



## AGENDA

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

November 10, 2020  
5:00 P.M.

Council Chamber  
99 E. Ramsey Street  
and via Video/Teleconference

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

**Due to the COVID-19 pandemic emergency, and to protect the health and safety of all participants, *this meeting is being held in person and via video/teleconference.* Pursuant to Governor Newsom's Executive Orders, members of the Banning City Council, staff and public may observe and participate in this meeting electronically or telephonically as outlined below:**

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link:

<https://us02web.zoom.us/j/8741527765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

**Meeting ID: 874 1527 7765**

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One tap mobile: +16699009128,, 8741527765#

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To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: <https://banninglive.viebit.com> or on the Banning Government Channel on Cable Television

*Per City Council Resolution 2016-44, matters taken up by the Council before 10:00 p.m. may be concluded, but no new matters shall be taken up after 10:00 p.m. except upon a unanimous vote of the council members present and voting, but such extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

## **1. CALL TO ORDER**

- 1.1. Invocation
- 1.2. Pledge of Allegiance
- 1.3. Roll Call - *Council Members Happe, Pingree, Wallace, Welch and Mayor Andrade*

## **2. AGENDA APPROVAL**

- 2.1. Approve Agenda

## **3. PRESENTATIONS**

- 3.1. Mayor's Special Recognitions
- 3.2. Recycling All Stars

## **4. REPORT ON CLOSED SESSION**

City Attorney

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

### **PUBLIC COMMENTS** –*Items Not on the Agenda*

*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” his/her three minutes 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 last page). **PLEASE STATE YOUR NAME FOR THE RECORD***

### **CORRESPONDENCE**

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

### **APPOINTMENTS**

None

### **CITY MANAGER REPORT**

### **CITY ATTORNEY REPORT**

### **CITY COUNCIL COMMITTEE REPORTS**

**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 wishes to remove an item for separate consideration.*

**Recommendation:** Approve Consent Items 6.1 – 6.9

- 6.1. Minutes of the October 27, 2020 City Council Meetings ..... **7**
- 6.2. Resolution 2020-140, Approving the City of Banning Electric Utility Power Content Label for Calendar Year 2019 ..... **9**
- 6.3. Resolution 2020-138, Approving Amendment No. 1 to the Professional Services Agreement with Transtech Engineers, Inc. to Increase the Total Compensation by \$250,000 and Extend the Term of Agreement through December 31, 2022 for Plan Check, Inspections and Related Administrative Services ..... **11**
- 6.4. Amendment No. 1 to the Professional Services Agreement with R3 Consulting Group for Negotiation of the City’s Franchise Agreement for the Collection, Transportation, Recycling and Disposal of Solid Waste in the Amount of \$11,692..... **13**
- 6.5. Award a Professional Services Agreement to iParametrics for the Development of a Risk and Resilience Assessment and a Corresponding Emergency Response Plan in Compliance with the American Water Infrastructure Act in the Amount of \$41,430..... **17**
- 6.6. Resolution 2020-133, Approving and Authorizing the Application for Statewide Park Development and Community Revitalization Prgram Grant Funds..... **19**
- 6.7. Request for Fee Waiver of \$1,080 for LifeStream’s Use of the Community Center for Monthly Blood Drives..... **21**
- 6.8. Resolution 2020-139, Approving New Job Description and Revision to the Compensation and Classification Plan..... **23**
- 6.9. Resolution 2020-144, Authorizing the Purchase of One Metal-Clad Switchgear Building from Myers Power Products Inc. .... **25**

**7. PUBLIC HEARINGS**

None

**8. REPORTS OF OFFICERS**

- 8.1. Resolution 2020-136, Approving Fiscal Year 2021/2022 Community Development Block Grant Program Applications .....**27**  
*(Staff Report: Doug Schulze, City Manager)*  
**Recommendation:** Adopt Resolutions 2020-136, approving Fiscal Year 2021/2022 Community Development Block Grant Program Project, and authorize staff to submit applications to the Riverside County Housing, Homelessness Prevention and Workforce Solutions.
  
- 8.2. Resolution 2020-137, Accepting Community Development Block Grant Funds for Fiscal Year 2020/2021 in the Amount of \$349,081.90 for the Banning Police Department Explorer Program (5.BN.46-20) in the Amount of \$18,000; for the Teen Leaders Program (5.BN.47-20) in the amount of \$10,000; for the Repplier Park Rehabilitation and Improvement Project (5.BN.48-20) in the amount of \$166,336; and for the Senior Center Improvements Project (5.BN.49-20) in the Amount of \$154,745.90.....**31**  
*(Staff Report: Doug Schulze, City Manager)*  
**Recommendation:** Adopt Resolution 2020-137 and authorize staff to execute and submit the Supplemental Agreement to the Riverside County Housing, Homelessness Prevention and Workforce Solutions.

**9. DISCUSSION ITEMS**

- 9.1. Discuss Amendments to Cannabis Regulations.....**33**  
*(Staff Report: Doug Schulze, City Manager)*  
**Recommendation:** Provide direction to the City Manager regarding amendments to cannabis regulations. Specific direction requested includes, but is not limited to: 1) Does the City Council support increasing the number of retail cannabis dispensaries allowed in Banning? If yes, should a maximum number be set or should the market dictate. 2) Does the City Council support amending cannabis regulations to allow cannabis microbusinesses in Banning?
  
