “state-mandated” fire life safety inspections on select business, as specified by the Health and Safety Code. These land uses include “Residential Care Facilities” (e.g., Congregate and Residential Care Facilities, Transitional Living Facilities with 6 or more occupants, Nursing Homes), “Schools” K-12 Public and Private, “Apartment Buildings”, “Hotels/Motels” and “Jails”. The majority of City businesses do not receive an annual inspection past the initial business license inspection, although it is a prudent measure and has only been deferred due to limited staffing resources.
- The City decided to initiate an amendment to the County Fire Services Contract which will add one (1) full-time 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.
- Subsequent from Adoption and Acceptance by the CSLB, the City will bring forth the updated Fire Inspection Fee Schedule covering all types of future fire safety inspections.



Ordinance Text (*Proposed*)

SECTION 2. AMENDMENTS TO CHAPTER 8.16

Chapter 8.16 ("Fire Protection Code") of Title 8 ("Health and Safety") of the Banning Municipal Code is hereby amended in part to read as follows:

8.16.020 - Amendments to California Fire Code.

The codes, chapters, standards, and appendices are amended as specifically set forth in the following chapters herein:

CHAPTER 1. SCOPE AND ADMINISTRATION

Section 105.3.1 of the California Fire Code is amended to add the following language:

105.3.1 Expiration. An operational permit shall remain in effect until for a period of one (1) year (365 days), unless otherwise reissued, renewed, or revoked, or for such a period of time as specified in the permit and as specified in writing by the Fire Code Official.

Section 108.2 of the California Fire Code is amended to add the following language:

108.2 Inspections. The Fire Code Official shall issue an annual permit for a building, structure, and operations therein.





RECOMMENDATION:

1. Adopt the Notice of Exemption (NOE) which determines that Ordinance No. 1595 is not subject to CEQA, pursuant to Section 15060(c)(3) of the California Environmental Quality Act (CEQA); and
2. Conduct a public hearing on Ordinance No. 1595 in accordance with Gov. Code, § 50022.3. Close the public hearing and adopt Ordinance No. 1595, Amending Chapter 8.16 of the Banning Municipal Code by adopting by reference, with Amendments to Chapter 8.16.020 to add language to § 105.3.1 of the Fire Code.



Thank you!
Staff is Available for Questions

Contact Information

Adam B. Rush, AICP
Community Development Director
arush@banningca.gov



EXHIBIT C



CITY COUNCIL PUBLIC HEARING ITEM 7.2 SEPTEMBER 12, 2023

Consideration and Approval of an Ordinance Amendment (1596), Establishing Amended Uses and Adding Development Standards for Multi-family and High-Density Residential Uses in the Downtown Commercial (DC) Zoning District.

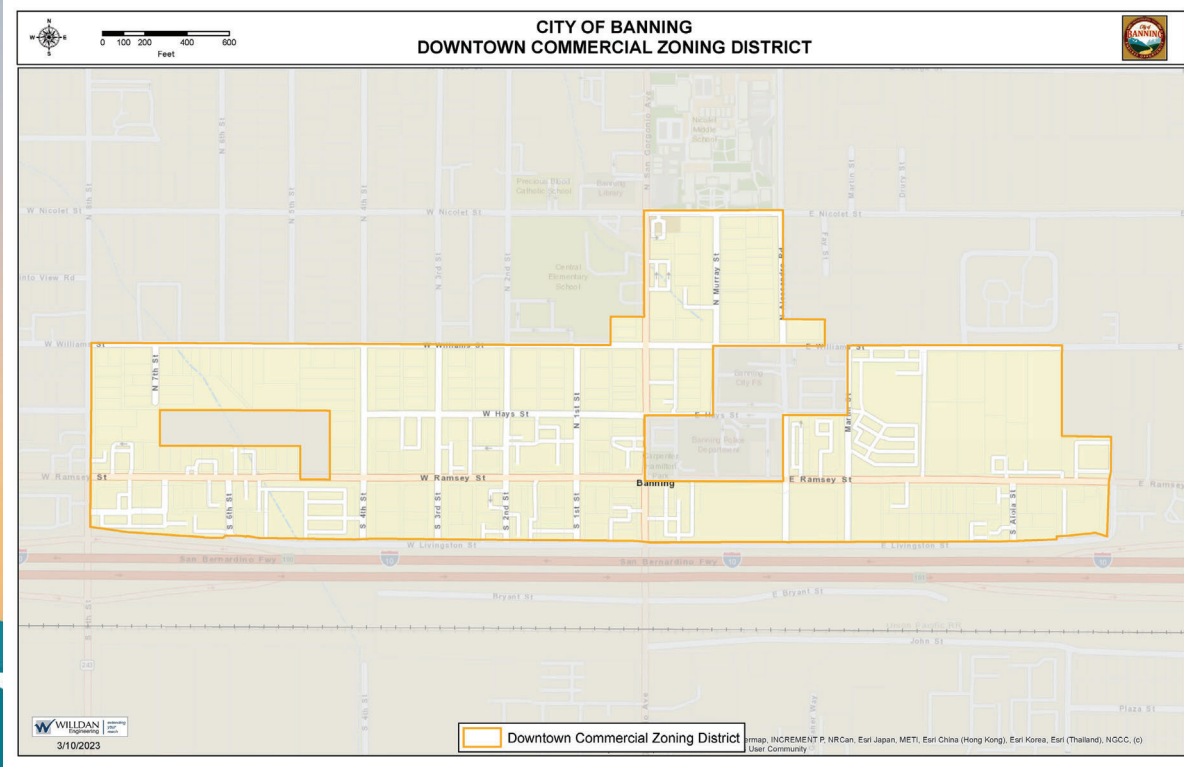


BANNING BACKGROUND:

