



AGENDA

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

January 25, 2022
5:00 p.m.

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

Via Video/Teleconference ONLY

Members of the public will not be allowed to attend this meeting in Chambers to help slow the spread of COVID-19. We encourage you to participate via Zoom or by calling 1-669-900-9128, Meeting ID 874 1527 7765.

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

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

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

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQTO9>

Meeting ID: 874 1527 7765

Password: 870511

Dial in: +1 669 900 9128 ♦ Meeting ID: 874 1527 7765

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

1. CALL TO ORDER

- 1.1. Invocation – *Pastor Szydowski of Mountain Avenue Baptist Church*
- 1.2. Pledge of Allegiance

- 1.3. Roll Call
Council Members Hamlin, Happe, Mayor Pingree, Council Members Sanchez and Wallace.

2. AGENDA APPROVAL

- 2.1. Approve Agenda

3. PRESENTATION(S)

None

4. REPORT ON CLOSED SESSION

- 4.1. City Attorney

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

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

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). **PLEASE STATE YOUR NAME FOR THE RECORD.***

*Se aplicará una limitación de tres (3) minutos a cada miembro del público que desee dirigirse al Alcalde y al Concejo sobre un asunto que no esté en la agenda. A ningún miembro del público se le permitirá compartir su tiempo con ningún otro miembro del público. Por lo general, cualquier artículo recibido bajo este encabezado se envía al personal para su estudio, investigación, finalización y / o acción futura del Consejo en el futuro (consulte el artículo 10). **POR FAVOR INDIQUE SU NOMBRE PARA EL REGISTRO.***

- 5.2. CORRESPONDENCE

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

- 5.3. APPOINTMENTS

- 5.4. CITY COUNCIL COMMITTEE REPORTS

- 5.5. CITY MANAGER REPORT

- 5.6. CITY ATTORNEY REPORT

6. CONSENT ITEMS

(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.)

Mayor to Open Consent Items for Public Comments

Motion: Approve consent items 6.1 to 6.10.

Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority.

- 6.1. Approval of Minutes of the January 11, 2022 City Council Meetings.....**7**
- 6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of December 2021..... **8**
- 6.3. Receive and File Cash, Investments and Reserve Report for the Month of December 2021.....**10**
- 6.4. Receive and File Police Dept. Statistics for the Month of December 2021....**12**
- 6.5. Public Works Capital Improvement Project Tracking List..... **13**
- 6.6. Resolution 2022-06, Approving a Five-Year Liability Program Assessment Agreement with Public Entity Risk Management Authority (PERMA) **14**
- 6.7. Approve Blais and Associates, LLC Grant Writing Professional Services Agreement Year 2 Change Order and Amendment 2 Authorizing Year 3 Grant Writing Services..... **17**
- 6.8. Resolution 2022-09, Approving Amendment No. 4 to the Professional Services Agreement (PSA C00608) with Willdan Engineering for Building and Safety Plan Check and Landscape Design Review Services..... **21**
- 6.9. Approving a Purchase Order Amendment to Center Electric, of Riverside, California for Water/Wastewater Electrical Services as Needed in the Amount of \$15,000 **23**
- 6.10. Accept Electric Easement for APN 532-160-012 for the Maintenance of the City-Owned Electric Distribution System..... **25**

7. PUBLIC HEARING(S)

Agenda Item 7.1, a Public Hearing related to the Redistricting Process, will begin at 6:00 p.m. or shortly thereafter in accordance with Government Code §21507.1 (d).

- 7.1. Third Public Hearing to Receive Public Comments and Input on the Process for the Redrawing of Election District Boundaries and on the 2020 Draft Map No. 1 Submitted by Staff and Receive City Council Direction.....**27**
(Staff Report: Kevin Ennis, City Attorney)

Recommendation: It is recommended that the City Council receive the staff report, open the public hearing, take testimony, close the public hearing the provide direction to City staff on the 2020 Draft Map No. 1 and continue the item to a fourth public hearing at the February 22, 2022 City Council meeting.

8. REPORTS OF OFFICERS

- 8.1. State Water Board Adoption of Emergency Water Use Regulations to Boost Drought Resilience..... **34**
(Staff Report: Art Vela, Director of Public Works)

Recommendation: Receive and file.

- 8.2. Adopt Resolution 2022-05, Approving the Ratified Tentative Agreement with the Teamsters, Representing the Mid- Management and Professional Unit Employees, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding..... **36**
(Staff Report: Cherie Johnson, Human Resources Director)

Recommendation: Adopt Resolution 2022-05, Approving the Ratified Tentative Agreement with the Teamsters, Representing the Mid- Management and Professional Unit Employees, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding.

- 8.3. Consideration of Resolution 2022-08, Approving A Facilities Joint Use Agreement between the City of Banning and the Banning Unified School District..... **39**
(Staff Report: Ralph Wright, Parks and Recreation Director)

Recommendation: That the City Council adopt Resolution 2022-08, approving the Facilities Joint Use Agreement between the City of Banning and the Banning Unified School District.

- 8.4. Resolution 2022-07, Approving up to a \$1,300,000 Allocation in the Treasury's Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) to Fund a One-Time Advanced Premium Payment **41**
(Staff Report: Doug Schulze, City Manager)

Recommendation: Staff recommends approval of Resolution 2022-07: (1) Approving up to \$1,300,000 budget in CSLFRF funds received by the City of Banning to fund a one-time advanced premium payment; and (2) Authorizing the City Manager or his designee to make all necessary appropriations, transfers, and budget adjustments related to Resolution 2022-07.

- 8.5. Consider Approval of New Employment Agreement with Matthew Hamner for Police Chief Services..... **43**
(Staff Report: Doug Schulze, City Manager)

Recommendation: A motion to approve the Employment Agreement with Matthew Hamner for Police Chief Services effective February 11, 2022 through February 10, 2027.

9. DISCUSSION ITEM(S)

None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Golf Cart/EV Ordinance (On hold)
4. Airport Advisory Commission
5. Business-Friendly Zoning (Wallace)

11. ADJOURNMENT

Next Regular Meeting – February 8, 2021 at 5:00 p.m.

Zoom Community Standards for Public Meetings

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

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

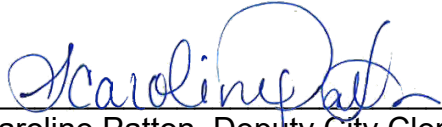
Estándares comunitarios de Zoom para Reuniones Públicas

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

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

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 5:00 P.M. on the 20th day of January 2022.


Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

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

Public Comment

Agenda Items

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

Non-Agenda Items

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

Special Assistance/Accessibility Requests

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


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

CONTACT • CONTACTO

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



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Caroline Patton, Deputy City Clerk 
MEETING DATE: January 25, 2022
SUBJECT: Minutes of the January 11, 2022 City Council Meetings

RECOMMENDATION:

Approve the minutes of the January 11, 2022 City Council Meetings.