- 9.2. AB 571 Local Campaign Contribution Limits .....**35**  
*(Staff Report: Doug Schulze, City Manager)*  
**Recommendation:** Provide direction to the City Manager to 1) Follow statewide campaign contribution restriction of \$4,700 from one individual per calendar year or 2) Set its own limit (higher or lower) than the statewide campaign contribution restriction.

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

New Items:

Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update

## **11. ADJOURNMENT**

***Next Meeting: December 8, 2020 at 5:00 P.M.***

**NOTICE:** Any member of the public may address this meeting of the Mayor and City Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and 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 Mayor and Council may act. A three-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and 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 Section 54954.2 of the Government Code.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office (951)-922-3102. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]**

*Pursuant to amended Government Code Section 54957.5(b) staff reports and other public records related to open session agenda items are available on the City’s website at [www.banningca.gov](http://www.banningca.gov) or via email or regular mail by calling (951) 922-3102 or emailing [sdelafuente@banningca.gov](mailto:sdelafuente@banningca.gov) in the Office of the City Clerk during regular business hours, Monday through Friday, 8 a.m. to 5 p.m. and requesting a copy.*

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL  
**FROM:** Douglas Schulze, City Manager  
**PREPARED BY:** Sonja De La Fuente, Deputy City Clerk  
**MEETING DATE:** November 10, 2020  
**SUBJECT:** Minutes of the October 27, 2020, City Council Meetings

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**RECOMMENDED ACTION:**

Approve the Minutes of the October 27, 2020 City Council Meetings.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Minutes of the October 27, 2020, Regular City Council Meeting  
<https://banningca.gov/DocumentCenter/View/8116/10-27-20-Regular-Meeting-Minutes>
2. Minutes of the October 27, 2020, Special City Council Meeting  
<https://banningca.gov/DocumentCenter/View/8115/10-27-20-Special-Meeting-Minutes>

Approved by:

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Douglas Schulze  
City Manager

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## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Tom Miller, Electric Utility Director  
Jim Steffens, Power Resources Manager

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-140, Approving the City of Banning Electric Utility Power Content Label for Calendar Year 2019.

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### **RECOMMENDED ACTION:**

The City Council consider adopting Resolution 2020-140:

1. Approving the City of Banning Electric Utility (“Utility”) Power Content Label for Calendar Year 2019, attached herewith as Exhibit “A” to Attachment 1.
2. Authorize the Electric Utility Director, or his or her designee, to disseminate the information included on the Power Content Label to the Utility’s customers in compliance with the requirements of Senate Bill 1305 and Assembly Bill 162.

### **BACKGROUND:**

On October 11, 2009 the Governor signed California State Assembly Bill 162 (“AB 162”), which amended the Power Content Label reporting requirements originally set forth in Senate Bill 1305. The amendments changed the reporting requirements from quarterly to annual, and require that utilities report actual power content information instead of projected.

The information must be provided to the utility’s customers through either printed or electronic means, including posting it on the City’s website. The Utility will provide it by posting an electronic copy of the Power Content Label on the City’s website.

The California Energy Commission (CEC), which has oversight authority for this requirement, has stated that the governing body of each locally owned public utility must

approve the annual Power Content Label for the utility(s) under its jurisdiction. Therefore, Staff is requesting that the City Council approve Resolution 2020-140, accepting the Utility's Power Content Label, attached herewith as Exhibit "A" to Attachment 1.

**JUSTIFICATION:**

AB 162 requires that all load serving electric utilities develop and provide to its customers on an annual basis an approved Power Content Label. The Power Content Label shows the percentages of each type of energy resources that are used to serve an electric utility's customers.

**FISCAL IMPACT:**

None.

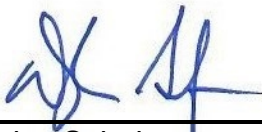
**OPTIONS:**

1. Approve the Power Content Label as recommended.
2. Do not approve the Utility's Power Content Label, which would put the Utility in violation of AB 162.

**ATTACHMENTS:**

1. Resolution 2020-140 <https://banningca.gov/DocumentCenter/View/8108/Reso-2020-140-with-Exhibit>

Approved by:



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Douglas Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works  
Kevin Sin, Senior Civil Engineer

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-138, Approving Amendment No. 1 to the Professional Services Agreement with Transtech Engineers, Inc. to Increase the Total Compensation by \$250,000 and to Extend the Term of Agreement through December 31, 2022 for Plan Check, Inspections and Related Administrative Services.

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**RECOMMENDED ACTION:**

City Council adopt Resolution 2020-138:

1. Approving Amendment No. 1 to the Professional Services Agreement with Transtech Engineers, Inc. for an additional \$250,000 and to extend the term of the agreement through December 31, 2022 for plan check, inspections and related administrative services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 1 with Transtech Engineers, Inc.
3. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Transtech Engineers, Inc.