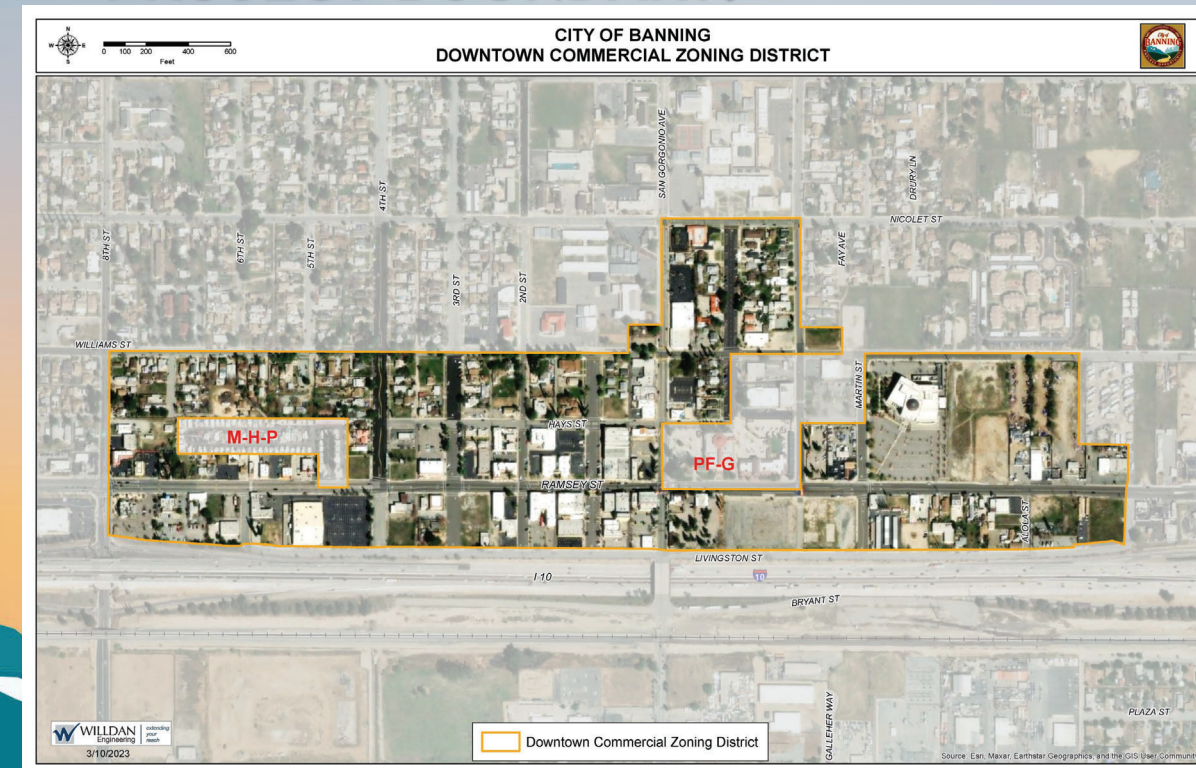
Downtown Banning has limited multifamily housing options. The City has not developed new multifamily rental properties in over twenty years, and currently only has 471 market-rate multifamily rental units. Since 2020 there has been a surge of development permits issued in the city, but all of these permits were issued for single family homes.



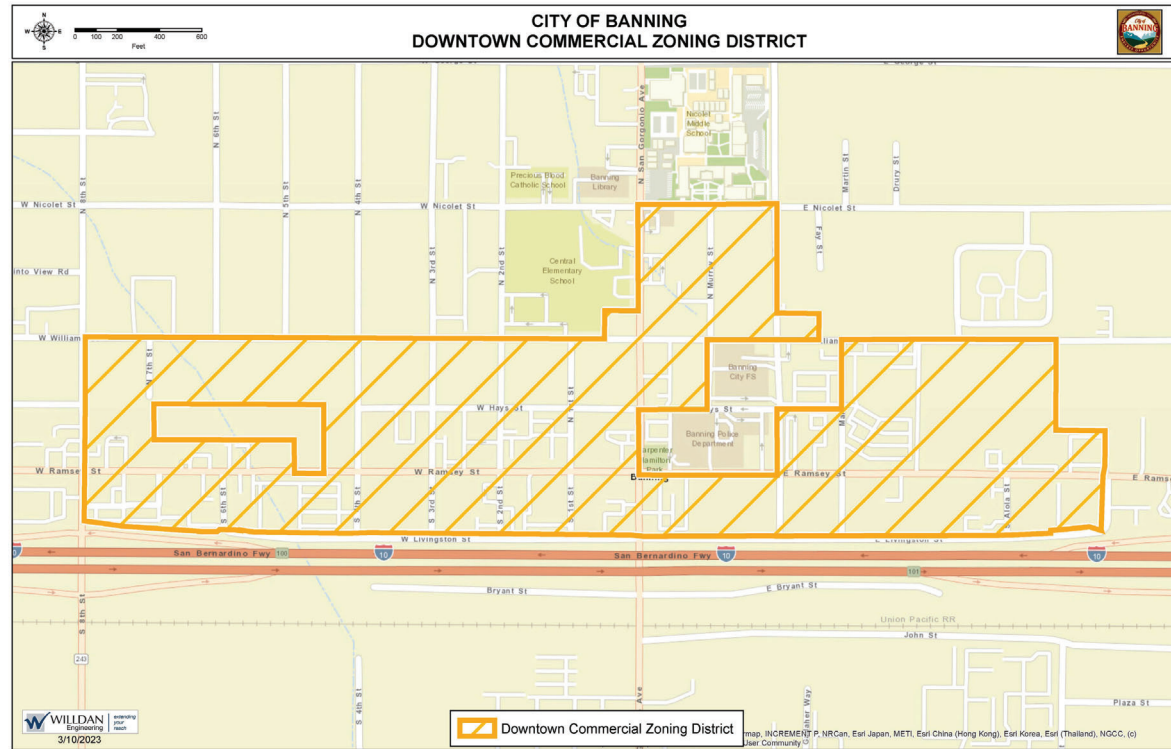
BANNING PROJECT BOUNDARY:



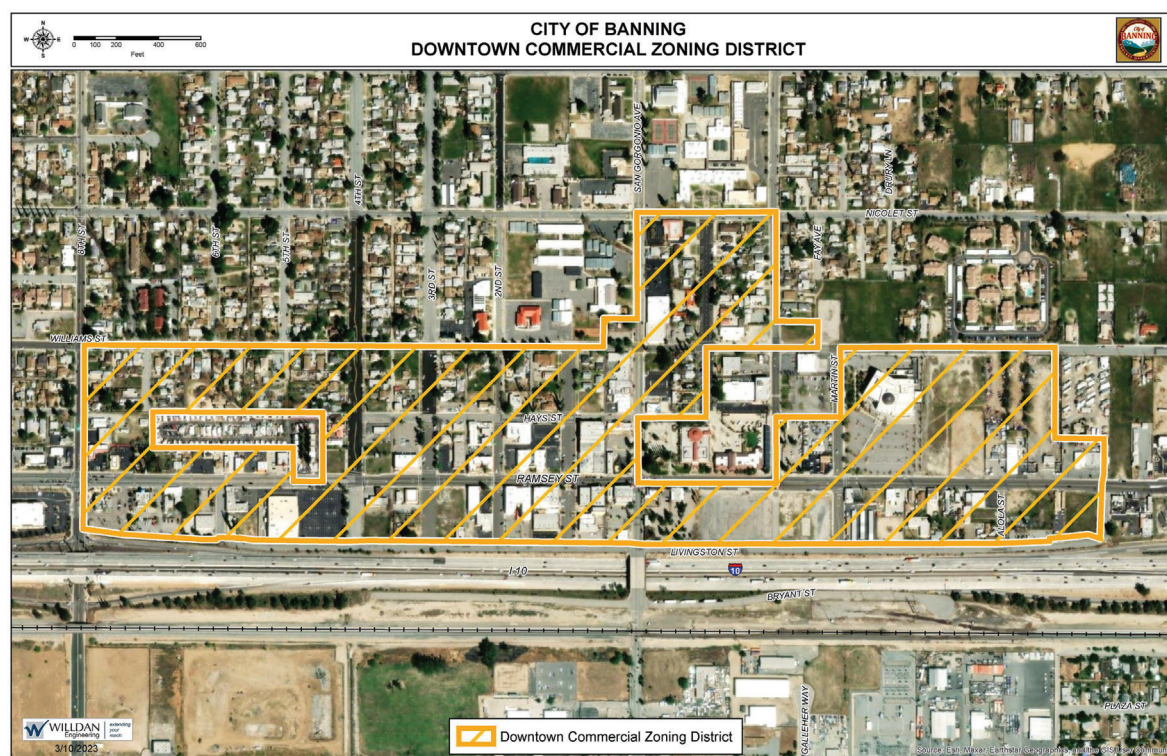
BANNING PROJECT BOUNDARY:



BANNING PROJECT BOUNDARY:



BANNING PROJECT BOUNDARY:



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.



COMMUNITY STATISTICS:

- Majority of 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 School District, Courthouse, the Hospital, or the Jail.



CREATING AND PRESERVING:

- 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.
- The Fox Theater and Station Tap House Bar and Grill are examples of leisure destinations.



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.
- This tradition incorporated various architectural styles and prioritized one and two-story storefront buildings creating a human scale.



REPURPOSE POTENTIAL:

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



OPEN SPACE CONNECTIONS:



②② Canopy lighting



②③ Upgraded crosswalks



②④ District signage and gateway element



BANNING TRANSIT:

- Transit routes 1, 5, and 6 travel through Downtown Banning connecting to services and retail.
- The City's Transit Plan will add nine additional bus shelters within the downtown district.



① Class IV More extensive- Painted and physical elements separating cyclists



② Class IV Less intense- Separated bike lanes using simple buffer and vertical separation



③ RRFB Flashing beacons- Alert drivers of pedestrians that trigger them at non-signalized crossings



BANNING PERMITTED USES (NEW):

The proposed amendment will add or change the following uses to Permitted in the Downtown Commercial Zoning District:

- | | |
|---|---|
| Pocket Park, Tot Lot, Splash Pad (P) | 15) Office Supply/Printing (P) |
| 1) Private Park, Sports Courts for rent\hourly (P) | 16) Wine Tasting Room (P) |
| 2) Public Art/Street Furn./Chess Checker Tables (P) | 17) Jeweler/Jewelry Repair/Lapidary (P) |
| 3) Outdoor Food Court/Food & Beverage Kiosk (P) | 18) Hookah and Smoking Lounges (P) |
| 4) Outdoor Entertainment/Amphitheater (P) | 19) Hobby Shop (P) |
| 5) Arcade/Internet Café (P) | 20) Interior Design Studio (P) |
| 6) Billiard parlors/pool halls (C) (P) | 21) Tailor/Clothier/Tuxedo Rental (P) |
| 7) Health/fitness facilities (P) | 22) Transit Stop/Multi-Modal (P) |
| 8) Indoor recreation centers (P) | 23) Breweries and distilleries (C) (P) |
| 9) Private Education/Learning Institution (P) | 24) Breweries/distilleries ancillary to bar/restaurant (C)(P) |
| 10) Studios for Film/Sound/Motion Picture (P) | 25) Caretaker/watchperson's dwelling (C) (P) |
| 11) Florist (P) | 26) Live/Work Units (P) |
| 12) Music/Musical Instrument Sales/Instruction (P) | 27) Multi-Family Dwellings, new (P) |
| 14) <u>Footnote #6: Existing mixed-used residential/commercial uses that are legal and nonconforming with respect to CUP may be reoccupied.</u> | 28) Single-family dwellings, new (P) |
| | 29) Accessory Dwelling Unit (P) |



PERMITTED USES (NEW):

Planning Commission Additions:

- 1) Repair and maintenance of consumer products Mobile phones, Televisions, Video, Audio Systems, and Digital Cameras. (P)
- 2) Footnote #4: Mobile phones, televisions, video, audio systems, and digital cameras.
- 3) Footnote #6: New Single-Family Residential Dwellings shall be prohibited on (East/West) Ramsey Street and (North/South) San Gorgonio Avenue.



RECOMMENDATION:

Waive full reading and introduce, as read by title only, Ordinance 1596, An Ordinance of the City of Banning, California, Amending the Downtown Commercial Zoning District (Title 17, Division II, Chapter 17.12, Article I & II By Adding New Permitted and Conditionally Permitted Uses to Table 17.12.020 and Amendment the Commercial and Industrial Development Standards (Table 17.12.030, Table 17.12.050, Chapter 17.12.060 and 17.12.070) and Making a Determination of Exemption from the California Environmental Quality Act (CEQA). This Ordinance Amendment Affects All Parcels Within the Downtown Zoning District (DC).





CUP (NEW)/REMOVED USES:

The proposed amendment will add the following uses as Conditionally Permitted in the Downtown Commercial Zoning District:

- a. Auction Services/Auction House (C)
- b. Novelty Shop (C)

The proposed amendment will remove the following uses from the Downtown Commercial Zoning District:

- a. ~~Business support/secretarial services~~
- b. ~~Video rental store~~



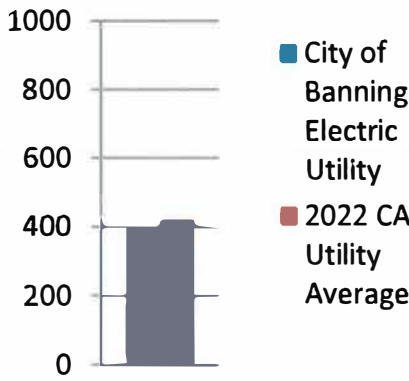
Thank you!
Staff is Available for Questions