ALTERNATIVES:

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

ATTACHMENTS:

1. Minutes of the January 11, 2022 Special City Council Meeting
https://banningca.gov/DocumentCenter/View/9983/2022-01-11_Minutes_Special-Meeting
2. Minutes of the January 11, 2022 Regular City Council Meeting
https://banningca.gov/DocumentCenter/View/9984/2021-01-11_Minutes_Regular-Meeting

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 25, 2022

SUBJECT: Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of December 2021

RECOMMENDATION:

That City Council review and ratify the warrants for period ending **December 31, 2021**, per California Government Code Section 37208.

WARRANT SUMMARY:

Description	Payment #	Amount	Total Amount
Checks:			
Checks Issued during Month	180528-180937	\$ 3,388,849.84	
Voided / Reissue Check		\$ 42.98	
Check Total			\$ 3,388,806.86
Wires Total			
	1071		\$ 1,067,545.93
ACH payments:			
	9007160-9007177		
Payroll Direct Deposit	12/3/2021	\$ 446,481.44	
Payroll Direct Deposit	12/17/2021	\$ 452,481.12	
Payroll Direct Deposit	12/31/2021	\$ 572,793.71	
Other Payments		\$ 699,450.50	
ACH Total			\$ 2,171,206.77
Payroll Checks:			
	12498-12530		
Payroll - Regular	12/3/2021	\$ 1,836.68	
Payroll - Regular	12/17/2021	\$ 2,606.55	
Payroll - Regular	12/31/2021	\$ 2,980.49	
Payroll Check Total			\$ 7,423.72
Total Warrants Issued for December 2021			\$ 6,634,983.28

ATTACHMENTS:

1. Fund List

<https://banningca.gov/DocumentCenter/View/9987/Attachment-1--Fund-List>

2. Warrant Report

<https://banningca.gov/DocumentCenter/View/9988/Attachment-2--Warrant-Report-December-2021>

3. Warrant Report Detail

<https://banningca.gov/DocumentCenter/View/9985/Attachment-3--Warrant-Report-Detail-December-2021>

4. Voided Check Log, Payroll Log & Registers

<https://banningca.gov/DocumentCenter/View/9986/Attachment-4--Void-Check-Log-Payroll-Log-Payroll-Registers>

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 25, 2022

SUBJECT: Receive and File Cash, Investments and Reserve Report for the Month of December 2021

RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **December 31, 2021** in accordance with California Government Code 53646.

CASH AND INVESTMENT SUMMARY:

Description	Prior Month	Current Month
Funds Under Control of the City		
Cash		
Cash on Hand \$	4,055.00 \$	4,055.00
Checking and Savings Accounts \$	9,769,102.69 \$	7,630,553.28
Investments		
LAIF \$	39,769,374.14 \$	39,769,374.14
Brokerage \$	27,542,543.38 \$	27,542,750.52
Total Funds Under Control of the City	\$ 77,085,075.21	\$ 74,946,732.94
Funds Under Control of Fiscal Agents		
US Bank		
Restricted Bond Project Accounts \$	11,671,612.60 \$	11,671,676.33
Restricted Bond Accounts \$	4,820,099.10 \$	4,820,099.10
Union Bank & SCPPA		
Restricted Funds \$	4,231,125.36 \$	4,184,162.63
Total Funds Under Control of Fiscal Agents	\$ 20,722,837.06	\$ 20,675,938.06
Total Funds	\$ 97,807,912.27	\$ 95,622,671.00

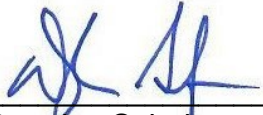
RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:

Description	Prior Month	Current Month
Total Funds	\$ 97,807,912.27	\$ 95,622,671.00
Restricted Funds	\$ 44,214,242.72	\$ 43,194,833.58
Assigned Funds - Specific Purpose	\$ 8,879,643.68	\$ 8,879,643.68
Committed Funds - Specific Purpose	\$ 3,063,108.50	\$ 2,063,108.50
Fund Balance Reserves	\$ 13,828,391.68	\$ 13,828,391.68
Total Restricted, Assigned, Committed and Reserve	\$ 69,985,386.58	\$ 67,965,977.44
Operating Cash - Unrestricted Reserves	\$ 27,822,525.69	\$ 27,656,693.56
Less Accounts held in Investments	\$ 27,542,543.38	\$ 27,542,750.52
Liquid Cash	\$ 279,982.31	\$ 113,943.04

ATTACHMENTS:

1. Cash, Investment and Reserve Report
<https://banningca.gov/DocumentCenter/View/9990/Attachment-1--Cash-Investment-and-Reserve-Report-December-2021>
2. Investment Report
<https://banningca.gov/DocumentCenter/View/9991/Attachment-2--Investment-Report-December-2021>
3. City of Banning Broker Investment Report
<https://banningca.gov/DocumentCenter/View/9992/Attachment-3--City-of-Banning-Broker-Report>
4. LAIF / PMIA Performance Report
<https://banningca.gov/DocumentCenter/View/9993/Attachment-4--PMIA-LAIF-Performance-Report-December-2021>
5. LAIF Market Valuation Report
<https://banningca.gov/DocumentCenter/View/9989/Attachment-5--LAIF-Market-Valuation-December-2021>

Approved by:



 Douglas Schulze
 City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Matthew Hamner, Police Chief
Angie Lam, Police Assistant II

MEETING DATE: January 25, 2022

SUBJECT: Receive and File Police Department Statistics for the Month of December 2021

RECOMMENDATION:

Receive and File Police Statistics for the month of December 2021.

BACKGROUND:

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

ATTACHMENT:

1. Police Statistics for December 2021
<https://banningca.gov/DocumentCenter/View/9994/Dec-2021-Stats>

Approved by:

Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL
FROM: Douglas Schulze, City Manager
PREPARED BY: Art Vela, Director of Public Works
MEETING DATE: January 25, 2022
SUBJECT: Public Works Capital Improvement Project Tracking List

RECOMMENDATION:

This is informational only; receive and file report.

BACKGROUND:

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

ATTACHMENT:

1. CIP Project List
<https://banningca.gov/DocumentCenter/View/9995/Attach-1-CIP-Update-January-2022>

Approved by:

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Cherie Johnson, Human Resources Manager

MEETING DATE: January 25, 2022

SUBJECT: Resolution 2022-06, Approving a Five-Year Liability Program Assessment Agreement with Public Entity Risk Management Authority (PERMA)

RECOMMENDATION:

That City Council adopt Resolution 2022-06, approving the assessment agreement with the Public Entity Risk Management Authority (PERMA) in the amount of \$280,235 over a five-year period.

BACKGROUND:

The City of Banning has been a Joint Powers Agreement member of PERMA (formerly CVJPIA) since 1986. PERMA is a risk pool of public entities The Public Entity Risk Management Authority (PERMA) is a member-directed pool dedicated to providing financially secure, stable and cost-effective coverage programs and risk management services to its members. PERMA has been accredited with excellence by the California Association of Joint Powers Authorities (CAJPA) since 1997. The General Liability program provides defense and indemnity coverage against claims and suits arising from covered occurrences. The City of Banning utilizes several PERMA programs, to include our General Liability program.