**BACKGROUND:**

The Public Works Department, currently staffed with three full-time engineers and one inspector, administers an array of services including management of capital improvement and infrastructure projects related to the design and construction of water, wastewater, streets, storm drain and building infrastructure. In addition to managing public works projects, staff is also responsible for processing private land development projects.

Due to staff resources and the anticipated work load related to land development projects such as the Rancho San Gorgonio (RSG) Specific Plan, the City Council adopted Resolution No. 2019-136 on November 12, 2019 awarding a professional services agreement to Transtech Engineers, Inc. (Transtech) for plan checks, inspections and

related administrative services in the amount of \$100,000 on an as needed basis. To date we have exhausted approximately \$30,000. The contract is set to expire on December 31, 2020.

Staff recommends an increase in compensation in the amount of \$250,000 to the existing agreement with Transtech as well as an extension in the term of the agreement through December 31, 2022.

**JUSTIFICATION:**

Transtech has done an excellent job providing the required services (e.g. plan checks and review of technical studies) to meet the demands of Rancho San Geronio (RSG) specific plan development and other developments. It is anticipated that the demands created by RSG project will soon increase and continue through calendar year 2022, hence staff's recommendation to increase the compensation and term of Transtech's agreement with the City. If approved, Amendment No. 1 will ensure that we process development projects in a timely manner.

**FISCAL IMPACT:**

An appropriation from the General Fund in the amount of \$250,000 to Account No. 001-3000-442.33-53 is necessary and will be directly offset by revenues collected from plan check and inspection fees collected by the Public Works Department. Funds exhausted to date have been 100% recovered by said fees, which are collected prior to providing Transtech the approval to proceed with work.

**ALTERNATIVE:**

Do not approve Resolution 2020-138. This alternative would cause a reduction in the level of service to private development applicants in the processing of their projects. Additionally, staff would have less time to work on the City's capital improvement projects.

**ATTACHMENTS:**

1. Resolution 2020-138  
<https://banningca.gov/DocumentCenter/View/8121/Attachment-1-Reso-2020-138>
2. Amendment No. 1 <https://banningca.gov/DocumentCenter/View/8120/Attachment-2-C00520-Transtech-Amendment-1>

Approved by:



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Douglas Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Holly Stuart, Management Analyst

**MEETING DATE:** November 10, 2020

**SUBJECT:** Amendment No. 1 to the Professional Services Agreement with R3 Consulting Group for Negotiation of the City's Franchise Agreement for the Collection, Transportation, Recycling and Disposal of Solid Waste in the Amount of \$11,692.

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**RECOMMENDED ACTION:**

City Council approve the following:

1. Approve Amendment No. 1 to the Professional Services Agreement with R3 Consulting Group, Inc. for Negotiation of the City's Franchise Agreement for the Collection, Transportation, Recycling and Disposal of Solid Waste in an amount of \$11,692 for a total contract amount of \$36,507.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement Amendment No. 1 with R3 Consulting Group, Inc.
3. Authorizing the City Manager to execute Amendment No. 1 to the Professional Services Agreement with R3 Consulting Group, Inc.

**BACKGROUND:**

The City of Banning entered into a Franchise Agreement with Waste Management (WM) for the Collection, Transportation, Recycling and Disposal of Solid Waste on July 15, 1993. Subsequently, five (5) amendments to the Franchise Agreement were executed adjusting the services and extending the term the Franchise Agreement to expire on June 30, 2021.

On September 17, 2019, in preparation of the term expiration, staff solicited proposals from qualified firms to assist the City with identifying deal points, draft a new franchise agreement and assist with negotiations to ensure that the City provides solid waste collection services that are comparable to industry standards, as well as, compliant with applicable regulations such as Assembly Bills 939, 341,1826 and Senate Bill 1383.

As a result of this solicitation, R3 Consulting Group, Inc. was identified as the most qualified firm to provide the services and was awarded a professional services agreement in the amount of \$24,815. Since, deal points were identified, a new franchise agreement has been drafted and City staff along with R3 Consulting Group, Inc. have been in negotiations with the City's current hauler, Waste Management.

The negotiation process has taken longer than initially anticipated resulting in the need to extend the agreement term and expand the original scope to allow for additional services in the amount of \$11,692. Should the negotiation process with the City's current hauler prove unsuccessful, with the direction of City Council, R3 Consulting Group, Inc. will assist staff with changing direction and taking this item out for competitive bid through the request for proposal process.

**JUSTIFICATION:**

The original Professional Services Agreement in the amount of \$24,815 is expected to be fully exhausted by the end of the month, November of 2020. In order to continue receiving services and expert knowledge from R3 Consulting Group, Inc. related to the negotiation of a new franchise agreement, additional funding in the amount of \$11,692 is needed for a total contract amount of \$36,507.

R3 Consulting Group, Inc. was determined to be the highest ranked and most qualified firm to provide these services following the solicitation process in September of 2019.

**FISCAL IMPACT:**

An appropriation in the amount of \$11,692 from Refuse Fund 690 to Account No. 690-9600-453.33-11 (Professional Services) is needed to cover Amendment No. 1. The total Professional Services Agreement with R3 Consulting Group, Inc. for these services amounts to \$36,507.

**ALTERNATIVE:**

The City Council may choose to reject this action which would result in continued negotiation between City staff and Waste Management without the support of a consultant with expert industry knowledge.