Contact Information

Adam B. Rush
Community Development Director
arush@banningca.gov



EXHIBIT D

2022 POWER CONTENT LABEL				
City of Banning Electric Utility				
banningca.gov/124/Power-Content-Label				
Greenhouse Gas Emissions Intensity (lbs CO ₂ e/MWh)		Energy Resources	City of Banning	2022 CA Power Mix
City of Banning Electric Utility	2022 CA Utility Average	Eligible Renewable¹	81.3%	35.8%
394	422	Biomass & Biowaste	25.0%	2.1%
		Geothermal	48.7%	4.7%
		Eligible Hydroelectric	0.0%	1.1%
		Solar	7.6%	17.0%
		Wind	0.0%	10.8%
		Coal	0.0%	2.1%
		Large Hydroelectric	0.9%	9.2%
		Natural Gas	0.0%	36.4%
		Nuclear	9.2%	9.2%
		Other	0.0%	0.1%
		Unspecified Power²	8.6%	7.1%
		TOTAL	100.0%	100.0%
Percentage of Retail Sales Covered by Retired Unbundled RECs ³ :			0%	
¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology. ² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source. ³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above.				
For specific information about this electricity portfolio, contact:		City of Banning Electric Utility (951) 922-3260		
For general information about the Power Content Label, visit:		https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program		

SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY (SCPPA)

City Council Meeting September 12, 2023

Lincoln Bogard, Administrative Services Director

Jim Steffens, Acting Electric Director



History

- Electric brought SCPPA items to Council until February 12, 2019
- In accordance with SCPPA Resolution 2015-025, prior Electric Director asked SCPPA for direct-billing the City rather than as a line item for Palo Verde Project billings
- Current billing is through Riverside Public Utilities (RPU) and does not specify relevant SCPPA task orders
- Finance and Purchasing staff were unable to identify new task orders due to passthrough billings



History

- Electric intended to bring a SCPPA task order with Synergy to Council on June 27, 2023
- Electric pushed the item and determined three additional approvals for inclusion in the Council item totaling \$78,750
 - Two are within City Manager Authorization levels, but are included for transparency
- Finance and Purchasing identified 12 prior task orders that were executed by the Electric Director totaling at least \$604,497
 - 5 required City Council approval; 5 could have been executed under City Manager authority; and 2 do not contain Not-To-Exceed amounts

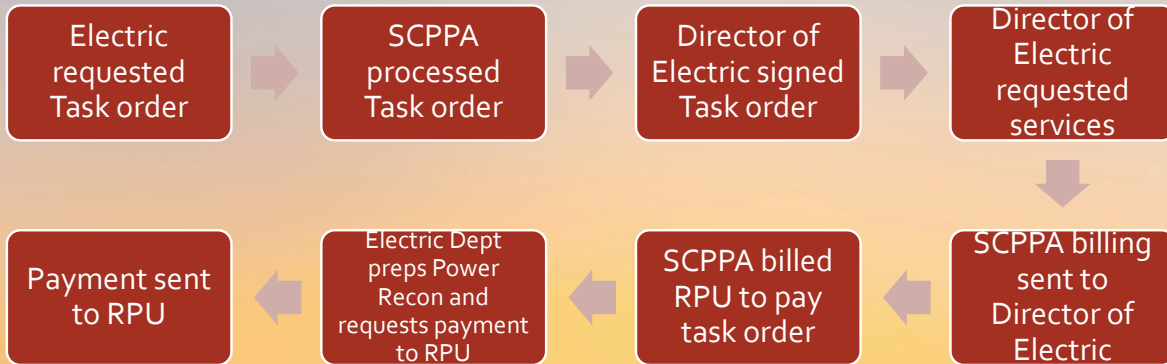


Fiscal Impact

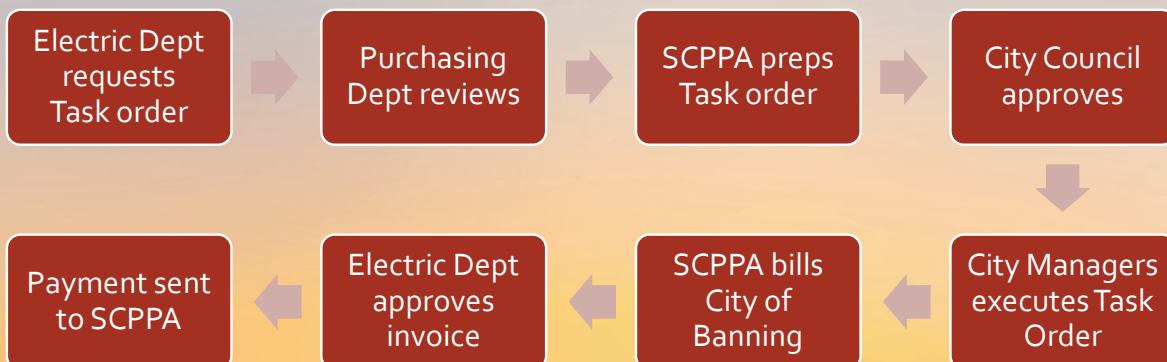
- Requested Approvals
 - \$78,750
- Requested Ratifications
 - At least \$604,497
- Grand Total at least \$683,247



Historical Process



Moving Forward



Alternatives

- Adopt Resolution 2023-158 as recommended.
- Adopt Resolution 2023-158 with modifications.
- Do not approve Resolution 2023-158 and provide alternative direction to staff.



Questions?

Contact Information

Lincoln Bogard
lbogard@banningca.gov





CLASSIFICATION & COMPENSATION

City Council Meeting September 12, 2023

Lincoln Bogard, Administrative Services Director



Executive Assistant – Support Services Manager



**BANNING
POLICE DEPARTMENT**
COMMITTED TO SERVING WITH HONOR AND PROTECTING THE CITIZENS OF OUR COMMUNITY

- Aligning Grade to match other Managers
- T85
- 7.05% or \$7,181 annual impact



Fiscal Impact

Proposed Base Wage Increase

Position/Fund/Range	Current Salary Range	Proposed Salary Range	Proposed Salary Difference			
Executive Assistant - Support Services Manager /001/T85	\$101,831	\$109,012	\$7,181	7.05%		
TOTAL GENERAL FUND IMPACT			\$7,181			



Alternatives

- Adopt Resolution 2023-159 as recommended.
- Adopt Resolution 2023-159 with modifications.
- Do not approve Resolution 2023-159 and provide alternative direction to staff.



Questions?

Contact Information

Lincoln Bogard, Administrative Services Director

lbogard@banningca.gov



CITY COMPUTER NETWORK INFRASTRUCTURE

City Council Meeting September 12, 2023

Lincoln Bogard, Administrative Services Director



Why?