JUSTIFICATION:

PERMA's liability program as of 6/30/2021 reflects a negative net position of \$1.8M. In other words, the estimate of members' total incurred losses has exceeded the funding collected to pay those losses. This loss is due to a sharp increase in claim liabilities that has affected public agencies throughout California over the past several years. The actuarial projections were not sufficient to collect enough money to pay the losses the City of Banning incurred.

At its December 2, 2021, meeting, the PERMA Board unanimously approved a liability program financial plan. The plan addresses deficits in program years and places

responsibility for the deficits on the members who participated in the deficit years in accordance with the joint powers agreement. The deficits of 2015-16 through 2020-21 were funded through a transfer of surplus in older program years, an assessment, and application of ERMA dividend funds. A total

PERMA has identified the program deficit years of 2015-2016 to 2020-2021 in the amount of (-\$1,639,359). The program surplus years have been identified as 2005-2006 to 2014-2015 in the amount of \$1,295,432. The City has an Employment Risk Management Authority (ERMA) dividend of \$63,692. The net deficit is identified as (-\$280,235). The assessment calculated funds for the program years to reach zero at an 80% confidence level.

Moving forward, PERMA members will be funding the liability program at 80% confidence. Improving the financial condition of the program is critical to ensuring the pool has enough money to pay member losses and to maintain CAJPA accreditation with excellence. Ongoing projects will also have a positive impact on the financial position, and include a review of pool and member retentions, pool structures, loss control efforts, and claim handling procedures.

FISCAL IMPACT:

Fiscal Services staff have estimated that the liability plan assessment will result in a fiscal impact totaling \$280,235 as follows for the next 5 years:

<u>Fiscal Year</u>	<u>Estimated Amount</u>
2022	\$ 56,047
2023	\$ 56,047
2024	\$ 56,047
2025	\$ 56,047
2026	\$ 56,047

ALTERNATIVE:

The City Council may choose not to adopt Resolution No. 2022-06, which would result in the City possibly incurring additional fees and/or losing its membership with PERMA. Not adopting the tentative agreement might negatively impact the City's ability to pay and manage liability claims.

ATTACHMENTS:

1. Resolution No. 2022-06
https://banningca.gov/DocumentCenter/View/10011/Att-1-Resolution-2022-06-PERMA-Liability-Program-Assessment-2022_0125
2. 2021 PERMA Assessment Agreement and Assessment Summary
https://banningca.gov/DocumentCenter/View/9997/Att-2-2022_1225-PERMA-Liability-Program-Assessment-Letter_Banning_signed

Approved by:

A handwritten signature in blue ink, appearing to read 'DS', is written over a horizontal line.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Jennifer Jackson, Grants Coordinator

MEETING DATE: January 25, 2022

SUBJECT: Approve Blais and Associates, LLC Grant Writing Professional Services Agreement Year 2 Change Order and Amendment 2 Authorizing Year 3 Grant Writing Services

RECOMMENDATION:

1. Approve a Change Order to the Year 2 Professional Services Agreement with Blais and Associates, LLC in the amount of \$15,200
2. Approve Amendment 2 to the Professional Services Agreement with Blais and Associates, LLC for Year 3 Grant Research and Grant Activity Reporting Services in the amount of \$38,640
3. Authorize the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Change Order and Amendment 2 to the Professional Services Agreement with Blais and Associates, LLC
4. Authorize the City Manager to execute Amendment 2 to the Professional Services Agreement with Blais and Associates, LLC

BACKGROUND:

The City entered into a Professional Services Agreement (PSA) with Blais and Associates, Inc. for Grant Writing services in the amount of \$16,380 on December 4, 2019. The term of the agreement is one (1) year, with a maximum term not to exceed five (5) years.

Soon after the original contract commencement in 2019, additional City departments learned of the grant services Blais was providing to the Public Works Department and requested to participate. As a result, Blais was asked to expand their original scope of grant monitoring and consulting to accommodate additional requests. As a result, the original contract amount of \$16,380 was exceeded and a Change Order and an Amendment (Amendment 1) were necessary to satisfy the overage for the Year 1 contract

and approve Year 2 services. On December 8, 2020, the City Council approved the Change Order for Year 1 and Amendment 1 for Year 2 Grant Writing services.

As was the case for Year 1, the Year 2 contract amount of \$16,380 has been exceeded. It is anticipated that a Change Order in the amount of \$15,200 will satisfy the overage for Year 2 contract services through December 3, 2021.

In addition, to remedy the anticipated exceedance of a Year 3 contract, Blais and Associates provided a proposal for Citywide Grant Writing services in the amount of \$38,640. Approval of Amendment 2 will authorize Year 3 Grant Writing services and will increase the PSA amount from \$16,380 to \$38,640 (a difference of +\$22,260). This new contract amount will prevent the need for a Change Order at the end of the Year 3 contract term.

JUSTIFICATION:

Since Agreement execution in December 2019, Blais and Associates has identified several key grant opportunities for the City which have ultimately led to the following **grant awards**:

<i>Name</i>	<i>Department</i>	<i>Amount</i>
Department of Water Resources - Urban and Multibenefit Drought Relief - Banning Critical Well Relocation (M12A)	Public Works - Water	\$2,475,000
SCAG Sustainable Communities Planning Grant - Active Transportation and Safe Routes To Schools	City Manager	\$250,000
Caltrans Sustainable Communities Transportation Planning - Downtown Revitalization and Complete Streets	Public Works	\$298,000
Congressional Earmark Request - Community Project Funding - STAG funding - EQ Basin	Public Works-WW	\$1,250,000
ESG-CVII - Temporary Emergency Shelter	City Manager	\$175,000
ESG-CVI - Temporary Emergency Shelter	City Manager	\$175,000
Bureau of Reclamation - Drought Resiliency - AML project	Public Works - Water	\$300,000
Bureau of Reclamation - Small Scale Efficiency - Pressure Zone Separation & Water Loss Reduction Project	Public Works - Water	\$75,000
Caltrans Highway Safety Improvement Program - Pedestrian Improvements	Public Works - Streets	\$250,000
Caltrans Highway Safety Improvement Program - Ramsey & Omar Improvements	Public Works - Streets	\$376,650
CA HCD Local Early Action Planning (LEAP) Grant	Community Dev	\$150,000
	Total	\$5,774,650

The following applications have been prepared and submitted on behalf of the City and are **awaiting award announcements**:

Name	Department	Amount
AQMD Carl Moyer – CNG Station Retrofit	Public Works-Fleet	\$1,133,497
CA State Parks - Outdoor Equity Grant	Parks & Rec	\$700,000
Total		\$1,833,497

The following grant applications are currently **under development**:

Name	Department	Amount
T-Mobile Hometown Grant – Dysart Park Improvements	CM, PW/Parks	\$50,000
U.S. DOT Grade Crossing Elimination - Hargrave Grade Separation PE	Public Works	\$2,240,000
FEMA/CalOES Hazard Mitigation Grant Program BEU Hardening project (Mias Canyon and Banning Canyon)	Electric	\$1,641,855
Total		\$3,931,855

In addition to these efforts, Blais and Associates, LLC provides assistance with the management of the City’s COVID-19 funding portfolio, ensuring compliance with all federal, state and local funding requirements.