**ATTACHMENTS:**

1. Professional Services Agreement with R3 Consulting Group, Inc.  
[https://banningca.gov/DocumentCenter/View/8122/Attachment-1\\_R3-Consulting-Group\\_Negotiation-Contract](https://banningca.gov/DocumentCenter/View/8122/Attachment-1_R3-Consulting-Group_Negotiation-Contract)
2. Draft Amendment 1  
[https://banningca.gov/DocumentCenter/View/8132/Attachment-2\\_DRAFT\\_C00620-R3-CONSULTING-GROUP-INC-AMENDMENT-1](https://banningca.gov/DocumentCenter/View/8132/Attachment-2_DRAFT_C00620-R3-CONSULTING-GROUP-INC-AMENDMENT-1)

Approved by:



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Douglas Schulze  
City Manager

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**CITY OF BANNING  
BANNING UTILITY AUTHORITY REPORT**

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 10, 2020

**SUBJECT:** Professional Services Agreement with iParametrics for the Development of a Risk and Resilience Assessment and a Corresponding Emergency Response Plan in compliance with the American Water Infrastructure Act in the Amount of \$41,430

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**RECOMMENDED ACTION:**

Staff Recommends that the Banning Utility Authority:

1. Award a Professional Services Agreement for the Development of a Risk and Resilience Assessment (RRA) and a corresponding Emergency Response Plan (ERP) in compliance with the American Water Infrastructure Act, to iParametrics in the amount of \$41,430.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Professional Services Agreement for the development of the Risk and Resilience Assessment and a corresponding Emergency Response Plan.
3. Authorizing the City Manager or his designee to execute the Professional Services Agreement with iParametrics of Alpharetta, GA in the amount of \$41,430.

**BACKGROUND:**

The United States Environmental Protection Agency (USEPA) adopted the American Water Infrastructure Act (AWIA) in late 2018 that requires community water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). The law specifies the components that the risk assessments and ERPs must address and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP. The City serves a population 30,325 which requires the City to submit the Risk and Resilience Assessment by June 30, 2021 and the Emergency City Response Plan by December 31, 2021.

Scope of Work

Consultant will conduct and develop a new Risk and Resilience Assessment (RRA) in accordance with AWIA Section 2013 and develop an ERP that incorporates the findings from the RRA. RRA's will include the following: risk to the systems from malevolent acts and natural hazards, resilience of water facility infrastructure, Industrial Control Systems Network, Networks and electronic security systems, financial infrastructure, chemical use, storage and handling procedures, operation and maintenance of the systems, and the all hazards threat assessment that include utility interruptions, communication, supply chain and employee staffing issues during illness/pandemic situations. At the completion of the RRA, the Consultant shall provide the RRA and recommendations report and prepare an RRA certification for submission to the EPA within the specified timeframe mandated by AWIA. They will also be required to provide software for data collection for five-year recertification.

**JUSTIFICATION:**

US EPA requires community water systems serving more than 3,300 people to develop or update risk assessments and ERPs. The law specifies the components that the risk assessments and ERPs must address and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP.

**FISCAL IMPACT:**

Funding is available in the Water Division Operational Fund, Account No. 660-6300-471.33-11 (Professional services) for this project.


**ALTERNATIVE:**

Reject the Professional Services Agreement with iParametrics. If rejected, the City water division would be out of compliance with EPA Drinking Water and their California State Water Resources Water Permit. Penalties for missing deadlines is up to \$25,000 per day.

**ATTACHMENTS:**

1. iParametrics Proposal Dated October 8, 2020  
<https://banningca.gov/DocumentCenter/View/8119/Attach-1-iParametrics-LLC-Proposal>
2. Aggregate Score Summary  
<https://banningca.gov/DocumentCenter/View/8118/Attach-2-Score>

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-133, Approving and Authorizing the Application for Statewide Park Development and Community Revitalization Program Grant Funds

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### **RECOMMENDED ACTION:**

Staff recommends that the City Council adopt Resolution 2020-133, approving and authorizing the application for Statewide Park Development and Community Revitalization Program Grant Funds to expand Lions Park.

### **BACKGROUND:**

The State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program. Statewide Park Program (SPP) competitive grants will create new parks and new recreation opportunities in critically underserved communities across California. A total of \$395.3 million is available for the current round of funding. The maximum grant request per application is \$8,500,000, and the minimum grant request is \$200,000. There is no local match required. The application deadline is December 14, 2020, and funded projects must be complete in the first quarter of 2025.

The City desires to utilize SPP grant funds to expand Lions Park and add needed recreation amenities, including two multi-use fields and a walking trail. The City applied for this project during the last round of the statewide grant process and we were not rewarded. Staff was able to discuss our previous application with the State Department of Grants and believe that based on those discussions, we were able to improve and develop a strong grant application for this final round of funding. Although we are still updating the final budget for the application, the requested grant amount will be well within the minimum and maximum award requests, estimated to be close to \$3,750,000.

**JUSTIFICATION:**

If awarded, SPP funds will provide the vital support necessary to expand Lions Park and add needed recreation amenities including two community-requested sports fields.