- Cybercriminals are getting smarter
 - Tactics are more resilient to conventional cyber defenses
- A proactive approach is the best solution and protects the people, processes, and technology in the computing environment
- Monitoring and response service is vital to increasing detection of unusual computing activity
 - Assistance in responding to threats timely
 - Minimize costs and reputational damage that occur from cyber-attacks



Benefits



- Minimizing data breaches
- Improving response time to attacks
- Protecting personal data
- Addressing security vulnerabilities
- Compliance with standards and regulations
- Reducing Downtime



Benefits



- Preserving reputation
- Better data management
- Improving cybersecurity posture
- Provides onsite virtual monitoring and response to attacks
- Unlimited breach response
- Unique shared risk model



Current Solution

- Current cybersecurity includes only endpoint protection services (Cortex XDR Prevent) with an annual cost of \$24,480
- This service will be required to continue if this item is not approved



Alternatives

- Approve Resolution 2023-160 as recommended.
- Approve Resolution 2023-160 with modifications.
- Do not approve Resolution 2023-160 and provide alternative direction to staff.
 - Would require Minute Order to continue current solution for the next year



Questions?

Contact Information

Lincoln Bogard, Administrative Services Director

lbogard@banningca.gov



SOFTWARE AS A SERVICE (SAAS) AGREEMENTS

City Council Meeting September 12, 2023

Lincoln Bogard, Administrative Services Director



Software Utilizations

- Conduct operations, maintain records, reporting, compliance, transparency, implementation and comply with Federal, State and Local requirements and regulations.
- The software programs assist in many facets of the City from Utility billing and financial reporting to project management to Parks & Recreation events.
- The use of these software programs streamlines productivity, provides open communication and transparency of information to name a few benefits.



Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
Nobel	ArcGIS	Geographic Information Systems	Water, Community Dev.	14,600.00	3/19/2023	3/18/2024		
Nobel	ArcGIS	Information Systems for Smartgov	Water, Community Dev, Electric, Eng	32,600.00	2/1/2023	1/31/2024	2/22/2023	2023-51
ESRI	Windmill (Electric Scada)	License (1)	Water, Community Dev, Electric	400.00	2/1/2023	1/31/2024		
ALLDATA	ALLDATA	Data for repair	Fleet	1,500.00	7/17/2023	7/16/2024		
ASPEN Inc.	Advanced Systems	Oneliner 100 and Power Flow 100 (1 seat)	Electric	5,092.00	6/21/2023	6/20/2024		
Barracuda Essentials	Barracuda Essentials	Email security, email archiving, O365 Backup	Information Technology	18,164.16	9/1/2023	8/31/2024		
GovOptics LLC	Beacon Bid	Scope Searches	Purchasing	4,250.00	5/1/2023	4/30/2024		
Bluebeam Inc	Revu	PDF markup and collaboration tool that is used by architects, engineers and contractors	Community Dev	8,064.00	9/23/2022	9/23/2023		
Brightly (Dude Solutions)	Online Building Permitting	Building Permit Management	Community Dev	95,608.16	11/1/2023	10/31/2024	10/25/2022	2022-144
CBT Nuggets	CBT Nuggets	IT software training	Information Technology	2,396.00	7/1/2023	6/30/2024		
CDW-G	Adobe Professional DC	PDF Management	City wide	8,050.00	7/1/2023	6/30/2024		2018-71
Adobe	Adobe Illustrator	Graphic software for events/flyers	Parks & Rec	251.88	7/1/2023	6/30/2024		
Adobe	Adobe Spark	Graphic software for events/flyers	Parks & Rec	251.88	7/1/2023	6/30/2024		
Altair Engineering, Inc.	Altair Engineering, Inc.	Data Analytics	Finance	21,770.00	6/7/2023	6/6/2024		
Bentley	SpidaCalc	Prod Sub, SPIDA calcFull HWL	Electric	3,700.00	6/6/2023	6/5/2024		
CI Solutions	CI Solutions	PD ID Card Reader Services	Police Dept	995.00	8/18/2023	8/17/2024		
CivicPlus	CivicREC	Recreation Management	Community Services	3,560.02	9/29/2023	10/28/2024		


Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
CivicPlus	CivicEngage	City Website	City wide	20,946.13	7/1/2023	6/30/2024	6/27/2023	2023-127
CivicPlus	Civicplus	Social media backup	City wide	10,317.00	8/1/2023	7/31/2024	6/27/2023	2023-127
Comcate	Comcate	Code Enforcement Case Management	Community Dev	10,883.06	5/1/2023	4/30/2024	4/25/2023	2023-72
ComDirect Inc.	ComDirect Inc.	Mitel Support	Police Dept	7,625.00	7/1/2023	6/30/2024		2018-71
Cummins Insite	Cummins Insite	Engine Diagnostics	Fleet	770.00	3/1/2023	2/28/2024		
Cybertime	Cybertime	Internet Service & Looped Microwave Backbone	City wide	31,188.00	10/1/2023	9/30/2024	8/24/2021	2021-71
Digital Scepter	CoreTex XDR	End-point Security	City wide	8,160.00	7/1/2023	6/30/2024		
DLT	AutoCAD 2022	Engineer Drafting	Community Dev, Engineering, Electric	12,009.43	5/23/2023	5/22/2024		
DocuSign	DocuSign	Document signing software	City wide	18,009.00	4/1/2023	3/31/2024		
EA agreement	Software One	Microsoft licensing	Information Technology	62,146.20	8/1/2023	7/31/2024	5/25/2021	2021-40
Eagle Aerial	Eagle Aerial	Water Efficiency and Data Management	Water	26,936.00	7/1/2023	6/30/2024	4/26/2022	2022-03 UA
ECS Imaging	Laserfiche	Core records	City wide	26,450.00	10/1/2023	9/30/2024	8/24/2021	
Everbridge	Nixie Alert System	Public Alert & Warning System - Mass Notification	City Manager	5,040.00	11/19/2022	11/18/2023		
GovInvest, Inc.	Govinvest	Investment modules OPEB, etc.	Finance	40,333.00	6/1/2023	5/31/2024	6/27/2023	2023-129
Granicus	Granicus	Agenda Management	City wide	24,513.02	6/1/2023	5/31/2026	5/23/2023	2023-98
HDL Companies	HDL Business License	Business License Management	Finance	3,331.80	7/1/2023	6/30/2024	3/14/2023	2023-47
HDL Companies	Cannibis	Revenue Audit	Finance	22,000.00	1/11/2023	12/31/2024	12/13/2022	2022-166
Innovyze	Innovyze	Water Modeling Software	Water	4,913.00	10/14/2023	10/13/2024		
Invoice Cloud	Invoice Cloud	Customer Online Bill Pay portal for Utilities	Utility Billing	5,000.00	7/1/2023	6/30/2024		
ITRON	ITRON	Electric AMI, Smart meter	Water, Electric, Utility Billing	3,928.49	3/1/2023	2/29/2024	10/9/2018	2018-129



Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
LeadsOnline, LLC	Leads Online Power Plus Investigation System Software	Investigative Software	Police Dept	3,773.00	8/1/2023	7/31/2024		
LexisNexis Coplogic Solutions	LexisNexis	Desk Officer Reporting	Police Dept	7,445.51	7/1/2023	6/30/2024		
Manage Engine	Manage Engine	Ticketing software	Information Technology	3,940.00	7/1/2023	6/30/2024		
MegaTrak	MegaTrak	Fuel Management	Fleet	2,995.00	12/31/2022	12/30/2023		
Milsoft	Daffron CIS	New CIS software for Utilities	Electric	40,000.00	5/1/2023	4/30/2024	4/26/2022	2022-46
Milsoft	Milsoft	Customer engagement and Notification Platform	Electric	50,000.00	4/26/2022	4/25/2027	4/26/2022	2022-46
Superion	Central Square	Naviline ERP system	Information Technology	108,364.96	7/1/2023	6/30/2024		
NeoGov	NeoGov	HR Management	Human Resources	82,108.47	7/12/2023	7/11/2024	8/22/2023	2023-145
Next request	Next request	Public Records Request	City wide	6,685.29	8/1/2023	7/31/2024		
Nobel	Work Orders	Workorder Management	Water, Utility billing	100,800.00	7/1/2023	6/30/2027	6/14/2022	2022-05 UA & 2022-72
OnlineIS	Online Information Services Inc	Portal for Utility Billing to determine customer credit worthiness	Utility Billing	5,000.00	7/1/2023	6/30/2024		
OpenGov	Budget, Planning, Procurement	Budgeting & Planning, Procurement	Finance	59,280.00	12/15/2023	12/14/2024	8/22/2023	2023-146
OpenGov	Cartigraph	Cartigraph	Engineering	32,500.00	12/15/2023	12/14/2024	8/22/2023	2023-146
Oracle Software, Inc.	Netsuite	ERP Financial System	Finance	70,194.00	3/14/2023	3/13/2024	3/14/2023	2023-48
Pixabytes	Verkada	PD Cameras	Police Dept	3,000.00	7/1/2023	6/30/2024		
Power Monitors, Inc.	Power Monitors, Inc.	Canvas devices	Electric	950.00	5/10/2023	5/9/2024		


Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
Reavis Code	Reavis Code	Monthly subscription for RC Ops., Tickets Core- Core system for RC Ticket	Electric	54,000.00	7/1/2023	6/30/2024		
Recyclist	Recyclist	Solid Waste Compliance Reporting	PW	22,701.00	4/30/2023	4/30/2026		2023-64
ResourceX	ResourceX	Online PBB	Finance	25,000.00	8/1/2023	7/31/2024		
Ron Turley & Associates	RTA	Vehicle Maintenance Tracking & Management	Public Works/ Fleet	5,608.02	7/1/2023	6/30/2024		
SATEC	SATEC	Electric Citizen Engagement Platform - Customer Mgmt Portal	Electric	59,662.98	2/1/2023	1/31/2024	8/22/2023	2023-137
SecureMax	Provision	Bus Cameras	Public Works/ Fleet	5,748.00	3/15/2023	3/14/2028	4/26/2022	2022-39
Satellite Phone Store	Iridium	Emergency Svc - monthly	Information Technology	4,003.35	8/1/2023	7/31/2024		
Snag it	Snag it	Desktop recorder	Finance	3,800.00	7/1/2023	6/30/2024		
Software One	Backup, Azure Simple	File system backup	Information Technology	1,183.38	7/1/2023	6/30/2024		
SPS VAR, LLC	SPS VAR, LLC	Elite - 12 mo svc	Information Technology	7,223.00	10/1/2023	9/30/2024		
SunRidge Systems	RIMS	PD computer aided dispatch & records management	Police Dept	25,049.00	9/24/2023	9/23/2024		
Swiftly Solutions	Swiftly Solutions	GPS tracking for transit vehicles	Transit	2,102.38	7/1/2023	6/30/2024		
Survalent Technology, Inc.	Survalent Technology, Inc.	SCADA Servers	Electric	26,139.67	5/9/2023	5/8/2026	6/27/2023	2023-130
Token Transit	Token Transit	Mobile Ticketing for Transit busing	Transit	10% of Gross proceeds	7/1/2023	6/30/2024		



Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
Tri-Global	UtiliPad	Data Orbit transfer service for GPS Cnetering rod for mapping	Electric	2,685.00	10/26/2023	10/25/2024		
Turbo Data Systems	Turbo Data	Citation Processing Services	Police Dept	3,000.00	8/1/2023	7/31/2024		
Virtual Project Manager	Virtual PM	Project management software	Engineering	12,000.00	3/1/2023	3/1/2024		
VMware	vSphere	Virtual environment	Information Technology	2,430.00	7/1/2023	6/30/2024		
When I Work	When I Work	Timeclock for Seasonal and Part-Time Staff	Parks & Rec	5,000.00	7/1/2023	6/30/2024		
Zencity	Zencity	Community Engagement Software	City Manager	21,000.00	12/6/2022	12/6/2024		2022-160
Win Can	Win Can	CCTV for the sewer systems	Collections	4,495.00	7/1/2023	6/30/2024		
Zoho Corporation	Zoho Corporation	Tech Support Live	Information Technology	3,940.00	7/1/2023	6/30/2024		
Konnect	Konnect	0-365 integration software	City wide	2,913.76	10/1/2023	9/30/2024		
PDQ Deploy	PDQ Deploy	Software Deployment	Information Technology	1,500.00	6/13/2023	6/12/2024		
PDQ Invt	PDQ Invt	Software Inventory	Information Technology	1,500.00	6/13/2023	6/12/2024		
Zenner	Stealth	Zenner meter reads for AMI	Water	1,200.00	7/1/2023	6/30/2024	8/27/2019	
XC2	XC2	Water Backflow Management	Water	5,500.00	7/1/2023	6/30/2024		
KUBRA	Drop counter	Water Citizen Engagement Platform	Water	20,000.00	7/1/2023	6/30/2024	4/26/2022	2022-03 UA
Honeywell	Digital watchdog	City Cameras	Information Technology	Replacing with Vigilant				



Alternatives

- Approve Resolution 2023-162 as recommended.
- Approve Resolution 2023-162 with modifications.
- Do not approve Resolution 2023-162 and provide alternative direction to staff.