FISCAL IMPACT:

The Change Order for Year 2 in the amount of \$15,200 and Amendment 2 to the PSA with Blais and Associates, LLC for Year 3 in the amount of \$38,640 will be funded by the following accounts:

CHANGE ORDER

100-4900-431.33-11	STREETS/PROFESSIONAL SERVICES	\$ 2,319.52
660-6300-471.33-11	WATER/PROFESSIONAL SERVICES	\$ 5,104.16
680-8000-454.33-11	WASTEWATER/PROFESSIONAL SERVICES	\$ 5,456.80
690-9600-453.33-11	SOLID WASTE/PROFESSIONAL SERVICES	<u>\$ 2,319.52</u>
		\$15,200.00

YEAR 3 PSA

100-4900-431.33-11	STREETS/PROFESSIONAL SERVICES	\$ 2,500.00
660-6300-471.33-11	WATER/PROFESSIONAL SERVICES	\$ 5,500.00
680-8000-454.33-11	WASTEWATER/PROFESSIONAL SERVICES	\$ 5,880.00
690-9600-453.33-11	SOLID WASTE/PROFESSIONAL SERVICES	\$ 2,500.00
001-1200-412.33-11	CITY MANAGER/PROFESSIONAL SERVICES	<u>\$22,260.00</u>
		\$38,640.00

ALTERNATIVES:

1. Approve Amendment 2.

2. Do not authorize the Change Order and/or Amendment 2 and provide further direction to staff.

ATTACHMENT:

1. Amendment 2

<https://banningca.gov/DocumentCenter/View/9996/Attachment-1---C00630-Blais-and-Associates-LLC---Amendment-No-2>

Approved by:

A handwritten signature in blue ink, appearing to read 'D. Schulze', is written over a horizontal line.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Adam Rush, Community Development Director

MEETING DATE: January 25, 2022

SUBJECT: Resolution 2022-09, Approving Amendment No. 4 to the Professional Services Agreement (PSA C00608) with Willdan Engineering for Building and Safety Plan Check and Landscape Design Review Services

RECOMMENDATION:

That City Council adopt Resolution 2022-09, approving Amendment No. 4 to the Professional Services Agreement for Building and Safety Plan Check and Landscape Design Review Services between the City of Banning and Willdan Engineering through September of 2022 in an amount not to exceed \$2,185,862.50 over the three (3) year term.

BACKGROUND:

Willdan Engineering, Inc. has provided Building & Safety staffing, plan check, and inspection services since October of 2019. As permit activity in the City has exceeded expectations, additional labor hours and staffing resources are necessary to keep pace with development activity.

In addition, the City has exercised the optional services under the original contract with Willdan, these specifically being landscape plan check and inspection services and Geographic Information Services (GIS).

JUSTIFICATION:

The engagement of these additional services has increased the contract amount above the previously approved financial limits set by the City Council. As such, additional commitment of resources is required; however, all of the Willdan fees are considered a “pass-through” as costs are reimbursed through developer review fees on the plans and permits submitted to the City.

FISCAL IMPACT:

The existing contracted amount is for \$ 490,320.00 per year, through September of 2022. Staff requests an \$714,902.50, that will cover approximately \$97,252.50 in current

payments due and providing approximately \$617,300.00 for anticipated invoices due and approximately \$30,000.00 in contingency funding:

<u>Services:</u>	<u>Estimated Amount</u>
Building & Safety Staffing/Inspections	\$405,000
Dedicated Tri-Pointe Inspections	\$180,000
GIS Services	\$3,000.00
Contingency	\$30,000.00

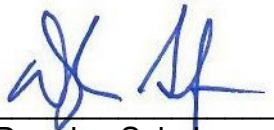
ALTERNATIVES:

1. Approve Resolution 2022-09 as recommended.
2. Approve Resolution 2022-09 with modifications.
3. Do not approve and direct staff to prepare and issue a RFP.

ATTACHMENT:

1. Resolution 2022-09
<https://banningca.gov/DocumentCenter/View/10019/Att-1-Resolution-2022-09>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 25, 2022

SUBJECT: Approving a Purchase Order Amendment to Center Electric, of Riverside, California for Water/Wastewater Electrical Services as Needed in the Amount of \$15,000

RECOMMENDATION:

Staff Recommends that the Banning Utility Authority approve the purchase order amendment:

1. Approving an Amendment to the Purchase Order with Center Electric, of Riverside, California for Water/Wastewater Electrical Services as Needed in the amount of \$15,000.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Amendment to the Purchase Order with Center Electric for the Water/Wastewater Electrical Services as Needed.
3. Authorizing the City Manager to execute the Amendment to the Purchase Order, including term extensions not to exceed a total of one year, with Center Electric.

BACKGROUND:

The City of Banning owns and operates its own water and wastewater systems. Which include the following: twenty potable and one non-potable water wells, thirteen potable reservoirs, four wastewater lift stations and the wastewater treatment plant (WWTP) that occasionally need electrical repairs. Over the past six months the department has used the electrical services more than anticipated, some of the extra work has been from prewiring various well and sewer lift station sites for the new SCADA system and researching and tracing out wiring from the outdated mechanical control cabinet to various machinery at the WWTP.

Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on June 1, 2018, through its Planet Bids website, the first P.O. was issued on July 1, 2018, with the ability to renew for five years with the stipulation that no single order can exceed \$5,000. Three firms submitted proposals for consideration and the lowest bidder was Center Electric.

The evaluation showed Center Electric to be the lowest bidder.

JUSTIFICATION:

The purchase order amendment is required to continue to use Center Electric's services to perform electrical services using a blanket purchase order on an as needed basis at water and wastewater facilities for the rest of the fiscal year. Some of the known work to be performed is to trouble shoot electrical failures, replace wires as needed, wire motors and perform cleaning and maintenance of electrical cabinets, which will help extend the life of the equipment.

FISCAL IMPACT:

The Water and Wastewater funds will each pay for a portion of the costs, based on anticipated work needed for each Division. The cost breakdown:

Fund	Account Number	Cost Allocation
Water	660-6300-471.45.06	\$10,000
Wastewater	680-8000-454.30.06	\$5,000
Total Amount of Amendment		\$15,000

The original Purchase Order, approved in 2018, with Center Electric was for \$25,000. This amendment will bring the total contract amount to \$40,000.


ALTERNATIVE:

Reject Amendment No. 1 and provide further direction to staff

ATTACHMENTS:

None

Approved by:



Douglas Schulze
City Manager



**CITY OF BANNING
STAFF REPORT**

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

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

MEETING DATE: January 25, 2022

SUBJECT: Accept Electric Easement for APN 532-160-012 for the Maintenance of the City-Owned Electric Distribution System

RECOMMENDATION:

Accepting an easement for electric utility purposes at APN 532-160-012 for the maintenance of the city-owned electric distribution system.