**FISCAL IMPACT:**

If awarded, there is no direct fiscal impact to the City for the development of this expansion to Lion's Park and there is no match requirement with this grant. The City would be responsible for the ongoing maintenance of the new park after development requiring general fund allocations or other designated funding for the operation of the new park.

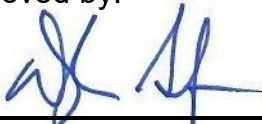
**ALTERNATIVE:**

Do not approve Resolution 2020-133. If not approved staff will continue to seek funding for the Lions Park Expansion Project.

**ATTACHMENTS:**

1. Resolution 2020-133  
<https://banningca.gov/DocumentCenter/View/8125/Resolution-No-2020---133-Authorizing-the-Application-for-Prop-68-SPP-Grant-Round-4>
2. Project Location Map <https://banningca.gov/DocumentCenter/View/8124/Lions-Park-ExpansionProject-Location-Map>
3. Project Concept Plan [https://banningca.gov/DocumentCenter/View/8126/Lions-Park-Expansion-Project\\_Concept-Plan\\_Final](https://banningca.gov/DocumentCenter/View/8126/Lions-Park-Expansion-Project_Concept-Plan_Final)

Approved by:



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Douglas Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 10, 2020

**SUBJECT:** Request for Fee Waiver of \$1,080 for LifeStream's Use of the Community Center for Monthly Blood Drives

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**RECOMMENDED ACTION:**

Staff recommends that the City Council approve the requested fee waiver for use of the multi-purpose room for Life Stream Blood Bank's monthly blood drive.

**BACKGROUND:**

Life Stream, a local non-profit organization, provides blood products and services to over 80 Southern California hospitals in six counties. LifeStream has hosted monthly blood drives in the Community Center for multiple years and provides a necessary and valuable service to the Community. The ease of access and the availability of the Community Center provides the citizens of Banning a great option to donate blood and ensure that the needs of our local hospitals are met.

LifeStream has requested the waiver of its facility use fees for their monthly blood drives. The fees for their requested use include twelve monthly rentals of the Community Center's Multi-purpose room with a monthly fee of \$90.00 per day, resulting in a total fee waiver request of \$1,080.00 for their use. Their requested monthly uses take place during regular business hours and do not require additional staff time for opening and closing of the facility and LifeStream provides their own equipment and set up and take down for their use.

Chapter 3.40.010, of the Banning Municipal Code establishes the protocol for the waiver of fees for non-profit organizations that provide a valuable public service to the community. Per this chapter, fee waiver requests above one thousand dollars require the authorization and approval of the Banning City Council.

**JUSTIFICATION:**

LifeStream's offering of monthly blood banks provide a valuable public service to our community and the use of the Community Center provides a location that not only enhances their efforts but allows for easy participation of our citizens in this endeavor.

**FISCAL IMPACT:**

Although there is a potential loss of revenue from the fee waiver for the requested use, there are no other revenue generating uses that are being displaced by approving the requested fee waiver. Additionally, since their facility usage takes place during regular business hours, there is not additional staff costs associated with this use.

**ALTERNATIVE:**

Do not approve the fee waiver request and provide alternate direction.

**ATTACHMENTS:**

1. Fee Waiver Request letter from LifeStream  
<https://banningca.gov/DocumentCenter/View/8123/LifeStream-Fee-Waiver-request>

Approved by:



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Douglas Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Deputy Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-139, Approving New Job Description and Revision to the Compensation and Classification Plan.

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**RECOMMENDED ACTION:**

City Council adopt Resolution 2020-139:

1. Approving new job description (Grants Coordinator) and revision to the Compensation and Classification Plan.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers.

**BACKGROUND:**

It is necessary to amend the City's Classification and Compensation Plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs. The adoption of Resolution 2020-139 would replace Resolution 2020-121.

**JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

The addition of a Grants Coordinator position. This position will perform high-level professional work related to grant seeking, grant administration, and coordinating grant management activities on a Citywide basis. Coordinates and oversees the grant application and management process, including: identification of potential new funding sources, development of funding resources for existing and proposed programs and/or services, writing grants, developing budgets, collaborating on grant applications with various departments and community organization organizations, and processing, monitoring and coordinating required report evaluations on existing grants. Works closely with the City Manager's office to provide ongoing status updates and reports and works with various department directors to provide technical assistance and advice in matters related to grant administration and management.

**FISCAL IMPACT:**

The Grants Coordinator position is proposing a salary range (T68) from \$64,313.60 (Step 1) to \$87,008.48 (Step 13) funded 100% by Grant Funds, with salaries and benefits totaling \$122,675.22 (Step 1) to \$157,482.14 (Step 13).

Total General Fund impact: No net fiscal impact to the general fund.

Revisions to Class and Compensation Plan:

Add: Grants Coordinator 1

**OPTIONS:**

1. Approve Resolution 2020-139 authorizing the new and revised job description and revisions to the Classification and Compensation Plan and make the necessary budget adjustments, appropriation and transfers.
2. Do not approve the resolution and provide direction to staff.