Questions?

Contact Information

Lincoln Bogard, Administrative Services Director

lbogard@banningca.gov



Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
Nobel	ArcGIS	Geographic	Water, Community Dev,	14,600.00	3/19/2023	3/18/2024		
Nobel	ArcGIS	Information Systems for Smartgov	Water, Community Dev, Electric, Eng	32,600.00	2/1/2023	1/31/2024	2/22/2023	2023-51
ESRI	Windmill (Electric Scada)	License (1)	Water, Community Dev, Electric	400.00	2/1/2023	1/31/2024		
ALLDATA	ALLDATA	Data for repair	Fleet	1,500.00	7/17/2023	7/16/2024		
ASPEN Inc.	Advanced Systems	Oneliner 100 and Power Flow 100 (1 seat)	Electric	5,092.00	6/21/2023	6/20/2024		
Barracuda Essentials	Barracuda Essentials	Email security, email archiving, O365 Backup	Information Technology	18,164.16	9/1/2023	8/31/2024		
GovOptics LLC	Beacon Bid	Scope Searches	Purchasing	4,250.00	5/1/2023	4/30/2024		
Bluebeam Inc	Revu	PDF markup and collaboration tool that is used by architects, engineers and contractors	Community Dev	8,064.00	9/23/2022	9/23/2023		
Brightly (Dude Solutions)	Online Building Permitting	Building Permit Management	Community Dev	95,608.16	11/1/2023	10/31/2024	10/25/2022	2022-144
CBT Nuggets	CBT Nuggets	IT software training	Information Technology	2,396.00	7/1/2023	6/30/2024		
CDW-G	Adobe Professional DC	PDF Management	City wide	8,050.00	7/1/2023	6/30/2024		2018-71
Adobe	Adobe Illustrator	Graphic software for events/flyers	Parks & Rec	251.88	7/1/2023	6/30/2024		
Adobe	Adobe Spark	Graphic software for events/flyers	Parks & Rec	251.88	7/1/2023	6/30/2024		
Altair Engineering, Inc.	Altair Engineering, Inc.	Data Analytics	Finance	21,770.00	6/7/2023	6/6/2024		
Bentley	SpidaCalc	Prod Sub, SPIDA calcFull HWL	Electric	3,700.00	6/6/2023	6/5/2024		
CI Solutions	CI Solutions	PD ID Card Reader Services	Police Dept	995.00	8/18/2023	8/17/2024		
CivicPlus	CivicREC	Recreation Management	Community Services	3,560.02	9/29/2023	10/28/2024		

Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
CivicPlus	CivicEngage	City Website	City wide	20,946.13	7/1/2023	6/30/2024	6/27/2023	2023-127
CivicPlus	Civicplus	Social media backup	City wide	10,317.00	8/1/2023	7/31/2024	6/27/2023	2023-127
Comcate	Comcate	Code Enforcement Case Management	Community Dev	10,883.06	5/1/2023	4/30/2024	4/25/2023	2023-72
ComDirect Inc.	ComDirect Inc.	Mitel Support	Police Dept	7,625.00	7/1/2023	6/30/2024		2018-71
Cummins Insite	Cummins Insite	Engine Diagnostics	Fleet	770.00	3/1/2023	2/28/2024		
Cybertime	Cybertime	Internet Service & Looped Microwave Backbone	City wide	31,188.00	10/1/2023	9/30/2024	8/24/2021	2021-71
Digital Scepter	CoreTex XDR	End-point Security	City wide	8,160.00	7/1/2023	6/30/2024		
DLT	AutoCAD 2022	Engineer Drafting	Community Dev, Engineering, Electric	12,009.43	5/23/2023	5/22/2024		
DocuSign	DocuSign	Document signing software	City wide	18,009.00	4/1/2023	3/31/2024		
EA agreement	Software One	Microsoft licensing	Information Technology	62,146.20	8/1/2023	7/31/2024	5/25/2021	2021-40
Eagle Aerial	Eagle Aerial	Water Efficiency and Data Management	Water	26,936.00	7/1/2023	6/30/2024	4/26/2022	2022-03 UA
ECS Imaging	Laserfiche	Core records	City wide	26,450.00	10/1/2023	9/30/2024	8/24/2021	
Everbridge	Nixie Alert System	Public Alert & Warning System - Mass Notification	City Manager	5,040.00	11/19/2022	11/18/2023		
GovInvest, Inc.	GovInvest	Investment modules OPEB, etc.	Finance	40,333.00	6/1/2023	5/31/2024	6/27/2023	2023-129
Granicus	Granicus	Agenda Management	City wide	24,513.02	6/1/2023	5/31/2026	5/23/2023	2023-98
HDL Companies	HDL Business License	Business License Management	Finance	3,331.80	7/1/2023	6/30/2024	3/14/2023	2023-47
HDL Companies	Cannibis	Revenue Audit	Finance	22,000.00	1/11/2023	12/31/2024	12/13/2022	2022-166
Innovyze	Innovyze	Water Modeling Software	Water	4,913.00	10/14/2023	10/13/2024		
Invoice Cloud	Invoice Cloud	Customer Online Bill Pay portal for Utilities	Utility Billing	5,000.00	7/1/2023	6/30/2024		
ITRON	ITRON	Electric AMI, Smart meter	Water, Electric, Utility Biling	3,928.49	3/1/2023	2/29/2024	10/9/2018	2018-129

Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
LeadsOnline, LLC	Leads Online Power Plus Investigation System Software	Investigative Software	Police Dept	3,773.00	8/1/2023	7/31/2024		
LexisNexis Coplogic Solutions	LexisNexis	Desk Officer Reporting	Police Dept	7,445.51	7/1/2023	6/30/2024		
Manage Engine	Manage Engine	Ticketing software	Information Technology	3,940.00	7/1/2023	6/30/2024		
MegaTrak	MegaTrak	Fuel Management	Fleet	2,995.00	12/31/2022	12/30/2023		
Milsoft	Daffron CIS	New CIS software for Utilities	Electric	40,000.00	5/1/2023	4/30/2024	4/26/2022	2022-46
Milsoft	Milsoft	Customer engagement and Notification Platform	Electric	50,000.00	4/26/2022	4/25/2027	4/26/2022	2022-46
Superion	Central Square	Naviline ERP system	Information Technology	108,364.96	7/1/2023	6/30/2024		
NeoGov	NeoGov	HR Management	Human Resources	82,108.47	7/12/2023	7/11/2024	8/22/2023	2023-145
Next request	Next request	Public Records Request	City wide	6,685.29	8/1/2023	7/31/2024		
Nobel	Work Orders	Workorder Management	Water, Utility billing	100,800.00	7/1/2023	6/30/2027	6/14/2022	2022-05 UA & 2022-72
OnlineIS	Online Information Services Inc	Portal for Utility Billing to determine customer credit worthiness	Utility Billing	5,000.00	7/1/2023	6/30/2024		
OpenGov	Budget, Planning, Procurement	Budgeting & Planning, Procurement	Finance	59,280.00	12/15/2023	12/14/2024	8/22/2023	2023-146
OpenGov	Cartigraph	Cartigraph	Engineering	32,500.00	12/15/2023	12/14/2024	8/22/2023	2023-146
Oracle Software, Inc.	Netsuite	ERP Financial System	Finance	70,194.00	3/14/2023	3/13/2024	3/14/2023	2023-48
Pixabytes	Verkada	PD Cameras	Police Dept	3,000.00	7/1/2023	6/30/2024		
Power Monitors, Inc.	Power Monitors, Inc.	Canvas devices	Electric	950.00	5/10/2023	5/9/2024		

Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
Reavis Code	Reavis Code	Monthly subscription for RC Ops., Tickets Core- Core system for RC Ticket	Electric	54,000.00	7/1/2023	6/30/2024		
Recyclist	Recyclist	Solid Waste Compliance Reporting	PW	22,701.00	4/30/2023	4/30/2026		2023-64
ResourceX	ResourceX	Online PBB	Finance	25,000.00	8/1/2023	7/31/2024		
Ron Turley & Associates	RTA	Vehicle Maintenance Tracking & Management	Public Works/ Fleet	5,608.02	7/1/2023	6/30/2024		
SATEC	SATEC	Electric Citizen Engagement Platform - Customer Mgmt Portal	Electric	59,662.98	2/1/2023	1/31/2024	8/22/2023	2023-137
SecureMax	Provision	Bus Cameras	Public Works/ Fleet	5,748.00	3/15/2023	3/14/2028	4/26/2022	2022-39
Satellite Phone Store	Iridium	Emergency Svc - montly	Information Technology	4,003.35	8/1/2023	7/31/2024		
Snag it	Snag it	Desktop recorder	Finance	3,800.00	7/1/2023	6/30/2024		
Software One	Backup, Azure Simple	File system backup	Information Technology	1,183.38	7/1/2023	6/30/2024		
SPS VAR, LLC	SPS VAR, LLC	Elite - 12 mo svc	Information Technology	7,223.00	10/1/2023	9/30/2024		
SunRidge Systems	RIMS	PD computer aided dispatch & records management	Police Dept	25,049.00	9/24/2023	9/23/2024		
Swiftly Solutions	Swiftly Solutions	GPS tracking for transit vehicles	Transit	2,102.38	7/1/2023	6/30/2024		
Survalent Technology, Inc.	Survalent Technology, Inc.	SCADA Servers	Electric	26,139.67	5/9/2023	5/8/2026	6/27/2023	2023-130
Token Transit	Token Transit	Mobile Ticketing for Transit busing	Transit	10% of Gross proceeds	7/1/2023	6/30/2024		

Software List FY 2024

Vendor	Product	Purpose	Dept	Cost	Start Date	End Date	Council Date	Council Reso
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Turbo Data Systems	Turbo Data	Citation Processing Services	Police Dept	3,000.00	8/1/2023	7/31/2024		
Virtual Project Manager	Virtual PM	Project management software	Engineering	12,000.00	3/1/2023	3/1/2024		
VMware	vSphere	Virtual environment	Information Technology	2,430.00	7/1/2023	6/30/2024		
When I Work	When I Work	Timeclock for Seasonal and Part-Time Staff	Parks & Rec	5,000.00	7/1/2023	6/30/2024		
Zencity	Zencity	Community Engagement Software	City Manager	21,000.00	12/6/2022	12/6/2024		2022-160
Win Can	Win Can	CCTV for the sewer systems	Collections	4,495.00	7/1/2023	6/30/2024		
Zoho Corporation	Zoho Corporation	Tech Support Live	Information Technology	3,940.00	7/1/2023	6/30/2024		
Konnect	Konnect	0-365 integration software	City wide	2,913.76	10/1/2023	9/30/2024		
PDQ Deploy	PDQ Deploy	Software Deployment	Information Technology	1,500.00	6/13/2023	6/12/2024		
PDQ Invt	PDQ Invt	Software Inventory	Information Technology	1,500.00	6/13/2023	6/12/2024		
Zenner	Stealth	Zenner meter reads for AMI	Water	1,200.00	7/1/2023	6/30/2024	8/27/2019	
XC2	XC2	Water Backflow Management	Water	5,500.00	7/1/2023	6/30/2024		
KUBRA	Drop counter	Water Citizen Engagement Platform	Water	20,000.00	7/1/2023	6/30/2024	4/26/2022	2022-03 UA
Honeywell	Digital watchdog	City Cameras	Information Technology	Replacing with Vigilant				

PHASE 2 FORENSIC INVESTIGATION ELECTRIC ENTERPRISE

City Council Meeting September 12, 2023

Lincoln Bogard, Administrative Services Director



Background

- Administrative Services Director brought financial concerns about the Electric Department in May 2023 to the City Manager
- City Manager requested additional research
- Administrative Services Director began an in-depth analysis of the results of operations
- City Manager, Administrative Services Director, and Electric Director agreed on July 31, 2023, to perform a Forensic Investigation of the Electric Department



Justification

- GHJ Advisors conducted Phase 1 Forensic Investigation and recommends Phase 2 work to proceed
- Results inline with Administrative Services Director analysis
- Staff recognizes community interest in a Citywide Forensic Investigation



Fiscal Impact

- Phase 2 of the of the Forensic Investigation into the Electric Enterprise will increase the original approval by \$75,000 for a total not-to-exceed amount of \$100,000.
- Fiscal impact of a Citywide Forensic Investigation are unknown at this time
 - Probable range of two to four times the cost of the current investigation



Alternatives

- Minute Order to approve Phase II and authorize RFP/RFQ for Citywide Investigation
- Minute Order to approve Phase II and DO NOT authorize RFP/RFQ for Citywide Investigation
- Authorize RFP/RFQ for Citywide Investigation ONLY
- Do not approve either and provide alternative direction



Questions?

Contact Information

Lincoln Bogard, Administrative Services Director

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