BACKGROUND:

The property owner at 820 S. Hathaway St, APN 532-160-012 in Banning, CA has constructed electrical improvements for commercial purposes that were required to serve the parcel. As part of the conditions for electric service for the project, the owner is required to provide the City the necessary easements for the maintenance of the City-owned electric distribution system.

JUSTIFICATION:

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

FISCAL IMPACT:

There is no fiscal impact associated with this easement acceptance.

ALTERNATIVES:

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

ATTACHMENTS:

1. Easement for APN 532-160-012

[https://banningca.gov/DocumentCenter/View/9998/Att-1---Easement APN-532-160-012](https://banningca.gov/DocumentCenter/View/9998/Att-1---Easement_APN-532-160-012)

2. Certificate of Acceptance

<https://banningca.gov/DocumentCenter/View/10012/Att-2---Certificate-of-Acceptance>

Approved by:

A handwritten signature in blue ink, appearing to read 'D. Schulze', is written over a horizontal line.

Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Laurie Sampson, Executive Assistant
Kevin G. Ennis, City Attorney

MEETING DATE: January 25, 2022

SUBJECT: Third Public Hearing to Receive Public Comments and Input on the Process for the Redrawing of Election District Boundaries and on the 2020 Draft Map No. 1 Submitted by Staff and Receive City Council Direction.

RECOMMENDATION:

It is recommended that the City Council receive the staff report, open the public hearing, take testimony, close the public hearing the provide direction to City staff on the 2020 Draft Map No. 1 and continue the item to a fourth public hearing at the February 22, 2022, City Council meeting.

SUMMARY:

Today's Public Hearing represents the third in a series of four public hearings required under the California Elections Code Section 21600 *et seq.* as part of the redistricting process undertaken following each decennial federal Census.

The first public hearing was held November 9, 2021. At that hearing, the City Council and the public received a presentation from the City Attorney, Kevin G. Ennis, on the requirements under the federal Voting Rights Act and the California Voting Rights Act (CVRA). The City's Executive Assistant, Laurie Sampson; presented information on the 2020 Census results relative to Banning's population and demographic data; and explained the mapping tools available to the public for participation in the redistricting mapping process.

The second public hearing was held on December 14, 2021. At that hearing, the City Attorney recapped the redistricting requirements and criteria and reviewed Banning's 2020 Census results and included a detailed discussion of the requirements for seeking a population balance among the City's five (5) council districts. At that hearing, Ms. Sampson provided a demonstration of the online mapping tools, along with presenting Staff's 2020 Draft Map No. 1. At that hearing, City Staff also sought input and direction

from the City Council and the public on the parameters to consider for any other potential maps to be produced by staff as part of the redistricting process. Any maps produced by staff will be in addition to maps provided by residents.

Tonight's public hearing is intended to recap some of the information previously provided to the Council and the public and to hear any comments and suggestions from the public and the City Council on what the public believes to be appropriate boundaries for each Council district. Following any public comments, the City Council should provide direction on whether the City Staff should proceed to refine or otherwise proceed with Staff's 2020 Draft Map No. 1 for presentation and consideration at the fourth public hearing on February 22, 2022. At that fourth public hearing, the text of a proposed ordinance will be presented for possible introduction to proceed with the formal process for approval of the City Council's preferred map.

BACKGROUND:

Transition to District-Based Elections

The City of Banning completed the process set forth in the California Voting Rights Act (CVRA) in 2016 and transitioned from a system of "at-large" elections to a system of "district-based" elections for electing Councilmembers. This action was taken in response to a threat of litigation at that time that claimed the City's at-large election system was racially polarized, resulting in minority vote dilution in violation of the CVRA. The intent of having district-based elections was to create majority minority districts and allow individuals from protected classes an opportunity to be elected and to remain in compliance with the CVRA. Other background information regarding the CVRA and the procedures which led to convert to a district-based election process for electing City Councilmembers is available on the City's website at: <http://banning.ca.us/470/2016-City-Council-Elections-by-Districts> including the staff reports, videos and other relevant information for the prior meetings and public hearings from June 6, 2016, to June 7, 2016.

On June 28, 2016, the City Council adopted Ordinance No. 1497 transitioning the City's manner of election from an "at-large" system where all voters regardless of residence location within the city may vote for all Councilmembers to a "district" based system where only voters residing within a geographical district may vote for one Councilmember representing that district. Ordinance No. 1497 established City Council district boundaries pursuant to a map entitled "Smith Map 1", which was incorporated into Ordinance No. 1497 as the Exhibit A Council District Map. See **Attachment 1** to this Report. Ordinance No. 1497 also established district-based election sequencing with Districts 1, 2 and 3 elected in 2016 and every four years thereafter, and Districts 4 and 5 elected in 2018 and every four years thereafter. The first district-based election was held on November 8, 2016. The process of transitioning to district elections was facilitated by National Demographics Corporation, Inc. (NDC) who provided demographic information, public outreach, and assistance with drafting maps for the formation of proposed districts. The population of the City of Banning in 2010 was 29,603. For the purpose of districting, the population in each district was set at an ideal population balance of approximately 5,920 per district. See **Attachment 2** to this Report.

Requirement for Redistricting and Redistricting Deadline

Every 10 years, jurisdictions that have district-based elections are required to review district boundaries based on the results of the decennial Census to ensure equal representation based on population growth and to adjust district boundaries, if necessary, to reflect changes in population.

Historically, Census results have been released by the end of March in the year following the Census. However, 2020 results were not provided to states until August 12, 2021, due to Census delays caused by the COVID-19 pandemic. On September 27, 2021, California's Statewide Database released official population data for local governments, which is based on federal 2020 Census data with adjustments for incarcerated populations. The official 2020 population for the City of Banning is 29,505. For the purposes of districting, each of the four council districts must now be drawn in an attempt to achieve a population balance across the City's five districts and thus to seek an ideal population for each district of approximately 5,901 people.

California Elections Code Section 21602 *et seq.* establishes timeframes for completion of redistricting following the release of Census results. The City's next regularly scheduled election will be held on November 8, 2022. Section 21602(a)(3) of the Elections Code applies to cities conducting its next regular election on or after July 1, 2022, and reads: "For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022." Based on the provisions of the Elections Code, the City must adopt Council Districts on or before April 17, 2022, which is 205 days prior to the next City Council election on November 8, 2022.

To meet the timeframes outlined in the Elections Code, the City established the following public hearing schedule to complete the redistricting process, and provides a small buffer should additional time be required to adopt a population-balanced map:

<i>November 9, 2021</i>	First Public Hearing at the time certain of 6:00 p.m. (Tuesday evening) (COMPLETED).
<i>December 14, 2021</i>	Second Public Hearing at the time certain of 6:00 p.m. (Tuesday evening) (COMPLETED).
<i>January 25, 2022</i>	Third Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>February 22, 2022</i>	Fourth Public Hearing at the time certain of 6:00 p.m. (Tuesday evening).
<i>April 17, 2022</i>	City of Banning's final deadline for completion of the redistricting process.