**ATTACHMENTS:**

1. Resolution 2020-139  
<https://banningca.gov/DocumentCenter/View/8131/Attachment-1---Reso-2020-139-Amended-Class-Plan>
  - a. Grants Coordinator Job Description  
<https://banningca.gov/DocumentCenter/View/8129/Attachment-1a--Reso-2020-139--Exhibit-A--Grants-Coordinator-Proposed-Job-Description>
  - b. Class and Compensation Plan  
<https://banningca.gov/DocumentCenter/View/8130/Attachment-1b-Reso-2020-139--Schedule-A-Class-and-Compensation-Plan-Updated-11102020>
2. Position Cost for Grants Coordinator  
<https://banningca.gov/DocumentCenter/View/8127/Attachment-2--New-Position-Costs-Grants-Coordinator>
3. Salary Position Calculation  
<https://banningca.gov/DocumentCenter/View/8128/Attachment-3-Salary-Position-Calculation-Grants-Coordinator>

Approved by:

  
\_\_\_\_\_  
Douglas Schulze  
City Manager





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

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

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-144, Authorizing the Purchase of One Metal-Clad Switchgear Building from Myers Power Products Inc.

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### **RECOMMENDED ACTION:**

City Council adopt Resolution 2020-144 approving the following:

1. Approving the purchase of one (1) Metal-Clad Switchgear Building to Myers Power Products, Inc., in the amount not to exceed \$776,455 including taxes.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to this purchase.
3. Authorize the City Manager and/or designees to complete and execute all documents related to this transaction.

### **BACKGROUND:**

Banning Electric Utility is a retail electrical energy distribution provider and load serving entity serving 13,000 end-use customers with 15 miles of overhead and underground sub-transmission, six (6) distribution substations, and 129 miles of overhead and underground distribution lines. In order to provide reliable service while maintaining competitive rates, the City of Banning Electric Utility ("Utility") must plan its capital improvements with strategic replacement of aging infrastructure. Electrical distribution substations are a critical piece of this infrastructure, bridging the Utility's sub-transmission system to the distribution system before power can be distributed via circuit lines to the Utility's customers.

The existing electrical distribution infrastructure at San Gorgonio Substation is reaching the end of its useful life and it is pertinent that the Utility make improvements to this substation to prevent the failure of the old equipment.

The Utility has solicited a quote from Myers Power Products, Inc. to replace the existing distribution infrastructure at San Gorgonio Substation. Myers had previously secured the competitive bid contract for procurement of the metal-clad switchgear buildings for both Ivy and Stagecoach Substations, thus working with Myers for the procurement of the San Gorgonio Substation distribution building as an extension of the process and agreement. Furthermore, the electric distribution feeders from San Gorgonio Substation are expected to support the initial phase of the Rancho San Gorgonio development project.

**JUSTIFICATION:**

The Utility maintains a capital improvement plan that has been reviewed and approved by the City Council. Further, the capital improvement plan and annual operations and maintenance programs are included in annual budgets and are authorized by the City Council. The primary purpose of the Utility is to provide continued reliable, and uninterrupted utility services. In order to ensure that the Utility's services remain consistently reliable, it is necessary for the Utility to have the means to quickly and efficiently acquire specific goods, equipment and services as identified and approved in advance by the City Council, and set forth as exceptions in the City's Purchasing Policy. The purchase of the metal-clad switchgear building is within the parameters of the established program.

**FISCAL IMPACT:**

\$776,455 is available in the Electric Capital Improvement fund for the purpose of replacing and upgrading various electric distribution facilities.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Resolution 2020-144  
<https://banningca.gov/DocumentCenter/View/8133/Attachment-1--Resolution-2020-144-Substation-Metal-Clad-Building>
2. Quote for 12.47kV Metal Clad Switchgear Building  
<https://banningca.gov/DocumentCenter/View/8134/Attachment-2---Myers-Quote-for-Substation-Building>

Approved by:



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Douglas Schulze  
City Manager



**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-136, Approving Fiscal Year 2021/2022  
Community Development Block Grant Program Applications

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**RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2020-136, approving Fiscal Year 2021/2022 Community Development Block Grant Program Project, and authorize staff to submit application to the Riverside County Housing, Homelessness Prevention and Workforce Solutions (“HHPWS”).

**COMMITTEE RECOMMENDATION:**

On August 25, 2020, the City Council appointed an Ad-hoc Committee comprised of two Council members and the Economic Development Manager to review and recommend approval of Community Development Block Grant (“CDBG”) Funding Cycle 2021/2022. The committee met on November 4, 2020 and recommended the City’s CDBG entitlement be allocated to City of Banning, Parks & Recreation (Sylvan Park) \$100,000; City of Banning, Parks & Recreation (Lions Park) \$37,500; City of Banning, Parks & Recreation (Roosevelt Williams Park) \$17,000; City of Banning, Economic Development (Retail Recruitment) \$35,000; Boys & Girls Club of San Geronio Pass (Teen Leader Program) \$4,500 (Exhibit A).

**BACKGROUND:**

The City of Banning, through the Riverside County Housing, Homelessness Prevention and Workforce Solutions, has submitted various projects annually for funding under the CDBG program. Notifications of the application period in English and Spanish were published on the City’s website and press releases were transmitted to the Record Gazette, Facebook, Instagram, and Twitter (Attachment 2).