This evening's public hearing represents the third in a series of public hearings required under the Fair Maps Act to complete the redistricting process for the city. The goals of this public hearing include: 1) reviewing proposed district maps submitted by members of the public and maps prepared by City Staff; 2) conducting the third public hearing to receive testimony from residents on redistricting criteria including "communities of interest" and on the proposed draft maps for consideration; 3) receiving feedback from the City Council on proposed draft maps that are legally compliant with the Fair Maps Act requirements; and 4) receiving direction from City Council on final map(s) it wishes to consider in conjunction with introduction of an ordinance at the public hearing scheduled on February 22, 2022.

Redistricting Public Hearing Recap

The first redistricting public hearing was held on November 9, 2021, and provided an overview of the redistricting requirements and process and included an overview of the federal Voting Rights Act and the California Voting Rights Act (CVRA) criteria; presentation of a demographic summary of the current Council districts based on the 2020 Census population data; discussion of the various mapping tools available for the public and interested parties to use; and provided the opportunity for the public testimony and input on the redistricting process for the redrawing of Council District boundaries.

The second public hearing held on December 14, 2021, included the above as well as Staff provided Draft Map #1 with all supporting data.

DISCUSSION:

Fair Maps Act- Redistricting Requirements and Criteria

In addition to requiring that council districts be substantially equal in population and holding a minimum of four public hearings to enable interested parties to provide comments and input on the drawing of district maps as part of the redistricting process, the Fair Maps Act also provides criteria that must be adhered to when considering and adopting Council district boundaries. Elections code Sections 21601(b) and (c) include the following criteria:

The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) and adopt district boundaries using the following criteria as set forth in the following order of priority:

- (1) To the extent practicable, council districts shall be **geographically contiguous**. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
- (2) To the extent practicable, the **geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division**. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its

effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

- (3) Council district boundaries should **be easily identifiable and understandable by residents**. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- (4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage **geographical compactness** in a manner that nearby areas of population are not bypassed in favor of more distant populations.”

Additional possible features defining “communities of interest” might include, but be not limited to: 1) school district boundaries; 2) natural division lines such as major roads, hills, or highways; 3) neighborhood landmarks or areas around parks; 4) legislative/election concerns, common issues or neighborhood activities; 5) shared demographic characteristics, including but not limited to: similar levels of income, education, language spoken at home, limited English speaking households, single-family and multi-family housing areas, etc.

Equal Population, Population Balance, and Ideal Population

The Fair Maps Act requires that “council districts shall be substantially equal in population as required by the United States Constitution” (Elections Code 21601(a)). Under federal law, precisely equal population is not required for local government districts, and federal courts have indicated that total population deviation under 10% is legally permissible if the deviation is justified for the purposes of legitimate redistricting criteria under state law. Therefore, a total deviation of 10% or below is the recommended target for proposed local district maps to maintain legal compliance with federal and state law. Banning’s initial five-district map, Smith Map #1, reflected a total population deviation of 6.32%, using the data available at the time of its adoption.

The total population for the City of Banning based on the 2020 Census is 29,505. The ideal population is calculated by dividing the total population by the number of districts. When divided against the total population, the new ideal population is 5,901 for each district (29,505/5 = 5,901).

The total population numbers from the 2020 Census, when applied to the existing voting district boundaries, result in the following total population deviation:

Council District	1	2	3	4	5	Total
2020 Census	5855	4958	5937	6274	6481	29,505
Deviation from Ideal	-46	-973	36	373	580	
% Deviation						26.0%

A full breakdown of the demographic data by district is provided as Attachment 2 to the staff report.

The City of Banning Council District population numbers based on the 2020 Census results exceed the ideal population percentages by more than 10%. Therefore, adjustments to the existing districts are required to achieve a compliant, population balanced Council District map.

Direction from City Council

After review of the 2020 Census population results as part of the first public hearing on November 9, 2021, and discussion of the effect on existing districts, the City Council provided direction to staff to prepare a draft map to achieve population balance and legally compliant population deviations.

The Draft Map No. 1 was submitted by Staff at the second public hearing on December 14, 2021, along with all supporting data. The map and data can be viewed on the City's website at <https://banningca.gov/715/Submitted-Draft-Maps>. A copy of that 2020 District Map No. 1 and supporting data is also attached to this staff report as **Attachments 3 and 4**.

Population Balancing Districts 2, 4, and 5

Districts 2, 4, and 5 experienced a population imbalance based on the 2020 Census results, with District 2 having too few residents and District 4 and 5 having too many residents. To restore balance in these three districts, Staff explored alternatives to shift some of the population from Districts 4 and 5 into District 2.

Based on existing District 4 boundaries, to shift population out of District 4 it was necessary to shift population (1,028 people) from District 1 into District 2 and then move population (1,287 people) from District 4 into District 1. To achieve a deviation of 7% some population (718 people) was shifted from District 5 into District 4.

Notice of this public hearing was provided as required by law. See **Attachments 5 and 6** and the City's website for the public hearing notices.

FISCAL IMPACT:

The costs to conduct the redistricting process, including costs for advertising for a series of four public hearings, bilingual translation costs for hearing notices and outreach communications, bilingual translator meeting attendance, and City Attorney costs will be paid from account 001-1500-412.33-11. To date, these services have totaled \$3,453.36.

STAFF RECOMMENDATION:

1. Open the public hearing and receive public comment and input regarding the process, communities of interest and the City staff prepared 2020 District Map No. 1 and other maps presented by the public for consideration and close public hearing:
and
2. Provide direction to staff regarding potential revisions to the 2020 District Map No. 1 and any other maps and direct staff to prepare materials and notices for introduction

of an Ordinance to approve a district map immediately following the fourth public hearing scheduled on February 22, 2021.

ATTACHMENTS:

1. Current Adopted District Map
<https://banningca.gov/DocumentCenter/View/10000/Att-1-2020-Census-Existing-Districts>
2. 2020 Census Results applied to existing City Council Districts
<https://banningca.gov/DocumentCenter/View/10001/Att-2-Adopted-Map-1-Amended ANX-18-1001>
3. 2020 Census Results applied to Staff Submitted 2020 Draft Map No. 1
<https://banningca.gov/DocumentCenter/View/10002/Att-3-Draft-Map-Data>
4. Staff Submitted Draft Map No. 1
<https://banningca.gov/DocumentCenter/View/10003/Att-4-2020-Draft-Map-with-Detailed-District-Boundaries>
5. Public Notice of Public Hearing #3 - English
<https://banningca.gov/DocumentCenter/View/10004/Att-5-Public-Notice---Public-Hearing-No-3-English>
6. Public Notice of Public Hearing #3 - Spanish
<https://banningca.gov/DocumentCenter/View/9999/Att-6-Public-Notice-Public-Hearing-No-3-Spanish>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: January 25, 2022

SUBJECT: State Water Board Adoption of Emergency Water Use Regulations to Boost Drought Resilience

RECOMMENDATION:

Receive and file.

BACKGROUND:

On January 4, 2022, the State Water Resources Control Board adopted an emergency regulation that prohibits certain wasteful water use practices statewide and encourages Californians to monitor their water use more closely while supporting habits to use water wisely. That regulation will be effective starting on or about January 14, 2022. The intent of the regulation is to boost the State's resiliency to the current drought.

Highlights of the attached "Frequently Asked Questions" include:

- **Who is subject to enforcement (warnings, fines, etc.) for engaging in prohibited water uses?**

Most of the prohibitions apply to individual water users, which in some cases includes cities, counties, and businesses to the extent those entities engage in prohibited activities. The prohibition against watering turf on public street medians, for example, is more likely to apply to local governments than to individual homeowners. The prohibition relating to using potable water in decorative fountains may apply to individual homeowners, state and local government, and some commercial properties. The homeowners' association (HOA) provision would also prohibit HOAs from fining residents who are taking some appropriate drought responses.

- **Who may enforce the emergency regulation's prohibitions?**

In addition to being enforceable by the State Water Resources Control Board, any local agency, city, or county (or city and county) that has authority to enforce infractions will be able to enforce these prohibitions at their discretion. The regulation would give local government/agencies the ability to pursue their own enforcement but does not constrain their discretion in how they use their enforcement resources.

Enforcement may include warning letters, mandatory water use audits (for large commercial or institutional properties), and fines (up to \$500 per day). Before imposing monetary penalties, the Board has directed staff, and encouraged other enforcing entities, to provide one or more warnings, to consider peoples' ability to pay, to consider payment plans of at least 12 months without a tax lien, and to not cause peoples' water service to be shut off for nonpayment. The Board also encourages agencies to provide assistance to disadvantaged communities, including translation of water conservation announcements into various languages.

- **Are local agencies required to use the emergency regulation's enforcement authority?**

Local government/agencies retain their discretion in how they use their enforcement resources; nothing about this regulation gives water waste infractions priority over other infractions or requires any specific enforcement. Local government/agencies also may choose to enforce their own drought conservation rules in their discretion, including those in their Water Shortage Contingency Plans (WSCPs), as opposed to the emergency regulation. The emergency regulation gives local agencies additional options to deal with water waste.

- **What are examples of health and safety needs?**

The State Water Resources Control Board has included a "health and safety" exemption to allow the otherwise prohibited water use practices to address reasonable and legitimate healthy and safety needs. Examples of activities where water applications may be necessary to address a health or safety need include controlling nuisance dust, suppressing fires, removing pathogenic waste from sidewalks (such as animal waste), and using potable water that is likely to have direct human contact necessitating drinkable water. When feasible, however, a broom or similar method of cleaning that doesn't use potable water should be used.

Staff will begin working on outreach material to educate the City's water customers.

ATTACHMENTS:

1. State Water Resources Control Board Resolution No. 2022-0002
<https://banningca.gov/DocumentCenter/View/10006/Attach-1-State-Water-Board-Media-Release-and-Resources-Control-Board-Resolution>
2. Frequently Asked Questions (FAQs)
<https://banningca.gov/DocumentCenter/View/10005/Attach-2-FAQ>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Cherie Johnson, Human Resources Manager
Art Vela, Public Works Director

MEETING DATE: January 25, 2022

SUBJECT: Adopt Resolution 2022-05, Approving the Ratified Tentative Agreement with the Teamsters, Representing the Mid-Management and Professional Unit Employees, and Authorizing the City Manager to Finalize and Execute a Successor Memorandum of Understanding

RECOMMENDATION:

That City Council adopt Resolution 2022-05, approving the ratified tentative agreement with the Teamsters, representing the mid-management and professional unit bargaining unit employees, and authorizing the City Manager or designee to finalize and execute a successor Memorandum of Understanding (MOU).

BACKGROUND:

The City recognizes Teamsters as the exclusive recognized employee organization representing full-time, permanent employees in the mid-management and professional unit, relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500 - 3510 of the California Government Code, otherwise known as the Meyers-Milias-Brown Act (MMBA). The prior MOU between the City and the Teamsters unit employees expired on June 30, 2020.

Except as otherwise provided, the expired MOU between the City and the Teamsters shall extend and not be terminated until such time as a successor MOU is approved by City Council or City Council unilaterally implements its last, best and final offer after impasse procedures have been followed, whichever occurs first.

JUSTIFICATION:

At the instruction of City Council, representatives of the City of Banning have negotiated in good faith regarding wages, hours, and other terms and conditions of employment with authorized representatives of the Teamsters. The MMBA provides that the governing

body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting.

On January 14, 2022, the City and the Teamsters signed a tentative agreement on certain deal points, which was subsequently ratified by Teamsters membership on January 18, 2022.

The tentative agreement includes a base wage increase (also known as Cost of Living Adjustment – COLA) of 5%, retroactive to July 1, 2021. Unit members have not received a base wage increase since 2019 and have/are provided continuous service to the public during the COVID-19 pandemic. It is customary for agencies to consider an annual base wage increase to keep salaries at a marketable and fair rate.

The tentative agreement includes a one-time advanced payment of \$7050 to unit members who are employed in a full-time status on the full pay period following City Council approval of the new MOU, and who maintain continuity of operations for the City’s critical infrastructure during the COVID-19 pandemic.

Prior base wage (COLA) increases for this unit:

July 1, 2020	---
July 1, 2019	3%
July 1, 2018	3%
July 1, 2017	3%

FISCAL IMPACT:

Fiscal Services staff have estimated that the 5% base wage increase (COLA) will result in a fiscal impact totaling \$937,245 as follows for the next 5 years:

<u>Fiscal Year</u>	<u>Estimated Amount</u>
2022	\$ 184,391
2023	\$ 186,447
2024	\$ 187,673
2025	\$ 188,800
2026	\$ 189,934

The fiscal impacts associated with the 5% COLA will continue past the years shown above. Fiscal Services staff have estimated that the one-time advanced payment of \$7050 will result in a fiscal impact totaling as follows for 2022 fiscal year:

<u>Fiscal Year</u>	<u>Estimated Amount</u>
2022	\$ 169,200

The fiscal impacts associated with the one-time advanced payment will continue past the years shown above.

ALTERNATIVE:

The City Council may choose not to adopt Resolution No. 2022-05, which would result in the City returning to negotiations. Not adopting the tentative agreement might impact employee morale, recruitment efforts, complicate bargaining relationships and potentially risk a negotiations impasse.