As part of the CDBG guidelines, the proposed projects/activities must meet the following criteria:

1. The project or activity must primarily benefit the low and moderate-income community.
2. The project or activity must aid in the prevention or elimination of slums and blight areas.
3. The project or activity must be designed to meet the Community's development needs and have a particular urgency.

Applications were due to the City for consideration on or before October 19, 2020. The City received and the Ad-hoc Committee reviewed five applications and recommended funding for all projects (Attachment 3).

**JUSTIFICATION:**

In response to the 2021/2022 grant cycle, one application for a service-related project was submitted by a non-profit organization and four applications from the City were received. The applications are summarized in Exhibit A (Attachment 3). As set forth in the guidelines for utilization of the CDBG funding, the City Council may designate up to 14% of the City's allocation, to service oriented non-profit agencies for public services projects, but is not required.

The City 2021/2022 applications represent requests for funding to fund community youth-related programming and physical improvements to Replier and Lions and Roosevelt Williams Parks, as well as an application for Retail Recruitment coordinated by the Economic Development Department. For the projects involving physical improvements, CDBG funding will be utilized for the construction phase of the project.

**FISCAL IMPACT:**

The estimated funding under the CDBG Fiscal Year 2021/2022 program is approximately \$194,000. Upon approval of the City Council, the City approved projects will be submitted to the HHPWS for review and consideration. It is anticipated that final funding approval will be provided to the City by October of 2021.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Resolution 2020-136  
<https://banningca.gov/DocumentCenter/View/8135/Att-1-Resolution-2020-136>
2. Outreach Materials  
<https://banningca.gov/DocumentCenter/View/8138/Att-2-Public-Outreach>
3. Exhibit "A" All Received Applications  
<https://banningca.gov/DocumentCenter/View/8139/Att-3-Exhibit-A>

Approved by:



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Douglas Schulze  
City Manager

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**CITY OF BANNING  
CITY COUNCIL REPORT**

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** November 10, 2020

**SUBJECT:** Resolution 2020-137, Accepting Community Development Block Grant Funds for Fiscal Year 2020/2021 in the Total Amount of \$349,081.90 for the Banning Police Department Explorer Program (5.BN.46-20) in the Amount of \$18,000; the Teen Leaders Program (5.BN.47-20) in the Amount of \$10,000; the Replier Park Rehabilitation and Improvement Project (5.BN.48-20) in the Amount of \$166,336; and the Senior Center ADA Improvement Project (5.BN.49-20) in the Amount of \$154,745.90

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**RECOMMENDED ACTION:**

Staff recommends the City Council adopt Resolution 2020-137 and authorize staff to execute and submit the Supplemental Agreement to the Riverside County Housing, Homelessness Prevention and Workforce Solutions.

**BACKGROUND:**

The submittal of the project applications for CDBG 2020/2021 program funding was approved by City Council on November 12, 2019 under Resolution 2019-137. The execution of the 2020/2021 CDBG Supplemental Agreement is required in order for the City to obtain and utilize the CDBG funds.

**JUSTIFICATION:**

On an annual basis, the City of Banning has participated in the federally funded CDBG program. On November 12, 2019, the City Council adopted Resolution 2019-137 approving the project applications submittal to the Riverside County Housing, Homelessness Prevention and Workforce Solutions for consideration.

In order to utilize Fiscal Year 2020/2021 CDBG program funds, the City is required to execute a Supplemental Agreement attached hereto by reference. The CDBG FY 2020/2021 funding will be allocated to the Banning Police Department Explorer Program (5BN.46-20) in the amount of \$18,000; the Teen Leaders Program (5.BN.47-20) in the amount of \$10,000; the Replier Park Rehabilitation and Improvement Project (5.BN.48-20) in the amount of \$166,336; and the Senior Center ADA Improvements Project (5BN.4-20) in the amount of \$154,745.90; and

**FISCAL IMPACT:**

By approving the CDBG Supplemental Agreement, Fiscal Year 2020/2021, the City anticipates receiving \$18,000 for the Banning Police Department Explorer Program, \$166,336 for the Replier Park Rehabilitation and Improvement Project and \$154,745.90 for the Senior Center ADA Improvements Project. Acceptance of these funds are restricted exclusively for these projects.

**OPTIONS:**

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

**ATTACHMENTS:**

1. Resolution 2020-137  
<https://banningca.gov/DocumentCenter/View/8110/Resolution-2020-137-CDBG-Supplemental-Agreement>
2. Resolution 2019-137 <https://banningca.gov/DocumentCenter/View/8111/Att-2-Resolution-2019-137>
3. Supplemental Agreement, CDBG FY 2020/2021  
<https://banningca.gov/DocumentCenter/View/8109/Att-3-CDBG-Supplemental-Agreement->

Approved by:



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Douglas Schulze  
City Manager





## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** November 10, 2020

**SUBJECT:** Discuss Amendments to Cannabis Regulations

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### **RECOMMENDED ACTION:**

Recommend City Council provide direction to the City Manager regarding amendments to cannabis regulations. Specific direction requested includes, but is not limited to:

- 1) Does the City Council support increasing the number of retail cannabis dispensaries allowed in Banning? If yes, should a maximum number be set or should the market dictate?
- 2) Does the City Council support amending cannabis regulations to allow cannabis microbusinesses in Banning?

### **BACKGROUND:**

During the October 13, 2020 meeting of the City Council, a request was made by Mayor Andrade to add a discussion of amending cannabis regulations to the November City Council meeting agenda. Direction regarding the discussion was not specific but pertained to expanding the number of dispensary licenses allowed in Banning. If the City Council wishes to consider amendments to cannabis regulations, it is important to understand substantial legal expenses can be incurred during the code amendment process. To control legal expenses, suggested amendments should be supported by the majority of the City Council and direction should be as clear and concise as possible.

Section 5.33.040 establishes a lottery process for determining which cannabis businesses will be issued a cannabis regulatory permit and will be eligible to apply for a cannabis conditional use permit. Twenty-four applicants participated in the lottery process and obtained regulatory permits. The first three lottery winners have obtained Conditional Use Permits and two of the three applicants have active building permits. Both applicants are expected to have cannabis dispensaries open in November. Of the remaining 21 lottery applicants, ten have renewed their regulatory permits and remain eligible to apply for Conditional Use Permits under current municipal code regulations.

If the City Council wishes to expand the number of allowed retail cannabis dispensaries, the ten lottery participants will have a slight advantage of being pre-qualified for the regulatory permit. Other retail cannabis dispensary applicants will be required to obtain regulatory permits, which can take 2 – 3 weeks depending on the amount of time each applicant needs to obtain all required information and documentation. The regulatory permit is required prior to application for a cannabis conditional use permit. The conditional use permit process will take 3 – 6 months depending on the site selected and applicant ability to process required documentation. Following approval of a conditional use permit, the applicant will then submit a building permit application, which could

**FISCAL IMPACT:**

N/A

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING CITY COUNCIL REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Sonja De La Fuente, Deputy City Clerk

**MEETING DATE:** November 10, 2020

**SUBJECT:** Assembly Bill (AB) 571 Local Campaign Contribution Limits

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### **RECOMMENDED ACTION:**

That the City Council discuss and determine a course of action regarding local campaign contribution limits for elective City office candidates (i.e. do nothing and rely on the State default restrictions or establish limitations that are higher or lower than the State default amounts).

If the City wishes to adopt local contribution limits considering AB 571, the City would need to enforce such restrictions, as AB 571 does not provide the Fair Political Practices Commission (FPPC) with authority to administer or enforce locally set contribution limits.

### **BACKGROUND:**

AB 571 was promulgated based on several findings, including 1) most cities and counties in California do not have independently imposed limitations on contributions to candidates for elective office in those jurisdictions; 2) in cities and counties without campaign contribution limitations, candidates for elective office receive 40 percent or more of their total campaign funds from a single contributor; 3) where people can make unlimited contributions to a candidate for elective city or county office, there is may be a risk and could be perceived that elected officials in those jurisdictions are obligated to their contributors and will act in the best interest of those contributors at the expense of the people; and finally, the state has a statewide interest in preventing either actual corruption and/or the appearance of corruption at all levels of government.

AB 571 was approved by Governor Newsom on October 8, 2019 and becomes effective on January 1, 2021. It allows cities and counties with no independently imposed local campaign contribution limits the discretion to either set limits or default to the state's limitations. The current state limit on contributions from an individual per calendar year is \$4,700. This amount is subject to change by the FPPC in 2021.

Such contribution limits become the default in counties or cities that do not have their own codified contribution limits for local elective office. These limits are separate and apart from

the restrictions placed on small contributor or political party committees. Under AB 571, the FPPC will have expanded administration and enforcement authority regarding the default contribution limits and makes violations of default contribution limits within the FPPC's purview punishable as a misdemeanor. Cities and counties that wish to adopt local contribution limits in light of AB 571 must consider how their own agency will enforce such restrictions, as AB 571 does not provide the FPPC with authority to administer or enforce locally set contribution limits.

Other characteristics of AB 571:

- Extends contribution restrictions for elective county or city office regarding personal loans and for committees created to oppose recall measures;
- Allows a candidate for county or city office to carry over campaign expenditures in connection with a subsequent election for that same office, except in instances where a city and county has barred that practice due to its own local contribution restrictions; and
- Does not impact how much a local candidate may lend to their own campaign from their personal funds.

### **JUSTIFICATION:**

AB 571 amended the 1974 Political Reform Act to create a default campaign contribution limit for elective city or county office candidates (i.e. the same as the limit for certain elective state office candidates), but does not affect a city or county's ability to set its own limits higher or lower than the default limit. This report does not make a recommendation as to which option the City should choose or at what level a limit should be established (should the City decide to establish a limit), but rather sets forth the three (3) options and the legal and administrative ramifications of each option:

- 1) Set no city campaign contribution limit and default to the state limit; or
- 2) Set a city campaign contribution limit that is lower than the state limit; or
- 3) Set a city campaign contribution limit that is higher than the state limit.

### **FISCAL IMPACT:**

None

### **ATTACHMENTS:**

1. AB 571 <https://banningca.gov/DocumentCenter/View/8117/AB-571>

Approved by:



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Douglas Schulze  
City Manager