ATTACHMENTS:

1. Resolution No. 2022-05
<https://banningca.gov/DocumentCenter/View/10015/Att-1-Resolution-2022-05-Teamsters-TA>
2. Tentative Agreement between the City of Banning and Teamsters Mid-Management and Professional Unit
<https://banningca.gov/DocumentCenter/View/10008/Att-2-Tentative-Agreement-Teamsters-Local-1932-1-6-2022>
3. Summary of Estimated Costs of Proposed 5% Base Wage Increase
<https://banningca.gov/DocumentCenter/View/10007/Att-3-Bargaining-Units-Proposal-Estimated-Costs>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Ralph Wright, Parks and Recreation Director

MEETING DATE: January 25, 2022

SUBJECT: Consideration of Resolution 2022-08, Approving A Facilities Joint Use Agreement between the City of Banning and the Banning Unified School District

RECOMMENDATION:

That the City Council adopt Resolution 2022-08, approving the Facilities Joint Use Agreement between the City of Banning and the Banning Unified School District.

BACKGROUND:

The City of Banning and the Banning Unified School District have partnered whenever opportunities present themselves for the betterment of both agencies and the community. One area of partnership has included a facilities joint use agreement (JUA). The last three-year JUA expired in September of 2020 and had not been revisited due to the pandemic and facility usage restrictions. The City and the School District have been in discussions on a new JUA since early in 2021. During this time, both parties have allowed access to facilities honoring the past partnership principles with the School District using the Council Chambers for board meetings and the City has used Nicolet's football field for the July 4th event and the Nicolet gymnasium for its youth basketball program. Exhibit A of the agreement lists all of the available facilities as part of the agreement.

The JUA has been revised by both the School District and the City to reflect an updated list of available facilities and has been reviewed by the City Attorney. The JUA allows for use of partner's facilities when available without monetary consideration to one another, requires each entity to indemnify the other and provide insurance certificates to one another.

Currently, the Parks and Recreation Department has limited facility space to accommodate its increasing participation in existing programming and programming in the future. The Facilities JUA increases the available facility space to accommodate the expanding participation.

Upon approval of the agreement, the revised JUA will have a three-year term and be in effect from January 2022 through January 2025 and includes options to renew for an additional four (4) three-year terms by mutual consent of both parties. Additionally, the parties may amend the JUA with mutual consent to add or remove facilities.

The Board of the Banning Unified School District approved the agreement at their regularly scheduled January 12, 2022 Board meeting.

JUSTIFICATION:

The adoption of the Facilities Joint Use Agreement provides the City the best use of existing resources and mitigates some of the limited facility space available for programming.

ALTERNATIVES:

1. Adopt Resolution 2022-08 as presented.
2. Adopt Resolution 2022-08 with modifications.
3. Do not adopt Resolution 2022-08 and provide alternate direction.

ATTACHMENTS:

1. Resolution 2022-08
<https://banningca.gov/DocumentCenter/View/10016/Att-1-Resolution-2022-08--Facilities-JUA-with-BUSD>
2. Facilities Joint Use Agreement
https://banningca.gov/DocumentCenter/View/10009/Att-2-Final-Agreement_BUSD_01-25-2022

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Art Vela, Director of Public Works

MEETING DATE: January 25, 2022

SUBJECT: Resolution 2022-07, Approving up to a \$1,300,000 Allocation in the Treasury's Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) to Fund a One-Time Advanced Premium Payment

RECOMMENDATION:

Staff recommends approval of Resolution 2022-07:

1. Approving up to \$1,300,000 budget in CSLFRF funds received by the City of Banning to fund a one-time advanced premium payment.
2. Authorizing the City Manager or his designee to make all necessary appropriations, transfers, and budget adjustments related to Resolution 2022-07.

BACKGROUND:

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add Section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and Section 603, which establishes the Coronavirus Local Fiscal Recovery Fund. The Fiscal Recovery Funds are intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

Through the Fiscal Recovery Funds, Congress provided State, local, and Tribal governments with significant resources to respond to the COVID-19 public health emergency and its economic impacts through four categories of eligible uses which are:

- A. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality.

- B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
- C. For the provision of government services to the extent of the reduction in revenue due to COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.
- D. To make necessary investments in water, sewer, or broadband infrastructure.

The City of Banning has been allocated \$7,468,726 in CSLFRF.

If approved, Resolution 2022-07 will authorize the allocation of up to \$1,300,000 in CSLFRF for a one-time advanced premium payment.

A one-time advanced payment of \$7,050 will be made to City staff who are actively employed in a full-time status on the full pay period following City Council approval of Resolution 2022-07, and who maintain continuity of operations for the City's critical infrastructure during the COVID-19 pandemic; and a one-time advanced payment of \$1,750 will be made to part-time City employees who are actively working on the full pay period following City Council approval of Resolution 2022-07, and who maintain continuity of operations for the City's critical infrastructure during the COVID-19 pandemic.

JUSTIFICATION:

All active City workers are deemed to be essential workers and eligible to receive a premium payment consistent with the requirements of CSLFRF.

FISCAL IMPACT:

Resolution 2022-07, if approved, will allocate up to \$1,300,000 from federal funding related to CSLFRF. A recommendation for the allocation of the remaining CSLFRF will be presented to City Council at a later date.

ALTERNATIVES:

Reject Resolution 2022-07 and provide alternative direction to staff, if any.

ATTACHMENT:

1. Resolution 2022-07
<https://banningca.gov/DocumentCenter/View/10017/Resolution-2022-07-ARPA-Premium-Payment>

Approved by:



Douglas Schulze
City Manager



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

MEETING DATE: January 25, 2022

SUBJECT: Consider Approval of New Employment Agreement with Matthew Hamner for Police Chief Services

RECOMMENDATION:

A motion to approve the Employment Agreement with Matthew Hamner for Police Chief Services effective February 11, 2022 through February 10, 2027.

BACKGROUND:

Matthew Hamner was appointed to the position of Police Chief effective February 11, 2019. An employment agreement was approved by the City Council with a term expiring February 10, 2022. The employment agreement establishes terms of employment, including compensation, benefits, severance pay, etc. While an employment agreement is not required for employment to continue, all Directors have employment agreements.

The proposed changes to the current employment agreement are identified with tracked changes in that attached draft. Language proposed for deletion is struck through and new language is underlined. No changes to compensation are proposed and the term of the new employment agreement is five years. The compensation changes in the employment agreement reflect the current salary, which includes cost of living adjustments in 2020 and 2021 per the original agreement. Vacation leave is proposed to increase from 160 hours annually to 200 hours annually.

JUSTIFICATION:

Current employment agreement with Matthew Hamner expires on February 10, 2022 and continued employment as Police Chief is desired by City of Banning and Employee. Employment Agreement establishes and clarifies terms of employment.

FISCAL IMPACT:

No new fiscal impacts are created by the employment agreement.

ALTERNATIVES:


1. Approve as proposed.

2. Approve with modifications.
3. Do not approve.

ATTACHMENTS:

1. Draft 2022 – 2027 Employment Agreement
<https://banningca.gov/DocumentCenter/View/10018/Attachment-1-Police-Chief-Employment-Agreement---DRAFT-2022---2027>

Approved by:



Douglas Schulze
City Manager